

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Top Valley Academy, Top Valley Drive

1 SUMMARY

Application No: 15/00490/PFUL3 for planning permission

Application by: Ryder Architecture on behalf of Carillion Construction Ltd

Proposal: New school, sports hall and associated development and demolition of existing school buildings.

The application is brought to Committee because it is an application which has generated a high level of public interest contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 28th May 2015

2 RECOMMENDATIONS

1. **GRANT PLANNING PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

Site Location and Surroundings

3.1 Top Valley Academy and its playing fields is an 8.7 hectare site which sits between the Top Valley Drive to the south and Bestwood Park Drive West to the north. The school currently has 900 students in attendance and employs 97 staff members.

3.2 The school is located in a predominantly residential area, with existing housing lying along both the northern (Langbank Drive and Rise Park Road) and south-eastern boundaries (Darwin Close) of the site. The south-western boundary of the site is formed by the Stanstead Nursery & Primary School and adjoining the north-eastern boundary of the school is another educational establishment, the Rise Park Primary & Nursery School. In the south-eastern corner of the site is the North ELearning Centre which provides training workshops to schools and others in technology across a wide range of varied disciplines.

3.3 The main school is set back from the highway, behind a group of mature trees set along the boundary with Top Valley Drive. The site has a fairly regular, elongated rectangular shape, with the main school buildings occupying the eastern third of the

site. The remainder of the site is given over to playing fields, and the multi-use games area (MUGA) and AGP (artificial grass pitch) areas which lie between the school buildings and the school's frontage along Top Valley Drive.

- 3.4 The school buildings vary in height from single storey to 2 and 3 storeys and originate mainly from a single period, with some later additions and extension. The latest addition to the school was a two-storey building in the north eastern corner of the site, used as a vehicle engineering and training centre, granted planning permission in 2005.
- 3.5 The Academy is principally accessed from the south-eastern corner of the site from Top Valley Drive which also serves the North E-Learning Centre. There is a secondary vehicular access into the northern part of the site from Langbank Avenue, which serves a staff car park. At present, there are some 83 car parking spaces, including disabled provision, spread across various locations around the school in three parking areas. The parking spaces adjacent to the E-Learning Centre are not part of the academy's parking provision and are operated by the Nottingham City Council independently. The main pedestrian access for pupils, staff and visitors into the site is adjacent to the main vehicular access off Top Valley Drive, and there is a secondary pupil access in the north-eastern corner of the site off Bestwood Park Drive West, near to the access for the Rise Park Nursery School. The Rise Park Neighbourhood Centre is located close to this access point on the opposite side of Bestwood Park Drive West.
- 3.6 The site is fairly flat with a gentle slope running from the north-east towards the south-west, with the main buildings occupying a plateau area in the north-eastern third of the site.

4 DETAILS OF THE PROPOSAL

- 4.1 The academy is to be re-developed as part of the second phase of the Priority Schools Building Programme (PSBP) for the redevelopment of secondary schools and sixth forms across England. It is proposed to provide a new school on the site, however the pupil numbers (900) and staff (97) will remain unchanged.
- 4.2 The proposal would involve the total redevelopment of all the existing built elements within the site, comprising the total demolition of all the present school buildings, and the building of a new, three storey 'superblock' school building, together with a new, standalone sports hall at the site. The existing playing fields will remain where they are located at present, as will the school's existing hard court games area which shall be retained and refurbished as part of the overall redevelopment of the site.
- 4.3 The new school building is proposed to be centrally located overlooking the playing fields on the western part of the school's built footprint, on the site of some of the existing buildings. The new sports hall is to be located just to the south-west of the main building.
- 4.4 The new school building is three storey in height with a flat parapet roof and rectangular in shape. The main elevations would be constructed in a grey brick with punched window openings to give emphasis to the facades. The glazing system would be dark grey powder coated aluminium with a louvre detail. The sports hall is a tall single storey height with a flat roof. Its elevation would be expressed with brick to the lower level and a translucent material to the higher level.

- 4.5 The main access from Top Valley Drive would form the sole day-to-day vehicular access to the site, with the existing access from Langbank Avenue being closed to vehicles (apart from maintenance vehicles accessing the playing fields). A new staff car park accommodating 55 vehicles is proposed to be provided at the eastern edge of the site adjoining the engineering and training centre, which together with the existing 22 spaces to the rear of the centre would provide a total of 83 parking spaces to serve the site. Covered and secure cycle parking for 90 bicycles is also to be provided. Pupils and pedestrians would access the site from the main Top Valley Drive entrance and Bestwood Park Drive West. A new boulevard is proposed to connect the school building with Top Valley Drive to provide a separate access route for cyclists and pedestrians to approach the school separately to vehicles.
- 4.6 A key requirement of the PSBP programme will be the continued operation of the school, in its existing buildings, during the construction phase. The proposed location of the new school at the western edge of the built footprint would enable the main school buildings to remain in situ. Following construction and occupation of the new school the existing school buildings, would be demolished to provide grass pitches, informal soft play and social space in the central part of the site and a plant room and service area to the north with additional landscaping to the boundary with Langbank Avenue.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

2 - 38 Langbank Drive (even)
19 - 55 Darwin Close (odd)
20 – 28 Bestwood Park Drive (even) and Rise Park Primary and Nursery School
26 – 70 Rise Park Road (even)
18 – Shellburne Close (even)
18 and 20 Ballerat Crescent (even)
E-learning Centre, Top Valley Drive
Stanstead Primary School, Stanstead Avenue

- 5.1 Two petitions have been received from local residents, objecting to the development.
- 5.2 The first petition has been signed by 6 residents of Darwin Close who adjoin the south east boundary of the school grounds. Residents state that they already experience noise and disturbance from the existing tennis courts, and boundary trees cause nuisance and shade their rear gardens. They are concerned that the proposed sports hall, due to its position close to the southern boundary of the site, will exacerbate overshadowing caused by the trees. They are also concerned about weekend use and evening use of the sports hall and the resurfaced all weather pitch next to the tennis courts by the public. They do not want any additional tree planting to screen the sports hall but would like a higher perimeter fence to the front of the tennis courts to prevent youths climbing over to get into the school. Ideally they would like the existing tennis courts removed.
- 5.3 The second petition has been signed by 34 residents of Rise Park Road and Langbank Avenue, who adjoin the northern boundary of the school grounds. They are concerned to see changes to the future use of sports field at the rear of

properties on Rise Park Road, which they consider will have a significant environmental effect on their quality of life. They are concerned that they have not been consulted on the proposals until the neighbour notification letter arrived in March regarding to the current planning application. The sports pitches are already marked out for football in close proximity to their properties, and cause noise and disturbance from their use through players shouting and bad language. They believe that Sports England will have control of the facilities and will require further community use of the sports fields outside school hours which would further exacerbate existing noise problems associated with their use.

5.4 Two further letters of objection have been received from residents of Rise Park Road whose concerns reflect those outlined above. In addition they are concerned about:

- the use of the sports pitches 7 days a weeks for different sporting activities;
- light pollution;
- traffic and parking;
- unnecessary impact on an area populated by elderly residents;
- effect on property values.

Additional consultation letters sent to:

Pollution Control: No objections: Conditions requested relating to gas contamination and a noise assessment.

Highways: No objections. Conditions requested relating to a construction method statement, a school travel plan and amendments to increase the width of two substandard parking spaces in the staff car park.

Environment Agency: Objection. The Environment Agency (EA) consider that the Flood Risk Assessment (FRA) does not comply with the National Planning Policy Framework (NPPF) submitted with this application to fails to restrict surface water drainage to an appropriately reduced rate and consider the full range of sustainable drainage features which could be incorporated within the design and layout of the proposed development. The EA state that their objection could be overcome by surface water run off being restricted to green field run off rate (no greater than 5.0 l/s/ha) in line with the Day Brook and River Leen Strategic Flood Risk Assessment (SFRA), together with the inclusion of sustainable drainage measures within the proposed development.

Sport England: No objection. Conditions requested relating to a to a community use scheme, provision of grass pitches and details of the all weather pitch are recommended.

Urban Design: Positive support. Acceptance that the siting of the school is set due to constraints of the site. The new school building is seen to be of a high quality design, with details such as strongly rebated windows and the use of a good quality brick and a strong landscaping strategy being required. As the new school is proposed to be set back from Top valley Road, there is a need to enhance the entrance to the site.

Sports Culture and Parks: No objections. Satisfied that the qualitative improvements proposed to sports facilities at the school and their extended community use would adequately compensate for the minor encroachment on playing field and open space network. Recommend conditions relating to further bat

survey work prior to demolition and, an update survey in relation to the disused badgers sett prior to commencement of the development, and ecological enhancements such as bat boxes.

Tree Officer: No objections. Conditions requested relating to an arboricultural method statement and detailed scheme.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to actively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land; taking full account of flood risk; secure high quality design; support the transition to a low carbon future; contribute to reducing pollution; to manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.3 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. Paragraph 63 adds that great weight should be attributed to outstanding or innovative schemes which raise the standard of design.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 To prevent unacceptable risks from pollution, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 103 requires that it should be ensured that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Aligned Core Strategies (ACS) (September 2014)

The Nottingham City Core Strategy was formally adopted by the City Council on 8th

September 2014. The following policies are considered relevant:

Policy A: Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Nottingham Local Plan (November 2005):

CE1 - Community Facilities

R1 - The Open Space Network

R5 - Playing Fields

CE2 - Joint Use of Community Facilities

NE3 - Conservation of Species

NE5 - Trees

NE9 – Pollution

NE10 - Water Quality and Flood Protection

T3 - Car, Cycle and Servicing Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development: Playing Field Provision and Open Space Network;
- (ii) Design Considerations
- (iii) Impact on Residential Amenity
- (iv) Access and Parking
- (v) Flood Risk

(i) Principle of Development (NPPF, ACS Policy A and Local Plan Policies CE1, CE2, R1 and R5)

- 7.1 The site is an established educational use and as such the proposed new school building and sports hall is considered to be acceptable in line with ACs Policy A and Local Plan Policy CE1.
- 7.2 The position of the new school building and sports hall would result in the loss of a very small section of existing playing field. The main playing field together with the existing tennis courts and all weather pitch would remain and would be

supplemented with a new modern sports hall, additional grassed pitches and informal play areas to enhance existing sports provision at the school. Sport England is satisfied that the proposal would not adversely impact on the amount of playing field and formal play surfaces available on the site. The proposal improves sports and other facilities at the school which are already used by the wider community as required by Local Plan Policy CE2.

- 7.3 The qualitative improvements proposed to sports facilities at the school and their extended community use would adequately compensate for the minor encroachment on playing field and open space network and would be in accordance with Local Plan Policy R1.

(ii) Design (NPPF and ACS Policy 10)

- 7.4 The proposed new school building would be visible from Top Valley Drive and from the surrounding playing fields and open space. The three storey height of the block is considered to be modest within this open context and it is not considered that it would be visually prominent. Its height and scale is equivalent to the existing sports hall on the site. The contemporary appearance of the building is appropriate to its function, and the use of a grey brick with deeply punched window openings is considered to be appropriate to its setting. To add visual relief to its façades, the main public entrance has been expressed with a brightly coloured arch in pressed metal over two storeys, and the main pupil entrance has been designed as a recessed slot of full height glazing, to provide a visual focus for pupils at the heart of the school.

- 7.5 The proposals will enhance external spaces and improve pedestrian routes into and around the school. A 'public' entrance approach and plaza adjacent to the main visitor entrance in the southern elevation of the building will provide a clear legible route for visitors to the school from Top Valley Drive. To the east and northern side of the new school building, 'private' zones of external open space have been provided for pupils to maximise opportunities for outdoor learning, socialising and physical activity.

- 7.6 Accordingly, it is considered that the proposed development accords with ACS Policy 10 and the NPPF.

(iii) Impact upon residential amenity (ACS Policy 10 and Local Plan Policy NE9)

- 7.7 The redeveloped site has a more compact form of built development than the existing buildings, with all school facilities being accommodated within a single three storey building located at the centre of the site. As such, the distances between the proposed school building and the nearest residential properties on Langbank Avenue has been increased to around 49 m, which is more than twice the existing distance. The new school building would be 80m from the closest property on Darwin Close and Top Valley Drive.
- 7.8 The new school building will be 3-storey in height, whereas the existing school is mostly 2-storey. With the increased separation distance between the new school building and properties on Langbank Avenue it is not considered that the proposed height of the building would result in a significant loss of amenity to these neighbouring properties.

- 7.9 The new sports hall would be 20m from the side blank gable elevation of closest property on Darwin Close. The existing all weather pitch to the side of properties on Darwin Close is proposed to be resurfaced.
- 7.10 These are considered to be acceptable separation distances from neighbouring properties to avoid a material impact on residential amenity, in terms of light, privacy and outlook in accordance with ACS Policy 10.
- 7.11 Residents on Rise Park Road and Langbank Avenue who adjoin the school existing school playing fields have raised concerns about potential changes to the school playing field and how it is marked out and used leading to increased noise and disturbance. This proposal does not affect the existing school playing fields which will continue to be used, as at present, by the Academy for external sporting activities to meet the sports curriculum. The sports pitches have in the past been used by the community and local clubs for weekend sporting activities such as football.
- 7.12 Sport England as part of its agenda to promote increased community use of educational facilities for recreational purposes have required that a community use agreement be submitted to set formal community access arrangements to the schools sports facilities outside school hours and this is supported. The scheme will include both the sports hall and playing pitches. Part of any scheme will include hours of use for community access and these would normally be restricted to protect the amenities of neighbouring properties would be minimised. This will be dealt with by condition.

iv) Access and Parking (ACS Policy 14 and Local Plan Policy T3)

- 7.13 The existing vehicular access off Top Valley Drive will be maintained and the Academy's internal road would be extended to give access to the service yard at the northern side of the new school building. The Academy's internal road would access the new staff car park and new disabled parking and visitor spaces nearer the new school. A total of 83 parking spaces would now be provided. A new pedestrian 'boulevard' for pupils and the public would provide enhanced pedestrian access into the Academy from Top Valley Drive for both pupils and the public. It is also proposed to provide an improved pedestrian access route from Bestwood Park Drive West.
- 7.14 The proposal would not result in any increase in the number of pupils and staff and is considered to be acceptable in highway terms subject to the conditions outlined in the consultations section of this report. Compliance with the suggested conditions would ensure that the proposal is in line with ACS Policy 14 and Local Plan Policy T3.

v) Flood Risk (NPPF, ACS Policy 1 and Local Plan Policy NE10)

- 7.15 The applicant has submitted a Flood Risk Assessment (FRA) which shows that the site is located within Zone 1 of the River Leen and as such is at low risk of fluvial flooding.
- 7.16 The Environment Agency has however raised objection to the proposal on the grounds that the FRA and its surface water drainage strategy has not provided a sufficient reduction in the level of surface water run-off to meet equivalent green field run off rates (no greater than 5.0 l/s/ha) in line with the Day Brook and River

Leen Strategic Flood Risk Assessment (SFRA). The SFRA provides this recommendation to reduce the impact of historic urban development that has resulted in rapid runoff into the river Leen and Day Brook and it is the EA's opinion that any compromise on the requirement to limit discharge rates will result in a continuation of flooding issues from the watercourse.

- 7.17 The EA also consider that the surface water drainage strategy also needs to incorporate a range of sustainable drainage measures.
- 7.18 Discussions are currently ongoing with the EA to overcome their objection and will be reported to Committee in an update report.

8. SUSTAINABILITY / BIODIVERSITY (ACS Polciy 1 and Local plan Policy NE3)

- 8.1 An energy statement has been submitted with the application the use of solar panels, combined heat and power or photovoltaic cells could be used to achieve a minimum of 10% of the building's energy needs. As such the proposal would comply with ACS Policy 1.
- 8.2 The ecological assessment has identified features with potential to be used by bats in the existing building. A further activity survey will be required to be submitted prior to the demolition of the existing buildings to assess the presence/absence of bats and the need for any mitigation measures if necessary. An update survey in relation to the disused badgers' sett will be required to be carried out prior to commencement of the development, and ecological enhancements such as bat boxes provided. These will be dealt with by condition.
- 8.3 The proposal will not affect any existing trees on the site and will provide extensive new tree planting and soft landscaping throughout the new layout.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Supporting Nottingham People. The proposal would improve services fo young people and the wider community.

14 CRIME AND DISORDER ACT IMPLICATIONS

None

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 15/00490/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NJYJKLLYCB000>

2. Highway comments
3. Environment Agency comments
4. Parks and Leisure comments
5. Pollution Control comments
6. Sport England
7. Urban Design comments

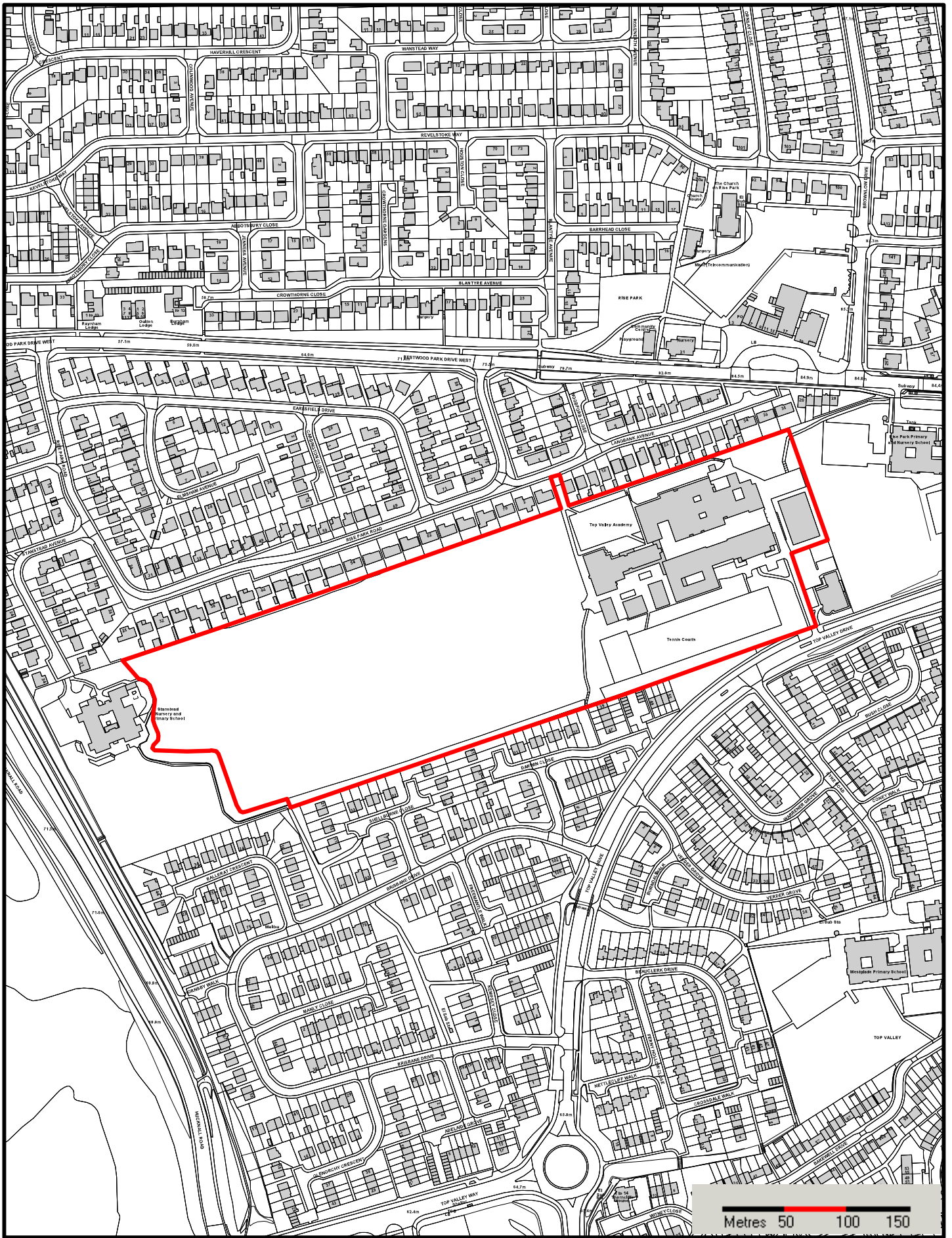
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

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Nottingham
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 15/00490/PFUL3 (PP-03912393)
Application by: Carillion Construction Ltd
Location: Top Valley Academy, Top Valley Drive, Nottingham
Proposal: New school, sports hall and associated development and demolition of existing school buildings.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction – Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Nottingham Local Plan.

3. The development, including any works of demolition, shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- a. The parking of vehicles of site operatives and visitors;
 - b. Loading and unloading of plant and materials, including haul routes and expected operation times;
 - c. Storage of plant and materials used in constructing the development;
 - d. Wheel washing facilities;
 - e. Measures to control the emission of dust and dirt during construction;
 - f. A scheme for recycling/disposing of waste resulting from demolition and construction works and
 - g) A timetable for implementation.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies 10 and 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.

4. Demolition of the existing school buildings shall not take place until a bat activity survey has been carried out and submitted to and agreed in writing with the Local Planning Authority.

The demolition shall only be carried out in accordance with the agreed recommendations of the survey.

Reason: In the interests of safeguarding a protected species in accordance with Policy NE3 of the Nottingham Local Plan.

5. The development shall not commence until an update survey of the disused badger's sett has been carried out and shall be submitted to and agreed in writing with the Local Planning Authority.

The development shall only be carried out in accordance with the agreed recommendations of the survey.

Reason: In the interests of safeguarding a protected species in accordance with Policy NE3 of the Nottingham Local Plan.

6. The development shall not commence until , a Remediation Strategy that includes the following components to deal with the risks associated with ground gas contamination of the site, has been submitted to and be agreed in writing by the Local Planning Authority:

a) A Remediation Strategy, based on the recommendations of Phase 1 Desk Top Study P1, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

7. The development shall not commence until, an environmental noise assessment and sound insulation scheme has been submitted to and agreed in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policy NE9 of the Nottingham Local Plan.

8. The development shall not commence until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategies.

9. The development shall not commence until details of the materials for the hard surfaced areas of the site, which demonstrate that a sustainable drainage approach to site drainage has been adopted, have been submitted to and agreed in writing by the Local Planning Authority.

The development shall only be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding and to improve and in the interests of the appearance of the development in accordance with the NPPF, Policies 1 and 10 of the Aligned Core Strategies and Policy NE10 of the Nottingham Local Plan.

10. The development shall not commence until details for enclosing the site have been submitted to and approved in writing with the Local Planning Authority.

The means of enclosure shall be installed in accordance with the approved details prior to the occupation of the new school building.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

11. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development, including any mitigation measures, have been implemented prior to occupation of any part of the development.

Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policy NE9 of the Nottingham Local Plan.



12. No part of the development hereby permitted shall be brought into use until a verification report, which shall include the data referred to in the Verification Plan approved under condition 6, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

13. No part of the development hereby permitted shall be brought into use until details of the means of meeting the 10% renewable energy target (interpreted through carbon emissions) have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to first occupation of the new school building.

Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategies.

14. No part of the development hereby permitted shall be brought into use until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

15. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas have been provided in accordance with the approved drawings. The parking/turning/servicing areas shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

Reason: In the interests of highway safety in accordance with Policy 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.

16. No part of the development hereby permitted shall be brought into use until the cycle parking facilities as indicated on the approved drawings have been provided.

Reason: To encourage use of the development by means of transport other than the car in accordance with Policy 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.

17. No part of the development hereby permitted shall be brought into use until a scheme for the Community Use of Top Valley Academy has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Scheme shall include details of an implementation scheme, pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review.

The approved Scheme shall be implemented in accordance with the approved details and shall thereafter be retained and maintained.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport in accordance with Policy CE2 of the Nottingham Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

18. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory in accordance with ACS Policy 10.

19. No later than 3 months after the replacement school is brought into first use, an up-to-date school Travel Plan shall be submitted for approval in writing by the Local Planning Authority. The Travel Plan must as a minimum contain up-to-date travel to school data (for the appropriate school year) for students and staff members, revised SMART targets and measures alongside timescales for implementation.

Reason: In the interests of ensuring that an appropriate Travel Plan is in place and, therefore, in the interests of highway safety and promoting sustainable transport in accordance with Policy T3 of the Nottingham Local Plan.

20. Notwithstanding the submitted plans to date, the two parking spaces adjacent to the southern car park boundary shall be widened to 2.9m in width.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area in the interests of highway safety in accordance with Policy 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.

21. All windows shall be set back by a minimum of 150mm, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategies.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 26 February 2015.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the

landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

3. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 15/00490/PFUL3 (PP-03912393)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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