

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**9 July 2018**

Report of the Strategic Director – Economy, Transport and Environment

- 2 CONSTRUCTION OF A NEW TEACHING BLOCK PROVIDING FOUR CLASSROOMS AND A STUDIO, TOGETHER WITH ADDITIONAL CAR PARKING, AT ST JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED PRIMARY SCHOOL, LAUND NOOK, BELPER**  
**APPLICANT: DERBYSHIRE COUNTY COUNCIL**  
**PLANNING APPLICATION CODE NO: CD6/0318/101**

**6.1112.18**

**Introductory Summary** The proposal is for a new teaching block providing four classrooms and a studio, together with additional car parking at St John's Church of England (C of E) Primary, Laund Nook, Belper.

The proposal has raised issues in relation to access and highways, however, I am satisfied that these issues can be adequately addressed by appropriate conditions. The development is considered to be in accordance with the development plan and is therefore recommended for approval.

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

(2) **Information and Analysis**

**Site and Surroundings**

St Johns C of E Primary School is in a predominantly residential area to the north-east of Belper Town centre and is located within the Derwent Valley Mills World Heritage Site (DVMWHS) Buffer Zone. The site is accessed off Laund Nook which forms the north-western boundary. The school site is bounded by residential properties to the north, south and west.

**The Proposals**

This application seeks to provide a new teaching block at St Johns C of E Primary School in order to provide the required increased capacity for primary education places in Belper. The new block would provide four new classrooms and a studio space which would enable the school to increase total pupil capacity at the school to 630. The equivalent number of full time employees would rise to 35 from the current total of 27.

The new block would be located to the east of the main school building on a landscaped area adjacent to the school playground and sports pitch. The new building would create 471 square metres (m<sup>2</sup>) of gross internal floor area (inclusive of internal walls). Externally, a hard surfaced area of 330m<sup>2</sup> would be dedicated to the Reception play area, of which 55m<sup>2</sup> would be rubber crumb safety surface.

The new block would be of similar scale to the existing school (to eaves level) but with a shallow mono-pitched roof rather than a flat roof. The maximum height of the new block would be approximately 4.4m, which is less than the current school hall.

The new block would be constructed predominantly in red brickwork to match the existing detached classroom blocks and the adjoining housing. Zinc cladding has been specified for the roof as it supports use at very low pitches and weathers to a mid-grey, not dissimilar in colour to the existing concrete tiled roofs of the detached classroom blocks. Polyester powder coated aluminium window and door frames would be used throughout in dark grey, with visually contrasting green doors. The window and cladding colours specified draw inspiration from the colours of the existing school buildings and the school colours/uniform, using a variety of greys and green. The red brickwork would be selected to harmonise with the adjacent housing stock.

Fourteen additional car parking spaces would be created to the west of the site in front of the main school building. These spaces are intended to cater for both the increase in pupil numbers and to address the current under provision at the school.

A self-set Ash tree would be removed to enable construction of the car park. To the rear, a clump of 4no. Silver Birch Trees and a clump of small Willow Trees would be removed to enable construction of the new block and its playground. It is proposed to compensate for the removed trees by providing new tree planting to the south-east of the new classroom block.

## **Consultations**

### **Local Member**

Councillor Makin (Belper) was requested to respond by 6 April 2018.

### **Amber Valley Borough Council**

Amber Valley Borough Council stated that it had no objection to the proposals.

### **Belper Town Council**

The Town Council supports the principle of expanding the provision of additional classrooms and educational resources in Belper. However, it is extremely concerned that this proposal would increase the volume of traffic on

Laund Nook and its approaches, which it states reach gridlock twice a day during term time to the detriment of local residents. The Town Council therefore objects to the application.

### **Sport England**

Sport England considers the proposal meets the requirements of its policy exception E3 which relates to land not used as a sports pitch. Therefore, Sport England does not wish to raise an objection to this application.

### **The Coal Authority**

The Coal Authority does not consider the site to be located in the defined Development High Risk Area.

### **Highway Authority**

The Highway Authority has no objections subject to conditions requiring the creation of a new access off Laund Nook, together with the amendment or removal of a Traffic Regulation Order and the provision of the proposed additional car parking prior to the new classroom block being taken into use.

The Highway Authority commented that the access to the proposed car park appears to be in the location of a current pedestrian access with a guard rail to the front of the footway. The road frontage to the site is subject to a Traffic Regulation Order which will require amendment or removal if such a new access is to be created.

### **Flood Risk Management Team**

The Council's Flood Risk Management Team has no objections.

### **Severn Trent Water**

Comments were requested by 6 April 2018. No response has been received.

### **Publicity**

The application has been advertised by site notice and neighbour notification letters with a request for observations by 6 April 2018. Forty one representations, all objecting to the proposals, have been received as a result of the publicity.

The concerns raised can be summarised as follows:

- The school site is too small to accommodate 620 pupils and a new school should be built instead of expanding St Johns Primary.
- Fourteen new parking places will not be adequate to deal with the existing parking problems.
- The traffic survey submitted with the application was undertaken at an inappropriate time of day.
- Parking near the school should be for residents only.

- The proposal would lead to an increase in vehicle movements during school drop off/pick up times and an increase in traffic volumes and parking on the nearby residential streets.
- Access for emergency vehicles would be impossible at drop off and pick up times.
- Road safety on Laund Nook and the safety of pupils and parents.
- A new access should be created off Dovedale Crescent.
- Loss of trees, green space and playing space at the school.
- Increased noise from the additional pupils.

Where relevant, these issues are addressed in the Planning Considerations section below.

## **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the saved policies of the adopted Amber Valley Borough Local Plan 2006 (AVBLP).

Amber Valley Borough Council has submitted a new Amber Valley Local Plan for consideration by the Secretary of State in March 2018. Whilst the draft policies included in the submitted plan are a material consideration in the determination of this application, little weight can be given to those policies whilst they remain in draft form.

Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (2012), and associated Planning Practice Guidance. Sport England's Planning Policy Statement – A Sporting Future for the Playing Fields of England is also of relevance to this proposal.

The most relevant development plan policies for this proposal are:

### **Adopted Amber Valley Borough Local Plan Policies**

LS1: Sustainable Development.

LS3: Design.

EN29: Derwent Valley Mills World Heritage Site.

TP1: Impact of the Development on the Transport Network.

### **Location, Scale and Design**

Policy LS1: Sustainable Development seeks to ensure that all new development makes a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the built and natural environment. The policy seeks to meet most development needs

within or adjacent to existing communities; maintaining and where possible enhancing accessibility to a good range of services and facilities, and ensuring existing infrastructure and services have the capacity to support development when required.

Policy LS3: Design requires that all development should be well designed and of a high quality that responds positively to the natural and built environment whilst also contributing to local distinctiveness and sense of place.

I consider the location of the classroom block to be well chosen as it would be on land currently used for landscaping with easy access to the playground and sports pitch. The single storey building is designed with a low profile roof, a little more than 4m in height, and it would be located approximately 12m from the site boundary at the nearest point. I therefore consider it would be unlikely to have an unacceptable effect on the amenity of nearby residential properties.

The design and choice of materials to reflect both the 'school colours' and the materials used locally seems to be entirely appropriate and would ensure the building would integrate well with the surrounding school and residential buildings.

Some trees and shrubs would be lost as a result of the development and I consider it appropriate to condition a planting scheme to ensure appropriate replanting, which can also serve to screen the building from adjacent viewpoints. The Preliminary Ecological Appraisal determined that there are no significant ecological impacts associated with the proposals. However, I note the recommendations included in the appraisal for ecological enhancements, primarily through tree planting, and these should be reflected in the planting scheme condition. It would also be appropriate to condition tree clearing works to take place out of the bird nesting season.

### **Impact on the Setting of the World Heritage Site**

The school site is located within the DVMWHS Buffer Zone. Policy EN29 Derwent Valley Mills World Heritage Site of the AVBLP requires that all development proposals within the Buffer Zone should be assessed to ensure that they preserve or enhance the setting of the DVMWHS, including views into and out of the DVMWHS.

The proposed development would be positioned within an existing school site, located within a modern residential area. Views into the site would be screened from by the existing school building, trees, vegetation and boundary fencing. Given the scale and location of the development, I do not consider that there would be any adverse impact on the setting of the DVMWHS. I consider that the proposed development would be in accordance with the requirements of Policy EN29 Derwent Valley Mills World Heritage Site of the AVBLP.

## **Highway Impacts**

Policy TP1: Impact of the Development on the Transport Network requires that all development proposals demonstrate that satisfactory access can be obtained to the transport network and that any additional traffic movements likely to be generated by the development can be satisfactorily accommodated on the transport network.

I note the concerns of local residents and Belper Town Council regarding existing problems with on-street parking and congestion during school opening and closing times. It is inevitable that all school sites generate busy periods of traffic movements at the beginning and end of the school day. There would be an increase in pupil numbers and therefore in journeys to and from the school. The additional 14 parking places would address the current shortfall in staff parking spaces and, together with an updated School Travel Plan, would alleviate some of the impacts of off-site parking. The Highway Authority has no objections to the proposals and, in light of the Highways response, I must conclude that the off-site traffic and access issues raised by local residents can be properly controlled by the Highway Authority.

The Highway Authority has stipulated conditions for traffic management measures that it considers appropriate in order to ensure the acceptability of the development in relation to highways safety. I consider that these measures, together with a requirement for the continued updating of the School Travel Plan, would ensure that the proposed development would not have an unacceptable impact on local amenity through transport or access issues.

In light of the above, and subject to the imposition of conditions recommended by the Highway Authority, I am satisfied that the development would accord with the requirements of Policy TP1 Impact of the Development on the Transport Network.

## **Conclusion**

I am satisfied that the development would be in accordance with the NPPF and the saved policies of the adopted AVBLP, subject to the imposition of appropriate conditions under a grant of permission. I do not consider that, with appropriate conditions there would be any significant detrimental effect from any accumulation of the potential environmental and amenity impacts relating to parking and traffic referred to above. I am satisfied that the development would be of an appropriate scale, mass and design for the location, and that there would be no significant adverse impacts on local amenity in this regard.

In conclusion, subject to the recommended conditions, I am satisfied that the proposal would not conflict with national or local planning policies and is therefore recommended for approval.

(3) **Financial Considerations** The correct fee of £3,234 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

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 Officer's 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. 6.1112.18  
Application documents received from the Director of Property dated 8 March 2018.  
Letter from the Coal Authority dated 22 March 2018. Email from the Flood Risk Management Team dated 22 March 2018. Email from the County Landscape Architect dated 22 March 2018. Email from Sport England dated 3 April 2018. Email from Belper Town Council dated 13 April 2018. Letter from Amber Valley Borough Council dated 16 April 2018. Email from the Highways Officer dated 23 April 2018. Email from Build Development and Design Quality dated 16 May 2018. Email from the County Ecologist dated 22 May 2018. Letters, emails and the County Council's website Planning online comment forms - various dates.

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

### **Duration**

- 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 Country Planning Act 1990.

### Approved Details

- 2) Except as may be required by the other conditions to this permission, the development shall take place in accordance with the details set out in the application for planning permission and the accompanying documentation registered as valid on 8 March 2018. The key application documents are set out below:

- 1600416 Belper St John's 4 Class D&A Statement.
- 1600416-A01 Site Plan as Existing.
- 1600416-A02 Site Plan as Proposed.
- 1600416-A03 Floor Plan as Proposed.
- 1600416-A04 Proposed Elevations.
- 1600416-X101 Tree Removal and Protection Plan.
- 1600416-X102 Landscape Planning.

**Reason:** To ensure conformity with the details of the application that is approved and to clarify its scope.

### Construction

- 3) No construction/demolition work at the site shall take place outside the following hours:

0700 hours to 1900 hours Mondays to Fridays.

0800 hours to 1300 hours on Saturdays.

At any time on Sundays or Public Holidays except by agreement with the County Planning Authority.

All deliveries to the site shall be limited to within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme 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.

- 4) There shall be no visible dust emissions beyond the site boundary associated with construction or demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456).

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



- 5) During the construction period, best practical means, as defined in Section 72 of the Control of Pollution Act 1974, shall be employed at all times to reduce noise (including vibration) to a minimum. All recommendations and good practice, as detailed in British Standard BS5228-1: 2009 Code of Practice, for noise and vibration control on building sites, shall be implemented and complied with.

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

### **Landscape and Ecology**

- 6) The new building shall not be taken into use until a detailed planting scheme for the site, which incorporates the recommendations set out in the Preliminary Ecological Appraisal, has been submitted to and approved in writing by the County Planning Authority. The scheme shall then be implemented as approved.

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

- 7) No site clearance or construction work shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed assessment of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. The written confirmation shall be submitted to the County Planning Authority within 7 days of the assessment.

**Reason:** To protect nesting birds.

### **Highways and Access**

- 8) No development shall be commenced until such time as a detailed scheme for the amendment or removal of the existing Traffic Regulation Order at the frontage of the school has been submitted to and approved by the Highway Authority. The scheme, as approved, shall be completed prior to the occupation of the proposed building.

**Reason:** In the interests of site and highway safety. The frontage to the school site is subject to a Traffic Regulation Order and will require amendment or removal, in accordance with a scheme to be approved prior to the commencement of the development.

- 9) Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Laund Nook in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, for a distance of 30m in both directions

measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

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

- 10) Prior to occupation of the proposed building, the additional car parking shall be provided, laid out within the site in accordance with the application drawing for cars to be parked and turn so that they may enter and leave the site in a forward gear. Thereafter, the spaces shall be maintained free from any impediment to their designated use. Car parking spaces should have minimum dimensions of 2.4m x 5.5m with 6m to the rear for manoeuvring.

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

- 11) There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only, unless agreed otherwise in writing.

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

- 12) The proposed access to Laund Nook shall be no steeper than 1:14 over its entire length.

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

- 13) No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been submitted to and approved in writing by the County Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

**Reason:** In the interests of local amenity together with site and highway safety.

### **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure 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 engaged in pre-application and post application discussions and meetings with relevant officers in the Authority, prior to the submission of the application.

## Footnotes

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, prior notification shall be given to the Department of Economy, Transport and Environment at County Hall, Matlock regarding access works within the highway. Information and relevant application forms regarding the undertaking of access works within highway limits is available via the County Council's website:  
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp)  
  
E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.
- 3) The Highway Authority recommends that the first 5m of the proposed access should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
- 4) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken 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.
- 5) Construction works are likely to require Traffic Management and advice regarding procedures should be sought from the Traffic Management Section on 01629 533190. All road closures and temporary traffic signal applications will have to be submitted via the County Council's website. The relevant forms are available via the following link:  
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**

**St John's Church of England (C of E) Voluntary Controlled Primary  
School, Laund Nook, Belper CD6/0318/101**

