

Agenda Item No. 3.2

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

7 September 2020

Report of the Director – Economy, Transport and Environment

- 2 PROPOSED CONSTRUCTION OF A NEW PRIMARY SCHOOL, ASSOCIATED LANDSCAPING WORKS, THE PROVISION OF A NEW EXTERNAL CAR PARKING AREA, HARD AND SOFT LANDSCAPED PLAY AREAS AND INSTALLATION OF SECURITY FENCING AT THE FORMER PUPIL REFERRAL UNIT, BROOKSIDE ROAD, BREADSALL**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD8/0120/72

8.955.13

Introduction Summary This application seeks permission for the construction of a new primary school to accommodate 120 pupils. The proposed new school building would be situated on the site of the former Behavioural Support Centre in Breadsall, within which the former Pupil Referral Unit was located. The proposed development also includes the redesign of the existing car parking area to accommodate the development and provide 17 car parking spaces and 1 disabled person's parking space, a new 45 metres (m) x 25m playing field with 3m high weldmesh ball stop fencing. The existing courts would be retained and resurfaced with new pathways connecting to the rest of the site. The proposal also includes the erection of a 2.4m high fencing along the site perimeter to secure the site.

The school's facilities are also proposed to be used to host inter-school sporting events, both in school time and as extra-curricular events. The proposed hours of use of the external facilities are 07:30 hours to 18:00 hours.

The application site is not situated within any designations, but is within the setting of a Grade II listed Methodist Chapel. The site is situated within the designated Neighbourhood Plan Area of Breadsall. The Neighbourhood Plan has concluded its pre-submission draft consultation.

Breadsall Parish Council has objected to the proposal and seven representations have also been received from members of the public, which raise concerns about the proposal relating to the reduction of on-site parking spaces, highway safety, the design of the proposed building and substation. In addition to this, concerns were also raised in respect of the use of

neighbouring parking facilities at the Memorial Hall and the 'cart track', a narrow maintenance access track, to the east of the site.

I am satisfied that the proposed new school building is of a good design and would be situated in a discrete location that would not result in any significant visual impacts on the amenity of the area. The applicant states that the existing school site on Moor Road in Breadsall is not fit for that purpose because it does not meet modern guidelines as set by the Department for Education. The proposed development would provide improved facilities for the pupils that currently attend the existing school which comply with the modern guidelines.

I am satisfied that the proposal would accord with relevant development plan policies and the National Planning Policy Framework, and the recommendation is therefore for approval, subject to conditions.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** The former Behavioural Support Centre site, which included a Pupil Referral Unit, is located at the eastern edge of the village of Breadsall, which occupies approximately 1.16 hectares (ha) of land on an evenly graded ground that slopes down to its south-western facing entrance, from Brookfield Road. The site is bounded to the north by the village bowling green and agricultural land, to the east by the village sports grounds and to the south by residential properties off Brookfield Road. An access track runs along the eastern boundary.

The former Behavioural Support Centre consisted of three interconnected buildings ranging from single to three storeys. The two and three storey buildings were constructed in the early 1950s using the Consortium of Local Authorities Special Programme (CLASP) system of construction. The single storey block, which functioned as the Pupil Referral Unit, was extended in the 1960s. The Pupil Referral Unit was closed in July 2017 and all of these buildings previously on site have now been demolished. The site is now vacant. Erewash Borough Council received prior notification for the demolition (ERE/0719/0044).

The site is now considered to be a brownfield site, as defined by the NPPF, and there remains, on-site, a tarmac area that was used as a playground, with a chain linked fencing around its perimeter. To the east of the site is green open space, which was used as the school field. The site also contains a car parking area set back from the main highway, which is accessible from Brookside Road. It contains 48 parking spaces and 2 disabled persons' spaces. To the east of this parking area is a storage area and an on-site substation. The perimeter of the site is bounded by palisade and chain linked fencing.

The west, north and eastern boundaries of the existing school site are on the border of the Green Belt. To the south-east is the Mill Plantation which is a dense wooded area, protected by a Tree Preservation Order (TPO). The site is not located within a Flood Storage Area or a Flood zone. The Breadsall Conservation Area (CA), is approximately 160m west of the site, at its nearest. There are two listed buildings within 250m of the site; A Grade I listed building called Church of All Saints is located approximately 225m west and a Grade II listed Methodist Chapel, 40m to the south of the site. The site is situated within the designated Neighbourhood Plan Area of Breadsall which is a pre-submission draft consultation.

Proposed Development

The proposed development is the erection of a new half primary school, in place of the single storey Pupil Referral Unit building to accommodate up to 120 pupils. The proposed school building would have an internal floor area of 782 square metres (m²) and would be approximately 24m in width (north-south), 29.46m in length (east-west) and have a height of 7.4m to the highest point. The new school building would have five teaching spaces (two junior, one reception, one infant and a group room), a school hall, kitchen area, library, staff/office rooms, store rooms and toilet facilities.

The walls of the proposed building would be constructed using two types of brick above the damp proof course. The building's design features a raised central atrium to provide natural light and ventilation for the hall. The external walls would be finished in three shades of brick.

The roof of the proposed school building would have a 12 degree pitch and use roof tiles in a Titanium Grey finish. Rain water goods and fascias would be aluminium in dark grey finish and a total of 78 solar panels would also be incorporated into the roof on the north, east and south elevations.

The proposed windows, soffits and door frames would be aluminium in a light grey finish. The door leaves would be aluminium in a Royal Blue finish. Four bat boxes are proposed, two on the northern elevation and two on the southern elevation of the building.

The existing car park at the entrance of the site would be reconfigured and resurfaced. There would be a net reduction of available parking spaces, the reconfigured parking layout would provide 17 car parking spaces and a further one disabled person's parking bay. The school car park entrance would be altered to improve sight lines and incorporate new fencing and access gates consisting of a single leaf pedestrian access gate and a double vehicular gate.

There would be a reconfiguration and regrading of the open green space at the school which would include a new 45m x 25m playing field that would have a 3m high weldmesh ball-stop fencing positioned along its south-western boundary and short sections on the north-west and south-east boundaries.

The existing courts would be retained and resurfaced with new pathways connecting the courts to the rest of the site. A fitness and adventure trail would be developed to the north-west of the playing field.

Several trees would be felled along with the removal of a hedgerow but, additional trees of native species would be planted across the school site at various different levels. There would also be native and ornamental shrub planting, wildflower meadows and a habitat area. Further bat boxes and bird boxes are proposed in retained trees around the site.

To secure the site, a 2.4m high weldmesh fence would be erected along the north and east perimeters of school site and the existing palisade fencing along the west and south boundaries of the site would be retained. Roll top fencing with pedestrian access gates are proposed between the car parking area and the proposed informal hard play area and around the early years and foundation play area. All proposed fencing would be finished in a dark green. The existing store and substation would be demolished. It is proposed that a replacement substation would be located at the entrance of the site. The replacement substation would be 2.4m high, 3.1m long and 2.2m wide. The existing wall around the proposed early years/foundation play area would be demolished and replaced with a 1.1m high log retaining wall. A 3.5m wide double gate for maintenance access, is proposed along the east boundary providing access to and from the open green space to the east of the application area.

The sporting facilities at the school would be available for educational use only. This is proposed to include hosting of inter-school sporting events both in school time and as extra-curricular events. The school would also provide 'Wrap-Around-Care' for pupils. Therefore, the site would operate between 07:30 hours until 18:00 hours, and make use of both internal and external facilities during this time. The applicant explains that extra-curricular activities/sports clubs/inter-school competitions with other local schools would usually take place after the normal school hours. During term time, performances to parents and the local school community would normally take place between 18:00 hours and 21:00 hours.

Relevant Planning History

Development proposed under Application Code No. CD8/1018/57 was granted planning permission on 9 October 2017; for the refurbishment and extension to a single storey building (building one), and demolition of buildings two and three. This also included various landscaping works, alteration to parking, play areas, and boundary treatment such as security fencing.

However, as the buildings on site have been demolished, the development granted permission under this application can no longer be carried out.

Consultations

Local Member

Councillor Hart has been notified of the proposed development.

Erewash Borough Council - Planning

Provided the following comments:

“The details have been considered and the Borough Council has no objection to the principle of the proposal. However, it is considered that the location of the proposed car parking adjacent to the access has some visual amenity concerns, and it would be an improvement if this were located within the site. Furthermore, the residential amenity of the properties on Brookside Road has the potential to be impacted by the proposal, in particular by the close proximity of the sprinkler tank and pump room to the relatively short rear gardens of these properties.

It is noted that the proposed site layout shows a ‘track for future construction’ adjacent to No.57 Brookside Road. While this track is not currently for consideration, the Borough Council wish to ensure awareness of protected trees in this location.”

Erewash Borough Council - Environmental Health Officer

The Environmental Health Officer (EHO) raises no objection to the application subject to conditions. The EHO commented:

“It is advised that an asbestos survey is undertaken on the remaining buildings prior to any further demolition at the site and following this any necessary remedial works are undertaken prior to demolition of the remaining buildings.

In conclusion EBC consider that the contaminated land investigation undertaken is limited and doesn’t cover any areas of the site proposed for soft landscaping and grassed amenity where the exposure to potential contaminants is most likely. Based on the above comments EBC consider that the investigation does not follow current guidance or good practice and is therefore not considered to be suitable for submission.

Given the above, and with consideration to the proposed sensitive use of the site, further investigative works are considered to be necessary at the site to ensure that all potential risks to the end users and other receptors are fully investigated and where necessary mitigated. Prior to any further intrusive works being undertaken a revised conceptual model should be forwarded to the LPA as well as details of the scope of works. The proposed scope of works will need to be agreed with the LPA prior to commencement.

In order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented.”

Therefore, the EHO has suggested a number of conditions to address the matter raised above.

Breadsall Parish Council

Objects to the development on the following grounds.

- As this application has no significant changes to the previous one (CD8/1019/52), the Parish Council is really disappointed that, yet again, it is forced to make an objection to these proposals, as it had hoped that the decision to demolish the entire school and redevelop on what is a generous site by normal primary school standards, would have enabled a redesigned school more appropriate to the 21st century. This clean slate could have seen a plan incorporating elements beneficial to the village, as requested in the Parish Council’s original representations. Instead we have a design which would appear to be a rehash of the 1950s building which was originally to be remodelled, both occupying the same footprint and incorporating all the mistakes of the original application.
- Reduction of car parking spaces on site.
- There is reference to the school’s use for inter-school sporting events and community use. According to the Design and Access statement "*local community groups will be engaged to explore facility use options*". This would inevitably compound the total inadequacy of the parking.
- The school’s travel plan suggests that a ‘park and stride scheme’ will operate from the nearby Memorial Hall car park. The Parish Council questions whether the Management Committee of the Hall has been consulted as the car park is very well used already by groups attending events and classes in the hall and considers that it would be presumptuous to expect to use a private car park in this way.
- The submitted travel plan is out of date and no current Modeshift recognised accredited travel plan is in place.
- No provision has been made for off-road pupil drop-off, contrary to Erewash Borough Council’s policy that "*facilities should be provided to ensure pupils enter and leave parked coaches and cars safely and clear of the highway without vehicles reversing*".

- *“...critical overloading on Brookside Road and the lack of any drop off methods.”* The Parish Council considers that preventing ... *“on street stopping will reduce the situation to chaos.”*
- Reference is made to the school being on a bus route. This unfortunately is not now the case, the route having been withdrawn. It would not, in any case, have been likely to be of use in serving the school catchment area. The plans also mention the 301 bus which serves the Roman Catholic School that does stop on Brookside road at 08:00 hours. It would not seem practical for primary school pupils to be hanging about on a busy road for an hour before school starts.
- There are still no plans included for traffic calming measures as seen at all other primary schools in the area, this is highly worrying as this is an extremely busy road. The Parish Council commissioned traffic surveys in 2016 which show the 12-hour workday average volume was 5,736 vehicles, which regularly travel at speeds significantly over the speed limit in this area and recent speed watch sessions also show a large number of motorists regularly breaking the speed limit by more than 10 miles over the 30mph limit.

Additional comments were provided by the Parish Council following consultation on further information. The Parish Council stated that it wished to maintain its initial comments above but added the following:

- *“Our initial response to the new documents is that we wish to object to the proposal to move the site substation to the side of no 53a Brookside Road from its current position behind the houses. The insertion of such a substation in a prominent position adjacent to domestic properties is a totally inappropriate industrial insertion into a domestic street scene.”*

Environment Agency

The Environment Agency has raised no objection to the development.

Lead Local Flood Authority

The Council, as Lead Local Flood Authority (LLFA), raised no objections, subject to the submission of a detailed design and associated management and maintenance plan of the surface water drainage for the site. In addition to this, the applicant should also submit details indicating how additional surface water run-off from the site will be avoided during the construction phase; as well as, a verification report which has been carried out by a qualified drainage engineer.

Sport England

Sport England raised no objections.

Cadent Gas Limited

No objection raised subject to the inclusion of an informative note for the applicant if the application is approved.

Severn Trent Water Limited

Severn Trent raised no objections to the proposed development.

Derbyshire Wildlife Trust

No objection subject to conditions which require a Landscape and Ecological Management Plan (LEMP) prior to the commencement of landscaping works. DWT also wants the development to be carried out in strict accordance with the mitigation measures outlined within the Ecology Report Revision 1 prepared by BSG Ecology dated February 2020.

DWT requests the submission of details regarding the location of the four bat boxes. These details are already located on the 'General Arrangement Plan' Drawing Reference 1800592/A2/01.

Highway Authority

The Council, as Local Highway Authority, raised no objections to the proposed development subject the following conditions being included:

1. No development shall take place until details have been submitted to and approved in writing by the County Planning Authority for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions. The approved details shall be adhered to throughout the construction period.
2. Prior to any other works commencing on site, the vehicular access to Brookside Road shall be modified in accordance with the revised application drawings (1800592/A2/02 rev C and 1800592/X/100 rev D) and constructed to base level for at least the first 15m into the site from the highway boundary.
3. Prior to the premises being taken into use, the access, parking and manoeuvring space shall be laid out in accordance with the revised application drawings (1800592/A2/02 rev C and 1800592/X/100 rev D), paved in a solid bound material, provided with measures to prevent surface water from flowing from within the site onto the public highway and maintained throughout the life of the development free of any impediment to its designated use.
4. No part of the development permitted by this consent shall be occupied until a revised travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall set out proposals (including a timetable) to promote travel by sustainable modes. The travel plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the County Planning

Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

Publicity

The application has been advertised by site notices and a press notice in the Derby Evening Telegraph, with a request for comments by 5 March 2020. The application was also re-advertised by site notice, with a request for comments by 14 August 2020. In response to this publicity, seven representations have been received providing comments on the proposal. The main points raised are set out below:

Objections

- Representations raise concerns regarding the parking arrangement, which is described as “*extremely inadequate*”. This is due to the reduction of 48 existing car parking spaces.
- The number of retained parking spaces are too low to meet the needs of the school.
- Proposed development is visible from residential properties.
- “*...the proposed development is: Not remotely in keeping with the village from a design and appearance point of view; An overbearing presence near a common boundary, to the serious detriment of me and my neighbours and my enjoyment of my home; Is not compliant with the clearly stated key objectives of Erewash's Planning Policy. I have suffered much noise and disturbance for over three years as a result of the demolition of the old behavioural unit...*”
- “*As you will be aware the school is currently located on Moor Road. At pickup and drop off times it is totally congested around the school and therefore parents unable to get a space, park on the Memorial Hall car park and walk through a jitty to pick up and drop off their children.*”
- The Memorial Hall car park has a capacity of 25 spaces and therefore not everyone would get a space and the others will park along Brookside Road, which is considered by a representation to be very dangerous. In addition to this, concern is raised regarding difficulties residents of existing driveways would have during pick-up and drop-off times, if parents are parking along Brookside Road.
- “*Does the area for staff parking really need to spill right down to the front of the plot, this requires the removal of mature trees, the erection of a high fence, all of which will have a negative effect on the now rural street view. Again, this seems unnecessary given the area of land you have to work with.*”
- “*The reference to a bus service. The 301-bus referred to is primarily to ferry children from Spondon/Oakwood etc, to the Roman Catholic school*

in Darley Abbey. It is of no use to Breadsall School children, neither by route or timetable.”

- *“Buses along Brookside Road. What buses? Not for years.”*
- *“The majority of children and staff live outside of Breadsall and therefore travel in by car, given this is a primary and junior school hardly any children are going to cycle or scooter to school as suggested.”*
- *“...In fact, we are already concerned about the design and appearance of the site frontage and street scene in general.”*
- Objections were raised concerning the position of the substation. The received representations describe the proposed substation as having an *“overbearing presence to the common boundary with number 53a Brookside Road but, also create an industrialised setting”*. Also, the representations state that the height of the substation has not been provided or the screening. The representation also expands to say *“The environmental impact in terms of noise is not covered. Given this lack of information one can only conclude this change will have a detrimental effect on the street scene”*.
- The substation is also described as having an impact on local residents during proposed hours of use and *“not compliant with the area's Planning Policy; namely: the section's key objectives are to produce work which: Positively manage Erewash's historic and natural environment to ensure the Borough's assets are protected for future generations to enjoy”*.
- Concerns about the position of the pump room/sprinkler tank room and noise pollution.
- Concerns about inadequate drainage on site and flooding problems.
- Concerns are raised regarding the ‘cart track’ to the east of the site. Representations consider it to have been incorporated into the development. It is also noted that the representation highlights that if the cart track is to be used as a vehicular road, then it would exit close to an existing traffic calming measure and *“on the narrowest section of Brookside Road and therefore would be dangerous to say the least. This whole area would then have to re-designed etc”*.
- The Hall Committee for Breadsall Memorial Hall states *“The Memorial Hall is a well-used facility within the village, operating for over 50 years, and survives by being hired out. Your statement under Benefit of the Scheme of “potential community benefits to be gained from the school relocating to a new site with extensively improved facilities” concerns us as this implies the school intends hiring out its facilities in competition to the village hall and thus there is potential for us to be placed in financial difficulties.”*
- A representation on behalf of the Memorial Hall also raises concern regarding parking for inter-school sporting events and community use. *“There are not enough spaces on the new site where will the vehicles park? The Memorial Hall car park is not a public car park. It is for users of the Hall and playing fields only and is signposted thus. We certainly will not entertain our spaces being used in the hope that it sorts out your parking problems.”* The representation also expands to say that parents

have been using the car park for pick up and drop off but long term parking for parents or school visitors would not be allowed.

- *“Brookside Road is not the best road for parking on and a line of cars parked along the side of the road will cause traffic chaos at busy times. The school is placed between two calming measures so cars are already moving on to the wrong side of the road and if parents are parked between them the road will become a bottleneck.”*

Supporting Comments

- *“... we are not opposed to the school being relocated to this site, in fact we are hopeful the development will tidy up this very neglected area of land.”*
- *“...could be a dedicated drop off facility and that more visitor parking could be afforded, especially given the schools future ambitions, relating to inter-school activities”.*

Other Comments

- A representation indicating concern regarding revision to the entrance to the site appears to have resulted from confusion over the nature of the proposed alterations proposed in this respect to improve visibility and safety.
- A representative also requests an explanation why it is to be used by the school and states that it is an unmade track used to maintain the field to the rear of the ‘Plantation’. The representation also states *“... I am sure that the relevant transport people and police/ambulance people need to be involved...”*

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the Adopted Erewash Core Strategy (2014) (ECS) and the saved policies within the Erewash Borough Local Plan 2005 (Amended 2014) (EBLP). The National Planning Policy Framework (NPPF) (2019), and the associated Planning Practice Guidance (PPG) are also of relevance to this proposal.

The relevant development plan policies that must be taken into account when considering this proposal are set out below:

Adopted Erewash Core Strategy (2014) Policies

A: Presumption in Favour of Sustainable Development.

1: Climate Change.

10: Design and Enhancing Local Identity.

11: The Historic Environment.

13: Culture, Sport and Tourism.
4: Managing Travel Demand.
17: Biodiversity.

Erewash Borough Local Plan Saved Policies 2005 (Amended 2014)

H12: Quality and Design.
T2: Parking.
T7: Pedestrians and Disabled People.
T9: Travel Plans.
EV6: Listed Buildings.
EV11: Protected Species and Threatened Species.
EV14: Protection of Trees and Hedgerows.
EV16: Landscape Character.
R5: Public Open Space, Sports Facilities and Allotments.
DC7: Development and Flood Risk

The most relevant paragraphs from the NPPF for this proposal are:

- 11: The presumption in favour of sustainable development.
- 39-43: Pre-application engagement and front-loading.
- 91-95: Promoting healthy and safe communities.
- 96-97: Open space and recreation.
- 91, 92, 95, 97: Promoting healthy and safe communities.
- 103, 108-111: Promoting sustainable transport.
- 117,118,121-122: Making effective use of land.
- 124 -127, 131: Achieving well-designed spaces.
- 148, 150, 151, 156, 163, 165: Meeting the challenge of climate change, flooding and coastal change.
- 170,174,175,178-183: Conserving and enhancing the natural environment.
- 189, 192-196: Proposals affecting heritage assets.

The key planning considerations for this development are:

- Need for the development.
- Highway Safety and traffic impacts.
- Playing field and open space.
- Design and Visual Impact.
- Heritage Impact.
- Ecological impacts.
- Noise impacts.

Need for the Development

The supporting information sets out a justification for the development. The erection of a new school would enable the pupils of Breadsall Church of England (CE) Primary School on Moor Road in Breadsall to relocate from its existing site to this larger site. Breadsall CE Primary School does not benefit from a school hall or on-site playing field, which does not meet the current guidelines of the Department for Education (DfE). The existing School is also

considered to be undersized for the number of pupils on role. The existing school currently has 113 pupils on role and the proposed new school would enable an increased intake to 120. In addition to this, the applicant states that the proposed new school would be able to provide *“New hard play areas, a playing field and re-surfaced games courts which the present schools site does not have available”*. The proposed site would enable the provision of both accommodation and *“extensively improved facilities”* which comply with modern guidelines.

In respect of the existing substation, the application states the need for its relocation as:

“We understand from Western Power that the switchgear to be in a poor state of repair. The existing transformer and high voltage switchgear date back to 1959 and consequently are in need of replacement. The proposed location allows separate access for maintenance work/ operational reasons and improves network connectivity.

Replacement of the switchgear/ transformer to the existing location has engineering difficulties. An adjacent location is restricted by the sprinkler tank/ pump house and bin store access given the onsite level differences. Alternative locations would un-reasonably restrict the site layout and achievable parking arrangements to the site.”

The NPPF and the EBLP both encourage the development/ regeneration of brownfield sites to meet local/community needs. Development of brownfield land is preferred to the development of land within Green Belt and/or on green open space. The NPPF encourages as much use as possible of suitable brownfield sites and under-utilised land.

Paragraph 118 c) of the NPPF states that planning policies and decisions should *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.”*

The spatial objectives contained within the adopted EBLP sets out the Borough’s viewpoint on developing brownfields sites, as a form of regeneration to meet needs and improve areas, which states:

“Regeneration: to ensure brownfield regeneration opportunities are maximised ... To ensure that regeneration supports and enhances opportunities for local communities and residents, leading to all neighbourhoods being neighbourhoods of choice, where people want to live. The proposed development would provide better facilities for the current and future pupils of that community.”

Paragraph 94 of the NPPF relates to meeting the needs of schools and requires local planning authorities to take a *“proactive, positive and*

collaborative approach to meeting this requirement, and to development that will widen choice in education:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.”

This is a vacant site following that demolition of the buildings that previously occupied the site that has a history of educational (Class D) use. I do not consider the proposed use as a primary school would be significantly greater in intensity than its previous use and I am satisfied that there is a justified need for the proposed development and that it accords with the NPPF in this respect.

Highway Safety and Traffic Impacts

Access to the site would be from the existing access on Brookside Road, which previously served the former Pupil Referral Unit. Brookside Road runs through Breadsall and benefits from existing traffic calming measures adjacent to the site. The proposed development would reduce the overall number of parking spaces on site.

The Highway Authority previously raised concerns about the access to the site, as it was considered to be substandard in terms of visibility. In response to these concerns, the applicant has submitted revised plans which have demonstrated improved visibility from the access to the site. The Highway Authority does not object to the proposal, subject to the conditions highlighted above are included within the decision notice.

Representations have been received raising concerns regarding parking and potential impacts, such as congestion. The Parish Council has also raised its concerns in respect of parking and the loss of parking spaces. The school does not provide pick up/drop off on site and the proposed parking provision is specifically designed for staff and official visitors to the school. This would mean that parents intending to drop their children off by car would need to park elsewhere. However, the existing school site from which children are to be relocated does not offer any parking for pick up or drop off or any parking for visitors and teachers. The application site is located approximately 265m away from the existing school. The proposal includes provision for on-site parking for teachers and visitors, which the existing school site lacks, and would therefore reduce the need for on-street parking or parking in other car parks in the vicinity, and therefore the overall impact on the highway network.

I am satisfied that the reduction in car parking spaces is in accordance with Erewash Borough Council's Parking Standards Supplementary Planning Document (SPD), which requires 2 car parking spaces per class room. The proposed school offers 7 teaching spaces requiring a minimum of 14 vehicular spaces. Therefore, the school would still exceed the minimum requirement. I do not consider this would have a significant impact.

The applicant has submitted a travel plan with the application which suggests a 'park and stride' from the adjacent memorial hall to the west. This would appear to require an agreement with the Memorial Hall Committee to be achievable. According to one of the representations, the Memorial Hall car park would be not available in the future for use by the school or parents picking up and dropping off. However, I that this car park has previously been available for use by the school.

A further representation raises concern regarding the 'cart track', located to the east off Brookside Road being incorporated into the development. The track is shown on the Location and Site Plan, but it is located outside the red line boundary. The track is, however, located within the blue line boundary, and would provide site access for maintenance purposes through the proposed double gate.

The application also includes proposals to promote sustainable methods of transport to limit congestion around the school site and demand for parking. The application includes proposals for cycle/scooter storage at the site to encourage alternatives to car use.

The travel plan states that the site is located too far away from the nearest railway station, as it is 4 miles away from the site. In addition to this, the plan states that there are buses that go through the village but do not stop by the housing estates where the pupils are most likely to come from. The lack of access to a bus service is raised within the representations. However, a local bus route (59/59A) stop is located near to the site entrance on Brookside Road. Service 59/59A is an hourly service which commenced on 27 December 2019, but this is the only bus route which passes the school. This service starts and finishes at Shipley View, Ilkeston and the points of this service are, Ilkeston, West Hallam, Smalley and Derby. This service is now more frequent than the comments made within the representations suggest. However, this is a recent change. The Coronavirus (COVID-19) pandemic resulted a reduced service, which may have given those whom submitted representations the impression of a lack of service.

Paragraph 110 of the NPPF states *"Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use"*.

The travel plan also states that *"roads through village have pavements but the village is used as a rat run by commuters so parents would not let their children walk to school on their own even if they live very close by. ... There are several cycle paths and tracks around the village, in the past we have had year 6 pupils cycling to school after they have done their level 2 bikability."* In addition to this, the internal design of the building includes amenities such as

shower and changing facilities which could encourage cycling or walking to site.

The submitted travel plan is outdated and it is therefore recommended that, prior to the occupation of building, a revised travel plan should be submitted for approval. The revised travel plan should re-address the scope for a 'park and stride', as it is clear that this has not been encouraged by the owners of the Hall.

Paragraph 109 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

I consider that the proposed development would not result in adverse impacts on the highway network to warrant refusal of this application. The development would encourage cycling and walking to the site but, due to the rural location, there is limited access to public transport. Under these circumstances, I am satisfied that the proposal would accord with policies 14 and 15 of the ECS and the NPPF. However, conditions are recommended to be imposed for the submission of an up-to-date travel plan and a Construction Management Plan. Conditions would also require the vehicular access to be modified prior to any other works commencing and prior the building been occupied the access, parking and manoeuvring space shall be laid out in accordance with the revised application drawings.

Playing Field and Open Space

The proposed new school building would primarily be positioned on the footprint of the former school buildings. A playing field is also proposed on this footprint. However, the proposed ancillary works and landscaping, as described above, are outside this footprint and on land considered to be playing field or capable of forming a playing field.

Sport England's Policy, A Sporting Future for the Playing Fields of England, seeks to protect all areas of existing playing fields and it is their policy to oppose any planning application which will result in the loss of playing field land, or prejudice the use of all or part of a playing field unless it is satisfied that the application meets with one or more of five specific exceptions. These exceptions are incorporated within Paragraph 97 of the NPPF.

Sport England considers that the development would meet the Sport England Policy exception E3. The proposed development only affects land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

Paragraph 97 of the NPPF states that “*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

I am satisfied that there would not be any loss of playing field overall, and also that the existing provision on the site would be improved.

The application is accompanied by a Recreational Open Space Statement, which states that “*The school will benefit from a very generously sized external hard and soft play areas, far in excess of the minimum required areas needed for the number of pupils in attendance at the school. The location of the proposed new building has been chosen intentionally to minimise the impact on existing designated hard and soft play areas. With all proposed building works in-situ, the resultant areas for hard and soft play would all be appropriate for the number of pupils expected to attend.*”

The applicant would restrict the proposed on-site facilities for solely educational use. This is proposed with the intention of improving availability of facilities for sports. There are a cluster of Derbyshire schools in the locality, all of which have very limited sports facilities, which would be able to use and share these facilities. The proposed facilities would provide the opportunity to host inter-school sporting events, both in school time and as extra-curricular events. The Parish Council raised concerns regarding competing facilities. However, the information accompanying this application states that these facilities would be for educational use only. Therefore, there would be no competition between the Parish facilities and those of the school.

I do not consider that the proposed alterations to the playing field would have any significant impact on the playing field or open space provision and would enhance the existing facilities. The proposal meets the exceptions within Sport England’s Playing Fields Policy and accords with the NPPF.

Design and Visual Impact

The site is located adjacent to the Green Belt and is set back away from the main highway. The nearest residential properties are those along Brookside Road to the south of the site. The site is also partially visible from the Breadsall Parish Hall to the west of the site. The views into the site are very limited, owing to the level of screening already provided by existing vegetation along the boundary of the site. The proposed school building would be

positioned over the footprint of the former buildings and would represent a net reduction in overall built form. Furthermore, due to the topography of the site, the proposed new building would be visually, unobtrusively located on the site. The site is visually contained by existing vegetation and topography from many receptors. The screening of the site would be enhanced by additional planting, further reducing any visual impact of the development. The proposed fencing would be finished in dark green so it is recessive and not visually imposing. Therefore, I do not consider that the proposal would have a strong or dominant presence on the surrounding built landscape.

A representation was received in respect of the visual impact of the parking adjacent to the highway. The proposed entrance has been set back and a hedge row removed in order to improve visibility. However, because the entrance is set back, I do not consider this would have a significant visual impact.

The applicant states that *“the proposed school has been organised around a central space with perimeter accommodation of a single storey scale. The roof form offers a raised central atrium which provides natural light and ventilation. The overall scale and height of the proposal is less than the original buildings [demolished buildings] and is considered to be more in-keeping with the character of the area.”* I am of the opinion that the scale of the building reflects its location, which is demonstrated by the single storey element of the building. The development would demonstrate good quality design as a result of the use of appropriate materials and colour finishes.

Paragraph 131 of the NPPF states that *“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

Policy 1 of the EBLP states *“All development proposals will be expected to mitigate and adapt to climate change, and to comply with national targets on reducing carbon emissions and energy use.”*

The supporting Energy Statement accompanying this application demonstrates that the applicant has considered methods on how to reduce, where possible, the buildings carbon emissions and energy use. The proposed design includes sustainable technologies, materials and construction techniques. This includes windows which have been designed to maximise the use of natural light, as well as thermal efficiency and ventilation, a heat recovery system, LED lighting and solar photovoltaic panels on the roof of the proposed main building.

Concerns have been raised about the visual impact of the proposed location of the substation. The concern is that the substation in the proposed location

would impact on the adjacent residential property and the street scene. It is acknowledged that the substation is proposed to be located in a visually prominent position adjacent to the highway. However, it is noted that there would be some screening from proposed hedgerow planting, which would reduce the visual impact on the street scene over time. To the east of the proposed substation is an existing hedgerow, this would function as a screen and therefore reduce the visual impact on the residents to the east.

Policy 1 also requires that *“All new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Urban Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible.”*

The site lies within Flood Zone 1 where there is a low probability of fluvial flooding occurring. The LLFA do not object to the proposed development but has acknowledged previous flooding within Breadsall. Therefore, LLFA has requested three pre-commencement conditions to be imposed. These conditions require the submission of a detailed drainage scheme, a verification report and details on how to manage surface water run off during the construction phase.

Subject to the recommended conditions, I am satisfied that the proposed development would not have a strong or dominant presence on the surrounding built landscape and would have a limited visual impact. In addition to this, the location of the new school is considered to be suitably located and has an attractive design which demonstrates a good use of materials. I am satisfied that the proposed development complies with policies 1, 10, 17 of the ECS, saved Policy EV14 of the EBLP and the NPPF.

Heritage Impact

The application site is not situated in the Breadsall CA, but the CA boundary is approximately 160m to the west. There are two listed buildings within 250m of the school site. A Grade I listed building called Church of All Saints is located approximately 225m west of the proposed site and a Grade II listed Methodist Chapel is approximately 40m to the south. The Grade I listed building, being located a considerable distance from the site, and is unlikely to be impacted upon by the proposal. However, the Grade II listed Methodist Chapel is located in close proximity to the site and therefore, there is potential for the development to impact upon its setting.

The listed building description for the Chapel from Historic England is as follows: *“Chapel. Dated 1826. Rendered brick with Welsh slate roof. North elevation of two bays. Central early C20 porch with flat roof and panelled double doors. Flanked on each side by semi-circular headed windows with early C20 glazing bars and 'Art Nouveau' coloured glass. Plain stringcourse above, at the base of the stepped and ramped parapet with gabled top. Above the stringcourse is a date plaque inscribed 'Wesleyan Methodist Chapel*

MDCCCXXVI'. The south elevation has two windows similar to those on the north elevation. Plain interior with C20 fittings."

As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect that any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 193 states: "*When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*"

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset's] optimum use.

These NPPF paragraphs therefore recognise that to reach a decision to grant permission in a case of '*less than substantial*' harm need not involve so much public benefit to weigh against the harm as would be needed in a case of '*substantial*' harm. Nevertheless, even "*less than substantial*" harm to the significance of a listed building is an important consideration, which Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires considerable weight to be given to it.

The harm that would be caused to the setting of the listed building is considered to be '*less than substantial*'. The proposed site is located a reasonable distance away from the heritage asset and is separated by Brookside Road and residential properties. A proposed mixed hedgerow of native species with hedgerow trees is proposed along the boundary of the site which would reduce the visual impact of the proposal on the setting of the heritage asset.

According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of the heritage asset), there should be a clear, and convincing justification for the development to take place at the location and, if this is demonstrated, the harm should be weighed against the public benefits of the proposal. As above, there are clear public benefits for Breadsall and the wider community from this development. The new school building would accommodate rising demand for education provision and provide both pupils of the existing school and future pupils with access to educational facilities which are not available at the current school accommodation.

I regard the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation for the application, even

having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.

In consideration of Paragraph 196 of the NPPF, it is considered that the benefits of the proposal clearly outweigh any harm to the heritage assets. I am satisfied that the proposed development would not result in a significant impact on the significance of the heritage assets. Therefore, I consider the proposed development complies with Policy 11 of the ECS, saved Policy EV6 of the EBLP, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology

The application is accompanied by an ecological assessment report which includes details of bat survey/s undertaken at the site. The proposal has taken into consideration the presence of bats on site. The recently demolished buildings, known as 2 and 3, supported 11 bat roosts behind panels of hanging tiles and timber cladding, and within bat boxes. Building 1 also supported a bat roost within a bat box. The three buildings supported four bat species: brown long-eared *Plecotus auritus*, common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and noctule *Nyctalus noctula*.

Paragraphs 98 and 99 of the Circular 06/05, stated above, highlights “*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.*”

Paragraph 170 of the NPPF states “*the planning system should contribute to and enhance the natural and local environment’ by ‘minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*”

Prior to the demolition of Buildings 2 and 3, six new bat boxes were installed on trees within the site as part of the licensed mitigation strategy approved by Natural England. Bat boxes are proposed to be retained and further boxes installed as part of the redevelopment of this site. The construction of a bat wall is also proposed that would enhance the potential for bats to roost on site.

None of the trees on site have been identified as having any natural features that offer bat roosting opportunities, however, bat boxes on two trees have been confirmed to support roosting bats.

Some trees would need to be removed to enable the development, however, their removal is unlikely to result in a significant ecological impact. Furthermore, the wildflower meadow, substantial tree and hedgerow planting within the site would contribute and enhance the biodiversity on site.

Lighting on the site has potential impact upon bats. The proposed lighting layout, submitted with the application, shows the locations of the luminaires, which would be positioned away from the bat boxes fixed to the new building. The proposed lighting has been designed to reduce upward light spill, thereby minimising the amount of obtrusive light (Sky glow) and preserve the nocturnal feeding habitat for bats. It is considered that the lighting proposed would not have a significant impact on bats or the wider environment.

Overall, the ecological assessment concludes that there would be no likelihood of significant ecological impacts. DWT has not raised any objections to the proposals. Therefore, I am satisfied that there are no ecological barriers to the determination of this proposal and that it would accord with Policy 17 of the ECS, saved Policy EV11 of the EBLP and the NPPF.

Noise Impacts

Paragraph 180 of the NPPF states that *“decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”*

The site is currently vacant and the existing dominant sources of noise in the area are largely traffic from the main road (Brookside Road) and the community facilities to the west. The nearest noise receptors would be the existing residential properties adjacent to the southern boundary of the site. I consider that the noise produced from normal school activities during school hours, such as teaching and outdoor play, would not be significant.

The school's facilities are to be restricted for educational purposes and would not be open for the wider public. The use of the games courts and playing field until 18:00 hours would introduce a source of noise which could potentially impact on residents who live in close proximity to the site by virtue of noise and potentially anti-social behavior. Considering the proximity to the residential properties, it is likely that they would, on occasions, experience some noise disturbance from the potential use of the facilities. Therefore, a condition is recommended to restrict the hours of use of the external facility.

Erewash Borough Council, in its consultation, and a resident have raised concern about the location of the proposed sprinkler tank and pump house, and that this could be a potential source of noise which could adversely impact the amenity of the neighbouring residents. However, the sprinkler tank and pump house would only be used in the event of a fire there would be no

noise generated from the sprinkler tank or pump house, except in the event of a fire. This would therefore not impact on the amenity of the nearby residents.

The construction of the new school building would generate noise which could impact on the amenity of the neighbouring residential properties. Any construction noise would be temporary, however, it could still have an adverse impact on local amenity. Therefore, to limit the impact of noise during the construction phase, a condition is recommended to restrict the hours of construction work. Erewash Borough Council's Environmental Health Department have regulatory responsibilities in relation to the control of excessive noise pollution. It was consulted on the application and no objections/concerns were raised regarding the proposal on noise grounds.

I am satisfied that the development would not impact significantly on the amenity of nearby residents in terms of noise, and would accord with policies 16 and 13 of the ECS and the NPPF in this respect. However, given the proposed development's close proximity to residential properties, a condition is recommended to restrict the hours of use of the facilities and construction. This is to ensure that they would not result in an adverse effect on residents.

Arboricultural Impacts

Paragraph 175 of the NPPF states that *"When determining planning applications, local planning authorities should apply the following principles:*

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;"*

The trees identified on site are not protected by any TPOs and are not considered to be of a Category A value. No trees on or adjacent to the site have been designated as ancient or veteran. The tree surveys on site primarily identify trees of moderate and low quality value. As highlighted above, a number of trees and a hedgerow would be removed as part of the development. Three Leyland Cypress need to be felled due to their problematic location close to the boundary fence, for security and sightline reasons. Two Birch trees that are in a poor condition/nearly dead also need to be felled for safety reasons. Two Flowering Cherry trees need to be felled due to their proximity to the construction of the sprinkler tank and pump house and associated regrading which needs to be located as shown, due to technical and insurance requirements. These trees are in poor condition, however, a substantial number of new trees would be planted across the site to compensate for the loss minor trees as a result of the development and to enhance the visual amenity of the site.

I am satisfied that the proposal would accord with saved Policy EV14 of the EBLP and the NPPF.

Conclusion

In conclusion, the overall layout and location of the proposed development is considered to be of a good and sustainable design. The proposed development would potentially increase noise in the area as a result of use of the games courts and playing field facilities. However, I do not consider that this would be to unacceptable levels and the use of the facilities would be restricted by condition. It is not considered that the development would generate significant amounts of traffic and would not have an adverse impact on the connecting highway infrastructure due to parking. The relocation of the site access would improve what was considered to be a substandard access in terms of visibility. The works, as described above, have a justified need to take place and would accord with local and national planning policy. Subject to the recommended conditions, I am satisfied that the proposal would accord with the ECS, EBLP and the NPPF, and the application is recommended for approval.

The representations which raise a number of concerns, as listed above, have been taken into consideration when determining this application.

(3) **Financial Considerations** The correct fee of £5,082 has been received.

(4) **Legal Considerations** I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted, subject to the conditions referred to in the recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No. 8.955.13
Application Form, Ecology Report, Cover Letter,
Tree Survey report, School Travel Plan,
Travel Policy Flood Risk Assessment, Drainage Strategy, Post Demolition
Survey, General Arrangement Plan, Existing Site Plan, Existing Site Location
Plan, Drainage GA, Bat Retaining Wall Details, Application Site Plan,
Topographical Survey, 3D Model, Sewer Record, Supporting Statement
regarding the school relocation, and Interpretative Report on a Ground
Investigation all received 24 January 2020.

Email RE: 2020 04 28 AGT-EBC comments 07 CD8.0120.72 received 30 April 2020.

Design and Access Statement, Waste Management Statement, Transport Statement & Parking Provision, Tree Removal and Protection Plan, Landscape Planning, Site Layout Plan, Proposed Site Plan, Recreation & Open Space Statement, Planning Statement, Lighting Assessment, Heritage Impact Assessment, Energy Statement, Community Use Statement, Electrical Services External Lighting, and Storm Sewer Design all received 29 July 2020.

Standard Foundation of up to 1000
KVA Pocket Substation and Standard GRP Enclosure and Threshold Beam
Details for up to
1000 KVA Pocket Substation received 17 August 2020.

Consultation Responses from:

Derbyshire County Council - Ecology received 9 August, 11 September and 6 December 2019.

Derbyshire County Council – Sustainable Travel Team received 31 January, 17 February and 10 August 2020.

Cadent Gas received 3 February and 4 February 2020.

Derbyshire County Council – Landscape Team 3 February and 12 August 2020.

Derbyshire County Council – Built Conservation and Design Quality comments received 5 February and 12 August 2020.

Erewash Borough Council – Environmental Health Officer received 13 February 2020.

Sport England received 17 February and 7 August 2020.

Breadsall Parish Council received 17 February and 11 August 2020.

Severn Trent Water received 19 February 2020.

Highway Authority received 28 February and 14 August 2020.

Lead Local Flood Authority received 19 March, 5 May and 19 August 2020.

Erewash Borough Council – Planning received 23 April 2020.

Derbyshire county Council – Education received 19 August 2020.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted**, subject to conditions substantially to the effect of the following draft conditions:

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

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details contained in the application for planning permission dated 21 January 2020 and the following documents and plans:

- Design and Access Statement dated July 2020,
- Interpretative Report On A Ground Investigation Report no: G19077-IR dated September 2019 Revision 2,
- Cover Letter dated 22 January 2020,
- Community Use Statement dated July 2020,
- Energy Statement July 2020,
- Ecology Report dated February 2020 Revision 1,
- Tree Survey Report dated February 2020,
- Waste Management Statement dated July 2020,
- School Travel Plan dated 2018,
- Travel Policy, Transport Statement & Parking Statement dated July 2020,
- Recreation & Open Space Statement dated July 2020,
- Planning Statement dated July 2020,
- Lighting Assessment dated July 2020,
- Heritage Impact Assessment dated July 2020,
- Flood Risk Assessment dated 21 January 2020 Revision 3,
- Drainage Strategy dated 12 September 2019,
- Supporting Statement regarding the school relocation,
- Sewer Record (Tublar) dated 27 September 2019,
- Storm Sewer Design dated 28 July 2020 Email Entitled 2020 04 08 AGT-EBC comments 07 CD8.0120.72
- Drawing no. 1800592/X/101 entitled 'Tree Removal and Protection Plan', Revision E.
- Drawing no. 1800592/X/100 entitled 'Landscape Planning', Revision D.
- Drawing no. 1800592/A2/02 entitled 'Site Layout Plan', Revision C.
- Drawing no. 1800592/X/03 entitled 'Proposed site plan' Revision C.
- Drawing no. 1400031 LS002 entitled 'Post Demolition Survey'.
- Drawing no. 1800592/A2/01 entitled 'General Arrangement Plan'.
- Drawing no. 1800592-P-09 entitled 'Electrical Services External Lighting' Revision C.
- Drawing no. 1800592/X/02 entitled 'Existing Site Plan' Revision A.
- Drawing no. 1800592/X/01 entitled 'Site Location Plan' Revision A.

- Drawing no. F699-CHG-Z0-00-DR-C-5000 entitled 'Drainage GA' Revision P02.
- Drawing no. 1800592/S/D009 entitled 'Bat Retaining Wall Details'
- Drawing no. 1800592/05/2500 entitled 'Application Site Pan, Revision A'.
- Drawing entitled 'Topographical Survey' dated 15 May 2019.
- Drawing no. 1800592/A2/03 entitled '3D Model'.
- Drawing no. EK0014 entitled 'Standard Foundation of up to 1000 KVA Pocket Substation'.
- Drawing no. EK0015 entitled 'GRP Enclosure and Threshold Beam Details for up to 1000 KVA Pocket Substation'.
- Drawing no. F699-CHG-Z0-00-DR-C-50 entitled 'Drainage GA' revision P03.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

Hours of Operation

- 4) The multi-use games area and playing fields, shall only be used during the following hours:

Mondays to Fridays 7:30 hours to 18:00 hours.

Saturdays, Sundays and Bank Holidays 10:00 hours and 18:00 hours.

Reason: In the interests of local amenity and the environment.

Construction

- 5) Construction work, including deliveries associated with the construction works, at the site shall only be permitted between the following hours:

07.30 hours and 18.00 hours Monday to Friday, and
08.00 hours and 13.00 hours on Saturdays.

There shall be no construction work on Sundays, Bank and Public Holidays.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of local amenity and the environment.

- 6) Prior to the commencement of development, a method statement detailing the measures to be employed at the site to minimise dust nuisance during construction activities, having regard to established

best practice in respect of the control of dust, shall be submitted to and approved in writing by the County Planning Authority. The measures shall then be implemented as approved for the duration of the construction works on site.

Reason: To control the impact of dust generated by the construction of development, in the interests of the residential amenity of the area, and to protect the environment. This is in accordance with Paragraph 170 of the National Planning Policy Framework 2019 and the national Planning Practice Guidance.

- 7) The new sports facilities to be constructed in accordance with this permission shall not be taken into use until a noise management scheme for the sports facilities has been submitted to and approved in writing by the County Planning Authority. The noise management scheme shall then be implemented in accordance with the details as approved.

Reason: In the interests of local amenity and the environment.

Contamination and Pollution Control

- 8) The development shall not commence until a scheme, to identify and control any environmental risks associated with this site, is developed and undertaken. This will include an intrusive investigation (Generic Risk Assessment/Phase II Investigation). The scope of the intrusive investigation will be based on the approved Phase 1 desk study report for the proposed development. The scope of works must be submitted to and approved in writing by the County Planning Authority prior to commencement. The scheme shall be implemented in accordance with the details as approved.

Reason: The submission of the scheme, prior to the commencement of development, is considered to be necessary, due to the sensitive nature of the site and to protect the surrounding environment and safeguard the amenity of the area. This is in accordance with Paragraph 170 of the National Planning Policy Framework 2019 and the national Planning Practice Guidance.

- 9) A written Method Statement, detailing the remediation requirements to deal with any environmental risks associated with this site, shall be submitted to and approved in writing by the County Planning Authority prior to commencement of the remedial works. All requirements shall be implemented according to the schedule of works indicated on the Method Statement and completed to the satisfaction of the County Planning Authority prior to the development being brought into use. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority.

Reason: To protect the surrounding environment and safeguard the amenity of the area.

- 10) Prior to the development first being brought into use, a validation report must be submitted to the County Planning Authority demonstrating that the remedial works have been carried out. The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement.

Reason: To protect the surrounding environment and safeguard the amenity of the area.

- 11) If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected contamination shall be dealt with. The Strategy shall be implemented as approved in writing by the County Planning Authority.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 170 of the National Planning Policy Framework 2019.

- 12) No soils shall be imported onto the site unless they have been tested for contamination and assessed for their suitability for the proposed development; a methodology for testing this material shall be submitted to and approved in writing by the County Planning Authority prior to any soil being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed and source material information.

The proposed soil shall be sampled at source, such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme or another approved scheme the results of which shall be submitted to the County Planning Authority for consideration.

The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the County Planning Authority.

Reason: To prevent pollutants contaminating the site and to protect the health of the public and the wider environment.

- 13) All rubbish, scrap and waste material, either found or generated on the site, shall be stored in clearly marked areas or containers until such time as it can be removed to a facility which holds an appropriate Environmental Permit.

Reason: In the interest of protecting the environment and the amenity of the surrounding area.

- 14) There shall be no burning of Waste at the site.

Reason: To ensure that the development does not have an adverse impact on local amenity.

Access, Traffic and Highway Safety

- 15) Prior to commencement of the development, a Construction Management Plan and construction Method Statement shall be submitted to and have been approved in writing by the County Planning Authority. The submission shall provide details relating to the storage of plant and materials, site accommodation, loading, unloading of good vehicles, parking of the site operatives and visitors, means of access and routes for construction traffic, hours of operation, method of prevention of debris being carried onto the highway, pedestrian and cyclist protection and any proposed temporary traffic restrictions. The Construction Management Plan shall be implemented as approved and maintained throughout the period of construction free from any impediment to its designated use.

Reason: The condition is imposed to ensure adequate access and associated facilities are available during the construction and subsequent demolition works to minimise the impact of school development on the users of the park, nearby residents and local highway network and in the interest of site safety.

- 16) No development shall take place until details have been submitted to and been approved in writing by the County Planning Authority for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions. The approved details shall be adhered to throughout the construction period.

Reason: The condition is imposed to ensure adequate access and associated facilities are available during the construction works to minimise the impact of the development on nearby residents and local highway network and in the interest of site safety. It is considered compliance with these requirements would only be effective if found to

be acceptable and approved as such, prior to the commencement of development.

- 17) Prior to any other works commencing on site, the vehicular access to Brookside Road shall be modified in accordance with the revised application drawings (1800592/A2/02 rev C and 1800592/X/100 rev D) and constructed to base level for at least the first 15m into the site from the highway boundary.

Reason: The condition is imposed to ensure adequate access to the site and in the interest of site and highway safety.

- 18) Prior to the premises being taken into use, the access, parking and manoeuvring space shall be laid out in accordance with the revised application drawings (1800592/A2/02 rev C and 1800592/X/100 rev D), paved in a solid bound material, provided with measures to prevent surface water from flowing from within the site onto the public highway and maintained throughout the life of the development free of any impediment to its designated use.

Reason: The condition is imposed to minimise the impact of the development on the nearby residents and local highway network and in the interest of site safety.

- 19) No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes. The Travel Plan shall be implemented in accordance with the timetable set out in that plan, unless otherwise agreed in writing by the County Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval, for a period of five years from first occupation of the development permitted by this consent.

Reason: The condition is imposed in the interest of sustainable travel and to minimise the impact of the development on nearby residents and local highway network. It is necessary for the condition to be prior to commencement, in order to be compliance with Paragraph 111 of the National Planning Policy Framework 2019.

Lighting

- 20) Any external lighting shall be designed and installed so that it does not cause nuisance to the occupiers of nearby residential properties.

The floodlights shall be controlled by a timer mechanism to prevent illumination outside these hours. The lighting should not be used overnight unless required for security purposes.

Reason: In the interest of local amenity and bat conservation.

Flood Risk

- 21) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. 'PROPOSED PRIMARY SCHOOL, BREADSALL DRAINAGE STRATEGY' (collinshallgreen, 12/09/2019), Email titled 'RE: Behavioural Support Centre, Brookside Road, Breadsall - CD8/1020/72' (from Russell Short to Scott Stone, 23/03/2020) and 'Drainage GA' (collinshallgreen, 20.08.20) drawing number F699-CHG-Z0-00-DR-C-5000 revision P03, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority."

Reason: The submission of the scheme, prior to the commencement of development, is to ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

- 22) Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase

Reason: The submission of the scheme, prior to the commencement of development, is to ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

- 23) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

Ecology

- 24) There shall be no removal at any time of vegetation that may be used by breeding birds during the bird breeding season (i.e. March to September inclusive), unless a recent survey has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have been submitted to and received the written approval of the County Planning Authority. The scheme shall be implemented as approved.

Reason: In the interest of the protection of breeding birds.

- 25) The development shall be carried out in strict accordance with the previously approved bat mitigation measures as outlined in Section 4.8 of the Ecology Report Revision 1 prepared by BSG Ecology dated February 2020. Further details shall be submitted to the County Planning Authority for its written approval in respect of the proposed specifications and location of the four bat boxes to be installed within the external fabric of the new building. The measures shall be implemented as construction proceeds and completed prior to the first use of the development.

Reason: In the interests of protecting priority species within the site.

Landscaping

- 26) Prior to the commencement of landscaping works, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for its written approval. The LEMP shall include detailed specifications of the new tree, shrub, hedgerow and wildflower planting as shown on the Landscape Planning Drawing number 1800592/X/100 Rev C together with a maintenance schedule for a five year period. The development shall be undertaken in accordance with the approved LEMP.

Reason: The submission of the scheme, prior to the commencement of development, is to ensure that the appropriate species would be planted and habitats are protected and managed appropriately.

- 27) All planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the buildings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of five years from the completion of the development, 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 the County Planning Authority agrees any variation in writing. For the avoidance of doubt, for the purposes of this condition, 100% replacement is required.

Reason: To ensure the successful establishment of the landscaping at the site.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015.

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with Section 100ZA of the Town and Country Planning Act 1990, as amended and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant has been provided with a draft schedule of the conditions attached to this report. In accordance with regulation 3(a) of the Regulations, the applicant has provided a substantive response to the effect that they agree with the imposition of this pre-commencement condition.

Footnotes

- 1) Approval for access works within the public highway and permissions to carry them out is by means of an Agreement under Section 278 of the Highways Act 1980. Prior to carrying out any access works within the public highway, the applicant is required to contact Derbyshire County Council, as Highway Authority, for approval of details and granting of permissions to carry out the works. Contact Kevin Barton (kevin.barton@derbyshire.gov.uk) in the Department of Economy, Transport and Environment.

- 2) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge onto the highway. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 3) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 4) Foul is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011.

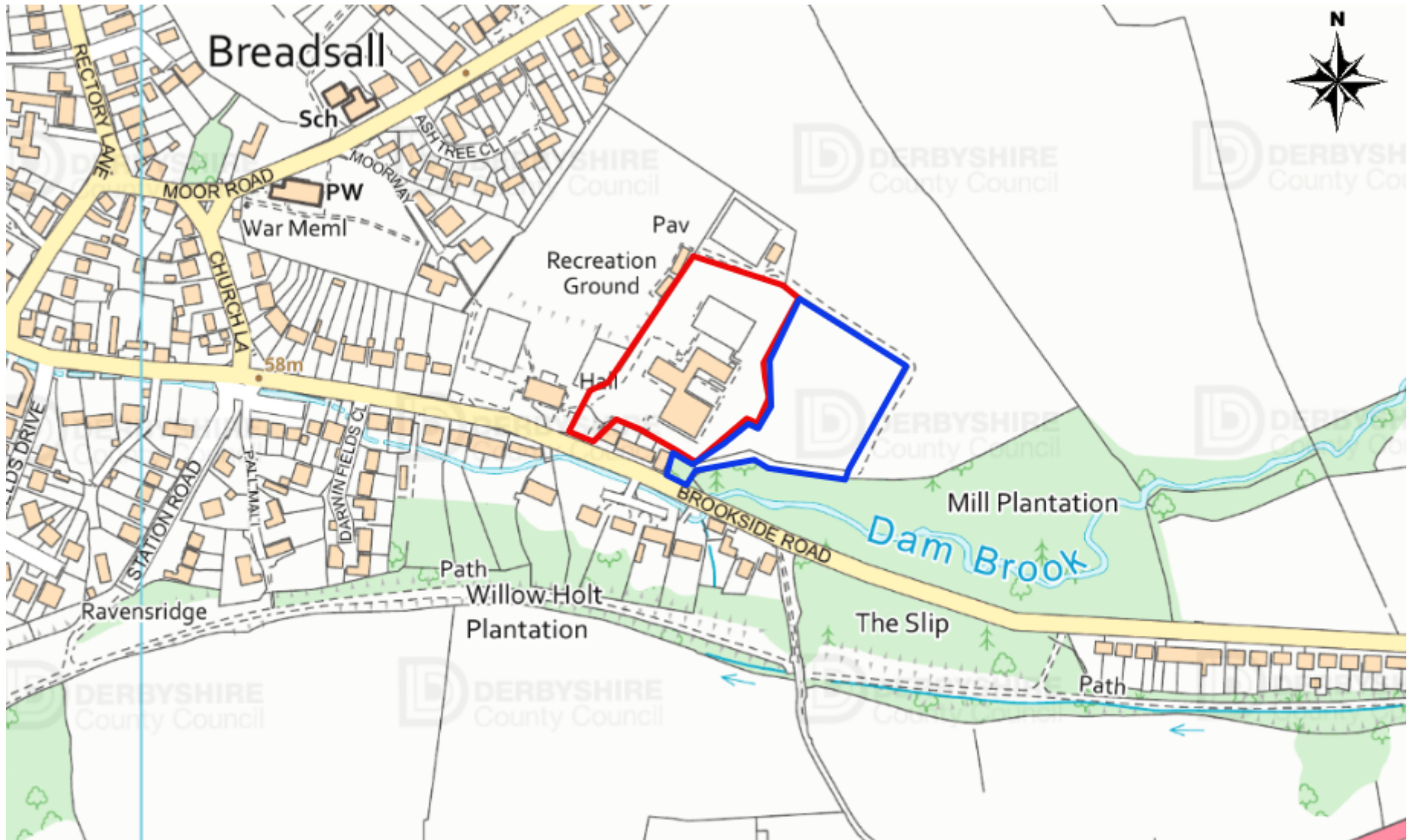
Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Should you require any further information please contact us on the telephone number or email below:

Tel: 0345 2667930

(reply to email: Planning.APEast@severntrent.co.uk)

Tim Gregory
Director – Economy, Transport and Environment



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19-Aug-2020