
Delegated report Officer: Sarah Beeby

Application ref. DMPA/2021/0922

The erection of a one form entry Primary School and associated facilities on Land off Woodsford Drive, Boulton Moor, Derby, DE24 5AX

Valid date: 04/06/2021

Consults expired: 17/12/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

DMOT/2020/1455 - Approval of details required by condition 4 of permission ref:9/2015/0959 approval of 'outline application (all matters to be reserved) for the construction of a two-form entry primary school and associated access, car parking, outdoor play space, surface water drainage, services, lighting, signage and landscaping - Approved March 2021

DMPA/2018/0017 - Approval of reserved matters of planning permission REF. 9/2015/0959 for the construction of a two-form entry primary school and associated access, car parking, outdoor play space, services and landscaping - Approved April 2018

9/2016/0166 - Outline application (all matters to be reserved) for the residential development for up to 550 units, a two form entry primary school, strategic road links (connecting Boulton Moor phase 1 and Snelsmoor Grange), public open space including childrens play provision, surface water drainage and landscaping and ancillary supporting infrastructure (Boulton Moor Phase 2) - Approved July 2020

9/2015/0959 - Outline application (all matters reserved) for the construction of a two-form entry primary school and associated access, car parking, outdoor play space, surface water drainage, services, lighting, signage and landscaping - Approved July 2017

Responses to consultations and publicity

Derbyshire County Council Highways Authority - No objections subject to conditions.

Derbyshire Wildlife Trust - Unlikely to be any substantive ecological impacts associated with the proposed development. We welcome and support the submitted Proposed Landscape Planning Layout which includes hedge planting and wildflower grassland creation. The proposed hedge planting and wildflower grassland creation should achieve a welcome net gain for biodiversity in accordance with the objectives of the NPPF and policy BNE3 of the South Derbyshire Local Plan. Details should be provided in respect of the hedgerow planting specifications which should include the use of mixed native species.

LLFA - No objections subject to conditions.

Safeguarding Authority for East Midlands Airport - No objections subject to conditions regarding photovoltaic and lighting

Derbyshire County Council Archaeologist - No objections subject to a condition relating to a Written Scheme of Investigation previously approved under application DMOT/2020/1455

Landscape Officer - No objections but requires further information about planting schedules, species and densities and biodiversity enhancements.

Police and Architectural Liaison Officer - No objections

Environment Agency - No objections

Environmental Health - No objections subject to conditions.

Comments from the public - 2 comments were received from members of the public. One objected due to parking and the impact of this on residents. The other queried whether there would be sufficient parking for parents dropping children off.

Relevant policy, guidance and/or legislation

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in favour of sustainable development), Policy S6 (Sustainable access), H13 (Boulton Moor (South east of Derby), SD1 Amenity and Environmental quality, SD2 (Flood risk), SD3 (Sustainable water supply, drainage and sewerage infrastructure), BNE1 Design excellence, BNE2 (Heritage assets), BNE3 (Biodiversity), INF2 (Sustainable transport), INF5 (East Midlands airport), INF6 (Community facilities).

2017 Local Plan Part 2: BNE7 (Trees, woodland and hedgerows), BNE10 (Heritage)

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

The relevant legislation is:

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the GPDO')

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle
- Design
- Noise and construction pollutants
- Highways
- landscaping/biodiversity
- other

Planning assessment

Principle

Policy H13 requires the provision of a two form entry primary school to cover phases 1 and 2 of the Boulton Moor development. The site has had previous consents for the development (or principle thereof) in this location as part of the wider development of the site. It will remove the existing need to travel to alternative education facilities, ensuring future sustainability of the wider residential scheme. Whilst the current proposal is for a one-form primary school and could therefore be said not to be wholly in accordance with Policy the supporting statement (submitted on behalf of the Local Education Authority) states that currently there is only a need for a one-form entry school, but the site has sufficient capacity for this to be extended in the future and the plans demonstrate how this could

happen (under phase 2), identifying where the extra building and associated parking demands could be located within the site. The principle of the development is therefore considered to be consistent with Policy and acceptable.

Design

The submitted layout plan shows parking/access to the front within landscaped areas, with the building forming an L Shape with hardsurfaced play areas to either side of the building and large areas of grassed play areas to the rear. Within the building there is a room for reception children, 2 for infants and 4 for junior ages, a hall, library, smaller group spaces and ancillary spaces such as kitchens, offices and toilets. All classrooms have immediate access to external spaces and have been located to the rear of the building, with the office, ancillary and communal space located to the front. The building is a relatively contemporary, largely low lying building, punctuated with the front by a higher section which contains the hall and a largely glazed, monopitch section creating a focal point containing the reception/entrance. There will be a mixed palette of materials to include render and facing brickwork and a colour coated steel standing seam roofing system. It is considered that the building is of a scale and design proportionate and acceptable for its use and function as being a community building within a residential estate and is in accordance with Policy BNE1 of the Local Plan.

Noise and construction pollutants

The site will be centrally located within the new residential estate, with some relatively newly constructed/occupied dwellings to the east and south and older dwellings to the north. The majority of the playing spaces and fields are to the north of the building and will introduce a potentially noisy activity (at certain parts of the day) within close proximity to more noise sensitive uses (existing residential properties). Whilst it is recognised that the play areas/grassed pitches will only be in use at certain points of the day (not late into the evening or at unsociable hours), and that they do not directly abut the boundary of any residential property there was some concerns expressed by colleagues in Environmental Health as to the impact of this on the occupants of neighbouring residential properties. They had originally requested a noise impact assessment prior to the determination of the application to assess this, however in reviewing the proposals and the history of the school site it was considered that a condition requiring noise attenuation would be more reasonable and appropriate in this instance. Conditions have also been recommended in respect of hours of use, construction hours and dust mitigation measures.

Subject to conditions as detailed above it is considered that the proposal would be in accordance with policy SD1 of the Local Plan and would not result in any significant increased noise level or other pollutants to the detriment of existing neighbouring uses..

Highways

The proposals have been amended slightly during the course of the application to include a red line up to the adopted highway and has been supported by a Transport Technical Note which discusses the site history, existing conditions and accessibility of the site, the highways impact of the development and concludes that there would not be any significant negative impacts on the surrounding highways networks. The proposed layout plans show two vehicle access points from Woodsford Drive (not yet constructed to this point) which will provide vehicular access to 35 parking spaces, including two designated disabled parking bays and a service yard. Extra parking is also indicated on the plan for phase 2 of the scheme, which includes an extra 11 parking spaces. The County Highways Authority have raised no objections to the development as proposed, including the access points and levels of parking, subject to a number of conditions, requiring the road to be constructed across the site frontage to adoptable standards, the hard surfacing and marking out of all parking and maneuvering areas and cycle parking provision.

Having regard to this it is considered that the proposals would be in accordance with the relevant policies of the Local Plan in respect of sustainable access, highways impact and parking provision.

Landscaping/Biodiversity

Policy BNE3 states that the LPA will support development which contributes to the protection and enhancement of biodiversity and delivers net gains where possible. The application has been supported by a 'Low Impact Ecological Assessment' and landscaping plans which demonstrate planting and hardsurfaced areas and habitat creation.

The Ecological assessment did not identify a need for any further species specific assessments and commented that hedgerows should be retained where possible, any SUDs features should be designed with ecological value, any lighting schemes should be sensitive and the development should include biodiversity enhancements as bird and bat boxes.

DWT have raised no objections to the application acknowledging that it is unlikely that there would be any substantive ecological impacts associated with the proposed development. They are supportive of the Landscape Planning Layout which includes hedge planting and wildflower grassland creation and advise that this should achieve a welcome net gain for biodiversity in accordance with the objectives of the NPPF and policy BNE3 of the South Derbyshire Local Plan. They advise that details should be provided in respect of the hedgerow planting specifications which should include the use of mixed native species and the implementation of the Proposed Landscape Planning Layout should be secured by a planning condition.

The Council's Landscape Officer initially requested additional information relative to the:

- Native species hedgerows, a single species is acceptable
- Native species trees, as per the Low Impact Ecological Assessment.
- All bird, bat and hedgehog box positions as Low Impact Ecological Assessment;
- A landscape and ecological management plan.

Further plans were submitted to address the first three bullet points and it is considered that this is acceptable (and removes the need for part of the recommended DWT condition). They are content that the LEMP can be secured by condition and it is considered that this will ensure full compliance with Policy BNE3 of the Local Plan in securing net gains in biodiversity where possible.

Flood Risk

Policy SD2 of the Local Plan states that developments should be located in those areas with the lowest risk of flooding and that suitable measures to deal with surface water will be required. The application has been supported by a FRA, a surface water drainage layout plan, Drainage Statement and flood exceedance layout. This has been further supplemented by additional drainage flow information. The drainage hierarchy of, infiltration, discharge into a water course and finally into an existing surface water sewer has been considered. Testing has demonstrated that infiltration is not an acceptable means due to the height of the water table and geology. There is an existing surface water drainage ditch running along the northern boundary of the site where it is proposed to discharge land drainage associated with the new sports pitch to the north of the site. It is proposed that surface water drainage from the new land drainage below the sports pitch discharge into this existing open watercourse via a flow control chamber will be restricted to the existing greenfield runoff rate.

In association with the housing development to the east and south of the site, a new system of open water courses and swales have been constructed to convey surface water. The developers have confirmed that surface water drainage from the school and surrounding hard landscaped areas can discharge into this new system of open water courses and swales at a restricted discharge rate of 8.9l/s. Due to the shallow depth of the new swale at the point of connection, a gravity system cannot be accommodated, therefore surface water will need to be pumped.

Controlled flooding is proposed to occur in storm situations over and above the 1:30 year + climate change event,

The Drainage Strategy identifies that the level of the proposed attenuation tank is likely to be below the groundwater level and as such will need to be designed to resist flotation, likely either by anchoring the tank down or by providing a concrete cover slab. In order to ensure water quality improvement into the ground, a combination of Swales and French drains/filter trenches and permeable paving have been included in the design. These measures will treat any runoff from pedestrian hard standings.

Foul drainage is proposed to be connected to the mains and the applicants will need to seek the approval of the owners of the sewer connection as the road is not yet adopted. Should this be adopted

in the interim the applicants will need to apply to Severn Trent to connect. However there does not appear to be any information provided as part of the application that identifies any issue with this.

The LLFA have confirmed that they are content with the proposals, subject to conditions to secure the detailed design of the site. Whilst it is unfortunate that less engineered above ground level solutions cannot be used which could be designed to enhance biodiversity it is considered due to the issues with infiltration and the end users of the site that the proposals are acceptable.

Other

S106 - There is a S106 associated with the previous outline planning permission for the school which referenced that planning permission and the fact that the school would be a two form entry primary school. Whilst permission can be granted for the proposed development in isolation of this agreement the applicants are aware of the need to enter into a DoV to this to ensure they are compliant with the legal agreement. It is not considered that there will be any issue in dealing with this variation as the education authority have submitted this application and aware of the numbers of children they need to cater for.

Archaeology - The applicants have provided a Written Scheme of Investigation which was used to discharge a condition on the previous consent for the site. The County Council's archeological team have assessed the document and consider this is sufficient information to demonstrate that there will be no significant harm caused to any heritage asset and such that no further pre-commencement work is required in this regard

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	20/12/2021
Report agreed:	20/12/2021
Authorised officer:	Steffan Saunders
