



**2 June 2015**

**Agenda Item: 8**

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

**ASHFIELD DISTRICT REF. NO.: 4/V/2015/0041**

**PROPOSAL: ERECTION OF 420 PLACE 2-FORM ENTRY, TWO-STOREY  
REPLACEMENT PRIMARY SCHOOL (CLASS D1), REPLACEMENT  
PLAYING FIELDS, AREAS OF OUTDOOR HARD AND SOFT PLAY,  
AND ASSOCIATED LANDSCAPING. NEW SERVICE ACCESS ROAD  
AND REPLACEMENT PARKING PROVISION. SPRINKLER TANK AND  
PUMP HOUSING. CYCLE PARKING, EXTERNAL LIGHTING AND CCTV.  
2.0M HIGH FENCING. DEMOLITION AND REINSTATEMENT OF THE  
SITE OF EXISTING SCHOOL BUILDINGS AND RETENTION OF  
EXISTING SPORTS HALL. REINSTATEMENT OF SPORTS HALL  
ELEVATIONS FOLLOWING DEMOLITION OF EXISTING BUILDINGS**

**LOCATION: BRIERLEY FOREST PRIMARY SCHOOL, WESTBOURNE VIEW,  
SUTTON IN ASHFIELD**

**APPLICANT: SECRETARY OF STATE FOR EDUCATION & NCC CHILDREN,  
FAMILIES & CULTURAL SERVICES**

**Purpose of Report**

1. To consider a planning application for the erection of a replacement primary school at Brierley Forest Primary School, Westbourne View, Sutton in Ashfield. The key issues relate to highway impact associated with the replacement school, the potential impact of the siting of a sprinkler tank and related pump housing, on the amenity of neighbouring occupiers, and the re-provision of sports field. The recommendation is to grant planning permission subject to the conditions set out in Appendix 3.

**The Site and Surroundings**

2. Brierley Forest Primary and Nursery School is located in a residential area approximately 750m to the north-west of Sutton-in-Ashfield town centre. 420 places are provided in the Primary School with nursery places provided in a detached Nursery and Sure Start building. 23 full-time and 52 part-time staff (37 FTE) are presently employed. The school operates an extended school day between 08:00 and 16:30 hours and core teaching times are 08:50-15:10 hours (Key Stage 1) and 08:55-15:15 hours (Key Stage 2).

3. The application site is bounded to the east by Westbourne View, a cul-de-sac approximately 130m in length, serving 21 residential properties. Westbourne View is the principal access to Brierley Forest Primary and Nursery School and the adjacent Nursery and Sure Start Centre. The school is bounded to the north by Caunts Crescent, Westbourne Road to the south and St Mary's Road to the west. A pedestrian access to the school is formed from St Mary's Road opposite the junction with Ashgate, and passes beneath a terrace of residential properties joined at first floor level. A vehicular access to a staff and visitor car park is formed adjacent to 9 St Mary's Road (Plan 1).
4. The application site is comprised of the school site, the vehicular and pedestrian access points from St Mary's Road, land within the school grounds between the Nursery and Sure Start Centre to the rear of 2-12 Westbourne Road, and a strip of land adjacent to the highway to the east of 2 Westbourne Road. The Nursery and Sure Start Centre, whilst in the ownership of the County Council, does not form part of the application site.
5. Buildings on the site have a broadly linear footprint approximately 135m in length. The original school buildings are of single storey CLASP construction, joined by a multi-purpose hall with a footprint 19.4m x 10.2m and 6m in height, changing rooms and link corridor, built in 2008 (Plan 2).
6. A 20 place car park, including two disability parking spaces, is provided in front of the main school entrance and Key Stage 1 building on Westbourne View. Levels on the site fall from north to south. A 31 space car park is provided on a higher area of the site accessed from St Mary's Road, although one of the parking spaces is used for bin storage. The Key Stage 2 CLASP building adjacent to the car park is erected on three levels, connected internally by stairs and a lift. The lower part of the site can be accessed externally via a ramp with steps.
7. Outdoor hard play area is provided to the south of existing CLASP buildings and to the west of the hall, with grass playing field provided in the south-west of the application site.
8. The main tree group on the site lies adjacent to the car park accessed from St Mary's Road and is comprised principally of Category B and Category C Norway maple, with horse chestnut, sycamore and birch (T1-T12). A group (T15-T19) of Category C trees with the exception of one Category B lime (T20) is established to the north of the outdoor hard play area, with a Category C sycamore (T21), and Category B Norway maple (T22) and horse chestnut (T23) established to the south-west of the hard play area adjacent to the boundary with 27-31 St Mary's Road.
9. A Category C beech tree (T31) stands adjacent to the boundary with 16 Westbourne Road, and a Category B Norway maple (T34) and Category C weeping willow (T35) stand to the south of the Nursery and Sure Start Centre adjacent to 4-6 Westbourne Road. Other trees of note are two Category B sycamore (T37,T38) standing forward of the school on the frontage to Westbourne View, a Category B sycamore (T25) to the south of the sports hall,

and a Category B red oak (T29) to the west of the Nursery and Sure Start Centre.

10. Other than where buildings form the site secure line, the site is enclosed by 2.0m high palisade fencing.

## **Proposed Development**

### Background

11. Nottinghamshire County Council (NCC) has been successful in bidding for funding to replace 12 schools throughout the county through the Priority Schools Building Programme in partnership with the Education Funding Agency. Background information to the programme, including details of the successful schools is attached (Appendix 1). The applicant has stated that the condition of existing school buildings is poor. Following a preliminary feasibility study the optimum solution has been identified as comprehensive redevelopment with only the recently built sports hall (with changing and storage areas) and the Nursery and Sure Start to be retained.

### Proposed development

12. Planning permission is sought to erect a replacement 420 place two-form entry Primary school. The overall capacity of the school would not change and core teaching hours would remain as at present (08:50 hours-15:15 hours). An extended school day would offer Breakfast Club from 08:00 and after school activities until approximately 16:30 hours.
13. The number of staff employed at the school and nursery would remain as at present (23 full-time and 52 part-time). 20 staff and visitor car parking spaces, including two disability parking spaces (within the Westbourne View car park) would be provided, and 31 staff and visitor parking spaces would be provided accessed from St Mary's Road..

### Built Development, Playing Field Provision and Ecology

14. A rectangular two-storey building with a footprint of 66.7m x 18.3m is proposed, providing a total floor area of 2379m<sup>2</sup> (Plan 3). The building would be erected centrally on the site on the northern edge of the existing playing field and the adjoining outdoor hard play, to the south of the retained sports hall and changing rooms and to the west of the Nursery and Sure Start building. The proposed siting would require the removal of the Category B sycamore (T25) and red oak (T29) trees. The south-west corner of the building would be sited at closest 28m from the boundary with 33 St Mary's Road and 44m from the rear of the semi-detached house. The rear of 18 Westbourne Road would be 46m from the south-east corner of the proposed building and 31m from the site boundary.
15. The proposed school building would have a pitched roof and would be 7m in height measured to the eaves with a ridge height of 10.2m (Plan 4). The building would be generally faced with red brick to a height of 2.7m with contrasting white and buff coloured render at first floor level of the end and central elevations. The

building would be roofed with grey coloured concrete roof tiles. A kitchen flue, formed on the south facing roof slope would project 1.3m above the roof and 0.8m above the building ridge-line.

16. An entrance portico would be formed towards the centre of the north facing elevation. The use of groups of three two-storey window openings, with floors separated by coloured spandrel panels would give distinct rhythm to the elevations. Grey coloured aluminium window frames, doors, louvre panels and rainwater goods are proposed.
17. Classrooms would be provided on both floors of the main school building linked by a central corridor. Reception classrooms would be provided at ground floor at the eastern end on the north side of the building, with four infant classrooms provided on the opposing side of the building (Plan 5). Ground floor windows in the end elevation would provide passive surveillance of the adjoining outdoor play area. The school hall, kitchens and plant room would be provided at the western end of the building. Eight junior classrooms would be provided at first floor level, as well as a staff room and support facilities (Plan 6). Stairwells would be provided at either end of the central corridor, and a lift would be located centrally within the building.
18. A Reception/Key Stage 1 outdoor play area, enclosed either by existing security fencing separating the school from the Nursery and Sure Start Centre, 1.2m high weldmesh fencing, or existing 1.6m high picket fencing, would be provided to the east of the building adjacent to Nursery and Sure Start Centre. The enclosed Nursery outdoor play area to the south would be capable of being shared with Foundation age school children. An area for informal outdoor Key Stage 2 hard play would be retained to the north of the building to the west of the retained sports hall, with a Key Stage 2 games court provided on a retained area of hard surfaced play between the west of the building and properties on St Mary's Road. Two trees to the north of the games court, identified as being of poor quality, would be removed.
19. A sprinkler tank with associated pump housing would be provided within an enclosure to the south of the games court and would be sited, at closest, 5m from the boundary with 33 St Mary's Road (Plan 3). An illustration has been provided and while the design has not been specified in the application, the sprinkler tank is anticipated to be 3.5m in height with the adjacent pump housing 2.5m in height, enclosed by vertical timber of a corresponding height. Two trees would be planted between the sprinkler tank/pump housing enclosure and the site boundary.
20. The existing playing field would be impacted by the proposed development, but would be able to accommodate, with a minor modification to the southern boundary fence, a 60m x 42m U9-U10 football pitch (including appropriate pitch run-off) on an east-west orientation, 60m six lane running track, and facility for high-jump. A Category C beech tree recorded as having rubber matting to the base and a bark wound to the lower trunk in the eastern corner of the playing field would be removed.

21. Following the new school building being brought into use, the existing Key Stage 1 and Key Stage 2 buildings would be demolished with the points at which they adjoin the retained sports hall and changing rooms made good. The site of the Key Stage 1 building would be established as a 40m x 25m playing field suitable for U7-U8 football with appropriate run-off areas (Plan 3). The Category B sycamore (T37) and Norway Maple (T38) forward of the existing school building towards Westbourne View would be removed to allow a new access road to be provided to the south of the new playing field, leading to a turning head adjacent to the sports hall and the new school entrance (Paragraph 27). Replacement tree planting would be provided adjacent to the retained staff and visitor car park at the eastern end of the area reinstated as playing field. A bin storage area enclosed by timber fencing would be provided in the Key Stage 2 informal play area approximately 18m from the entrance to the school kitchen.
22. The site of the Key Stage 2 building would be levelled and laid as playing field and would include a facility for long-jump with a 50m run-up.
23. The Extended Phase 1 Habitat Survey Report supporting the application does not identify significant ecological features on the site. However the report recommends that favourable habitats and roosting opportunities for bats are incorporated in the design, and the installation of a range of bird box designs in trees and the building to increase opportunities for nesting. Although there is no evidence of bats roosting on the site recorded in the Bat Survey Report supporting the application, it is noted that any structure may be used by an individual or transient bat and a precautionary approach towards demolition is advised.
24. A total of 11 trees on the site are proposed to be felled. However, only nine of the trees are Category B or Category C and the planting of nine replacement trees is proposed.

#### Access, Car Parking and Pedestrian Movement

25. The school would continue to be accessed from St Mary's Road and Westbourne View. The existing car park accessed from St Mary's Road would be retained for staff parking and, with one space no longer required for bin storage, 31 parking spaces would be provided. Staff would access the new school building via an existing path and steps.
26. A new access road with adjacent pedestrian path would be formed at the southern end of the existing car park, accessed from Westbourne View (Plan 3). Two car parking spaces would be lost in providing the new access road. Following demolition of the existing Key Stage 1 building and modification of the car park as part of the site reinstatement works, 20 car parking spaces for staff and visitors, including two disability parking spaces would replicate existing parking provision. Disability parking located in the Westbourne View car park would provide suitable access to all operational areas of the site.
27. The new access road would run to the south of the new playing field, leading to a turning head adjacent to the sports hall and the new school entrance (Paragraph 21).

28. Thirty cycle parking spaces, 16 of which would be covered, would be provided forward of the retained sports hall towards the new school building.
29. No increase in the number of pupils or staff is proposed and the Transport Statement supporting the application concludes that no negative impacts on the highway network are anticipated. The segregation of pedestrians and vehicles and provision of cycle parking facilities is expected to contribute to the site operating more efficiently with improved levels of safety.
30. A School Travel Plan framework (undated) has been submitted identifying current issues of congestion outside the school particularly on Westbourne View and Westbourne Road, inconsiderate parking by parents (including parking on zig-zag lines), local deliveries taking place at school start/finish times, and the speed and volume of traffic on Westbourne Road and St Mary's Road. Targets are to be set to encourage behavioural and material changes towards sustainable travel, with each objective given a specific target and timescale in which to fulfil the objective.

#### Site Security and Lighting

31. The school boundary would be secured through a combination of existing palisade fencing and proposed 2.0m security fencing, forming a secure line between the replacement playing field and car park adjacent to Westbourne View.
32. Bulkhead lighting would be fixed to external elevations of the building at a height of 3.2m and 6.0m high lighting columns would be provided along the new access drive. In addition, a lighting column would be provided on the path linking the school to the upper car park accessed from St Mary's Road. All other areas of the school would be lit by existing site lighting.
33. Fixed-dome CCTV would be provided at a height of 3.2m on all corners of the building, providing surveillance of all elevations. No CCTV is proposed in car parking areas or elsewhere on the site.

#### Sustainability

34. Sustainable construction measures are proposed to be incorporated in the building, exceeding insulation requirements set out in the Building Regulations, maximising daylight, incorporating building management of systems and controls, energy efficient lighting, heat recovery ventilation systems and summer night-time cooling.

#### Drainage

35. Proposed drainage is to be designed to ensure that a 1 in 100 year storm event (making allowance for climate change) would not result in the proposed building being flooded, or cause properties adjacent to the school to be exposed to increased flood risk. The proposed building would reduce the developed footprint by more than 30% and attenuation of surface water is not proposed. Surface water drainage proposals would be designed to ensure that no surface flooding occurs in the critical storm event for the 1 in 30 year return period.

## Construction Access and Phasing of Development

36. The frontage to Westbourne View is developed and the only suitable point for construction access is to the south of the Nursery and Sure Start building, adjacent to the boundary with 2-14 Westbourne Road. The vehicular access on St Mary's Road leads to the car park on the upper part of the site only, and would not be suitable as an access for construction.
37. Use of the construction access to the rear of 2-14 Westbourne Road would require the Category B Norway maple (T34), Category C weeping willow (T35) and Category B beech (T31) to be felled. Two replacement trees would be planted adjacent to rear of 2-4 Westbourne Road in mitigation for the removal of T34 and T35.
38. Following occupation of the new school buildings, the CLASP Key Stage 1 and Key Stage 2 buildings would be demolished and the footprint reinstated, mainly as playing field (Paragraph 21), with elevations of the retained sports hall building made good. Phased construction plans have been submitted which demonstrate that construction activities would be suitably segregated from the school which would remain in operation for the period of the build.
39. The existing Key Stage 1 building would be the first to be demolished, during which pedestrian access to the new school would be gained from St Mary's Road only, with the construction access adjacent to the boundary with 2-14 Westbourne Road retained for school deliveries and other operational requirements. Only the staff car park accessed from St Mary's Road would be available during this phase of demolition.
40. Demolition of the existing Key Stage 2 building would not take place until the new access drive has been provided and the Westbourne View staff and visitor car park has been made available. Demolition traffic would use the car park access from St Mary's Road, while keeping 13 of the car parking spaces available for use by staff. The route used by construction traffic and by pedestrians during Phase 1 demolition adjacent to the rear boundary of 2-14 Westbourne Road would be retained as a school playing field and maintenance access only as part of the completed development.

## Consultations

41. **Ashfield District Council** – No objection. A landscaping scheme including plant species, sizes, planting densities, and maintenance, and details of sports pitch construction and topsoil specification will be required.
42. A four-stage condition is recommended to deal with contamination requiring the submission of a desk-top study, site investigation, scheme of remedial works and validation report following the completion of remedial works.
43. Consideration should be given to the hours and days of use of the outdoor recreation facilities given that the school is located in a residential area.

44. **NCC Highways Development Control** – No objection subject to conditions to require a pre-construction and post-construction highway condition survey on Westbourne View; controls on hours of deliveries to site; controls on lorry routing for construction traffic, measures to prevent the deposit of debris on the public highway, segregation of construction vehicle and pedestrian movements, details of recycling/disposal of surplus soils and waste resulting from construction; proposals during the construction phase and demolition phases of development for vehicular access, the number of staff parking spaces to be provided on-site; parking by school staff unable to park on the site, pedestrian access to the operational school site, and parking by contractors engaged in site construction; the timely provision of car parking; completion of a School Travel Plan; and a review of the School Zone.
45. *There will be no increase in staff or pupil numbers and in view of this it is anticipated that travel patterns for those using the school will not adversely alter from the present situation.*
46. *Parking provision on the site will be improved by the addition of one extra space which although only a small improvement will assist in lessening the overall impact of on-street parking by school staff.*
47. *It is acknowledged that at school start and finish times there can be highway related issues on the surrounding roads which can adversely affect local residents. There have been a number of representations made to the Planning Authority from residents on Westbourne View and St Mary's Road regarding concerns about highway matters including congestion and parking as well as the material condition of the road.*
48. *In relation to congestion, as highlighted above, the school will be no larger than at present and therefore it is fair to assume that there will be similar volumes of traffic on the local roads following the development compared to the present situation.*
49. *In respect of parking there will be one additional parking space on site which will provide a small improvement to all day parking in the area, whilst for parking at school opening and closing times the staggered opening and closing times together with the implementation of the School Travel Plan should assist in reducing the impact of this in the future.*
50. *In relation to the condition of the road surface, it is inspected for safety by the Highway Authority on an annual basis and whilst it may aesthetically not look its best, the surface is safe for road users. However conditions can be requested to ensure that any further damage attributable to the building work is made good at the applicant's expense.*
51. *Whilst the concerns outlined by the residents are appreciated, the Highway Authority can only comment as a statutory consultee on the technical aspects of the new development. In this case the development is for new school buildings to be attended by the same number of pupils and staff as of present. In view of this and the fact that there is unlikely to be any significant change on the impact to the highway, the Highway Authority has to pay regard to the National Planning Policy Framework which advises that development should only be*



*prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In view of this the Highway Authority has no objections on highway grounds to the proposed development.*

52. **NCC Road Safety Team** - No objection. *Construction traffic access needs to be managed to minimise conflict with children and parents accessing the school. There has been one reported injury collision on Westbourne View in the latest three year recording period, but was not related to the school.*
53. **Sport England** – No objection subject to the quality of replacement sports pitch provision being secured by planning condition. Conditions will be required for the submission of a baseline assessment of the quality of existing grass playing field impacted by the development, details of replacement playing field construction to a standard at least equivalent to the baseline assessment, a construction specification for new hard play areas, drainage of new areas used for outdoor play, and a grid of levels of areas of replacement playing field and new areas of hard play. Replacement playing field and areas of hard play are to be provided before the new school is brought into use or an agreed timetable for their provision. If the recommended conditions are not attached to a grant of planning permission Sport England would raise a statutory objection to the development, requiring the application to be referred to the National Planning Casework Unit.
54. **NCC Design Services** – No objection. *The distance of the building from the boundary and height of the building is appropriate for the site and will be a huge improvement of existing facilities. There is good separation of pedestrians and vehicles. The siting would bring the school and community services together although the playing field will be close to the school building. The Foundation play area appears remote with little passive supervision. [Comment: Although not included in the original submission, ground floor windows are proposed providing passive surveillance of the Foundation play area (Paragraph 17).]*
55. *The use of brick and render are appropriate. The building gables are very plain and while consistent with other elevations could be visually broken up using colour or varied materials. The entrance is defined by a canopy but appears plain and insignificant.*
56. **Police Force Architectural Liaison Officer** - No response received.
57. **NCC Landscape Team** – *The demolition of the two existing school buildings and the massing of the single new two-storey building will release more external space for the use by the school. The impacts on the landscape and the surrounding visual receptors has not been assessed in the application but it is likely that there will be some visual impacts primarily of the new school within the southern half of the site.*
58. *Trees should be replaced to offset all those being lost, as recommended in the supporting ecological survey. Trees do not have to be placed within the same location but should be included in the overall site master plan and provide a function (shelter/shade) and/or educational resource e.g. orchard, woodland copse - wildlife habitat. The detailed design of the hard and soft landscape proposals should be conditioned if planning permission is granted.*

*This should include the details of the landscape maintenance and management of the site.*

59. **NCC Built Heritage Team** - *The Heritage Statement supporting the application has identified potential views of the development in the context of the setting of Heritage Assets [a graveyard and church spire to the south of the site]. Existing residential development, the distance from the asset and scale of the development would have a neutral heritage impact.*
60. **NCC Energy and Carbon Management Team** – No response received.
61. **Natural England** - No objection. The development is the subject of standing advice for the identification and, where necessary, mitigation of protected species.
62. *The application may offer opportunities to incorporate design feature beneficial to wildlife such as roosting opportunities for bats or the installation of bird nest boxes.*
63. *The site is in an area that would benefit from enhanced Green Infrastructure which can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.*
64. **NCC Ecology Team** – No objection subject to conditions. *Although there is no evidence of bat roosting on the site, a condition is recommended to require demolition to take place in accordance with mitigation measures identified in the Bat Survey Report supporting the application, including the removal of hanging tiles by hand.*
65. *Bats have been found to fly along the northern and western boundaries of the site following tree lines, and it is recommended that this feature is reinforced through additional tree planting. Although proposals for replacement tree planting are generally satisfactory, species have not been specified and should be secured through planning condition. Wildlife-friendly native tree and shrub species should be planted.*
66. *Vegetation clearance during the bird nesting season should be controlled through planning condition.*
67. *The Extended Phase 1 Habitat Survey recommends habitat enhancement through the incorporation of bird nest boxes and bat boxes in the appropriate locations within the development and should be secured through planning condition.*
68. *eDNA water sampling has confirmed that Great Crested Newt are not present at the site and no further work is required.*
69. **Nottinghamshire Wildlife Trust** – No objection subject to conditions to control vegetation clearance during the bird nesting season, and the incorporation of bird boxes and bat roosting opportunities on retained trees and in the new building fabric. The proposed use of native species planting is welcomed.

70. *The proposed methodology to safeguard against potential harm to bats during demolition is satisfactory.*
71. *eDNA water sampling has confirmed that Great Crested Newt are not present at the site and the development is unlikely to impact on this protected species. The pond is to be retained within a wild meadow area but would benefit from being increased in size. Details of the proposed seed mix to be used and management of this are should be required to be submitted.*
72. *It is proposed that six trees are planted although 10 trees would be felled, leading to an overall loss of biodiversity. Four additional native trees of local provenance should be planted. [Comment: Amended plans have been submitted proposing the planting of nine replacement trees.] Additional advice is provided on further biodiversity enhancements that could be made.*
73. *The site lies with the 5km buffer zone identified in Natural England's Indicative Core Area for nightjar and woodlark. However, in this case, given the location and nature of the works, direct or indirect impacts on these bird species is unlikely.*
74. **NCC Land Reclamation Team** – *The supporting report contains limited data, but those samples taken have not identified significant concerns. No objection subject to a watching brief being implemented during initial ground works on-site, with particular scrutiny given to asbestos containing materials within made ground surrounding existing structures and across the area of the proposed development. In the event that contamination not previously identified is encountered during construction an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and approved. Following the completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted and approved by the CPA.*
75. *A follow-up investigation of the footprint area of the existing school, once demolition works have been completed should be required as a planning condition, with specific emphasis given to the potential presence of asbestos containing materials across and adjacent to this area.*
76. *There do not appear to be any contaminated land issues of significance associated with this development. The only contaminant of concern is elevated Benzo (a) Pyrene concentrations within the shallow made ground soil materials on-site. However as this area would be built over, this would not appear to be a significant issue, except for ground workers during the initial construction phase of the proposed development. The potential risk to site workers can be easily mitigated by the use of appropriate PPE, including face masks during dry and/or dusty conditions.*
77. **NCC Project Engineer (Noise)** - *No objection subject to conditions to; control the timing of site deliveries, and hours of work on school and non-school days; submission of a Construction Environment Management Plan to include details of noise mitigation during construction; control of operational noise outside normal school hours; and the limiting of noise from fixed plant and equipment.*

78. *An assessment has been made of the external noise climate to determine the ventilation strategy for the new school. Natural ventilation would be appropriate in accordance with Priority Schools Building Programme Acoustic Guidance.*
79. *The potential noise impact from fixed plant on the nearest residential receptor has been assessed. Plant should be designed to ensure a maximum noise level of 50dB(A) at 3m from any façade. If this is achieved, it is unlikely that complaints will occur from residential properties arising from plant noise. The proposed site plan indicates that a sprinkler tank and pump house would be located near to the western boundary of the site. The only 'noisy' item in the pump house would be the single 11KW electric pump which would be tested once a week during the day for a few minutes to ensure that the pump functions correctly. As such the sprinkler tank and pump house would not give rise to any notable noise impact at neighbouring properties due to the short duration. Any prolonged operation of the pump house will occur during a fire event which can be considered an extreme one-off event. All plant should be subject to a standard noise condition to guard against noise nuisance at neighbouring properties.*
80. *The school currently has a capacity for 420 pupils and no increase in capacity is proposed. This will help maintain the prevailing noise climate, and should help minimise any adverse reaction from surrounding neighbouring residential properties. There will be some redistribution of play spaces around the site. While there may be some change in the type, duration and frequency of noise at some properties, it is unlikely to provoke an adverse reaction from residents due to the long established precedent of noise from external school activities over many years.*
81. *The submitted noise assessment has also considered the noise impact from the use of the school buildings outside of normal school use by community groups etc. A noise condition will be required to control noise from activities within in the school grounds outside of normal school hours.*
82. *Baseline noise levels recorded at this site indicate that a threshold value of 65dB LAeq,1hr will be applicable during construction. The contractor should outline what steps to be taken to minimise noise impact from construction activities within a Construction Environment Management Plan, which would be conditioned as part of any granting of permission.*
83. **NCC Flood Risk Management** – Drainage proposals are acceptable and a condition requiring a detailed drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development is recommended.
84. **Severn Trent Water Limited** – No response received.
85. **Western Power Distribution** - No response received.
86. **National Grid (Gas)** - Gas apparatus is present on the site.

## Publicity

87. 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.
88. Councillor David Kirkham has been notified of the application.
89. Six residents of Westbourne View/Westbourne Road, and one resident of St Mary's Road, have submitted representations. One of the residents does not object to the school building. The objections raised are summarised as:

#### Highways/Traffic

- a) Westbourne View is a cul-de-sac with inadequate capacity. Traffic congestion. Existing parking problems. Obstruction to emergency services accessing Westbourne View.
- b) Parents, staff and visitors park on the highway. Lack of parent parking. Inadequate on-site staff parking. Requests that staff, visitors and parents do not park on the Westbourne View are ignored.
- c) Inconsiderate drivers and inconsiderate parking (6). Blocking of driveways (2). Abuse from parents (2). Poor parking is a danger to children.
- d) The highway on Westbourne View is in poor condition (2).
- e) Parking problems on Westbourne View will worsen. Increased traffic with outdoor use outside school times. Increased traffic will affect child safety.
- f) Provide double yellow lines on Westbourne View. Westbourne View should become a resident-only parking zone.

#### Privacy and Amenity

- g) Loss of privacy from overlooking of property on St Mary's Road and Westbourne View from the new school building (2). Loss of privacy to the rear of 2 Westbourne Road from use of the existing path to the nursery could be addressed through additional planting.
- h) A maintenance regime is needed for existing and proposed trees.
- i) Noise from extended hours of use of outdoor facilities.

*[Comment: Three residents have raised concern about flood lighting of outdoor pitches, giving rise to loss of amenity, noise and increased traffic. However, flood lighting of pitches is not proposed and is not material to the determination of this application.]*

- j) Noise from the sprinkler tank/pump housing.
- k) Impact of security lighting on neighbouring property. Motion-sensor lighting will be activated by foxes.

#### Other Matters

- l) Drainage from the sprinkler tank/potential to leak and cause flooding.
90. The issues raised are considered in the Observations Section of this report.

## Observations

### Strategic Education Provision

91. The proposal would replace school buildings that are reaching the end of their design life and are no longer suitable for the delivery of a modern educational curriculum. The proposed school, with a design capacity of 420 pupil places, would replicate current provision and staff numbers would remain unchanged.
92. 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 2).
93. In determining this application, consideration needs to be given to whether the proposed development would give rise to significant harm that could not be mitigated through the imposition of conditions.

### Highway Impact, Traffic and Movement

94. NPPF *Promoting Sustainable Transport* Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst concern is raised in representations (Paragraph 89e)) that parking problems will worsen, the proposal would replace existing school buildings on a more compact footprint, but would not result in an expansion or increase in the capacity of the school. Concern has been raised that traffic will increase with use of outdoor facilities outside of school times. However, community use of the site would be less intensive than when the site is used a Primary school and does not give rise to significant highway concerns. The playing fields are not proposed to be flood-lit and community use of outdoor facilities would be limited to daylight hours.
95. Ashfield Local Plan Review (Adopted November 2002) (ALPR) Policy ST1 *Development* will permit development (amongst other criteria) that will not adversely affect highway safety, or the capacity of the transport system. The principal access to the school is on Westbourne View, which is a cul-de-sac. The provision of the new school access would result in the loss of two existing parking spaces. However, the spaces would be re-provided following demolition of the Key Stage 1 building, modification of the car park layout and re-instatement of the site. Whilst the concerns of local residents are acknowledged, and a planning application to replace the school could appear to offer an opportunity to address existing issues, the concerns raised relate to the existing operational use. Addressing a lack of parent parking (Paragraph 89b)), the

provision of dedicated parent parking would be contrary to sustainable travel objectives and could encourage parents to drive to school and potentially worsen impacts on the highway in proximity to the school.

96. Once the new school is occupied, demolition has taken place and the new access from Westbourne View has been provided, the informal, unmade pedestrian access to the school between the Nursery and Sure Start Centre and the rear of properties on Westbourne Road would only be used as a site maintenance access. The relocation of the pedestrian access 40m to the north would not give rise to material change in terms of traffic or trip generation on Westbourne View. However, it is recommended that a review of the School Zone on Westbourne View and Westbourne Road is undertaken to ensure that appropriate highway markings, signage and, if required, pedestrian guardrails are provided (Condition 26).
97. No change is proposed to the pedestrian and vehicular access points on St Mary's Road. The car park accessed from St Mary's Road would continue to be used by staff and, with there no longer being a need for space to be taken by bin storage, one additional parking space would be made available following the demolition of the Key Stage 2 building. On visiting the site during the school day it has been observed that parking spaces were available in both school car parks.
98. ALPR Policy TR3 *Pedestrians and People with Limited Mobility* will permit development where suitable provision is made for safe and convenient access by pedestrians and people with limited mobility. Pedestrian routes would be suitably segregated from vehicular traffic within the site. Disability parking spaces would be provided closest to the school entrance gate and the current number of disability parking spaces would be re-provided at the new school. It is considered that adequate car parking, and on-site parking and manoeuvring space for service vehicles, would be provided to meet the operational needs of the school.
99. 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, poor parking by parents and the obstruction of drives by parked vehicles is an understandable source of annoyance. Notwithstanding representations reported at Paragraph 89f), existing highway conditions are not considered to require a Traffic Regulation Order to be made. Should circumstances change, an Order to control on-street parking or the introduction of a resident-only parking scheme could be made, following separate procedure under the provisions of the Road Traffic Regulation Act 1984 and following public consultation.
100. Members are advised that it would be unreasonable to withhold planning permission on highway grounds for a redevelopment of the site which would not materially change the character of the existing use. If planning permission was not to be granted the existing school would continue in operation and existing highway issues identified in representations would persist.

101. The framework for a Travel Plan has been submitted in support of the application and identifies relevant school issues. The school is best positioned to influence parent behaviour and address the representations raised at Paragraph 89a)-89c). A robust School Travel Plan that is both deliverable and enforceable would maximise the use of non-car modes of transport and it is recommended that education relating to sustainable travel; safe travel to school; demand for, and future provision of additional covered cycle spaces; safe student drop-off and pick-up; and considerate parent parking are the subject of a recommended condition (Condition 24).
102. Concern has been expressed in representations about the poor condition of Westbourne View (Paragraph 89d)). Whilst beyond the application site, the quality of the highway may be impacted by construction traffic needing to make tight manoeuvres in order to gain construction access between the Nursery and Sure Start building and the rear of properties on Westbourne Road. Conditions are recommended to require a highway baseline condition survey and post-completion survey (and if required, damage arising to be repaired) to be submitted (Condition 5 and Condition 23).
103. ALPR Policy TR2 *Cycling Provision in New Developments* will permit development to which cyclists would reasonably expect to have access where provision is made for safe and convenient cycle access. The initial provision of 30 cycle parking spaces is considered to be appropriate for a 420 place school. 16 of the spaces would be covered and located centrally on the site benefitting from passive surveillance from the school building and the sports hall. The need for the provision of additional spaces, and covering of cycle spaces, is recommended as an objective of the School Travel Plan (Condition 24).

#### Built Development, Landscape Impact and Replacement Playing Field

104. ALPR Policy ST1 *Development* will permit development (amongst other criteria) that will not adversely affect the character, quality, amenity or safety of the environment.
105. The proposed redevelopment would not alter the character of the site, although the impact of development on neighbouring property requires further consideration. Existing single storey school buildings would be replaced by a two-storey building on a compact footprint. The orientation of the building would present the end elevation (18.3m in width) towards St Mary's Road (Plan 3). The building, with a ridge height of 10.2m, would be sited at closest 44m from the nearest house and would have an acceptable relationship to properties to the west. No windows are proposed to be installed at first floor level in the west facing elevation of the building and would not threaten the privacy of neighbouring property. The central location on the site and landscape impact of the building is considered to be acceptable.
106. The closest property to the south (18 Westbourne Road) would be sited 46m from the building. It is considered that the use of first floor classrooms would not give rise to unacceptable threat to the privacy of neighbouring occupiers, and would be acceptable in compliance with ALPR Policy ST1 *Development*.



107. The design review undertaken by NCC Design Services reported at Paragraph 54-55 is supportive of the proposal. The use of red brick, grey window frames and louvres, two shades of green and grey infill panel, and the contrast of two render colours are considered to be acceptable. The NCC Design Review comments on the insignificance of the proposed entrance canopy, but the use of green render and signage on the portico, which would stand proud of the building, is considered to be acceptable.
108. Although modified by the siting of the proposed building, existing areas of outdoor hard play used by Key Stage 1 and Key Stage 2 would be retained and re-used. The overall provision for hard play is considered to be acceptable and makes efficient use of legacy areas of outdoor play.
109. Playing field to the south of the existing school and a graded bank to the north of the Key Stage 1 building is the subject of ALPR Policy RC3St, which seeks to resist the development which would lead to the loss of formal open space unless (amongst other criteria) new formal open space would be provided locally.
110. Sport England Planning Policy Statement, *A Sporting Future for the Playing Fields of England*, explains that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless one of a number of exception criteria can be met.
111. Policy E4 would be met where *the playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.*
112. Appropriate replacement playing field provision would be made to the north of the school access road, to the east of the retained sports hall on the site of the existing Key Stage 1 building. Subject to replacement playing field being of a quality equivalent to that lost, and recommended conditions requiring the submission of a baseline pitch assessment to be used as a minimum specification for the area of replacement playing field, Sport England does not object to the application (Condition 10 and Condition 19). A construction specification for new hard play areas, drainage of new areas used for outdoor play, a grid of levels of areas of replacement playing field and new areas of hard play, and timetable for their provision are also the subject of recommended Condition 19. It will not be possible to construct the replacement playing field until after the Key Stage 1 building has been demolished.
113. ALPR Policy EV8 *Trees and Woodlands* will not permit development which would adversely affect trees worthy of retention. Where trees would be lost as a result of development, replacement or mitigating planting will be required.
114. Construction access, the siting of the building, and provision of replacement playing field would require trees to be felled. The loss of tree specimens, although generally of good quality, needs to be balanced against the merits of the proposed development. With the exception of the Category B sycamore (T37) and Norway Maple (T38), trees that would be removed are not visually

prominent or notable specimens when viewed from public land. Subject to the provision replacement tree planting, the loss of trees is considered to be acceptable (Condition 18). An Informative is recommended to advise that the six Category B trees to be felled should be replaced by Extra-Heavy Standard trees, while three Category C trees should be replaced by Heavy-Standard specimens (Note 4).

115. It has been suggested that a maintenance regime is needed for existing and proposed trees (Paragraph 89h)). It is considered that to require a tree maintenance regime for existing trees by planning condition would go beyond the scope for which planning permission is sought. However, any necessary works should be carried out as part of routine maintenance of the school site.
116. Parent assembly currently takes place on Westbourne View and the unmade pedestrian access to the south of the Nursery and Sure Start Centre. Although the applicant has been asked if planting can be provided adjacent to the rear boundary of 2 Westbourne Road, the applicant has declined on grounds of cost. However, ceasing to use the access would reduce potential for loss of privacy and overlooking of the rear of 2 Westbourne View. Two replacement trees would be planted to the rear of 2-4 Westbourne View and is considered to be satisfactory.
117. The precise details of the height and design of the sprinkler tank and associated pump housing is not yet known, and the detail of the design and height of the surrounding enclosure would be reserved by recommended Condition 15a). An illustration, showing that the sprinkler tank and pump housing would be enclosed by timber, has been submitted in support of the application. The siting of the enclosure a maximum of 3.5m in height and 5m from the boundary with 31 St Mary's Road is considered to be acceptable and the visual impact would be mitigated by the proposed planting of two trees. Noise associated with the operation of the sprinkler tank and pump is considered in the following section of the report.

#### Contamination and Noise

118. Although Ashfield District Council has recommended that site contamination is the subject of a four-stage planning condition, the submitted desk top study is considered to be satisfactory and the site investigation, whilst limited, has not identified significant site contamination issues. A condition is recommended to require the submission of a watching brief with a precautionary approach to be taken in the event that unexpected contamination is encountered (Condition 11 and Note 2).
119. There is potential for asbestos containing materials to be encountered when the existing school buildings are demolished. The two existing school buildings would be demolished separately and recommended Condition 21 would require a pre-commencement asbestos survey and validation report for each building to be submitted to confirm that the post-demolition footprint does not contain asbestos containing materials or other contaminated materials.
120. Construction work has the potential to generate significant levels of noise, and construction activities and deliveries to site should be controlled through

planning condition (Condition 8 and Condition 9d)). The movement of construction traffic during periods at the beginning and end of the school day should be restricted (Condition 8c)). In addition, the demolition of the existing school buildings should be controlled and is the subject of recommended Condition 22.

121. The consultation response from NCC Project Engineer (Noise) considers the potential noise impact from operational outdoor activity but does not anticipate that use of areas of playing field would provoke an adverse reaction from residents. The consultation response also identifies an established precedent of noise from external school activities, although outdoor activities may be redistributed on the site. The existing school capacity would remain unaltered and would maintain the prevailing noise climate, minimising any adverse reaction from surrounding neighbouring residential properties.
122. With reference to the consultation response from Ashfield District Council and the representation reported at Paragraph 89i), out of school use of outdoor facilities would be likely to be at a scale less intensive than use as a Primary School. The floodlighting of pitches is not proposed and activity would be limited by hours of daylight. It is considered that noise impact on residential amenity would be safeguarded by the imposition of a condition to control maximum permissible noise levels arising from operational activities (Condition 27). A precautionary condition is recommended to control night-time noise (Condition 28).
123. The noise generated by the sprinkler tank pump has been considered by NCC Project Engineer (Noise), concluding that the short duration of weekly testing should not give rise to any notable noise impact at neighbouring properties and is considered to be acceptable. Whilst it is considered unlikely that fixed plant at the school will give rise to adverse noise impacts at neighbouring properties, a precautionary condition is recommended (Condition 29).

#### Sustainability

124. Sustainable features set out at Paragraph 34 of the report are appropriate and are considered to be acceptable.

#### Security & Lighting

125. The site would be secured by a combination of existing perimeter fencing and additional fencing on the frontage to Westbourne View following demolition of the Key Stage 1 building. However, the use of galvanised palisade entrance gates and fencing adjacent to the car park on Westbourne View would be unattractive in appearance and not visually appropriate in a prominent location at the school. It is considered that Heras-type fencing, typically used at schools throughout the County, would be acceptable. Notwithstanding submitted details, it is recommended that the design and appearance of security fencing is reserved by planning condition (Condition 15d)).
126. Proposed CCTV would provide suitable surveillance of the building and would not intrude on the privacy of neighbouring residents. The submitted lux plot demonstrates that proposed lighting will not give rise to significant impacts

outside the site and is considered to be acceptable. A condition is recommended to ensure that installed lighting will not cause unacceptable glare in compliance with Institute of Lighting Professionals *Guidance for the Reduction of Obtrusive Light – Table 2 - Zone E2* (Condition 16).

## Ecology

127. The proposed development would not give rise to significant ecological impacts. Conditions are recommended to control vegetation clearance during bird nesting season (Condition 4), the provision of bird nesting opportunities and bat boxes in the development (Condition 17), and the submission of details of replacement tree planting (Condition 18). It is recommended that Category B trees to be felled are replaced by Extra-Heavy Standard trees, with Category C trees replaced by Heavy-Standard trees (Note 4). Whilst a retained pond could benefit from being enlarged, it is not considered necessary in order to make the development acceptable.
128. The consultation response from NCC Ecology recommends that a condition is imposed to require hanging tiles to be removed by hand from buildings to be demolished. The method is stated in Paragraph 5.2.3 of the Bat Survey Report submitted in support of the application, and recommended Condition 3 requires development to be carried out in accordance with the submitted documents and recommendations of reports. An informative is recommended drawing attention to this specific matter (Note 1).

## Site Drainage

129. NPPF Paragraph 103 advises that when determining planning applications, it should be ensured that flood risk is not increased elsewhere. The submitted surface water drainage strategy is acceptable in principle and a condition is recommended to require the submission of a scheme of surface water drainage based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development (Condition 13).
130. With reference to the representation reported at Paragraph 89 I), the sprinkler tank compound would be positively drained and would be adequate other than in the unlikely event of a failure of the tank.

## Construction

131. Plans illustrating how phased development would be carried out whilst keeping the school operational are acceptable in principle, although further detail will be required through the submission of an Environment Management Plan. There is the potential that stacked site cabins and the location of windows in the temporary buildings could impact on neighbouring privacy and amenity. Use of the access between the Nursery and Sure Start Centre and the rear of properties on Westbourne Road, for construction and subsequently temporary access to the operational new school before the new vehicular access is provided, may give rise to loss of privacy to adjoining properties.
132. Furthermore, during the Key Stage 1 demolition works and prior to the new access and re-modelled car park on Westbourne View being provided, reduced

staff car parking would be available. The submission of additional information to clarify the programme of construction is the subject of recommended Condition 9.

133. Restrictions on the timing of deliveries to site, permissible hours of construction, and noise generated by construction activities are the subject of recommended Condition 8.

### **Other Options Considered**

134. 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**

135. 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.

#### Implications for Service Users

136. The new school would bring benefits to all users, both staff and pupils, through the provision of a new school building which has been designed to meet modern educational needs.

#### Equalities Implications

137. Changes in level do not permit disability access within the site between the staff car park accessed from St Mary's Road and the remainder of the school site. However, suitable disability access would be provided via the pedestrian access from St Mary's Road and the staff and visitor car park accessed from Westbourne View. A lift within the building would provide disability access to the first floor.

#### Crime and Disorder Implications

138. The school site would be secured through existing and additional security fencing and the building would benefit from CCTV.

#### Human Rights Implications

139. 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 the re-distribution of activities on the site. The proposals have the potential to introduce impacts such as noise and disturbance and potential loss of amenity

to neighbouring occupiers. However, these potential impacts need to be balanced against the wider benefits the proposals would provide through the provision of a replacement school to deliver the current educational curriculum. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Safeguarding of Children Implications

140. The proposed development includes the retention of existing security measures, the provision of additional fencing to adequately safeguard children at the school, and the provision of CCTV on the new school building.

#### Implications for Sustainability and the Environment

141. These are set out and considered at Paragraphs 34 and 124 of the report.
142. There are no Financial or Human Resource implications.

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

143. In determining this application the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts on the privacy and amenity of neighbouring properties and provision of adequate operational car parking, which have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### **RECOMMENDATIONS**

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

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

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

[SLB 18.05.2015]

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

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

[SES18.05.2015]

## **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**

Sutton-in-Ashfield Central

Councillor David Kirkham

Report Author/Case Officer

David Marsh

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

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