



14 December 2021

Agenda Item: 5

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

**RUSHCLIFFE DISTRICT REF. NO.: 8/21/02694/CTY**

**PROPOSAL: 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.**

**LOCATION: SHEEPWASH WAY, EAST LEAKE, NOTTINGHAMSHIRE, LE12 6PW**

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

### **Purpose of Report**

1. To consider a full planning application for the erection of a temporary primary school (Learning Village) for up to 120 pupils on land to the east of Sheepwash Way, East Leake. The key issues relate to the principle of the development and the traffic/travel related impacts of the proposed point of access. The recommendation is to grant planning permission subject to the conditions set out in Appendix 2.

### **The Site and Surroundings**

2. Residential estates have been built or are under construction to the south of East Leake. Persimmon Homes have built a residential estate to the west of this application site, while David Wilson Homes are building an estate to the south, accessed from Rempstone Road. Both developments have a requirement to provide land for a school.
3. This application relates to land to the east of an area of public open space provided as part of a Persimmon Homes residential estate development and to the east of public footpath East Leake FP5. Land forming part of the area of public open space connecting Sheepwash Way with the proposed school site, which has been landscaped including planted saplings, is included in the red line of the planning application (Plan 1). A 3.0m wide footpath (which is to be lit) surfaced with a rolled stone finish and crossing an open surface water drainage feature has recently been constructed by David Wilson Homes between public footpath East Leake FP5 and Sheepwash Way, and is also included in this

application site boundary. A row of trees including oak has been planted along the northern side of the path.

4. Public footpath East Leake FP5 runs north-south along the eastern side of the area of public open space and to the immediate west of the proposed school site. The path at this point has a definitive width of 1m and has a trodden earth surface. The public footpath is enclosed by post and wire fencing to either side.
5. With the exception of one point at the eastern end of the northern boundary (intended for a drainage outfall to the watercourse) the application site is separated from Sheepwash Brook by a marginal area of grass and mature boundary trees which lie within Flood Zone 2 and Flood Zone 3. The application site does not extend as far as a drainage ditch running along the eastern boundary of the field. The site of the proposed temporary school lies in Flood Zone 1.
6. A mature plantation with trees planted on a 3m x 3m grid lies to the south but not within the application site. The hedge separating the public open space from the David Wilson Homes residential development under construction to the south lies beyond the red line of the application site.
7. The proposed school site lies within a larger field which is generally flat with a gentle fall towards Sheepwash Brook to the north. There are three small trees within the field and within the application site. The level of the recently constructed footpath from Sheepwash Way rises to the east to meet public footpath East Leake FP5.
8. Plan 2 shows the application site in the context of the adjacent residential Persimmon Homes development to the west, with the David Wilson Homes development to the south under construction.
9. 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, and will use the recently constructed path from Sheepwash Way to connect to public footpath East Leake FP5 once temporary construction fencing has been removed by David Wilson Homes.
10. Excluding the turning head and private drives, there are extended lengths of dropped kerb along the frontage with limited on-street parking available on Sheepwash Way. It is estimated that there is on-street parking for approximately 12 cars on Sheepwash Way and Skipper Close in reasonable proximity to the proposed school site, although there is off-street parking available on the wider highway network within the Persimmon Homes development. Extended lengths of dropped kerb are common feature of the residential estate.

## **Planning history**

11. Rushcliffe Borough Council (RBC) permission 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 (on appeal). 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.

12. Permission for an additional 83 homes has been granted on the Persimmon Homes development (RBC/19/00323/FUL).
13. 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 identified land in the north-east corner of the housing site (to the south of the plantation) to the County Council for a primary school, subject to planning permission having been obtained for the school.
14. RBC 20/00887/DISCON – Approval of the lit footpath/cycle path linking public footpath East Leake FP5 to Sheepwash Way 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 a culverted crossing of the ditch adjacent to the turning head at the end of Sheepwash Way. The path has recently been constructed (Paragraph 3).
15. Nottinghamshire County Council 8/21/01029/CTY - Outline application (with some matters reserved) for the erection of a Primary School for up to 2-forms of entry (in phases), plus 26-place nursery with associated car parking, associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2m high security fencing and gates to perimeter and sprinkler tank. Provision of bound surface and lit 3m shared pedestrian and cycle path on route of public footpath East Leake FP5. Bound surface and lit path and bridge between Sheepwash Way and Public Footpath East Leake FP5 – approved June 2021. The application approved the scale of development, a pedestrian access from public footpath East Leake FP5, and vehicular access from the loop road within the David Wilson residential estate. The grant of permission is the trigger for the transfer of the school land identified in both the Persimmon Homes and David Wilson Homes s106 agreements.

## **Background**

16. The applicant has identified issues related to construction of the school granted planning permission under reference 8/21/01029/CTY, which relies on the goodwill of David Wilson Homes and negotiated access, and is not confident that suitable safe access to the school will be in place (as required by conditions the permission) by September 2022 when additional school places will be required in East Leake.

17. Because of that uncertainty and the time required to deliver a new school the County Council needs to put measures in place so that its legal obligation to offer school places is met. The anticipated opening date of the new permanent school is September 2023.

### **Proposed Development**

18. Planning permission is sought to erect a temporary school providing up to 120 places on land that will become the school playing field of the permanent school approved by outline planning permission 8/21/01029/CTY (Plan 3). The school would be accessed from Sheepwash Way and would be able to operate without impacting on, or being affected by, the construction of the permanent school building, development of which is to be accessed from the loop road within the David Wilson Homes site lying to the south (Plan 2).
19. Six modular buildings all of single storey construction 2.9m in height elevated slightly above the ground to a maximum height of 3.3m would be erected on the site: an administration building (12.8m x 9.8m); a school hall (14.8m x 9.0m) with attached kitchen and linked store; reception classroom (19.2m x 10.2m) with an adjacent outdoor soft play area with external canopies; and three classroom buildings (9.8m x 9.4m), with turfed soft play provided to the east. The classroom buildings are not new, and have previously been used in the provision of a temporary school at Rosecliffe, Edwalton while the new school there was being completed. The buildings would be faced with Plastisol coated steel with white coloured uPVC window frames and white colour coated steel doors.
20. The tarmac circulation area between the buildings and outdoor play would be segregated from the school car park by a 1.2m high timber fence.
21. 18 car parking spaces would be provided, including two disability parking spaces. No provision for electric vehicle charging is proposed for the temporary school, although the applicant has stated that provision would be made within the permanent school development. 10 cycle spaces are proposed on the application form although their location is not shown on the submitted site plan.
22. The school buildings, car park and access road would be lit, with lighting used as required during operational hours only other than for the purpose of site security. Lighting would be designed to minimise its effect on bats. The footpath linking Sheepwash Way and public footpath East Leake FP5 would be lit by permanent lighting currently being installed as part of David Wilson Homes permission 20/00887/DISCON. A short length of public footpath East Leake FP5 would be temporarily lit from within the school secured boundary.
23. Surface water would be directed to a balancing pond to the east of the school buildings which would discharge to Sheepwash Brook to the north.
24. A temporary access road approximately 100m in length and 5m in width would be constructed from the end of the Sheepwash Way turning head across the

Persimmon Homes area of public open space and would run parallel to the recently constructed footpath link. An existing surface water drainage ditch close to the turning head would be bridged with the ditch temporarily culverted beneath the road.

25. A turning head would be provided at the eastern end of the access road allowing larger vehicles to turn, including school delivery vehicles and minibuses that may be required for school travel. A gate would be provided at the western end of the access road close to Sheepwash Way and, once operational, use of the access road would be restricted to staff, disability, service and emergency vehicles only. Other than for disability access the submitted planning application does not include any provision for parent drop-off and pick-up except from the public highway.
26. Journeys by staff in the morning and afternoon would be one-way and take place before pupil related arrivals and departures at the beginning and end of the school day. In addition, there would be occasional trips throughout the day by visitors, and in servicing the school. The supporting revised Transport Statement identifies that 14 full-time staff would be employed, as well as six occasional site staff (cleaners and catering staff). The applicant has used the nationally recognised standard to determine trip generation data (TRICS) to estimate that a 120 place school is likely to generate 44 morning drop-off and 36 afternoon pick-up peak hour trips by vehicle.
27. The Transport Statement proposes that to minimise impacts, the school will follow guidance in the recently launched Nottinghamshire School Travel Toolkit which provides resources to schools to encourage greater use of walking, cycling, scooting and public transport to school, and to mitigate problem parking. In addition, the school will invite regular visits by the Nottinghamshire parking enforcement team to monitor parking along Sheepwash Way during the time in which the Learning Village is in operation.
28. Pedestrians would access the school along the recently constructed footpath, although it would be upgraded to incorporate a bound surface. The tarmac margin at the end of the Sheepwash Way turning head between the path provided by David Wilson Homes and the dropped access to 45-49 Sheepwash Way would be widened to 3.0m to encourage use of the footway by pedestrians rather than walking onto the road. A widened path would also provide improved connectivity between the currently constructed path and carriageway for cyclists.
29. A 33m length of public footpath East Leake FP5 between the hedge boundary with the David Wilson Homes site and entrance to the temporary school would be provided at a width of 3m, surfaced with a bound finish and permanently retained. Pedestrians would cross the temporary vehicular access to the school before entering the school site. Pedestrians may also approach the school across the public open space or along the public footpath from the north, although weather and ground conditions are likely to influence use of these alternative options.

30. A temporary post and wire fence would be provided between the parallel pedestrian path and temporary vehicular access road to maintain segregation and prevent pedestrians taking a more direct route to the pedestrian entrance gate. Temporary fencing would also be provided along the northern side of the school access road.
31. Notwithstanding the proposed use of Palisade fencing stated on the application form, the applicant has clarified that the type of fencing actually proposed is *Paladin* and is typically used at school sites. 2.0m *Paladin* security fencing with gates would be provided around the school buildings, car park and operational outdoor play areas. 10 cycle spaces would be provided within the secured school fence line.
32. When the new permanent school is brought into use, the buildings would be removed and those areas within the permanent school site would be developed in accordance with details that are to be submitted in compliance with outline planning permission 8/21/01029/CTY (or another permission which may be granted), and would include the modification/re-design of the balancing pond to be suitable for the permanent school. The *Paladin* security fencing would be removed with alternative fencing to be provided as part of the permanent school. Elsewhere, the improvement to public footpath East Leake FP5 would be retained, as would the improvement to connectivity for pedestrians and cyclists adjoining the end of the Sheepwash Way turning head (Plan 4). The temporary access road, fencing to either side, gates and culverted access crossing would be removed and the area reinstated as public open space to its current condition, including replacement tree planting.
33. Pupil place projections show that there is an anticipated requirement for 69 places in the East Leake Pupil Place Planning area in school year 2022/23. The actual demand for places at the proposed school will be influenced by a number of factors such as the age of children moving into new housing locally and parental choice. Children in the temporary school still of Primary school age would move to the new permanent school once opened.

Pupil Year	R	1	2	3	4	5	6	Total
Places Available (PAN)	120	120	120	120	120	120	105*	825
Projected Places Required	151	121	136	126	113	111	120	878
Additional Places Required	31	1	16	6	0	0	15	69

Table 1: Projected demand for pupil places in East Leake Primary Planning Area 2022/23

\*Brookside Primary - 30 children in Yr 6 and 45 and in all other year groups

34. It is proposed that the school would open with a Published Admission Number (PAN) intake of 30 in Reception year with 15 children in all other age groups. Years 1-6 would be able to operate with combined year groups in the three classrooms.

Pupil Year	R	1	2	3	4	5	6	Total
Places Available	30	15	15	15	15	15	15	120

Table 2: 2022/23 Temporary School pupil intake

35. Although the proposed temporary school would have capacity for 120 children the applicant has stated that *Pupil Place Planning projections and statistical evidence from previous free schools that have opened in Nottinghamshire, suggest that the temporary school (Millside Spencer Academy) will not fill all of their 120 places in 2022/23.*
36. *Hucknall Flying High Academy opened with capacity for 120 pupils in September 2019. On their first census (October 2019) they had 83 pupils on roll. Rosecliffe Spencer Academy opened (in a temporary learning village) with capacity for 135 pupils in September 2020. On their first census (October 2020) they had 86 pupils on roll. Based on this evidence, it is reasonable to assume that Millside Spencer Academy will open with approximately 80 pupils on roll. Actual pupil numbers will be determined by parental choice.*

## Consultations

37. **Rushcliffe Borough Council** – No objection subject to conditions for: removal of structures, foundations and surfacing by 31 December 2023 (except the vehicular access, access gate and lighting until after the permanent playing field works have been carried out) with the site to be restored within 3 months of the permanent school opening; detail of external finishes of buildings; development to be in accordance with the recommendations of ecological reports; a landscaping scheme; safeguarding of trees during construction; a contamination site investigation and validation; testing of imported aggregate and soils; a construction management plan; provision of electric vehicle charging; a lighting scheme; a noise assessment of the air source heat pump; a School Zone in the vicinity of the school vehicular and pedestrian entrance within the Persimmon Homes site and the roundabout crossings on Kirk Ley Road; and details of measures to prevent errant parking in the Sheepwash Way turning head.

38. *Whilst supportive of the proposal concerns are raised about the following matters:*
- a) *highways issues at pick-up and drop-off times of school children on the hammer head and potential parking conflicts during these times along Sheepwash Way.*
  - b) *Safety concerns regarding the design and layout of the roundabout on Kirk Ley Road and the signage around this feature, particularly for children crossing the highway at these points to access the school via Sheepwash Way.*
  - c) *Request for consideration of a Traffic Regulation Order (TRO) on Sheepwash Way and surrounding streets during school pick-up and drop-off times.*
39. *The technical input of the Highway Authority, the Lead Local Flood Authority, Public Rights of Way Team and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.*
40. *The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in and around Sheepwash Way in the event that such controls are not secured through the democratic process.*
41. *Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/coaches. Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc. so as not to block the public footpath/ pavements/ cycle paths for other users at school start and end times.*
42. *Consideration should be given to climate change impacts, energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle and cycle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.*
43. *Informatives are recommended related to ecology and ecological mitigation, external lighting with regard to impact on bats, and trees.*
44. *The full consultation response received from Rushcliffe Borough Council is attached at Appendix 1.*
45. **East Leake Parish Council** – No objection as the Council fully support the new school, but raise the following matters:
- a) *Reassurance that the access road will only be a temporary road only and that the green space will be reinstated once completed. The access road should revert to a lit cycle and pedestrian path.*



- b) *Measures need to be put in place to calm and to control traffic. Parking restriction is needed near the school. Concern over access for emergency vehicles due to parking issues. The access road is very narrow.*
  - c) *Child safety needs to be considered in proximity to the pond which should be enclosed.*
  - d) *Concern about the increase in heavy construction traffic. Large vehicles get stuck in the hammerhead on Sheepwash Way. Request that "No Construction Traffic" signs be erected. [It is understood that this relates to David Wilson Homes construction traffic being mis-directed to Sheepwash Way].*
  - e) *Could the school be accessed through the David Wilson Homes estate?*
46. **NCC Highways Development Control** - No objection subject to a condition to require a school zone including a Traffic Regulation Order, dropped crossing points and details of pedestrian/cycle routes.
47. *Sheepwash Way is not yet adopted highway maintainable at public expense. Also, it will not be adopted in at least the next 12 months.*
48. *The proposal has the potential to attract inconsiderate parking along Sheepwash Way and within the turning head at pick-up and drop-off times. It is recommended that a Traffic Regulation Order is implemented on Sheepwash Way in order to ensure that disruption to residents and the free flow of traffic is minimised. This would be at the applicant's expense. It should be noted that the Traffic Regulation Order would need the permission of Persimmon Homes as they are currently the owners of the road.*
49. *The amount of proposed on-site parking associated with the school is acceptable.*
50. *Taking into account the above, the Highway Authority has no objections in principle to the proposal due to the relatively short duration of time that the sole point of vehicle access will be provided from Sheepwash Way. Also, the amount of traffic associated with the proposal would be acceptable.*
51. **Via Countryside Access** – No objection subject to the path being surfaced in a bound surface with a neutral colour. Appropriate signage should be displayed.
52. *A resin bound surface of a more neutral colour will be more in keeping with path and area in the future, as opposed to tarmac. The path should be constructed to adoptable standards for longevity of maintenance and should have a level link into the natural surface to the north.*
53. *There is no agreement for the improved length of FP5 to be formally upgraded for cycle use for the short duration. "No cycling" signs are to be erected at each end.*

54. *A Temporary Traffic Regulation Order to close the path for public safety may be required for construction. An alternative route can be offered for the duration of the closure. Where the path can be kept open safely during construction a banksman should be used to safeguard the public using the footpath.*
55. *No structures are to be installed on the public footpath without the prior authorisation of the highway authority.*
56. *On reinstatement of the site, the widened and improved public footpath should be retained. Cycle signage should be altered to correctly sign authorised cycle routes, with a waymark post installed at the point where the cycle track splits from the public footpath to ensure clarity of the route. A post can be supplied.*
57. **Environment Agency** – No objection. *While the red line boundary does partially overlap with Flood Zones 2 and 3 all built development will be located within Flood Zone 1.*
58. **NCC Flood Risk** – No objection.
59. **NCC Nature Conservation** – No objection subject to conditions to require protection of Sheepwash Brook and trees along the watercourse during construction; bat sensitive lighting; precautionary methods to be employed to stop mammals being trapped during construction; site clearance to be controlled if carried out in the bird nesting season; a re-survey for protected species prior to commencement; and a scheme of grass snake mitigation and compensation.
60. *The Reptile Survey report has confirmed the presence of Grass Snake suggesting that a small population of this species is resident on the site. A range of mitigation and compensation measures are outlined and it will be necessary for these to be implemented as part of the development. It will also be necessary for the compensation measures to be retained once construction is complete (e.g. the hibernaculum). The Reptile Mitigation Strategy will need to align with proposals for site landscaping.*
61. **NCC Archaeology** – *No archaeology issues.*
62. **Via Noise Engineer** – No objection subject to a condition to require submission of an Environment Management Plan for construction, to include measures for the control of noise and vibration, liaison with neighbouring properties and the procedure to be followed in the event of a noise complaint.
63. *There is potential for noise disturbance from construction of the new temporary school, primarily from construction plant/activities and from delivery vehicles. The contractor should employ appropriate 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.*
64. *The positioning of the new classroom blocks will help screen the nearest properties from the proposed playing areas located to the east of the*

*proposed blocks and should not give rise to any notable annoyance as a result of the outdoor activities (from a noise perspective). The nearest residential premises are at a sufficient distance from the proposed new classroom blocks that it is unlikely that there would be any notable noise breakout from the classroom blocks when windows are opened for ventilation.*

65. **Via Land Reclamation** – No objection subject to a condition to require a site investigation including validation, and for development to be carried out under a watching brief for contamination.
66. *While the application is for a temporary development, there will be areas of permanent or long-lasting works. It is also possible that sensitive receptors will use the temporary buildings for a significant length of time, prior to the permanent school development being commenced. A geo-environmental ground investigation will be required, to confirm the suitability of the site for the proposed end-use.*
67. *The ground investigation should focus on the proposed soft-covered play / landscaping areas and balancing pond, in particular, as well as any other areas of permanent development.*
68. *In the event that surplus materials is generated during construction a permit, waste exemption or Materials Management will be required for disposal off-site. All materials must be tested to ensure suitability for re-use on-site or off-site and a hazardous waste assessment will be required for off-site disposal.*
69. **Severn Trent Water Limited** – No objection subject to a condition requiring no commencement of development prior to the approval of a scheme of foul and surface water disposal. *A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. Disposal of surface water should follow the SuDS hierarchy with discharge to soakaway or watercourse before a discharge to the public sewerage system is considered.*
70. A precautionary Informative is recommended drawing attention to the potential presence of unrecorded public sewers adopted under The Transfer of Sewer Regulations 2011 (Note 7).
71. **Via Safer Highways, The Ramblers, NCC Access Officer, Police Force Architectural Liaison Officer, Cadent (Gas) and Western Power Distribution** – No response received.

## **Publicity**

72. 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.

73. Rushcliffe Borough Councillor Way has written, and also on behalf of Ward Members Councillor Thomas and Councillor Shaw, raising the following matters:

- a) Concern over delay to the project such that a temporary school is needed at additional cost to the public purse. However, East Leake children are already having to be allocated school places outside the village so it is vital that the additional school places are ready for Sept 2022.

#### Access and road safety

- b) Disruption for residents of Sheepwash Way from traffic congestion and gridlock at the turning head. Parking restrictions need to be in place for the opening of the temporary school, but will be insufficient.
- c) A one-way system or turning circle of some kind is needed for the school drop-off zone. The proposed temporary road should be extended to provide a one way in and out system.
- d) The design of the roundabout at the junction of Kirk Ley and Woodgate Road, and the road crossings, need to be reassessed to ensure they are suitable for peak school traffic flows. The crossing points will be used more when the school opens. Concern about the safety of the roundabout have already been reported. Traffic speeds on Woodgate Road. Roundabout signage compromises visibility for pedestrians crossing the roundabout.
- e) School Zone measures should be considered at the roundabout, including zig-zags, timed illuminated warning signs, a road crossing patrol and 20mph zone.
- f) The footpath network within East Leake should be improved. The planned footpath along the eastern side of Kirk Ley [as part of the residential development] should be completed. An internal perimeter footpath around the Persimmon Homes development should be provided.

#### Trees

- g) Young trees impacted by the temporary access road and buildings can be removed carefully and planted elsewhere. The East Leake Tree Warden can advise on suitable locations. The line of young trees between the new footpath and the temporary access road should be retained and protected.
- h) Trees and hedgerows surrounding the temporary school, although outside the fenced area of the school, should be protected from damage during construction and removal of the school.

#### Other matters

- i) The bridge for the access road over the drainage ditch should be constructed so as not to impede water flow.

- j) Removal of the school buildings and access roads should be linked to opening of the permanent school rather than a fixed date, taking account of the need for traffic to use the temporary access route via Sheepwash Way to construct the playing fields.
- k) Although the school is temporary, at least one EV charging space should be provided in the staff car park.

74. In addition, four residents of Sheepwash Way (3) and Peacock Gardens (1) have written making the following representations:

#### Principle and impact of development

- a) The site should be accessed via the David Wilson site as originally proposed. Residents of the Persimmon Homes development should not be penalised for the delay in the application and building process that makes this temporary village necessary.
- b) Temporary buildings and a car park will permanently destroy footpaths and local habitat. Disruption to the lives of residents of Sheepwash Way and the surrounding estate is needlessly destructive.
- c) Damage and mess that will be created by the development.

#### Traffic/Highway impact

- d) Traffic chaos. No suitable mitigation can be proposed. Lack of parking enforcement.
- e) Sheepwash Way is not wide enough for the additional traffic (3), with width reduced by on-street parking. Lack of available on-street parking. There is already on-street parking on Sheepwash Way. Parking on pavements near junctions. Reduced visibility and road safety.
- f) There have been near misses on the roundabout (2). Narrow turn off the roundabout. Increased risk of accidents from increased traffic. Cars park on the road on Sheepwash Way close to the junction with the roundabout.
- g) The road is not suitable for lorries, delivery trucks, teachers' and parents' cars.
- h) Inadequate staff parking [the representation refers to there being 18 parking spaces for 45 staff whereas 14 full-time staff are to be employed at the temporary school].
- i) Coaches for school trips/emergency vehicles will not be able to turn.
- j) Parents will drop off children as part of a work commute rather than walk. Use of Sheepwash Way as a route to school will become habit forming for when the permanent school opens.

- k) Risk to pedestrians and road users. Increased traffic (2) with reduced safety to children (2) and pets. Already near misses between cars and children on bikes/scooters within the estate.
- l) Parking across driveways (3).
- m) Parents will turn and park on private drives. White 'H-bars' across drives and signage should be provided.
- n) The access road running parallel to the footpath across the open space is not safe.

#### Amenity

- o) Change in character of the cul-de-sac. Loss of amenity from through traffic to the school.
- p) Loss of green space (2) Will the development become permanent? The road is unlikely to be removed. Impact on the public footpath.
- q) A tree survey has not been submitted. Trees removed will not be replanted.
- r) The ecological appraisal relates to the wider permanent school proposal and not the temporary learning village. Loss of wildlife habitat (2) particularly for a temporary development. Impact on grass snakes. Impact of lighting on bats.

#### Other matters

- s) The residents pay for the maintenance of the open space by an estate management company (3). The developer should take over maintenance costs and the open space areas should be adopted.
75. Councillor Matt Barney and Councillor Reg Adair have been notified of the application.
76. The issues raised are considered in the Observations Section of this report.

#### Observations

77. The applicant anticipates that the school granted outline planning permission under application reference 8/21/01029/CTY will not be completed and provided with suitable safe access for the beginning of the 2022/23 academic year due to housebuilder construction activity taking place on the David Wilson Homes site. The applicant has demonstrated an urgent need for pupil places in the East Leake Pupil Place Planning area by September 2022 and is proposing to address this through temporary school provision on the future playing field of the permanent school site. Other schools in the East Leake Pupil Place Planning Area have no additional capacity and cannot be expanded. Taking children to

schools outside the Pupil Place Planning Area by bus is not desirable in terms of providing services where they are needed to support the local community, the well-being of children or travel sustainability.

78. The provision of a school on the land east of the public footpath is acceptable in principle, having formed part of the application granted planning permission for the Persimmon Homes development with the s106 Agreement making provision for access to the site. Although details of the proposed permanent school pursuant to planning permission 8/21/01029/CTY have yet to be submitted, from the indicative plan submitted and approved points of vehicular and pedestrian access, it is expected that the location of a temporary school on an area of future playing field separated from the school building construction site by the belt of mature trees would not adversely affect construction of the permanent school. The playing field would not be available at the time the permanent school first opens as the site of the temporary school would need to be cleared and the playing field constructed.
79. The permanent school will be accessed from Sheepwash Way on foot and, for some parents, parking on Sheepwash Way may be convenient. The likelihood and potential impact of parents parking on Sheepwash Way around school start and finish times has already been assessed as part of the grant of outline planning permission 8/21/01029/CTY. The impact on the highway of a 210 place school with 26 place nursery in the first phase of that permission has been determined to be acceptable with an expansion to 420 places to take place following an assessment of traffic impacts. Condition 32 of the outline planning permission states:

Phase 2

32. The expansion to 420 pupil places (Phase 2) shall not commence until:
- a) a methodology for a base-line traffic survey has been submitted to and approved in writing by the CPA;
  - b) a traffic survey has been undertaken in accordance with methodology approved in compliance with Condition 32a);
  - c) a Transport Statement that demonstrates that the expansion of the school will not give rise to unacceptable highway traffic and amenity impacts, along with:
    - i) any mitigation; and
    - ii) a proposed timescale for the implementation of mitigation measures in advance of the Phase 2 school opening;

has been submitted to and approved by the CPA in writing. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of highway safety and amenity.*

80. It is considered that the traffic impact of the proposed temporary Learning Village with a maximum of 120 children on the school roll served by a single point of access would be similar to a 210 place school and 26 place nursery with two points of access, although nursery start/finish times could vary from those of

the school. The Transport Statement supporting the application concludes that the impact on the surrounding highway network will be negligible and this view is not challenged by Highways Development Control (Paragraph 50).

81. Although the temporary school would have capacity for 120 children the applicant has explained, drawing on the examples of Rosecliffe (which opened with a temporary Learning Village) and Hucknall Flying High schools that with the exception of Reception year which filled to the Published Admission Number (PAN) other year groups have not filled to their PAN capacity. Applying the experience elsewhere to the proposed temporary school suggests there may be approximately 80 children on the school roll, with reduced traffic impact as a consequence. Although the application considers the worst-case traffic impact of the temporary school operating at capacity it is considered likely that the traffic impact would be less than that which has been assessed.
82. Notwithstanding the Transport Statement conclusion that the school will have negligible impact on the highway network, a school accessed from the end of a cul-de-sac, albeit for a temporary period, is far from ideal and does not include any on-site provision for pupil drop-off and pick-up by parents choosing to drive their children to and from school. The permanent school is to be directly accessed from the David Wilson Homes development loop road, but will also be accessible from Sheepwash Way along the cycle/pedestrian link provided as part of that residential development. Where such connectivity is provided it is likely to attract traffic, although the degree to which it is used will depend on how convenient it is to park.
83. The roads within the Persimmon Homes development have extended lengths of dropped kerb that provide continuous frontage parking to properties. Excluding the turning head and private drives it is estimated that there is on-street parking for approximately 12 cars on Sheepwash Way and Skipper Close in reasonable proximity to the proposed school site, although there is off-street parking available on the wider highway network (Plan 2). The limited availability of on-street parking may influence the behaviour of some parents in their choice of whether to drive or walk to school. The provision of cycle parking will offer an enhanced opportunity to travel to school other than by car (Condition 17).
84. It will be important to minimise risk to safety and to ensure that traffic turning at the end of Sheepwash Way is not obstructed. A school zone likely comprised of School-Keep-Clear markings and double yellow lines around the turning head will be required and along with other measures that are considered appropriate such as junction protection. The scheme can investigate the suitability and need for improvements to the roundabout at the junction of Sheepwash Way and Kirk Ley Road attributable to the proposed temporary school, highlighted by Rushcliffe Borough Council in their consultation response (Condition 16). The scheme submitted to satisfy the condition would be considered in consultation with NCC Road Safety Team. A Traffic Regulation Order will require the agreement of Persimmon Homes as landowner, ahead of the adoption of the road network as public highway. A Traffic Regulation Order will be the subject of separate process and public consultation, the cost of which would be met by the applicant. Should the making of a Traffic Regulation Order fail through the



democratic process, residents would be impacted by unrestricted highway parking.

85. Concern has been raised about obstructive parking. Having regard to the distance still to be walked and parked cars being out of sight of the school gate it is considered that parents are less likely to park so as to obstruct access to properties. It is not possible to fully design for behaviour that would be contrary to the Highway Code or common courtesy. The school has a role in educating parents through a School Travel Plan (Condition 22).
86. In this instance it is acknowledged that the proximity of the school entrance to Sheepwash Way, the school single point of access being from a cul-de-sac and lack of potential on-street parking is not ideal and is mitigated only by the proposed arrangement being for a single academic year. Furthermore, should the school operate at less than its potential capacity traffic impacts will be proportionately reduced. The anticipated parking issues would not occur outside of the operational school terms.
87. It is suggested in representations that better provision could be made for parent drop-off and pick-up so as to avoid congestion in the turning head at the end of Sheepwash Way (Paragraph 73c). That would require additional land to be included in the planning application but does not form part of the proposed development submitted for determination. The s106 attached to the Persimmon Homes development is limiting in terms of what is required to be permitted by the housebuilder (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) and does not include the land being used for any purpose such as car parking during drop-off and pick-up. Furthermore, the provision of a turning and drop-off/collection facility would have greater impact on the area of open space and is not something that is to be provided as part of the permanent school development granted planning permission under reference 8/21/01029/CTY.
88. Although not a planning consideration, giving parents uncontrolled access to the temporary road brings with it an insurance liability. The potential for conflict between vehicles travelling and turning on a temporary road not constructed to a suitable permanent standard, and children walking with parents along the temporary road could lead to safety issues which are material. In the proposal presented for determination, pedestrian and vehicular movement would be segregated at the end of Sheepwash Way and is considered an acceptable design solution. Access to the temporary road would be controlled from the school office and only parents with a disability need would be allowed to use the temporary access road to access the site by vehicle (Condition 23), and would board and alight within the school car park. The application proposes a safe, segregated and lit route to the school gate for pedestrians and, other than along the short length of public footpath East Leake FP5, for cyclists.
89. While the school would be provided on a small site the applicant has confirmed that the proposed temporary facilities would be suitable for the delivery of education. The four classrooms are all larger than the minimum size

recommended by the DfE (Area guidelines for mainstream schools, Building Bulletin 103) and each would be of a suitable size to educate 30 pupils to the high standard set by the Academy Trust. The classrooms and administration block are already constructed and have been previously used successfully at Rosecliffe Spencer Academy.

90. The non-teaching and external areas have been designed in consultation with the Academy Trust, and include suitable hard and soft areas for outdoor play and PE and in addition a specially turfed area for outdoor games and sport, with the designers and Academy satisfied that the proposed temporary village will give adequate space and facilities for pupil to receive a high standard of education prior to the permanent school building opening.
91. The design of the proposed single storey complex of buildings is utilitarian. Although not of a standard of design that allows for their permanent retention, the siting, design and appearance of the temporary school buildings would not unacceptably detract from the amenity of the area and neighbouring residents for the short life of the permission. Rushcliffe Local Plan Part 2 Land and Planning Policies (October 2019) (RBC-LPPT2) Policy 1 *Development Requirements* lists criteria for new development. Whilst the policy includes a requirement for development to be sympathetic to the character and appearance of the area, the appearance of the temporary buildings would not be dissimilar to construction site offices and other temporary buildings on the wider housing construction sites locally. Although the buildings would not be screened they would only be on site for a relatively short period, harm that may be caused would be wholly reversed on expiry of the permission and is not outweighed by the benefit of providing school places needed for children in the East Leake Pupil Place Planning area.
92. 14 full-time members of staff would be employed and the proposed 18 space car park is of a suitable size for staff and visitors. There would normally be an expectation that provision is made for electric vehicle charging. However, taking into account the short life of the temporary development for one academic year a requirement for EV charging is not considered reasonable and as such would not meet the tests for conditions set out in NPPF Paragraphs 55-57 - *Planning Conditions and Obligations*, and in addition would add to the cost of this short-term project. Although not recommended as a planning requirement the applicant may wish to provide for EV charging.
93. Having regard to the distance of outdoor play areas being in excess of 100m from the nearest residential receptors, the impact of outdoor play by up to 120 children would not significantly detract from residential amenity. Although recommended in the consultation response from Rushcliffe Borough Council, having regard to the distance from sensitive receptors it is not considered necessary to require further details of the noise rating of the air source heat pump. In the event of a statutory noise nuisance arising the Borough Council's Environmental Health Officer can take appropriate enforcement action.
94. The noise impact of construction should be controlled, and an Environment Management Plan should include liaison with local residents and procedure to

be followed in the event of a complaint (Condition 9 and Note 1). A site investigation for potential contamination is recommended (Condition 11). Any imported aggregate or soils should be tested to confirm an absence of contamination making them suitable for their intended use (Condition 10).

95. With reference to the representation about the lack of a tree survey and loss of trees on the area of open space BS 5837 (2012) – *Trees in Relation to Design, Demolition and Construction* sets out that a tree survey should be carried out to identify trees with a diameter of 75mm measured at a height of 1.5m. The trees impacted by the proposed access road across the open space have been planted relatively recently and do not need to be surveyed. Whilst not of significant amenity or ecological value at their current size, the loss of trees on the open space is a material consideration and following the removal of the access road like-for-like replacement planting would be subject to a 5 year maintenance and replacement condition (Condition 28). The trees that would be affected by the development can be replanted elsewhere including locations within the adjacent open space, but would be on land outside of the planning application site. Although relocation to land outside the planning application site cannot be made a planning condition an Informative is recommended (Note 4).
96. There would be merit in the surface water balancing pond being designed to offer wider amenity benefits and ecological enhancement. However, the pond is being designed to be functional to meet the surface water drainage requirements of the temporary school, and will need to be reviewed as part of the permanent school proposal when appropriate ecological enhancement can be delivered as part of that development. The pond will be outside the secured school fence line so would not present an operational risk to the school. The applicant will have an obligation to ensure that the risk of an open water feature on the site is considered in their design but does not need to be subject to a specific planning condition.
97. The presence of grass snake has been identified on the site and it is recommended that a hibernacula is provided in a suitable location where it will not need to be disturbed by the future provision of playing fields as part of the permanent school (Condition 13 and Note 2).
98. Rushcliffe Borough Council has made other recommendations that would deliver greater ecological benefit and the provision of more sustainable design features, many of which would offer long-term benefits and be applicable to the permanent school site. Where relevant and proportionate to the proposed temporary school development they have been incorporated in recommended conditions and Informatives.
99. Representations have been received about the loss of public open space, resulting from the construction of the temporary access road which is subject of a maintenance charge paid by residents. In response the applicant has stated that *under a Section 106 Agreement relating to this site and dated 27 November 2015, the Developer (Persimmon Homes) is required to provide an access to the School Land. The only land under the control of the Developer is that currently planted out as open space; this is therefore the only available point of*

*access to the School Land. The Council will not be adopting any of the public open space. Residents may wish to make their own enquiries of the management company to whom they pay annual fees for the maintenance of the subject space, as to how annual fees will be adjusted during the period that the temporary road is in use.* For the purpose of determining this planning application the applicant has served Notice on the landowner as required by legislation. The applicant will need to secure appropriate rights in order to implement a permission.

100. It is a material consideration that planning permission for the Persimmon Homes residential development was approved, albeit on appeal, with a site for a school identified on land subject of this application. The site has its shortcomings in terms of the operational impacts of a school taking vehicular access directly from Sheepwash Way, but the impacts of this temporary school for a period of one academic year will be relatively short-lived.
101. It is recommended that planning permission is granted for a temporary period until 31 July 2023 by which time the permanent school building will have been completed with a view to opening in September 2023. Recommended conditions allow a period until 31 October 2023 for the removal of the temporary school buildings and works, and 31 December 2023 for the removal of the temporary access road which should allow sufficient time for any works related to the proposed permanent school playing field to be undertaken, and is consistent with the recommendation of Rushcliffe Borough Council (Condition 27).
102. Only the balancing pond on the site, the improvement to public footpath East Leake FP5, the bound surfacing of the pedestrian route between the public footpath and Sheepwash Way, and improvement to pedestrian and cyclist connectivity adjacent to the Sheepwash Way turning head would be retained. Other elements of the development would be removed with the open space reinstated and landscaped to its pre-development condition and appearance following the removal of the temporary access road.

### **Other Options Considered**

103. 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**

104. 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 and Safeguarding of Children Implications

105. The perimeter of the proposed operational temporary school would be enclosed by security fencing.

#### Data Protection and Information Governance

106. 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

107. As detailed in paragraph 84 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

108. 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 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.

#### Implications for Service Users

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

#### Implications for Sustainability and the Environment

110. These have been considered in the Observations section above.
111. There are no Human Resources, Public Sector Equality Duty implications, or implications for Safeguarding of Adults at Risk.

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

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

## **RECOMMENDATIONS**

113. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 2. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments [RHC 30.11.2021]**

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 30.11.2021]**

The financial implications are set out in paragraph 107 of the report. As detailed in paragraph 84 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 can be viewed at:

[www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4342](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4342)

## **Electoral Division and Members Affected**

Leake & Ruddington

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Leake & Ruddington

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