

Agenda Item No.3.2

DERBYSHIRE COUNTY COUNCIL
REGULATORY - PLANNING COMMITTEE

8 January 2018

Report of the Strategic Director – Economy, Transport and Environment

- 2 PROPOSED EXTENSION TO THE SCHOOL BUILDING TO PROVIDE TWO ADDITIONAL CLASSROOMS, DINING ROOM, STORAGE AND TOILETS AND CIRCULATION AREAS, A FREE STANDING CANOPY, PROVISION OF ADDITIONAL CAR PARKING AND THE RECONFIGURATION OF THE EXISTING PLAYING FIELD AT STANTON COUNTY SCHOOL, WOODLAND ROAD, SWADLINCOTE**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD9/0917/52

9.250.10

Introductory Summary

This application is for planning permission for the erection of an extension to an existing school building to provide additional teaching space, a new dining room, storage, toilets and circulation space, a free standing canopy, provision of additional car parking and the reconfiguration of the exiting playing field at Stanton County School, Woodland Road, Swadlincote. The site is located in the Green Belt as identified in the South Derbyshire Local Plan: Part 1 (2016) and it is considered that the development would be a departure from the development plan, as school buildings are not listed as being appropriate development in Green Belt in the South Derbyshire Local Plan Part 1 or the National Planning Policy Framework. It is concluded that this particular development would provide essential infrastructure (in the form of education provision) that would not conflict with the purposes of including land within the Green Belt. In the circumstances, it is recommended that the development is authorised for a grant of planning permission and that the Secretary of State be notified accordingly.

- (1) **Purpose of Report** To enable the determination of the application.
- (2) **Information and Analysis** The application site is in the grounds of Stanton County School which is situated in the village of Stanton. The school is located along Woodland Road (A444) and is bounded by residential properties to the east and agricultural fields to the rear of the site. The development would not impact on any listed buildings and is not sited within a Conservation Area. The site is located in the Green Belt identified in the South Derbyshire Local Plan: Part 1 (SDLPP1).

The proposed development is for a large extension to the rear of the school that will provide 374 square metres (m²) of additional internal floor space. The extension is proposed over 160m² of existing informal soft play space and 230m² of informal hard play space and would involve the demolition and removal of a wooden play feature of the north-east elevation. The proposal would provide two additional classrooms to replace a temporary classroom that was added in 2005, as well as a dining room area, a new storage area, toilet facilities and a freestanding playground canopy.

The proposal would also increase car parking provision at the site in order to accommodate the predicted increase in staff numbers (from 13 full time equivalent to 17 full time equivalent). Therefore, four additional car parking spaces are proposed as an extension of the existing school car park. The proposed development also includes the re-configuration of the existing external circulation areas, and hard/soft landscape areas to provide the Department for Education minimum outdoor space requirements for hard/soft; formal/informal play and physical education (PE) areas. This would involve the removal of the willow maze feature, located to the north of the site, to allow for the relocation of the playing field markings and the removal of five trees to the west of the proposed informal hard play area to enable development.

The proposal also includes the construction of a retaining wall to the north and west of the proposed informal hard play area with a 2.4m high fence and 3m wide gate, the provision of ramps and stairs from the reconfigured hard outdoor PE area and the proposed informal hard play area north of the proposed car park extension. There is also to be a 1.2m high fence with pedestrian gates around the north, west and south of the hard outdoor PE extension area. The pedestrian gate is proposed to the south of the PE extension area to allow access from the dining area and car park.

Relevant Planning History

- Planning permission code no: CD9/1 015/107– The installation of three concrete storage units (Approved 17 December 2015).
- Planning permission code no: CD9/0111/145 – Installation of a freestanding steel framed canopy (Approved 11 March 2011).
- Planning permission code no: CD9/0705/52 – The erection of 2.4m high weldmesh security fencing and gates (Approved 22 August 2005).
- Planning permission code no: CD9/0604/49 – Proposed Extension Comprising Two Classrooms, Toilets, Pupil Entrance, Store and Plant Room (Approved 7 January 2005).

Consultations

Local Member

Councillor Murray has been notified.

South Derbyshire District Council

No objection.

Sports England

No objection.

Highway Authority

Derbyshire County Council, in its statutory role as the Highway Authority, has raised no objections in principle to the proposed development on the basis that suitable visibility sightlines are achievable within controlled land, but recommended that conditions relating to the modification of the existing access prior to commencement, highway cleanliness during the construction period, the creation of vehicle manoeuvring/parking spaces during both the construction and operational phases of the development, and the positioning of gates relative to the highway be imposed. The Highway Authority also recommends that the school travel plan accompanying the application be implemented in accordance with the timescales specified therein.

Publicity

The application has been advertised by press notice (Burton Mail) and by site notice with an invitation for comments by 16 November 2017. Four letters and one email representation have been received in response to this publicity. The representations have raised objections to the application at Stanton Primary School on the following grounds:

- Lack of parent drop-off/pick-up facilities at the school.
- School entrance is on a dangerous corner which often witnesses vehicular accidents.
- Insufficient capacity for parents to park their cars at the nearby Stanton Village Hall which causes congestion and disrupts the activities associated with that facility.
- The proposed increase in pupil numbers would increase existing parking/highway safety problems at the site.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the South Derbyshire District Councils Local Plan (2016). The National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance (PPG) are also material considerations.

South Derbyshire Local Plan: Part 1 (2016) Policies

S2: Presumption In Favour of Sustainable Development.

S8: Green Belt.
E7: Rural Development.
BNE1: Design Excellence.
INF2: Sustainable Transport.

South Derbyshire Local Plan: Part 2(2017) Policies

BNE5: Development in Rural Areas.
BNE7: Trees, Woodland and Hedgerows.

National Planning Policy Framework (2012)

Chapter 14: The presumption in favour of sustainable development.
Chapters 31-37: Promoting sustainable transport.
Chapters 56-68: Requiring good design.
Chapters 69-78. Promoting healthy communities.
Chapters 97-92. Protecting green belt land.

Better Design for South Derbyshire

Planning Act 2008, Chapter 29, Paragraph 183 – have regard to the desirability of achieving good design

Need for the Development

The purpose of the proposed development is set out within the Supporting Statement accompanying this application. The expansion of the school is a consequence of significant recent and anticipated housing development in the school's normal area that will generate the need for additional pupil places at the school. The construction of the Drakelow Park development has already commenced and some of the houses have already become occupied. The proposal would see the school's published admission number (PAN) increase from 15 to 30 pupils and the school net capacity to a total of 210 pupils.

In light of the above, I consider that there is a clear need for the proposed development which would provide additional places at the school to accommodate children generated by developments.

Design and Visual Impact

The proposed extension would be single storey and would be located off an existing extension at the rear of the original school building, which was granted planning permission in January 2005 (Code No.CD9/0604/49). The walls of the proposed extension would be red brickwork with a blue-brick, string-course detail to match existing extension. The proposed roof of the extension would be pitched using a metal standing seam to match the style and material of the existing school extension. The proposed windows and doors would be powder coated aluminum to match existing ones. The proposed freestanding playground canopy would match the existing one which was approved under planning permission CD9/0111/145. The proposed extension would be situated in a relatively discrete location to the rear of the

existing school buildings, which would, I consider, screen it from views into the site from the south, including from the A444, Woodland Road.

I consider that the proposed development would result in a minimal visual impact due to the discrete location and using similar materials and styles as the existing school building.

Green Belt

The site is located within Burton – Swadlincote Green Belt, as identified in the SDLPP1. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. To this end, the NPPF states that, when considering any planning application, planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

SDLPP1 Policy S8 states that there is a presumption against inappropriate development within the Green Belt and that development proposals received within the Green Belt will be assessed against national policy.

The NPPF, at Paragraph 89, sets out those exceptions for which the construction of new buildings would not be considered to be inappropriate in the Green Belt. These include *‘buildings for agriculture and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development’*.

As with previous national Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and not to be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposal here is for a large extension to the school with the provision of a canopy, as well as an increase in parking provision and informal hard play areas. Therefore, whilst the proposals are for an extension to an existing school, by virtue of the size and scale of the proposed extension, which would

be significant in comparison to the existing buildings at the school site, I do not consider that they would fall to be appropriate development under the NPPF categories identified above. The proposals should, therefore, technically be considered as inappropriate development in Green Belt.

Notwithstanding the above, however, the proposal relates to an existing, well established, school site that serves the wider community. Whilst not brownfield land, the development would represent the partial redevelopment of a previously developed site which continues to be used for education. The proposals would also relate to the continuation of that educational use. The proposals are intended to increase pupil places at the school in response to an increased demand resulting from new/anticipated housing development in the area and, in that context, should be seen as provision of essential infrastructure for the area. The proposals have been designed to minimise their impact on the surrounding area and would be of an appropriate scale and massing for the educational context.

The main purpose of the Green Belt is to limit urban expansion between Swadlincote and Burton on Trent. The Green Belt, in the vicinity of the application site, is very narrow (approximately 700m) and, therefore, its open character is vulnerable to the impacts of inappropriate development within it. The school is situated on the north side of Woodland Road (A444). This stretch of Woodland Road is characterised by built development along the northern side and open agricultural land to the south. The school forms part of this wider string of building development. The proposed extension would be located to the rear of the existing school buildings within the curtilage of the existing school site and would be directly visible from residential properties to the west (70m) and from Swadlincote Footpath 99 which is 445m to the north. Views of the proposed extension from the north would be viewed against the existing school buildings and would be transitory. It is acknowledged that, due to its scale and massing, the proposal would have greater visual impacts when viewed from the west. Nevertheless, in considering the educational nature of the proposal, I do not consider that the scale and massing would be inappropriate in this context. Furthermore, the single-storey design and the use of materials in keeping with the existing would help reduce its visual impact, thereby maintaining the openness of the area.

In view of the above, I do not consider that the proposals would cause detriment to the open character of the Green Belt and would not conflict with the purposes of including land within it. I consider that the needs to provide additional school facilities which are being generated by housing development as referred to above are exceptional circumstances which justify the proposed development despite its technical inappropriateness as development within the Green Belt. However, school building is not specifically listed in the NPPF or in local plan policy as appropriate in a Green Belt area, and the NPPF does not indicate that a need for school infrastructure is necessarily proof of 'very

special circumstances' under the NPPF terminology. I consider therefore that, technically, the planning application should be regarded as a departure from the local plan, so that a decision to grant permission would require a prior notification to the Secretary of State.

Landscape and Ecology Impact

Whilst the extension is sizeable in relation to the existing school, it would be located to the rear of the existing school buildings, which would effectively screen it from views from the south, including the A444, Woodland Road. The new extension would lead to the loss of an existing playground area and this would necessitate the reconfiguring of the remaining school playing fields to compensate for this loss. The existing school curtilage is substantial and should be able to accommodate these changes without any significant landscape impact.

The external works would lead to the loss of some existing trees and vegetation, but I would not assess this loss as significant, particularly given that there is extensive tree cover around the site boundary to the north and west. Given that there are substantial grounds, I would recommend a condition requiring additional planting on completion of the works by way of compensation for the losses.

Highway Impact

The development would enable an increase in pupil numbers at the school from 105 to 210 in order to respond to significant levels of housing development that are taking place in the surrounding area. Such an increase would have the potential to result in impacts to highway safety resulting from increased vehicular movements to the school during school opening and closing times. In this respect I note that the highway authority has not raised an objection to the proposal in terms of lack of capacity on the surrounding highway network.

I note the concerns of local residents regarding the lack of parent drop-off facilities at the school and the potential issues that this may cause in terms of highway congestion and safety. However, issues relating to parent drop-off/pick-up are considered to be temporary in nature. It is not current practice within the County to provide specific areas for parent pick-up/drop-off as these can create as many problems in their own right as they are assumed to prevent. The application is accompanied by a school travel plan which sets out a number of recommendations in terms of sustainable modes of transport to and from school. This encourages cycling, walking and public transport as a means of getting to school for staff and pupils. This should moderate any increase in the number of cars travelling to and from the school at busy times. I also note that there have not been any highway objections in this respect.

The proposals would result in an increase in teaching staff at the site and, as a result, would cause the use of the school access to intensify due to staff, visitors and goods vehicles. The highway authority raised concern in this respect because the access, as currently constructed, has substandard visibility. The applicant has provided drawings that indicate that suitable visibility sightlines would be achievable within controlled land and subject to the imposition of a condition requiring access improvement works to be undertaken before the construction phase of the development. I consider that the proposed development would not result in adverse impacts to highway safety and on the amenity of the area. Under those circumstances, I am satisfied that the proposal would accord with Policy INF2 of the SDDL: Part 1.

Conclusion

In conclusion, whilst the proposal is for a substantial six classroom extension to the existing school buildings, as well as ancillary development, I do not consider that it would result in environmental impacts that would be so significant as to warrant a refusal. Whilst the development is regarded as a departure from Green Belt policy, because schools are not listed as appropriate development and it does not meet any of the exceptions set out in the NPPF, I consider that it is essential in this location, that it would not detract from the character of the Green Belt and that it should be supported subject to conditions.

(3) **Financial Considerations** The correct fee of £2,695 has been received.

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

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

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

Other Considerations

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

(6) **Background Papers** File No. 9.250.10

Application documents: Application Form, Existing Building Layout, Furniture Layout, Ecological Report, Existing Elevations, Proposed Elevations, Land Survey, Block Plan and Site Photos, Site Location Plan, Existing Site Areas, Proposed Site Areas, Existing Site Layout and Areas, Proposed Landscape Layout Surfaces and Planting, Proposed Landscape Layout Setting Out and Drains, Visibility Splay, Ramps and Steps Elevations, Tree Protection Plan, Supporting Statement and Tree Survey all received 30 September 2017

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

- 7.1 The Secretary of State for Communities and Local Government to be notified that the Council is minded to **grant** planning permission for planning application CD9/0917/52.
- 7.2 The **grant** of planning permission in accordance with the application, in the event that the Secretary of State decides not to call in the application, 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 30 September 2017, Tree Survey, Travel Plan, Ecological Report, Supporting Statement and the accompanying 1501153/OS/1250 drawings entitled "Site Location Plan", 1501153/A/100 entitled "Existing Building Layout", 1501153/F/14 entitled "Existing Elevations", 1501153/F/15 entitled "Proposed Elevations", 1501153/J1/01 entitled "Proposed Fitted Furniture", 1501153/LS/001 Revision R1 entitled "Land Survey", 1501153/OS/500 entitled "Block Plan & Site Photos" 1501153/PLX/100 entitled "Existing Site Areas", 1501153/PLX/101 entitled "Proposed Site Areas", 1501153/X/100 entitled "Existing Site Location and Areas", 1501153/X/101 entitled "Proposed Landscape Layout Surfaces and Planting", 1501153/X/102 entitled "Proposed Landscape Layout Setting-

Out Levels Drains”, 1501153/X/112 entitled “Ramps and Steps Elevations”, 1501153/X/103 entitled “Vision Splays at Site Entrance”, 1501153/X/200 entitled “Tree Protection Plan”.

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

Access, Traffic and Highway Safety

- 4) Before any other operations are commenced, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs which have been submitted to and received the prior written approval of the County Planning Authority. The space shall then be maintained throughout the construction period in accordance with the approved designs free from any impediment to its designated use.

Reason: In the interests of highway safety.

- 5) Throughout the construction period of the development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason: In the interests of highway safety and to prevent the drag out of mud, dirt or debris onto the highway.

- 6) Before any other operations are commenced, the existing access to Woodland Road shall be modified in accordance with the drawing number 1501153/X/103 entitled “Vision Splays at Site Entrance”, laid out, constructed and provided with 2.4m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

- 7) The extension to be built under this permission shall not be taken into use until space has been provided within the application site in accordance with drawing number 1501153/PLX/101 entitled “Proposed Landscape Layout Surfaces and Planting” for the parking and manoeuvring of visitors, staff and service and delivery 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.

- 8) There shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only.

Reason: In the interests of highway safety.

- 9) The 2018 Stanton Primary School: School Travel Plan shall be implemented in accordance with the timescales set out on pages 14-16 therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the County Planning Authority. The Travel Plan shall then be monitored and reviewed in accordance with the agreed Travel Plan targets.

Reason: In the interests of highway safety and to encourage sustainable modes of travel to and from the school.

Landscaping

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the County Planning Authority agrees any variation in writing. For the avoidance of doubt, for the purposes of this condition, 100% replacement is required.

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

- 11) The tree protection measures set out on drawing number 1501153/X/200 entitled "Tree Protection Plan" shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: To provide adequate protection of any existing trees and safeguard of their roots in the interests of preserving the amenity of the area.

Ecology

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

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

- 13) Prior to the new buildings being taken into use, an ecological enhancement plan for the site shall be submitted to and have been approved in writing by the County Planning Authority. The submission, which shall be based on the recommendations set out in the Ecological Constraints and Opportunities Plan document ref: RSE_968_01V1_DWG, shall amongst other things make provision for reinforcement planting using native species and the provision of bat boxes within the site and a programme of implementation.

The ecological enhancement plan shall then be implemented as approved.

Reason: In the interests of increasing and maintaining biodiversity at the school site.

- 14) Prior to commencement of the development, a construction management plan and construction method statement shall be submitted to and have been approved in writing by the County Planning Authority. The submission shall provide details relating to the storage of plant and materials, site accommodation, loading, unloading of good vehicles, parking of the site operatives and visitors, means of access and routes for construction traffic, hours of operation, method of prevention of debris being carried onto the highway, pedestrian and cyclist protection and any proposed temporary traffic restrictions.

The construction management plan shall be implemented as approved and maintained throughout the period of construction free from any impediment to its designated use.

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

It is considered that compliance with these requirements would only be effective if the scheme is found to be acceptable and approved as such prior to the comments of the development.

- 15) Precise details of any external lighting shall submitted to and approved in writing by the County Planning Authority before it is erected.

Reason: In the interest of local and visual amenity.

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 an area that has been defined by the Coal Authority as a Development Low Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 3) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, prior notification shall be given to the Department of Economy, Transport and Environment at County Hall, Matlock regarding access works within the highway. Information and relevant application forms regarding the undertaking of access works within highway limits is available via the County Council's website:
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
- 4) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc). In the event that loose material is

transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

- 5) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 6) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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20-Dec-2017