



Derby City Council

Mr Kieran Roberts
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City Gate West
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Nottingham
NG1 5AT

Local Authority Application Decision

Town and Country Planning Act 1990 (as amended)
Town and Country Planning General Regulations 1992
Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended)

Part 1: Application Details

Application No: 20/00215/FUL (please quote in correspondence)
Location: Land Adjacent To Field Lane Alvaston Derby DE24 0GW
Proposal: Erection of a school with nursery provision (Use Class D1)

Part 2: Decision

Permission is **granted** subject to the conditions in Part 5

Part 3: Reason for Decision

The proposal has been considered against the following Local Plan Policies, the National Planning Policy Framework where appropriate and all other material considerations.

The proposed site is on the periphery of the Green Wedge and the proposed building lies close to a number of new residential properties, such that the proposal would not have a detrimental impact on the openness of the Green Wedge. It is considered that the benefits of both the school and the delivery of the wider housing development would outweigh any harmful impact of increased traffic and activity on the openness of the Wedge and consequently, it is considered that the proposed school is acceptable in principle in this location. The proposed elevational treatment reflects the rural vernacular of the former Manor Farm, whilst the proposed contemporary aspects of the design compliment the future adjoining housing development. The proposed design and appearance are considered to be satisfactory. Subject to the imposition of appropriate conditions, there are no technical objections in relation to noise, biodiversity, site contamination, flood risk and

Development Control, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS
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heritage. The sustainable transport approach to the highway impacts of school pick up and drop off, should, on balance, be acceptable in this location, subject to use of conditions and having regard for the proposed layout of the wider housing development on the site.

In dealing with this application the City Council has worked with the applicant / agent in a positive and proactive manner and has secured appropriate and proportionate improvements to the scheme which relate to site access.

Part 4: Relevant Policies

City of Derby Local Plan Review Saved Policies:

E13 Contaminated Land
E17 Landscaping Schemes
E21 Archaeology
E24 Community Safety
E25 Building Security Measures
GD5 Amenity
T10 Access for Disabled People

Derby City Local Plan Part 1 (Core Strategy) Policies:

AC23 Boulton Moor
CP16 Green Infrastructure
CP19 Biodiversity
CP18 Green Wedges
CP1A Presumption in Favour of Sustainable Development
CP2 Responding to Climate Change
CP20 Historic Environment
CP21 Community Facilities
CP23 Delivering a Sustainable Transport Network
CP3 Placemaking Principles
CP4 Character and Context
MH1 Making it Happen

Part 5: Conditions

General Conditions:

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall conform in all aspects with the plans and details shown in the application as listed below.

Reason: For the avoidance of doubt.

Plan Type:

Plan Ref – Rev:

Date received:

Floor Plans - Proposed 0200

17/02/2020

Roof Plan	0201	17/02/2020
Elevations - Proposed	0300	17/02/2020
Elevations - Proposed	0301	17/02/2020
Cross Section	0400	17/02/2020
Landscaping	(90)001 Rev B	17/02/2020
Landscaping	(90)002 Rev B	17/02/2020
Landscaping	(96)001 Rev A	17/02/2020
Landscaping	(96)002 Rev a	17/02/2020
Other	FS-LD-MN-120562-R1	17/02/2020
Location Plan	AAH5137-RPS-xx-GF-DR-A-8037	28/07/2021
Site plans	0102 Rev P07	28/07/2021
Other	Cycleway/footpath plan	28/07/2021
Other	Traffic Management Plan	28/07/2021
Other	Travel Plan	28/07/2021

Pre Commencement Conditions:

3. No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:
 - o Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - o Arrangements for liaison with the Council's Pollution Control Team
 - o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - o Mondays to Fridays - 08:00 Hours and 18:00 Hours
 - o Saturdays - 08:00 and 13:00 Hours
 - o Sundays and Bank Holidays - at no time
 - o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 - o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - o Procedures for emergency deviation of the agreed working hours.
 - o Derby City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
 - o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
 - o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

- o Details of the construction work programme, and any operational requirements, to ensure that there is no conflict between construction activity/traffic and school children.

Reason: In the interests of the amenities of surrounding occupiers and safety of pedestrians during the construction of the development, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

4. No development, including preparatory works, shall commence until protective fences have been erected around all hedgerows shown to be retained on the approved plans. Such fencing shall conform to best practice as set out in British Standard 5837:2012 and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root protection areas. The fences shall be retained in situ during the course of ground and construction works, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved landscape works.

Reason: To safeguard the green infrastructure surrounding the site, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

5. Construction of the school shall not commence until:
 - a) a suitable access to the public highway has been provided in accordance with details, including provision to ensure that there is no surface water discharge from the school site onto the highway, which have been first submitted to and approved in writing by the Local Planning Authority. The said means of vehicular access shall thereafter be retained for access purposes only.
 - b) The layout and alignment of the internal access road car park has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and shown for indicative purposes on Drawing TBK012 as submitted with the Traffic Management Plan. These details shall include details of how the school access fits with the design of access road and in particular the inter visibility between drivers emerging from the school car park and a driver on the driveway to the adjacent house (Currently numbered Plot 751) of the Snelsmoor Grange housing development off Field Lane.

Reason: In the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

6. No development shall take place until a surface water drainage scheme has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development. The scheme shall include, as far as reasonably practicable:-

' A sustainable drainage solution, including engineering details, drawings, cross sections and computations.

' Proposals to comply with the recommendations of the Non-statutory technical

standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),

' Restriction of surface water runoff from the whole site to maximum 6.9 litres per second,

' Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.

' Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.

' Confirmation from the adjoin development that the wider drainage system can accommodate the proposed discharge rate.

' Demonstration by way of index approach or other suitable assessment that the that the quality of surface water at the point of discharge to chamber S112 is of appropriate quality. The approved drainage infrastructure is to be maintained for the life time of the development to ensure that the required drainage standard and water quality is maintained.

Details of the required schedule of inspection and maintenance to ensure the functioning of the designed drainage system.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

7. The current application is part of a much wider scheme which has involved extensive archaeological investigation. The only archaeological information in support of this proposal is an out-of-date archaeological desk-based assessment which is not considered adequate for this stand-alone application. Prior to the commencement of any development, a brief interim archaeology report on the work that has occurred to date on this site, shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are recorded prior to their destruction and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Pre Occupation Conditions:

8. The development hereby approved shall not be brought into use until the facilities for parking, loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate parking and servicing facilities within the site in the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice

9. The school shall not become operational unless or until:
a) The details of a framework travel plan have been agreed with the Local

Planning Authority and the plan and all proposed measures are operational;

b) All parking, servicing and access within the school are in place and are hard surfaced, lit and drained to the satisfaction of the Local Planning Authority;

c) A footpath link across the country park, linking the Fellow Lands Way development with the school, as indicated in the approved Development Framework Document, shall be constructed in accordance with details first approved by the Local Planning Authority, and made available to use.

d) The car park is made available, for perpetuity, as a turning circle for parents at the beginning and end of the school day, as set out in the Traffic Management Plan submitted with this application. The final details of the timings to be submitted to and approved in writing by the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

10. Prior to the school being occupied, full details of proposed tree and hedgerow species and stock size shall be submitted to and approved by the Local Planning Authority. The landscaping proposals thereafter approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

11. Prior to the school being brought into use, full details of the phasing of the adjacent house building programme shall be submitted to and approved by the Local Planning Authority. The submitted details shall ensure that any construction activity/traffic does not conflict with parents taking and collecting their children from school. The access route to the school from Field Lane and any dwellings accessed from this route shall be completed prior to the school being brought into use, unless suitable mitigating safety measures have been previously agreed.

Reason: In the interests of pedestrian safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

12. Notwithstanding the submitted boundary treatment details, prior to the erection of any fencing adjoining the access points to the school, full details of any fencing and justification with respect to child safeguarding, shall be submitted to and approved by the Local Planning Authority. The development hereby permitted shall not be brought into use until the approved boundary treatment and lighting proposals have been carried out in accordance with the approved plans, unless a revised programme is agreed in writing with the Local Planning

Authority.

Reason: To ensure satisfactory child safeguarding, to ensure that the appearance of the development is satisfactory and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

13. Notwithstanding the submitted details, prior to the school being brought into use, further details of the location and design of the proposed cycle parking provision shall be submitted to and approved by the Local Planning Authority. The submitted details shall ensure an adequate amount of spaces, ease of access and security of the provision and covered provision. The development hereby approved shall not be brought into use until the approved cycle parking provision has been completed, and thereafter, kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

14. Prior to the school being brought into use, electric vehicle charging points (EVCP) shall be implemented on the site, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To promote sustainable transport and in the interests of highway safety, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

15. Prior to the school being brought into use, a "no waiting" (zig zag) restriction shall be implemented on the access road, around the vehicular access point to the school.

Reason: In the interests of highway safety and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Management Conditions:

16. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of made ground be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and

to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

17. The operation of the school shall be wholly in accordance with the submitted Traffic Management Plan.

Reason: To promote sustainable transport and in the interests of highway safety, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

18. The development shall be carried out in accordance with the findings of the Extended Phase 1 Habitat Survey report. The mitigating measures, including the recommendations for lighting shall be implemented as part of the development.

Reason: In the interests of biodiversity and for the avoidance of doubt and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

19. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

20. Finished floor levels of the habitable building associated with the hereby approved primary school shall be set at or above the highest of the following values:

- o 600mm above the 100-year with (+30%) climate change fluvial flood levels;
- o 150mm above the highest surrounding proposed ground levels.

Associated flood levels shall be determined with reference to the JBA Consulting Hydraulic Modelling Study 2019, or any subsequent updated information, should it become available prior to construction.

Reason: To enable the school to be operation in all events up to and including the 1 in 100 year plus climate change flood event and to ensure the development is safe for occupants, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

21. The development plateau forming the external functional areas of the hereby approved primary school shall be set at or above the highest of the following values:

- o 300mm above the 100-year with (+30%) climate change fluvial flood levels;
- o 300mm above the 100-year with (+40%) climate change surface water flood levels;

Associated flood levels shall be determined with reference to the JBA Consulting Hydraulic Modelling Study 2019, or any subsequent updated information, should it become available prior to construction.

Reason: To enable the school to be operation in all events up to and including the 1 in 100 year plus climate change flood event and to ensure the development is safe for occupants, and to accord with the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included in this Decision Notice.

Signed:



Paul Clarke
Authorised Officer of the Council

Date: 20/10/2021

Notes

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse your application for the proposed development, or non-material amendment to a proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- Please note, only the applicant possesses the right of appeal.
- Further information on how to appeal and the deadlines for different types of applications can be found at www.gov.uk/government/organisations/planning-inspectorate
- The Secretary of State can allow a longer period for giving notice of appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within six months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

E-mail: developmentcontrol@derby.gov.uk

Website: www.derby.gov.uk/environment-and-planning/planning/