

**WILTSHIRE COUNTY COUNCIL  
AGENDA ITEM NO. 9**

**REGULATORY COMMITTEE  
13<sup>th</sup> SEPTEMBER 2006**

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**MALMESBURY: PROPOSED CONSTRUCTION OF 14 CLASSROOM REPLACEMENT  
SCHOOL AND ASSOCIATED ACCESS, DEMOLITION AND SITE CLEARANCE  
OF EXISTING SCHOOL BUILDING AND REMOVAL OF TEMPORARY MOBILE  
CLASSROOMS AT MALMESBURY C of E PRIMARY SCHOOL,  
TETBURY HILL, MALMESBURY  
(Application No. N.06.07012)**

**Purpose of Report**

1. To consider the above application and to recommend that conditional planning permission be granted.

**The Site**

2. Malmesbury Primary School is located on Tetbury Hill, to the north of Malmesbury town centre.
3. The site is flat and set amongst an expanse of mature trees that enclose the majority of its boundaries. Residential housing, a chapel and a cemetery run the length of the northern and eastern perimeters, respectively, with car parking and a football ground abutting the southern boundary. The school's recreational grassland and playing fields are sited to the east of the main, permanent building, with open fields beyond.
4. The new school would be located on an area of recreational grassland immediately west and to the rear of the existing school and would be partially visible from the public highway.
5. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

**Proposal**

6. The application proposes the construction of a new primary school comprising 14 classrooms together with associated parking, tarmac play spaces, linked access, the demolition of the existing school and the removal of all mobile classrooms.
7. Given the need to retain the existing school and associated accommodation during the construction stage, the new school is proposed to be located on recreational grassland immediately adjacent to the west and rear of the current building.
8. The supporting statement submitted with the application states:

- *Current accommodation*

*There are currently fourteen general classrooms on the school site. There is a small IT room and the provision for a centre for pupils with statements of educational need. Six classrooms are provided by the provision of temporary mobile accommodation. The current buildings whilst being adequate do not provide the flexibility to enable the school to provide imaginative curriculum to their pupils. The requirements of twenty first century teaching cannot be fully realised within the confines of the existing accommodation.*

- *Future accommodation*

*Purpose built accommodation is to be provided as detailed in the planning application. This will replace all of the current school buildings removing the need for temporary mobiles. The District Council is known to oppose providing indefinite planning permissions for the mobile classrooms. The new facilities will be built to current DfES standards improving curriculum use to which they can be put. The school building will include an IT/Media centre for which they can be put. The school building will be more energy efficient and thus there will be saving made in terms for the school's budget. Access for parents and for community use will be integrated within the design for the new building so that some of the building can be used by the community without the need for the whole school to be accessible. The new build will be fully compliant with DDA requirements.*

- *Forecasts*

*There are currently 346 pupils on roll including 7 children with SEN statements. Without the current housing being taken into consideration, DCE forecasts show that the school roll will remain fairly static over the next five years. Future housing developments, particularly at the Filands site, will increase the housing within Malmesbury and once building begins on the site the number on roll is forecasted to rise. The developments would bring the total classes required at Malmesbury to be 14. This forecast is based on a calculation of 33 pupils of primary school age per hundred units.*

*The number of children with SEN statements is set to rise and the provision of a specialist learning centre in Malmesbury Primary School is well established.*

- *Education in Malmesbury*

*The elected members of the County Council have long held a commitment to improving the education provision in Malmesbury. A PFI contract secured a newly built comprehensive school. To match this, the primary provision in the town needs to be improved. The scheme outlined will do this.*

- *Governors and School Staff*

*Both the governors and school staff have been fully involved in the design stage of this project. All parties are committed to the scheme and are keen to channel their energies into providing education fit for twenty first century Malmesbury.*

## **Planning History**

9. In brief the planning history of the site is as follows:

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|------------------|---|
| <u>N.01.2354</u> | Planning permission granted in 2001 for a County proposal for the construction of a three classroom extension and IT Suite. This permission was never implemented.  |
| <u>N02.1615</u>  | Planning permission granted in 2002 for a County proposal for the removal of 3 mobiles and the replacement with 2 single mobile classrooms with toilets and a double mobile classroom with toilets.                             |
| <u>N03.1841</u>  | Outline planning permission granted in 2004 for a County proposal for the construction of a new 14-class primary school, together with parking, sports pitches, playing areas and access road. This permission was not enacted. |

## Planning Policy

10. Polices C1, C3, NE9, NE11, NE15, NE21, T1, T2, T4 and CF1 of the Adopted North Wiltshire Local Plan 2011 (June 2006) are considered relevant to this application and are set out in the attached **Appendix 3**.

## Consultations

11. **North Wiltshire District Council** - objects to the application by reason of the proposal's scale, design and siting within the open countryside. Consider that the scheme would be detrimental to the character and appearance of the area as well as the setting of Malmesbury when viewed from the south and west.
12. **Malmesbury Town Council** - objects to the application on highway issues such as parking, access and traffic congestion.
13. **Environment Agency** - no objections but recommends a number of conditions and informatives relating to ground levels and surface water drainage.
14. **English Nature** - recommends further field surveys be undertaken to establish the presence of any protected species.
15. **Highways Development Control** - no objections but recommends a number of conditions relating to highway improvements.
16. **Countryside Section** - recommends further surveys and the submission of ecological mitigation.

## Publicity

17. The application has been publicised by way of a site notice and in the local press. A neighbour notification exercise was also carried out. Two letters of representation have been received from residents adjacent to the school site. The concerns raised include:
  - (i) Access path close to property
  - (ii) Proposed road junction layout conflicting with private drive
  - (iii) Barrier control causing noise disturbance
18. Copies of the consultation replies and representations received are available in the **Members' Room**.

## Planning Considerations

19. The planning application proposes the construction of a replacement primary school comprising 14 classrooms together with associated parking, tarmac play spaces, linked access on a greenfield site to the west and rear of the existing school. The existing school is no longer suitable for current teaching methods and is proposed for demolition.
20. The main issues to be considered with regard to this application are:
  - Planning policy
  - Flood risk
  - Protected species
  - Highway issues

### Planning policy

21. The proposed site for the new primary school falls outside the framework boundary for Malmesbury in the North Wiltshire Local Plan (adopted June 2006). The purpose of the framework boundary is to indicate those areas where the relevant plan policies apply. The framework boundary divides the school, with the existing school buildings included within the development boundary but the majority of the playing fields falling outside.
22. Policy CF1 of the adopted North Wiltshire Local Plan states that the provision of local community and educational facilities on land within or adjoining the framework boundary will be permitted, subject to the proposals being of a sympathetic design taking into account the amenity of adjacent properties and the area in general. Policy NE15 states that development should not adversely affect the character of an area and features that contribute to local distinctiveness.
23. North Wiltshire District Council has objected to the application, considering the proposal to be detrimental to the character and appearance of the area by reason of its scale, design and setting within the open countryside, as well as the setting of Malmesbury when viewed from the south and west. However, the District Council has not qualified why it is of this opinion. From discussions with the District Council case officer, it is understood that the two-storey element of the proposal is considered objectionable as this would protrude into the countryside setting.
24. It should be noted at this point that a fundamental element of the proposal is the provision of the hall which has to be a certain height to comply with Sport England regulations. It should also be noted that the proposed two-storey classroom element of the build would only be approximately 1 metre higher than the existing school building, when taking into account the steep pitch and expanse of roof of the current school building and the gently sloping monopitch of the proposed.
25. Officers consider the design to be sympathetic to its context and innovative in structure. The hall is a fundamental element of the proposed new school, also providing a much needed community facility. The hall sets a precedent for two storeys within the build due to its necessary double-height volume. The two-storey classrooms are grouped around the hall, potentially reducing its massing (and reducing the footprint of the built form), the introduction of a single storey element for the youngest children adding variety to the structure. The form of the building coupled with the proposed combination of varied materials would provide a stimulating and effective teaching environment that would sit comfortably in its edge of town location.
26. The proposed building is located at a low level relative to the flood plain and set amongst existing mature trees in a valley location. Any building would therefore be only partly visible from surrounding high ground, where it would be viewed mainly against a backdrop of trees and hillsides. A comprehensive landscaping scheme has been submitted detailing the planting of new trees, prairie style meadow planting and native hedgerows. These landscaping measures can be secured by condition and will soften the proposed build, providing connectivity with the natural environment. This would also suggest that the building itself would have a minimal visual impact on neighbouring residents by virtue of existing and proposed landscaping and its distance from adjacent properties. Officers consider that the site is not within open countryside and believe that the sympathetic massing of the proposed buildings adjacent to existing mature trees and the additional landscaping indicate that the development would not be contrary to policy.
27. Consequently, it is also considered that the proposal accords with Policy CF1 in that it relates to the building of a new school on land adjoining the framework boundary of Malmesbury and does not conflict with the policy criteria.

### Flood risk

28. The site is located to the north of the River Avon which has been subject to a number of severe flood events. Consequently, the application was submitted with a Flood Risk Assessment (FRA). The FRA concluded that should a 1 in 100 year flood event occur, part of the development site would have a probability for flooding of 0.1%. The assessment also concludes that the current flood plain area would not be reduced by the construction of the new development.
29. The Environment Agency was consulted on the application and submitted FRA. The Agency does not object to the proposal, but advise that flood prevention measures should be covered by planning condition. These include specifying that internal floor levels are constructed no lower than 73.00 metres Above Ordnance Datum and that details of the existing and proposed finished external ground levels be approved by the planning authority prior to commencement of development. This response is consistent with the recommendations of the FRA and adheres to guidance contained within Planning Policy Guidance Note 25: Development and Flood Risk (PPG 25).
30. The flood prevention measures can be secured by planning condition. Consequently, the proposal is considered to be in accordance with Policy NE21 of the Adopted North Wiltshire Local Plan.

### Protected species

31. The presence of protected species on a development site is a material planning consideration. Policy NE9 of the Adopted North Wiltshire Local Plan states that development which would adversely affect protected species will not be permitted.
  32. The submitted Great Crested Newt Survey and the Ecological Study submitted with the planning application stated that further field surveys should be undertaken to establish the likely presence of any protected species. The position was supported by English Nature and the County Ecologist. The County Ecologist was also concerned that the proposal would result in ecological impacts, including:
    - Loss of the school wildlife garden
    - Consequent loss of breeding pond for amphibians
    - Potential loss of reptile habitat
    - Net loss of (mainly planted) trees from the site
- There was general concern that no mitigation had been provided for the loss of this biodiversity value.
33. To address the above concerns, the study area was surveyed in May 2006 based on the extended Phase 1 habitat survey methodology recommended by English Nature. In addition, general faunal activity, such as birds and mammals were recorded and specific surveys were undertaken during May and June for bats, reptiles and badgers.
  34. The ecological assessment recorded a population of slow-worms and grass snakes within the old orchard next to the site of the pond. This reptile habitat would be removed as part of the proposed development. Grass snakes and slow-worms receive statutory protection under the Wildlife and Countryside Act (1981) (as amended) and so consideration has been given to avoiding or mitigating the loss of habitat.
  35. An acceptable solution has been agreed by officers, the applicant, English Nature and the County Ecologist which would provide for the trans-location of the species to an off-site receptor site. This solution is detailed in a Mitigation Strategy within the revised ecological assessment, implementation of which can be secured by planning condition.

### Highway issues

36. The proposed access to the site would be from Tetbury Hill Road at the point of the entrance to the primary school. There have been two representations submitted expressing concern over the proposed highway arrangements.
37. Malmesbury Town Council expressed concern regarding the proposed highway layout. The highway authority was consulted on the planning application and the accompanying Green School Travel Plan (STP)
38. Two representations were received to the planning application regarding privacy, potential conflict with private vehicular access, road layout and barrier control. The path in question represents a formalised use of an existing access strip into the school site. The concern is that users of the path would compromise the privacy of the adjoining residents and that any lighting may be unduly intrusive. The two properties which abut the path have substantial fencing on the boundaries with intermittent mature vegetation forming an effective acoustic and visual barrier to potential users of the pathway. The issue of lighting is mentioned specifically by the objector. No lighting has been proposed within the planning application. However, it is understood that lighting may be required for safety reasons and a condition requiring a sympathetic lighting scheme be submitted prior to the commencement of development would be attached to any permission granted to safeguard the amenity of adjacent residents.
39. The potential conflict between private traffic and school traffic would have been taken into account by the highway engineers when consulted on the proposal. It is considered that the access layout is not a significant variation from that which exists, with potential conflicts being kept to a minimum by nature of the sporadic traffic flows associated with the school day. Barrier control will be addressed through the revision of the STP which will be formulated in conjunction with the school and North Wiltshire District STP advisors. The overall road layout has been considered in consultation with highway engineers and the proposal has been deemed acceptable subject to a number of conditions.
40. The highway engineer noted that there are existing difficulties with the existing school in respect of parents dropping off their children and the lack of facilities for this. However, it is accepted that this is a problem experienced with all schools and whilst it causes congestion, it is only for a relatively short period. The highway officer states that there is a pressing need to move away from car trips and encourage parents and pupils to walk to school, hence the formulation of a revised Travel Plan is encouraged. The new Travel Plan must incorporate the use of the barrier to control vehicular access to the school site. Following concerns from an adjacent resident with regard to the possible noise nuisance that the vehicle control barrier may constitute, officers believe it would be prudent to request a scheme detailing the location and use of the barrier controlling access to the site. In addition officers encourage the formulation and implementation of a revised STP at Malmesbury Primary School in conjunction with the STP advisor for North Wiltshire District. This approach is in accordance with Policy T4 of the North Wiltshire Local Plan.

41. The highway officer raised concerns regarding the walking route to the school, stating that there are some improvements which would need to be made to make the route safer from the north along Tetbury Hill. The present footway on the western side of Tetbury is considered too narrow and requires widening to 2 metres with drop kerbs and tactile paving at its northern end. There is also a section at the entrance into the cemetery which, although is adopted highway, does not have a defined footway. The possible danger to children has been raised by objectors. To rectify this position, it is suggested that a new footway would be constructed in contrasting material with a kerb face. These highway improvements can be secured by a Grampian type condition attached to any permission granted.

### **Conclusion**

42. The application has been considered in light of the Development Plan and other material planning considerations.
43. Officers consider that the proposed development incorporates a suitably designed building and layout and would not have an adverse impact on the character of the countryside and thus accords with Policy NE15. It is also considered that the proposal accords with Policy CF1 by reason that it relates to the building of a new school on land adjoining the framework boundary of Malmesbury and does not conflict with the policy criteria.
44. The flood prevention measures stated by the Environment Agency can be secured by condition. Consequently the proposal is considered to be in accordance with Policy NE21 of the Adopted North Wiltshire Local Plan.
45. The impacts of the development on the ecology of the site can be mitigated satisfactorily in addition to the incorporation of a significant amount of biodiversity gain within the landscape proposals.
46. The proposed highway improvements secured by condition and the commitment to formulating a revised STP advocates the approach outlined in Policies T2 and T4.
47. In view of the established educational need for the replacement of a new primary school and the sustainable design proposed, it is considered that the application is acceptable in terms of the Development Plan and that there are no overriding material planning considerations that would justify the refusal of the application.

### **Recommendation**

48. That planning permission be granted subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
*Reason: In accordance with Section 51 of the Planning and Compulsory Purchase Act 2004.*
  2. No development shall take place until samples of materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the County Planning Authority. Development shall be in accordance with approved details.  
  
*Reason: In the interests of visual amenity.*

3. The internal ground floor level(s) of any part of the new school shall be constructed no lower than 73 metres Above Ordnance Datum. The access road from the school to Tetbury Hill shall be set at or above 72 metres Above Ordnance Datum.

*Reason: In the interests of flood prevention.*

4. No development approved by this permission shall be commenced until details of the existing and proposed finished external ground levels have been submitted to and approved by the County Planning Authority. The scheme shall be completed in accordance with the approved plans.

*Reason: To ensure that the development does not adversely displace flood water volumes.*

5. The development hereby permitted shall not be brought into use until improvements have been made to the footway on the western side of Tetbury Hill leading from the proposed school entrance to Tetbury Hill Gardens, the details of which shall be submitted to and approved in writing by the County Planning Authority and shall be fully implemented to the satisfaction of the County Planning Authority.

*Reason: In the interests of highway and pedestrian safety.*

6. No development shall take place until a scheme detailing the use of vehicle control barriers to control access to the school site has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved scheme.

*Reason: In the interests of highway safety and the amenity of neighbouring residents.*

7. The 39 car parking spaces shown on the submitted plans shall be inclusive of six visitor spaces and two parking spaces for persons with disabilities. All spaces shall be laid out and permanently delineated as such.

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

8. Prior to development commencing, details of any external security or floodlighting and security equipment shall be agreed in writing by the County Planning Authority. The works shall be carried out in accordance with the approved details.

*Reason: To safeguard the amenity of neighbouring residents.*

9. The development hereby permitted shall be carried out in accordance with the submitted Planting Masterplan (153/003D), the Landscape Masterplan (153/002F), the Planting Plan (153/006C) and the Landscape Design Strategy (AFLA 1271 Rev. D)

*Reason: In the interests of wildlife conservation and amenity.*

10. The development hereby permitted shall be carried out in accordance with the Reptile Mitigation Strategy detailed in the submitted ecological assessment dated August 2006.

*Reason: To ensure adequate safeguarding of protected species.*

11. Prior to the commencement of development, a detailed Habitat Creation and Management Plan must be submitted to and approved by the County Planning Authority. The development will be implemented in accordance with the approved Management Plan.

*Reason: To ensure the predicted biodiversity benefits occur on the site.*

12. All existing trees and shrubs shall be retained as illustrated on the Landscape Planting Masterplan 153/003 D, unless shown on the approved drawings as being removed. All trees and shrubs on and immediately adjoining the site shall be protected from damage during the course of works on the site. This shall be in accordance with the relevant British Standards (BS 5837:2005). In the event that trees become damaged or otherwise defective during such period, the County Planning Authority shall be notified within seven days and a programme of remedial action shall be submitted for approval and thereafter implemented as approved.

*Reason: The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interests of visual amenity*

13. No trees or shrubs shall be removed during the bird breeding season (March to August inclusive)

*Reason: In the interests of wildlife conservation.*

14. The hedgerow and stone wall along the southern boundary of the site shall be retained.

*Reason: To ensure continuity in landscape features.*

**GEORGE BATTEN**

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**The following unpublished documents have been relied on in the preparation of this Report:**

Consultation replies and correspondence