



**24 May 2022**

**Agenda Item: 6**

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

**RUSHCLIFFE DISTRICT REF. NO.: 8/22/00570/CTY**

**PROPOSAL: ERECTION OF A PRIMARY SCHOOL FOR 1.5 FORMS OF ENTRY, PLUS 26 PLACE NURSERY WITH ASSOCIATED CAR PARKING. ASSOCIATED AREAS OF SOFT PLAY, HARD PLAY, GRASS PLAYING FIELD WITH LANDSCAPING WORKS. ERECTION OF 2.4M HIGH SECURITY FENCING AND GATES TO PERIMETER AND SPRINKLER TANK. PROVISION OF BOUND SURFACE AND LIT CYCLE AND FOOTPATH ON ROUTE OF PUBLIC FOOTPATH EAST LEAKE FP5.**

**LOCATION: 53 EVANS ROAD, EAST LEAKE, NOTTINGHAMSHIRE, LE12 6AS**

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

### **Purpose of Report**

1. To consider a planning application for the erection of a primary school for 1.5 forms of entry (315 places) with a 26-place nursery at 53 Evans Road, East Leake. The key issues relate to travel/traffic related impacts and impact on a public right of way. 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 proposed school site of approximately 2ha on two sites lying 750m to the south of the centre of East Leake. The site is to the north of a housing development under construction accessed from Rempstone Road (David Wilson Homes) and to the east of an area of open space provided as part of a completed residential development by Persimmon Homes (Plan 1). Public footpath East Leake FP5 runs along the western boundary providing connectivity between the two areas of the proposed school site and is included in the red line of the planning application. The application red line also includes:
  - the highway loop road (Evans Road) being provided in the David Wilson development (so as to include means of access to the site from a public highway (Rempstone Road)) which has a 6.75m wide carriageway;

- a path through the Persimmon Homes area open space connecting Sheepwash Way and the public footpath; and
  - a length of public footpath East Leake FP5.
3. Properties closest to Rempstone Road within the David Wilson Homes development are built and occupied. Evans Road, the loop road within the residential estate is currently under construction.
  4. A road serving a temporary school development crosses the Persimmon Homes area of open space, but is to be removed when the temporary school is no longer required.
  5. This application site includes small areas of Flood Zone 2 and Flood Zone 3 along the northern boundary where it is bounded by Sheepwash Brook. A field boundary with a drainage ditch running from south to north to join the watercourse forms the eastern boundary. A drainage easement for the housing development crosses the southern part of the application site before discharging into the watercourse on the eastern boundary.
  6. A 4.2m wide strip of land separates the northern and southern parts of the school application site and comprises a hedge and part of a mature plantation that runs east-west bisecting the site (Plan 2). The trees are planted on a 3m x 3m grid the majority of which is within the northern part of the school application site.
  7. Land to the north of the trees has a gentle slope towards the watercourse but is generally flat. The land is, in part, being used to accommodate a temporary school for up to 120 children, under construction, which is expected to be brought into use in September 2022. Land to the south of the trees has been raised by the adjacent house builder depositing soils and grading the site, and rises 5.5m from the north-east corner to the south-western corner. Deposited soils are being compacted and the landform made broadly suitable to accommodate the development proposed in this application. Levels fall away towards the watercourse running along the eastern boundary.
  8. The path crossing the open space between Sheepwash Way and public footpath East Leake FP5 is 3m in width, has been provided with lighting and has a bound gravel finish, in accordance with permission granted by Rushcliffe Borough Council (20/00887/DISCON). An area of public open space at the end of Peacock Gardens and Ringlet Drive is enclosed by knee-rail fencing, although it is evident that the public walk across this area to access the open space, and along the path included in the application site red line, to gain access to public footpath East Leake FP5. Public footpath East Leake FP5 is temporarily closed, with a diversion in place, due to the construction of the temporary school, and the housing development to the south.
  9. There are extended lengths of dropped kerb along the Sheepwash Way carriageway limiting the number of parking spaces available on the road. On the wider future adoptable highway network (excluding properties accessed from

shared private drives) within the Persimmon Homes development in proximity to Sheepwash Way (Sheepwash Way, Admiral Close, Skipper Close, Cinnabar Way, Peacock Gardens and Ringlet Drive - Plan 3) there are 64 kerbside parking spaces available that would allow a vehicle to pass a car parked on the carriageway. A School Zone is to be provided for the temporary school being accessed from the turning head at the end of Sheepwash Way. A scheme, approved for planning purposes but subject to separate Highway statutory process and public consultation, includes the provision of school highway markings (yellow zig-zag), no parking (double yellow lines) and single yellow lines (no parking at specified times) in nearby turning heads and junctions (Plan 4).

## Planning history

10. Rushcliffe Borough Council permission (RBC) 14/01927/VAR (the Persimmon Homes site – 273 dwellings) – Variation of an earlier outline planning permission (12/01840/OUT) for residential development with associated public open space, landscaping, access and other infrastructure works; including a s106 contribution of approximately 1ha of land for use as a new school – Granted December 2015. In addition to a financial contribution towards the provision of school places, provisions of the land transfer include the site having free construction access and being capable of having vehicular and pedestrian access to the public highway, and rights of access and safe access to the school on opening.
11. Permission for an additional 83 homes has been granted on the Persimmon Homes development (RBC/19/00323/FUL).
12. RBC 16/01881/OUT (the David Wilson Homes development) - Outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation and landscaping - Granted November 2017 (on appeal) subject to a s106 agreement requiring (amongst other matters) the transfer of land identified in the application to the County Council for a primary school, subject to planning permission having been obtained for the school.
13. RBC 20/00887/DISCON – Approval of the lit footpath/cycle path in compliance with Condition 5ii) of permission 16/01881/OUT and includes a ‘timber edged Breedon gravel (or similar approved) path’ 3m in width and includes a culverted crossing of the dry ditch adjacent to the turning head at the end of Sheepwash Way. This link has been constructed.
14. RBC 20/00886/DISCON – Approval of foul and surface water drainage for the David Wilson Homes development in compliance with Condition 11 of permission 16/01881/OUT which includes a surface water sewer across the proposed school site to the south of the tree plantation with an outfall into the ditch on the proposed school eastern boundary.

15. RBC 20/02300/REM – Approved December 2020 - Partial re-plan of the approved David Wilson Homes development. It is to be noted that there is no pedestrian connectivity on the western boundary between the David Wilson Homes site and Persimmon Homes site (other than along the path across the open space between the public footpath and Sheepwash Way).
16. 8/21/01029/CTY – June 2021 - Outline permission (with matters reserved except for scale and access) for the erection of a Primary School for up to 2-forms of entry (in phases), plus 26 place nursery with associated car parking, including bound surface and lit 3m shared pedestrian and cycle path on route of Public Footpath East Leake FP5 and bound surface and lit path and bridge between Sheepwash Way and Public Footpath East Leake FP5.
17. RBC 20/00888/FUL – Approved September 2021 with a s106 Agreement that includes a financial contribution towards the provision of Primary school places - Erection of 51 dwellings with associated access, parking and landscaping (land within the David Wilson Homes development to the west of the school site). The house closest to the school site would be 9.3m from the western boundary of public footpath East Leake FP5. Current application RBC 21/03223/FUL re-plans the development seeking to reduce the number of plots from 51 to 47. There is no material change to the layout in proximity to the school.
18. 8/21/02694/CTY – Approved December 2021 - Erection of 120 Place Temporary School Learning Village Accommodation with temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond. Condition 16 requiring a School Zone on Sheepwash Way approved May 2022.
19. RBC 21/03190/DISCON – Approved April 2022 – a Travel Plan for David Wilson Homes development (Condition 14 of outline permission 16/01881/OUT) that includes (at 2.14) that *a cycle link is being provided to connect the existing Public Right of Way running through the site to Sheepwash Way to the north-west, which will provide a more direct link for residents to East Leake Village centre.* The supporting plan includes a footpath/cycle link on the general alignment of Public Footpath East Leake FP5 through the housing development and would run along the western boundary of the school application site. The developer will need to seek a Cycle Track Order to allow cycling on what is currently public footpath.
20. The approved Travel Plan for the David Wilson Homes development explains that *All dwellings have been allocated designated off-road parking spaces and some properties will also have a garage. There are no parking restrictions on the new residential streets, except in the vicinity of the new primary school, which means residents and their visitors may park on-street.* A Traffic Regulation Order near the school is anticipated.

## Proposed Development

21. Planning permission is sought to construct a 315 place Primary school and a 26-place nursery in a single phase of development, to be known as Millside Spencer Academy, with an approximate floor area of 1860m<sup>2</sup>. The school would be provided on two sites separated by the strip of land in other ownership. School buildings, staff/visitor car park, servicing and outdoor play areas would be provided on the southern site, with grass playing field, formal outdoor play and woodland habitat provided on the northern site. Travel on foot between the two sites would be along the adjacent public footpath (Plan 5).
22. The two-storey school building would be sited on an east-west axis on higher ground on the southern site. The finished floor level of the building would be 1.0m below the carriageway level at the school vehicular entrance on Evans Road, the loop road serving the David Wilson Homes development. The building would have a broadly rectangular footprint with a maximum length of 67.2m with classrooms to either side of a central corridor and a span of 19.2m. The school hall and studio would be provided at the eastern end of the building, with the hall projecting 5.8m forward of the main building elevation. The school kitchen and plant room would be provided to the east of the hall.
23. The building would vary in height, with the main part of the building having a ridge height of 9.3m and eaves of 6.8m with clerestory windows in the north elevation of the split pitch roof providing light to the central corridor. The stairwell at the western end of the building would have a ridge of 7.7m and eaves 6.4m in height. The shallow pitch roof of the school hall with a span of 23.6m would have an eaves height of 6m rising to 6.6m. The kitchen would have eaves of 3.6m and a ridge height of 5m.
24. The building would be positioned principally 31m from the frontage boundary to Evans Road with the hall elevation 37m from the closest house approved by Rushcliffe Borough Council by permission 20/00888/FUL. School first floor windows would be 50m from the closest facing windows in approved properties to the south. The closest approved houses would be 36m from a stairwell at the western end of the building and 42.5m from the nearest facing (library) window. The proposed development is shown in context on Plan 5.
25. A nursery class, two Reception classrooms and three classrooms for Year 1 and Year 2 children, including one that would be shared by the year groups, would be provided on the ground floor either side of a central corridor extending westwards from the school entrance, administration and staff facilities. An external canopy 17.6m x 5.0m would be erected adjacent to the north elevation outside the nursery and Reception classrooms 3.3m in height reducing to 2.8m (Plan 6). Six classrooms with windows formed in the north and south facing elevations would be provided on the first floor for children in Years 3-6.
26. The building elevations would be faced principally of red brick above a blue brick plinth with an off-white coloured render finish at first floor level. The building entrance would be defined by full-height render panels flanked either side by dark grey metal standing seam cladding (RAL 7016). The front (south)

and east elevations of the school hall would also be metal clad, with the elevations to the kitchen and plant room in brick. The roof would be of metal standing seam construction, incorporating rooflights, both coloured dark grey. Similarly aluminium doors, frames, louvre panels, window frames, fascia, gutters, downpipes and the external canopy would be coloured dark grey (RAL 7016). (Plan 7).

27. Sustainable features would be incorporated in the building design including:
- high efficiency electrical and lighting equipment;
  - air source heat pumps;
  - high levels of thermal insulation and air tightness;
  - individual room temperature control;
  - sun-cool glass to minimize summer overheating and retaining heat in winter;
  - a building management system for energy monitoring; and
  - the school being all-electric (no gas).
28. The applicant has noted the representation received from East Leake Parish Council regarding the suggested provision of photovoltaic panels, and responds that *there is no allowance for the provision of photovoltaic cells in the restricted project budget. Instead [the designers] have looked to include other environmental features taking a different approach to meeting targets. In summary, the proposed building aims to achieve an Energy Performance Certificate rating of B which is significantly above current Building Regulations standards. U values [measure of thermal transmittance] will also be of a higher standard than required by Building Regulations Part L. The building is to be all electric with no gas supply.*
29. Vehicular access to the school, with an adjacent pedestrian gate providing a route to the main school entrance, would be formed at the eastern end of the school highway frontage to Evans Road. 10 cycle spaces for use by staff and visitors would be provided close to the building's main entrance. 30 car parking spaces, including two disability spaces with electric vehicle charging points and two additional electric vehicle charging points, and three motorcycle parking spaces would be provided. Ducting would be installed to facilitate future provision for electric vehicle charging. The car park would also be used as the route for service vehicles to gain access to the kitchen, plant, waste storage area (2.4m timber enclosure) and sprinkler tank (3.5m timber enclosure), with a suitable area provided for on-site turning.
30. The main pedestrian access, to be used at school start/finish times, would be on the western site boundary and directly accessed from public footpath East

Leake FP5. An area for parent assembly and cycle storage for 30 cycles would be provided within an enclosed area within the school perimeter.

31. Public footpath East Leake FP5 is already to be provided as a suitable route for pedestrians and cyclists as part of the David Wilson Homes development approved Travel Plan (21/03190/DISCON) and if not be already being provided to a suitable standard by the housing developer would be upgraded to a lit 3m wide bound surface for use by both pedestrians and cyclists. This application proposes that the path is provided with a robust bound surface, similar in appearance to the bound gravel path linking the public footpath and Sheepwash Way which is also to have a bound finish as part of the 120-place temporary school under construction.
32. A marked outdoor hard-play court enclosed by 3.0m high fencing would be provided in the south-west corner of the site. Relative to the rising road level the metal fence fronting Evans Road would be between 0.25m and 0.9m below the adjacent level of the footway. A 3.0m high acoustic timber fence would be provided at the western end of the court with a relative height when viewed from the adjacent public footpath of between 2.1m-3.0m. Planting is proposed between the timber fence and public footpath and would return along the frontage to Evans Road to filter views into the site. The court, on its northern side, would be at a level 0.7m above that of the hard surfaced areas around the school building. It would have an impermeable surface but would be provided with a constant fall from south to north with a drainage channel provided along its northern edge. The court would be a minimum of 19.5m from the closest approved property façade to the south and 15m from the façade of the closest property to the west.
33. Areas of informal hard play would be provided principally to the west and north of the building, including sun canopies, and would also include a fenced area for nursery and Reception age children with an area of rubber-crumb surfacing.
34. Site levels would fall to the north of the building and informal grassed play areas would be provided on plateaux connected by steps or a path providing suitable disability access.
35. Grass playing field, including a marked playing pitch, and a PE hard court area of porous construction enclosed by 3.0m high fencing, would be provided on the flatter part of the site to the north of the plantation, on the area broadly to be used for the 120-place temporary school. The applicant has confirmed that that both the grass pitch and the permeable tarmac games area are intended to allow surface water to soak away to ground and would have drainage runs beneath to collect and direct runoff. The need for an overflow connection and outfall into Sheepwash Brook to the north is being investigated. A small storage shed would be provided adjacent to the hard play court.
36. The area to the north of plantation is separated from the school site by land in third party ownership. The applicant has advised it has not been possible to acquire the strip of land separating the sites at reasonable cost to the public purse despite best endeavours. In effect, what is proposed is a school with a

detached playing field on a separate site close by. To access the area to the north of the trees, children would leave the main school site via the gate in the north-west corner of the southern site, walk approximately 15m along the upgraded pedestrian/cycle route, before entering the site to the north through a gate. The gate would also serve as a maintenance/emergency access gate, with vehicles able to approach along the pedestrian/cycle route from Sheepwash Way. It may also be possible to gain emergency access to the playing field along the path from Evans Road.

37. Both the school building site and playing field site to the north would be enclosed by green coloured 2.4m high Heras security fencing (RAL 6005).
38. In addition to the proposed planting around the hard play area next to the public footpath and Evans Road (Paragraph 32), detailed landscaping proposals indicate the provision of a hedge along the boundary to the east of the school vehicular entrance to screen the site from properties to the south. Boundary planting is also proposed along the western boundary of the main school site filtering views into the site from the public footpath. Wildflower planting is proposed on land sloping to the eastern boundary and watercourse, and along the northern boundary adjacent to the retained hedge on the main school site forming the boundary with the third-party owned land.
39. On the northern playing field site the tree copse and perimeter vegetation adjacent to Sheepwash Brook to the north and watercourse to the east would be retained. A margin of scrubland would be replaced by grass and wildflower seeding. Retained soils will be re-spread following removal of the temporary 120-place school.
40. Surface water from the school building site would be attenuated below ground before being discharged, along with surface water from the David Wilson Homes development, to the watercourse running along the eastern site boundary before finally discharging to Sheepwash Brook. The playing field to the north of the tree belt has suitable drainage characteristics in part to soakaway. A porous surface would be laid on the hard court with surface water soaking to ground. If not wholly suitable a discharge of surface water to the adjacent watercourse may be required.
41. Surface water on the main school site is to connect to the surface water outfall sewer from the David Wilson Homes development which runs across the school site to the south of the tree belt before discharging to the watercourse along the eastern site boundary at a rate restricted to 3.0 l/s.
42. Surface water on the hard play area to be provided to the north of the tree belt would soak to ground. No details of drainage of the proposed grass playing field have been provided.
43. Foul drainage is to discharge to the foul drainage system being installed in Evans Road.



44. A Preliminary Ecological Appraisal has been submitted in support of the application. There are no ecological features of note. However, with regard to the date of the survey the report recommends that an additional precautionary protected species survey is undertaken prior to the commencement of development. e-DNA testing of nearby ponds has demonstrated an absence of great crested newt. A hibernaculum has been provided as part of the development approved for the 120-place temporary school. Trees with bat roost potential are identified along the watercourse northern and eastern boundaries but are not impacted by the proposals.
45. Hedgehog/mammal gates are proposed to be installed in the 2.4m high perimeter fencing to allow movement between the Persimmon Homes area of open space and the site, between the northern and southern sites across the land in third-party ownership, and to allow access along the northern and eastern watercourse boundaries.
46. Four bat boxes and six birdboxes (targeting sparrow, starling and general provision for small birds) integrated into the building structure are proposed and would be provided on the south and west building elevations.

#### Staff numbers and Operation

47. The application is supported by a Transport Assessment which explains that for a 1.5 form-entry school 50 staff are likely to be employed, including 10 mid-day supervisors and three cleaners.
48. The supporting Planning Statement explains that the school would initially operate with a Published Admission Number (PAN) of 30 at first admission with 15 across other year groups, but the PAN would increase to 45 in later years as demand for pupil places rises. Children in the temporary school for 2022-23 would transfer to the new school, which is expected to open in September 2023.
49. Based on full occupancy of 315 pupils and 26 place nursery (341 children) the Transport Statement identifies the following trip generation:

**Table 6 Multi-modal trips (341 pupils)**

Mode of Travel	Percentage	Morning two-way trips	Afternoon two-way trips
Walk	46%	121	99
Bicycle	4%	11	9
Car/Van	47%	123	102
Private Bus	2%	5	4
Local Bus	3%	8	6
Surface rail / train	0%	0	0
Scoot / skate	-	0	0
Park & stride	-	0	0
Other	1%	3	2
<b>Total</b>	<b>100%</b>	<b>263</b>	<b>216</b>

Figure 1. – Note afternoon two-way trips are between 15:00-16:00 hours

50. The applicant has stated that *it can be estimated that a minimum of 48% of trips would potentially access the school via Sheepwalk Way, and a minimum of 39% of trips would access the school via Rempstone Road. The remaining 13% originating from Kirk Leys Road are likely to choose which ever location is most convenient (i.e. ease of parking, convenience for onward journey etc.), but for simplicity it can be assumed they would also choose Rempstone Road.*
51. The school roll would grow incrementally, and the number of person trips generated by the school in the initial years of operation would therefore be significantly lower than those presented in *Figure 1.* above. *Figure 2* shows the number of trips that would be generated by each group of 30 pupils.

**Table 7: Multi-modal trips (30 pupils)**

Mode of Travel	Percentage	Morning two-way trips	Afternoon two-way trips
Walk	46%	11	9
Bicycle	1%	1	1
Car/Van	47%	11	9
Private Bus	2%	0	0
Local Bus	3%	1	1
Surface rail / train	0%	0	0
Scoot / skate	-	0	0
Park & stride	-	0	0
Other	1%	0	0
<b>Total</b>	<b>100%</b>	<b>23</b>	<b>19</b>

*Figure 2.- Note afternoon two-way trips are between 15:00-16:00 hours*

52. The table in *Figure 3* below shows the demand for pupil places in the East Leake schools' Planning Area based on other schools being filled to their capacity, past arrival rates, children of reception age in the period 2022-2026, and children expected to have moved into new housing that has recently been built or is under construction. The table shows a deficit of 54 places for the 2022-23 academic year across the school Planning Area which is to be met within the catchment by the temporary 120-place school. The deficit of places rises to 257 by 2025-26, excluding the temporary school which is to be removed at the end of the 2022-23 academic year. Without the proposed permanent Millside Spencer Academy the demand for Primary places in the East Leake schools' Planning Area, which is projected to rise rapidly, would exceed the temporary capacity being provided. The school in 2023-24 will be offering a total of up to 135 places across all age groups.

School Name	Planning Area	Capacity	PAN	School years			
				2022-23	2023-24	2024-25	2025-26
Brookside	East Leake	330	45*	315	330	330	330
Lantern Lane	East Leake	420	60	420	420	420	420
Costock	East Leake	105	15	105	105	105	105
Millside (temporary)	East Leake	120	30**	54	0	0	0
Millside (permanent)	East Leake	315	30***	0	86	165	257
<b>Total Place Demand</b>				<b>894</b>	<b>941</b>	<b>1020</b>	<b>1112</b>
<b>Total Capacity</b>				<b>975</b>	<b>1170</b>	<b>1170</b>	<b>1170</b>
<b>Without Millside (temporary/permanent)</b>		<b>Surplus /Deficit</b>		<b>-39</b>	<b>-86</b>	<b>-165</b>	<b>-257</b>
<b>With Millside (temporary/permanent)</b>		<b>Surplus /Deficit</b>		<b>81</b>	<b>229</b>	<b>150</b>	<b>58</b>

\* has previously had a PAN of 30 and currently has one year of 60

\*\*30 at first admission and 15 at other year groups

\*\*\* 30 at first admission but can increase to 45 to meet demand

Figure 3. Projected demand for Primary pupil places - East Leake Pupil Place Planning Area

53. When first brought into use (September 2023) there is forecast demand for 86 places at the proposed school made up of pupils across all age groups with 30 places at first admission (Figure 4). In practice pupil numbers in school years, other than Reception and Year 1, may be greater. Other schools in the East Leake schools' Planning Area may not fill to capacity, the proximity of the proposed school to new housing may offer greater appeal and parental choice may affect actual pupil numbers.

Projected Numbers at Millside Spencer Academy if all other schools fill to PAN - negative year groups removed

School Name	Planning Area	PAN			Proj Year	School years						TOTAL	surplus / deficit places	
		FAD	IJT	Net cap		R	1	2	3	4	5			6
Millside Academy	East Leake	30	0	0	2021-22	0	0	2	0	0	11	5	18	-18
Millside Academy	East Leake	30	0	120	2022-23	31	1	1	6	0	0	15	54	+66
Millside Academy	East Leake	30	0	210	2023-24	33	35	6	5	6	1	0	86	+124
Millside Academy	East Leake	30	0	210	2024-25	54	37	40	10	5	14	5	165	+45
Millside Academy	East Leake	30	0	210	2025-26	75	58	41	42	10	13	18	257	-47

30 at first admission and 15 at other year groups

30 at first admission but can increase to 45 to meet demand

Figure 4 – Projected pupil place demand across age groups – Millside Spencer Academy

54. The Transport Statement supporting the application states that based on vehicle trip rates agreed in the outline residential permission 16/01881/OUT the permanent school and nursery at full capacity would generate 123 morning peak (08:00-09:00 - 73 arrivals and 50 departures) and 102 afternoon peak (15:00-16:00 - 45 arrivals and 56 departures) two-way trips by car. The number of trips by car will be significantly less when the school first opens with an estimated 11 morning and 9 afternoon two-way trips for each multiple of 30 children.

55. Although school start/finish times have not been decided the Transport Statement identifies that the busiest periods are between 08:45-09:00 and 14:00-15:30 and that after drop-off or collection vehicles quickly disperse. Parking restrictions requiring a Traffic Regulation Order are proposed around the school access on Evans Road (Plan 8). Measures to control parking around the turning head on Sheepwash Way, Peacock Gardens and the provision of junction protection has been approved for planning purposes in compliance with Condition 16 of the 120-place temporary school, although the Traffic Regulation Order will need to go through separate statutory process including public consultation.
56. Coaches and mini-buses required for occasional school travel, such as trips or swimming, would park on Evans Road outside the school and planned journeys can be timed to avoid peak travel times.
57. The Transport Statement identifies that with a carriageway width of 6.75 metres, Evans Road would be of more than sufficient width to allow a car and HGV to pass safely, and that on-street parking should not restrict vehicular movement along the internal estate roads. There are currently no details of parking demand for the proposed school although it is noted that at schools, parents typically park on surrounding streets during morning and afternoon drop-off/pick-up periods.
58. The pedestrian links to the school are likely to lead to parents parking on Evans Road to the south of the school and Sheepwash Way. The pedestrian access gate, at its closest point (not taking account of any Traffic Regulation Order), would be 170m from the turning head on Sheepwash Way and 50m from the Evans Road carriageway.
59. The application is not supported by the framework of a School Travel Plan although the Transport Statement acknowledges that a Travel Plan will be required to encourage sustainable travel to the school, including walking and cycling.

### Construction

60. Evans Road would be used as the route for construction traffic building on the southern part of the application site.
61. Works on the playing field to the north of woodland would be carried out taking access from Sheepwash Way. The works could only be carried out once the temporary school has decanted to the new building and the school structures have been removed. Condition 27 of planning permission 8/21/02694/CTY for the 120-place temporary school allows for the retention of the access road from Sheepwash Way until 31 December 2023 for the stated reason that *an extended period for the temporary retention of the access road would allow construction access to the lower part of the approved [outline permission 8/21/01029/CTY] permanent school site.*

## Consultations

62. **Rushcliffe Borough Council** – Not yet formally received. However, their officer recommendation has been approved, raising no objection subject to conditions to require: a biodiversity gain plan; development to be carried out in accordance with the recommendations of the Preliminary Ecological Assessment Report; timely provision of hard and soft landscaping including maintenance and replacement (if required); an Arboricultural Method Statement protecting retained trees, shrubs and hedges; and imported aggregate and topsoil being tested for contamination.
63. Any additional comments received will be orally reported.
64. **East Leake Parish Council** – No objection but make the following comments:
- a) *The sites should be linked/connected across the third-party land.*
  - b) *The proposed school is smaller than a 2-form entry school previously proposed and will be very difficult to expand.*
  - c) *There is no provision for parents travelling by car to drop-off and pick up children at the front gate.*
  - d) *Electric charging points for staff should be provided.*
  - e) *There is no waiting area next to the pedestrian access for parents waiting to pick up children.*
  - f) *Hedgehog gates should be provided in security fences to allow access across the area.*
  - g) *Photovoltaic panels, grey water harvesting/recycling and solar hot water heating could be provided.*
65. **NCC Highways Development Control** – No objection subject to conditions to: define points of access for construction on the main school and playing field sites; controlling times for the movement of construction related traffic on the playing field once the new school is brought into operation; method of working related to highway matters; detailed approval of the new school vehicular access; provision of a School Zone on Evans Road and review of the School Zone on Sheepwash Way; design and provision of the cycle/pedestrian link between Evans Road and Sheepwash Way; in advance of adoption the school being provided with access to a safe suitable standard; provision of 40 cycle spaces; provision of electric vehicle charging points for four spaces and facilitating the provision of additional electric vehicle charging; provision of the car park and serving areas; post-occupation travel survey methodology and survey; and School Travel Plan with subsequent review.

66. *The Highway Authority is satisfied that the level of parking would accommodate staff and visitors. Pedestrian, cycle and vehicle access arrangements, visibility splays and proposed design is deemed satisfactory and conforms to Nottinghamshire design guide. The vehicle tracking provided within the transport statement is adequate and will allow vehicle to enter and leave the site in a forward gear. Refuse collection arrangement is also acceptable and meet current standards.*
67. *In terms of the accessibility of the site, there are multiple points where this can be achieved which results in reduced demand at any single point. The proposed arrangements are satisfactory so as not to have a detrimental impact on the junctions in the vicinity of the site. Also, there is satisfactory on-street parking provision to accommodate the short duration demand for parents dropping off and picking up pupils.*
68. *The Highway Authority considers that the Traffic Regulation Orders proposed on the roads in the vicinity of the school are satisfactory to go out to consultation.*
69. A School Travel Plan is required, and consider that this can be conditioned.
70. **Via Countryside Access** – No objection subject to the legal implications relating to the requirement to convert the public footpath to a cycle track to allow cyclists to use the route being resolved.
71. *East Leake public footpath FP5 runs adjacent to the site and has been identified as an important link for access to both the new school and the surrounding residential developments. The path is to be upgraded to a cycle path and is referred to in both [this application and the David Wilson Homes development application]. There is no objection to the enhancement of the footpath however there are several legal points to consider. In order for the footpath to be used by cyclists, it needs to be converted to a cycle track via the Cycle Tracks Act. The recently approved Travel Plan for the David Wilson Homes development (21/03190/DISCON) states that a cycle link is being provided to connect the existing Public Right of Way running through the site to Sheepwash Way to the north-west, and south through the development to Rempstone Road. On a practical side, it is assumed that this cycle link is to be provided by David Wilson Homes rather than the school. The timetable for David Wilson Homes to provide the cycle link before the school is completed and opened for use should be confirmed.*
72. *As a result of the need for a cycle track order, there are a number of issues linked to the development:*
- a) *The order to convert the public footpath to a cycle path under the Cycle Track Act results in the path being removed from the definitive map (as per the legislation), the cycle track will become an 'adopted highway' recorded on the County Council's list of publicly maintained streets and will pass to NCC Highways team to maintain in the future. Has discussion taken place between David Wilson Homes and the Highway Authority to determine the construction specification to allow NCC Highways to take this over?*

- b) *If this is not the case then David Wilson Homes will need to maintain the path with the liability for cycling and all maintenance requirements to maintain a safe route, including the cost of the lighting, in the future as this is outside of the requirement for a public footpath recorded on the Definitive Map.*
- c) *NCC Rights of way team are able to carry out the actual order making if required. In taking on the path NCC Highways Development Control team will need to ensure the path is to adoptable standards.*
- d) *The cycle path will cross 3rd party land. Has the David Wilson Homes the legal ability and right to provide the cycle link here? Without this their Travel Plan cannot be delivered.*

73. **Nottingham East Midlands Airport** – No objection.

74. **NCC Archaeology** – No response received. However, when commenting on outline application 8/21/01029/CTY no archaeology issues were raised.

75. **Via Land Reclamation** – No objection subject to conditions for the submission of: an updated contaminated land assessment based on its current condition, remediation strategy to deal with contamination identified and validation following the completion of remediation; a watching brief for contamination; and Environment Management Plan to include a scheme for recycling/disposal of surplus soils and waste from construction, including the segregation of waste materials into different streams for recycling or disposal, measures to handle potentially contaminated arisings and groundwater and validation of an absence of contaminants in imported soils.

76. *The geo-environmental desk study is likely to need to be updated prior to construction of the permanent school, to account for the changes to the site since the desk study was produced. As the development is taking place in two separate phases, the desk study may require an update or addendum report prior to development of the southern plot, followed by an additional update or addendum prior to development of the northern plot.*

77. *It is understood that the main school site (southern plot) is still being used to deposit arisings from the wider housing development. Therefore, the ground investigation report is unlikely to be representative of the current condition of the site. Any deposited materials that are remaining on-site require appropriate testing to ensure they are suitable for the end-use and the results need to be reported and assessed. The movement of material within this area should be documented within a Materials Management Plan for the wider development. Should any of the stockpiled materials be disposed of off-site, waste classification testing and assessment would be required.*

78. *The ground investigation included very limited sampling on the northern plot, in the location of the proposed sports pitches and soft landscaped play areas. This area is also intended to be used for the temporary school (under a separate planning application). A ground investigation for this area will be required prior to*

*development of the permanent playing fields, to assess potential contamination risks related to the site history and the proposed interim use of the site for the temporary school.*

79. *It is not clear whether the samples that have been tested for the contamination assessment represent the top 1m depth of the formation level across the site. Verification sampling may therefore be required at formation level.*
80. **Via Noise Engineer** – No objection subject to conditions requiring: a construction environmental management plan and employ best practice to address noise impacts of construction, liaison with the public and how complaints are to be addressed; a construction specification for the acoustic fence to be provided along the western boundary of the hard play adjacent to public footpath East Leake FP5; and setting a noise limit for installed mechanical plant.
81. *An acoustic design report has not been prepared to assess the acoustic conditions for the school using the requirements of 'BB93: Acoustic Design of Schools: Performance Standards 2015'. However, internal noise is unlikely to be at a level that would give rise to adverse reaction from neighbours.*
82. *No assessment has been made of the potential noise impact from outdoor activity noise. Noise complaints associated with school children playing outdoors in a school setting is rare as people are generally less annoyed by the noise from children playing in a school setting, especially given the noise is for restricted periods during the school day and occurs only on weekdays and during term time. Therefore, there are considerable periods of respite for neighbours during the evenings, weekends, and school holidays. Nonetheless the design of any new school development should seek to minimise the risk of noise impacts through standard mitigation where possible. It is noted that the hard-surfaced school playground will be in very close proximity to sensitive receptors to the south and west of the new school. The proposed 3.0m high acoustic fencing to the western boundary of the hard surfaced play area will provide screening from noise to the nearest residential receptor to the west, and in particular the rear garden area due to the orientation of the nearest property.*
83. *To avoid adverse impact from mechanical fixed plant, this will need to be designed to achieve a cumulative plant noise limit level of 35.0 dBA at the closest sensitive receptors with all plant installed on appropriate antivibration mountings.*
84. *There is potential for some noise disturbance from the construction although it is noted that the wider setting is within an ongoing housing construction site. Nonetheless, 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.*



85. **Via Landscape** – Support the proposal. *The residential development and the proposed school buildings are 50 metres apart and whilst ground floor views between the buildings are screened by fencing and landscape treatment there will be some intervisibility between the upper storey of the houses and the upper level of the school. Views of the games court will be screened by ornamental shrub planting from the footpath and from the houses.*
86. **NCC Nature Conservation** – No objection subject to a condition that an updated Preliminary Ecological Survey should be carried out not less than one month prior to commencement if development has not commenced before 23 October 2022. *The proposed bird/bat box location details are acceptable, The Preliminary Ecological Appraisal Report does not flag any significant issues, but the mitigation measures identified should be adhered to and included in conditions. The scheme of landscaping will need to align with an ecological enhancement plan for the site.*
87. **Sport England** – No comments, as the proposal does not impact on existing sports facilities or playing fields.
88. **Environment Agency** - No objection. *Whilst the north of the site is shown to encroach into Flood Zone 3, the proposed development of the school will be restricted to parts of the site falling within Flood Zone 1. The Lead Local Flood Authority should be consulted regarding the management of surface water and any works in relation to the ordinary water course. The use of Sustainable Drainage Systems is promoted and supported.*
89. **NCC Flood Risk Management** – No objection subject to a condition to require submission of a surface water scheme based on the principles in the Flood Risk Assessment and Drainage Strategy, to include details of how on-site surface water drainage systems are to be maintained and managed for the lifetime of the development.
90. **Nottinghamshire Ramblers, NCC Access Officer, Police Architectural Liaison Officer, Severn Trent Water Limited, Western Power Distribution, Cadent (Gas)** – No response received.

## **Publicity**

91. 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.
92. Councillor Matt Barney and Councillor Reg Adair have been notified of the application.
93. One letter of representation has been received from a resident of Sheepwash Way raising the following matters:
- a) Double-yellow lines need to be installed on the Sheepwash Way turning head so as not to be blocked by parked cars and to allow emergency

access. With the temporary school being accessed from Sheepwash Way, this will be the route parents are most accustomed to when the permanent school opens.

- b) A 'no vehicular access to school' sign should be provided at the entrance to Sheepwash Way.
- c) H-bars have been previously discussed for houses on Sheepwash Way. 'No access' or similar should be marked at the entrance to the private drive accessed from the Sheepwash Way turning head.
- d) The fence around the playing field at 2.4m in height is oppressive in an otherwise natural countryside setting. The fence should be lower and coloured to blend with its surroundings.

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

## Observations

95. Rushcliffe Local Plan Part 2 Land and Planning Policies (October 2019) (RBC-LPPT2) Policy 1 *Development Requirements* lists criteria for new development, which will be permitted where (amongst other criteria):

*- there is no significant adverse effect on the amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the type and level of activity on the site, or traffic generated;*

*- suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority;*

*- the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy;*

*- noise attenuation is achieved and light pollution is minimised;*

*- there is no significant adverse effects on important wildlife interests and where possible, the application demonstrates net gains in biodiversity;*

*- it can be demonstrated that wherever possible, development is designed to minimise the opportunities for criminal activities;*

*- the use of appropriate renewable energy technologies will be encouraged within new development and the design, layout and materials of the proposal should promote a high degree of energy efficiency.*

## Form of Development

96. The principle of building a school on the site, one that could have a capacity for 210 places expanding to 420 places, has already been established by the grant of outline planning permission 8/21/01029/CTY. Whilst the scale of development and highway impacts of that potentially larger proposal have previously been considered, the detailed proposal that has come forward, being a proposed single build for 315 pupil places with a 26 place nursery, would not comply with the conditions of the outline permission. Consequently, a full planning application has been submitted which is of a lesser scale than that previously approved, falls within the design parameters in terms of the scale and massing of the building, and the points of vehicular and pedestrian access are in the same location as those previously considered.
97. With reference to the comment raised by East Leake Parish Council at Paragraph 64b) about the reduced size of the school to 1.5 forms of entry, the proposed development is applicant led based on a demand for pupil places in the East Leake Pupil Place Planning Area. Demand for, and the location of future school places is not a matter for consideration in the determination of this application. The topography of the site, and new levels that need to be created to develop the site on a series of plateaux limit the ability to expand the main school site beyond the proposed 315 places and 26 place nursery while complying with the school design guidance set out in Building Bulletin 103 *Area guidelines for mainstream schools*.
98. Land on which to develop the school has come forward through s106 agreements linked to the separate grants of planning permission for the residential developments by Persimmon Homes to the west and David Wilson Homes to the north. The sites are separated by a notional strip of land in third party ownership. In anticipation of being able to control that land, the strip was included in the outline application, with the school to be developed as a single site. However, the applicant has been unable to acquire the strip of land at what the applicant considers to be a reasonable cost to the public purse and relies on the willingness of the owners to sell. Whilst an alternative single site layout would be a preferable option, the issue in determining this application is whether the proposal presented for determination is acceptable. The applicant's identified pressing need for pupil places in East Leake has contributed to the application coming forward in the form presented.
99. Development of the school on two sites, with a detached playing field, will present the school with a safeguarding management issue. Pupils will need to be supervised when moving between the sites along the proposed pedestrian/cycle path on the route of the public footpath, albeit only over a distance of 15m, and while this may be inconvenient it does not give rise to significant issues in terms of land use planning. The two sites will need to be fully enclosed by boundary fencing. Activities on the northern playing field area would be managed by the school, including access to the woodland along the southern boundary of that part of the site. The organisation and delivery of the school curriculum and activities on the site is a matter for school management.

### Access, Traffic and Highway Impact

100. The school is anticipated to grow incrementally following the initial transfer from the temporary school and intake in September 2023. The full traffic impact on the highway network and residential amenity will not occur until the school is at full occupancy.
101. The location of the school has been known, having formed part of the housing application, and Evans Road has been designed accordingly. For those parents travelling directly to the school by car a frontage to the estate loop road will allow vehicles to arrive and leave in a forward gear without needing to carry out a three-point-turn manoeuvre. It is considered that parent highway parking would not be detrimental to highway safety and the amenity impacts of cars waiting while dropping off or collecting children are short-lived.
102. Highways Development Control in commenting on outline application 8/21/01029/CTY advised that Evans Road, with an overall width of 6.75m, has been designed to accommodate a new school and takes the form of loop to minimise the need for turning at pick/up drop off times. The applicant has responded to the representation received from East Leake Parish Council that there is no provision for parents travelling by car to drop-off and pick-up children at the front gate, commenting that the design includes an intentional segregation of pedestrians from vehicles, and that such provision was not incorporated into the housing road layout in the permission granted for the wider development by Rushcliffe Borough Council.
103. Rather than providing a dedicated drop-off/pick-up location in proximity to the school, the wider 6.75m carriageway would allow suitable opportunities to park without impacting on the two-way free flow of traffic. Having regard to the location of the school on a loop road towards the furthest point from the Rempstone Road junction it is not anticipated that there will be a significant number of vehicles that will pass the school, other than traffic associated with the school itself.
104. National Planning Policy Framework (NPPF) Section 9. Promoting Sustainable Transport states that:

*110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

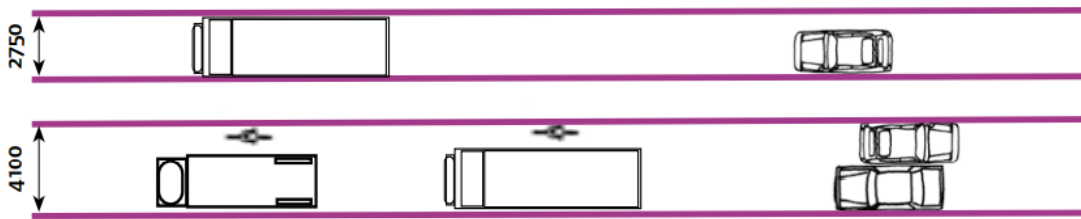
*(b) safe and suitable access to the site can be achieved for all users;*

*(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*

*(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

105. At NPPF Paragraph 112 within the context of Paragraph 110, applications for development should *'give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'*. Paragraph 124 states that *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.'*; and
  - c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'*
106. In January 2021 the County Council adopted the Highways Design Guide which sits alongside national guidance to encourage the creation of high-quality development. The purpose of the Design Guide is to assist in achieving the goals set out in the Nottinghamshire Plan 2021 – 2031 by promoting good street design through development. The Design Guide includes the aim to achieve low speed neighbourhoods that are safe, particularly for young children, that encourage a modal shift away from the private car, and in doing so, promote a healthy lifestyle by encouraging walking and cycling. Objectives and standards contained within the Design Guide and the national guidance underpin highway requirements relating to planning applications including those for new schools.
107. In October 2020 the Council agreed to commit to carbon neutrality in all its activities by 2030 or as soon as possible thereafter. In May 2021 the Council agreed to declare a Climate Emergency and pledged to combat climate change and drive greener growth at a local level. It was agreed to delegate the Transport and Environment Committee to take the lead in considering, agreeing, and overseeing appropriate measures to achieve this authority's commitment to achieve carbon neutrality in all its activities by 2030. It was agreed that all other committees will be expected to ensure that the decisions they take within their remit adhere to this principle.
108. In January 2022 the Government announced the creation of a new executive agency, Active Travel England, which will be a statutory consultee on major planning applications to ensure that the largest developments properly cater for pedestrians and cyclists. The agency will become fully operational later in 2022 and it is likely this will require consultation with the agency on major housing developments and new schools. This underlines this Government's ongoing commitment to boosting cycling and walking and to building back greener from the pandemic.

109. The objectives set out above in the national and local policy context clearly emphasise the need for sustainable means of travel. When considering planning applications, the NPPF is clear that refusal should only be recommended on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network (in terms of congestion) would be severe. Within this context, the NPPF recommends that priority should be given to pedestrian and cycle movements. When formally assessing planning applications for new schools the focus is on creating safe areas, free from significant car movement and obstruction in the immediate vicinity of the school access using school keep clear markings, and other safety measures to create school safety zones, rather than accommodating short-term convenient parking for parents. Introducing measures which make it easier and more convenient for car users to access and drop off at schools only serves to encourage car usage. This is contrary to national and local planning policy requirements, as well as the County Council's declaration of a Climate Emergency and the objectives set out in the Nottinghamshire Plan. Instead, officers aim to plan positively for alternatives such as walking and cycling.
110. Notwithstanding the clear policy objectives, officers acknowledge that there will always be parents who will wish or need to drop off their children by car, such as on their way to work. In recognition of this inevitable vehicular traffic, the Nottinghamshire Highways Design Guide requires new roads serving as the primary point of access to new schools to be built with wider carriageways and footways than would usually be required within the remainder of the new housing development. Additionally, developers are encouraged wherever possible to construct such roads as thorough roads and loops, as opposed to cul-de-sacs, in order to minimise the need for turning and reversing.
111. Although the application for the David Wilson Homes development was allowed on appeal, in determining the application the need to accommodate school related parent parking, such as the provision of a lay-by, could have been required at that stage. The site provided to the County Council is for the provision of a school and to provide dedicated parking, which would only be used for short periods of the day, is not an efficient use of land on a site which is already constrained by topography in meeting the requirements of Building Bulletin 103 *Area guidelines for mainstream schools*.
112. The provision of facilities that make travel by car more attractive than non-car-based journeys is not considered to be sustainable. Highways Development Control has previously advised that the 6.75m width of Evans Road is appropriate outside a school so as to allow the passage of two cars while another is parked at the edge of the carriageway (*Figure 5*), and would comply with Nottinghamshire Highways Design Guide taking into consideration the location of a school in the planned housing development. The proposal does allow for kerbside parking without obstructing two-way car movement, so although not expressly making a provision for the school raised by East Leake Parish Council (Paragraph 64c)), parking associated with school drop-off and pick-up can be accommodated on Evans Road without detriment to highway safety.



Source: Department for Transport - Manual for Streets

Figure 5.

113. Having regard to the location of the school at the furthest point from the entrance to the loop road it is not anticipated that there will be significant non-school related traffic that passes the site. School buses and coaches are likely to visit the school infrequently and outside of peak travel times and should be able to park outside the school for children to safely alight.
114. A school zone would be required which would comprise School Keep Clear markings at the school main entrance and on the northern side of Evans Road at the point where the foot/cycle path crosses, double yellow lines to prevent parking on the inside of the bend opposite the school entrance, and advance school warning signage (Condition 23). A Traffic Regulation Order would be the subject of separate process and public consultation. The applicant would need to meet the reasonable legal costs incurred in the making of a Traffic Regulation Order.
115. The road in front of David Wilson Homes Plots 266-273 to the immediate south of the school car park accessed from Evans Road is to be constructed as a private drive and would not be subject of a Traffic Regulation Order. Occupiers would be able to exercise private property rights to control errant parking. The same would apply to the private drive to properties accessed off the turning head at the end of Sheepwash Way.

#### Non-Car Access – Cycling and Walking

116. The provision of the pedestrian/cycle link running along the western boundary of the school site was an important consideration in the grant of planning permission for the David Wilson Homes development and provides connectivity to the centre of East Leake. Parents will need to use the path at school start/finish times to access the school. Parents who choose to drive to school may find it more convenient to park on Sheepwash Way, being more easily accessible from the village centre, as an alternative to a longer car journey to Evans Road via Rempstone Road. However, how they travel and which point of access is used to get to the school is likely to be influenced by how easy it will be to park (Plan 3). The longer walk from Sheepwash Way turning head to the school drop-off/pick up gate may also influence parent behaviour and those determined to drive may find Evans Road a more attractive location to park.
117. Although the school would serve the East Leake Pupil Place Planning Area, it would provide Primary school places for children in the Persimmon Homes and

David Wilson Homes developments. Combined, the two developments totalling 642 dwellings (including a further permission for 83 dwellings - RBC 19/00323) is anticipated to generate demand for 135 Primary pupil places, the majority of which would be in easy walking distance of the school.

118. The location of the school access gate used at the beginning and end of the school day directly adjoining public footpath East Leake FP5 would segregate the school pedestrian and vehicular access points and is considered to be appropriate. The route is being upgraded to allow it to be used by cycles as part of the David Wilson Homes development and is included in the Travel Plan approved in compliance with Condition 14 of Rushcliffe Borough Council outline permission 16/01881/OUT (RBC 21/03190/DISCON). This enhanced route provides connectivity between the school site and the village centre to the north and will offer a more convenient route to school for some, particularly those children resident in the Persimmon Homes development to the east, rather than car-based travel.
119. The foot/cycle path will need to have been constructed, be lit and be available for use by the time the school first opens and as it would be used as the main access to the school at start/finish times it will need to be suitably robust and constructed with a bound surface (Condition 28). The finished surface should be in character with its setting on the rural fringe, and the proposed bonded granular finish or similar in terms of its appearance would be appropriate.

#### Provision for Parking, Servicing, Cycles and Parent Assembly

120. In considering outline application 8/21/01029/CTY for a 2-form entry school of up to 420 Primary age children, Members expressed their disappointment at the lack of a proposed dedicated pick-up/drop off point, and the adequacy of the staff car park being proposed. The amenity impacts of parking associated with pick-up and drop-off at schools was also raised. Although not a matter submitted as part of the outline application, a condition of the permission required the provision of 22 parking spaces for a 210 school (including 1 disability and 1 electric vehicle charging point) and 32 spaces (including 2 disability and 2 electric vehicle charging points) when expanded to 420 pupils with infrastructure provided to allow the addition of additional electric vehicle charging points.
121. 50 staff are anticipated to be employed. The applicant has stated that *21 would be part-time and would only be visiting the site for part of the day with catering staff expected in the morning and cleaning staff in the afternoon. It is anticipated that a number of the staff will be living close to the site so will use other means of transport to get to the school.* The proposed 30 space car park with two disability parking spaces and two electric vehicle charging points for a 315-place school offers a proportionately greater number of parking spaces than previously approved and is considered to be suitably sized and provides for on-site parking by visitors. Electric vehicles charging for four vehicles would be available for staff and visitors to the school site with provision also being made at disability parking spaces. The provision of ducting infrastructure to facilitate



the addition of further electric charging points is the subject of recommended Condition 30.

122. The proposed layout would allow operational service vehicles to turn on-site, including a refuse vehicle, reducing traffic impact on the residential estate loop road. Coaches for occasional school travel would be able to park outside the school on the highway adjacent to the outdoor hard play area, but are likely to be infrequent and attending the school outside of peak traffic times.
123. The provision of 30 covered cycle spaces for children, with an additional 10 spaces for staff and visitors located near the main building entrance and benefitting from passive surveillance from the school office, is considered to be appropriate. The need for additional cycle provision can be assessed through regular review of the School Travel Plan (Condition 34 I)).
124. Raised for consideration in the comments by East Leake Parish Council (Paragraph 64c)), the provision of an enclosed area within the school perimeter fence would allow some parents to gather within the site perimeter and reduce the degree of congestion on the foot/cycle path. Whilst a larger area could be provided, to do so would reduce the operational area of the school. The submitted proposal is considered to offer an acceptable compromise. Although passage along the foot/cycle path may be slowed at school finish time it is unlikely to adversely impact on safety.

#### Traffic – Sheepwash Way

125. Drop-off and pick-up at the school gate is likely to be preferred by parents as part of a daily work commute to destinations outside of the village. Although vehicular access to the school itself would be gained from Rempstone Road, having regard to the location of the school within the village, Sheepwash Way and other roads within the Persimmon Homes development are likely to be used for drop-off and pick-up for journeys originating within and returning to East Leake.
126. Taking the number of journeys in the morning peak with the school at full occupancy as the worst case scenario, it can be reasonably concluded that of the 73 arrivals and 50 departures, 23 arrivals would be by school staff. Consequently, there are likely to be 50 journeys by cars bringing children to school. The applicant's assessment (Paragraph 50) is that there could be 20-26 (39%-52%) parent cars travelling to Evans Way and 24-31 (48%-61%) cars travelling to Sheepwash Way and roads nearby on the Persimmon Homes development.
127. The greater distance to be walked from Sheepwash Way to the school gate is likely to lead to vehicles being parked for slightly longer periods and, being out of sight, it is considered less likely that cars will be left parked in locations that may obstruct access, such as parking across driveways. Parking in the turning head of Sheepwash Way and Peacock Gardens would not be permitted should the Traffic Regulation Order, approved for planning purposes in compliance with

Condition 16 of the 120-place temporary school (8/21/02694/CTY) be confirmed through the required separate statutory process. The Traffic Regulation Order being introduced for the temporary school on Sheepwash Way and Peacock Gardens will be appropriate for the permanent school subject of this application. Objections received with regard to impact on safety and amenity are considered when making a Traffic Regulation Order.

128. It is anticipated that a significant proportion of car journeys would be attracted to the Persimmon Homes development where there is a finite capacity for on-street parking. Although there are few on-street spaces between the junction of Cinnabar Way and the Sheepwash Way turning head, there is greater capacity for on-street parking on nearby streets than the anticipated demand for short term parking associated with the school at full capacity in the morning peak hour. The convenience or otherwise of on-street parking will influence parent behaviour when choosing where to park, and uncertainty over the availability of parking may lead to more children walking to school. The School Travel Plan would be expected to include initiatives that encourage non-car travel to school. Although on-street parking may affect residential amenity the impact of parked vehicles is likely to be short lived and limited to the beginning and end of the school day during term-time.
129. When considering the highway impact of traffic associated with the school, it is material that the grant of planning permission for the Persimmon Homes residential development included and identified the site for a school which could reasonably only have been accessed from Sheepwash Way. Residents of the Persimmon Homes development will be affected less by a school accessed from Rempstone Road, compared with a school accessed through the Persimmon Homes development envisaged in the original grant of planning permission.

#### Construction and Occupation

130. Both of the s106 Agreements for the Persimmon Homes and David Wilson Homes residential developments include provision to allow construction access of the school.
131. Delivery of the school to an anticipated opening date of September 2022 will rely on several factors. The road within the David Wilson Homes site and pedestrian/cycle links will need to have been constructed to a suitable standard to allow safe access to the school. There is a risk that on an unadopted new residential estate road, traffic associated with the operation of the school could lead to conflict with housebuilder construction traffic. The applicant will need to ensure that service traffic, staff, visitors and parents travelling by car will have unencumbered access to the school in order to satisfy Condition 28. In addition, the path along public footpath East Leake FP5 and link to Sheepwash Way will need to have been constructed to a suitable standard and be safe for use by both pedestrians and cyclists.

132. Significant earth movement will be required on the main school site with significant changes to the original ground levels having already been carried out by David Wilson Homes as part of their development of the wider residential estate. Although an intrusive site investigation has been submitted in support of the application, this will need to be revisited to take account of the potential importation of contaminated material to the site, in compliance with RBC-LPPT2 Policy 40 *Pollution and land contamination* (Condition 13). There will be a need to test recently deposited soils to ensure that they are suitable for the intended school end-use as part of the further site investigation and any additional soils imported to the site in the course of development should also be tested (Condition 9 vi) and Condition 10 vi)).

#### Scale, Siting, Design and Noise

133. The proposed school building would be sited at a level between 1.1m and 1.75m below the level of the adjacent footway on Evans Road. The building, with a maximum height of 9.3m would, relative to the highway, sit lower in the context of the site when viewed from the south. At a distance of 50m, and lying to the north of the closest facing properties to be built on Evans Road, the scale and mass of the two storey school building is considered to be appropriate. Similarly, the scale of the stairwell at a maximum height of 7.7m and 36m from the closest property to be built to the west would not give rise to an unacceptable overbearing impact. The height of the building would increase to 9.3m relative to the property to the west at a distance of 42m. The distances from approved neighbouring properties are such as to not give rise to loss of privacy arising from overlooking.
134. The proposed design includes a simple palette of materials and finishes, being principally white render above red brick ground floor façades. The building's main entrance, defined by full-height white render flanked by standing seam metal cladding and in contrast to the brick and render, would visually break up the length of the front elevation. The submission of samples of proposed facing materials is the subject of recommended Condition 19.
135. The location of the hard play area on the frontage to Evans Road does give rise to concern over potential noise impact on the amenity of neighbours to the west. The court would be set in part at a level 0.9m below the adjacent footway which would to a limited extent reduce the impact of noise from activity on the surface. However, the proposed acoustic fencing along the western end of the court would, in the view of Via Project Engineer (Noise), reduce noise impact to an acceptable level. A specification for the fence will be required (Condition 20). It is concluded that the development complies with the relevant criteria of Rushcliffe Local Plan Part 2 Policy 1 *Development Requirements*.

#### Landscape, Fluvial Flooding, Ecology and Fencing

136. Appropriate landscape proposals have been submitted, and include planting around the court adjacent to Evans Road which, returned to run along the

pedestrian/cycle path would mitigate the otherwise stark appearance of the acoustic fence. The provision of planting inside the school fence along the western boundary on the main school site will filter visibility into the site and is appropriate with regard to safeguarding. Although a detailed landscape plan has been submitted and is generally acceptable it may need to be modified to reflect changes arising when an ecological enhancement plan is developed (Condition 24).

137. Peripheral vegetation around the playing field can be retained and there should be no alterations to ground levels adjacent to the watercourse that may alter the Flood Zone unless expressly authorised (Condition 11).
138. RBC-LPPT2 Policy 38 *Non-designated biodiversity assets and the wider ecological network* requires (amongst other matters) that *where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity*. Whilst a requirement for development to meet biodiversity net gain targets has not yet been introduced as a planning requirement, achieving biodiversity net gain is a sustainable objective. Ecological impacts of the development can be mitigated to safeguard retained habitats, create new habitat and achieve ecological enhancement of the wider site (Condition 18).
139. Suitable proposals for ecological enhancement are proposed including the provision of bat and bird boxes in the fabric of the building. A hibernaculum has already been provided for the grass snake identified on the site on the northern boundary adjacent to Sheepwash Brook.
140. RBC-LPPT2 Policy 19 *Development affecting watercourses* supports development that (amongst other criteria) seeks to conserve and enhance through good design; and provides a buffer where feasible between the top of the watercourse and development. Security fencing is to be offset from the boundary with the watercourses to the north and east of the playing field site and east of the main school site. Mature trees, and their ecological interest, should not be affected and can be safeguarded by condition. Any works affecting trees will need to be carried out in accordance with details to be approved (Condition 9 vii) and Condition 10 vii). Gaps in security fences will allow the passage of hedgehogs identified by East Leake Parish Council in their consultation response (Paragraph 64f)), and other mammals.
141. External lighting on the main school site and lighting on the cycle/footpath link along the western boundary will need to be designed so as to be sensitive to the presence of bats to be in compliance with RBC-LPPT2 Policy 40 *Pollution and land contamination* (Condition 21 and Condition 27a)). Lighting of the multi-use games area is not proposed in this application and would require a separate grant of planning permission.
142. The need for 2.4m high perimeter fencing around the playing field site has been raised in representations (Paragraph 93d)). The playing field would be detached from the main school site and adjacent to the Persimmon Homes area of open

space which may place it at greater risk of trespass. It is considered that the visual impact of a 2.4m high fence, compared with a 2.0m high fence that could in other circumstances be erected without the need for planning permission would not significantly detract from the amenity of the area or result in unacceptable harm.

### Drainage

143. The use of soakaways on the main school site will not be achievable in the made ground. The proposed drainage strategy of surface water infiltration and below ground attenuation before discharge to water course is acceptable in principle, in compliance with the drainage hierarchy referenced in RBC-LPPT2 Policy 18 *Surface water management*, and a detailed drainage scheme will need to be submitted (Condition 17). The playing field site is in part suitable to allow the use of soakaways. The proposed playing pitch area will need to be suitably constructed and drained so as to be fit for its intended purpose with details to be submitted in compliance with recommended Condition 26.
144. Foul drainage will only need to be provided on the main school site. Despite the school being at a lower level than the road a gravity discharge to the foul sewer in Evans Road can be achieved. The submission of details of foul drainage is the subject of recommended Condition 16).

### Other Matters

145. East Leake Parish Council has raised in their representation (Paragraph 64g)) to the opportunity to provide additional sustainable design features. The applicant has drawn attention to cost deliverable features being incorporated in the design (Paragraph 27) and the limitations of the project budget. The design is considered to be acceptable in compliance with RBC-LPPT2 Policy 1 *Development Requirements*.
146. The land in third party ownership has presented some issues in the development of the school design through the inability to route services, such as drainage, through the land which has influenced the design. The current public footpath has a nominal width of 1m and passes through the land in other ownership.
147. With reference to the comment from East Leake Parish Council reported at Paragraph 62a), the land in other ownership between the two school sites does not form part of the planning application site and, as land not in the ownership of the applicant cannot be made the subject of planning conditions.

### **Statutory and Policy Implications**

148. 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

149. The two sites comprising the school building and its playing field would each be enclosed by perimeter security fencing.

#### Data Protection and Information Governance

150. 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

151. As detailed in paragraph 114 above, the applicant would be expected to cover all reasonable legal costs incurred by the County Council in the making of a Traffic Regulation Order.

#### Human Rights Implications

152. 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 vehicle movements associated with the proposed development. The proposals have the potential to introduce amenity impacts upon nearby residents, and future residents of properties yet to be built, arising from frequent comings and goings. However, these potential impacts need to be balanced against the wider benefits the proposals would provide through the provision of school places. 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

153. There are changes in level across the main school site and appropriate provision is made through disability compliant gradients to make all areas of the site accessible.

154. Electric vehicle charging is to be provided for car parking spaces, including those for disability parking.

#### Safeguarding of Children and Adults at Risk Implications

155. Perimeter security fencing is proposed around the main school and playing field sites. A potential safeguarding risk would arise when moving between the two sites. The distance between the site access gates is short (15m), and movement, to be supervised by staff, is a matter for the school to manage.

#### Implications for Service Users

156. The proposal would make timely provision of school places within the East Leake Pupil Place Planning area.

#### Implications for Sustainability and the Environment

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

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

159. 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 impact of traffic, landscape and ecological mitigation and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and the County Planning Authority has also engaged positively in discussing the required Traffic Regulation Order. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATION**

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

**ADRIAN SMITH**

**Corporate Director – Place**

**Constitutional Comments [RHC 04/05/2022]**

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

**Financial Comments [SES 29/04/2022]**

The financial implications are set out in paragraph 151 of the report.

As detailed in paragraph 114 above, the applicant would be expected to cover all reasonable legal costs incurred by the County Council in the making of a Traffic Regulation Order.

**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=FR3/4403](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4403)

**Electoral Division and Members Affected**

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