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PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 27 September 2019

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 7 October 2019** in The Council Chamber, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in cursive script that reads 'Janie Berry'.

JANIE BERRY
Director of Legal Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Apologies for Absence
To receive apologies for absence (if any)
2. Declarations of Interest
To receive declarations of interest (if any)
3. Declarations of Significant Lobbying
To receive declarations of significant lobbying (if any)

4. Petitions

To receive petitions (if any)

5. Site visit (as determined by the Executive Director - Economy, Transport and Environment after consultation with the Chairman and/or Vice Chairman in accordance with the Code of Practice):-

(1) Alfreton

Following the site visit the meeting will reconvene at 12 Noon

6. Minutes (Pages 1 - 14)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 23 September 2019

To consider the non-exempt reports of the Executive Director - Economy, Transport and Environment on:

7. Proposed Reclamation, Cut and Fill of the Former Whitwell Colliery Site to Facilitate Mixed Use Redevelopment of the Site, together with Landscaping, Ecology and Drainage Applicant: The Welbeck Estates Company Limited Code No: CM5/0818/42 (Pages 15 - 20)
8. The Demolition of Alfreton Park Special School and the Removal of the Adventure Playground, Construction of Replacement School Complex and Outdoor Play Area at Alfreton Park, Alfreton DE55 7AP Applicant: Derbyshire County Council Code No: CD6/0619/22 (Pages 21 - 58)
9. Current Enforcement Action (Pages 59 - 60)
10. Outstanding Application List
(to be circulated at the meeting)
11. Current Appeals/Called in Applications (Pages 61 - 62)
12. Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers
(to be circulated at the meeting)
13. Development Management Performance Monitoring
(To be circulated at the meeting)

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Agenda Item 3

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 23 September 2019.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin (not site visit), A Griffiths, J Frudd (substitute member), L Grooby, R Iliffe, R Mihaly, R A Parkinson, and B Wright.

Apologies for absence were submitted on behalf D Charles and P Smith

47/19 SITE VISIT In accordance with the Code of Practice Members visited the site at Occupation Lane, Woodville and the A514, Derby Road Swadlincote (Minute No. 52/19).

48/19 MINUTES RESOLVED that the minutes of the meeting of the Committee held on 8 July 2019 be confirmed as a correct record and signed by the Chairman.

49/19 REGRAIDING OF Paddock BY DEPOSITION AND DISTRIBUTION OF SPOIL, AS EXCAVATED IN RELATION TO BUILDING WORKS APPROVED BY HIGH PEAK BOROUGH COUNCIL, BUXTON HOUSE FARM, BACK ECCLES LANE, WHITEHOUGH APPLICANT:MS WELLWORK CODE NO: CW1/0219/96 The Executive Director reported this was a partly retrospective planning application that sought approval of the deposit of some 600 tonnes of inert waste on land that was currently used as a paddock. The waste had arisen from the construction of a two-storey side extension and garage at Buxton House Farm, Whitehough which was approved by High Peak Borough Council (planning permission reference HPK/2018/0026). The house was 25 metres to the south-west of the paddock.

The excavated inert waste had been stockpiled in the south-east corner of the paddock but to date had not been profiled and grass seeded. Topsoil had been stripped from the application site and stored separately ready for final deposition.

Whilst there was no identified need for this development and therefore it did not strictly comply with the saved policies of the Derby and Derbyshire Waste Local Plan, the Executive Director considered on balance that the proposal was acceptable given the limited amount of inert waste involved and the close proximity of the application site in relation to where the waste had

arisen. He considered that there would be limited impacts on the local amenity and environment and on that basis was satisfied that the application was acceptable and should be recommended for approval subject to the conditions as set out in his report.

Following publicity a number of comments/responses were received. Details of the comments received from consultees and members of the public following publicity were given in the Executive Director's report. The local elected member had also been consulted and no comments had been received.

In conclusion the Executive Director stated that whilst the need for the proposed development had not been provided it was considered that the small scale tipping and earth-moving operation on this relatively remote site was acceptable, would accord with the proximity principle and would not result in any detriment to other land uses, the landscape, the local environment, neighbouring amenity nor any adverse environmental or health effects. The local character and distinctiveness of this remote, predominantly agricultural environment, surrounding this hamlet would, in his opinion, not be affected and would be retained. The Executive Director also did not consider that there would be any impediment or endangerment to the social or economic activities or interests of the local community.

He was also satisfied that the deposit of the waste was inert soil/shale material which had been excavated as a result of residential development nearby. The applicant had provided a Tree Protection Statement, a Tree Protection Plan and revised cross-section drawings in response to the concerns of the Derbyshire Wildlife Trust over the impact of tipping waste material in close proximity to trees/ woodland on adjacent land. He was satisfied that the trees and woodland adjacent east of the site on neighbouring land would be adequately protected from any potential tree root damage as a result of earthwork operations.

On that basis, when considered against the relatively small scale nature of the development and that there would be limited impacts associated with final restoration, the Executive Director was satisfied that it would be not expedient to take enforcement action for its removal as suggested in the representations. It was therefore recommended, subject to the conditions that the application be approved.

RESOLVED that planning permission be granted subject to the conditions set out in the report of the Executive Director – Economy, Transport & the Environment.

50/19 THE INSTALLATION OF A NEW MULTI-USE GAMES AREA AT BURBAGE PRIMARY SCHOOL, 1 CAVENDISH AVENUE, BUXTON, SK17 9AE
APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD1/0219/94

The Executive Director reported on a proposal for the erection of a 30 metres (m) by 15m Multi-Use Games Area (MUGA) on land at Burbage Primary School's playing field. The proposed site was on the existing playing field to the north of the school complex. The development as proposed was considered to be of good design and would be situated within a discrete location which would not result in any significant impacts on the amenity of the area. The applicant had demonstrated a justified need for the development. It complied with Sport England's Playing Field Policy. Due to the proximity of the development to residential properties, local residents may on occasion be disturbed by noise arising from the MUGA. The application site was not located within a Conservation Area (CA) or within the setting of a listed building. The Executive Director was satisfied that the proposal would accord with relevant development plan policies and the National Planning Policy Framework (NPPF), and was therefore recommended for approval, subject to conditions.

Following publicity a number of comments/responses were received. Details of the comments received from consultees and members of were given in the Executive Director's report. The representations made, which raised a number of concerns, had been taken into consideration when determining the application. The local elected member had also been consulted and no comments had been received.

Mr G Davies and Mr J Cook members of the public attended the meeting. Mr Davies made a brief presentation to members in objection to the application. Members made a number of comments which were duly noted.

In conclusion the Executive Director stated that whilst the proposal would contribute towards an increase in noise as a result of the external parties using the facility after school hours, the design and materials had been chosen to reduce the noise impact of the proposal on the residential properties nearby the site. He did not consider that the proposal would result in any adverse visual impacts or have any significant impact on ecology. The works, as described in the report had a justified need to take place and would accord with local and national planning policy. The development would not, in the opinion of the Executive Director, generate significant amounts of traffic or pollution and related nuisances. Subject to the recommended conditions, he was satisfied that the proposal would accord with the HPLP and the NPPF, and it is therefore recommended for approval.

RESOLVED that planning permission be granted, in accordance with the conditions detailed in the report of the Executive Director Economy,

Transport and Environment, subject to the following condition being amended to read: 'No construction/demolition work at the site shall take place outside the following hours: 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays.

51/19 INSTALLATION OF A NEW 3 ARM ROUNDABOUT JUNCTION CENTRED ON THE A52 EAST OF ASHBOURNE AND WEST OF LADY HOLE LANE, PROVIDING ACCESS TO CONSENTED DEVELOPMENT ON THE FORMER ASHBOURNE AIRFIELD SITE APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD3/0819/38

The Executive Director reported on an application by the County Council for the installation of a roundabout junction off the A52 giving access to a District Council approved mixed-use development of the former Ashbourne Airfield. The site was on land including part of the A52 Derby Road, and part of the former airfield. The application site was not located in an area subject to sensitive natural or ecological designations. There were no designated heritage assets within the site, however, a grade II listed property "The Thatched Cottage" was located adjacent the site to the south-east.

There would be considerable public economic and social benefits arising from the installation of the roundabout junction, which was considered to be an important infrastructural element in bringing forward additional housing, commercial and employment development, in accordance with Derbyshire Dales Local Plan (DDLp). The development of the former Ashbourne Airfield site was to be brought forward in two phases. The Phase 2 development would lead to the generation of traffic beyond the capacity of the signalled junction previously consented to by Derbyshire Dales District Council (DDDC) as part of the mixed-use development of the former airfield, which had the capacity to only serve Phase 1 of the development in isolation.

The Council, as applicant, regarded the roundabout as being fundamental to the delivery of the Phase 2 development. The roundabout would facilitate a safe means of access not only for the approved Phase 1 development (development comprising an 8 hectares (ha) business park and 367 homes), but also 1,100 homes and a further 8ha of employment land under Phase 2 identified in the DDLp.

The proposal, however, did not accord fully with certain relevant policies in the DDLp and in the NPPF. One such policy was that concerning listed buildings where it is considered the proposals would result in harm to the setting of the grade II listed building, although such harm would be less than substantial. The proposal would also result in landscape and visual impacts.

Some of these impacts could be minimised through the imposition of conditions, although they would not prevent the impacts altogether. In

determining planning applications, planning authorities must give special regard to the desirability of preservation of any affected heritage assets, including any listed buildings and their settings. This report had been produced having regard to the special importance of the issue of harm to the setting of the listed building, which was associated with the application in this case, as well as the benefits that the roundabout junction would bring as infrastructure required for the planned redevelopment of the former Ashbourne Airfield.

Following publicity a number of comments/responses were received. Details of the comments received from consultees and members of the public were given in the Executive Director's report. The local elected member had also been consulted and no comments had been received.

Cllr J Harris, Ashbourne Town Council attended the meeting and made a brief presentation to members outlining the Town Council's objections to the application.

Councillor Steve Bull, the local elected member, attended the meeting and outlined his general support for the application

Mr J Seymour on behalf of DCC, the applicant, attended the meeting and made a number of comments in support of the application.

Members made a number of comments which were duly noted.

In conclusion the Executive Director stated that the principle of a roundabout junction within this locality has already been accepted by the County Council through the recent approval of planning application CD3/0419/1 in May 2019. It was not considered that the change in position and increase in size of the roundabout would incur any additional impacts to that of the previously approved scheme.

The development would bring significant public benefit through the provision of the roundabout junction to adequately serve both phases of development of the former Ashbourne Airfield site. The mixed housing and employment uses identified in the DDLP require safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider Ashbourne Airfield site are of strategic significance.

The proposed roundabout provided the opportunity to serve, via a single access, both the Phase 1 development comprising an 8ha business park and 367 homes and larger Phase 2 scheme extending to 1,100 homes and a further 8ha of employment land. Delivery of the Ashbourne Airfield, facilitated through the new access and link road is a priority for DDDC and important to the delivery of both the DDDC's Economic Plan, and Local Plan, providing the

opportunity for business expansion, retention of local jobs and delivery of new homes.

Drawing upon existing analysis of the Phase 1 expansion, the Phase 2 development could be expected to support as many as 36 FTE jobs through additional household expenditure, of which 24 would be 'net additional' (with the remaining 12 being displaced from elsewhere). The Gross Value Added by the new households would be approximately £7.8 million by 2031.

The development would, however, also result in some impacts on the landscape and some harm to the setting of the Grade II listed Thatched Cottage. Such harms would result from the likely loss of some hedgerow, potentially several trees and the physical introduction of the roundabout junction, with associated metalled road and footpaths, and any signage and lighting as required under Highway Authority standards. The harm was specifically to the openness and rural character of the locality, which was considered to also add to the significance of the setting of the listed building.

The harm was capable of some mitigation to the landscape through protective root barriers to trees and hedges.

The imposition of conditions to control the design details for the roundabout junction, including signage and lighting, would allow the Planning Authority to limit visual clutter to the minimum required in order to meet Highway Authority standards. Despite these mitigations, however, a level of harm to the heritage asset would still occur.

The Executive Director did not dispute that the 'harm' to the settings of the listed building, would indeed be at a 'less than substantial' scale, whilst remaining a consideration of great weight. The public benefits from the development, however, were significant. He regarded the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation of the application, having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.

The Executive Director considered that any highways, ecological, drainage, archaeological or other impacts in their assessment are of limited weight in the 'planning balance', and, where necessary, could be mitigated by way of condition, and did not outweigh the public benefits of the proposal.

It was therefore recommended subject to the conditions that the application be approved.

RESOLVED that planning permission be granted subject to the conditions substantially similar to the draft conditions contained in the Executive Director's report.

52/19 CONSTRUCTION OF AN ALL-PURPOSE SINGLE CARRIAGEWAY COMPLETE WITH VERGES, CYCLEWAYS AND FOOTWAYS (INCLUDING THREE NEW ROUNDABOUT JUNCTIONS), CONNECTING BETWEEN THE EXISTING ROUNDABOUT SPUR AT OCCUPATION LANE, WOODVILLE AND THE A514 DERBY ROAD, SWADLINCOTE APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD9/0519/20 The Executive Director reported that the proposed link road would be a single carriageway road with a parallel footway/cycleway, associated drainage and landscaping, including three new roundabout junctions. The site lies within the administrative area of South Derbyshire District Council (SDDC).

A similar scheme had already been granted planning permission subject to conditions by South Derbyshire District Council (SDDC). The current application for planning permission had been made by the County Council for development it proposed to carry out.

The development would bring significant public benefit through the provision of a new road transport link, as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the South Derbyshire Local Plan (SDLP) for economic, social and environmental regeneration.

The proposed mixed housing and employment uses, identified in the SDLP, required safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider "Woodville Regeneration Area" are of strategic significance.

The proposed link road would provide the opportunity to unlock the development of the Woodville Regeneration Area; an extensive site including 12 hectares (ha) of employment land and land for approximately 150 houses. Delivery of the link road was important to the delivery of both the SDDC's Economic Plan and the SDLP, providing the opportunity for business expansion, retention of local jobs and delivery of new homes. The proposal would also alleviate some of the existing traffic congestion issues at the Clock Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre.

Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions.

Following publicity a number of comments/responses were received. Details of the comments received from consultees and members of the public were given in the Executive Director's report. The local elected members had also been consulted and no comments had been received.

Mr J Seymour on behalf of DCC, the applicant, attended the meeting and made a brief presentation to members in support of the application.

Members asked a number of questions and made comments which were duly answered or noted.

In conclusion the Executive Director, stated that a scheme of very similar content already has extant planning permission granted by SDDC and the current planning application had been made to the County Council following legal advice to the applicant in relation to ongoing compulsory purchase procedure related to the proposal.

The development would bring significant public benefit through the provision of a new road transport link as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the Local Plan for economic, social and environmental regeneration.

The mixed housing and employment uses identified in the SDLP required safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider Woodville Regeneration Area are of strategic significance.

The proposed link road would provide the opportunity to unlock development of the Woodville Regeneration Area; an extensive site including 12ha of employment land and land for approximately 150 houses. Delivery of the link road was a priority for the SDDC and important to the delivery of both the District Council's Economic Plan, and Local Plan, providing the opportunity for business expansion, retention of local jobs and delivery of new homes.

The proposal would also alleviate some of the existing traffic congestion issues at Clock Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre.

Disturbance to businesses and residents would, in the main, be during the construction period, and could be mitigated through the imposition of conditions. The Executive Director considered that any highways, ecological, drainage, and archaeological impacts, and even the weight to be accorded to the heritage impacts, are modest in comparison to the weight to be afforded to the benefits of development in furtherance of the adopted local plan. Where necessary, the impacts can be mitigated by way of condition, and would not

outweigh the public benefits of the proposal.

The proposal was considered to be acceptable, being in line with development plan policies identified, the NPPF, and other policy documents identified which are material considerations.

The application was therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed in the Executive Director's report.

RESOLVED that planning permission be granted subject to the conditions substantially similar to the draft conditions contained in the Executive Director's report.

53/19 CURRENT ENFORCEMENT ACTION RESOLVED to receive the report on current enforcement action.

54/19 OUTSTANDING APPLICATIONS RESOLVED to receive the list on decisions outstanding on 23 September 2019 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

55/19 CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED to note that there were currently no appeals lodged with the Planning Inspectorate.

56/19 MATTERS DETERMINED BY THE STRATEGIC DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS RESOLVED to note that the following applications had been approved by the Strategic Director Economy, Transport and Environment under delegated powers on:

10 July 2019

- 1 Proposed Non-Material Amendment to the Restoration of Lodge House Surface Coal Mine as Required by Planning Permission CM6/01910/94 at Lodge House Surface Coal Mine, Heanor Road, Smalley
Applicant: Harworth Estates Mines Property Limited
Planning Application Code No: NMA/0419/65
- 2 Request for the Council's Prior Approval for the Installation of a Washing and Screening Plant at Brassington Moor Quarry, Longcliffe
Applicant: Longcliffe Quarries Limited
Submission No: PD17/3/68

- 3 Delegated Decisions on Schemes Required by Planning 2 July 2019
- M3234
 - SM3215
 - SM3216
 - SM3217

18 July 2019

- 1 Delegated Decisions on Schemes Required by Planning 18 July 2019
- SM3257
 - SM3258
 - SM3259

26 July 2019

- 1 Change of Land Use for the Importation, Storage and Processing of Inert and Excavation Waste (Sui Generis) at Land on Armytage Industrial Estate (Partly in Retrospect)
Applicant: Mucktubs Skip Hire, 51 Brimington Road North, Chesterfield S41 9BE
Planning Application Code No: CW2/0119/88
- 2 Delegated Decision on Schemes Required by Planning Conditions:
- SD3225
 - SD3226
 - SD3230
 - SW3251
 - SW3252

30 July 2019

- 1 Request for Approval for the Installation of a New Minerals Washing Plant at Whitwell Quarry, Southfield Lane, Whitwell
Applicant: Tarmac
Planning Application Code No: PD17/5/69

31 July 2019

- 1 Delegated Decision on Schemes Required by Planning Conditions:
- SW3249

- SW3250

8 August 2019

- 1 Request for the Council's Prior Approval for the Construction of an Extended Railhead and Associated Works at Hindlow Quarry, Sterndale Moor, Buxton
Applicant: Tarmac
Submission No: PD17/1/70
- 2 Delegated Decision on Schemes Required by Planning Conditions:
 - SW3224
 - SD3261
 - SD3262
 - SD3263
 - SD3264
 - SM3235

14 August 2019

- 1 The Proposed Infilling of Existing Patio Area to Form a New Classroom at Woodbridge Junior School, Grange Street, Alfreton
Applicant: Derbyshire County Council
Submission No: CD6/0519/19
- 2 Delegated Decision on Schemes Required by Planning Conditions:
 - SM3244
 - SM3245
 - SM3246

21 August 2019

- 1 Proposed Erection of a Two Classroom Traditional Masonary New Build as a Replacement for an Existing Dilapidated Two Classroom Modular Building which will be demolished following Completion and an Extension of the Existing Playing Field at Ashgate Croft School, Ashgate Road, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0419/9
- 2 Submission of the Final Completion Report for the Remediation of the Former Avenue Coking Works Site at Derby Road, Wingerworth
Applicant: Homes England

Planning Application Code No: CW4/1115/112
Submission No: SW2994

3 Delegated Decision on Schemes Required by Planning Conditions:

- SD3265

5 September 2019

- 1 Proposed Erection of a Prefabricated Metal Framed Shelter Structure to Provide a Weather Protected Outdoor Space at Hilltop Primary and Nursery School, Wyaston Road, Ashbourne
Applicant: Derbyshire County Council
Planning Application Code No: No: CD3/0719/34
- 2 The Installation of a Monopitch Shelter (Canopy) with Associated U-PVC Guttering and Rainwater Pipes at Larklands Infant School, Park Road, Ilkeston, DE7 5DR
Applicant: Derbyshire County Council
Planning Application Code No: No: CD8/0619/26

3 Delegated Decision on Schemes Required by Planning Conditions:

- SM3275
- SM3276
- SM3277

12 September 2019

- 1 Proposed Erection of a PE Store Extension at Duke of Norfolk Church of England Primary School, Royal Avenue, Glossop
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0719/36
- 2 Proposed Removal of Flat Roof to be replaced with a Three Layered Felt System and Insulation, with the Replacement of Roof Lights, Rainwater Goods and Fascia at Holmesdale Infants School, The Avenue, Dronfield
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0519/13
- 3 Proposed Erection of 3 Metres High Security Fencing around Derelict Farm Buildings at Home Farm, Elvaston Castle Country Park, Borrowash Road, Elvaston
Applicant: Derbyshire County Council

Planning Application Code No: CD9/0619/23

4 Delegated Decision on Schemes Required by Planning Conditions:

- SD3278

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Agenda Item No. 4.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

7 October 2019

Report of the Executive Director – Economy, Transport and Environment

**1 PROPOSED RECLAMATION, CUT AND FILL OF THE FORMER
WHITWELL COLLIERY SITE TO FACILITATE MIXED-USE
REDEVELOPMENT OF THE SITE, TOGETHER WITH
LANDSCAPING, ECOLOGY AND DRAINAGE
APPLICANT: THE WELBECK ESTATES COMPANY LIMITED
CODE NO: CM5/0818/42**

5.255.22

(1) **Purpose of Report** To enable the Committee to determine whether the period to be required by condition for commencement of this reclamation development should be extended from three to five years together with the imposition of a further condition linking the reclamation with implementation of a housing development of the same site which is subject to an outline application for permission which has been recommended for approval by Bolsover District Council's Planning Committee.

(2) **Information and Analysis** On 8 July 2019, Members passed a resolution in favour of granting planning permission for the proposed reclamation, cut and fill of the Whitwell Colliery site to facilitate mixed-use redevelopment of the site, together with landscaping, ecology and drainage, subject to the applicant first entering into a legal agreement and planning conditions substantially in accordance with those presented at the Regulatory – Planning Committee in July.

The Section 106 agreement has not yet been finalised and permission for the development, although approved in principle, as referred to above, has not yet been issued. This application is coming before Committee again now because a significant change from the draft condition for commencement under that approval has been requested by the applicant.

Members' attention is also drawn to a connected application for permission, to Bolsover District Council, to construct up to 450 dwellings on the site. This housing development should be considered as enabling development which would fund the mineral site reclamation.

Since the resolution to grant permission by Committee on 8 July 2019, negotiations have been taking place between the County Council, as the Mineral Planning Authority (MPA) and the applicant, as landowner, to agree

the terms of the Section 106 agreement and to finalise the draft planning conditions presented at Committee.

Condition 1 of the draft planning conditions relates to the implementation period for development to commence. Although in July 2019 the applicant's agent had sought an extension of the standard time period for commencement of the development from three to five years, officers at this time had insufficient information to justify recommending this.

Further information has since been provided on behalf of the applicant (2 September 2019) relating to the timescales for discharging the requirements of draft pre-commencement conditions, along with other comments relating to conditions proposed. Officers consider the proposed change to Condition 1 requires Committee approval because what is now proposed for Condition 1 is substantially different.

Planning Considerations

Section 91 of the Town and Country Planning Act 1990 requires that developments granted planning permission should commence within a period of three years from the date of permission being granted, unless the planning authority concerned prescribes to a different commencement period, longer or shorter, depending on the specifics of the proposed development.

Complicating factors, particularly at the pre-commencement and commencement stages, are frequently cited as reasons for extensions of this type and officers are of the view that sufficient evidence of this has been submitted in the present case to justify a recommendation in favour of the variation.

Planning Guidance encourages the imposition of shorter commencement periods in order to encourage developments to come forward in a timely fashion. However, it also acknowledges that complex developments may require longer and planning authorities are encouraged to take reasonable steps to accommodate the needs of developers and to take into account, among other matters, the economic uncertainties of development.

It is incumbent, however, on the applicant to justify a departure from the standard three year commencement period on a case by case basis.

In July 2019, officers considered it appropriate to retain the statutory three year commencement period given:

- i) that the restoration of this site is long overdue and further delay would be considered inappropriate; and
- ii) that the applicant provided insufficient information to justify departure from the normal commencement period.

From the further information from the applicant that was submitted on 2 September 2019, relating to the complexity of the development and the economic uncertainties surrounding its implementation, officers now accept that, provided additional assurances are provided, the mineral restoration will proceed alongside the housing development and is not allowed to languish uncommenced, while the profit-generating element of the overall scheme is carried forward. The variation can now be supported.

The following provides a summary of the informative points made in the applicant's letter, which are accepted to be material planning considerations:

- Different technical approvals are required. These include preparation of the Landscape and Environment Management Plan ("LEMP"); Land Drainage Consent and Construction Management Plan ("CEMP"). These plans and approvals need to be completed and approved prior to commencement.
- Improvements to the existing highway and an accompanying Section 278 agreement are required.
- Agreement with Network Rail concerning boundary treatment with the railway and agreed landforms to prevent surface water run-off onto the railway is required.
- Economic uncertainties, particularly in the context of Brexit, make forward economic planning and financing unusually difficult to forecast and put in place.
- Paragraph 81 of the National Planning Policy Framework (NPPF) imposes a duty on the Local Planning Authority to respond flexibly to economic constraints and other pertinent factors.
- Restoration of legacy mineral sites often throw up unexpected complications and often require third-party involvement and financing.
- The Applicant is willing to provide additional assurances that the development will proceed expeditiously.
- Bolsover District Council has indicated its support for the extended commencement period.

Officers from both Bolsover District Council and Derbyshire County Council continue to liaise with the applicant agent and technical advisors in finalising the planning conditions and legal agreement, pending issue of the decision notice as soon as practicable.

The NPPF encourages authorities to encourage development by adopting a flexible approach where this does not undermine other competing planning goals.

Officers have considered the arguments raised by the applicant and it is accepted that, given site constraints, the potential difficulty of obtaining the Land Drainage Consent, together with the Network Rail agreement, may be significantly time consuming as preliminary issues.

Also, taking into account the need to enter into a Section 278 highway improvement agreement and current economic uncertainties, officers consider that, on balance, it is reasonable to accept the proposed extension of the commencement period provided that an additional sequencing condition is also included within the conditions to the permission to be issued, which mirrors a condition that is understood to have been included in the officer's recommendation for approval of the outline housing application to Bolsover District Council's Planning Committee.

It is assumed that the District Council's Committee is likely to be approving the grant of outline approval of the housing development as has been recommended to its meeting on 25 September 2019.

(3) **Financial Considerations** The correct fee of was received.

(4) **Legal Consideration** This is an application submitted under Part III of the Town and Country Planning Act 1990, which falls to this Authority to determine as the MPA.

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 to Committee on 8 July 2019 (Minute No. 38/19 refers).

Other Considerations

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

(6) **Background Papers** File No. 5.255.22
As referred to in the report to Committee dated 8 July 2019 and relevant correspondence between the applicant and the MPA Planning and Legal officers, including the letter from P&DG dated 2 September 2019.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that the Head of Planning be authorised to **grant** planning permission for the development under planning application code no. CM5/0818/42 subject to those requirements for first entering into a legal agreement and for planning conditions as were contained in the Committee resolution of 8 July 2019, recorded at Minute No. 38/19, except for the condition for commencement being worded as follows:

Commencement

- 1) The development hereby permitted shall be commenced before the expiry of five years from the date of this permission. Written notification of the date of commencement of development shall be sent to the Authority a minimum of seven days of such commencement.

and the inclusion of a condition in respect of the sequence of development substantially in the following form:

Sequence of Development

- 2a) The development hereby approved shall be carried out in sequence as shown on Drawing No. 13.012/24o on Bolsover Permission [*to be inserted if approved at by BDC*] starting with the build out of housing on Phase 1A.
- 2b) Phase 1A (residential development) must not commence until Phase 3 of the restoration of the site (as illustrated by Drawing no. 13.012/39f) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan.
- 2c) No more than 50% of the houses subsequently granted reserved matters approval on Phase 1A and no more than 25% of the houses subsequently granted reserved matters approval on Phase 1B shall be occupied until Phase 4 of the restoration of the site (as illustrated by Drawing no. 13.012/41b) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan.
- 2d) Phases 2A and 2B (residential development) must not commence until Phase 4 of the restoration of the site (as illustrated by Drawing no. 13.012/41b) has been substantially completed in accordance with the requirements of the associated Landscape and Environmental Management Plan.

Reason: To ensure the proposed development delivers on the environmental benefits that justified granting outline permission for re-development of the site of the former Whitwell Colliery and for new development on undeveloped land adjacent to the site of the former Whitwell Colliery.

Mike Ashworth
Executive Director – Economy, Transport and Environment

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DERBYSHIRE COUNTY COUNCIL**REGULATORY – PLANNING COMMITTEE****7 October 2019**

Report of the Executive Director – Economy, Transport and Environment

- 2 THE DEMOLITION OF ALFRETON PARK SPECIAL SCHOOL AND THE REMOVAL OF THE ADVENTURE PLAYGROUND, CONSTRUCTION OF REPLACEMENT SCHOOL COMPLEX AND OUTDOOR PLAY AREA AT ALFRETON PARK, ALFRETON, DE55 7AP**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD6/0619/22

6.174.42

Introductory Summary The proposal is for the demolition of the existing Alfreton Park Special School building, post 16 modular building, and adventure playground, and their replacement by a new school building complex on the Highfield Plantation site and a new adventure playground on the site of the existing school buildings. The replacement school area would contain a new parking area, Multi-Use Games Area (MUGA), outdoor play areas, surface water retention pond, tree planting, hedgerows and a 2.4 metres (m) high weldmesh perimeter fencing.

The existing school site is situated within the setting of the grade II listed Alfreton Hall, however, the application site is not in a Conservation Area (CA). The proposed site forms part of the Alfreton Park Local Wildlife Site (LWS), which is also identified by the local planning authority as a Site of Interest for Nature Conservation. The site is within a coal mining High Risk Development Area and the entire existing school site is covered by a Tree Preservation Order (TPO).

The proposed development is considered to be of good design and situated within a discrete location which would not result in any significant impacts on the amenity of the area. The applicant has demonstrated a justified need for the development to take place.

The proposed site for the replacement school is located on land safeguarded by Adopted Amber Valley Local Plan (AVLP) Policy LC5. It is considered that the development would not be a departure from the development plan, as the new school is a community facility with leisure facilities available to the local community.

I am satisfied that the proposal would accord with relevant development plan policies and the NPPF, and the recommendation is therefore for approval, subject to conditions.

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

(2) **Information and Analysis**

Application Site

The application site has an area of 6.4 hectares (ha) and is located to the west of Alfreton Town Centre. The part of it containing the existing school complex is within the grounds of Alfreton Park, which was once formerly part of the Alfreton Hall Estate, and the part of it proposed for the replacement school complex is a large area of green open space known as the Highfield Plantation. Alfreton Park Community Special School caters for pupils, ages 2 to 19, with a variety of special educational needs, including severe complex and profound learning difficulties and autism. The school site is positioned to north-east of Alfreton Park and to the south of the Grade II listed building Alfreton Hall. The existing school building was erected in the mid to late 1960s and is of CLASP (Consortium of Local Authorities Special Programme) construction. Highfield Plantation is located to the west of Alfreton Park, and is currently used for agricultural purposes. The proposed site is used for grazing and contains an existing playground area. The access to the park is off Wingfield Road. A single track road connects to the existing and proposed site, as well as other facilities on site.

Despite the parkland's historic link with Alfreton Hall, Alfreton Park itself is not included on the Historic England Register of Parks and Gardens. The existing school site comprises a collection of relatively modern and older buildings, none of which are listed under the Planning (Listed Buildings and Conservation Areas) Act 1990, nor is the application area situated within any CA. The site does, however, form part of the Alfreton Park LWS which is also identified as a Site of Interest for Nature Conservation in the AVLP. The site is designated because of the parkland habitat and mature/veteran trees across the site.

The site is within a coal mining High Risk Development Area and the entire existing school site is covered by a TPO, including the boundary of the proposed school site. No draft or adopted Neighbourhood Plan has been developed for the area.

The nearest residential properties are those situated along Wingfield Road, adjacent to the site entrance and to the south-east of the Parkside Stables. Amber Valley Borough Council is to determine an outline planning application (AVA/2018/0978) for residential development of up to 40 dwellings (outline

with all matters reserved except access at Land South of Wingfield Road). If approved, the new dwellings would not become nearest receptors but could still be impacted by the application.

Proposed Development

The proposed development includes the demolition of Alfreton Park Special School Building, post 16 modular building and the existing adventure playground. On the site of the demolished school building, a new adventure playground area would be erected. This would consist of a picnic area, toddler play area and a junior play area. The play areas would be seeded as part of the development to provide a grassed surface and the picnic area would have a Breendon gravelled surface. The proposed play areas would be enclosed by a 1.2m high bowtop railings and the play areas would be divided by a hedgerow. Additional hedgerow is proposed around the northern boundary of the toddler play area. Tree planting is proposed to the south of the play areas and north along a proposed path connecting to other play equipment. Asphalt would be used to surface the existing pedestrian path to the proposed adventure play area. Additional hard surfacing is proposed to the north elevation of a hydrotherapy pool. A secure line would be established around the perimeter of the hydrotherapy pool building using a 2.4m high weldmesh fence and a hedgerow to the north, west and east of the building.

The proposed development also includes the erection of a single storey replacement school building, designed to accommodate 100 pupils on the land known as the Highfield Plantation. The proposed new school would have a gross internal floorspace of 2,986 square metres (m²). The proposed replacement school would contain 15 classrooms, six group rooms, hall and dining area and ancillary internal facilities.

The proposed new school would be finished in different colours to reflect the different activities of the school. Green is used for the general learning wings and entrance red for the hall and dining wing, black for specialist art room and grey for links.

The roofs would be finished in a moss green treated zinc cladding panels to the, east elevation of the secondary/post 16 wing and the entrance wing. The south elevation of the primary wing, the entrance wing and west elevation of the secondary/post 16 wing would be tiled using a tonalitim terracotta tile rainscreen system in a GR-4 (green) finish.

The elevations of the proposed hall would be tiled using a tonalitim terracotta tile rainscreen system in a bright red finish. The hall's roof, north and east elevation would be cladded in a zinc rheinzink roof system finished in a tile-red.

The 'Art Elevation' would use a tonality terracotta tile rainscreen system in an anthracite finish. The elevation would also include a black chalkboard

rainscreen system. The elevations of the links between the wings would be clad in a skygrey rheinzink system.

The development also includes the use of a Bauder lightweight sedum roof for the flat roofs. Photo voltaic panels are proposed along the roof of the secondary/post 16 wing.

The proposed windows are to be polyester powder coated (PPC) aluminium finished, in either red, green or grey depending on its location. The windows on the Hall's north elevation would have oak boarded sliding window shutters. The proposed single leaf doors are proposed to be oak boarded door and the proposed double doors would be grey PPC aluminium.

No existing trees are planned to be removed at the Highfield Plantation site, however, three trees would need to be removed from the existing school site to enable the demolition works to commence on site. Additional tree planting is proposed on site and hedgerows are proposed behind the proposed 2.4m high weldmesh perimeter fencing.

The proposed external areas around the new school building would include parking to the rear of the school. This would consist of four persons' disabled parking bay spaces, 77 long stay spaces for staff and visitors, as well as 10 spaces for taxis and mini buses and three drop off bays. The existing school site is to retain 27 spaces for the community to use and for use by the school, the Moorewood and Parkwood Centres. However, 11 taxi/mini-bus drop off spaces at the existing school site are to be removed and returned to parkland, as they are no longer required. The existing car park to the south of the proposed school, which served as parking for users of the adventure playground and Alfreton Park, is to be retained. This car parking area consists of 16 spaces for community use, however, it is envisaged that this could act as overspill visitor parking for the school. The proposed external areas also include a MUGA, horticulture area, various play areas and external space for pupils, a forest school and a surface water retention pond.

The proposed MUGA is to be located to the south of the staff car parking area and north of the post-16 and secondary classroom wing. The MUGA would be 37m in length and 27m in width, with a permeable plyometric surface. The MUGA would have 3m high weldmesh fencing around the perimeter with floodlighting. This facility would be used primarily in normal school hours by pupils, however, the facility, along with the dining hall, would also be made available to the wider community. The proposed facilities would be available to the wider community between 16:00 hours and 21:30 hours Monday to Friday and 08:30 hours to 17:00 Hours Saturday to Sunday during term time and school holidays.

The proposed parking spaces, horticulture area, external play courtyard and the paths to the forest school are to be surfaced with a Golpla plastic system

filled with gravel. The external play courtyard and nursery external space would be surfaced with a coloured rubber crumb surface. The main entrance and learning spaces would be blocked paved and millboard decking boards would be used to all outdoor performance areas, including access ramps.

The proposed MUGA and school car park are to be lit by column mounted floodlights fitted with rear baffles and angled so that the light is focused onto the road surface. The MUGA would also be fitted with bulkhead luminaires. The paths between the MUGA and the main building would be lit by illuminated bollards and the playground would also be fitted with column mounted luminaires. All proposed luminaires would be powder coated metal fittings in a dark recessive colour.

Relevant Planning History

- Application Code No: CD6/1016/59 – Extension of existing 2.4m weldmesh boundary fencing with new 2.4m high securifor 3D weldmesh fencing to enclose the perimeter of the school site (approved 2 February 2017).
- Application Code No: CD6/1114/99 – Proposed development of a new hydrotherapy pool (approved 19 December 2014).
- Application Code No: AVA/2008/1238 – Change of use from agricultural land to recreational use including play area and car parking (approved 15 December 2008).

Consultations

Local Member

Councillor Marshall-Clarke has been consulted and no response has been received.

Councillor Smith, also being a Member of –this Committee, has refrained from commenting at the consultation stage.

Amber Valley Borough Council-Planning

“No objections in principle subject to you being satisfied with regards to matters of design, heritage, landscaping, highway and drainage and the inclusion of conditions regarding the site of the existing school being restored to parkland in accordance with a scheme to be agreed and the re-siting of the existing play area which is to be removed to facilitate the new school complex within the existing Park or Highfield Plantation area.”

Amber Valley Borough Council - Environmental Health Officer

No comment.

Alfreton Town Council

“1. The Town Council welcomes the amended application.

2. The newly created replacement play area, which is to be incorporated on the existing school site, will improve public accessibility by its proximity to the Town Centre. The Town Council, however, seeks assurance that its location results in no net loss of public open space and that the appropriate public body takes responsibility for the play area and maintenance and future replacement of the play equipment.

2. That the significant area, at present fenced-off to the south of the 'Deer Shed', is cleared of the obstructive fencing as soon as possible.

3. The Town Council anticipates that the improvements made will increase foot-fall arising from the public use of the new play area, therefore, it is keen to press for the provision of public accessible toilets in Alferton Park and feels that the proposed works at the existing school site will allow access to the provision of existing water services to facilitate that provision."

Additional Comments

"The Council would like to raise the concern and make the following comments; The Town Council is convinced that relocating the Adventure Play Area will increase footfall. The location of the new site will make it more accessible from the Town and the proposed new equipment and layout is bound to increase its use.

The Town Council is clear that it welcomes the construction of the new school and accepts that publicly accessible toilets are not part of the main project. However, the Town Council feels that a crucial opportunity could be missed given the major building works on the site, to realise the much-needed facility of publicly accessible toilets which do not exist, at present, on the Park.

The Town Council urges the developers of this scheme to work with the Park owners - Amber Valley Borough Council and Derbyshire County Council to exploit this opportunity."

Environment Agency

No comment.

Natural England

No objection.

Coal Authority

No objections are raised in respect of this proposal, subject to the County Planning Authority imposing a suitably worded condition or conditions to secure the recommendations made by the Delta Simons Environmental Consultants Limited.

Lead Local Flood Authority

No objection subject to conditions.

Sport England

No objections.

Cadent Gas Limited

No comment.

Severn Trent Water Limited

No comment.

Derbyshire Wildlife Trust

No comment.

Derbyshire Archaeological Society

No comment.

Highway Authority

No objections have been raised subject to conditions which require the submission of a Construction Management Plan/ Construction Method Statement and the provision of a wheel washing facility on site. In addition to this, the Highway Authority would like a condition imposing parking provision being provided prior to the occupation of the new school building.

Publicity

The application has been advertised by site notices and a press notice in the Alferton Chad, with a request for comments by 16 August 2019. In response to this publicity, two representations have been received raising objections to the proposal. The main points of objection are summarised as follows:

- The footprint of the proposed school is larger than the existing school and would set a precedent for possible future planning applications relating to Alferton Park. If the proposed new school expands, the footprint would increase further. The site has always been a part of Alferton Park and therefore threatens the future of the park.
- Shrinking the park area and deny enjoyment of the park by the public.
- Not necessary to build a new school, the existing school should be renewed and expanded.
- The planning application would kill off “Party in the Park” by denying the event a sufficient parking area. Loss of spending in Alferton if the event is lost.
- The development would prevent the site being used for cattle grazing.
- Narrow entrance to site which would cause traffic problems in the park and along Wingfield road, the A38 and the sounding area.
- The site is parkland and should not be developed for a new school but should be reserved for possible further recreational use like sports pitches.

- The development would represent urban sprawl westwards.
- The development would involve many traffic and pedestrian movements within the park to access the pool from the new school.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the AVLP. The National Planning Policy Framework (NPPF) (2019) and the associated Planning Practice Guidance (PPG) are also material considerations.

The principal planning policies relevant to this planning application are:

Adopted Amber Valley Local Plan (2006) Policies

LS3: Design.

LS4: Accessibility.

TP1: The impact of Development on the Transport Network.

TD6: Car Parking.

EN1: Countryside.

EN5: Protected Open Land.

EN7: Landscape Character.

EN8: Landscape Features.

EN10: Agricultural Land Quality.

EN13: Biodiversity.

EN14: Sites of importance for Nature Conservation or Geological Sites.

EN15: Flood Risk.

EN16: Pollution.

EN20: Hazard Substances (Asbestos – Demolition works).

EN24(c): Listed Building.

EN26-28: Conservation Area.

EN36: Use of Renewable Energy Resources.

LC3: Playing Field, Parks and Informal Open Space.

LC5: Safeguarded Land for Extension to Alfreton Park.

LC13: Community Use Facilities.

The paragraphs in the NPPF most relevant to this proposal are:

11: The presumption in favour of sustainable development.

45-48: Decision-making.

54-55: Planning conditions.

80, 84, 94: Building a strong, competitive economy.

103, 108-110: Promoting sustainable transport.

117,121: Making effective use of land.

124 -127, 131: Achieving well designed spaces.

170,175 : Conserving and enhancing the natural environment.

180, 183: Ground conditions and pollution.

The key planning considerations for this development are:

- Need for the development.
- Playing field and open space.
- Design and visual impact.
- Heritage.
- Ecology.
- Landscape.
- Noise impacts.
- Traffic, highway safety.
- Arboricultural impacts.
- Tourism.

Need for the Development

The supporting information accompanying this application sets out the justification for the need for the development to take place. The existing CLASP school *“is not considered suitable for the needs of a large proportion of the pupils particularly those with mobility conditions, for example, the main hall is split on 2 levels.”* In addition to this, the teaching accommodation is insufficient to meet the Department of Education (DfE) guidance for Special School accommodation. The school currently has 84 pupils enrolled but only has capacity for 45-50 pupils. The supporting documents explain that the proposed replacement school would be large enough to facilitate up to 100 pupils, which is to meet increasing demand for special school places.

Partly as a result of the need for a larger school to accommodate the future increase in pupils, the parking provision would need to be increased. It is stated in the Design and Access Statement that without exception, all pupils are driven to the school, many of whom require the use of wheelchair accessible mini-buses and taxis. *“Due to the requirements for extensive personal support for many pupils, staffing levels are considerably higher than mainstream schools. It is anticipated that, with the increase in the size of the school, the demand for parking will also increase as additional staff members will need to be employed to staff the additional class rooms.”*

The proposed site for the new school building development was also chosen due to the ability to provide suitable associated external works, such as the parking provision, MUGA and external play area. It is evident that, from the Design and Access Statement submitted, the applicant explored the feasibility of other options including erecting a replacement school at the existing school site. However, it was concluded that the site is heavily constrained due to Alfreton Hall, the large number of high-quality trees and limited vehicular access. The applicant also states that the proposal should be on *“a separate site from the existing in order to minimise disruption to the school, to mitigate the need for phasing and because of a lack of suitable space within the existing grounds. The target programme dates have been set to ensure that*

the transition for staff and students will be carried out with minimal disruption.” Therefore, a new site location was considered more feasible and more appropriate for the applicant’s needs.

Paragraph 94 of the NPPF relates to meeting the needs of schools and requires local planning authorities to take a *“proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education:*

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.”

The proposal demonstrates that there is a need to for the proposed development to erect a replacement school. Therefore, I am satisfied that there is a justified need for the proposed development.

Playing Field, Parks and Open Space

Alfreton Park (excluding Highfields Planation) is identified within the AVL P as Policy LC3. The purpose of this policy is to protect existing playing fields, parks and informal open spaces from development, where there is a demand for their continued use and where suitable alternative provision cannot be met elsewhere in the locality. The proposed replacement adventure playground would be situated on the site of the demolished school and would not result in any loss to the park. It is considered the replacement playground would be situated in a more accessible location, as it would be closer to Alfreton town centre and residential area. Therefore, it is considered unlikely to harm the character or function of the existing park.

The proposed site for the replacement school is designated within the AVL P as ‘Safeguarded Land for Extension to Alfreton Park’ (LC5). The local plan states that *“Opportunities may exist to extend Alfreton Park to the west, to provide a range of additional leisure and community facilities to serve the town and the wider community. The Borough Council will therefore need to continue to protect an area of land for this purpose.”* The policy intends to protect the site from any development which may prejudice the extension of the park or the potential delivery of additional leisure and community facilities. The replacement school complex is considered to be a community facility, as the school would serve Alfreton and the wider community. The school is an ‘all through’ special school which caters for pupils, ages 2 to 19, with a variety of special educational needs, including severe complex and profound learning difficulties and autism. The proposed facility would continue and add to this function. The proposed MUGA and hall, as previously highlighted above, would be available to the wider community. The availability of the indoor and outdoor facilities would be considered as leisure facilities as it would extend the range and choice available to the local community.

Sport England has raised no objection to the proposed development and expressed support of the proposal for community access to the MUGA, hall and ancillary facilities. Sport England also recognises that the existing school does not have a playfield on site and, as a result, there is no loss to mitigate.

I consider that the proposed development is not a departure from the local plan. I am satisfied that there is no loss to park land and that the proposal would deliver new leisure and community facilities. The development is considered to comply with AVLP policies LC3 (b), LC5 and LC13.

Design and Visual Impact

The design of the replacement school is intended to be 'low key'. As a result, the school is proposed to be single storey in height, with the main and highly visible elevations to be finished in green. The division of the school into different wings has the effect of reducing massing impact on this sensitive site. The proposed material, as explained previously within this report, is used to provide the school with a "semi-rural aesthetic", as well as to soften the visual presence of the school. The wing, finished in a red colour, is situated to the north of the school and is screened by the main school building and from tree planting across the site and hedgerows around the perimeter. The main parking area and MUGA are proposed in a discrete location, to the north-west of the main school building.

The submitted landscape visual impact assessment (LVIA) considers a range of visual receptors in the locality. The nearest residential properties are those along Wingfield Road to the south, but their views into the parkland are very restricted owing to the level of screening already provided by existing vegetation along the road corridor and the fact that the dwellings are set down lower than the site levels. The sensitivity of these receptors is judged by the LVIA to be high but the magnitude of change is predicted to be low so, overall, the visual effects would be moderate. I would agree with that judgement.

The overall effect on road users (low sensitivity) is judged to be negligible and, again, this is a fair judgement. A single public right of way (Alfreton footpath 18) has been identified as receiving the most significant visual impact with direct short to medium-range views of the proposed site. These effects are judged to be moderate to substantial over a distance of approximately 150m of this footpath. Visual effects from the remainder of the path is assessed as slight. The LVIA acknowledges that the general park users, within Alfreton Park itself, will be most susceptible to change as their interests will be most focused on the landscape and views. I would agree with that, particularly with regards to those people arriving along the main entrance to the south. The LVIA assesses these effects to be slight, but I would judge these effects to be greater, depending upon the precise location within the park and as part of the general appreciation of the parkland within its wider setting. However, the LVIA does demonstrate that the extent of visibility of the proposed

development is restricted with the main impact confined to footpath users to the north of the site and visitors to Alfreton Park.

Amber Valley Borough Council's Planning Team express has commented on the design of the proposal. *"The building is of a contemporary design and it is considered that a high-quality palette of materials is required to help assimilate the development into its natural surroundings and careful consideration needs to be given to the boundary treatments to the site."*

Paragraph 131 of the NPPF states that *"In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*

The school is designed and coloured to reflect the different activities, as detailed above. The roof design features numerous rooflights to allow natural light to into the school and reduce reliance on artificial lighting. The roof of the teaching wing is to benefit from the use of solar panels which improves the overall sustainability of the design of the school. The proposed roof also overhangs, in order to prevent glare and overheating to the south-facing spaces.

The chalkboard rainscreen system incorporated on to the 'art elevation' would create an interactive frontage or "a live facade" allowing pupils to express themselves. The art elevation is situated between the two wings of the school and proposes to be finished in dark recessive colours. This elevation is considered to be in a visually discrete location and creates an active space which also demonstrates an innovative design.

I am satisfied that the proposed development would not result in a significant visual impact as the school would be discretely located and designed to have a limited visual impact. Therefore, I consider the proposed development complies with policies LS3 and EN36 of the AVLP and the NPPF.

Heritage

The existing school building, as previously stated, is within the setting of a grade II listed building, Alfreton Hall. Alfreton Park once formed part of the land associated with Alfreton Hall, however, the park land is not considered to be a historic park that contributes to the significance of the listed building. Also, the school also does not feature within the listed description of the listed heritage asset and does not contribute to its significance.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of this application, 'special regard' is had to *'the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.'*

Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 192 of the NPPF expects planning authorities to take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect that any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 193 states: *“When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 196 provides that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset's] optimum use.

These NPPF paragraphs therefore recognise that to reach a decision to grant permission in a case of ‘less than substantial’ harm, need not involve so much public benefit to weigh against the harm as would be needed in a case of ‘substantial’ harm. Nevertheless, even “less than substantial” harm to the significance of a listed building is an important consideration, which Section 66 requires considerable weight to be given to.

The harm that would be caused is considered to be ‘less than substantial’ to the setting of the listed building. In mitigation against the harm the proposed adventure playground would be screened using tree and hedgerow planting. Also, the playground would be seeded with the intention to visually blend into the parkland setting.

According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of

the heritage asset), there should be a clear and convincing justification for the development to take place at the location and, if this is demonstrated, the harm weighed against the public benefits of the proposal. As stated above in this report, the nature of the proposal demonstrates numerous public benefits for Alfreton and the wider community. The proposed demolition would allow for a larger school to be erected to accommodate rising demand in special needs education provision. Given the nature of the school, as previously explained, the school would benefit Alfreton and the surrounding communities. In addition to this, the replacement adventure playground would benefit the park users by having new equipment and a seated picnic area.

In weighing the very limited harm to the setting of the listed buildings, the public benefits from the development are significant. I regard the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation of the application, even having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.

The site is also adjacent to a non-designated heritage asset called the 'Deer Shed'. The Deer Shed is unaffected by the proposed development.

Any harm would be less than substantial. In consideration of Paragraph 196 of the NPPF, it is considered that the benefits of the proposal in provision of a much needed educational facility, clearly outweigh any minor impacts to the heritage assets. I am satisfied that the proposed development would not result in substantial harm or impact on the significance of the heritage assets. Therefore, I consider the proposed development complies with policies EN24 (c) and EN30 of the AVLP and the NPPF.

Given the location of the site for reasons stated above, consideration should be given to the potential impact upon Archaeology. As previously stated, the site once formed part of the grounds of Alfreton Hall. However, the proposed new school site is within an area which has substantially been impacted by opencast coal extraction. Therefore, I consider that the site retains little or no archaeological potential.

Ecology

The proposed location for the new school building and its ancillary facilities are located outside Alfreton Parks LWS. However, the proposed demolition of the existing school building and the erection of the replacement adventure park would take place within the LWS. As stated above, the site received this designation as a result of Alfreton Park's, parkland habitat and the presence of mature/veteran trees across the site which have been protected by a TPO. However, the Preliminary Ecological Appraisal (PEA) of the existing school site found that, aside from a small number of mature trees (to be retained unaffected under the proposals), the habitats within the site were generally

unremarkable, consisting of poor semi-improved grassland, hardstanding and amenity grassland. No protected or notable species were identified within the site, although a disused badger sett was found nearby, and the potential presence of bats in the school buildings could not be ruled out at that stage.

The PEA included a number of recommendations for ecological mitigation measures, including precautionary methods of working, all of which would be implemented prior to commencement of development or shall be maintained throughout. The submitted ecology report found that the badger sett in this area (outside the application area) was disused. I note that this potential issue is addressed in Section 5.2.4 of the PEA, in which it is recommended that pre-commencement checks for badgers should be undertaken immediately prior to work starting.

The submitted bat survey, which was recommend in the PEA, confirmed no bats were recorded emerging from or returning to the buildings on site nor in the mature trees previously identified, and consequently, no impacts on bats were foreseen. Nevertheless, the submitted ecology report identifies that the proposed development, particularly the lighting, could impact on bats foraging and communing through the site. A condition is to be imposed requiring the mitigations and recommendations identified within the submitted bat survey to be carried out. In addition to this, for clarity, a separate condition is to be imposed in respect of the proposed lighting at the school. The condition would restrict the hours of lighting, except where appropriate, for security purposes.

Since the submission of the application, a site visit was conducted by the Planning Case Officer and there was evidence of excavations, possibly caused by mammals, to the north end of the school site. A condition is to be imposed to secure the recommendations stated within the PEA.

Highfield Plantation, where the new school buildings would be located, lies wholly outside the Alfreton Park LWS, on land of lower ecological value and away from mature and veteran trees. It is understood that this site has been deliberately chosen in order to protect ecology. This significantly reduces the potential for conflict between the development and site ecology.

The PEA of the proposed school site found that the site supported improved pasture and an outdoor play area of limited ecological value, with no significant potential to support protected or notable species. A possible badger sett was, however, found outside of the site boundary, and mitigation measures and ecological enhancements have been proposed in an attempt to alleviate any potential adverse impact. A tree was identified as supporting possible bat roost potential, however, no impacts on bats were foreseen, therefore, no further action was proposed. Standing water bodies were identified outside the site boundary, and precautionary great crested newt eDNA surveys were recommended. These were subsequently carried out and great crested newts were demonstrated to be absent.

The proposed surface water retention pond shows an intention to have a biodiverse waterbody. This would potentially contribute to the biodiversity net gain of the overall development. The information submitted suggests that this would be achieved through the planting of vegetation around the pond edge and below the water's surface. The submitted information uses illustrative examples and therefore the precise details need to be secured by condition.

Overall, there was found to be no likelihood of significant ecological impacts. Derbyshire Wildlife Trust and Natural England were both consulted on this application and no objections have been raised. However, the ecological reports identify mitigations, enhancements and recommendations which should be implemented, and can be secured by an appropriate condition. Therefore, I am satisfied that there are no ecological barriers to the determination of this proposal and that it would accord with policies EN1, EN5, EN13 and EN14 of the AVLP and the NPPF.

Landscape

The LVIA acknowledges that the site is located within the Coalfield Estatelands National Character Area (NCA) 38 (Nottinghamshire, Derbyshire and Yorkshire Coalfield) as defined in the 'Landscape Character of Derbyshire' publication, although there is no direct reference to this document. This is an adopted document of the County Council and the basis for all landscape character policy across the County. The LVIA also notes the site's proximity to the Peak Fringe and Lower Derwent NCA, suggesting it has some transitional qualities although it does not substantiate what these might be. The LVIA makes no reference to the local landscape character of the immediate locality, which is clearly influenced by Alfreton Park and the wider estate character. This failure to recognise the qualities of the local landscape has led the applicant to conclude that the site has a low landscape sensitivity.

I consider that the site is of at least medium landscape sensitivity, given that the site abuts Alfreton Park, and forms part of the setting to this non-designated heritage feature. This is perceived as part of the same space when entering the site from Wingfield Road, and was assessed as having high sensitivity in Amber Valley Borough Council's landscape sensitivity study supporting its housing allocation work. The magnitude of change is considered to be low as it effects only a small area. Although the affected area is small and localised, the development does require a significant amount of earthworks to a very prominent ridgeline and would occupy what is currently open agricultural land, therefore, I would assess the magnitude of change to be medium. The visual effects of the surfaced parking area would be mitigated with the planting of additional trees, particularly if it can be used to break up the parking bays into smaller units.

However, the applicant intends to establish an additional hedgerow along the southern boundary of the development and infill the northern boundary

hedgerow. Additional planting of hedgerows and trees is supported but should be secured by a condition requesting the submission of a revised landscaping plan.

The proposed new school buildings location is an open agricultural field down to pasture located immediately adjacent to Alfreton Park. The proposed relationship of the southern site boundary to the remaining agricultural parcel is particularly poor and the boundary fence proposed would maximise the potential adverse visual effects associated. It is my view that this boundary would be more effective and in keeping with the surrounding landscape character if it was formed by a native hedgerow in conjunction with a secure fence. This would be consistent with the northern boundary to the site where there is already a hedgerow, although this hedgerow would benefit from some infill planting including hedgerow trees and appropriate management.

Within this defined curtilage to the new school there is then the potential to contribute to the parkland character of the immediately adjacent landscape through the planting of small tree groups, plantation woodland and specimen trees. The incorporation of sustainable drainage systems (SuDS) is supported but the proposed surface water retention pond, as shown, looks highly artificial and would have limited value for nature conservation. It is noted that the applicant would be willing to reshape the pond to enhance its potential for wildlife. This should be secured by a condition requesting precise details of the proposed surface water retention pond to be submitted for approval.

I considered that the surface water retention pond would be better integrated into the landscape if the woodland along the site's western boundary was extended to include land to the south of the pond. The inclusion of additional blocks of woodland could be incorporated along the southern boundary, particularly associated with the proposed forest school area, to again break up the visual extent of the southern elevation when entering the site and park from the main entrance. This could be included within the final landscaping plan for the site.

Overall, I would consider the landscape effects to be moderately adverse and, whilst this is greater than the judgement in the LVIA (low adverse), these effects would still not be classified as significant in accordance with the guidelines.

I am satisfied that the proposed development would not significantly impact upon the surrounding landscape, subject to the inclusion of a condition for the submission of a revised landscape plan with information relating to seeding and planting mixes, and outline proposals for a five year aftercare management scheme. Therefore, I consider that the development would then accord with policies EN1, EN5, EN13 and EN14 of the AVLPP and the NPPF.

Noise Impacts

The existing sources of noise are largely from school children at play. This would likely continue at the proposed new school site. The proposed location of the replacement school would be situated over 200m away from the nearest noise sensitive properties, which would be the residential properties along Wingfield Road (A615). Therefore, I consider that the noise produced from normal school activities, such as teaching and outdoor play, would not have a significant impact. However, it is intended by the applicant for the new school hall and MUGA to be available for the school and wider community between 16:00 hours and 21:30 hours Monday to Friday and 08:30 hours to 17:00 hours Saturday to Sunday during term time and school holidays. The proposed use of these facilities outside of the normal school hours raises the potential impact of noise on the local amenity and neighbouring residents. Considering the proximity to the residential properties, it is likely that they will, on occasions, experience some noise disturbance from the potential users of the MUGA.

The Environment Agency and Amber Valley Borough Council's Environmental Health Department both have regulatory responsibilities in relation to the control of noise pollution. They were consulted on the application and neither consultee has raised any objections to the proposal on noise grounds.

Paragraph 183 of the NPPF states that the *"The focus of planning ... decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."* Therefore, in compliance with Paragraph 183 of the NPPF in determining this application, it must be assumed that these regimes will operating effectively.

I am satisfied that the MUGA would not significantly impact on the amenity of nearby residents in terms of noise and would accord with policies EN16 and LC13 of the AVLP and the NPPF in this respect. However, given the proposed development's close proximity to residential properties, a condition is to be imposed to restrict the hours of operation of the Hall and MUGA to ensure that the use of the MUGA does not exceed the times specified.

Traffic and Highway Safety

The proposals to relocate the existing school within the grounds of Alfreton Park, served via the existing access onto Wingfield Road A615, are supported by a Transport Statement which suggests that for the slight increase in size, an additional 20 movements daily would be generated, which is not considered severe.

A parking strategy has been submitted with the proposals which demonstrates that the current school is underprovided for in terms of parking. The proposals demonstrate an increase over the existing provision for staff and visitors. The existing school site provides 27 long stay spaces for staff and visitors,

alongside 11 taxi/mini-bus spaces used for pupil drop-off. These are to be retained for use by the community, Morewood and Parkwood Centres, and Alfreton Park Community Special School when accessing the retained Hydrotherapy Pool. However, the 11 taxi/mini-bus spaces will be removed and returned to parkland. The proposal at the Highfield Plantation site would provide 77 long stay spaces for staff and visitors, alongside four disabled bays. In addition to this, a further 10 spaces would be provided for taxi/mini-bus waiting and three for drop-off.

In view of the nature of the school and the high number of pupil drop-off by car or taxi, the revised location does have a greater potential to impact on vehicles entering the site, with possible backing up onto the A615. The layout demonstrates turning manoeuvres for delivery vehicles and it is assumed that the circulatory and parking area will be available at drop-off and pick-up times.

The access road is generally single track with surfaced parking areas to the side which may provide for ad-hoc passing opportunities. However, the access is currently in use for the school, albeit at a different location, and the other users on site, and it is not considered that the current proposals will worsen the situation.

Concerns have been raised by local residents regarding the potential issues relating to the single access track. Whilst I acknowledge the concerns raised, I am of the view that the proposed development would be unlikely to result in an increase in traffic generated from the site. The applicant has stated the site would be used by the local community outside of school hours. I do not anticipate this would have a significant impact upon the highway.

The Highway Authority has not raised any objections to the proposed development but does advise conditions which require the submission of a Construction Management Plan/Construction Method Statement and the provision of a wheel washing facility on site, as well as parking provision being provided prior to the occupation of the new school building.

Paragraph 110 of the NPPF states *“Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use”*.

The submitted travel plan is limited in terms of content, however, the transport statement does identify that currently only one person cycles. It is noted that the applicant intends to increase cycle provision at the proposed school site to accommodate five cycle spaces. The applicant states that *“it is likely that any cycle parking provision would only be utilised by staff. 5no. cycle parking spaces will be provided for staff and their use promoted and monitored through the travel plan process”*. Given the nature of the school, all pupils

either travel by private car, mini-bus or taxi. A staff only travel plan was submitted to encourage staff to travel by other modes of transport other than a private car. A condition should be implemented requesting the submission of an up-to-date and complete travel plan prior to the occupation of the school. In addition to this, a scheme should be provided showing the secure parking and storage facilities for pedal cycles and motorcycles.

The proposals would result in an increase in teaching staff at the site and, as a result, would cause the use of the school access to intensify due to increased staff, visitors and goods vehicles. I also note that there have not been any highway objections in this respect.

I consider that the proposed development would not result in adverse impacts to highway safety and on the amenity of the area. Under these circumstances, I am satisfied that the proposal would accord with local plan policies TP1 and TD6 of the AVLP and the NPPF. However, conditions are imposed to prevent any unacceptable impact on highway safety or impact on the highway network.

Arboricultural Impacts

The Trees within Alfreton Park, as well as the trees which run along the perimeter of the Highfield Plantation are protected by TPOs. It is acknowledged that the horse chestnuts growing in the verge next to the drive to the proposed school site form part of the avenue along the drive which is an important feature of the site, which is to be retained. All trees on the new school site would be retained and remain unaffected by the proposal.

Paragraph 170 of the NPPF states “*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;”

Paragraph 175 also states that “*When determining planning applications, local planning authorities should apply the following principles:*

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;”

The proposed demolition of the existing school building would result in the removal of three existing TPO trees (2 x swedish whitebeam and 1 x Oak). The reason for this is to gain access to the site and enable the development to be carried out. However, no tree protection plan has been submitted for either

site. I therefore recommend a condition requiring the submission of details setting out appropriate measures to protect the TPO trees to be retained and safeguard the root protection areas. As a result of the removal of TPO veteran trees, a number of new trees would be planted around the site of the new school and adventure playground, to compensate the loss and to mitigate the visual impact of the school and parking area.

Tourism

Concerns were raised in respect of the proposal's impact on local tourism. Alfreton Park is the venue for the annual event called 'Party in the Park', which is a community event that attracts tourists to visit Alfreton. The site for the new school is currently used as a temporary parking area for the event and it is believed that, without suitable parking provision, the event would impact upon tourism to the town of Alfreton.

The Design and Access Statement submitted by the applicant acknowledges that the proposed development would impact upon parking provision for the event. The supporting document also provides mitigation measure, such as the availability of the school's parking facilities, which would consist of 94 parking spaces. The document identifies the land to the south of the proposed school as a suitable parking area. Figure 9.1 of the Design and Access Statement also demonstrates the potential to facilitate 485 spaces.

I consider that there would be satisfactory parking provided for the event. Therefore, the proposed development would not result in any adverse impacts on local tourism or the annual event.

Conclusion

In conclusion, whilst the proposal is for a substantial development, consisting of demolition works, erection of a new school and adventure playground, as well as ancillary works, I do not consider that it would generate any impacts which cannot be mitigated by way of condition. The layout and location of the proposed replacement school demonstrates a good and sustainable design. The proposed development would contribute towards an increase in noise as a result of the local communities using the facility after school hours. However, given the nature of the site and location, I do not consider that this would be to unacceptable levels. The development would not, in my opinion, generate significant amounts of traffic or pollution and related nuisances. I consider that the proposal complies with the land use Policy LC5 of the AVLP and therefore is not viewed as a departure of the local plan. The works, as described above, have a justified need to take place and would accord with local and national planning policy. Subject to the recommended conditions, I am satisfied that the proposal would accord with the AVLP and the NPPF, and the application is recommended for approval.

The representations which raise a number of concerns, as listed above, have been taken into consideration when determining this application.

(3) **Financial Considerations** The correct fee of £19,866 has been received.

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

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

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

Other Considerations

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

(6) **Background Papers** File No. 6.174.42
Design and Access Statement – Appendix D, Design and Access Statement - Appendix E, Design and Access Statement – Appendix F, Design and Access Statement – Appendix G, Design and Access Statement – Appendix H, Design and Access Statement – Appendix I 4 June 2019.
Statement on Parking Provision received 10 June 2019.
Design and Access Statement, Design and Access Statement – Appendix C, School Travel Plan, Flood Risk Assessment and Drainage Strategy Report Revision 2, CCTV Condition report received, Geo-Environmental Assessment dated March 2019, Heritage Statement, Alfreton Park Community Special School Landscape Visual Impact Assessment dated April 2019, Stage 2 Acoustic Design Guidance Acoustic Consultancy Report ADT 2855/DG dated 22 March 2019, and Desktop Utility Search all received 11 June 2019.
Masterplan revision A received 19 June 2019.
Building Sections Teaching Wing, Circulation and Access Strategy, Existing School- Photog Key, Existing school- Hydrotherapy Pool Plan, Existing school-Post 16 Plans and Elevations, Existing school – Main building Elevation A, Existing school – Main building Plan, Existing school –Main building Elevations B and C, Existing school –Main building Elevations D, Existing school –Main building Elevations E, F and G, Existing school –Main building Elevations H and I, Existing school –Main building Elevations J and K, Existing Site Demolition Strategy, External Lighting, General Sections, Outline Sequence Drawing, 2047.020719.SLP.PS, Alfreton Park Masterplan – Proposed Site Development, Proposed Access Strategy, Proposed Elevations 1 of 3 Primary & Entrance wings Revision A, Wing revision A, Proposed Plan Simplified revision A, Proposed Elevations 2 of 3 Senior, 11.22m Refuse

Vehicle Proposed Routing revision P2, Site Elevations, Site fire Strategy revision A and Site Sections revision A, Outline SSW.RA - Demolition of a Brick Built Structure revision1, Phase 1 Pre-development Arboricultural Report dated 27 February 2019, Phase 1 Pre-development Arboricultural Report dated 2 August 2018, LR25 Community Use Statement, Technical Report - Analysis Of Environmental DNA In Pond Water For The Detection of Great Crested Newts, The Deer Shed – Final Bat Survey Report Dated October 2017, Further Bat Surveys dated 21 November 2018, Outline Demolition Method Statement, Preliminary Ecological Appraisal and Daytime Bat Survey, Preliminary Ecological Appraisal Highfield Plantation, Alfreton Park, and Recreation Statement all received 4 July 2019.

Application Form and Location plan both received 8 July 2019.

Site Plan revision D and Transport Statement dated May 2019 received 19 July 2019.

Response on newly created replacement play area, 24 July 2019.

RES Alfreton Town Council, Response on Lead Local Flood Authority (LLFA) recommendations, 2019 07 26 RES LLFA 05, Response on Landscape Effects, Mitigation & Design, Response on The Coal Authority Response: Substantive Concern, 2019 07 29 RES TCA 05, Response on Economy Transport and Environment, and 2019 07 12 RES Travel Plans 05 all received 9 September 2019.

Consultation Responses from:

Environment Agency received 10 July 2019

Derbyshire County Council – Sustainable Travel Team received 12 July 2019.

Derbyshire County Council – Landscape Team received 15 July 2019 and 11 September 2019.

Derbyshire County Council – Archaeologist received 17 July 2019.

Alfreton Town Council received 24 July 2019 and 18 September 2019.

Lead Local Flood Authority received 26 July 2019 and 11 September 2019.

The Coal Authority received 29 July 2019 and 4 September 2019.

Amber Valley Borough Council –Planning received 31 July 2019.

Sport England received 31 July 2019.

Yorkshire Water received 31 July 2019.

Natural England received 5 August 2019.

Derbyshire County Council - Ecology received 8 August 2019 and 11 September 2019.

Highway Authority received 09 August 2019.

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

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

- 3) The development shall take place in accordance with the details contained in the 1APP dated 31 May 2019, Design and Access Statement, Design and Access Statement Appendix C, D, E, F, G, H, I, Outline SSW.RA-Demolition of Brick Built Structures Revision 1, Phase 1 Predevelopment Arboriculture Report dated 27 February 2019, Phase 1 Predevelopment Arboriculture Report dated 02 August 2018, LR25 Community Use Statement, School Travel Plan, Technical Report – Analysis of Environmental DNA in Pond Water For The Detection of Great Crested Newts, The Deer Shed-Final Bat Survey Report dated October 2017, Flood Risk Assessment and Drainage Strategy Report Revision 2, CCTV Condition Report, Further Bat Surveys dated 21 November 2018, Geo-Environmental Assessment dated March 2019, Heritage Statement, Landscape Visual Impact Assessment dated April 2019, Stage 2 Acoustic Design Guidance Acoustic Consultancy Report ADT 2855/DG dated 22 March 2019, Outline Demolition Method Statement, Statement on Parking Provision, Preliminary Ecological Appraisal and Daytime Bat Survey, Preliminary Ecological Appraisal Highfield Plantation Alfreton Park, Recreation Statement, Response on newly created replacement play area 2019 07 24 RES Alfreton Town Council, Response on Lead Local Flood Authority (LLFA) recommendations 2019 07 26 RES LLFA 05, Response on Landscape Effects Mitigation & Design, Response on The Coal Authority response: Substantive Concern 2019 07 29 RES TCA 05, Response on Economy Transport and Environment 2019 07 12 RES Travel Plans 05, Desktop Utility Search, Transport Statement dated May 2019 and the following plans:
 - Drawing no.1004A 1003 entitled 'Location Plan'.
 - Drawing no.1004 1002 entitled 'Site Plan', Revision D.
 - Drawing no.1004A 1001 entitled 'Masterplan' Revision A.
 - Drawing no.1004A 1006 entitled 'Circulation and Access Strategy'.
 - Drawing no.1004A 4050 entitled 'Existing School – Main building Elevation A'.
 - Drawing no.1004A 4051 entitled 'Existing school – Main building Elevation B and C'.
 - Drawing no.1004A 4052 entitled 'Existing school – Main building Elevation D'.

- Drawing no.1004A 4053 entitled 'Existing school – Main building Elevation E, F and G'.
- Drawing no.1004A 4054 entitled 'Existing school – Main building Elevation H and I'.
- Drawing no.1004A 4055 entitled 'Existing school – Main building Elevation J and K'.
- Drawing no.1004A 4056 entitled 'Existing School – Photo Key.
- Drawing no.1004A 2050 entitled 'Existing School – Main Building Plan'.
- Drawing no.1004A 2051 entitled 'Existing School – Post 16 Plans and Elevations'.
- Drawing no.1004A 2052 entitled 'Existing School – Hydrotherapy Pool Plan'.
- Drawing no.1004A 5008 entitled 'Building Sections Teaching Wing', Revision A.
- Drawing no. wwa_1842_LL_113 entitled 'Existing Site Demolition Strategy' Revision PL00.
- Drawing no. 1206E-MET-ZZ-00-DR-E-6301 entitled 'External Lighting' Revision S2-P02.
- Drawing no. 1004A 5005 entitled 'General Sections' Revision A.
- Drawing no.1010 entitled 'Alfreton Park Masterplan – Proposed Site Development'.
- Drawing no.2047.020719.SD.PS entitled 'Outline Sequence Drawing'.
- Drawing no.2047.020719.SLP.PS.
- Drawing no.1004A 2012 entitled 'Proposed Access Strategy'.
- Drawing no.1004A 4020 entitled 'Proposed Elevations 1 of 3 Primary & Entrance Wings' Revision A.
- Drawing no.1004A 4021 entitled 'Proposed Elevations 2 of 3 Senior Wing' Revision A.
- Drawing no.1004A 2005 entitled 'Proposed Plan Simplified' Revision A.
- Drawing no.03577-A-0001 entitled '11.22m Refuse Vehicle Proposed Routing' Revision P2.
- Drawing no.1004A 5002 entitled 'Site Elevations'.
- Drawing no.1004A 1005 entitled 'Site Fire Strategy' Revision A.
- Drawing no.1004A 5001 entitled 'Site Sections' Revision A.

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

Hours of Operation

- 4) The School Hall and MUGA shall only be used during the following hours:

08:00 hours – 20:00 hours Mondays to Fridays

09:00 hours – 18:00 hours Saturdays, Sundays and Bank Holidays.

Reason: In the interests of local amenity and the environment.

- 5) The School Hall and MUGA shall only be used by the external parties/local communities between the following hours:

16:00 hours – 20:00 hours Mondays to Fridays

09:00 hours – 18:00 hours Saturdays, Sundays and Bank Holidays.

Reason: In the interests of highway safety and local amenity.

Construction

- 6) No construction/demolition work at the site shall take place outside the following hours:

07:00 hours to 19:00 hours on Mondays to Fridays.

08:00 hours to 13:00 hours on Saturdays.

There shall be no construction/demolition work at the site at any time on Sundays or Public Holidays except by agreement with the County Planning Authority.

All deliveries to the site shall be limited to times within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to and approved in writing by the County Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of local amenity and the environment.

- 7) If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected contamination shall be dealt with. The Strategy shall be implemented as approved in writing by the County Planning Authority.

Reason: To protect the health of the public and the wider environment.

- 8) Prior to the commencement of the development, a materials balancing scheme, including a proposed topographical survey, and precise details of the amount, re-use and disposal of inert materials arising from the onsite cut and fill operations, shall be submitted to and approved by the county planning authority. The scheme shall then be implemented as approved.

Reason: In the interests of local amenity and the environment.

- 9) No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the County Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the County Planning Authority.

Reason: To protect the health of the public and the wider environment.

- 10) All rubbish, scrap and waste material, either found or generated on the site, shall be stored in clearly marked areas or containers until such time as it can be removed to facility which holds an appropriate Environmental Permit.

Reason: In the interest of protecting the environment and the amenity of the surrounding area.

- 11) There shall be no burning of Waste at the site.

Reason: To ensure that the development does not have an adverse impact on local amenity.

Access, Traffic and Highway Safety

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

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

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

Management Plan or Construction Method Statement shall be implemented as approved and maintained throughout the period of construction free from any impediment to its designated use.

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

- 14) The premises, the subject of the application, shall not be taken into use until space has been laid out within the site in accordance with the application drawing for the parking and manoeuvring of staff, visitors, service and delivery vehicles and mini-buses/taxis, and for all vehicles to turn so that they may enter and leave the site in forward gear. The space shall be retained free from any impediment to its designated use throughout the life of the development.

Reason: The condition is imposed to minimise the impact of the development on the users of the park, nearby residents and local highway network and in the interest of site safety.

- 15) There shall be no occupation of the new school buildings until a School Travel Plan shall be submitted to and have been approved in writing by the County Planning Authority. The Travel Plan shall be implemented as approved and monitored and reviewed in accordance with the agreed Travel Plan targets.

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

Ecology

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

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

- 17) Prior to the new buildings being taken into use, the ecological mitigation measures, enhancement plan for the site shall be submitted to and have been approved in writing by the County Planning Authority. The submission, which shall be based on the recommendations set out

within the ecological reports as listed within Condition 3. The ecological enhancement plan shall then be implemented as approved.

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

- 18) Within six months of the date of this permission, a detailed scheme for the Surface Water Retention Pond regarding the precise design, planting and maintenance, shall be submitted to and approved in writing by the County Planning Authority. The submission shall be implemented as approved.

Reason: In the interest of enhancing the biodiversity of the site.

- 19) Throughout the development and when clearing vegetation from around the site, reasonable care shall be taken to ensure that if any reptiles discovered are not injured or killed. If, at any time during the development any reptile is found, a suitably qualified ecologist shall be supervise the protection and removal of reptiles. No further works to the area of the site, where the reptile was discovered, may be undertaken unless supervised by a suitable qualified ecologist.

Reason: To protect any reptiles that may be present within the site.

- 20) Pre-commencement checks for badger activity should be undertaken immediately prior to work starting. If, at any time during the development, any badgers or evidence of their presence on site is found, all development should cease on site until suitably qualified ecologist has assessed the site and a scheme shall be submitted to and have been approved in writing by the County Planning Authority.

Reason: In the interest of protecting protected species.

- 21) The flood lighting shall be restricted to that of the approved hours of operations, as highlighted under conditions 4 and 5 of this decision notice. The lighting should not be used overnight unless required for security purposes.

Reason: In the interest of bat conservation and foraging.

Landscaping

- 22) Prior to the commencement of development, a revised landscape plan, including precise details in respect of layout, seeding and planting mixes, and outline proposals for aftercare management as appropriate, shall be submitted to and approved by the County Planning Authority. The scheme shall then be implemented as approved.

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

- 23) All fencing shall be finished in either a Dark Green or Black finish.

Reason: To reduce the visual intrusion of the development.

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

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

- 25) Prior to the commencement of the demolition works, a Tree Protection Scheme, setting out appropriate measures to protect trees protected by Tree Preservation Orders in proximity to the demolition works and safeguard the root protection areas, shall be submitted to and have been approved in writing by the County Planning Authority. The scheme shall then be implemented as approved.

Reason: In the interest of preserving local amenity and protecting TPO and veteran trees.

Coal High Risk Development

- 26) The development shall implement the recommendations stated within the submitted Geo-Environmental Assessment Report produce by Delta Simmons Environmental Services Limited, as listed within Condition 3.

Reason: In the interest of the Coal Authority and local amenity.

Flood Risk

- 27) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. Alfreton Park Community School Flood Risk Assessment and Drainage Strategy Report by Price & Myers Version 2, May 2019 and including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team,

b. And the Department for Environment, Food and Rural Affairs (DEFRA) Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

- 28) Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

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 accordance with Section 100ZA of the Town and Country Planning Act 1990, as amended and the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant has been provided with a draft schedule of the conditions attached to this report. In accordance with Regulation 3(a) of the Regulations, the applicant has provided a substantive response to the effect that they agree with the imposition of this pre-commencement condition.

Footnotes

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) In the event that a bat is discovered during works, then all works should stop immediately and advice should be sought from a suitably experienced and licensed ecologist.
- 3) All open trenches or pits must be covered over at night or left with a sloping end, to prevent mammals from falling in and becoming trapped. Similarly, any pipes over 200mm will need to be capped off at night to prevent mammals from using them for shelter. Night work should be avoided where possible and in the unlikely event that evidence of sett digging is observed, works should cease until a full assessment can be made by an ecologist.
- 4) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 5) Where development has been approved, subject to the preparation and implementation of a Travel Plan, the applicant is obligated to submit the appropriate documentation to the Local Planning Authority, well in advance of the development being taken into use. Advice regarding the content of the Travel Plans may be obtained from the Executive Director – Economy Transport and Environment at County Hall, Matlock).
- 6) The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- 7) Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk
- 8) No part of the proposed development shall be constructed within 3m-8m of an ordinary watercourse and a minimum 3 m for a culverted

watercourse (increases with size of culvert). It should be noted that the County Council has an anti-culverting policy.

- 9) The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- 10) The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- 11) The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management Team should any guidance on the drainage strategy for the proposed development be required.
- 12) Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- 13) Surface water drainage plans should include the following:
 - Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients and flow directions and pipe numbers.
 - Soakaways, including size and material.
 - Typical inspection chamber/soakaway/silt trap and surface water attenuation details.
 - Site ground levels and finished floor levels.
- 14) I. On Site Surface Water Management;
 - The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
 - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development (to be agreed with the LLFA).

- Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

Volume Control

- For greenfield developments, the run-off volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield run-off rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network whatever size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc, which are not served by the drainage system and do not play a part in the run-off management for the site, and which can be assumed to have a run-off response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

- 15) All Micro Drainage calculations and results must be submitted in .MDX format, to the Local Planning Authority. (Other methods of drainage calculations are acceptable.)

- 16) The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development, ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- 17) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should, wherever possible, be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

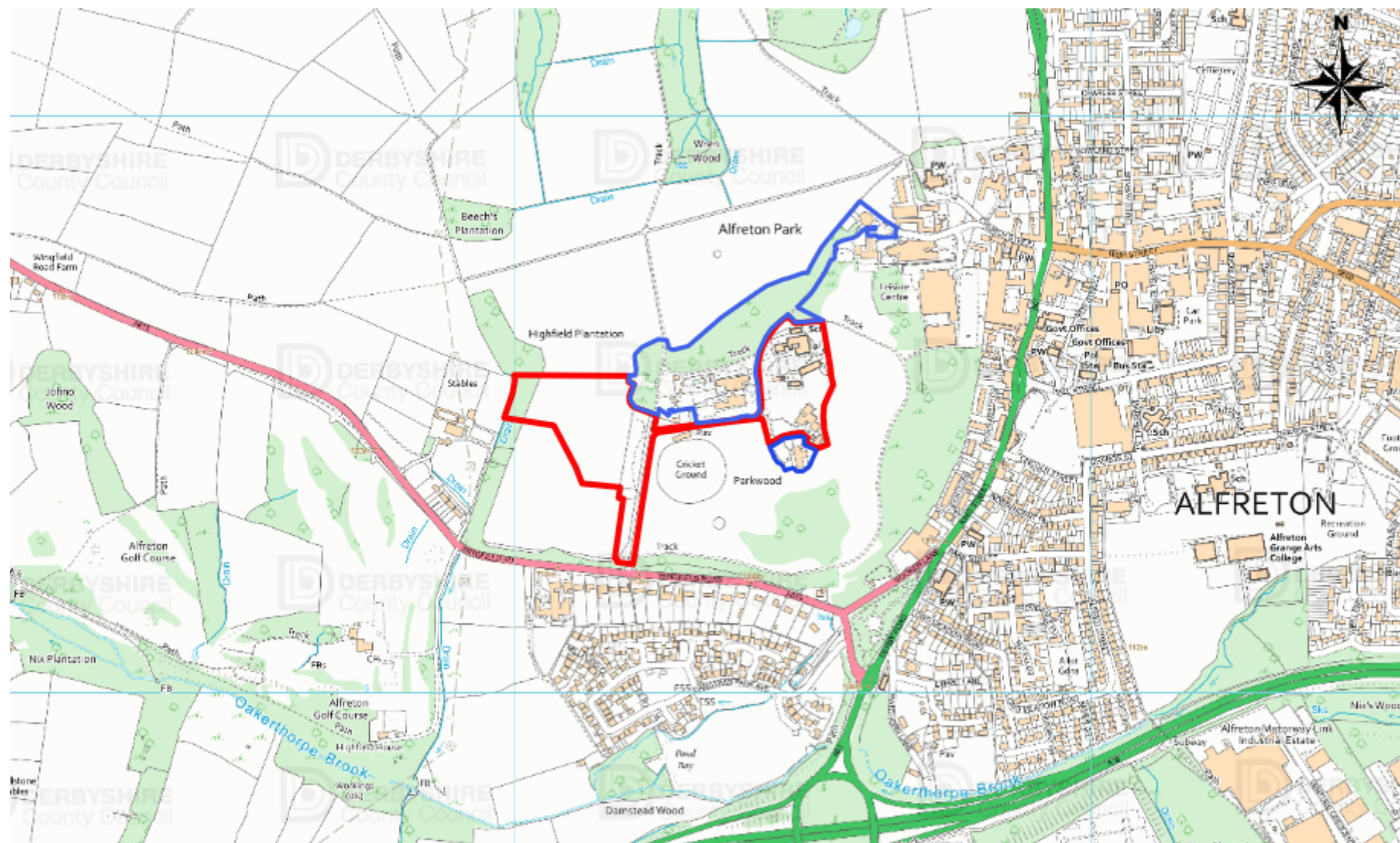
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2019 until 31st December 2020.

Mike Ashworth
Executive Director – Economy, Transport and Environment



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DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

7 October 2019

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee's Information

3 CURRENT ENFORCEMENT ACTION

Site	Breach	Action Taken	Comment
BM Tech, Foston. 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	Condition 2 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of importation and deposit of waste outside the building. Condition 3 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of use of processing plant outside the building.	Regularising planning application received August 2019 (awaiting validation).
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received). Breach of Condition Notice (Mud on Road) issued 19 December 2016.	Site inactive.

		Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme. February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017. Interim Injunction Order granted 31 March 2017.	Site inactive. Two planning applications relating to the site under consideration (CM3/0918/48 and CM3/0918/49).
Land west of Park Farm, Woodland Road, Stanton	Without planning permission the change of use of the Land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	Date notice takes effect – 21 January 2019. Ongoing monitoring of notice requirements.
Land at Park Hills Farm, Muggington Lane End, Weston Underwood	Without planning permission the deposit of waste materials onto land.	Temporary Stop Notice issued 29 May 2019	Ongoing monitoring/review.

Mike Ashworth
Executive Director – Economy, Transport and Environment

Agenda Item No. 4.5

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

7 October 2019

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee's Information

5 CURRENT APPEALS/CALLED IN APPLICATIONS

There are currently no appeals lodged with the Planning Inspectorate.

**Mike Ashworth
Executive Director – Economy, Transport and Environment**

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