

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Middleton Primary And Nursery School

1 SUMMARY

Application No: 17/02822/PFUL3 for planning permission

Application by: CPMG Architects Limited on behalf of Nottingham City Council.

Proposal: Erection of new Early Years building, extension to create two additional classrooms, extension to hall and new car park.
Demolition of existing nursery block.

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 21 March 2018.

2 RECOMMENDATIONS

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

- 3.1 The school is located on the northern side of Harrow Road, set back some 30m from the main highway frontage. The school buildings are single storey and centrally located within the site. A freestanding, L shaped classroom block lies to the west of the original school building, segregated from the main buildings by a row of mature Lime trees. There are further mature trees located throughout the site. The hard surface play area is located to the rear of the school buildings adjacent the northern boundary and a playing field occupies the western third of the site. There is a small car park to the front of the site, and directly in front of the main building is a grassed area currently laid out as an outdoor gym.
- 3.2 The site is largely surrounded by two storey residential properties, in addition to the Wollaton Park Medical & Community Centres along the eastern boundary. The topography of the site and its immediate surroundings is generally flat.
- 3.3 The school currently has capacity for 420 pupils and 52 nursery places.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposed development of the school is to facilitate an increase in the number of pupils from 420 to 630, along with the 52 nursery places. The expansion is

proposed to facilitate an additional 210 children, whilst retaining the existing nursery capacity. The admission numbers are proposed to increase gradually year on year, with an additional 30 children per year over a seven year period, until the school reaches its maximum capacity of 630 children with 52 nursery places.

- 4.2 The proposal comprises the introduction of a new Early Years Unit (EYU), extension of the western most block to create two additional classrooms, extension of the existing hall/kitchen, and ancillary development including a 28 space car park to the front of the main school building, and demolition of the existing nursery building. After demolition, this part of the site is proposed to be used as additional hard surface play area.
- 4.3 The EYU is to be placed to the eastern side of the main school building, partly within a grassed play area and partly within the current car parking area. This new purpose built unit will house the 52 place nursery and 3 classrooms for reception and Year 1 groups. The building is proposed to be approximately 420m² and would be single storey with projecting roof lights. The unit will also provide a small kitchen and a multi-functional space for 10 staff.
- 4.4 The extension to the existing Year 5/6 block would provide an additional two classrooms which mirror the existing configuration of the classrooms in the block, including toilet, breaking areas and cloak areas.
- 4.5 The extension to the hall would provide additional space to hold two classes, along with storage space for dinning furniture. The kitchen is to be remodelled to provide for a more efficient use of the space available, in order to cater for the additional intake of students. Other internal re-modelling is also proposed for which planning permission is not required.
- 4.6 The main vehicular access to the site will not change. However, on-site car parking is to be relocated into the grassed area to the front of the main building (part of the existing 'trim trail' area), to accommodate the increased staff number. Car parking will increase from 23 to 28 spaces, including the provision of three disabled parking spaces and a delivery space and sheltered parking for 7 cycle hoops and scooters. The proposed car park also includes a parking zone allocated for small delivery vehicles.
- 4.7 It is also proposed to utilise additional parking spaces in the Community Centre next to the neighbouring medical centre. In the supporting information it is stated that spaces at the Community Centre would be promoted as a drop off and pick up area to parents.
- 4.8 The main pedestrian access is to be moved adjacent to the EYU to avoid conflict with the extended car park. A further existing pedestrian access along Harrow Road would be retained.
- 4.9 A total of 30 trees on the site are proposed to be removed and replaced, with 10 additional trees also proposed to be planted.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

3 – 87 Harrow Road

Properties on Harrow Gardens
Properties on Abbotts Way
1 – 27 Eaton Grove
193 – 233 Wollaton Road
Site notice on Eaton Grove
Site notice on Harrow Road

- 5.1 Representations have been received from ten households, some of which have sent multiple representations. The objections from local residents are summarised below:
- 5.2 The proposal facilitates additional pupils, any increase in pupils will exacerbate the existing issue of traffic nuisance around the site, particularly during the times when pupils are being dropped off or picked up. Furthermore, some staff choose to park on surrounding streets rather than in the car park. The additional five places in the staff car park is not enough for the increase in staff, which would mean more staff parking on the road. It is noted that during peak times, parents commonly block residents' driveways and park on double yellow lines. It is felt by a number of local residents that this issue will be further intensified because widening the catchment area for the school will inevitably mean that pupils are travelling from further afield, and will therefore arrive and leave school by car rather than walk to the site.
- 5.3 The local residents have gone on to point out that there are inaccuracies in the submitted Transport Assessment, which means that a true reflection of the existing situation isn't clearly represented for assessment, and mitigation measures would be inadequate. Concerns are expressed about safety of children due to these traffic issues. A Residents Parking Scheme is sought by some residents.
- 5.4 Objections have been raised regarding the impact on the trees within the site, particularly regarding those to be felled. A request has been made for the belt of Lime trees running north to south in the centre of the site to be protected by a TPO, along with the Horse Chestnut tree close to the east pedestrian gate.
- 5.5 Concern was expressed that no works to trees, or other preparation works such as the removal of play areas, should be carried out prior to planning permission being granted because there may not be the requirement for these works if planning permission is refused. It is noted that some work has been carried out during the February half term holidays, which included the removal of some trees.
- 5.6 Concern was expressed by residents that the planning application would be rushed to ensure that the building works could commence this year, despite the fact that the admissions would not increase in the 2018 intake.
It is noted by the officer that an extension of time has been agreed to determine the application beyond the usual timeframe
- 5.7 Residents located along the northern boundary expressed specific concern about the impact of the extension to the Year 5/6 block in terms of loss of light, and also a loss of privacy created by the introduction of a pathway, as well as concern over additional trees being planted along their boundaries which would result in a loss of light.
- 5.8 A suggestion was made during previous community consultation about the orientation of the roof lights on the new building, which still appear to be facing south and west instead of north and east, which could result in an uncomfortable

internal environment. The alteration would also provide the opportunity for inclusion of solar PV collectors on south facing sloping roofs.

- 5.9 Due to the number of vehicles parked in the surrounding streets during drop off and pick up times, properties on Harrow Gardens and Abbots Way are inaccessible for emergency vehicles. The proposed increase in children would exacerbate this problem.
- 5.10 The increase in traffic as a result of additional children would contribute to additional pollution in the area caused by vehicles, which would have a harmful effect on the health of residents and children.
- 5.11 Concern that the widening of the entrance of the community centre does not have a negative impact on traffic speed entering and exiting the car park and that any drainage issues relating to the proposed pedestrian pathway at the community centre are resolved.
- 5.12 One letter of support was submitted, and one other objector also stated that they welcome the increase in education provision.

Additional consultation letters sent to:

Environmental Health and Safer Places: Given that it is proposed to extend the existing kitchen facilities, a condition is recommended requiring a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour to be approved prior to commencement of the kitchen extension.

A condition is also recommended requiring an environmental noise assessment and sound insulation scheme to be submitted and approved prior to commencement of the development.

The development will have lighting placed on the walls of the new building, which is proposed to be controlled via photo cells and time locks. Because there are no specifics of what that would mean in practice, a condition is recommended relating to artificial light.

There are no concerns with regards to ground gas, ground water and land contamination issues. However it is recommend that the builders working on the site wear protective clothing to ensure that they will not be affected by the localised contamination.

Highways: Do not object but recommend a number of conditions to address the potential increase in traffic accessing the school, as summarised below:

- Provision of a Construction Management Plan
- A review of the existing Traffic Regulation Orders (TROs)
- Modification and extension of vehicular footway crossing on Harrow Road
- Full details of new car park
- Provision of a Carpark Management Plan
- Improved pedestrian access from the community centre
- Details of cycle storage
- School Entrance Clearways reviewed and updated as required
- Provision of a Travel Plan within 3 months of the occupation of the development

- Details of pedestrian guard railing
- Swept path analysis for fire engine access

Sport England: No objection given that the main pitches are proposed to remain.

Flood Management: No objection to the proposal.

Biodiversity Officer: Satisfied with the content of the Ecological Appraisal, but points out that vegetation should only be removed outside nesting season. Buildings were assessed as having negligible potential for bat potential, therefore no further survey work is recommended. There are a number of trees which were assessed as having low potential for roosting bats and further survey work is recommended on trees T1 and T2, as per section 4.18 of the report. The group of lime trees forming TG1 are being retained so no further work is recommended. Vegetation should only be removed out of bird breeding season.

Any landscaping should include nectar, berry and nut producing species for bees and other pollinators (such as the proposed new hedgerow).

Tree Officer: Requested further information of robust re-planting to be carried out prior to the determination of the application. After a site visit, recommended that the belt of Lime trees which run centrally from north to south should be subject to a Tree Preservation Order, along with other selected trees around the school grounds.

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 encourage the efficient use of land by reusing brownfield land; secure high quality design; support the transition to a low carbon future; 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 72 of the NPPF states that great importance is attached to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
- 6.4 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

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
- (iii) Impact upon Residential Amenity
- (iv) Impact on Highways and Parking
- (v) Impact on Trees

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

- 7.1 The site is an established educational use and as such the proposed new school building, extensions and other associated works are considered to be acceptable in line with ACs Policy A and Local Plan Policy CE1.
- 7.2 The position of the EYU would result in the loss of a section of the existing, informal outdoor play area. However, the main playing fields, and various other area of outdoor play space would remain. 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.

(ii) Design (ACS Policy 10)

- 7.3 The proposed new EYU would be visible from Harrow Road but set back within the site, single storey and of a contemporary design with feature roof lights. Its height and scale are equivalent to the existing buildings on the site. The contemporary appearance and materials proposed are considered to be appropriate to its function and setting.
- 7.4 The extension to the Year 5/6 block follows the design and proportions of the existing building. The proposals would enhance external spaces and improve pedestrian routes into and around the school.
- 7.5 The extension to the hall is a single storey and again contemporary in appearance, creating a distinction that retains the integrity of the design features of the existing building. Given the location of this extension at the rear of the hall, it would not be clearly visible from the street.
- 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 Concern has been expressed by a neighbour sharing the northern boundary of the site about the extension to the Year 5/6 building. It is not felt that this extension would result in a loss of light to the occupants of the adjacent dwellings on Wollaton Road given the separation distance of approximately 4m to the shared boundary and approximately 25m to the dwellings themselves. This extension is proposed to follow the same dimensions of the existing building, which is single storey with a steep pitched roof that slopes away from the dwellings to the north. This is particularly the case with regard to No.199 Wollaton Road (whose occupants have expressed concern), given a separation distance of approximately 80m. Additionally there is a 2m close boarded fence along this northern boundary which acts as a screen and would ensure no loss of privacy for the neighbours on Wollaton Road from the introduction of any further pupil movements around this area of the school grounds.
- 7.8 The re-planting scheme has yet to be submitted but can be assessed on submission to ensure that the location and type of trees would not impact on light to the rear gardens of these neighbouring properties.

iv) Impact on Highways and Parking (ACS Policies 10 and 14 and Local Plan Policy T3)

- 7.9 Many of the objections received relate to traffic impact as a result of the proposed school expansion. A Transport Assessment has been submitted with the application which sets out the current and proposed access and parking arrangements, along with mitigation measures to address the increase in staff and children accessing the site, as well as the estimated increase in parking on surrounding streets. The mitigation measures stated in the Transport Assessment are as follows:
- Implementation of a Travel Plan to develop a package of measures which promote safe and sustainable travel to and from the site, where possible encouraging alternatives to the private car
 - An increase in the size of the on-site car park
 - Greater utilisation of the space available in the Community Centre car park

- Provision of sheltered cycle parking for staff and children.
- Improvements to pedestrian access to the school

- 7.10 The Transport Assessment includes results of a questionnaire about how people access the school. This revealed that the majority of pupils walked to the site at the time of the survey (65% walked, with a total of 27% accessing by car). Objectors have raised concern that widening of the catchment area would result in more pupils accessing the site by car due to the distance they are required to travel. The Transport Assessment states that the increase to pupil numbers is not proposed to widen the catchment area, but rather to ensure there is sufficient space for children within the existing catchment area. Therefore, the current trend of a higher percentage of children walking to school should still hold.
- 7.11 It is acknowledged that during busy periods there are on street parking pressures, a concern which is expressed by a number of objectors. The Transport Assessment points out that there are existing warnings and restrictions in place on Harrow Road, in the form of yellow lines and signage, to deter inconsiderate parking. However, objectors have reported that these warnings are ignored by parents, who are also reported to block the driveways of neighbouring dwellings. Such on street parking pressures and complaints are common to most schools. Highways have not objected to the proposed development but do recommend a number of conditions to mitigate any potential further impact, including a review and alteration, where necessary, of the existing TROs and other restrictions that currently exist. The approval process for amending such highway restrictions does not fall within planning control but a condition can be added to ensure that such a review and approval process is commenced.
- 7.12 The new car park would provide an increase of 5 parking spaces, including a disabled parking space, as well as parking facilities for cycles. The neighbouring Community Centre, which is owned by Nottingham City Council, is also proposed to be utilised for staff parking, as well as a facility for parents dropping off and picking up children. Conditions are proposed to secure the provision of the cycle storage facilities
- 7.13 The existing pedestrian access that is located approximately 60m to the west of the vehicular access on Harrow Road will remain in operation. Additional pedestrian access points would be introduced alongside (but segregated from) the car park access and approximately 40m further to the east, to improve pedestrian accessibility for people accessing the EYU and the school in general at its eastern end, including from the adjacent Community Centre (100m to the east). The car park here is proposed to be improved to make it a safer and more attractive place to park, and staff and parents would be encouraged to utilise the spaces available. Improvements to the pedestrian route between the two is also proposed, the details of which would be secured by condition.
- 7.14 In light of the above considerations the proposals are considered to be in accordance with ACS Policies 10 and 14 and Local Plan Policy T3.

(v) Impact on Trees (Local Plan Policy NE5)

- 7.15 The proposal requires the felling of 30 trees within the site, to be replaced with 40 trees. Concern was expressed that no works to trees, or other preparation works such as the removal of play areas, should be carried out prior to planning permission being granted because there may not be the requirement for these

works if planning permission is refused. It is noted that some work has been carried out during the February half term holidays, which included the removal of a number of trees. The logic behind the timing of this work was that no trees would be able to be felled during nesting season, and waiting until after September would hold up potential works that would have to fit in with school holidays, if permission is granted.

- 7.16 The trees requiring to be felled were assessed by the Council's Tree Officer and deemed to be appropriate for such works, being of insufficient quality or health to warrant protecting. The felling of the trees within the site can be carried out without the benefit of planning approval and many have been removed as part of the preparation works. The replacement trees would be subject to approval from the Tree Officer in terms of species and location, which can be secured by condition.
- 7.16 During the assessment of the application a Tree Preservation Order was made on the belt of Lime trees separating the main building from the other large class room building, along with a number of other notable trees elsewhere within the school grounds. A request was made by a member of the public to protect the Horse Chestnut tree close to the east pedestrian gate, but this is a street tree within NCC ownership and does not therefore require TPO protection.

8. BIODIVERSITY (Local plan Policy NE3)

The biodiversity officer is satisfied with the content of the Ecological Appraisal and their recommendations can be addressed by condition or informative.

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 for 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: 17/02822/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

2. Highway comments

3. Biodiversity comments

4. Tree Officer comments

5. Pollution Control comments

6. Sport England

7. Transport Statement by BSP Consulting.

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

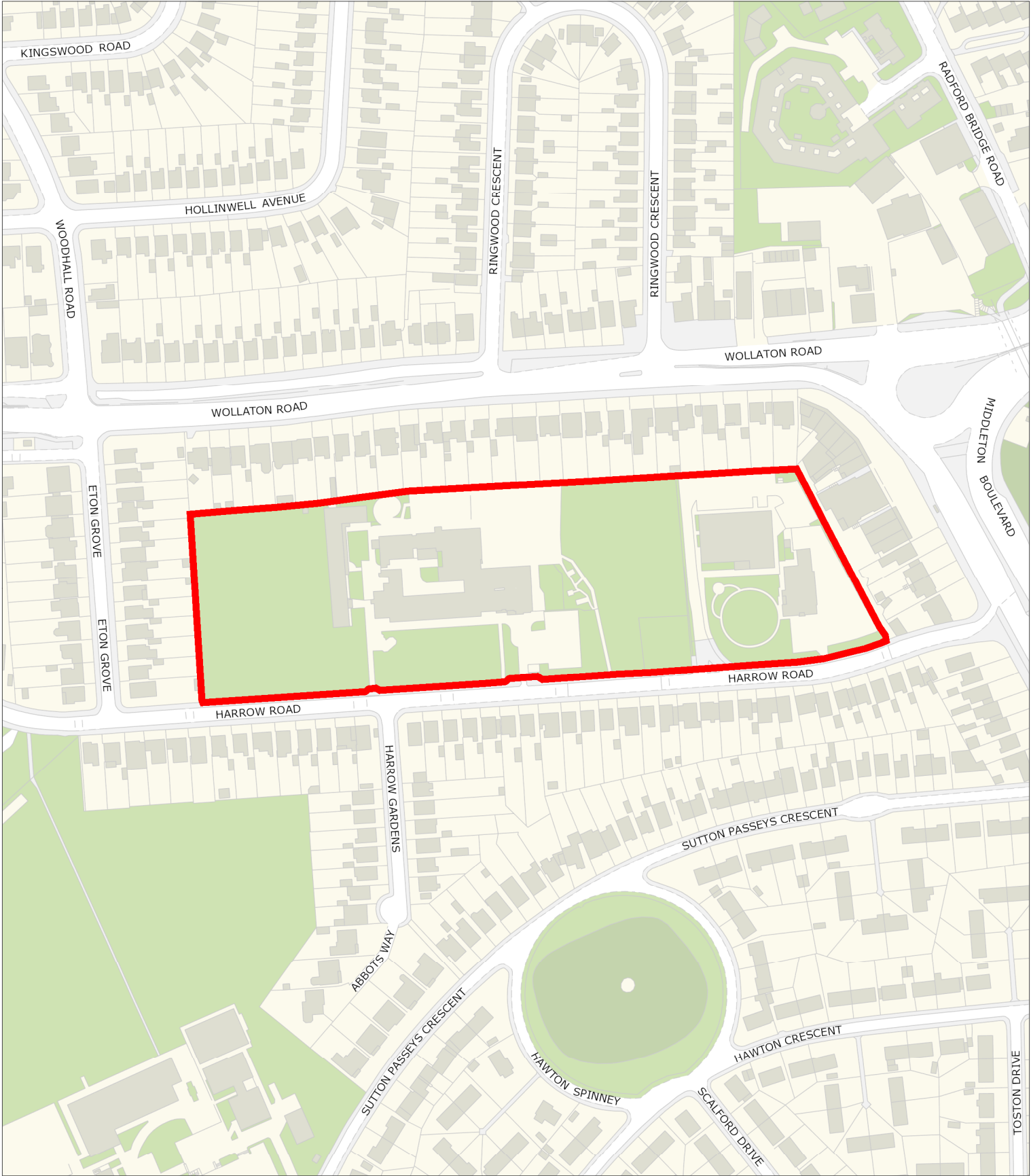
Aligned Core Strategy

Contact Officer:

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NOMAD printed map



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- Key
- City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 17/02822/PFUL3 (PP-06606152)

Your Ref:

Contact: Ms Kathryn White

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990 APPLICATION FOR PLANNING PERMISSION

Application No: 17/02822/PFUL3 (PP-06606152)
Application by: Ms Pratima Balaghee
Location: Middleton Primary And Nursery School , Harrow Road, Nottingham
Proposal: Erection of new Early Years building, extension to create two additional classrooms, extension to hall and new car park. Demolition of existing nursery block.

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. <i>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.</i>
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. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans. <i>Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.</i>



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Not for issue

Continued...

3. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

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

4. The development shall not be commenced until a Construction Management Plan detailing how the development works are to be carried out, including details of the type, size and frequency of vehicles arriving at and leaving the site, site access details, contractor staff parking provision, traffic management, haul routes and a phasing programme, has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of wheel washing facilities and measures to prevent the deposit of debris onto the highway.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Local Plan Policy T3 and ACS Policy 14.

5. Prior to the commencement of the development of the extension to the kitchen facilities, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: To protect the amenity of neighbouring occupiers in accordance with Local Plan Policy NE9.

6. Prior to the commencement of the development, a detailed landscaping and planting scheme for the development indicating the type, height, species and location of all the replacement trees. Landscaping should include nectar, berry and nut producing species for bees and other pollinators. The landscaping scheme shall then be implemented in accordingly.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.

7. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved 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: In the interests of the amenity of neighbouring residents in accordance with Local Plan policy NE9 and Aligned Core Strategy Policy 10.

8. Prior to the development reaching ground level, a review of the existing Traffic Regulation Orders surrounding the site shall be undertaken, and an application and draft designs for any amendments shall be submitted for in-principle approval. The developer shall then pursue implementation of the agreed design, with all works including any implementation to be at the expense of the applicant.

Reason: To ensure the development does not lead to inappropriate on-street parking, to the detriment of the safe and efficient functioning of the public highway in accordance with Local Plan Policy T3 and ACS Policy 14.

12. Prior to the development reaching ground level the existing School Entrance Clearways shall be reviewed, and updated as required, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The School Entrance clearways shall thereafter be implemented prior to the development being brought in to use.

Reason: To ensure a safe means of access is provided, in the interests of highway safety and in accordance with Local Plan Policy T3 and ACS Policy 14.

13. Prior to the development reaching ground level, a swept path analysis should be submitted to the Local Planning Authority to demonstrate that a fire engine can access and turn within the site.

Reason: To ensure that sufficient access for fire engines is provided in accordance with Local Plan Policy T3 and ACS Policy 14.

Pre-occupation conditions

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

9. Prior to the development being brought into use, pedestrian guard railing shall be provided at all pedestrians entrances to the school, in accordance with details that should first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a safe means of access is provided, in the interests of highway safety in accordance with Local Plan Policy T3 and ACS Policy 14.

10. The development shall not be brought into use until secure, covered cycle storage is provided in an accessible location, in accordance with details that should first be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable forms of transport in accordance with Local Plan Policy T3 and ACS Policy 14.

11. The approved development shall not be brought into use until improvements to the pedestrian route from the Community Centre Car Park to the school have been completed, in accordance with details that should first be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage use of the Community Centre Car Park at the start and end of the school day for collection of pupils, to reduce any impact on the public highway in accordance with Local Plan Policy T3 and ACS Policy 14.

14. Prior to first occupation of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers in accordance with Local Plan Policy NE9.

15. The approved development shall not be brought into use until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the car park shall be used in accordance with the approved Management Plan

Reason: To ensure the car park is managed effectively, to reduce the potential for displaced parking on the public highway Local Plan Policy T3 and ACS Policy 14.

16. 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.

17. The approved development shall not be brought into use until the existing vehicular footway crossing on Harrow Road has been extended/modified to serve the new development to the satisfaction of the Local Planning Authority.

Reason: To ensure a safe means of access is provided, in the interests of highway safety in accordance with Local Plan Policy T3 and ACS Policy 14.

18. The approved development shall not be brought into use until the new car park has been provided and surfaced in a permeable material in accordance with the approved plans. The parking and turning areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.

Reason: To ensure sufficient off-street parking provision is made to prevent on-street parking taking place in the area in accordance with Local Plan Policy T3 and ACS Policy 14.

Regulatory/ongoing conditions

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

19. The external lighting scheme for the development shall ensure that:

- i. Direct illumination of 'habitable rooms' (i.e. living rooms and bedrooms) does not occur and that any nearby residents are not subjected to glare anywhere within the boundary of their property,
- ii. There is no significant increase in existing light levels, attributable to the development, at the boundary of any nearby residential properties.

Reason: To ensure the amenity of neighbouring residents is protected in accordance with ACS Policy 10.

20. The development shall be carried out in accordance with the recommendations set out in the Ecological Appraisal by Wates Group, dated December 2017.

Reason: In the interest of nature conservation in accordance with Policy NE3 of the Local Plan.

21. Within 3 months of occupation of the extended facilities, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable, and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote more sustainable modes of travel in the interests of Highway Safety and in accordance with Local Plan policy T3 and ACS Policy 14

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 20 December 2017.

Reason: To determine the scope of this permission.

Informatives

0. It is recommend that builders working on the site wear protective clothing to ensure that they will not be affected by the localised contamination

0. Planning consent is not consent to work on the highway. To carry out the off site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process.

It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

0. Planning consent is not consent to work on or from the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

0. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

0. According to the Public Health England (PHE) radon inside buildings is the main source of human exposure to radiation in the UK. Their advice for residential and other properties is that the Action Level for radon concentrations should be 200 Bq m⁻³ and the Target Level should be 100 Bq m⁻³.

Most of the Nottingham city area falls within Radon Class 1 where less than 1% of homes are estimated to be above the Action Level. These areas are regarded as lower probability radon areas. However some parts of the Nottingham city area fall within Radon Classes 2, 3 or 4 where respectively 1% to <3%, 3% to <5% or 5% to <10% of homes are estimated to be above the Action Level. Areas where more than 1% of homes are estimated to be above the Action Level are termed Radon Affected Areas. Furthermore areas where between 1% and 10% of homes are estimated to be above the Action Level are regarded as intermediate probability radon areas. This development site is classified as being in a Radon Affected Area (Class 2) and as such between 1% to <3% of residential buildings in this area are estimated to have radon levels above the Action Level of 200 Bq m⁻³.

Consequently based on advice from Public Health England it is recommended that in order to protect the health of future residents or occupiers of this development from the adverse effects of radiation all new buildings, extensions, conversions & refurbishments:

- i. Should include basic radon protection measures as a minimum consisting of a well-installed damp-proof membrane, modified and extended to the outer layer of construction to form a radon-proof barrier across the ground floor of the building,
- ii. The domestic Action Level and Target Level should be applied to non-domestic buildings with public occupancy exceeding 2000 hours per years and also to all schools.

Further guidance may be found in Radon - Guidance on Protective Measures for New Buildings BRE 211 (2015), Building Regulations Approved Document C and the Public Health England website <http://www.ukradon.org/>.

NB: It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

0. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf>.

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf>.

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

0. 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.

0. External Lighting Scheme

The external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

0. Advice on School Travel Plans can be sought from Safer Routes to School on 0115 876 5226.

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.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT⁸ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 17/02822/PFUL3 (PP-06606152)

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/pcs.

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.