

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	04th September 2019
Application Number	18/08362/DP3
Site Address	Lea and Garsdon C of E Primary School The Street Malmesbury SN16 9PG
Proposal	Redevelopment of the existing 0.5FE size school site to provide a 1FE size school. This includes increasing the school site and providing a new building for three classrooms, a hall and kitchen.
Applicant	Wiltshire Council
Town/Parish Council	Lea & Cleverton
Division	Brinkworth
Grid Ref	396273 186985
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application is reported to Committee as it is an application by the Council to itself which is the subject of objections by interested third parties. Under the Council's Scheme of Delegation applications must be reported for Committee determination in such circumstances.

1. Purpose of Report

To consider the application proposals in relation to the adopted development plan and national guidance and to recommend that permission be granted subject to conditions.

2. Report Summary

The application has been the subject of two periods of full consultation. In total 32 representations of objection; 28 representations making comments and raising concerns; and 22 representations of support have been received.

Lea & Cleverton Parish Council raise concerns which if addressed would result in support for the proposals (revised).

St Paul without Parish Council opposes the application with similar concerns as lea & Claverton PC identified as unresolved.

Malmesbury Town Council concur with the concerns raised by Lea & Cleverton Parish Council and similarly would only support the application if the concerns raised are addressed.

The key issues in the determination of the application are:-

Principle of Development/Development Plan compliance

Highways Impact; Parking Provision; Accessibility and Safety
Impact to Residential Amenity
Impact to the Character, Appearance and Visual amenity of the Locality
Ecology
Drainage
Archaeology

3. Site Description

The application site is in large part an existing primary school located on the fringe of the village of Lea but does include open agricultural land immediately adjacent and to the north of the existing school boundary. The existing structures on site are limited in scale, predominantly single storey but with some structures of greater height than other elements. Buildings are of varying ages with some older stone built elements alongside more modern structures. The northern boundary features an established mature field boundary, to the east is a stone wall boundary with a mature hedgerow extending along the roadside northward. To the south are mixed boundaries with access points to the site from the adjoining school lane. There are existing mature trees within and adjacent the site some of which are the subject of tree preservation orders. A two storey residential property adjoins the site to the east which appears to have been the former school house; to the west is a small paddock with detached residential properties beyond. In the adjacent areas of the village to the south are residential properties of a mix of ages, form and character. The school lies adjacent the junction of School Lane and The Street with other property access points in close proximity. School Lane is a single track rural lane terminating approximately 265 Metres to the west.

The village of Lea is defined in the Wiltshire Core Strategy as a small village without a settlement framework boundary and as such the development is at least partially within the open countryside. The Council has some records of ground and surface water flooding in the vicinity. There are archaeological records and features in the agricultural field to the north of the site. There are records dating to 1998 of water vole in the stream adjacent the field boundary at the northern edge of the agricultural field adjoining the north of the site.

4. Planning History

N/99/01194/FUL	Siting Of Portable Building For Playgroup (Renewal) – Approved subject to conditions
N/99/02421/FUL	Erection Of Detached Domestic Garage – Approved subject to conditions
N/91/02046/SEC	Section 64 Determination - Extension – Proposal constituted development and approval required.
N/91/02263/SEC	Extension To Dwelling – Permitted development
N/89/01703/FUL	Vehicular/Pedestrian Access - Refused
N/91/00936/FUL	Vehicular Access - Approved
N/88/03102/FUL	New Pedestrian Access - Approved
N/96/01301/FUL	Siting Of Portable Building Portable Building – Approved subject to conditions
N/02/00395/FUL	Erection Of A Two Classroom Single Storey Block – Approved with conditions
N/02/01092/FUL	Extension To Existing Mobile Classroom – Approved with conditions
N/03/01410/S73A	Retain Mobile Unit And Extension – Approved with Conditions
N/08/01730/FUL	New Entrance Porch – Approved with Conditions
N/09/01869/FUL	Erection of 1.5 Metre High Natural Stone Wall – Approved with conditions
N/10/02046/FUL	First Floor Side Extension and Single Storey Rear Extension - Approved

N/12/00528/TPO	Tree Surgery to 2 Oak Trees – Approved with Conditions
N/12/01301/FUL	Provision of Single Mobile Classroom – Approved with conditions
N/13/01453/FUL	Proposed Covered Play Area – Approved with Conditions
15/02937/FUL	New External Entrance Canopy – Approved with Conditions

5. The Proposal

The proposed development is for the expansion of the existing school from 0.5 form of entry to a full form of entry with expansion of ancillary facilities. Essentially this is to support the increase of school pupil numbers by 60 places from 150 pupils to 210 pupils. Following initial consultation the scheme proposals were revised and parking and a range of additional highways related access measures included in the proposals. The additional facilities will include:-

- New school hall;
- New school kitchen;
- New hygiene room providing facilities for disabled pupils, staff and visitors;
- Conversion of the old small hall into a library and staffroom;
- Three new classrooms, including one to replace the mobile classroom;
- Three group rooms for one to one and small group teaching;
- A practical teaching room for science and food technology;
- Site security improvements;
- Additional parking including a dedicated coach collection point;
- A games court.

6. Planning Policy

Wiltshire Core Strategy Jan 2015 CP1 CP2 CP13 CP48 CP49 CP50 CP51 CP55 CP57 CP58 CP60 CP61 CP62 CP67

Saved Policies of the North Wiltshire Local Plan 2011 NE18

National Planning Policy Framework 2019

2, 8, 11, 12, 38, 46, 54, 56, 92, 94, 108, 109, 110, 127, 163, 170, 175, 193, 194, 196.

7. Consultations

The following is a summary of the position reached following all the consultation undertaken and is not a verbatim account of all comments received.

Highways Officer – No objection subject to conditions

School's Travel Plan Co-ordinator – No objections but sought clarifications and recommended amendments in relation to the submitted travel plan

Public Protection – No objection subject to conditions

Wessex Water – No objection and no conditions required

Drainage Officers – No objection subject to conditions

Trees Officer – No objection subject to conditions

Landscape Officer – No objection subject to conditions

Council Ecologist – No objection subject to conditions.

Council Archaeologist – No objection subject to conditions.

Lea & Cleverton Parish Council – Raises following concerns and issues, which if addressed would result in support:-

- Management of parking, drop-off and pick-up: in discussions, school staff appear confident that they have the resources and capability to implement the proposed travel management element of the “Travel and Management Plan” viz those “internal” soft measures aimed at encouraging reduction in the numbers of children travelling to school by car. However the school do not have the capacity or capability to implement the “external” traffic management proposals which will require effective and authoritative action at three key locations (a) the car parking/drop-off areas (b) parking in The Street (iii) the pedestrian/traffic crossing point at the entrance to School Lane. Safe traffic management undertaken by competent, trained and insured individuals with acknowledged authority will be essential; particularly where management of vexatious individuals and liability in the case of accidents will be key issues. As discussed previously we consider that the appropriate resources for trained traffic management wardens should be provided by Wiltshire Council.

Officer comment – the latter element of this has not been entirely resolved at this point in time as requested, funding is not available within the Council’s Education budgets for traffic wardens. The School Head is not currently in a position to confirm training for members of staff or school assistants to address this requirement. This can however be considered further through the travel plan review mechanism.

- Design layout of parking and drop-off area: we suggest that a more efficient use of land and parking spaces for traffic management could be considered, through a simple amendment to the proposed site plan. The proposed 20-space car park in the south-west corner of the site is a single entrance/single exit cul-de-sac arrangement. This single in-out arrangement will inevitably become congested, compounded by the effect of arriving, parking and departing cars competing for the limited space between opposing lines of parked vehicles. This area might be more effectively used if it were incorporated into the proposed overall circulatory system which would separate entering vehicles from departing vehicles. This could be achieved through upgrading an additional 30-40 metres of School Lane and relocating the main access to the site further to the west.

Officer Comment – the revised site layout provides for an in out circulatory arrangement. Adjusting this to encompass the totality of the off street parking / car park area would require the entrance to be relocated further along school lane bringing more vehicles further along this single track lane. This is not considered appropriate or necessary in respect of the concern raised.

- Maintenance of access along School Lane; the proposals are for all traffic to use the lower part of School Lane for access to the school site. Irrespective of plans to upgrade the road, this has major implications for (a) the residents of School Lane in terms of need and cost of long-term maintenance (b) ensuring access to the school at all times. As discussed previously, we suggest that WC consider the adoption of the lower part of School Lane in order that necessary maintenance work can be carried out as and when required.

Officer Comment – Highways Officers have confirmed that adoption of School Lane will be acceptable. This matter is addressed under the provisions of Highways Act 1980 and not through determination of a planning application or Planning obligation / S016 agreements.

8. Publicity

The application has been the subject of two separate periods of formal consultation and the following is a summary of the position reached following all the consultation undertaken and is not a verbatim account of all comments received. The application was publicised by site notice, neighbour notification correspondence, inclusion on the council's weekly list of applications published to the website, notification to the Parish Council and Local Ward Member and publication of documentation to the Council's website.

Malmesbury Town Council – Agrees with the concerns raised by Lea & Cleverton Parish Council

Malmesbury St Paul's Without Parish Council – Opposes the application on the basis that the proposed parking stewarding arrangements are inadequate and require a dedicated trained warden; and that a proportion of the car parking area would not be used as the site entrance is in a location that discourages use. The concerns reflect those of Lea & Cleverton Parish Council.

Representatives of the School Governors – Support the proposals endorsing the revised scheme submissions, including the parking and highways mitigation measures. The benefits of the expansion of the school both to pupil education and community infrastructure provision were referenced.

Local Residents – 20 Objections and a further 17 general comments received in total (several persons made multiple submissions including some duplicate submissions) – Summary of all issues raised:-

- The school as existing and proposed to be expanded is predominantly serving pupils from outside the village, this results in large volumes of private motor vehicles visiting the site at pupil drop off and collection times. This in turn results in a range of parking and access issues for local residents of the village with consequent harm to residential amenity and highway safety.
- Education facilities should be located in the communities they serve and in this instance that is Malmesbury.
- The proposals include inadequate provision for parking off street resulting in large peak time vehicular on street parking, disturbance to residents, vehicular and pedestrian conflict, highways hazards and harm to highway safety.
- The proposed school travel plan is inadequate and will not reduce numbers of pupils arriving and departing by private motor vehicle. Additional measures should be investigated and pursued including cycling to school for appropriate age groups.
- Assumptions in the travel plan as to certain measures such as car sharing are over estimated and/or poorly evidenced.
- The proposals will result in an increase in harmful vehicle emissions and air pollution though increased vehicular traffic
- The proposals do not address but worsen existing parking and access issues in the village/at the site. This will worsen the restrictions on accessibility of emergency vehicles in and through the village.
- The assumptions as to the operation of the off street parking arrangements including pupil drop off are unrealistic.
- Traffic survey data is not included with the submitted application documentation including the Travel Plan.
- Staff parking requirements not sufficiently and appropriately considered and addressed in the proposals.

- Inadequate and inaccurate supporting information across a range of matters and generalised undetailed assertions particularly in relation to the financial and educational need and benefits of expanding provision in the village instead of elsewhere. Clarifications sought.
- Temporary car park will result in harm to residential amenity and the proposals are poorly detailed as to longer term arrangements and could set a precedent for further expansion of the village.
- The field to the north of the site has been subject of flooding over recent years.
- Proposals conflict with the spatial strategy and community area policy for Malmesbury as set out in the WCS; CP55 Air Quality and a range of aims and objectives in the Malmesbury Neighbourhood Plan that seek to support educational provision in Malmesbury.
- Inadequate consultation in respect of the application by the Council.
- School Lane is a well used route by cyclist and walkers and the proposals will result in increased vehicular conflict.
- No safe road crossings for pupils and parents walking to school. Proposed Drop off point in a dangerous location directly in conflict with pupils and parents walking to school.
- Inadequate outdoor hard surfaced play areas for pupils. Consider using hard surfaced play areas for temporary parking at peak times.
- School place provision based on a short term approach and consideration of expansion at Malmesbury should be preferred approach.
- No detailed proposals for the upgrading of school lane which is required to support the expansion of the school and increased traffic volumes.
- Concerns over impact of external and vehicular lighting and mechanical plant impacts to neighbouring residents.
- Concern as to the impacts to residential amenity of the proposals in respect of construction/constructors compound.
- School lane inadequate for buses without widening; permanent parking provision to the north of the school should be considered.
- Inaccurate information in respect of proposed building heights and on site mature vegetation/trees.
- Dispute surveys, assumptions and assertions in the travel plans and the transport statement. Survey basis considered inadequate – small sample. The proposed arrangements for accommodating predicted vehicle numbers and drop off times supporting the proposals are overly optimistic/unrealistic. Minimum of 80 – 100 additional cars required to be accommodated and assumed 10 minute drop off times. Figures disputed, numbers will be much greater and vehicles will stay much longer resulting in large scale congestion and disruption.
- Disputes a wide range/large number of factual statements in the transport statement. On this basis considers the findings and proposals unsound and unrealistic.
- Relocation of the access further along School lane increases a range of access and vehicular conflict / safety issues alongside disturbance and harm to local residents and residential amenity whilst undermining and contradicting the proposals, assumptions and aims and objectives of the travel plan.
- Disputes the need for additional pupil places in the catchment area. Seagry and Somerford are more appropriate locations as they have lost pupil numbers.
- Inadequate outdoor play space and facilities for the increased number of pupils. Land not secured for the expansion.
- The revised proposals, additional information and additional mitigation do not address concerns raised previously.

Local Residents – 18 representations of support received in total

9. Planning Considerations

Principle of Development/Development Plan Compliance

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

WCS Core Policies CP1 & CP2, supported by a series of community area based policies, define a settlement hierarchy throughout Wiltshire and seek to direct employment and housing growth to the most sustainable locations within this hierarchy, supported by additional and retained infrastructure services and facilities. Lea falls within the Malmesbury Community area and so WCS CP13 is the relevant area based policy. CP1, CP2 & CP13 defined Lea as a small village which does not feature an established and defined settlement framework boundary. At such villages development is limited to that needed to help meet the housing employment need of the village and to improve services and facilities. The expansion of the existing School is considered to fall within this latter provision. CP13 identifies the area based requirement for housing and employment land over the plan period and directs the majority of this growth to Malmesbury as the market town/higher order settlement and most sustainable location for development in the community area. The policy specifies that development will need to demonstrate how the issues and considerations listed at supporting text para 5.73 have been met. The second bullet point of this paragraph identifies the limited availability of primary school places within the community area as one of these key issues for the locality. It is considered that the proposed development directly responds to and addresses this issue.

Core Policies CP48 and CP49 aim to support the provision and retention of community facilities and services in rural locations to meet the needs of rural communities in a sustainable manner supporting community cohesion and reducing the need to travel. CP48 in particular supports proposals that improve access to services.

Core Policy CP57 supports new development subject to a range of criteria addressing location and site specific impact issues; these are addressed in further detail under subject specific headings below.

It is also material to determination of the application that para 94 of the Framework strongly supports the provision of new school places to meet identified needs. The guidance expressly states that great weight in decision making should be given to the need to create, expand or alter schools. Furthermore, that LPAs should take a proactive, positive and collaborative approach to meeting the requirement to provide a sufficient choice of school places.

The above mentioned policies and national guidance are predicated on support for meeting identified needs. In this respect some concern has been raised through the consultation process that the Lea & Garsdon Primary School is meeting needs from a wider area than the village and immediate environs. Firstly it should be bore in mind that the relevant policies do not exclude such an approach or require that facilities only serve the settlement within which they are located, provision to serve the wider catchment area is appropriate in principle. In this instance it is accurate to identify that the existing and expanded school serves pupils drawn from Malmesbury with many pupils attending school by bus and private motor vehicle.

This has reflected the growth of Malmesbury through residential development which is directed to the market town under the provisions of WCS policies CP1 CP2 & CP13. It is also relevant to note that land is available in Malmesbury for the expansion of primary school provision as a result of the residential development that has been allocated and permitted at the town.

However, there are reasons why provision is not coming forward at these locations and why it is therefore necessary to consider other options such as expansion of Lea & Garsdon. Firstly the need for provision is pressing. Existing schools as noted in the WCS para 5.73 are at capacity. Since the plan was prepared further residential development has taken place and the Council's Education Department's ongoing assessments of needs and existing provision demonstrates that primary schools in the catchment are full or over capacity (including Lea & Garsdon) and additional provision is required. Secondly Lea and Garsdon is part of the Education provision within this catchment area. Thirdly options for additional school place provision in Malmesbury have been investigated at length over a 2+ year period and found not to be viable. In this context expansion of the existing Malmesbury CE Primary School has been considered. As identified the requirement is for an additional 0.5 form of entry expansion. The primary school governors do not support this expansion and require a full additional 1 form of entry expansion. This would put other schools in the catchment area at risk of closure in particular Lea & Garsdon. The other existing primary school in Malmesbury (St Jospeh's VA Primary) is on a heavily constrained small site and is not capable of expansion. Provision of a new 1 or 2 Form of Entry School on Land at Filands identified for Education provision has also been considered. However this again would result in over provision of pupil places and call into question the future of other schools including Lea & Garsdon. Additionally the funding for such over provision is not available within the Council's Education budget. In short of the available options expansion at Lea & Garsdon is the only deliverable solution to the identified requirement at this time.

In principle it is considered that the development proposal is in accord with the provisions of the development plan subject to site specific impact considerations and these are addressed in more detail below.

Highways Impact; Parking Provision; Accessibility and Safety

As will be evident from the summary of representations received, as set out above, parking provision to serve the school is a major concern for many local residents of the village. There is an existing problem with virtually no available off street parking or vehicular drop off points at the school and with the school serving a wide catchment area and in particular receiving pupils from Malmesbury for many years and in increasing numbers. The proposals for extension of the school are largely aimed at accommodating increased demand for pupil places in the catchment area arising from population growth largely through new residential development at Malmesbury. School bus services are provided and are proposed for provision to serve needs. However, there are concerns and a clear likelihood that a significant proportion of existing and additional pupil numbers will arrive and depart by private motor vehicle. The concerns and objections raised consequently have centred on and arise from the impacts of this situation as informed by the existing problems, which are peak time vehicular movements to and from the site and the consequent on street parking demand and impact that has to local resident through disturbance, disruption and conflicting highway user (car, pedestrian, cyclist, bus) conflict. Concerns and objections thereby also centre on the adequacy of assessed requirements and the proposed measures to mitigate existing and anticipated issues.

It should be noted that the proposals have been the subject of significant revisions during the life of the application with additional supporting assessment submissions also made. In large part this stems from the outcome of the consultation undertaken on the application and the

issues around parking, access and highways impacts that have been identified. The final highways related proposals can now be summarised as follows:-

- Provision of 52 off street parking spaces
- Off street Coach/Bus drop off
- One way in / out off street circulatory system
- On Highway Parking/Waiting Restrictions – Traffic Regulation Order
- Pedestrian Crossing
- Comprehensive School Travel Plan incorporating a wide range traffic demand management measures
- Improvements to School Lane through highway adoption process

It is considered that this constitutes a comprehensive package of measures in response to the issues raised and will result in an improvement over the existing situation. The increase in off street parking provision is substantive, going from a position of virtually no available existing provision. This will directly reduce the need and demand for on street parking. Similarly the provision of off street coach/bus drop off and one way circulatory access arrangement is a significant improvement over the existing situation that will assist with mitigating conflicting vehicular movements on street and demand for on street space usage. It is recognised that many interested parties retain concerns in these respects, in particular how the off street parking will operate and the related management of parking and drop arrangements. In this respect many remain concerned that the assessments and assumptions as to demand and parking usage are overly optimistic, unrealistic and/ or inaccurate. Whilst this is noted it remains the case that officers consider the proposals to be a significant improvement upon the existing situation and there is betterment in this regard. Clearly much depends on the behaviour of individuals and the success of demand management measures in the travel plan. In the latter respect the plan allows for and requires a review process. If issues persist provision and mitigation measures can be revisited and this is controlled by proposed conditions. In particular the management of drop off arrangements and parking demand on site can be subject of review.

It has to be accepted however that travel plans for any form of development are tools aimed at encouraging behavioural change and alternative travel choices. This requires all persons affected and interested parties to support proposals and reconsider their travel choices and behaviour. Ultimately the planning system and determination of planning applications cannot require and force this change in behaviour. These are also issues that affect a large number of schools throughout the area and indeed nationwide and it has to be accepted that school, place planning and provision and determination of planning applications can only go so far in affecting change and addressing this issue. There limited options available for the provision of school places, as is referenced above. In this case it is considered that the identified need is accurately assessed, the options for provision have been thoroughly investigated and the expansion of this primary school at Lea meets a range of objectives as informed by various constraints and material considerations. Provision at the site results in retention of a local community facility of significant importance but undoubtedly there are impacts arising that are not ideal and can be mitigated but may not completely addressed in their entirety and to the complete satisfaction of all interested parties. Highways and parking impacts are one such matter and it is considered that compromises are required in this respect, balancing the benefits of development against some level of impact. Again in this respect it has to be noted that the existing situation is improved by the proposals. The alternative is that provision has to be made elsewhere, most likely in Malmesbury, at significant additional cost and risk to the future of education facility provision in the village. Ultimately that may result in pupils from the village having to attend schools in Malmesbury with the potential attendant reverse highways impacts.

It must also be noted that Highways officers have had extensive involvement in respect of the evolution of the proposals and have fully considered and assessed the submissions made. Officers raise no objections subject to conditions and additionally identify that a range of measures can and will be addressed under Highways Act provisions including works to and adoption of School Lane alongside on highway waiting restriction and parking controls. Officers recommended addressing some requirements such as Traffic regulation order funding and road adoption through a Section 106 agreement but as the matter is dealt with under other legislative provision this is not necessary or appropriate. In addition the TRO funding will be sought from and provided by the Council to itself and again in this respect a S106 is not necessary. Similarly the Council's School Travel Plan Co-ordinator has also had significant input to the evolution of the application particularly in terms of the content and provisions of the travel plan. As noted above no objections are raised but it was considered that additional commitments could have been included, especially around the car park management and safety crossing. Education Officers have confirmed that there is no budget available for any school crossing wardens. Additionally they have advised that the head teacher is not currently in a position to confirm that a member of staff or school teaching assistant will be available and there is provision in the future schools budgets for training to address these requirements. As noted the Travel Plan does include provisions for future review and it is considered that these matters can be revisited and addressed if necessary once development has taken place and the operation of the expanded school has commenced. This will provide greater information as to any possible requirements and there will be greater certainty as to resource availability and necessary requirements at that time allowing a more informed response. This is considered to be a reasonable and proportionate approach in the context of the issues raised and material considerations.

It is noted that some interested parties have referred to alternative approaches toward parking provision at the site including provision to the north of the school and / or temporary use of hard surface areas/play areas within the school. Development to the north of the school is not appropriate from a highways perspective given the existing road conditions with access to a blind bend in the road being required. Additionally this would require hard surfacing and lighting within the agricultural field with consequent harm to the visual amenity, character and appearance of the area. There are no hard surfaced play areas to the south of the proposed school buildings and north of school lane in the revised layout that could be used for temporary parking. The concerns as to the positioning of the point of access and use of parking spaces to the left of this are noted but it is not considered that the risk is so significant as to necessitate repositioning further along school lane given that this would result in the access being closer to some of the residential properties in the lane whilst also bringing vehicles further down the lane itself. Officers do consider that the parking will still be utilised and it will not result in conflicting traffic movements to the extent feared and which would render the access as proposed inappropriate.

On balance and accepting that the expansion of the school in Lea and Garsdon is the appropriate and necessary approach to education facility provision to meet identified needs in this catchment area it is considered that the proposals do not result in significant harm to highways conditions such that consent ought to be refused on this basis and that the proposals do result in a level of betterment over the existing situation. The proposals are considered to accord with WCS core policies CP57 CP60 & CP61 and paras 108 109 110 of the Framework.

Impact to Residential Amenity

The application site lies adjacent to a number of existing residential properties with one directly adjoining the school buildings. The proposals entail the expansion of built form and pupil numbers with a commensurate increase in activity at the site and thereby have the potential to impact on residential amenity in a number of ways. However it is considered that

the design and layout of the proposed additional built development is of a form, scale and positional relationship with the nearest neighbouring properties that ensures that there will be no harm arising as a consequence of overbearing impact, loss of daylighting, overlooking or loss of privacy.

The impact of additional activity at the site through increased pupil numbers, particularly in terms of use of external spaces for play and recreation, will increase noise levels at the site and there is potential for disturbance. It is not however considered that the impact is such that consent ought to be refused on this basis. The noise increase associated with increased pupils and their activities at the site is limited to specific activities and periods during the day and is not a continuous feature of the use of the site. Impacts are therefore limited in extent. A significant proportion of local residents will be away from their properties during such daytime periods at work or shopping, leisure and recreation activities, visiting friends and family undertaking voluntary work etc. It must also be acknowledged that the school is a long standing feature of the village and serves the local community, the noise it generates is a known feature of the locality and is considered a part of the life of this and many other communities. In short this impact is to be expected to a certain extent. The increase over and above the existing situation must be acknowledged but it is not considered so significantly harmful as to warrant refusal.

Additionally the application is supported by a noise impact assessment dealing with the additional mechanical plant at the site and impact to noise sensitive receptors (adjacent residential properties). The assessment concludes that the calculated rating level at the identified nearest noise sensitive receptor is predicted to be 16 dB below the typical background noise level during daytime hours and 6 dB below typical background during night time hours, assuming all plant running concurrently at full power output. It should be noted that night-time operation is expected to occur only in exceptional circumstances and only intermittently. It can therefore be determined that the proposed plant installations are indicated to have a low impact on nearby noise sensitive receptors owing to the predicted rating level and context of the development location. Furthermore that the predicted internal ambient noise levels, due to the plant installations, inside the nearest residential windows, are predicted to comply with the recommended guidance and design notes of BS 8233:2014 even with windows partially open. The Council's Public Protection officers have reviewed and considered the submission and raise no objection in respect of noise impacts subject to use of a condition to verify the noise levels of the plant in operation. This is considered reasonable and necessary and is recommended below.

One of the key issues related to schools and especially primary school uses in the modern era is the impact of parents delivering and collecting their children from school by private motor vehicle. This issue is addressed further in relation to parking and highways considerations above. It is however the case that on street parking and the related vehicle movements associated with drop off and pick of pupils by parents occurs over morning and evening rush hour periods and in many instances causes localised disruption through noise and movement and difficulties accessing residential properties. This does result in harm to residential amenity through disturbance and disruption. This is an existing feature of the current operation of the school given the site circumstances with the school access from School lane and featuring very restricted off street parking. School lane is a narrow single lane rural track and this services several existing residential properties. On street parking occurs along this lane and in the locality and as can be seen from the consultation responses received there is disruption to neighbouring residents.

As noted above however the proposals include extensive additional off street parking provision, a one way in and out access system, coach drop off and use of a travel plan alongside proposals for a highway parking restrictions. The proposals are considered to achieve a level of betterment in relation to school pupil drop off and pick up arrangements,

with direct the benefit of reduced on street parking and thereby reduce disruption and localised peak time conflicting vehicular movements harmful to residential amenity. As such whilst there will be an increase in pupil numbers and thereby related access requirements is not considered that this will result in increased harm to and loss of residential amenity through disruption from vehicular traffic and on street parking.

It is recognised that the temporary car parking and construction compound alongside the construction works have the potential to impact on neighbour amenities. As such a condition is proposed in respect of submission and agreement of a detailed construction method statement.

As such it is considered that the scheme proposals are in accord with and meet the requirements of WCS CP57; NE18 of the NWLP 2011; and para 127 of the Framework.

Impact to the Character, Appearance and Visual amenity of the Locality

The proposals have been considered and assessed by the Council's Landscape officer alongside the case officer. Following receipt and review of revisions and additional information the Landscape Officer raises no objection to the scheme proposals with respect to impact to the character, appearance and visual amenity of the locality and the landscape.

In design terms it is considered that the scheme proposals make the optimum use of the available land area at the site providing the required facilities for the expanded school numbers whilst meeting a arrange of other requirements. As noted above it is considered that the facilities are designed and laid out to ensure no significant harm to existing residential amenities. The scale, bulk, mass and character of the proposed built development and external open spaces including parking provision are considered to sit well within the existing built form of this part of the village and respond to and respect the existing scale and form of development at and adjacent the site. The planting and landscaping proposals as noted by the Council's landscape officer, following revisions and additions, secure appropriate boundary treatments which also help to integrate the development within the landscape.

The temporary access proposals will require some hedgerow / mature vegetation removal and it is considered appropriate and necessary to attach a condition to secure submission and approval of details for reinstatement of the hedgerow alongside a separate condition to remove the parking provision once development is complete.

Overall the scheme is considered to achieve a high quality of design and it is not considered that any harm to the character, appearance and visual amenity of the locality arises from the development proposals. In this context the scheme is considered to accord with WCS CP51 CP57 and para 170 of the framework.

Ecology

As not above the site is in a locality where there are records of protected species present in the past. Additionally the site and adjoining areas contain features that provide potential habitat for protected species, including mature field boundaries and trees and watercourses. As noted the proposals involve the extension of the existing site area northward into the adjacent agricultural field which alongside the temporary car park entails removal of existing hedgerows, whilst the additional on-site parking involves provision of external lighting. The application proposals were supported by an Ecological Assessment and this was reviewed and assessed by the Council's Ecologist. Similarly the revised application proposals were also subject of review and assessment by the Council's Ecologists.

In the initial review of submissions officers advised that the applicant team had provided the necessary baseline assessments and made proposals for appropriate Ecological mitigation. This included the provision of appropriate and acceptable replacement boundary hedgerow and proposals for good practice construction and longer term design. The mitigation measures were where possible included within the scheme proposals. No objections were raised subject to use of two conditions, one of which required compliance with the mitigation measures proposed in the submitted ecological assessment and the other which required submission and approval of an external lighting plan demonstrating max lighting levels at 0.5 lux. The Council's Public Protection Team had no objections or concerns in respect of this requirement.

Following this advice additional and revised submissions were made in response to the outcome of the first round of consultation and this included a lighting plan for the revised car parking areas. This submission pack was reviewed by officers and it identified lighting levels in excess of that proposed in the previously recommended condition. On this basis objection was raised. A revised version of the Lighting plan has now been submitted and this confirms lighting levels below the recommended level. Ecological and Public Protection Officers have reviewed and assessed the submissions and raise no objections subject to appropriate conditions.

In this context the proposals are considered to accord with WCS CP51, CP57 (ii) & para 175 of the Framework.

Drainage

As noted above the site is in a location where the Council has some records of ground and surface water flooding and the development proposals involve the reduction in the permeable area through new hard surfacing and built development. The site is not in a location of high flood risk as defined by Environment Agency mapping though. The application was supported by drainage strategy and proportionate assessment of flood risk. This identified existing foul and surface water arrangements and that additional provision following detailed condition assessment would be necessary. It was proposed that this be dealt with via the use of standard drainage conditions.

The submissions were considered and assessed by the Council's Drainage Engineers and Wessex Water and no objection was raised subject to the use of conditions one of which sought surface water drainage provision that achieved betterment. However, revised and additional submissions including drainage strategy details were submitted following work on the site layout and additional parking provision arrangements in response to other consultation representations received. These altered the proposals for surface and foul drainage arrangements. In this respect the Council's Drainage Officers raised concerns that the previously identified need for betterment had not been addressed and that the revised arrangements did not confirm surface run off rates and therefore potential off site impacts. Further submissions were sought to specifically address and respond to the matters and further revised details have since been submitted. The Council's Drainage Officers have considered these details and raise no concerns or objections subject to the use of conditions considering that their previous concerns have been addressed. Wessex Water has also reviewed and assessed the revised submissions and advises that no objection is raised to the strategy and that available capacity and facilities in their infrastructure in this locality is sufficient to accommodate the proposed development. On this basis they also confirm that no further information or detail is required and so no conditions are necessary in respect of foul drainage.

On this basis it is considered that the proposals accord with the provision of WCS CP67 and para 163 of the Framework.

Archaeology

As noted above the proposals involve the extension of school facilities into the field to the north of the existing school, principally this entails additional outdoor sport and recreation provision with some planting and some intrusive groundworks for the development alongside the temporary car park. The field is known to feature archaeological remains albeit further north than the area of the proposed extension. As such the Council's Archaeologists were consulted and have confirmed that known remains comprise enclosures identified from aerial photography which have not been subject to any further archaeological investigation. The proposed extension of the school infrastructure into the northern area may impact on as yet unidentified archaeological remains. A programme of geophysical survey needs to be undertaken prior to any work starting on site, and this may need to be followed by a programme of archaeological monitoring and recording relating to any site stripping or disturbance relating to the proposed development in this part of the site. On this basis officers recommend that an archaeological condition is attached to any grant of consent to enable a programme of archaeological investigation and mitigation of the proposed extension of the school site into the northern field. This is considered reasonable and necessary.

As such the archaeological potential of the site affected by development can be investigated and any results revealed and protected. It is therefore not considered that the proposal results in harm to undesignated heritage assets such that consent ought to be refused on this basis or that there is a conflict with WCS CP57 (i) CP58 or paras 193, 194 & 196 of the Framework.

Other Matters

S106

Interested third parties have suggested that various provisions within the proposed travel plan and elements of the proposed highways and parking mitigation measures and arrangements require a planning obligation/S106 agreement to be prepared to ensure implementation. The framework and Planning Practice Guidance are clear that S106 agreements should only be used where necessary to mitigate the impact of development and make a proposal acceptable in circumstances where such matters cannot be addressed by the use of appropriate conditions. That is not considered to be the case in this instance, conditions can reasonably address requirements and indeed the use of the travel plan via condition requires review of implementation of its provisions and scope for revision and updating as necessary. In this respect it is considered that any requirements can readily be addressed.

It is also important to note that the Council is both Education and Highways Authority and so implementation of many of the identified measures in an appropriate manner and subject to review is entirely feasible. It is the case that a number of the travel plan and highways and parking mitigation measures will be operated by the school staff themselves but as noted these measures are addressed through the travel plan which requires monitoring and review and this is controlled by condition.

As noted above in the section dealing with Highways Matters, Highways officers suggested that a S106 would be necessary to require the applicant to enter into a S278 Highways Act agreement for School Lane adoption and to provide funding for a Traffic Regulation Order. Given that this is an application to the Council by itself and as these matters are addressed under separate legislation neither requirement is considered necessary or appropriate. Discussions with the Highways Officer have confirmed that the suggestions were made on a precautionary basis.

In addition a Local Planning Authority cannot enter into a Planning Obligation with itself on land that is within its ownership. As such a S106 agreement/Planning Obligation in those specific respects is not considered necessary and reasonable and so not in accord with the relevant regulations and guidance on the use of planning obligations as set out in CIL Regulations; Planning Practice Guidance and para 56 of the Framework.

The Council's Public Protection officers have reviewed the proposals and raise no objections or identify any requirements in respect of Air Quality. On this basis it is not considered that the proposal result in conflict with WCs Core Policies 55 or 57.

10. Conclusion

The proposed expansion of the primary school is considered to be in accord with the relevant policies of the Development plan and provisions of the National Planning Policy Framework. There is an identified requirement for the provision of school places in this catchment and the expansion of the primary school meets that requirement. Other options for addressing the identified need have been investigated at length and found to be undeliverable. It is considered that site specific impacts of development are addressed through the revised scheme proposals as controlled by the use of conditions. The significant level of concern raised as to on street parking in the vicinity of the school during pupil arrival and departure is considered to be sufficiently mitigated through the significant increase in off street parking within the school grounds; coach/bus drop off facilities on site and the transporting of pupils by coach; in / out one way access system; a range of on street highway control measures; and a comprehensive and detailed school travel plan controlled by the use of condition. It is considered that these provisions will result in some degree of betterment over the existing situation. It is however recognised that the proposals have the potential to result in additional traffic movements to and from the village and that the success of the proposed package of mitigation measures will be to a certain extent dependent upon co-operation and behavioural change from parents and pupils. As such there is the potential for some level of impact as with all forms of development and that this cannot be entirely avoided. In this context the alternatives of pursuing provision within Malmesbury also raise some concerns and potential negative impacts in terms of the potential for closure of the school and reverse transport demand from pupils in Lea travelling to Malmesbury.

It is considered that all other site specific impacts of development have been addressed through the revised proposals and use of appropriate conditions i.e. drainage, ecology, archaeology and landscape and visual impact. There is a pressing need for additional provision of primary school places in this catchment and in accordance with para 94 of the framework the LPA is required to give this great weight in the determination of planning applications.

On this basis it is not considered that there are any significant harmful impacts arising from the development that outweigh the benefits that arise from additional education facility provision and so in accordance with para 11 of the framework consent is recommended and should now be forthcoming.

RECOMMENDATION

Approve subject to conditions

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

REASON: To comply with the provisions of Section 91 of the Town and Country

Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

GDLS030_001PL_SOFT WORKS PLAN REV E
GDLS030_003PL_MAINTENANCE AND PLANTING SCHEDULES REV E
Site Plan 3375_L_011 REV L
Construction phase plan 3375_L_012 REV H
External Lighting Layout 5006016 RDG Z02 XX PL E 01 REV F & dia Lux chart
3375-HYD-00-XX-SK-C-7760 REV P01 & XXX-BFRR-PRE-IMP-A.xlsx
08963-HYD-XX-XX-DR-TP-0501 REV P02
All received 31.07.2019

08963-HYD-XX-XX-DR-TP-0101 REV P01
3375 - TBC - V2 - XX - DR - A – 2002 REV C
3375 - TBC - V2 - XX - DR - A – 0209 REV D
All Received 01.05.2019

3375_L_051 REV F
3375_L_052 REV C
GDLS030_002_PL REV B
GDLS030_004_PL
3375_L_010
3375_L_001
All received 02.10.2019

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No part of the development shall be /first brought into use until all of the buildings to be removed on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

4. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

5. Before occupation of the proposed development the applicant will have provided in writing and have approval of a design for a pedestrian crossing on School Lane, said crossing will be constructed by the applicant to the satisfaction of the Local Highway Authority.

REASON: In the interests of highway safety.

6. The Development hereby approved shall be operated in accordance with the provisions of the approved Travel and Parking Management Plan Received 01/05/2019 including identified implementation and monitoring provisions and requirements. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

7. Further to and in accordance with the Noise Impact Assessment received 02.10.2018 and within 12 months of the development first being brought into use an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142: 2014. The assessment shall be submitted to the Local Planning Authority and subject to its findings should include together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be at least 5dB less than background. The scheme shall be submitted to and approved in writing by the Local Planning Authority. Any scheme of mitigation applied to this development must be and approved by the Local Planning Authority shall be implemented within 3 months of the approval being issued prior to implementation and followed by verification prior to first occupation of the development and thereafter be permanently retained.

REASON: To protect the local amenity from any adverse effects of noise.

8. The development will be constructed in strict accordance with the recommendations given in Section 9 of the Ecological Survey Report by Ethos Environmental Planning, dated July 2018.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

9. No development shall commence within the area to the north of the existing northern site boundary until:

a. A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b. The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

10. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of the proposed car parking spaces including details of the no-dig specification;

- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and local landscape character.

12. Following the reinstatement of land in connection with its use as a temporary car park, the existing native roadside hedgerow fronting St Giles Road North East to 30 MPH (LEA) (removed to accommodate temporary highway visibility sightlines) shall be reinstated along its existing line and length with a replacement native hedgerow. The replacement hedgerow shall be planted to match the 'British Native Hedgerow Mix' as specified on drawing 'Landscape-Maintenance & Planting Schedules (Dwg.no. GDLS030_003_PL Maintenance & Planting Schedules)' or as otherwise agreed in writing with the LPA.

The replacement hedgerow planting shall be carried out in the first planting and seeding season following the reinstatement of land used for the temporary car park; All hedge planting and replacement tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and to mitigate the adverse effects of removal of important landscape and biodiversity features, in accordance with NWLP Saved Policy NE14 & Core Policies 50 and 51 of the WCS.

13. The development will be constructed in strict accordance with the recommendations given in Section 9 of the Ecological Survey Report by Ethos Environmental Planning, dated July 2018.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

14. No development shall commence on site until a detailed scheme for the discharge of surface water from the site (including surface water from the access/hardstandings), incorporating sustainable drainage details together with permeability test results to BRE365, and showing a betterment in discharge rate of 20% over existing rate, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

15. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

16. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- 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) measures for the protection of the natural environment.
- h) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

17. Within 3 calendar months of the completion of the development hereby approved the temporary car parking to the north of the site shall be permanently removed and the land returned to its current condition.

REASON: In the interest of the character, appearance and visual amenity of the locality.

INFORMATIVES:-

If works or discharges are to or within 8m of a watercourse, LDC will be required from the Lead Local Flood Authority, which is Wiltshire Council

Forms and details of fees are available here: <http://www.wiltshire.gov.uk/civil-emergencies-land-drainage-ordinary-watercourse>

The applicant is advised to note that consent under the relevant provisions of the Highways Act is required in respect of adoption of and works to School Lane and it is recommended that submissions are made to the Council's Highways Department at the earliest opportunity to address these requirements. The application is also requested to note that funding will be required for the Traffic Regulation Order necessary for on street parking and waiting restrictions and that submission to the Highways Department are made at the earliest opportunity in advance of development to address this matter.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

Background Documents Used in the Preparation of this Report:

Application documentation
Wiltshire Core Strategy Jan 2015
North Wiltshire Local Plan 2011
National Planning Policy Framework
Planning Practice Guidance