

**Agenda Item No. 4.2**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**10 July 2017**

Report of the Strategic Director – Economy, Transport and Communities

- 2 ERECTION OF A NEW SCHOOL BUILDING, DEMOLITION OF TWO EXISTING BUILDINGS, RELOCATION OF TENNIS COURTS, PLAY AREAS, PROVISION OF NEW SERVICE YARD, REVISION TO PARKING LAYOUTS AND ASSOCIATED LANDSCAPING AT WILSTHORPE COMMUNITY SCHOOL, DERBY ROAD, LONG EATON, DERBYSHIRE  
APPLICANT: THE SECRETARY OF STATE FOR EDUCATION  
CODE NO: CD8/0317/104**

**8.398.48**

**Introductory Summary**

This application is for the redevelopment of Wilsthorpe Community School, off Derby Road, Long Eaton. The application is for a large project proposed as part of the Government's Priority Schools Building Programme (PSBP), which seeks to renew the provision of secondary schools in England. The £4.4 billion PSBP proposes the rebuilding and refurbishing of school buildings considered to be in the worst condition across the country. There are two phases of the programme covering a total of 537 schools and Wilsthorpe School is part of the second phase. Under phase 1 of the PSBP, 260 schools are being rebuilt and/or refurbished: 214 projects have been funded through capital grant schemes and 46 projects using private finance. The first school in the phase 1 programme opened in April 2014 and the vast majority of others will be open by the end of 2017.

This is a significant and extensive proposal involving demolition of some of the existing (63 year old) buildings, and the construction of a new three storey building with new tennis courts, play areas, revised parking and associated landscaping. The proposal has given rise to some objection from both the closest adjoining school to the new building and residents of the area. I have given careful consideration to all the issues and concerns raised, and whilst I acknowledge that the development would bring some impacts on the amenities of the existing schools close by, and for the residents nearest the school (particularly during the short term construction phase), on balance I consider that these impacts could be made acceptable by mitigation measures that can be secured adequately by planning conditions. In general terms, development of this nature is well supported by both National and

Development Plan policy and on this basis, I consider it should be welcomed. I am therefore recommending that the application is approved accordingly, subject to the conditions set out below.

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

(2) **Information and Analysis**

### **The Site and Surroundings**

The application site, comprising Wilsthorpe Community School, is situated on the western outskirts of Long Eaton, close to residential areas. It forms part of an extensive, predominantly open flat area also containing four smaller school sites which extends to approximately 10 hectares (ha). The Community School shares its main vehicular access as well as boundaries with Parklands Infants School and Harrington Junior School. Its north-western boundary is shared with the English Martyrs' Catholic Voluntary Academy ('the Academy'), a school for 4 to 11 year olds, and it also shares a boundary with Brackenfield Special School. Immediately to the south of the school site, beyond Derby Road, is Trent Valley College. The site is subdivided into two areas; the complex of Wilsthorpe School buildings to the northern part and open playing fields to the south. The current school buildings, which can accommodate up to 1,268 pupils, are a mix of both single and two storey buildings, set out in a series of rectangular blocks. The buildings comprise steel frame structures with flat felt roofs, and have either their original 1950s concrete wall cladding or later replacement wall cladding systems. Open playing fields lie to the south with school tennis courts (on which the new main building would be built on) to the north of the existing buildings. In addition to the sites, the neighbouring school, the school and its grounds are surrounded respectively by the residential areas located off Briar Gate/Rose Court (directly to the east), Derby Road (to the south) and Petersham Road (to the west). The school site is enclosed by security fencing and existing and substantial mature hedgerows and trees. Within the site are a number of trees and shrubs. All vehicular access to the site is from the south, via Derby Road (A6005), and there are two pedestrian access points from Canal Street and Petersham Road.

### **School History and Context**

The school first opened in 1954 as Wilsthorpe Secondary Modern School. During the 1980s it became known as Wilsthorpe Community School and currently retains this 'community school' status. The school gained Business and Enterprise status in 2005 and it is currently piloting an Enterprise Award scheme in partnership with Erewash Borough Council. The closeness of Parklands Infants School and Harrington Junior School, allows children to stay at school in the same area from their first year of school, all the way to the

Sixth Form (currently approximately 140 students). Brackenfield Special School and the Academy are also close by.

### **Planning History**

There have been a number of planning permissions granted by the County Council for the school which have been implemented. These range from incremental classroom extensions, security fences and associated school equipment. There are no listed buildings and no known Tree Preservation Orders on the site. The school buildings and its grounds are not in a Conservation Area.

### **Proposal**

It is proposed to redevelop the site to provide a modern school with up to date facilities. This would include the demolition of four existing classroom blocks (these being the older parts of the original school), to be replaced principally by a three floor 'superblock', with a cumulative floor area of approximately 8,100 square metres (m<sup>2</sup>). The proposal includes the retention of the more modern existing buildings including the sports hall which would remain unaltered. The new block would be a rectangular shaped building of three floors, constructed of brick and extending to approximately 140 metres (m) long, 80m wide and with a maximum building height not exceeding 12m to roof level (excluding the proposed rooftop plant and proposed natural ventilation system). The position of the new three storey building would be on the school's existing tennis courts to the north of the site, adjacent to the boundary with the Academy. The applicant has indicated that the position of the new building was considered carefully (this issue is referred to later in more detail).

The new building would have aluminium powder coated windows and doors to its elevations. Attached to the windows would be different coloured louvres. Behind these louvres would be the opening window vent and at a higher level the intake to a mechanical assisted air mixing unit, which would give up to three modes of ventilation. The modular window design is formed of two windows to each typical (55m<sup>2</sup>) classroom, three to each (83m<sup>2</sup>) laboratory or large classroom and four windows to the larger teaching rooms. The applicant has indicated that this design would assist the school if it wished to change the internal arrangement in the future; the windows would still provide adequate daylight and ventilation.

The application is accompanied by an acoustic survey which confirms that the proposed chosen location for the new building is the quietest part of the site and would enable it to function with a mainly passive ventilation system of opening windows and louvres. Additionally, the proposed location for the new building, being furthest away from Derby Road and Petersham Road, minimises the impact of both noise and diesel engine particulates.

It is proposed that replacement tennis courts would be re-sited onto an area to the west of the new school building following demolition of the existing school buildings. The existing soft play space would remain unchanged. Additional hard informal play space would be provided to the east of the new block. Demolition of the existing buildings would provide potential for a considerable amount of additional soft informal play and PE space. The proposal would result in a total of approximately 9,765m<sup>2</sup> of floor space which would be used for education (Use Class D1) purposes for up to 1,250 pupils. This would represent an increase of 204m<sup>2</sup> although a slight decrease of 18 pupils over the existing pupil admission number (PAN) for the school.

A new Multi-User Games Area (MUGA) is to be provided to compensate for the loss of the existing facility. This will consist of a porous tarmac surface and be enclosed with a sports weld-mesh fence. This would feature single gates for access and ball retrieval, as well as double gates for emergency access. The new MUGA would be constructed to match the dimensions of the existing facility and extend to 70m by 44m. An area of existing tarmac, currently used for hard informal social play, would be re-used as informal hard PE space to concentrate sports provision to a single area of the site. It is envisaged that line-markings will be applied to this area by the school at some point in the future. The existing All Weather Pitch (AWP) would be retained as existing. It is proposed that there would be managed community access to this facility.

#### Landscaping/Tree Planting

The proposal is accompanied by an Arboricultural Impact Assessment. Several existing large mature trees are located to the north-east corner of the site which would be retained, and there is a group of existing trees on the neighbouring Academy site positioned adjacent the north-west corner of the application site. It refers to these trees as conveniently located between the proposed new building and the corner of the neighbouring existing school building. Additional tree planting within the site is proposed to supplement off-site trees, to ensure that views from one site to the next are restricted.

The existing grass playing fields to the south would be retained with no significant works envisaged, other than minor reinstatement to the playing fields where two existing field-sport facilities are being relocated. A managed community access to these facilities is proposed.

The proposed works would result in the loss of some of the existing trees, the majority of these are, however, located within the vicinity of the existing buildings to be demolished, or within courtyard spaces. A small number of semi mature trees are located along the eastern boundary behind the existing sports building, and these would be retained. The proposal includes a tree replacement strategy, with new planting adjacent the new building and to the north-west corner of the site, close to the boundary with the adjacent Academy site.

### Fencing

A new 30m length of close-board timber screen fence ranging in height from 2m-3m is proposed to be erected on the eastern elevation of the new building. The fence would pass from the elevation of the building, across to the adjacent site boundary, and then parallel to the boundary. It is considered that the fence would provide a secure line and screening mechanism to the proposed bin store, and sprinkler tank housing, but equally provide additional screening between the new building, service yard, and adjacent residential properties.

### Access and Car Parking

The existing vehicle route from the main site entrance on Derby Road would be retained, with no works envisaged. This would include the existing school car park immediately inside the main entrance, which would be used for a 'drop-off' facility. The vehicle route which currently branches northward, forming an oval circulatory vehicular route, currently used for parking and coach drop-off, would also be maintained but would be widened and extended to run adjacent the eastern boundary, behind the existing (retained sports building). This would be to allow access to the new service yard and provide opportunity for new disabled persons' parking bays to be located close to the new building.

Existing car parking provision at the school is currently 73 spaces. Forty nine of these existing spaces would be retained and 29 new parking spaces would be added to increase the total proposed parking provision to 78.

The existing pedestrian access regime (via Canal Street, Derby Road and Petersham Road) would be retained, with minor improvements to the Canal Street and Derby Road routes. Within the new scheme, a hatched area would be demarcated immediately adjacent to the entrance inside the site to create a pedestrian priority safe zone, allowing visitors to safely cross the vehicular area, onto a new access path which would be installed in the existing central island area of this space. This proposed new path would be installed to avoid the existing mature trees within this island, and would be constructed using a 'no-dig' methodology and porous tarmac surface.

### Community Use

The application includes a Community Use Plan. The school proposes to have a community use outside its core operating hours. The use plan has been devised with the school to ensure it can manage the security of the building by closing areas of the school whilst also allowing fullest possible accessible use for all.

### Overall Design

In general terms, the applicant considers that the proposed design of the project caters for the wide-ranging needs of the school's intake with both

formal and informal active and quiet areas. The existing 'central recreational' space would be recreated as the main focal point for outdoor social activities. There are also south facing spaces which would be divided into a quiet seating area for socialising, external dining and an active zone that connects to the hard courts. It is maintained that the location of the new building with the existing retained sports hall, would create an external link space, integrating the sports block into the overall site. Logical connections are made externally between the other retained buildings with sufficient external spaces retained to expand or consolidate these as needed by the school in the future.

#### **Heritage and Archaeological Assessment**

The application is also accompanied by a Heritage and Archaeological Assessment which draws together the heritage, archaeological, historic, topographic and land use information, and to clarify the significance of any heritage assets close to the school. The study concludes that whilst there is potential for some minor heritage impact (visual), the potential to secure the development of the school and the playing fields would produce a minor beneficial impact.

### **Consultations**

#### **Local Members**

Councillors Hickton (Petersham) and Athwal (Sawley) have been informed.

#### **Erewash Borough Council**

**Planning:** No objection but advises careful assessment of the relationship of the proposed new building and neighbouring occupiers.

**Environmental Health:** No objection subject to conditions being imposed to restrict working hours, the production of a method statement to control noise, no burning of materials on site, remedial works if contamination is discovered, a verification report regarding any remediation works and notification of any soils imported onto the site.

#### **Environment Agency**

No objection.

#### **East Midlands Airport**

No objection subject to the submission and agreement of a Bird Management Plan prior to commencement of works on site.

#### **Coal Authority**

No comments to make regarding the application.

### **Derbyshire Wildlife Trust and the Police Crime Prevention Design Advisor**

Not responded. Any comments received will be reported verbally to the Committee.

### **Sport England**

No objection subject to conditions being imposed to control the precise design specifications and timing of delivery in respect of the replacement sports courts, the specification for and timing of the remedial works to the area of natural turf playing field and the specification and timing provision in respect to the replacement field athletics provision. Under a pre-application consultation by the applicant on initial options, Sport England expressed its preference for the building location now proposed over another; this is addressed in the 'Planning Considerations' section below.

### **National Grid**

No objection, however, services may be present on the site.

### **Lead Local Flood Authority**

Derbyshire County Council, in its statutory role as the Lead Local Flood Authority (LLFA), reviewed the Flood Risk Assessment (FRA) and has no objections subject to the applicant following the recommendations of the FRA, and referred to its standing advice.

### **Highway Authority**

Derbyshire County Council, in its statutory role as the Highway Authority has no objections to the proposal.

### **Publicity**

The application has been publicly notified in accordance with Article 15 of the Town and Country Planning (Development Management Procedure)(England) Order 2015; site notices and neighbour notification and a notice of the application was published in the Nottingham Post on 11 April 2017.

As a result of this publicity, the Council received 11 letters of representation all objecting to the proposals. The issues raised can be summarised as follows:

- Impact of increased traffic.
- Impact of noise and other pollution.
- Impact on existing school environment during the construction period.
- Adjoining school will be overshadowed.
- Proposals not publicised.
- Concerns already raised have been ignored.
- Building could be relocated elsewhere on the site.
- Loss of sunlight.
- Overlooking and loss of privacy.

- New building is too close to existing school.
- Consultation process was misleading.
- Information in the application is misleading.
- Acknowledge the need for new buildings at the site, but do not like the location.

The Academy also made a direct representation raising the following concerns:

- The lack of pre-application consultation with the Academy.
- The apparent prioritisation of the concerns of a statutory consultee (Sport England) over the needs/requirements of the Academy and the use of the concerns of Sport England as justification to deliver a cheaper scheme.
- The concerns of parents as voiced at the pre-application community engagement event have been ignored as part of the planning process.
- Loss of sunlight.
- Overlooking/loss of privacy.
- Impact of traffic.
- Noise and disturbance during construction works.
- Inappropriate nature of the proposed layout and density of the new building which would dominate the Academy buildings.
- Safeguarding of children during the construction period and from unsupervised pupil views from the new building into the Academy site.
- The Academy wishes to ensure that access to the Wilsthorpe School site for fire evacuation purposes is maintained during the construction phases and once the new building is operational.

A voluntary consultation event about the proposal was organised by the applicant and took place in Wilsthorpe School Library on Thursday 9 March 2017, prior to submission of the planning application. This event had been advertised locally to pupils, parents, local residents and community groups though some of the representations to the Council complain about not having received enough advance notice). On display at the event were a range of architectural and landscape proposals which outlined the design and arrangement of the scheme and a 3D printed model which had been commissioned by the contractor to outline the arrangement of the building within the existing school site and its massing and appearance.

The applicant has informed me that during this event a range of stakeholders discussed the proposals with the School, Education Funding Agency and the nominated Design Team and that the feedback forms and summary of findings from the public consultation were included in the submission. The submission includes a table of information referring to how comments from this consultation relate to aspects of this application.



All the representations received by the Council that address material considerations, including those made on feedback forms that have been provided to it by the applicant, have been taken into account in producing the analysis which is set out in the 'Planning Considerations' section below.

## **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The elements of the development plan which are particularly relevant to this application, are in the Erewash Core Strategy 2014 (ECS). Although some saved policies from the previous the Erewash Local Plan continue to form part of the development plan, they are not considered to be particularly relevant to the determination of this application. Other material considerations for the determination of this application include statements of Government policy in the National Planning Policy Framework (NPPF) (March 2012).

### **Erewash Core Strategy**

The ECS (adopted March 2014) sets out the strategy for the development plan from 2011 until 2028. The policies within the ECS which seem particularly relevant are:

Policy A: Presumption in favour of sustainable development.

Policy 10: Design and enhancing local identity.

Policy 12: Local services and healthy lifestyle.

### **National Planning Policy Framework**

With regard to this proposal, the relevant references of the NPPF are:

Chapter 7: Requiring good design.

Chapter 8: Promoting healthy communities.

Chapter 11: Conserving and enhancing the natural environment.

Chapter 17: Core planning principles.

Chapter 58: Key criteria.

Chapter 70: Social recreational and cultural facilities.

Chapter 72: School space and communities.

Chapter 109: Natural environment.

Chapter 168: Planning decisions.

In the NPPF, Paragraph 58 lists key criteria for planning decision takers to ensure that developments:

- function well and add to the overall quality of the area;
- establish a strong sense of place, using streetscapes and buildings to create comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green

and other public open space as part of developments) and support local facilities and transport networks;

- respond to local character and history, and reflect the identity of local surroundings and materials;
- create safe and accessible environments; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship), and other local services to enhance the sustainability of communities and residential environments, and ensure that established facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community. The proposed development facilitates such an approach.

Paragraph 72 places great importance on ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It states that local 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; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Paragraph 109 states that the planning system should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystems, and minimising impacts on bio-diversity and promoting net gains in bio-diversity.

Access to high-quality open spaces and opportunities for sport and recreation can make an important contribution towards health and well-being. NPPF Paragraph 168 states that local planning authorities should approach taking planning decisions in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions for the area.

The key issues to consider with this proposal are:

- The need for the development.
- Design quality.
- Whether or not the impact of the proposal on adjoining landowners and residents local to the site, during the construction phase (and on completion of the works) is acceptable.
- The concerns raised against the proposal.

### **Need for the Development**

The school at Wilsthorpe was identified by the Department of Education in 2016 for major rebuilding and refurbishment work as a result of it being one of the remaining schools in the County which requires urgent works and was included in the PSBP. A large proportion of the school buildings are the original retained structures which date from the early 1950s and this proposal represents an opportunity to replace up to 85% of these buildings with high quality, purpose built accommodation. I consider therefore that this proposal in principle should be welcomed.

### **Design Quality**

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

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

I consider that the proposed school development would be of an appropriately high design standard. The building would have a clearly expressed entrance and despite its scale and massing, which could tend towards the monolithic, the proposed use of materials would, in my view, create sufficiently stimulating

visual interest well suited to its educational context. The relationship of the building to its landscaping and external works is also well thought out. The proposed use of brick as the dominant material would tie in with the local vernacular, whilst the proposed use of different colours to the fenestration would assist in breaking up the elevations. The scheme proposed the erection of timber fencing that would also assist in securing the site. In light of the above, I am satisfied that the quality of the development design is such that it would accord with the requirements of Policy 10 of the ECS. However, the development could generate impacts in certain respects which relate to element (f) under the policy; I address the issues of these impacts in more detail under impacts sub-headings below and in my conclusions.

### **Impact of Noise and Dust**

In view of the proximity of other schools and residential areas, noise, dust and the general disturbance of the movement of plant and materials is a significant concern. However, neither the Environmental Health Officer at Erewash Borough Council nor the Environment Agency maintain any objections to the proposal since conditions can be which would include restriction of hours of operation for the demolition and construction works (including avoiding weekend working and Bank Holidays), the submission of a dust and noise management method statement. The construction company is proposing to hold a weekly meeting with the school on whose site the project is taking place to covers works planned for the following week, any school requests or restrictions, visit arrangements for staff and pupils onto the construction site, concerns and general queries. It is recognised that, in view of the proximity of other schools to the development site, a meeting should be held with all of the four co-located or adjacent schools on a regular formal basis once construction works have commenced. To reinforce this I am proposing that a regular forum meeting is required by planning condition. This forum would encourage any of the schools to raise any construction disturbance concerns they might have as soon as possible, in order to facilitate problem avoidance or consensus on mitigation action to be taken.

The applicant has stated that the cement hoppers to be used during construction would be positioned away from the boundary adjoining the Academy. These hoppers are sealed units that are not open to the environment and would be unlikely to create a dust hazard. Screens are also proposed to be erected along the boundary of the Academy to provide additional noise and environmental segregation from the site.

The applicant has indicated that, subject to planning permission being granted, it anticipates that site works will commence with the start of the school's summer holidays during July 2017. It is anticipated that the new building would be watertight by April 2018, this would mean that construction works after this date will be predominantly contained inside the building, thus limiting any perceived disruption to both teaching and outdoor activities at the

site to a period of nine months. In view of this, I feel that the disruption that might be caused or the impact of noise and dust would not give rise to any detrimental or sustained impact of the amenity of the residents and staff and pupils adjacent to this site, and that appropriate conditions on time of working can be imposed to ensure this.

Turning to particular areas of concern and objection in relation to the location of the new building that have been expressed in the representations:

### **Safeguarding of Pupils**

It is recognised that protection from harm (“safeguarding”) of school children is of utmost importance not only for this site, but for all other school sites in the County, and that a school and/or Education Authority or other education provider as part of its safeguarding responsibilities would need to address any potential risk factors associated with a new development. The applicant has advised that, should planning permission be granted for this proposal, all staff employed on the site would have an enhanced Disclosure and Barring (DBS) Certificate. Also that any appointed contractor would engage in Agenda Screening Services (ASS) to carry out independent screening prior to the issue of any Certificates. Safeguarding best practices would be implemented and maintained by all staff at all times. Furthermore, all site operatives would be briefed on these requirements as a part of the daily site induction prior to entering the construction area, and regular ‘Tool Box Talks’ on this subject would be carried out to ensure that the appropriate levels of awareness and behaviour were maintained at all times.

Further to this, the applicant has agreed with Wilsthorpe School that the school’s designated safeguarding person would produce a targeted presentation on the safeguarding of pupils and this would be delivered at a specifically arranged session for key construction and other staff members. It is also the intention of the construction company to liaise with all the co-located/adjacent schools on site to identify if there are any additional training or requirements considered appropriate.

It is apparent that the proximity of the position of the proposed main new three storey Wilsthorpe School building in relation to the Academy also does generate scope for some outside areas at the Academy where activities involving young pupils currently take place to be observed from the Wilsthorpe School. However, the proposed scheme introduces additional fencing to create an inner secure line to enhance the safeguarding arrangements of Wilsthorpe’s site that would improve safeguarding across the whole site and at the Academy. Access to the area between the boundary of the Academy and the new building would be fenced and restricted, with classrooms on this elevation heavily supervised owing to their specialist nature.

### Overlooking and Privacy

The proximity to the Academy which is identified above also provides scope for privacy of any outside school activities on some of its outside areas to be compromised through these areas being visible during construction work as well as from some of the windows of the proposed new main building. The details submitted with the application set out the number and size of windows proposed as part of the scheme. It has been suggested that frosted glass or film is placed on the higher level windows to deal with this concern. The applicant is proposing to provide frosted/film treatment on any windows in the stair core to the north elevation of the new building, where there is greater potential for Wilsthorpe pupils to be less supervised. The applicant has indicated that all school buildings delivered through the PSBP programme must adhere to stringent environmental performance criteria that regulate the daylighting and lux lighting levels to ensure they are optimised for curriculum activities and views out of windows that assist with wayfinding and pupil orientation. It is considered that adding an obscuring window treatment to the classrooms would result in a higher demand/requirement for the internal lighting systems and that would alter the learning environment detrimentally with the effect of learning in a windowless room. This is considered also to increase electricity use and generate a larger carbon footprint which is in conflict with the NPPF that promotes and encourages sustainable planning applications.

The new classrooms situated along the north elevation of the new building are proposed to be specialised areas comprising science, engineering, resistant materials, construction textiles, graphic products, art and 3D art. The applicant has indicated that these subjects require pupils to be supervised when in these rooms. In the area of the stairs where Wilsthorpe pupils may move about in a less supervised manner it is proposed that frosted film would be provided. I am satisfied, therefore, that the privacy of the staff and the pupils of the adjoining schools would not be threatened to the extent that further measures would be required or to the extent that planning permission should be refused in this instance.

### **Overshadowing Loss of Visual Amenity and Noise Disturbance**

The main element of this application is the construction of the proposed large three-storey building. The definition of a new secure boundary would create the ability for Wilsthorpe School to control and manage its new inner-campus of both new and retained buildings. The location of the new school in relation to the new sports block offers exceptional adjacency, with minimal time lost through travelling between buildings. The location of the superblock with the sports hall creates an external link space, integrating the sports block into the overall site masterplan. Logical connections are made externally between the other retained buildings with sufficient external spaces retained to expand or consolidate these as needed in the future. I do not consider that the new building would cause unacceptable direct overshadowing of adjacent buildings

or other loss of amenity to be experienced at the Academy or any other adjacent properties overshadowing.

Whilst concerns have been raised by several parties, including the Academy and parents of current pupils there regarding the proximity of the new building to other existing structures, in particular to the Academy building. The proposed location of the new building has been identified as the optimal location, however, for the following reasons:

- To keep the school operational during the construction phase.
- No loss of playing fields.
- No direct overshadowing of adjacent buildings.
- The minimum number of existing residential properties affected.
- The longest elevation is proposed along an existing adjacent school.
- Any noisy outdoor sport and play would be located away from the neighbouring properties and brought into a central location.
- The opportunity to retain existing parking and access roads to minimise site disruption.

The applicant has advised that projects that are developed as part of the PSBP are required to undertake a full options appraisal that reviews all potentially deliverable options on the site. This seeks to demonstrate that the scheme has been considered to an appropriate level of technical detail and represents value for money in a publicly funded programme. As part of this work, the applicant engages with all relevant statutory consultees, including the Local and County Planning Authority and Sport England, well ahead of any planning submission.

During the feasibility stage, two alternative options were considered: Option 1: locating the new school building on the playing fields opposite Harrington Primary School and Option 2: locating the new school building on the hard PE area to the north of the existing school. When a location is proposed, the site constraints and the statutory consultee responses determine the feasibility of the location and determine if further design work should be undertaken to develop the option.

Initial consultation was carried out by the applicant as part of its options appraisal process in autumn 2016, and Sport England expressed a clear preference for Option 2 (the new building located on the tennis courts, options B and C on the planning application) over Option 1 (located on the playing fields, Option A on the planning application). The response stated that an application to site the school as Option 1 would be likely to result in an objection from Sport England, unless appropriate mitigation could be put in place to achieve an exemption. As appropriate mitigation would increase the cost of the project and therefore reduce the value for money appraisal and there was a viable alternative location, Option 2 was pursued as the control

option location. Further clarification of Sport England's reference to appropriate mitigation was sought in early 2017 during the procurement process. The response from Sport England reiterated that the default position would be an objection to any application to develop on the playing fields; option 1 would not meet an exemption (E4) to its normal policy of objection to development of existing playing fields because fragmented replacement playing field areas would not deliver an equivalent quality of provision as the existing playing field provision, even if it would deliver the same quantity. Therefore, Option 1 would not be supported by it irrespective of the mitigation offered. This suggests that if such an application was made for planning permission for the redevelopment based on such an option, it would involve a less satisfactory playing field provision. Whilst any such application would need to be considered in the light of all the material considerations, in respect of the building position, this would include the undesirable playing field fragmentation it would involve. Whilst the building positioning under the current application clearly involves impacts which are referred to above, by not affecting the playing field, it clearly avoids the playing field fragmentation which positioning akin to option 1 would dictate.

## Conclusion

The location of the new building is intended to create a sense of destination with its large 'campus green' leading up to the main entrance. The proposed landscaping and the better quality (existing) trees have been integrated as a feature into the design. The new three-storey building will clearly be the most dominant built structure on the site, but I feel that care has been taken to ensure that no loss of amenity or overshadowing of adjacent buildings will occur. Overall, the design is of a high standard, a clearly expressed entrance and a variety of colour which will provide a stimulating interest to the users of the building. The definition of a new secure boundary creates the ability for Wilsthorpe School to control and manage its new inner-campus of new and retained buildings.

Whilst I understand the concerns that have been raised regarding this proposal, it remains clear that the new school would bring significant and much needed improvements to the educational facilities in this area. I am also satisfied that the applicant has given due consideration to the potential impact of the proposed works and this is reflected in the detailed design of the school including its proposed location within this site. Having considered the effects of the proposal on local amenity and on this local environment, I feel that, on balance, the impacts would be moderate and could be made wholly acceptable by appropriate mitigation measures that could be secured by planning conditions. It is inevitable that neighbouring properties will experience some disturbance during the working day throughout the construction phase of this project but I do not consider these will be significant or over and above those experienced at other construction sites. This school project is one of a number scheduled for Derbyshire and I feel these should be



welcomed. Therefore, this application is put forward with a recommendation for approval subject to conditions based on those appended to this report.

(3) **Financial Considerations** The correct fee of £26,409 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992.

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

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

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

(6) **Background Papers** File No. 8.389.48  
Application documents dated March 2017 and associated plans.

Letters from the Environment Agency dated 23 March 2017, Sport England dated 23 March and 12 April 2017, the National Grid dated 27 March 2017, East Midlands Airport dated 5 April 2017, Erewash Borough Council dated 20 April and 24 May 2017, the Coal Authority dated 21 June 2017 and letters of objections (various dates).

E-mails from Brackenfield School dated 6 April 2017 and the Flood Risk Management Team dated 11 April 2017.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted**, subject to a set of conditions substantially based on the following draft set of conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority a minimum of 14 days prior to commencement.

**Reason:** The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Except as may be required by the other conditions to this permission, the development shall take place in accordance with the details set out in the application for planning permission and the accompanying documentation, including the full implementation of all mitigation measures. The key application documents are set out below:
- Application Forms dated March 2017.
  - Drawing Nos:2771-00301, 2771-00302, 2771-00303, 2771-00304, 2771-00601, 2771-00602, 2771-00701, 2771-00702, 2771-90001, 2771-90002, , 2771-90003, 2771-90004, 0434-PL1-Z1-GF-DR-L-0110, 0434-PL1-Z1-GF-DR-L-0111, 0434-PL1-Z1-GF-DR-L-0120, 0434-PL1-Z1-GF-DR-L-0121, 0434-PL1-Z1-GF-DR-L-0140, 0434-PL1-Z1-GF-DR-L-0210, 0434-PL1-Z1-GF-DR-L-0300, 0434-PL1-Z1-GF-DR-L-0301, 0434-PL1-Z1-GF-DR-L-0310, 0434-PL1-Z1-GF-DR-L-0410, 0434-PL1-Z1-GF-DR-L-0510, 0434-PL1-Z1-GF-DR-L-0610 all dated March 2017; 0434-PL1-Z1-GF-SK-L-006(Rev3).
  - Design and Access Statement and supplementary Statement.
  - Landscape and Visual Impact Assessment.
  - Contaminated Land Assessment.
  - Heritage Impact Assessment dated March 2017.
  - WIE 10720: Preliminary Elogical Survey.
  - Drainage Strategy.
  - Transport Statement.
  - WIE10720 Arboricultural Survey Report.
  - Statement of Community Involvement.
  - Agronomists Report ref DE106736STR1 dated 22 May 2017 (0434-PL1-GF-SK-L-007(Rev2))

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

- 3) The development shall not commence until a Bird Management Plan (BMP) has been submitted to and approved in writing by the County Planning Authority. The BMP shall encompass all construction, development and operational phases.

The approved BMP shall then be implemented and adhered to throughout the construction phase of the development in accordance with the approved details.

**Reason:** To reduce the attractiveness of potential feeding, nesting, breeding and roosting opportunities for hazardous bird species in the vicinity of the airport and in the interests of aviation safety.

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

**Reason:** To protect nesting birds.

- 5) In order to minimise noise disturbance to the occupiers of adjacent residential property, demolition work, construction work and deliveries to the site shall only be permitted between the following hours:
- 0730 hours to 1800 hours Monday to Friday.
  - 0800 hours to 1300 hours Saturdays.

There shall be no working on Sundays, Bank and Public Holidays.

**Reason:** In the interests of protection of local amenity.

- 6) The development shall not commence until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the County Planning Authority. The CTMP shall include details of:
- a) delivery routeing;
  - b) site access;
  - c) delivery management;
  - d) deliveries to site;
  - e) daily traffic movements;
  - f) vehicle parking;
  - g) vehicle manoeuvring;
  - h) off-site traffic management;
  - i) remediation of damage to highways due to construction traffic; and
  - j) public road cleanliness.

The approved CTMP shall be adhered to during the construction period.

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

- 7) The development shall not commence until a method statement detailing the measures intended to be employed to minimise dust and noise nuisance during the proposed demolition and construction works has been submitted to and approved in writing by the County Planning

Authority. The method statement should have regard to established best practice in respect of the control of dust and noise. The approved method statement shall be adhered to during the demolition and construction period.

**Reason:** In the interests of protection of local amenity.

- 8) There shall be no burning of materials on the site.

**Reason:** In the interests of protection of local amenity.

- 9) The applicant shall ensure that a telephone enquiry line is maintained at all times when site works are in progress to deal with enquiries and complaints from the local community about the works. The telephone number, and any change to it, shall be notified to the County Planning Authority and the Erewash Borough Council's Environmental Health Officer, and it shall also be publicised widely in the local community affected by the works.

**Reason:** In the interests of residential and local amenity, and to provide for the monitoring of potential impacts.

- 10) If at any time during the development any contamination is identified that has not been considered previously, then other than to make the area safe or prevent environmental harm, no further work shall be carried out in the contaminated area until additional remediation proposals for this material have been submitted to the County Planning Authority for written approval. This would involve an investigation and an appropriate level of risk assessment. Any proposals approved shall thereafter form part of the Remediation Method Statement.

**Reason:** In the interests of protection of local amenity.

- 11) Prior to the development being brought into use, a verification report shall be submitted to and be approved in writing by the County Planning Authority, demonstrating that the site works have been carried out. The report shall provide verification that the remediation works have been carried out in accordance with the Remediation Method Statement.

**Reason:** In the interests of protection of local amenity.

- 12) No lighting shall be installed within the development site other than that required to ensure the safety and security of the site in accordance with details to be submitted and approved in writing by the County Planning Authority.

**Reason:** In the interests of local amenity and to prevent unnecessary light pollution.

- 13) In the event that soil or soil forming materials are proposed to be imported on to the site in connection with the proposed development, the soils shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme or other approved scheme the results of which shall be submitted to and approved in writing by the County Planning Authority.

**Reason:** To ensure that the ground remains uncontaminated and in the interests of protection of local amenity.

- 14) Within 12 months of the new school building being brought into use, the replacement MUGA and soft informal spaces to the northern part of the site shall have been constructed and laid out in accordance with the plans and details approved as part of this planning permission.

**Reason:** To ensure that the sports facilities at the school are not compromised by the proposed development.

- 15) Within 12 months of the completion of the development works, any areas of the retained playing field that have been damaged as a result of the implementation of the development, shall be restored to a standard at least equivalent to its condition prior to the development commencing, in accordance with the Agronomists Report (DE 106736STR1) dated 22 May 2017.

**Reason:** To ensure that in the event of damage occurring to the existing playing field suitable restoration works are implemented.

- 16) The development shall not commence until a scheme providing details of arrangement for meetings of a working group for liaison between the developer and other interested parties regarding the progression of the operational development under this permission has been submitted to and received the written approval of the County Planning Authority. The scheme shall include a scheduled programme of meetings at a suitable venue that shall take place between representatives of the developers, the schools adjacent to the site, the County Council and the Environmental Health Officer at Erewash Borough Council. The details as approved shall be implemented accordingly.

**Reason:** Interests of protection of local amenity.

- 17) Within three months of the date of this permission, a detailed landscaping scheme shall be submitted to the County Planning Authority for its written approval. The scheme shall relate to the general principles shown in Drawing No. 0434-PL1-Z1-GF-DR-L-0120.

The scheme shall be implemented as approved by the County Planning Authority, and shall include details of the following:

- i) ground preparation prior to planting (ripping, seeding);
- ii) location, species, size and spacing of trees and shrubs;
- iii) details of the new hedgerow planting and gapping up of existing hedgerow to be undertaken, including the site locations and the proposed species mix;
- iv) protection of newly planted stock and provision for removal of tree guards when no longer required;
- v) specifications for hard surfacing;
- vi) maintenance and aftercare provisions; and
- vii) a programme of implementation.

Plant and seed mix specifications should aim to use native and locally appropriate species.

**Reason:** To ensure that the site is landscaped in accordance with the submitted details and in the interests of visual amenity and the environment.

- 18) For the first five years following the implementation of the development, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any shrubs and trees which die or become seriously damaged or diseased or are missing, shall be replaced with plants of the same species or such alternative species as may be approved in writing by the County Planning Authority (for the purposes of this condition 100% replacement is required).

**Reason:** To ensure that the site is landscaped in accordance with the submitted details and in the interests of visual amenity and the environment.

- 19) Other than those identified in Drawing No. 0434-PL1-GF-DR-L-0210, no trees, hedgerows or shrubs shall be cut down, uprooted, damaged, destroyed or removed during the works without the prior written approval of the County Planning Authority. Retained trees, hedgerows and shrubs shall be protected from disturbance, damage or destruction from the approved development by the provision of stand-offs which shall be set up in accordance with the requirements of BS 5837:2012 Trees in relation to design, demolition and construction. There shall be

Careful site supervision at all times to ensure that no damage occurs to the protected vegetation. All trees, hedgerows and shrubs protected under this condition shall be incorporated into an approved scheme of post restoration landscaping at the site, except where the removal of vegetation is otherwise provided for in the approved scheme.

**Reason:** To ensure that these features are properly maintained and managed for the duration of the development in the interests of visual amenity, local landscape character and nature conservation.

- 20) The development hereby approved shall be carried out in accordance with the Ecological mitigation and compensation measures set out in the Preliminary Ecological Appraisal by Waterman Infrastructure and Environment Limited dated March 2017.

**Reason:** In the interests of protection of ecological interests within and around the site.

#### **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. In carrying out these measures it is considered that the County Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the NPPF.

#### **Footnotes**

- 1) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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.

Advice regarding Traffic Management and off-site signing procedures should be sought from the Traffic and Safety Team, Department of Economy, Transport and Environment - telephone 01629 538686.

- 2) The applicant should liaise with Erewash Borough Council's Food Health and Safety Team to provide a detailed plan of the internal layout

of the kitchen area including details of the surfaces to be used, location of fixed equipment sinks and hand washing facilities.

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



