

Agenda Item No. 4.2

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

11 April 2016

Report of the Strategic Director – Economy, Transport and Communities

- 2 PROPOSED ERECTION OF TWO DETACHED EDUCATIONAL BUILDINGS, A CANOPY AND THE CONSTRUCTION OF A NEW SCHOOL DRIVE AT CRESWELL C OF E INFANT AND NURSERY SCHOOL, GYPSY LANE, CRESWELL**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD5/1115/116

5.96.25

Introductory Summary This is an application for the construction of two new educational buildings, a canopy and a new school drive at Creswell Infants and Nursery School, Creswell. The school is currently over capacity and the pupil projections show that there will be a sustained demand within Creswell for nursery and infant school places, exceeding current capacity of the school.

The proposed developments would result in the loss of playing field land; Sport England has therefore objected and the proposal is considered to be contrary to policies of the Bolsover District Local Plan (BDLP), the National Planning Policy Framework (NPPF) and Sport England's Playing Field Policy.

Construction of the new drive and access point is dependent on the development of an adjacent housing estate and, until this access point is provided, the application proposes to continue to use the existing access from Gypsy Lane. The Highway Authority has raised highway safety concerns as the junction of Gypsy Lane/Elmton Road is considered to be substandard.

There is a need for the development in order to meet the demand for school places in the area. The proposal does not fully accord with relevant policies contained in the BDLP and in the NPPF, and there are highway safety concerns. However, I am satisfied that these concerns can be addressed through the imposition of conditions and on balance, the need to provide sufficient school places in the area would outweigh the impacts of the development. I therefore have recommended that the application is authorised for a grant of permission with conditions subject to firstly consulting the Secretary of State for Communities and Local Government (as required by the

Town and Country Planning (Consultation) (England) Direction 2009) on the basis that it is minded to granted planning permission for the development.

- (1) **Purpose of Report** To enable the Committee to determine the application.
- (2) **Information and Analysis** This application proposes the construction of two new detached educational buildings, a canopy and a new school drive at Creswell Infants and Nursery School, Gypsy Lane, Creswell.

The Site and Surroundings

Creswell Infants and Nursery School is located off Gypsy Lane in the village of Creswell. The school currently has 189 pupils on role and approximately 50 children in the nursery, aged between 3 and 7 years. The school site is bounded by residential properties to the south and west, agricultural land to the north and Creswell Railway Station to the east. The land to the north of the school has recently been granted planning permission by Bolsover District Council for 82 residential dwellings; part of this scheme proposes a new access point into the school site from the north. The Creswell Village and Model Village Conservation Area boundary is located approximately 70 metres to the south of the site, adjacent to the boundary with Gypsy Lane. Pedestrian and vehicular access to the school is currently via Gypsy Lane from Elmton Road. The school shares the site with the Earlybirds Day Nursery, a private day nursery, and a Sure Start Children's Centre.

The Proposal

The application proposes the following developments at the school.

New Nursery Building

A detached, 20 pupil place, nursery annex building, as an extension to the existing school nursery. The building would be located to the south of the school site, on part of an existing play area, and would also require the removal of the nursery garden area. The new nursery building would provide 80 square metres of internal floorspace and would be approximately 3.7 metres in height. The new building would be a pre-fabricated modular building, constructed using plastisol steel faced glass reinforced gypsum boards, a flat roof with a single-ply membrane and powder coated aluminium framed doors and windows. A colour finish would be applied to the external walls. A beech hedge and fence would need to be removed on the west side of the building where it is proposed to provide a compensatory play area next to the trim trail. The nursery garden area would be relocated adjacent to the school's trim trail.

New Classroom Building

A detached two classroom building, as an extension to the main school to provide an additional 60 pupil places. The building would be located on part of the school playing field which is partly planted with trees to the north of the

main school building and to the west of the Children's Centre building; five cherry trees would need to be removed in this area. The new building would provide 164 square metres of new internal floor space and would be approximately 3.7 metres in height. The new building would also be a pre-fabricated modular building, constructed using plastisol steel faced glass reinforced gypsum boards, a flat roof with a single-ply membrane and powder coated aluminium framed doors and windows. A colour finish would be applied to the external walls.

Canopy

A canopy would be erected against the eastern elevation of a previous classroom extension, between the classroom and the adjacent Children's Centre in the north of the site. The canopy would be a metal framed construction with clear glazed roof panels.

New School Drive and Parking Spaces

A new school drive would be constructed to the north of the school site, and there would be an increase in car parking spaces from 40 to 46. The new drive would have a tarmac surface and would run alongside the eastern boundary of the existing school field to the north, to join a proposed new vehicular access from a proposed new residential housing estate. The new access would then join the existing highway at Skinner Street, via the new housing estate roads, which are yet to be constructed. A 2.4 metres high fence and a hedge would be erected alongside the new drive.

The new drive would eventually replace the existing vehicular access to the school from Gypsy Lane, once the vehicular entrance and the link roads to the highway are provided by the developer of the adjacent residential development. The delivery of the school link is the subject of a legal agreement between Bolsover District Council and the residential developer. The legal agreement requires the delivery of the school link by the time of occupation of the 50th dwelling on the site. The applicant anticipates that the new nursery building and classroom building would be constructed and be required for use prior to the construction of the new drive. Until such time as access is provided to the north, and the new drive is constructed, the existing vehicular access to the school via Gypsy Lane would continue to be used.

The construction of the new classroom building and school drive would reduce the amount of grassed playing field area at the school by approximately 20%. The developments at the school would require the removal of 15 trees in total. The application includes proposals for replacement tree planting. Trees would be planted to the north side of the Children's Centre and to the edge of the playing field, and a compensatory hedge would be planted alongside the new drive.

Consultations

Local Member

Councillor McGregor has been notified.

Bolsover District Council

Raised no objections to the proposal.

Elmton with Creswell Parish Council

Comments were requested by 4 February 2016.

Sport England

In its initial response, Sport England raised a statutory objection to the application as the proposal would result in the loss of playing field and considered that it had not been demonstrated that all components of the development would meet Sport England's Playing Fields Policy, or accord with NPPF Paragraph 74. In particular, the new access works would result in significant loss of playing field and there would also be some encroachment onto the playing field from the classroom block, but no compensatory provision is proposed to offset this. Sport England commented that it would be willing to reconsider this position should further/amended plans be provided to address the policy requirements.

Sport England's specific comments:

"The proposed nursery annex would not impact on playing field or formal hard court provision, and Sport England has no objection to this element of the scheme.

The planned vehicular access and associated works would occupy a significant part of the natural turf playing field and no compensatory provision is proposed to offset this impact. There would also be some encroachment onto the southern edge of the playing field from the proposed new classroom block. Whilst Sport England appreciates that the classroom block has been positioned in an area partially occupied by trees and so a proportion of the land involved is not usable playing field (and so would fall within the scope of Exception E3 of Sport England's Playing Fields Policy), taking into account the full extent of the building footprint, access path and grass banking, the development would project into the usable playing field area and compromise the ability to accommodate pitch sports. Again, no compensatory provision is proposed to offset this impact."

Sport England objects to the application because two of the three elements of the development would result in quantitative loss and negative impact on the use of the playing field, and fail to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

In response to the comments of Sport England, the applicant submitted further information to demonstrate that the remaining playing field land could incorporate two playing pitches of an appropriate size for an infant school. Having reviewed this information, Sport England maintains its statutory objection to the application as the proposal would result in the loss of playing field and it has not been demonstrated that all components of the development would meet Sport England's Playing Fields Policy or accord with NPPF Paragraph 74. The additional information does not overcome previously identified concerns and Sport England's previous comments still stand.

Highways

The Highway Authority commented that the site has been the subject of considerable correspondence relating to both formal and informal consultations and, from the highway perspective, concerns have been consistently raised regarding the substandard nature of the access onto Elmtun Road.

The Highway Authority considers that approval of the proposal as submitted would result in an increase in the traffic generated by the site and the use of the substandard Gypsy Lane and its junction with Elmtun Road, with the potential of harm to highway safety.

Having regard to the substandard nature of the existing access, and the likelihood that the Highway Authority would recommend refusal of any application which resulted in an increase in its use, negotiations have taken place with the developer of the land to the rear of the school to provide an alternative means of access via Skinner Street and the new estate streets.

The Highway Authority notes that the new driveway into the land to the north is included in the application; however, the link between the driveway and the existing public highway on Skinner Street has not been included.

If the new access could be delivered prior to the new buildings being taken into use, with a means for access from the school to the existing highway (on Skinner Street) via the intervening land to the rear of the school, any consent could be conditioned accordingly, so that there would be no objections from the highway point of view. On this basis, the Highway Authority recommended the imposition of conditions to require the new access to the north of the site, to be constructed to the new estate off Skinner Street, prior to any other works commencing on site, to restrict the new classrooms being taken into use until the access to north has been constructed and made available for use, and a scheme to restrict the use of Gypsy Lane and conditions relating to the provision of the additional car parking spaces, the gradient of the new highway access and the sites construction compound in the interests of highway safety.

However, if the new access could not be so delivered, the Highway Authority would recommend the refusal of the application on the grounds that approval would result in an increase in the use of the substandard junction of Gypsy Lane and Elmton Road, contrary to the best interests of highway safety.

Publicity

The application was originally advertised by site notice with a request for observations by 12 February 2016, and further advertised by press notice (Worksop Guardian) and by site notice with a request for observations by 31 March 2016. No representations have been received as a result of this publicity.

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 the saved policies of the adopted BDLP. Other material considerations include such statements of Government policy in the NPPF. 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:

Bolsover District Local Plan

GEN1: Minimum Requirements for Development.

GEN2: Impact of Development on the Environment.

GEN8: Settlement Frameworks.

CLT6: Existing Outdoor Playing Space and Amenity Open Space.

TRA1: Location of New Development.

TRA10: Traffic Management.

The proposal is for the construction of two new buildings, a canopy and a new school drive at a nursery and infant school. The applicant has stated that the new buildings are needed in order to provide additional school places in Creswell. The school has a published capacity of 180 pupils, however, there are currently 189 pupils, not including nursery, on roll and the pupil projections up to 2020 show that there will be a sustained demand within Creswell for nursery and infant school places that will exceed the current capacity of the school. The applicant also states that there is a disproportionate amount of children, around 22%, living in Creswell who go to other schools outside of the Creswell catchment area in Clowne, Whitwell and Hodthorpe. Currently, there is shortage of places for pupils in the wider North East Bolsover area and increasing the number of school places available in Creswell would help to alleviate the pressure on other schools, which are also experiencing increased

demand for places from their normal catchment areas. There is also likely to be further increased demand for school places in Creswell and in the wider area due to potential new housing developments.

The NPPF attaches great importance to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. Chapter 8: Promoting healthy communities of the NPPF states that *“planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: give great weight to the need to create, expand or alter schools.”*

I have no reason to doubt that there is a need to expand the school to create more school places in Creswell; the development would improve existing educational facilities in line with the broad intent of Chapter 8 of the NPPF.

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

Location

The new nursery building would be located on an area of existing play space within the school's existing boundary and replacement play space would be developed to compensate for the play space to be lost. I am satisfied that the location of this building would be acceptable.

The proposed new classroom building to the north of the site would be located on a parcel of land on the school playing field that is partly planted with trees. The new school drive would also be located on land that currently forms part of the school's playing field. The school's playing field is designated in the BDLP under Policy CLT6, as existing outdoor playing space and amenity open space; this policy seeks to restrict development that would result in the loss of formal recreational space. Policy CLT6 accepts development on playing fields where it is directly related to the recreational use of the land or where it allows the recreational use to be enhanced and would not be detrimental to the open character of the area. Policy CLT6 states that for other forms of development on playing fields, as in this case, planning permission will not be granted unless it:

- “1) makes provision for replacement open space (whilst retaining the existing facilities until the replacement is available for use); or*
- 2) provides a facility of an equivalent community benefit; or*
- 3) results in an overall improvement or enhancement of the existing facility for the benefit of the local community.”*

The NPPF at Paragraph 74 advises that playing fields should not be built on unless:

- *“an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *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*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

Sport England's Policy, as set out in Sport England's Planning Policy Statement – A Sporting Future for the Playing Fields of England, seeks to protect all areas of existing playing fields. It is Sport England's 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. The gist of these exceptions are incorporated within Paragraph 74 of the NPPF.

Sport England was consulted on this application and has raised objection to the development. Its view is that the development would result in quantitative loss and have a negative impact on the use of the playing field, and fails to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

The new classroom block has been positioned in an area partially occupied by trees, so as to limit the amount of playing field land it would occupy. However, overall, the new building, the new drive and surrounding landscaping works would result in the loss of approximately 20% of the school's existing natural turf playing field. The amount of useable playing field able to accommodate pitch sports would therefore be compromised and no compensatory provision is proposed to offset this loss. Despite this loss of space the applicant has submitted plans that show that there would still be sufficient space, to accommodate two playing pitches of an appropriate size for the pupils at the school, and the playing field would continue to be able to be used for the range of activities that it is currently used for.

I acknowledge that there are policy tensions for this proposal; however, I am of the view that the need to provide sufficient school places in the area would outweigh the impact on the school playing field and overall, I do not find the development to be wholly unacceptable in this location. The development would depart from the aims of the policies set out above, however, on balance and for the reasons set out above, I do not consider this to be so significant such as to justify the refusal of the application.

Scale and Design

The proposed new buildings would be single-storey modular units of a functional and basic design. These buildings are designed to be temporary structures that are often used as an economic solution and/or as time limited response; the anticipated life of the buildings proposed is 30 years.

The school building is not located in a Conservation Area and I do not consider the location of the proposed buildings to be visually sensitive. In terms of design quality, a permanent extension to the school or a higher standard of modular unit that enhances the visual quality of the environment would be preferable; however, the buildings would not be prominent from outside of the site. Taking into account the need to provide sufficient school places in the area, I am satisfied that the scale and design of the new buildings are acceptable and would accord with the NPPF and Policy GEN 2 of the BDLP.

Highways and Traffic

The impact of increasing the size of this school on highway safety is of particular concern for this development. The Highway Authority, in its consultation response, has raised highway safety concerns about the use of the existing school access from Gypsy Lane, in particular, the visibility at its junction with Elmtun Road which the Highway Authority considers to be substandard. The Highway Authority has consistently raised concerns about the substandard junction onto Elmtun Road in relation to other previous developments the school.

Policy GEN 1 of the BDLP sets out the minimum requirements for the way development affects its environment and the criteria against which all development proposals should be assessed. In relation to highway safety and traffic impact, Policy GEN 1 requires all development to satisfy the following principles unless there is a specific and acceptable reason for an exception to be made:

- *“safe access (and where appropriate circulation) arrangements shall be made for pedestrians, cycles and vehicles (including service and emergency vehicles) entering and leaving the site; and*
- *the local highway network shall be able to accommodate the vehicular, cycle and pedestrian traffic from the site without causing material harm to highway safety, or unacceptable congestion.”*

The NPPF at Paragraph 32 states that decisions should take account of whether:

- *“safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

In order to address the concerns of the Highway Authority, the applicant has included in the application proposals for a new school drive to the north of the site. However, the delivery of this access is dependent on the development of a new housing estate. Whilst there is a legal agreement in place requiring the developer of the housing estate to provide an access link point into the site, the applicant has no control over when the works on the housing development to provide the access link might commence. It is understood that the housing developer does not currently have a programmed start date for its development; the applicant therefore does not propose to construct the new drive until such time as the access point and estate roads to the highway at Skinner Street are available. As the additional places at the school are required immediately, the applicant is proposing to continue to use the existing Gypsy Lane access until such time as the new drive delivers this new highway access.

The Highway Authority is concerned that increasing the size of the school (by approximately 35%) would be likely to increase the use of Gypsy Lane and the substandard junction with Elmton Road through additional members of staff using the car park, and more parents picking up and dropping off children at the school. In response to consultation, the Highway Authority therefore recommended a condition to restrict the new buildings being taken into use before the new drive and access to the highway at Skinner Street is provided. As noted above, the Highway Authority recommended refusal of the application, in the absence of such a condition.

The condition, as recommended by the Highway Authority, raises feasibility issues for this proposal and would be likely to result in a significant delay in the new school buildings being available for use, due to having no control over the timing of the adjacent housing development. The need for additional school places would not be able to be immediately met at this school site.

Creswell Infant and Nursery School is located in a central location in Creswell and, as a result, a high percentage of pupils are able to walk to school. The applicant has stated in the application that in 2012, when the school's Travel Plan was last updated, 83% of pupils travelled to and from school on foot, which is high when compared against the national average at this time of 56.6% and a Derbyshire average of 57.4%. Gypsy Lane is a narrow lane and simultaneous two-way vehicular traffic is an issue. However, vehicular and pedestrian traffic are separated, there is a separate pedestrian footpath separated from the highway by railings. The school seeks to promote safe and sustainable travel to the school through its existing Travel Plan, which is currently in the process of being updated. I am also aware that the school operates a permit system for parents picking up and dropping off at the school

site designed to limit the amount of pupils being dropped off and picked up by car.

The applicant is willing to look at implementing further measures to restrict vehicular use of the Gypsy Lane access to mitigate the highway safety concerns and prevent the use of Gypsy Lane increasing as a result of the development. These measures could potentially include a vehicular barrier on Gypsy Lane, improvements to the school permit system for parking, and picking up and dropping off children, to limit the number of vehicles that would be permitted on the school site, and an updated School Travel Plan.

It is acknowledged that the visibility at the junction of Gypsy Lane with Elmtun Road is a significant concern. The Highway Authority has raised it as a fundamental highway safety concern and does not wish to see any increase in the use of this junction. Furthermore, the proposal without the new drive and access to the north and/or a scheme to restrict the use of the access from Gypsy Lane being in place, prior to the new buildings being occupied, cannot be considered to fully accord with Policy GEN 1 of the BDLP.

I have, however, considered the applicant's view that measures could be implemented to restrict the use of Gypsy Lane and I am of the opinion that it would potentially be possible to restrict the use of the access on Gypsy Lane. I have further consulted with the Highway Authority on the feasibility of a scheme to restrict the use of Gypsy Lane and the potential measures suggested above. The Highway Authority would be concerned about the control of a barrier and also vehicles reversing out of Gypsy Lane on to Elmtun Road that were unable to pass through the barrier, and would consider this unacceptable in highway safety terms. The Highway Authority is also concerned about continuing third party usage of the lane for access and whether a scheme could satisfactorily control access to the site. If a scheme could not be agreed and approved, this could potentially result in the construction of new buildings that could not be immediately used until such time as the new drive to the north is made available.

However, I am mindful of the need to provide sufficient school places which could, in the context of Policy GEN 1, be viewed as an acceptable reason for an exception to be made and of the guidance in the NPPF. I am therefore minded to recommend approval of the application, subject to a condition restricting the new buildings being taken into use until such time that either the new drive and access to the highway to the north of the site has been constructed and made available for use, or until such time that a scheme to restrict the use of Gypsy Lane has been submitted to and approved by the County Planning Authority and fully implemented. This, in my opinion, would allow the development to proceed and meet the need for school places in the area, whilst putting in place measures to address the highway safety

concerns. I am also recommending a condition to require the school's Travel Plan to be updated.

Amenity

Taking into account the location and pre-fabricated modular design for the buildings, I do not consider that their impact on amenity is likely to be significant for this proposal.

This type of development has the potential to cause disturbance to local residents, particularly during the construction phase, from noise, dust and construction traffic. I therefore, recommend a condition requiring details of the site construction compound to be submitted and approved to protect the amenity of residents during the construction phase of the development.

Conclusion

There is an accepted need for the development in order to meet the demand for school places in the Creswell area. The development would result in the loss of school playing field, which is not to be compensated for and, as such, cannot be considered to accord with relevant policies contained in the BDLP and in the NPPF. However, the loss of the playing field when balanced against the need to provide sufficient school places is not considered to be so significant so as to recommend the refusal of the application.

It is recognised that the development could potentially impact on highway safety and the concerns of the Highway Authority are acknowledged. However, I am of the view that a condition to require prior to the buildings being brought into use, either the construction of the new drive and access, or the approval of a scheme to restrict the use of the existing access from Gypsy Lane, would address these concerns. On balance and subject to the recommended planning conditions being imposed, I do not find the development to be unacceptable. The application is therefore recommended for approval.

(3) **Financial Considerations** The correct fee of £1,540 has been received.

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

If the Committee is in favour of granting planning permission, the application will have to be referred to the Secretary of State for Communities and Local Government for him to decide whether to call it in for his own determination. the Town and Country Planning (Consultation) (England) Direction 2009 (the 2009 Direction), requires certain types of application for planning permission

to be referred for consultation to the Secretary of State before any planning permission can be granted by the local planning authority.

The 2009 Direction requires local planning authorities to consult the Secretary of State in this way where there is a Sport England objection to a planning application on land owned by a local authority, or used by an educational institution, and the local authority is minded to grant permission,.

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 delegated decision.

(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 and transport considerations.

(6) **Background Papers** File No.5.96.25

Application documents, revised and additional information from the Director of Property dated 26 November 2015, 11 and 18 January 2016. Correspondence from Sport England dated 4 and 29 February, and 7 March 2016, Highways Area Management Division dated 29 February and 16 March 2016, Senior Transport Officer – Sustainable Travel dated 19 January 2016 and Bolsover District Council dated 22 February 2015.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that:

- 7.1 The Secretary of State for Communities and Local Government be **consulted** on this application in accordance with the 2009 Directions, on the basis that it is minded to grant planning permission for the development.
- 7.2 Provided that the Secretary of State decides not to call in the application for his own determination, planning permission be **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 be carried out in accordance with details contained in the planning application and accompanying documents dated 26 November 2016 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 are:

- Application for planning permission 1APP form dated 26 November 2016.
- Drawing No. 1501593/A/201 Rev A - Nursery Annex Site Plan 1 of 2 Proposed.
- Drawing No. 1401054/A/201 Rev A – Two Classroom Building Site Plan Proposed.
- Drawing No. 1501593/A/202 Rev A – Nursery Annex Site Plan 2 of 2 Proposed.
- Drawing No. 1401054/A/205 Rev B – Large Site Plan 1 of 2 Proposed.
- Drawing No. 1401054/A/206 Rev A – Large Site Plan 2 of 2 Proposed Rev A.
- Drawing No. 1401054/A/211 – Two Classroom Building Plan, Section and Elevations.
- Drawing No. 1401593/A/211 Rev A – Nursery Annex Plan, Elevations and Section.
- Report reference CLE20260/005/01 – Preliminary Ecological Appraisal.
- Design and Access Statement dated 24 November 2015.
- Planning Statement Rev B dated 12 January 2016.
- Planting Plan drawing no 1401054/X/300.
- Tree Protection Plan drawing No 1401054/X201.

Reason: To ensure conformity with the details of the application that is approved and to clarify its scope, in the interest of the local amenity.

- 4) Prior to painting the new buildings, details of the proposed coloured finish to be applied to the external walls of the new nursery and classroom building shall be submitted for approval in writing by the County Planning Authority. The walls shall then be painted to the colour finish details under the approval.

Reason: In the interest of visual amenity.

- 5) Prior to installation, precise details of the design and colour finish of the proposed new fencing, pedestrian and vehicular gates shall be submitted for approval in writing by the County Planning Authority. These elements of the development shall then be implemented as approved.

Reason: In the interest of visual amenity.

Access, Traffic and Highway Safety

- 6) Prior to any works commencing on site, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods' vehicles, parking and manoeuvring of employees' and visitors' vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the County Planning Authority. Once implemented, the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: This condition is imposed in the interest of highway safety. It is necessary for the condition to be a pre-commencement condition to ensure that suitable provision for the management of construction traffic is in place, prior to the commencement of construction works on site, so as to avoid potential highway safety and local amenity impacts.

- 7) Prior to the construction of the new access to the north of the site, detailed designs for the layout and construction of the access shall be submitted to the County Planning Authority for its written approval. The access shall be laid out, constructed and maintained for the remaining duration of the development in accordance with the approved scheme.

Reason: In the interests of highway safety.

- 8) The new nursery and classroom buildings, which are the subject of the application, shall not be taken into use until either:
 - a) the new access to the north of the site has been constructed, in compliance with Condition 7 above, and made available for vehicular use; or
 - b) a scheme to restrict the use of the existing vehicular access to the school via Gypsy Lane has been submitted for approval in writing by the County Planning Authority and the County Planning Authority has approved such a scheme, and all steps required for the initial implementation of the scheme have been duly carried out.

With effect from any of these buildings coming into use, all continuing steps required by the scheme shall be duly carried out.

Reason: In the interests of highway safety.

- 9) The gradient of the new access to the north of the site shall not exceed 1:20 for the first 5 metres into the site from the highway boundary and no more than 1:12 thereafter.

Reason: In the interests of highway safety.

- 10) Prior to the new nursery and classroom buildings being taken into use, additional car parking spaces shall be provided within the site curtilage in accordance with application drawing 1401054/A/205 Rev A and maintained thereafter free of any impediment to their designated use.

Reason: In the interests of highway safety.

- 11) The new nursery and classroom buildings, 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

- 12) The trees to be retained shall be protected in accordance with the tree protection measures shown on the Tree Protection Plan drawing no. 1401054/X201. 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

- 13) The site shall be landscaped in accordance with the details shown on the Planting Plan drawing no. 1401054/X/300. For the first five years, following the implementation of the landscaping scheme, planting shall be maintained and any shrubs or trees which die or become seriously damaged, diseased or are missing, shall be replaced with plants of the same species or such alternative species that shall have been approved

in writing beforehand 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

- 14) The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal report reference CLE20260/005/01. The recommended mitigation measures for the construction phase of the development shall be fully implemented and maintained for the duration of the construction period.

Reason: To ensure that appropriate mitigation measures are in place in relation to the ecology of the site and in the interest of nature conservation.

- 15) 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 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.

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 issues that arose in the processing of the planning application. 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.

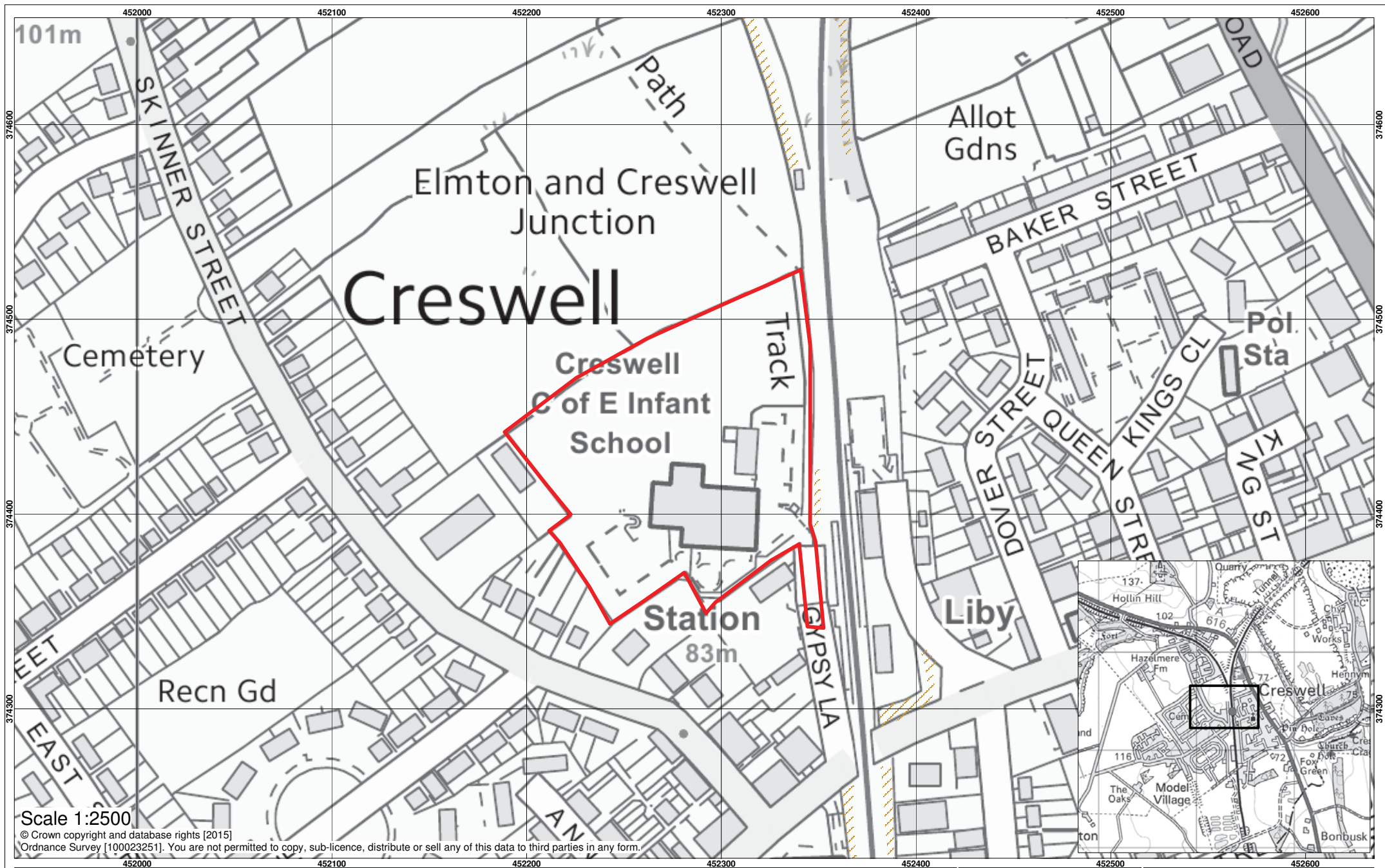
Footnotes

- 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 0845 7626848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Mike Ashworth
Strategic Director – Economy, Transport and Communities



Committee Plan - CD5/1115/116 - Creswell Infant and Nursery School

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Development Management
Shand House
Dale Road South
Matlock
DE43RY