



**12 March 2024**

**Agenda Item: 6**

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

**RUSHCLIFFE DISTRICT REF. NO.: 8/23/02136/CTY**

**PROPOSAL: SECTION 73 APPLICATION TO VARY PLANS APPROVED BY CONDITION 3 OF PLANNING PERMISSION 8/22/00570/CTY - ERECTION OF A PRIMARY SCHOOL FOR 1.5 FORMS OF ENTRY, PLUS 26 PLACE NURSERY WITH ASSOCIATED CAR PARKING. ASSOCIATED AREAS OF SOFT PLAY, HARD PLAY, GRASS PLAYING FIELD WITH LANDSCAPING WORKS. ERECTION OF 2.4M HIGH SECURITY FENCING AND GATES TO PERIMETER AND SPRINKLER TANK. PROVISION OF BOUND SURFACE AND LIT CYCLE AND FOOTPATH ON ROUTE OF PUBLIC FOOTPATH EAST LEAKE FP5**

**LOCATION: MILLSIDE SPENCER ACADEMY PRIMARY SCHOOL, EVANS ROAD, EAST LEAKE, LE12 6AS**

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

### **Purpose of Report**

1. To consider a planning application for a revision to the approved layout of playing field and associated works at Millside Spencer Academy, Evans Road, East Leake. The key issues relate to the impact of works to provide the school playing pitch including the visual impact of a retaining wall and mitigation for raising levels on the site in an area at greatest flood risk (Flood Zone 3). The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. This application relates to a 315-place Primary school under construction (planning permission 8/22/00570/CTY) and largely complete, on two sites linked by a public footpath lying 750m to the south of the centre of East Leake (Plan 1). The new school building on the southern site accessed from Evans Road has been completed and is in use, with 128 children on the school roll. The number of pupils is expected to increase to 148 in September 2024. The phase of works to provide a school playing field and a Multi-Use Games Area (MUGA) to the north of a small linear plantation (which is mostly within the school playing field site) are underway. The two school sites are separated by a 4.2m wide

strip of land in third-party ownership but connected by Public Footpath East Leake FP5 (Plan 2).

3. The public footpath runs along the western boundary of the new playing field site and re-opened in December 2023 following its temporary closure during construction works and development of a housing estate to the south (David Wilson Homes development). The linear plantation is the subject of a Tree Preservation Order (TPO) made by Rushcliffe Borough Council at the time that planning permission for the new school was granted. Sheepwash Brook flows east to west to the north of the playing field and school boundary. Part of the school playing field site is in Flood Zone 3 and Flood Zone 2.
4. A temporary access road across an area of open space forming part of the residential estate at the end of Sheepwash Way was constructed to access a temporary school (8/21/02694/CTY) located on the proposed playing field site while the permanent school building was being built. Conditions of that permission allow the temporary retention of the access road to facilitate works to provide the new school playing field before it is removed and the land restored to its pre-development condition.



5. The proposed MUGA on the playing field site has been constructed. Proposed perimeter fencing, including a variation to the currently approved alignment on the eastern boundary, is largely complete. A retaining wall for the south-western corner of the grass sports pitch, not part of the original approval, has been constructed with a re-aligned path north of the tree belt, requiring the removal of fewer trees than were to be removed by the originally approved development.

Recent poor weather is delaying the spreading of soils to form the finished grass pitch levels with work on site currently having ceased.

### **Background and Planning history**

6. 8/21/02694/CTY – December 2021 – Erection of a temporary 120 place Primary School on future school playing field while a permanent school was being built. Whilst the temporary school has been removed, conditions of the permission allow for the retention of the temporary access road until 31 December 2023 so that the route can be used for construction of the permanent school playing field, and reinstatement of the area impacted by the temporary construction road in Spring 2024.
7. 8/22/00570/CTY – 25 May 2022 - Permission for a 315 place Primary School on two sites. The school building has been erected on the southern site accessed from Evans Road, with school playing field, to be formed on the northern site following occupation of the new permanent school and removal of the temporary school provided pursuant to planning permission 8/21/02694/CTY. The playing field phase of the development is currently under construction.
8. A Tree Preservation Order affecting trees in the wider area including the linear plantation (Paragraph 3) was made on 19 May 2022 and subsequently confirmed on 14 July 2022.
9. 8/23/02283/CTY – An application to vary Condition 27 of planning permission 8/21/02694/CTY (the temporary school – now removed) to allow the retention of the temporary access road across the area of open space until July 2024 and variation of Condition 28 to delay the reinstatement of the area affected by the road to Autumn 2024 was granted in January 2024.
10. Correspondence with David Wilson Homes has confirmed that a management company is appointed by the developer when the Local Authority (in this case Rushcliffe Borough Council) declines the opportunity to maintain the public open space areas on the development. The management company agreement on this site is between Trust Management and David Wilson Homes.
11. The applicant has confirmed that there is no maintenance liability on the applicant, financial or otherwise, that may arise from use of the paths provided by David Wilson Homes along the route of Public Footpath FP5 and the path provided across the Persimmon Homes owned open space connecting Evans Road and Sheepwash Way.
12. The applicant has also confirmed that in the transfer of land for the school by Persimmon Homes to Nottinghamshire County Council, the County Council has a right of way with or without vehicles over the roads and footpaths linking the school playing field site with the public highway.

## Proposed Development

13. Planning permission is sought for changes to the site layout (Plan 3), and detail related to the provision of the grass playing pitch, as a revision to plans approved by Condition 3 of permission 8/22/00570/CTY. The principal changes are proposed as a consequence of the playing pitch design, with falls of 1:80 along its length and crossfall, being worked up in greater detail in order to provide a suitable playing surface compliant with Sport England guidance while seeking to mitigate impact on an area at higher risk of flooding in Flood Zones 2 and 3 (Plan 4).
14. A reinforced concrete wall up to 1.4m in height above the finished adjacent pitch level (once soils have been backfilled) to retain ground in the south-west corner of the playing pitch has already been constructed. The retaining wall (originally proposed to be faced with artificial ivy but since revised) is to be faced with 15mm diameter 'premium willow fencing screening roll' and topped by a 1.1m high galvanised steel restraint. The applicant draws attention to the use of the willow screen being for aesthetic purposes not ecological benefit. The willow fencing roll is to be provided by the school.



*Willow screen and retaining wall restraint*

15. While the proposed levels require excavation and provision of a retaining wall in the south-west corner of the playing pitch, in providing suitable falls across the playing surface and 3m safety run-off margin, pitch levels would be raised in the north-east corner and impact on an area of Flood Zone 3. Level for level flood compensation, lowering ground immediately adjacent to the area of the raised pitch, is proposed. The pitch levels would fall towards the north-west corner of the playing surface where the pitch level would be approximately 350mm above the level of adjacent public footpath East Leake FP5, graded down a 1:3 bank to the fenced site boundary. The playing pitch is to be provided with drainage, directing water to the north-east corner of the pitch before being directed to discharge to Sheepwash Brook (Plan 5).
16. A hibernaculum for the over-wintering of grass snake, that would be impacted by the proposals for the north-east corner of the playing pitch has already been re-provided beyond the eastern school boundary fence.
17. Other proposed changes to the approved site layout are relatively minor. A path originally proposed to run along the southern side of the MUGA to a storage

shed is proposed to be omitted, and the length of path between the MUGA and entrance from the public footpath would be realigned requiring the removal of fewer trees in the woodland now subject of a Tree Preservation Order, and is indicated for comparison on Plan 6. Twin green coloured metal storage sheds (each 2.25m x 1.6m and 2m in height) would be relocated to the western end of the MUGA. Crown raising of trees that may overhand the path up to a height of 2.4m to provide suitable clearance is included in the application.

18. The playing pitch retaining wall would require the relocation of the field maintenance access gate to the north, and a separate pedestrian entrance gate from the public footpath is proposed.
19. 2.4m high perimeter fencing on the eastern side of the playing field is proposed to be inset from the boundary hedge, with the addition of a pedestrian gate to allow access for hedge maintenance. Mammal gates are proposed at the northern and southern ends of the re-aligned fencing.
20. On the main school site, a flight of steps linking outdoor spaces to the north-west of the school building is no longer included in the school site design (Drawing 30008-ARC-PL-XX-D-A-101003 P06 – annotation V) and has been omitted during construction.
21. 1.1m high picket fencing is proposed outside the school building entrance to better direct pedestrian movement and discourage pedestrians from walking across the car park and through the vehicular entrance gate.
22. Some works for which permission is sought, in particular the construction of the retaining wall adjacent to the south-west corner of the playing pitch have been carried out. Further works to form the playing pitch have stopped due to poor weather. Although the area for the playing pitch has been stripped, pitch drainage has not yet been installed and an additional approximate 30cm of soils will need to be spread, compacted and sown to form the finished playing pitch. Work is not planned to recommence until April 2024.

## Consultations

23. **Rushcliffe Borough Council** - No objection subject to conditions being in place to protect trees and hedgrows, and replacement planting for any trees lost as a result of the development.
24. **East Leake Parish Council** – No objection.
25. **Environment Agency** – No objection subject to a condition that works are carried out in accordance with the proposed floodplain compensation. *The ground raising in the corner of the proposed sports pitch is supported by a scheme to provide level-for-level floodplain compensation. The works encroach on an ordinary watercourse. Nottinghamshire County Council as the Land Drainage Authority should be consulted.*
26. **NCC Lead Local Flood Authority** – No objection.

27. **Via Countryside Access** – *Public footpath East Leake FP5 runs alongside the school. There is a concern regarding the drainage of the playing field and that it may impact on the footpath. Although this has been shown not to be the case, the applicant should look at remedial works if in fact the path does become waterlogged as a result of the change of levels. The footpath surface has been badly affected by the installation of the playing field boundary fence and this destruction of the surface should be made good, possibly with a compacted stone surface.*
28. *There is a concern regarding any vehicular traffic crossing the footpath and ensuring that the surface is suitable to withstand the traffic and has no adverse effect on the footpath or the safety of the public using it. What is being put in place to ensure this is the case?*
29. *Who is responsible for the safety and maintenance of the cycle and pedestrian link between Sheepwash Way and public footpath East Leake FP5? (Paragraphs 10-11). Part of public footpath East Leake FP5 is going to be open to cycles. This use, if on a public footpath, contravenes the use of a public footpath and therefore the landowner needs to be aware that they are liable for this use and maintenance, or it could be converted to a cycle track under the Cycle Track Act 1980 and maintenance should pass to the highway authority. The Rights of Way team will not be responsible for cycle use here as it is outside the remit of a public footpath.*
30. **NCC Nature Conservation** – No objection, although the concrete retaining wall with natural hazel/willow hurdling will not deliver any significant wildlife benefits. The location of the re-provided grass snake hibernaculum is acceptable.
31. **NCC Highways Development Control** – No objection. *The proposal would not have a detrimental impact on the highway in the vicinity of the site.*

## **Publicity**

32. 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.
33. The same letter has been received from the three Rushcliffe Borough Council Councillors representing East Leake, raising the following concerns:

### Ecology

- a) Loss of additional trees. Tree roots have been exposed and if their viability is affected should be replaced.
- b) Felling and tree surgery on TPO'd trees has been carried out prior without approval.

- c) Hedging should be provided inside the perimeter fence along the boundary with public footpath East Leake FP5 to mitigate the visual impact of the fence.
- d) The proposed plastic artificial hedge to the face of the retaining wall offers no ecological benefit (this has subsequently been changed to willow – see Paragraph 14).
- e) Trees have been lost/damaged along the footpath between Sheepwash Way and public footpath East Leake FP5 and should be replaced.
- f) Loss of the grass snake hibernaculum which should be re-created and protected.
- g) Is there a Biodiversity Net Gain requirement for the development?

#### Access and Maintenance

- h) Is the temporary access road from Sheepwash Way still to be removed? To retain it will require further consultation, could improve school parent parking but with loss of amenity for residents.
- i) How will maintenance and emergency vehicles get to the new maintenance gate on the public footpath? The footpath surface will be quickly eroded by vehicles. Accessing the playing field from Evans Road by vehicles would be problematic: the path would need improvement; it would cross land in third party ownership where it is understood only crossing by pedestrians is allowed.

#### Adoption of paths and impact on Public Rights of Way

- j) Installation of the perimeter fence has affected the adjacent public footpath leaving it muddy. Works will have affected natural drainage. The currently closed public footpath will need resurfacing before it re-opens and should be conditioned.
- k) The public footpath up to the point of access to the playing field, and path linking to Sheepwash Way, should be designated as bridleway so as to allow use by cyclists.
- l) The paths need to be properly surfaced and maintained. It is unreasonable for residents of the estates to foot the bill through estate management charges given the high volume of foot traffic to and from the school. The school will not contribute to the upkeep of the estate.

#### Future Use of the Playing Field

- m) If the playing field is to be hired out, access, parking and provision of cycle racks need to be considered.

### Other Matters

- n) The size of the shed is not specified (see Paragraph 17 for details) and its visibility from the public footpath needs to be considered.

### Procedure

- o) The work is retrospective and a better example should be set by a public authority.
- p) The issue of the two school sites being separated by land in third-party ownership is unresolved. This could have been avoided if all of the 'school land' in the Persimmon Homes s106 agreement had been claimed.

34. One resident of Evans Way has written objecting on the following grounds:

### Future Use and Access

- a) There is insufficient provision for car and coach parking if the playing field is to be used by third parties or for hosting sports events and should be excluded.
- b) How will emergency and maintenance access to the school playing field be provided? Approved plans require the removal of the temporary access road off Sheepwash Way.

### Aesthetics and Drainage

- c) Proposed artificial hedging to conceal the reinforced concrete wall is out of keeping with the aesthetic of the area, local ecology, and is of synthetic construction (this feature has been revised – see Paragraph 14).
- d) Excavations and concrete wall construction will have affected drainage around mature trees, changed the drainage and appearance of the area, and affected the public footpath.

### Impact on the public footpath and maintenance

- e) The proposals have greater impact on the public footpath which is privately maintained and managed by the residents of the David Wilson Homes development. The developers have not resolved issues over third-party land separating the two parts of the school site. Increased future maintenance charges for residents.
- f) Who will be responsible for the maintenance and public liability of the footpath through the third-party land dividing the two school sites, and north of this along the public footpath up to the playing field gate.
- g) Public footpath East Leake FP5 should be re-graded and surfaced by the developer. How and by whom will public footpath East Leake FP5 be maintained longer term? The school promotes Active Travel. Does the



school receive grant money which can be used towards the maintenance of footpaths?

### Process

- h) The application is retrospective, is unauthorised and has not followed due process for residents affected.
- 35. Councillors Matt Barney and Councillor Reg Adair have been notified of the application.
- 36. The issues raised are considered in the Observations Section of this report.

### **Observations**

- 37. Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) Policy 1: *Development Requirements* includes criteria against which development proposals should be assessed including: there being no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area; the proposal being sympathetic to the character and appearance of the neighbouring buildings and the surrounding area; and there being no significant adverse effects on landscape character.
- 38. Permission for the construction of the school and related works on the playing field have already been granted planning permission under application reference 8/22/00570/CTY. It is not unusual for design details to change as development progresses, and the planning system has mechanisms in place to deal with material changes to approved development (s73 application), as well as changes that do not have a material impact but are still a deviation from the originally approved development (Non-Material Amendment).
- 39. Having worked-up the design of the playing pitch there are competing matters that need to be resolved. The over-riding aim is to provide a playing pitch that is fit for purpose and that provides greatest benefit to the school. To construct a playing pitch that is in accordance with Sport England guidance in terms of pitch size for Primary age children with the recommended 3m pitch run-off safety margin and within playing surface gradient design parameters (no steeper than 1:40-1:50 crossfall and 1:80-1:100 along the length of the pitch) has constrained how a pitch can be accommodated on the site. Impact on areas at greatest risk of flooding is a material planning consideration and, in order to be acceptable, level for level flood compensation should be provided so as not to increase flooding on the site or to others, notably downstream.
- 40. Although the proposed pitch surface levels would fall towards the northern corner closest to the public footpath, pitch drainage is to be installed that would take surface water draining through the playing surface to the north-eastern corner of the pitch (Plan 5). A Land Drainage Consent for the final discharge of pitch drainage to Sheepwash Brook has already been approved by NCC as Lead Local Flood Authority.

41. It is noted that the area of the Persimmon Homes open space is largely on higher ground and may have been formed of surplus soils arising from construction of the housing development. Areas of standing water have been observed at the toe of the raised ground within the open space to the north as well as adjacent to the public footpath. Next to the area being developed as school playing field, the public footpath is on land controlled by Persimmon Homes. The provision of positive drainage to take the finished playing pitch surface water away from the playing field western boundary should benefit the condition of the public footpath which has been observed as being wet in recent times due to heavy rainfall. A dispute over one area of land causing nuisance by directing water to adjoining land would be a civil, not planning matter. It may also be appropriate for the NCC as Highway Authority to take action where a public footpath is adversely affected by development.
42. Condition 11 of the school permission 8/22/00570/CTY requires detailed existing and proposed changes of level in Flood Zones 2 and 3 within the site to be submitted to and approved by the County Planning Authority. The submission with this application mirrors that submitted in compliance with Condition 11. Neither the Environment Agency nor the Local Lead Flood Authority raise objection to the proposed works affecting the flood plain and the proposed level for level flood compensation.
43. Taking the finished pitch level in the north-eastern corner of the playing pitch as the reference point and working the pitch design back taking into consideration the recommended pitch design gradients requires excavation of the rising ground and provision of a retaining structure. Notwithstanding the representation that more trees on the southern edge of the playing field are to be affected, in re-visiting the design less trees would be lost than originally planned (Plan 6).
44. The appearance of the retaining wall structure, having already been constructed, may at present appear stark. However, the height of the exposed face of the wall will be reduced once soils have been laid down to form the finished pitch level. It is considered that, in providing a pitch on a constrained site to a recommended pitch specification, the design presents an acceptable balance taking account of flood risk and visual amenity, subject to further observations on the treatment of the exposed face of the retaining wall below.
45. The application of a 'willow roll' to the exposed faces of the retaining wall has been proposed to improve its appearance and not expressly for it to provide ecological benefit. Artificial ivy was originally proposed and concern about its suitability has been raised in representations. Natural planting cannot be provided at the foot of the retaining wall without compromising the 3m run-off safety margin at the edge of the grass playing pitch. The proposed facing with willow, to be viewed against a backdrop of the TPO'd woodland would soften the visual appearance of the retaining wall and is considered to be acceptable. It is noted that the school are to provide this element of the development, and it is recommended that this screen is provided prior to the playing field first being brought into use, and for it to be maintained and replaced as necessary (Condition 13).

46. The application proposes the installation of galvanised steel fencing above the retaining wall, providing an edge restraint as a functional response to prevent falls either over or through the fence from the adjacent school path. While other more visually attractive designs of edge restraint could be proposed the applicant has asked that this element of the development is determined as submitted. As an element of detail within the wider context of the school playing field, when viewed either from the adjacent open space or public footpath through school boundary fencing the galvanised steel finish, although not considered to be wholly sympathetic and the best design response, would be seen against the backdrop of trees, and the fencing would not be unduly prominent or incongruous such that permission should be refused.
47. The Tree Preservation Order to protect the woodland was made six days before the determination of the school application 8/22/00570/CTY. However, the County Planning Authority was not made aware of the order having been made until after planning permission had been granted. The permission granted authorised the removal of some trees on the northern edge of the woodland, and for the installation of perimeter fencing within the woodland itself requiring the cutting back of the branches. An express grant of planning permission overrides the need for separate TPO consent. Rushcliffe Borough Council would normally determine applications for works to protected trees. However, through discussion with the relevant Rushcliffe Borough Council officer, it has been confirmed that the removal of trees and surgery referenced in representations has the appropriate consent. The proposed alterations to the site layout, incorporating the reinforced concrete retaining wall and proposed realignment of the path to the MUGA, have allowed more trees to be retained. The applicant has submitted an appropriate method statement for works that have been carried out in proximity to the trees, with particular attention given to the treatment of exposed roots. The ground has been backfilled on the higher woodland side of the retaining wall, with a porous stone sub-base laid for the path leading to the MUGA.
48. It has been suggested in representations that a hedge should be provided along the playing pitch fence line adjacent to the public footpath. A variation to proposed landscaping is not however a matter for which a variation of permission is being sought in this application. Visually, when approached from Sheepwash Way, the school playing field will be viewed across an area of public open space and the introduction of a hedge would reduce the openness of the wider area. Although planting is proposed along the boundary of the main school site next to the public footpath, hedge planting was not proposed adjacent to playing pitch (although the final detail of landscaping is reserved by condition) in the originally approved application. The length of public footpath adjacent to the proposed playing field is likely to be used less frequently than the path linking Sheepwash Way and Evans Road where safeguarding of children by interrupting views into the main school site and to reduce children being distracted by persons passing the school site may be of greater concern. The school playing field is likely to be used less frequently, but should a safeguarding issue arise from activity on the adjacent open space or public footpath the school would be able to remedy it through the provision of

screening. The landscape proposals submitted as part of the original application include the planting of two trees to the north of the playing pitch adjacent to the public footpath to replace trees which were on the site prior to the siting of the temporary school, although several trees have been planted next to the boundary fence.



*Left: Proposed playing field and retaining wall viewed from adjacent open space.  
Right: Trees planted adjacent to boundary fence.*

49. The appearance of the school sheds has been raised in representations. The two green coloured metal storage buildings are of modest scale proposed to be sited adjacent to taller MUGA fencing and their design and location is considered to be acceptable.
50. The hibernaculum for grass snake which would be impacted by the proposed grass playing pitch has already been re-provided beyond the eastern school fence in a location confirmed by NCC Nature Conservation to be acceptable. It is unfortunate that the hibernaculum was not first provided in the location originally approved as the need for further ecological work could have been avoided.
51. The impact of development on the condition of the length of public footpath adjacent to the school playing field which reopened in December 2023 has been raised in representations and the consultation response from NCC Countryside Access. That length of footpath is outside the red line defining the planning application site and is not in the ownership or control of the applicant. A concern has been raised that the condition of the public footpath may have worsened as a consequence of the installation of perimeter fencing, but planning conditions cannot be imposed to remedy that. While the condition of the public footpath is a matter of concern it will fall to the land owner or the Highway Authority to seek redress and the need for remedial work on the public footpath to remedy unacceptable impact arising from development on the adjoining school land.
52. Proposed pitch drainage has yet to be installed, and the pitch levels have not yet been fully formed and soils spread, so the intended drainage system is not yet functioning. Once installed and in operation, pitch drainage is to be directed away from the public footpath. It is noted that works carried out by the housing developer to form the Persimmon Homes area of open space may be

contributing to wetter conditions on the public footpath, with an area of land next to the public footpath at a lower level than the public footpath itself, and has been seen with standing water. The condition of the footpath will be affected by the amount of foot traffic and weather conditions.

53. Although the route of the public footpath is fenced to separate it from the adjacent open space, there is no apparent reason as to why this is the case. It is understood that both the open space and land on which the public footpath runs are both in the ownership of Persimmon Homes. Although outside the scope of this application, the condition of the public footpath could improve if the fence separating it from the open space was to be removed, so as to offer an alternative route for pedestrians other than having to walk the definitive line of the public footpath.
54. The proposed change to the alignment of perimeter fencing on the eastern boundary of the playing field is considered to be non-material and acceptable. The re-aligned fencing incorporates openings that will allow mammals to transit between the adjacent watercourses and the site.
55. The omission of one flight of steps north of the school between two outdoor spaces is considered to be a non-material change and acceptable.
56. In conclusion on matters relevant to the determination of this application, the change to incorporate a retaining wall and fence restraint in the design will change the appearance of the pitch and its surrounds. However, although visible when viewed close to by users of the public footpath and from the open space, it would not be incongruous or out of keeping with the overall school setting and would be viewed principally through school fencing against a backdrop of trees. The amenity of residents overlooking the school site across the open space would not be adversely affected and it is noted that no representations have been received from properties on Sheepwash Way. Other proposed changes to the originally approved design are minor and acceptable in compliance with the relevant criteria of Rushcliffe Local Plan Part 2: Land and Planning Policies - Policy 1: *Development Requirements*.

#### Wider-ranging Path Access and Maintenance Issues

57. Issues regarding the availability and suitability of a maintenance access to the school playing field has been raised in representations. The applicant has confirmed that the right to access the school playing field across the Persimmon Homes area of open space from Sheepwash Way with or without vehicles forms part of the land transfer (Paragraph 12). There is no need for vehicular access from Evans Road, a matter raised in representations at Paragraph 33 i).
58. The paths linking Evans Road and Sheepwash Way have been delivered through the planning permission granted by Rushcliffe Borough Council for the David Wilson Homes development. Insofar as they affect the school proposal, it was important that the paths had been constructed to a suitable standard and made available by the time the school opened and conditions were imposed to this effect. The paths have been constructed by David Wilson Homes and cross

land in their control, land in third-party ownership on the alignment of the public footpath and land owned by Persimmon Homes. It has been confirmed that the management company appointed by David Wilson Homes is responsible for the maintenance and upkeep of the path provided along the route of Public Footpath FP 5 connecting Evans Road and Sheepwash Way. Although it is understood that there is no financial liability on the County Council to contribute to the upkeep of footpaths, it would be a separate matter and not material to the determination of this application.

59. A question over the removal of the road used to access the temporary school and for construction of the playing field has been raised in representations at Paragraph 33h). A separate planning application seeking to extend the period for the removal of the road and restoration of the site due to delay to the project caused by adverse weather has been granted (8/23/02283/CTY). The road, crossing land not in the County Council's ownership or control, is to be removed and the site restored.
60. The school has clarified that it is not currently the intention for the playing field to be made available for out-of-hours non-school community use. However, the matter has been raised in representations (Paragraph 33m) and Paragraph 34a)). New planning conditions cannot be imposed that would alter in substance the permission originally granted. In determining application 8/22/00570/CTY possible out of hours use, or use other than by the school, was not restricted (although there is a condition that controls external lighting to be installed on the Playing Field Site – recommended Condition 16). To seek to control third party use of the site is beyond the scope of this planning application. Planning aside, the proposed school would have only a single pitch suitable for 7-a-side football so if used outside of school hours any traffic likely to associated with use of the playing field would either be able to be accommodated within the school car park through agreement as part of the hire of the school facility, or through parking on the public highway with less highway impact than that associated with the term-time operation of the school.

#### Retrospective Development

61. In seeking to deliver the project to planned timescales the applicant has started to carry out the works proposed in this variation application. The development carried out is not unlawful but is unauthorised and has been undertaken at developer risk of enforcement. The detailed consideration of the proposed revisions to the pitch layout and levels, requiring the remodelling of an area of floodplain, and the visual appearance of the concrete retaining wall and fence/railing edge restraint in a design that allows the retention of more trees than were originally to be removed, is considered to be acceptable in principle and it would not have been expedient to have initiated enforcement action.

#### Review of Existing Conditions

62. The determination of a s73 application, which in this instance seeks to vary plans of the already approved development, requires a review of currently imposed planning conditions to see which remain relevant. Many relating to

construction of the building on the southern main school site are no longer required although the retention of some features provided and operational requirements still need to be the subject of conditions. The recommended conditions have been updated accordingly.

63. The proposed development changes some of the plans specified in the originally approved Condition 3. Recommended Condition 1 makes clear that other previously approved plans are modified to reflect the revised site layout.
64. The alteration of levels in Flood Zones 2 and 3 required by Condition 11 of the original development is awaiting determination under that permission, and is mirrored in the information submitted in this application. Approval of this application would satisfy Condition 11 of that permission, which can be modified to require development to be carried out in accordance with the details submitted with this application (Condition 11).
65. As a stand-alone grant of planning permission and with development of the adjacent housing estate progressing in parallel with the school construction, Condition 27 of the original permission required the timely provision of a path along the route of public footpath East Leake FP5 to complete the pedestrian link between Sheepwash Way and Evans Road, as it is used as the main pedestrian access to the school. The path was provided in advance of the school opening as part of the housing development by David Wilson Homes, with the developer having confirmed that their management company is responsible for future path maintenance. The condition is no longer required.
66. Condition 28 of the original permission required various measures to be in place before the school opened, as it is located on an active housing development site, to ensure that it is provided with safe and suitable access by both vehicular traffic and pedestrians. Among the provisions, the proposal required either the Evans Road loop road to be open to through-traffic or for the road, as far as it has been constructed, to be provided with a suitable turning area. Although a dedicated turning head is not currently available, turning on the wider carriageway on Evans Road has not led to problems being reported. The Evans Road loop road is expected to be fully open by the end of 2024 and by that time the school roll is expected to have increased to 148, just below half of its planned capacity. NCC Highways Development Control has confirmed that the existing arrangements for turning on the highway for the school to be an acceptable temporary interim measure. With satisfactory arrangements in place the condition is no longer required.
67. A methodology for a post-occupation traffic survey has been approved in compliance with Condition 32 of the original permission. The original permission required a post-occupation traffic survey to be carried out within three months of the school first being brought into use. However, that traffic survey will be meaningful to inform the school Travel Plan once Traffic Regulation Order measures at the school have been provided and the timescale for the relevant requirements have been revised (Conditions 24-26).

## **Other Options Considered**

68. 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**

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

### Crime and Disorder Implications

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

### Data Protection and Information Governance

71. 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

72. The applicant still has an obligation under the original grant of planning permission to review the existing, and introduce a new, Traffic Regulation Order (Condition 17). 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

73. 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 (Right to a Fair Trial) are those to be considered. In this case, in the consideration of the changes proposed to the provision of the school playing field, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.



### Public Sector Equality Duty Implications

74. There are no Public Sector Equality Duty implications arising from the changes to the approved development proposed in this application.

### Safeguarding of Children and Adults at Risk Implications

75. Revisions to the perimeter security fencing proposed on the eastern side of the school playing field do not alter safeguarding of children implications considered in the determination of the original grant of planning permission.

### Implications for Service Users

76. The proposed development provides school places within the East Leake Pupil Place Planning area and specific to this proposal, the works will provide suitable outdoor sport and recreational areas.

### Implications for Sustainability and the Environment

77. These have been considered in the Observations section above, with the proposal allowing the retention of a greater number of trees subject of a Tree Preservation Order.
78. There are no Human Resources implications arising.

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

79. 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**

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

**DEREK HIGTON**

**Interim Corporate Director – Place**

## **Constitutional Comments**

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

[JL 20.02.2024]

## **Financial Comments**

The financial implications are set out in Paragraph 72 of the report. The applicant still has an obligation under the original grant of planning permission to review the existing and introduce a new Traffic Regulation Order (Condition 17). The applicant would be expected to cover all reasonable legal costs incurred by the County Council in the making of a Traffic Regulation Order.

[PAA 29 22.02.2024]

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: [www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4600](http://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4600)

## **Electoral Divisions and Members Affected**

Leake & Ruddington

Cllr Matt Barney

Leake & Ruddington

Councillor Reg Adair

Report Author/Case Officer

David Marsh

0115 9932574

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

**RECOMMENDED PLANNING CONDITIONS**

1. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
  - (a) Location Plan (Drawing 30008-ARC-PL-XX-D-A-101001 Rev P02) received by the CPA on 12 December 2023.
  - (b) Context Site Plan with Stairwell to House Section (Drawing 30008-ARC-PL-XX-D-A-101007 Rev P04) received by the CPA on 13 May 2022.
  - (c) Proposed Site Plan (Drawing 30008-ARC-PL-XX-D-A-101003 Rev P07) received by the CPA on 12 December 2023.
  - (d) Proposed Site Plan – Levels (Drawing 30008-ARC-PL-XX-D-A-101004 Rev P07) received by the CPA on 12 December 2023.
  - (e) Proposed Site Sections (Drawing 30008-ARC-PL-XX-D-A-103001 Rev P02) received by the CPA on 10 May 2022.
  - (f) Proposed Ground Floor Plan (Drawing 30008-ARC-PL-00-D-A-110201 Rev P02) received by the CPA on 15 February 2022.
  - (g) Proposed First Floor Plan (Drawing 3 30008-ARC-PL-01-D-A-110202 Rev P02) received by the CPA on 15 February 2022.
  - (h) Proposed Elevations Sheet 1 (Drawing 30008-ARC-PL-XX-D-A-112001 Rev P04) received by the CPA on 13 May 2022.
  - (i) Proposed Elevations Sheet 2 (Drawing 30008-ARC-PL-XX-D-A-112002 Rev P03) received by the CPA on 13 April 2022.
  - (j) Proposed Roof Plan (Drawing 30008-ARC-PL-A-110203 Rev P02) received by the CPA on 15 February 2022.
  - (k) Proposed Sections (Sheet 1) (Drawing 30008-ARC-PL-XX-D-A-113001 Rev P02) received by the CPA on 15 February 2022.
  - (l) Proposed Sections (Sheet 2) (Drawing 30008-ARC-PL-XX-D-A-113002 Rev P02) received by the CPA on 15 February 2022.
  - (m) Landscaping General Arrangement (Drawing 30008-LLA-A14-XX-D-L-00001 Rev P06) received by the CPA on 23 May 2022.

- (n) Hard Landscape General Arrangement Sheet 1 of 2 (Drawing 30008-LLA-A14-XX-D-L-00100 Rev P05) received by the CPA on 23 May 2022.
- (o) Hard Landscape General Arrangement Sheet 2 of 2 (Drawing 30008-LLA-A14-XX-D-L-00100 Rev P06) received by the CPA on 23 May 2022.
- (p) Topsoil Distribution Plan Sheet 1 of 2 (Drawing 30008-LLA-A14-XX-D-L-00610 Rev P05) received by the CPA on 23 May 2022.
- (q) Topsoil Distribution Plan Sheet 2 of 2 (Drawing 30008-LLA-A14-XX-D-L-00611 Rev P06) received by the CPA on 23 May 2022.
- (r) Detailed Planting Sheet – Sheet 1 (Drawing 30008-LLA-A14-XX-D-L-00600 Rev P05) received by the CPA on 23 May 2022.
- (s) Detailed Planting Sheet – Sheet 2 (Drawing 30008-LLA-A14-XX-D-L-00601 Rev P05) received by the CPA on 23 May 2022.
- (t) Tree Pit and Staggered Hedgerow Planting Specification (Drawing 30008-LLA-XX-XX-D-L-00602 Rev P03) received by the CPA on 13 April 2022.
- (u) Proposed Fencing Layout (Drawing 30008-ARC-PL-XX-D-A-101005 Rev P08) received by the CPA on 12 December 2023.
- (v) Fence and Gate Types Sheet 1 (Drawing 30008-ARC-PL-XX-D-A-104101 Rev P01) received by the CPA on 15 February 2022.
- (w) Fence and Gate Types Sheet 2 (Drawing 30008-ARC-PL-XX-D-A-104102 Rev P03) received by the CPA on 13 May 2022.
- (x) Ancillary Structures (Plan/Elevations) (Drawing 30008-ARC-PL-XX-D-A-114001 Rev P01) received by the CPA on 15 February 2022.
- (y) Sports Pitch Compensatory Floodplain (Drawing 30008-WMS-SE7-XX-D-C-39114-S8 Rev P1) received by the CPA on 12 December 2023.
- (z) Sport Pitch Proposed Levels (Drawing 30008-WMS-SE7-XX-D-C-39112-A Rev C1) received by the CPA on 12 December 2023.
- (aa) Sports Pitch Drainage Layout 2 of 2 (Drawing 30008-WMS-SE8-XX-D-C-39206-A Rev C6) received by the CPA on 26 January 2024.
- (bb) Pitch/Fence Site Section (Drawing 30008-ARC-A01-XX-D-A-014023 Rev P03) received by the CPA on 12 December 2023.

- (cc) Tree Removal Plan (Drawing 30008-ARC-A01-XX-D-A-004027) received by the CPA on 12 December 2023.
- (dd) Shed Design/Appearance Pack received by the CPA on 12 December 2023.

For the avoidance of doubt where not expressly updated by this grant of permission all plans showing the originally approved site layout shall be considered as updated to reflect the revised layout shown on the Site Plan approved by Condition 1c) of this permission.

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

### Construction

- 2. A walkover ecological survey shall be carried out prior to work re-commencing on the Playing Field Site.

*Reason: To ensure that development is carried out taking account of up-to date ecological information.*

- 3. Tree, shrub, scrub or other vegetation clearance works that are to be carried out between the months of March to August inclusive shall only be undertaken in accordance the methodology approved in compliance with Condition 5 of planning permission 8/22/00570/CTY. Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist, and written confirmation from the ecologist, having first being submitted to the CPA that breeding birds would not be adversely impacted by the proposed clearance works.

*Reason: To avoid disturbance to birds during the breeding season.*

- 4. Vehicular access from Sheepwash Way for the purpose of undertaking construction works on the Playing Field Site shall be in accordance with Condition 27 planning permission 8/21/02694/CTY, as varied by planning permission 8/23/02283/CTY.

*Reason: For the avoidance of doubt as to the development permitted and in the interest of highways safety.*

- 5. Unless in the event of an emergency, or as otherwise may be previously agreed in writing with the CPA, on the Playing Field Site:

- a) no construction deliveries or work shall take place on Sundays, Public or Bank Holidays;

- b) no construction deliveries to site shall take place on any day other than between 07:30–18:00 hours Monday to Friday and 07:30– 13:00 hours on Saturday;
- c) no construction work shall be carried out or plant operated except between 07:30–18:00 hours Monday to Friday and 07:30–13:00 hours on Saturday;
- d) no construction related vehicle movements to and from the playing field site shall take place on any operational school day;
  - i) 30 minutes before and 15 minutes after the start of the operational school day;
  - ii) 30 minutes before and 30 minutes after the end of the operational school day.

*Reason: To safeguard the amenity of nearby residents, school safety, and in the interests of highway and pedestrian safety.*

6. Development on the Playing Field site shall be carried out in accordance with the details approved in compliance with Condition 10 of planning permission reference 8/22/00570/CTY.

*Reason: In the interest of highway safety, to protect the amenities enjoyed by occupiers of nearby properties, and to prevent pollution in the interest of safeguarding ecology.*

7. Proposed changes of level in Flood Zones 2 and 3 to form the playing pitch shall be carried in accordance with details submitted with, and approved by, this grant of planning permission.

*Reason: For the avoidance of doubt as to the development and to safeguard against increased risk of flooding on the site or elsewhere.*

#### Contamination

8. Notwithstanding details submitted in support of the application, prior to the re-commencement of site works on the Playing Field Site:
- i. An updated desk study, based on the condition of the site prior to removal of the temporary school (permission 8/21/02694/CTY);
  - ii. A site investigation and contamination risk assessment;

shall be submitted to and approved in writing by the CPA.

- iii. If any risks associated with Condition 8 ii) are identified, a remediation strategy detailing the measures to be implemented to protect any identified receptors shall be submitted to an approved in writing by the CPA with development to be carried out in accordance with the approved details; and
- iv. A remediation validation report shall be submitted within two months of each phase of remediation and on completion of the remediation/mitigation works, to include chemical compliance testing of site-won and/or imported materials at formation level and, if applicable, any agreed remedial requirements in iii). Unless otherwise first agreed in writing by the CPA, no development works shall commence until the validation reporting has been approved in writing by the CPA.

*Reason: Details are required to be submitted prior to the re-commencement of development to provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed, in compliance with Rushcliffe Borough Council - Local Plan Part 2 Policy 40 - Pollution and land contamination.*

9. The CPA shall be notified in writing within 7 days of the date of the Playing Field phase of development. Within two months of the completion of the Playing Field phase of the development, a validation report to confirm an absence of contaminants shall be submitted to and approved in writing by the CPA.

*Reason: To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.*

10. If during development on the Playing Field Site contamination not previously identified is found to be present, no further works shall be carried out in the area identified, unless first agreed in writing by the CPA, until a remediation strategy to deal with unsuspected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the CPA. Works shall be carried out in accordance with the approved details.

*Reason: To provide an appropriate methodology that will ensure that risks of site contamination are properly identified and addressed.*

#### Drainage

11. Development shall be carried out in accordance with the scheme of Playing Field surface water drainage submitted with, and approved by, this grant of planning permission.

*Reason: For the avoidance of doubt as to the development and to safeguard against increased risk of flooding on the site or elsewhere.*

## Design Details

12. Development shall be carried out in accordance with the ecological enhancement plan for the wider site approved in compliance with Condition 18b) of planning permission 8/22/00570/CTY, modified to take account of the site layout approved by this permission.

*Reason: For the avoidance of doubt as to the development permitted and to enhance the ecology of the site, in compliance with Rushcliffe Local Plan Part 2: Land and Planning Policies - Policy 38 Non-designated biodiversity assets and the wider ecological network.*

13. Prior to the school playing field first being brought into use, the reinforced concrete retaining wall adjoining the grass playing pitch shall be faced with willow screen hurdling as specified in the application. The willow screen hurdling, or such other facing treatment which shall first be approved in writing by the CPA, shall be retained, and maintained to a standard so as not to detract from visual amenity to the satisfaction of the CPA, throughout the life of the development.

*Reason: In the interest of visual amenity and to accord with Rushcliffe Local Plan Part 2: Land and Planning Policies – Policy 1 – Development Requirements.*

14. The timber acoustic fence erected on the western boundary of the hard play court on the School Site (David Wilson Homes) shall be retained with no gaps at ground level throughout the life of the development.

*Reason: To safeguard against the impact of noise on neighbouring amenity.*

15. External lighting installed on the site shall comply with Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light – Zone E2, avoiding light spilling onto adjacent habitats and trees.

*Reason: In the interests of visual amenity, and to control the potential impact of external lighting on bats in order to ensure the favourable conservation status of a protected species and in compliance with Rushcliffe Borough Council - Local Plan Part 2 Policy 40 - Pollution and land contamination.*

16. No external lighting is to be installed on the Playing Field Site (Persimmon Homes) other than with the prior written consent of the CPA.

*Reason: For the avoidance of doubt of the development permitted and in order that consideration can be given to the amenity and ecological impact of external lighting.*

17. Within three months of the date of this permission, or such other timescale as may first be agreed in writing by the CPA, a School Zone in accordance with



details approved in compliance with Condition 23 of planning permission 8/22/00570/CTY, including the associated Traffic Regulation Orders and subject to the provision of pedestrian guardrail and other measures as necessary, shall be implemented to the satisfaction of the CPA.

*Reason: In the interest of highway safety.*

18. Development shall be carried out in accordance with the details of site landscaping approved in compliance with Condition 24 of planning permission 8/22/00570/CTY. Any tree, plant, shrub or grass seeding that fails to become established within 5 years of the completion of the approved planting and landscaping scheme shall be replaced to the satisfaction of the CPA.

*Reason: In the interest of visual amenity.*

19. Areas of hard play shall be provided in accordance with details approved in compliance with Condition 25 of planning permission 8/22/00570/CTY.

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

20. The grass playing pitch shall be constructed in accordance with detail submitted with and approved in compliance with Condition 26 of planning permission 8/22/00570/CTY.

*Reason: To ensure the provision of a grass playing pitch to a standard fit for purpose for school use.*

21. A minimum of 40 cycle spaces already provided (subject to any review through the school Travel Plan) shall be retained on the school site throughout the life of the development.

*Reason: To promote the use of sustainable non-car based travel alternatives and to promote healthy lifestyles.*

22. A minimum of two electric vehicle charging points (four spaces) already provided within the car park and installed ducting to facilitate the future provision of electric vehicle charging at all parking spaces shall be retained throughout the life of the development.

*Reason: To enable the use of non-carbon based technology in accordance with Paragraph 116e) of the National Planning Policy Framework.*

23. The vehicle access, vehicle parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

*Reason: To ensure the retention of access, turning, car parking and service areas in the interest of highway safety.*

### Post-Occupation

24. Within 2 months of the implementation of the School Zone required by Condition 17 of this permission, a post-occupation traffic survey in accordance with the methodology approved in compliance with Condition 32 of planning permission 8/22/00570/CTY, including recommendations and a timescale for the implementation of recommended measures shall be submitted to and approved in writing by the CPA. Approved measures shall be implemented to the written satisfaction of the CPA in accordance with the agreed timescale.

*Reason: In the interest of highway safety and to minimise the potential highway related implications of the development.*

25. The Head Teacher of the new Primary School, or other suitably authorised person, shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives. The Travel Plan Coordinator shall by the end of September 2024 provide a completed Primary School Travel Plan (updating the current interim School Travel Plan) aimed at reducing reliance on the private car as the principal means of staff and parent transport to and from the school, including timelines for monitoring, review and implementation, to the written satisfaction of the CPA. The Primary School Travel Plan shall include initiatives to:
- a) promote education relating to sustainable travel and road safety education, in consultation with NCC Road Safety Team;
  - b) raise awareness of the problems car journeys can create;
  - c) reduce travel by vehicle to and from school;
  - d) promote car sharing;
  - e) raise awareness amongst parents of the issues of travel to school;
  - f) manage pupil drop-off and pick-up; and
  - g) manage school related parking for school events outside of normal school hours.

The School Travel Plan shall include:

- h) the scope and a programme for monitoring school related short-term parking on the public highway, and any potential highway safety issues arising;

- i) the scope and a programme for monitoring pedestrian-cyclist movements associated with the school's peak operation times;
- j) a proposal to attain periodic staff-pupil travel pattern behaviours, through origin-destination-post code-multi modal surveys;
- k) modal shift targets; and
- l) demand for, and future provision of, additional covered cycle spaces;

and demonstrate that active engagement has taken place with the local community and civil enforcement officers.

*Reason: In the interest of highway safety and to promote sustainable travel. (Attention is drawn to Note 2 attached to this decision notice.)*

26. Subsequent to the report required by Condition 25, the Travel Plan Coordinator shall submit a report to the CPA at the end of September 2025, and thereafter submit annual reports for a minimum period of 5 years and until the Primary School Travel Plan single occupancy car passenger targets have been met. The annual monitoring reports shall summarise the data collected over the monitoring period (Condition 25 h)-25 l)), evidence that active engagement has taken place with the local community and civil enforcement officers, evidence consultation with NCC Road Safety Team in the promotion of sustainable travel and road safety education, and propose revised initiatives and measures where the Primary School Travel Plan targets are not being met, including implementation dates, to be approved in writing by the CPA.

*Reason: In the interest of highway safety and to promote sustainable travel.*

27. The combined fixed plant noise rating installed shall not exceed 35dB LAeq<sub>1hr</sub> at the nearest sensitive receptor. In the event that the noise limit is exceeded, a scheme of noise mitigation shall be submitted to and approved in writing by the CPA. The development shall operate in accordance with the approved details.

*Reason: To safeguard the amenities enjoyed by the occupiers of nearby residential properties.*

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

1. The school should carefully plan their operational activities, particularly where there is potential for staff shifts to overlap (catering/mid-day/cleaning) to ensure that the school staff parking can all be accommodated on the school site without having to park on the adjacent highway network.
2. With reference to Condition 25, the applicant is encouraged to liaise with local Members at Nottinghamshire County Council, Rushcliffe Borough Council and

with East Leake Parish Council to actively improve options for sustainable travel in developing the School Travel Plan whilst the temporary school is in use and before the new school opens.