

Agenda Item No. 4 (5)

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

**10 April 2017**

Report of the Strategic Director – Economy, Transport and Communities

**PROPOSED CONSTRUCTION OF A NEW STAND ALONE BLOCK  
TO FORM 3 YEAR OLD NURSERY PROVISION AND THE  
PROVISION OF 4 ADDITIONAL CAR PARKING SPACES AT  
LARKLANDS INFANT AND NURSERY SCHOOL, PARK ROAD,  
ILKESTON  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD8/1016/54**

**8.510.6**

**Introductory Summary**

This report is to consider the construction of a new nursery block to provide an additional 26 spaces for three year olds at Larklands Infant and Nursery School, Park Road, Ilkeston. The development would also see the creation of external play areas and four additional car parking spaces within the school site.

The proposal would have benefits in the form of the provision of additional nursery spaces of which there is an identified shortfall in the local area and within Derbyshire generally. There are also community benefits to be gained from extending the existing facilities at the school. Concerns have been raised regarding the location of the development within the school site and the potential adverse impacts on residential amenity result from increased noise in the front part of the school site and issues associated with highway safety. I do not consider, however, that the proposed development would have any significant impacts in these respects, and consider that the proposal would represent sustainable development and would accord with the policies of the Erewash Core Strategy (2014) and the National Planning Policy Framework and the development is therefore recommended for approval subject to conditions.

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

**(2) Information and Analysis** This application relates to the construction of a free standing single storey nursery block at Larklands Infant

and Nursery School, Park Road, Ilkeston. The application also proposes the creation of four additional parking spaces within the school site.

### **Site and Surroundings**

Larklands Infant and Nursery School is located to the south-east of Park Road in a predominately residential area in the town of Ilkeston. The school site is bounded by residential properties immediately to the north of the site and to the west of Park Road and by a factory to the south. Further residential properties are located to the east of the school site on Holmefield Crescent. The site is characterised by built development located centrally within the site, with the school's main playing field provision located to the east of the school buildings. To the west of the existing school buildings are located areas of on-site car parking provision and amenity grassland and tree planting.

The school site is located within a Coal Authority High Risk Area. The site is not located in the flood zone and is not known to suffer issues relating to surface water. There are no cultural or natural heritage designations within or in close proximity to the site.

### **The Proposals**

The application proposes the erection of a free standing, single storey building intended to provide nursery provision for three year olds. The building would measure 9.9 metres (m) by 8.7m by 3.6m in height and would have a flat roof. Externally, the building would be finished in Marley Eternit Textura rainscreen cladding with powder coated aluminium windows and doors. The application states that the colours of the cladding has been chosen to visually tie in with the brick/concrete of the existing school buildings with the upper and lower elevations coloured brick red (Deep Red TA304), the central section being cream (Pearl TG205) and the panels around the windows and doors being dark grey (Natural Titanium TA207). Window and door frames would be light grey with the windows and doors themselves being dark red (RAL 3003) in colour. Rainwater goods would be dark grey in colour. External lighting would be wall mounted.

The development would also include the creation of outdoor place space for the nursery (located to the south east of the new building) incorporating 62 square metres (m<sup>2</sup>) of tarmac hard play area, 26m<sup>2</sup> of rubber crumb safety surface and 46m<sup>2</sup> of grassed play area. Tarmac perimeter paths would be constructed along the north-western, north eastern and south western sides of the building. The external areas of the new nursery would be fenced with 1.8m high bow top fencing along the southern boundary, with further short stretches being located between the northernmost corner of the proposed building and the shared boundary between the school and 223 Park Road. The 1.2m high bow top gates would also be installed between the school boundary and the north-eastern corner of the new nursery block. The application indicates that there would be no changes to the existing school site boundaries.

The application also includes the creation of four new car parking spaces within the site. These parking spaces would be located south-west of the new building close to the existing park provision within the school site. The development would also require the felling of four existing trees. It is proposed that the loss of these trees would be compensated for, with six replacement trees being planted elsewhere within the school site.

The proposed new nursery would be managed as part of existing nursery provision at the school site and would provide 26 spaces for three – four year old children. The application indicates that the overall hours of opening would be between 0800 hours to 1630 hours Monday to Friday, although it is anticipated that the nursery would operate on a session basis with two daily sessions of 0840 hours – 1140 hours and 1215 hours – 1515 hours respectively. The development would generate two new full time staff.

## **Consultations**

### **Local Member**

Councillor Frudd (Ilkeston South) and Councillor Birkin (Ilkeston East) have been notified.

### **Erewash Borough Council**

Has been consulted. No response had been received at the time of writing but will be reported verbally at committee if received.

### **Coal Authority**

Has been consulted. No comments had been received at the time of writing but will be reported verbally at committee if received.

### **Highway Authority**

Derbyshire County Council, in its statutory role as Highway Authority, had no objections to the proposals subject to the imposition of a condition relating to car parking.

### **Publicity**

The application was advertised by site notice with a request for observations by 16 November 2016. Three representations, all objecting to the proposals, have been received as a result of the publicity. The reasons for the objections can be summarised as follows:

- The siting of the new block within the school site is inappropriate and would have a detrimental effect on the existing street scene.
- The new facility would generate significantly higher levels of noise.
- The new building would block out light from neighbouring properties.
- The loss of the trees from the front of the site would make the building seem visually overbearing.

- The new building would appear dominant due to the change in ground levels between the school site and adjacent properties.
- The proposed chain link fencing along the school site boundary would be inappropriate.
- The development would exacerbate on-going issues with on-street parking during school drop off/pick-up times.
- Other locations (to the rear or the side of the school buildings) within the school site would be more appropriate.
- Other schools in the vicinity are suffering declining numbers – why has this school been identified over and above those schools where space already exists.
- Insufficient publicity was undertaken in respect of the planning application.

Where relevant, these issues are dealt with in the planning considerations section below.

## **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the Erewash Core Strategy (ECS) (March 2014). Other material considerations include statements of Government policy in the National Planning Policy Framework (2012) (NPPF), National Planning Practice Guidance (NPPG).

The principal planning policies relevant to this grant of planning permission are:

### **Erewash Core Strategy**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: The Spatial Strategy

Policy 10: Design and Enhancing Local Identity

Policy 12: Local Services and Healthy Lifestyles

Policy 14: Managing Travel Demand

### **Sustainable development**

The NPPF sets out the Government's key economic, social and environmental objectives and the planning policies designed to deliver them. It states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such but the NPPF states that, in essence, it means that ensuring better lives for ourselves now does not mean worsening lives of future

generations. It states that sustainability has three key dimensions, economic, social and environmental.

For decision making this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in framework taken as a whole; or
  2. specific policies in the framework indicate development should be restricted.

ECS Policy A reiterates the presumption in favour of sustainable development set out in the NPPF stating that *‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area’.*

### **Need for the development**

The application is for the provision of a new nursery building and associated facilities including car parking in order to provide additional nursery provision for three year olds at the school site. The scheme has been drawn up in line with the wider aims of the Childcare Bill, which sought to increase free childcare for all working parents of three to four year olds to 30 hours a week by September 2017.

In support of the proposals, the applicant has stated that in Derbyshire there is an identified under supply of around 3,600 nursery places for three to four year olds. Specifically with regard to this application, there is also an identified under provision of early years’ education places in that part of Ilkeston served by Larklands Infant and Nursery School and, as a result, the school has been identified as a priority by Derbyshire County Council for the first phase of new nursery provision. The current proposal seeks to respond to that need.

Policy 12 of the ECS indicates that ‘new, extended or improved community facilities will be supported where they meet a local need. The policy goes on to state that *‘community facilities should be in locations...accessible by a range of sustainable transport modes suitable to the scale and function of the*

*facility; and where possible, be located alongside or shared with other local community facilities’.*

I have no reason to doubt that there is a need to expand existing nursery provision at the school to create additional places for three year olds in Ilkeston thereby fulfilling a local need; the development would improve existing community facilities, in this instance in the form of early years’ facilities, in line with the broad intent of Policy 12 of the ECS.

Whilst I am satisfied that there is a need for the expansion of early years nursery provision in the area, I have given consideration as to whether the development proposed would be acceptable in terms of location, scale and design, amenity and highway safety.

### **Location of the development**

The new nursery building would be located on area of the school site currently laid out to amenity grassland and tree planting close to the school site frontage. No playing field or land capable of being used as playing field would be lost as a result of the development.

A number of the representations received suggest that an alternative location within the school site would be preferable to help minimise impacts to local residents. Further information requested from the applicant on this issue which confirmed that a number of alternative locations were considered. The area of the school site adjacent to the factory would require a large number of trees to be cleared and would also have required the creation of a new vehicular access and new car parking provision. Access to the rear of the school site is only available for maintenance and emergency vehicles. The applicant has stated that the current location has been chosen because it would enable the facility to operate on a different timetable thereby allowing nursery children to be dropped off/picked up from the site with minimal disturbance to the older pupils as well as having better linkages with existing site infrastructure such as car parking areas.

On this issue, whilst I note the concerns of residents, I am satisfied that the proposed location of the development within the school site would be acceptable.

Concerns have also been raised regarding the choice of the Larklands Infant and Nursery School site over other schools located in the Ilkeston area which currently have spare capacity. The decision to locate the proposed nursery provision at this school over and above other schools in the Ilkeston area has been taken following a strategic assessment by Derbyshire County Council’s Children’s Services department.

## Design and Appearance

Policy 10 of the ECS requires that all new development should be designed to make a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; have regard to the local context and reinforce valued local characteristics; and reflect the need to reduce the dominance of motor vehicles. The policy goes on to say that development will be assessed in terms of its treatment of the following elements:

- a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
- b) permeability and legibility to provide for clear and easy movement through and within new development areas;
- c) massing, scale and proportion;
- d) materials;
- e) impact on the amenity of nearby residents or occupiers; and
- f) incorporation of features to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promotion of safer living environments.

The proposed new block would be of an appropriate scale, proportion and mass in the context of both the existing school buildings and residential properties in the immediate surrounding area. The concerns regarding the potential impact of the development on neighbouring properties are noted and I acknowledge that the development would bring forward the built element of the school site considerably closer to Park Road than is currently the case. In considering the positioning, height and dimensions of the building, however, I am of the view that the new building would not result in any impacts to residential amenity so significant as to warrant a recommendation of refusal. The building has been located in such a way as to follow the existing form of residential development on the southern side of Park Road and, whilst it would be relatively close the nearest residential property, is located adjacent to an elevation with no windows. Similarly, whilst the upper elevation of the building would be visible from the back gardens of neighbouring properties, I do not consider that the development would be so visually dominant as to be unacceptable.

The proposed materials and colour palette, whilst not the traditional brick which forms much of the local vernacular, has been chosen to visually tie in with existing built development in the surrounding area. I am satisfied that the proposed materials would complement both the existing school buildings and nearby residential properties. With regard to the concerns about inappropriate boundary treatments, the applicant has confirmed that the chain link boundary fence along the shared boundary with 223 Park Road is existing and that no new additional fencing would be erected along this boundary.

The development would result in the loss of four trees but proposes the planting of six new trees in compensation for this loss. The new trees would be planted to the front on the new nursery block and close to the new car parking spaces. Whilst the loss of any tree is always disappointing, the trees affected were of amenity value and significant in terms of age or nature conservation value. Subject to the imposition of conditions requiring suitable maintenance of the replacement trees and the protection of other trees at the site during the construction period, I have no objection to the proposals in respect of tree protection.

On the basis of the above, I am satisfied that the development would accord with the requirements of ECS policy 10 and that it would be acceptable in terms of the visual amenity of the area.

### **Impacts to amenity**

Concerns have also been raised regarding the potential increase in noise associated with the development. The development would be located at a school which currently provides nursery facilities. Whilst it is noted that the current proposals would intensify the use of this part of the site in comparison to the existing, I also note that children would be outside for short periods of time in a supervised capacity and that existing vegetation along the site boundary would act as an acoustic screen. The applicant has indicated that the development has been designed to ensure that noise disturbance would be kept to a minimum with teaching spaces being located the furthest from residential properties.

I do not consider, therefore, that the potential change in noise levels associated with the development would be sufficient to merit an objection in planning terms and would not have a significant detrimental impact on the amenity of the local residents with any noise generated to be expected from an operational school site.

### **Highway safety**

The application proposes the creation of four additional car parking spaces within the school site. I note the concerns of local residents regarding existing problems with on-street parking and congestion during school opening and closing times. Whilst the new facility would provide an additional 26 nursery places, such facilities work on a different timescale to normal school hours, generally being run on a morning and afternoon session basis. Such patterns of use would potentially reduce the number of vehicles travelling to and from the site at any one time. It is also likely that a number of nursery pupils would be the siblings of older children attending the school, which could also potentially reduce the number of car trips generated by the facility. The applicant has indicated that a travel plan would be put in place which would also seek to encourage parents to use more sustainable means of transport to and from school, including walking.



The Highway Authority has been consulted and has raised no objections to the proposals in respect of either the level of on-site car parking provision proposed or in terms of the potential impacts to the safety of the surrounding highway network.

In light of the above, and subject to the imposition of conditions relating to the provision of on-site car parking and the production of an updated Travel Plan for the school, I am satisfied that the development would accord with the requirements of policy 14 of the ECS.

### **Conclusion**

The development would provide additional community facilities in the form of much needed nursery provision for three year olds in the Ilkeston area and would enhance existing nursery provision at the Larklands Infant and Nursery School site. The development is of an acceptable scale in terms of location, height, proportion and massing and has been designed to complement existing buildings at the site as well as visually tie in with the surrounding built environment. It is not considered that the development would result in adverse noise impacts to local residents and there are no objections to the proposals in respect of highway safety.

Taking into account the emphasis of the NPPF and Policy A of the ECS on sustainable development, I consider that the effects of the development would be acceptable and, therefore, I recommend that planning permission should be approved subject to conditions as detailed in the Officer's Recommendation below.

(3) **Financial Considerations** The correct fee of £770 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.

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. 8.510.6

Application documents received from the Director of Property dated 11 October 2016 as amended by the email dated 17 January 2017 and 21 March 2017. Memorandum from the Highway Authority dated 17 January 2017; emails from the Head of the Conservation, Heritage and Design Service dated 3 November and 8 November 2016.

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

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

**Reason:** In accordance with Section 91 of the Town and Country 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 be carried out in accordance with the details set out in the application for planning permission from the Director of Property unless otherwise modified or amended by conditions of this planning permission. For the avoidance of doubt, the development shall be carried out in accordance with the following approved plans and documents:

- Application for planning permission 1App form dated 11 October 2016
- Drawing number 1401637/SK01 - 'Nursery Feasibility Block Plan'
- Drawing number 1401637/SK02 - 'Proposed Elevations'
- Drawing number 1401637/SK03 - 'Site Layout'
- Drawing number 1401637/SK04 - 'Location Plan'
- Drawing number 1401637/SK05 - 'Building Layout'
- Design and Access Statement
- DCC Site Appraisal dated 11 February 2016.
- Factual report dated November 2005
- Email correspondence from County Property dated 17 January 2017

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

### Highway Safety

- 4) The nursery block, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with drawing number 1401637/SK03 - 'Site Layout' for the parking of 4 additional vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

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

- 5) The new nursery building and facilities, which are the subject of this application, shall not be taken into use until an updated School Travel Plan has been submitted to and approved in writing by the County Planning Authority. The school travel plan shall set out physical measures to promote travel by sustainable modes and shall include a timetable for implementation of the measures. The School Travel Plan shall be implemented as approved.

**Reason:** In the interest of promoting sustainable modes of transport and highway safety.

### Tree Protection

- 6) The trees to be retained shall be protected in accordance with a scheme tree protection measures that have been submitted to and received the written approval of the County Planning Authority. The tree protection measures shall be maintained for the duration of the construction period.

**Reason:** To ensure that these features are maintained, managed and protected from damage, and retained as part of the site landscaping in the interest of visual amenity and landscape character.

### Landscaping

- 7) The site shall be landscaped in accordance with the details shown on drawing number 1401637/SK03 - 'Site Layout'. For the first five years following the implementation of the development, planting shall be maintained and any shrubs and trees which die or become seriously damaged, diseased or are missing shall be replaced with plants of the same species or such alternative species as may be approved in writing by the County Planning Authority (for the avoidance of doubt 100% replacement is required).

**Reason:** To ensure that the site is suitably landscaped and in the interests of visual amenity and the environment.

## Ecology

- 8) There shall be no removal 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 at the 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 then be implemented as approved.

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

## 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 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 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) In accordance with the requirements of Section 76 of the Town and Country Planning Act 1990, attention is drawn to:
  - i) Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970; and
  - ii) Building Bulletin 91 "Access for Disabled People to School Buildings Management and Design Guide" published in 1999 or any prescribed document for replacing that code.

Signed.....Date.....

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