

Our Ref: 2739 (FINAL V1.3)

28th August 2026

Development Control Department
Derby City Council
Council House
Corporation Street
Derby
DE1 2FS

(Submitted via the Planning Portal)

Dear Sir/Madam,

Erection of a Detached Building – Busy Bees – Derby Heatherton, Hollybrook Way, Littleover, Derby, DE23 3TZ

This letter accompanies an application seeking permission for the erection of a detached composite building as ancillary use to the well-established nursery, Busy Bees at Heatherton, Derby.

The Proposal

The applicant, Busy Bees, opened their first nursery in 1983 with a mission to deliver high-quality childcare and exciting opportunities for learning that gives every child a head start as they prepare for school. The nurseries provide stimulating environments, opportunities for play and lots of interaction and development at every child's pace. In their very first Busy Bees nursery they created a safe enriching home from home environment filled with opportunities to learn.

The long-standing nursery at Heatherton comprises a purpose-built building all on one level and provides necessary, vital childcare for parents and children living in the local area. In order to continue to provide this important facility and future proof the business, the applicant requires additional space by way of a detached composite building sited with the curtilage of the existing nursery. The site and its surroundings are shown in Figure 1 below.

The proposed building measures 10.8m x 6m (64.8m²) x 2.5m in height with a flat EPDM rubber roof, and a timber look composite oak finish. An indicative image of the proposed building is shown in Figure 2 below.

No alterations are proposed to the existing nursery building, and no changes are proposed to the existing access or parking facilities.



Figure 1 – Site and surroundings.



Figure 2 – Indicative image of proposed building.

The most recent planning history in relation to the site is as follows:

- 09/08/01408 – Formation of outdoor play area and associated equipment – Granted 25th November 2008
- 06/02/00863 – Variation of Condition 5 Pursuant to Planning Permission DER/698/700 To Allow a Maximum Of 107 Children – Granted Conditionally 22nd July 2002
- 10/99/01244 - Variation of Condition 1 Pursuant to Advert Consent DER/299/232 To Retain 6M high Flagpole with Flag Logo on for a Period Of 5 Years Refused 26th November 1999
- 02/99/00232 - Display Of 6 M High Flagpole with Flag with Logo On – Granted Conditionally 9th July 1999

National Planning Policy Framework (NPPF) 2026

Paragraph 3 of the NPPF states that *‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’*.

Policy S3 of the NPPF establishes a presumption in favour of sustainable development. **S3 (c)** explains that *‘in all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the Framework should be approved without delay.’*

Policy S4 of the NPPF states *‘proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework’*.

Chapter 7 of the NPPF focuses on **Building a strong, effective economy** and sets out *‘the objectives of the policies in this chapter is to enable businesses to invest, expand and adapt in building a strong, effective economy. To achieve this planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.’* Relevant policies are set out below:

Policy E1 Providing the conditions for long-terms economic growth sets out *‘a clear economic vision and strategy, which takes a positive, proactive and realistic approach to encouraging sustainable economic growth in both urban and rural areas.’*

Policy E2 Meeting the need for business land and premises states *‘substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt; especially where this would support the economic vision and strategy for the area’*.

Chapter 16 of the NPPF Promoting Healthy Communities states *‘the objective of the policies in this chapter is to promote the creation of healthy and inclusive places and support the provision of appropriate public services, by enabling development which can support this aim and seeking to retain, improve and deliver new facilities which are important for community wellbeing and minimising inequalities’*. Relevant policies are set out below:

Policy HC1 (1) seeks ‘to promote the creation of healthy and inclusive places, and the provision, retention and enhancement of appropriate community facilities and public service infrastructure, development plans should, at the most appropriate level’.

Policy HC1 (2) of the NPPF states ‘Authorities should attach considerable importance to providing for sufficient education facilities (including early years, school and post-16 provision).’

Derby City Local Plan Part 1 – Core Strategy (2017)

The Derby City Local Plan Part 1 contains core principles relevant to the proposal:

CP1 (a) - Presumption in Favour of Sustainable Development:

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). The Council will:

- a) always work proactively with applicants, adjoining authorities, statutory partners and service providers, landowners and communities to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*
- b) approve planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) without delay, unless material considerations indicate otherwise.*

CP3 – Place Making Principles:

CP3 focuses on the importance of providing high-quality design which promotes Derby as an evolving modern city, and which help raise the overall design standard of the city. More specifically proposals will be required to: (where relevant)

- a) make efficient use of land by optimising development densities.*
- b) incorporate high-quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character.*
- c) provide good standards of privacy, safety and security to create a pleasant, safe and secure environment.*
- d) maximise opportunities for low-carbon, decentralised energy and resource efficiency and incorporate flexibility and adaptability to provide resilience to environmental, economic and social change.*
- e) contribute to the creation of vibrant and mixed communities.*
- g) respond positively to existing topography, landscape features, wildlife habitats, heritage assets, existing buildings, site orientation and contribute to the urban rural interface*

CP9 – Delivering a Sustainable Economy

States: *“The Council is committed to realising the vision of a thriving, sustainable economy that contributes to making the D2N2 Local Enterprise Partnership area more prosperous, better connected and increasingly economically resilient and competitive”.*

In order to help achieve this vision, the Council will:

- a) encourage proposals that create new jobs and help to implement the Council’s Economic Strategy, subject to the provisions of this Plan.*
- b) identify sufficient land, of an appropriate quality and in appropriate locations to meet the needs of a thriving, sustainable economy.*
- c) focus on creating a culture where enterprise thrives, ensuring that workforce skills match business needs and maximising quality of life for residents.*

CP12 – Centres

The application site is located in a Neighbourhood Centre, CP12 states:

Neighbourhood Centres meet needs for small scale retail and services of small local catchments. Locations which are not identified on the Proposals Map, but which may perform the same function in terms of scale and meeting local needs will also be considered to be Neighbourhood Centres. Development in these centres should be small scale and have regard to maintaining access to local shopping and other facilities that meet day-to-day needs.

Planning Considerations

Principle of the Development

The application site comprises a long-standing established nursery with associated outdoor play area and car parking and is located within a Neighbourhood Centre as identified on the Councils Proposals Map. CP12 of the Local Plan supports services which meet the needs of local catchments. The proposal is for the siting of a detached composite building as ancillary use to the existing nursery facility in order to provide childcare to the local area. Therefore, in principle, the proposal is considered appropriate subject to design, impact upon neighbouring properties and highway network.

The building will sit entirely acceptably alongside the associated business. The scheme will support the operations of an existing local employer and constitutes economic development which is heavily supported by both local and national planning policies.

Impact upon the Character and Appearance of the Area and Visual Amenity

The proposed building is located to the rear of the main nursery building and makes efficient use of the curtilage land associated with the nursery. The building is single storey and sited towards the northern boundary fencing of the site and is well screened by on site vegetation and neighbouring woodland to the north therefore views of the building from outside the site are limited. Timber boundary fencing to the west of the site screens views of the building from Rykneld Road, therefore the building will not be visible within the street scene.

Where public views of the building are available, the use of timber-look composite materials to complement the main nursery building are proposed. Any glimpses of the building will be fleeting, as such, there will be no impact upon the character or appearance of the surrounding area.

Impact upon Residential Amenity

The proposed building is separated from nearby residential properties by Rykneld Road and screened from view by substantial trees to the north, east and west of the site. The adjoining neighbouring land use is Heatherton Community Centre located to the southeast of the site. Therefore, in terms of overbearing impacts, overshadowing or overlooking, the building will have no impact on the reasonable amenities of nearby residential properties or the occupiers of neighbouring land uses.

The site comprises a long-standing, established nursery and given its existing use it is anticipated there will be no adverse impacts to neighbouring residential amenity in terms of noise impacts above and beyond the current use, as a result of the proposals.

Highway Safety

The proposals involve the siting of a detached composite building which will provide ancillary space in association with the existing long-established nursery, Busy Bees. The existing parking area will continue to be used for staff, visitor parking and parents to drop children off. Parents will also continue to access the site on foot, which is no different to the current use of the site.

It is therefore considered that the proposals will not materially increase the number of vehicle movements associated with the site and will not prejudice the safe or efficient use of the highway network.

Ecology and Trees

The application is supported by an Ecological walkover undertaken by LP Ecological Services which is submitted in support of this application. The report summarises:

No impacts to any designated sites, notable habitats or protected or notable species are anticipated as a result of the proposed development. No further surveys or mitigation measures are proposed.

An Arboricultural Survey has been undertaken by Hamps Valley and is submitted in support of this application. The survey confirms the removal of two individual Category C trees (T1 and T2) together with a Category C Tree Group (G2) to facilitate the development. The trees for removal are identified with the supporting AIA and drawings. In terms of the loss of these trees, the AIA states:

4.2.1 These trees are of relatively low arboricultural quality and make a limited contribution to the wider landscape. Their removal is considered acceptable within the context of the proposed development and does not result in the loss of any high-quality arboricultural features.

In terms of safeguarding retained trees, the AIA sets out:

4.2.3 The proposed modular classroom has been positioned to minimise encroachment into the Root Protection Areas of retained trees. Where incursions into retained Root Protection Areas are unavoidable, these have been minimised through careful design and will be mitigated by the use of proprietary ground screw foundations, temporary ground protection and protective fencing in accordance with the accompanying Tree Protection Plan.

The proposed development has been carefully designed to retain and protect the important tree group, G1. The permanent encroachment into the Root Protection Area of G1 is limited to approximately 16.7 m², representing around 0.5% of its calculated 3,119 m² Root Protection Area, and is not considered significant.

The AIA summarises:

Given the very limited extent of the encroachment and the proposed use of proprietary ground screw foundations, the impact on the rooting environment is considered to be low. No direct impacts to retained stems or canopies are anticipated.

Other Matters

The site is located within Flood Zone 1 which has a low probability of flood risk.

The site area is below 0.2ha therefore is below the threshold for mandatory Biodiversity Net Gain.

Conclusions

The scheme will support the operations of an existing business and will support employment in the borough whilst continuing to provide necessary and vital childcare for parents and children living in the local area.

The use of the proposed building is entirely compatible as ancillary use in association with the long standing, established nursery Busy Bees. The building is single storey and will not harm the character or appearance of the area, or the amenities of the occupiers of neighbouring dwellings and will not prejudice the safe or efficient use of the highway network.

The proposal will have no adverse impacts on flooding.

Two individual Category C trees (T1 and T2) and Category C Tree Group (G2) will require removal to facilitate the development. The supporting AIA confirms *'their removal is considered acceptable within the context of the proposed development and does not result in the loss of any high-quality arboricultural features.'*

To safeguard nearby trees, the building will be installed with the use of proprietary ground screw foundations, temporary ground protection and protective fencing in accordance with the accompanying Tree Protection Plan.

The proposals therefore constitute sustainable development which accords with the requirements of both local and national planning policy. Therefore, in accordance with the presumption in favour of sustainable development established by Policy S3 of the National Planning Policy Framework, it is respectfully requested that the application be approved.

Should further information be required, please contact the agent JMI Planning.

Yours faithfully,



Claire Preston MRTPI
Planner
JMI Planning