

**Agenda Item No. 4 (1)**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**10 April 2017**

Report of the Strategic Director – Economy, Transport and Communities

**PROPOSED ERECTION OF A SINGLE STOREY MODULAR  
NURSERY BLOCK INCORPORATING AN EXTERNAL PLAY AREA  
AND FREESTANDING CANOPY, WITH ALTERATIONS TO THE CAR  
PARK TO PROVIDE TWO ADDITIONAL PARKING SPACES AT  
SIMMONDLEY PRIMARY SCHOOL, PENNINE ROAD,  
SIMMONDLEY, GLOSSOP  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD1/1116/66**

**1.469.16**

**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 Simmondley Primary School, Pennine Road, Simmondley, Glossop. The development would also see the creation of external play areas and two additional car parking spaces and the creation of a new pedestrian access into 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 resulting 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 High Peak Local Plan 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 proposes the erection of a detached single storey modular nursery block with a freestanding canopy, the installation of a soft surfaced external play area, the erection of additional

security fencing and the creation of two additional parking spaces at Simmondley Primary School, Pennine Road, Simmondley, Glossop.

Simmondley Primary School is located in a predominantly residential area of Simmondley, south-west of the centre of Glossop. The site is accessed off Pennine Road which also forms the southern site boundary. Residential properties off Dingle Close and Bowland Road are positioned along the eastern boundary; a medical centre, shops and properties positioned off Simmondley Road are situated along the school's western boundary and properties off Bowland Road are positioned along the northern boundary.

The proposed nursery block would be constructed on a grassed area adjacent to the eastern side of the school car park, close to sections of the school's southern and eastern boundaries and adjacent to the residential properties positioned off Dingle Close. The nursery block would measure 10 metres (m) by 8.9m by 3.8m at the highest point of the roof and be orientated so that the longer elevation would be adjacent to the car park. The play area, which would measure 12m by 10m, would be positioned off the south-east elevation of the proposed nursery building..

The nursery block would be constructed with coloured cladding panels, with black panels along the upper and lower elevations of the building, and grey and feature green panels in-between. Windows and doors would be powder coated and would be coloured dark grey (RAL 7022). Rainwater goods would be dark grey (RAL7022) in colour. The building would be designed with a shallow pitched flat roof.

The proposed canopy would be positioned to the south-east of the nursery building over a section of the play area. The canopy would measure 6m by 2m by 2.6m high and be coloured grey (RAL 7036).

Within the school car park, shrubs would be removed and a 6.5m<sup>2</sup> section of tarmac laid to facilitate the creation of two additional car parking spaces.

## **Consultations**

### **Local Member**

Councillor's Greenhaigh and Ellis (Glossop and Charlesworth) have been notified.

### **High Peak Borough Council**

Comments were requested by 19 December 2016.

## Publicity

The application has been advertised by site notices with a request for observations by 30 December 2016. Three letters of representation have been received from local residents raising the following concerns:

- The position of the nursery block close to residential properties
- Loss of views from adjoining residential properties
- Potential impact on property values
- Noise impacts from the noise of children
- The proposed materials of construction
- Impact on the school's wildlife area, no full environmental survey undertaken
- Additional highway safety measure need to be implemented to protect pupils and parents on their journeys to and from school

These issues where relevant are dealt with in the 'Planning Considerations' section below. Loss of view and impacts on property values are not material planning considerations.

## 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 other material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the adopted High Peak Local Plan (HPLP).

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

### High Peak Local Plan Policies

The HPLP was adopted in April 2016 and contains the following relevant policies in which to assess the proposed development against:

S1: Sustainable Development Principles

S1a: Presumption in Favour of Sustainable Development

CF5: Provision and Retention of Local Community Services and Facilities

EQ6: Design and Place Making

EQ8: Green Infrastructure

### 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.

HPLP Policy S1a reiterates the approach to sustainable development set out in the NPPF to secure development that improves the economic, social and environmental improvement of the area in accordance with policy S1. Policy S1 states that the Borough Council will expect that all new development makes a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment...within the Plan Area. Amongst other things, this is to be achieved by...*'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.'*

The key planning considerations for this application concern:

- Need for development
- Design and appearance of the development
- Ecology
- Noise Impact
- Highway

### **Need for the Development**

The application states that due to the introduction of the Government initiative which seeks to offer parents up to 30 hours of free nursery education per week from September 2017, there is a need to increase the numbers of nursery places to meet the anticipated demand, with a nursery education seen as an essential starting point to prepare children prior to starting at school. The Glossop area has been identified as having a shortage of nursery places with Simmondley Primary School chosen as the school site to accommodate a nursery facility.

The nursery block would provide nursery facilities for up to 26, three year old children, with an adjacent soft play area and alterations to the security fencing to enable the school to provide a secure nursery facility which would accommodate the anticipated nursery needs of the area. The canopy would provide a sheltered area for the nursery pupils to meet national curriculum guidelines and provide a covered play/teaching area which is directly accessible from the nursery block.

Policy CF5: Provision and Retention of Local Community Services and Facilities states that the council will seek to maintain and improve the provision of local community services and facilities by... *'supporting proposals which protect, retain or enhance existing communities facilities or provide new facilities. New facilities should preferably be located within defined built up areas where they are most accessible'*.

I consider that there is a clear need for the proposed development which would provide the school with appropriate nursery facilities to accommodate the anticipated demand for nursery places within the area, thereby fulfilling a local need. In line with HPLP policy CF5, the development would also improve existing community facilities, in this case Simmondley Primary School, and would be well located in terms of other facilities including a doctor's surgery.

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.

### **Design and Visual Impact**

The proposed nursery block would be partially screened by existing boundary hedgerows and fencing, and would be sited on land which is at a lower level than the adjoining residential properties and would be set back from these property boundaries. I consider that the scale, height, layout and appearance of the nursery block would complement the existing school building, and the materials proposed would match the existing school building which is of concrete clasp construction. The green feature panels would add colour to the building which I consider appropriate within a school setting and especially for a nursery building.

I do not consider that the nursery or play area would be visually intrusive. Given its scale and position, it would not overlook or over shadow the adjoining residential properties, and I do not consider, therefore, that the development would have a significant impact on the local character or residential amenity.

The proposed canopy would be positioned adjacent to the south-east elevation of the detached nursery school block and would appear visually

subordinate to the building in terms of its proposed scale, height and proportions and would not, as a result, have a significant impact on the appearance of the nursery block.

I consider that the proposed nursery block has been designed to complement the appearance of the existing school building and overall, I do not consider that the proposed development would have a significant impact on the school site or have any significant adverse visual impact.

The proposed development is considered to comply with HPLP Policy EQ6: Design and Place Making

### **Noise**

The proposed nursery block would be operated alongside the existing school with two, 3 hour sessions in the morning and afternoon. I note that the play area for the nursery is located close to residential properties, however, the nursery would cater for three year old children who are only going to be outside within the play area for short periods of time and landscaping has been proposed around the play area to mitigate the impact of the development on the adjoining properties.

I do not consider, therefore, that the potential change in noise levels with the inclusion of the play area 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.

### **Ecology**

The proposed construction of the nursery block and associated play area would lead to the loss of a small un-managed grassed area, there is no information available which would indicate the area affected is of any significant ecological value and there are no records of protected species in close proximity to the school site. I do not consider, therefore that the development impact would require the undertaking of ecological surveys.

Whilst the development would result in the loss of a small grassed area, the development proposes the planting of trees and shrubs around the play area and the reseeded of the remaining grassed area affected, which I consider would be an appropriate level of mitigation to compensate for the loss of this grass land area.

The proposed development is considered to comply with HPLP Policy EQ8: Green Infrastructure.

### **Highway Safety**

With regard to the issue of existing problems with on-street parking and congestion associated with school opening/closing times, I note that the Highway Authority has assessed this development in terms of its impact on the school site and has requested additional parking spaces to accommodate the increase in staff. I further note that the development was also assessed in terms of its potential impact on the surrounding highway infrastructure and has raised no issues with regards to any major impact on highway safety. I do not consider, therefore, that additional safety measures would be required as a result of this development.

### **Conclusion**

The proposed nursery building and canopy are of an appropriate design and scale, and would be positioned so as not to have an adverse impact on the school site.

The development would provide the school with a nursery and associated facilities to enable it to cater for the anticipated increase in demand for nursery places with the local area, with the canopy providing a designated outdoor classroom and sheltered play area for the pupils.

I consider that the nursery block and canopy are an appropriate design solution in the context of the school buildings and that it would not have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms.

I am satisfied that the development would accord with the policies of the adopted HPLP. Taking into account the emphasis of the NPPF and Policy S1 of the HPLP 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. 1.469.16  
Application documents from the Director of Property dated 9 November 2016.  
Correspondence from the Highways Authority dated 19 December 2017.  
Representations received dated 11 December 2016, 20 December 2016 and 1 January 2017.

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

**Commencement**

- 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 in the 1APP form dated 9 November 2016, Planning Application Support Statement Revision A and the accompanying drawings (Drawing No's – 1600449/FG/02, 1600449/J1/01, 1600449/LS001, 1600449/OS/500, 1600449/OS/1250, 1600449/X/01).

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

- 4) Prior to the commencement of the development, a construction management plan and construction method statement shall be submitted to approve 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 goods vehicles, parking of site operatives' and visitors' vehicles, means of access and routes for construction traffic, hours of operation, method of prevention



of debris being carried onto highway, pedestrian and cyclist protection, tree protection measures in accordance with BS5837:2012 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, and to minimise the impact of the development on the school site, nearby residents and local highway network, and in the interest of site safety.

It is considered to be essential to the acceptability of the development for such a scheme to be submitted and approved as such, prior to the commencement of the development.

### Highways

- 5) Prior to the nursery building being taken into beneficial use, two car parking spaces of 2.4m by 5.5m minimum dimensions shall be provided and maintained thereafter clear of any obstruction to their designated use.

**Reason:** The Condition is imposed to ensure sufficient additional onsite parking to cater for the nursery staff.

- 6) 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.

### Landscaping

- 7) Prior to the nursery building being taken into beneficial use, details of the grass seed mix to use on the grassed area affected by the development shall be submitted to and approved in writing by the County Planning Authority.

**Reason:** The condition is imposed to ensure the appropriate restoration of the site following the completion of the development.

### **Trees and Hedgerows**

- 8) Prior to the nursery building being taken into beneficial use, a tree planning scheme, detailing the tree and shrub species to be planted around the play area, as shown on Proposed External Works Drawing No 1600449/X/01, shall be submitted to and approved in writing by the County Planning Authority.

**Reason:** The Condition is imposed that minimal damage is sustained by the school site during the construction works.

### **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.

### **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) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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

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