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Emma Alexander
Executive Director
Commissioning,
Communities and Policy
County Hall
Matlock
Derbyshire
DE4 3AG

Extension 38328
Direct Dial 01629 538328
Ask for Ivan Walters

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To: Members of Regulatory - Planning Committee

Thursday 21 November 2019

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 2 December 2019** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Emma Alexander'.

Emma Alexander
Executive Director
Commissioning, Communities and Policy

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. Minutes (Pages 1 - 8)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 7 October 2019

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

- 6 (a) Proposed Extension to Hayfield Waste Water Treatment Works, including Ground Re-Profiling and Landscaping, in Addition to Two New Control Kiosks within the Existing Boundary of the Site, Hayfield Waste Water Treatment Works. Applicant: United Utilities. Code No: CW1/0619/24 (Pages 9 - 28)
- 6 (b) Proposed Construction of a New Building to Provide Two Additional Classrooms, with Associated Group and Toilet Accommodation Spaces at Highfield Hall Primary School, Highfield Lane, Chesterfield. Applicant: Derbyshire County Council. Code No: CD2/0919/7 (Pages 29 - 44)
- 6 (c) Provision of Five Additional Car Parking Spaces at Highfield Hall Primary School, Highfield Lane, Chesterfield. Applicant: Derbyshire County Council. Code No: CD2/0919/47 (Pages 45 - 54)
- 6 (d) Current Enforcement Action (Pages 55 - 56)
- 6 (e) Outstanding Application List (to be circulated at the meeting)
- 6 (f) Current Appeals/Called in Applications (Pages 57 - 58)
- 6 (g) Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers (to be circulated at the meeting)
- 6 (h) Development Management Performance Monitoring (to be circulated at the meeting)

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Agenda Item No. 2

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 7 October 2019.

PRESENT

Councillor R Iliffe (in the Chair)

Councillors J Atkin, D Charles, R Flatley (substitute Member), A Griffiths, L Grooby, R Mihaly, R A Parkinson, P Smith and B Wright.

Apologies for absence were submitted on behalf Councillor M Ford

57/19 **SITE VISIT** In accordance with the Code of Practice Members visited the site at Alfreton Park School (Minute No. 60/19).

58/19 **AWARD** The Chairman informed the Committee that the County Council's Planning Services, had recently won the Royal Town Planning Institutes East Midlands Award for Planning Excellence 2019 – Local Authority Planning Team of the Year, at an award ceremony in Derby. On behalf of the Committee, the Chairman congratulated Mr David Arnold and his staff on receiving the award.

59/19 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 23 September 2019 be confirmed as a correct record and signed by the Chairman.

60/19 **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** Members were asked 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 was subject to an outline application for permission which had been recommended for approval by Bolsover District Council's Planning Committee.

On 8 July 2019, the Committee had 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 draft conditions set out in the officer recommendation of the report to Committee on the applications (Minute No.38/19).

The content of the section 106 agreement required under that resolution had yet to be finalised. The application was brought before the Committee again because a significant change from the draft condition for commencement under that resolution had been requested by the applicant.

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

Since the resolution to grant permission by Committee on 8 July 2019, negotiations had been taking place between the County Council, as the Mineral Planning Authority (MPA) and the applicant, as landowner, to finalise the draft planning conditions presented at Committee.

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

An informative letter had since been provided on behalf of the applicant (2 September 2019) relating to the applicant's difficulties in committing to the timescales required for discharging the requirements of draft pre-commencement conditions on the basis of a five year period for commencement, along with other comments relating to conditions proposed.

A summary was provided in the Executive Director's report of the informative points made in the applicant's letter, which were accepted to be material planning considerations.

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

The reporting officers had accepted that, given site constraints, the obtaining of a Land Drainage Consent, together with a Network Rail agreement, could be significantly time consuming as preliminary issues for the applicant.

Also, taking into account the need to enter into an agreement under section 278 of the Highway Act 1980 and economic uncertainties, the reporting officers had found that, on balance, the proposed 5 year commencement period was acceptable provided that a sequencing condition was also included within the conditions to the permission to be issued, which mirrored a condition that was being included in the officer's recommendation for approval of the outline housing application to Bolsover District Council's Planning Committee.

RESOLVED 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.

61/19 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 The proposal was 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 also 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 was situated within the setting of the grade II listed Alfreton Hall, however, the application site was not in a Conservation Area (CA). The proposed site formed part of the Alfreton Park Local Wildlife Site (LWS), which had also been identified by the local planning authority as a Site of Interest for Nature Conservation. The site was within a coal mining High Risk Development Area and the entire existing school site was covered by a Tree Preservation Order (TPO).

The proposed development was 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 had demonstrated a justified need for the development to take place.

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

Following consultations and 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

representations made, which raised a number of concerns, had been taken into consideration in reporting on the application. The local elected members had been consulted and no comments had been received from them at that stage.

In conclusion in the report, The Executive Director, stated that whilst the proposal was for a substantial development, consisting of demolition works, erection of a new school and adventure playground, as well as ancillary works, he did not consider that it would generate any impacts which could not be mitigated by way of condition. The layout and location of the proposed replacement school demonstrated 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, he did not consider that this would be to unacceptable levels. The development would not, in his opinion, generate significant amounts of traffic or pollution and related nuisances. He considered that the proposal complied with the land use Policy LC5 of the AVLP and therefore was not viewed as a departure of the local plan. The works, as described in the Executive Director's report had a justified need to take place and would accord with local and national planning policy. Subject to imposition of the conditions, he recommended under his recommendation for approval, he was satisfied that the proposal would accord with the AVLP and the NPPF.

To supplement the reporting officer's introduction of the report to the Committee, several slide images of the layout of the proposal were presented to the meeting.

Councillor Mihaly pointed out that in granting any permission, the timing of the availability of the MUGA for community uses during school holidays (as mentioned on page 4 of the report) would need to be clarified. He also suggested that to avoid any undue residential disturbance the earliest time for starting development operations should be 8am, instead of 7am as provided in the draft condition number 6 in the recommendation.

Councillor Smith pointed out that the proposed site of the new school had been used for car parking when the annual Festival in the Park is had been held. He questioned whether the impact of the proposed development on the feasibility of continuing to hold community events at Alfreton Park, particularly the annual "Party in the Park" with its access and parking requirements, might require an extra condition to be required. The reporting officer confirmed in response that he did not perceive that there would be any significant problem in this respect, since there informal space for temporary parking of up to about 485 vehicles could be made available. Councillor Smith also enquired whether an existing gated field entrance which was opened for temporary access might be available in the future and improved. After it was

pointed out that the current application did not directly relate to the entrance, a representative for the Council as applicant who was in attendance gave an assurance that the Council would endeavour to co-operate effectively with the organisation of future public events at the Park.

It was also pointed out by members that the access road into the park had been observed to be in a poor condition. Councillor Smith requested that the applicant improve this road during the development. Whilst the reporting officer confirmed that the application did not extend to any improvements to access road, the representative for the Council as applicant indicated that the condition of the road would be attended to when the development was carried out.

RESOLVED that planning permission be granted, subject to conditions substantially similar to the draft conditions detailed in the report of the Executive Director Economy, Transport and Environment, and so as to specify within the condition corresponding to the draft condition number 6, 8am instead of 7am as the earliest time for daily starting of development operations.

62/19 CURRENT ENFORCEMENT ACTION RESOLVED to receive the report on current enforcement action.

63/19 OUTSTANDING APPLICATIONS RESOLVED to receive the list on decisions outstanding on 7 October 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.

64/19 CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED to note that there were currently no appeals lodged with the Planning Inspectorate.

65/19 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS RESOLVED to note that the following applications had been approved by the Executive Director Economy, Transport and Environment under delegated powers on:

20 September 2019

- 1 Installation of a Sludge Thickening Building, a Motor Control Centre Kiosk and a Low Voltage Kiosk, Ashbourne Sewage Treatment Works, Watery Lane, Ashbourne, DE6 1AS
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0719/36

27 September 2019

- 1 Installation of an External Teaching Space at Norbury C of E Primary School, 2 Lid Lane, Roston, DE6 2EG
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0819/42
- 2 Part Retrospective Planning Application for Existing Canopy, Ramping; Propose Cladding and the Five Year Retention of Two Existing Temporary Buildings at Ashover Primary School, Narrowleys Lane, Ashover S45 0AU
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0819/39
- 3 Proposed Replacement of Roof Covering, Replacement of Roof Windows, with some Windows to be removed and Boarded Over and the Replacement of All Associated Rainwater Goods at Longmoor Primary School, Newstead Road, Long Eaton
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0719/35
- 4 Delegated Decisions on Schemes Required by Planning Conditions:
 - SM3254
 - SM3253
 - SM3255

66/19 DEVELOPMENT MANAGEMENT PERFORMANCE
MONITORING RESOLVED to receive the Planning Services Development Management Performance Management Statistics for 9 July 2019 to 8 October 2019.

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Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

2 December 2019

Report of the Executive Director – Economy, Transport and Environment

- 1 PROPOSED EXTENSION TO HAYFIELD WASTE WATER TREATMENT WORKS, INCLUDING GROUND RE-PROFILING AND LANDSCAPING, IN ADDITION TO TWO NEW CONTROL KIOSKS WITHIN THE EXISTING BOUNDARY OF THE SITE, HAYFIELD WASTE WATER TREATMENT WORKS**
APPLICANT: UNITED UTILITIES
CODE NO: CW1/0619/24

1.1499.1

Introductory Summary This planning application seeks permission for the installation of equipment within the existing waste water treatment works (WWTWs) and within a proposed extension area adjacent north of the existing site. The proposed works form part of a larger development project where much of the works is permitted development. The proposed development is required in order that the WWTWs can meet modern water quality standards and meet the needs of a growing local population.

The application site is within Green Belt and the proposal is considered to be a departure from the High Peak Local Plan (HPLP). The site is also close to the boundary of the Peak District National Park (PDNP) area. The planning application is supported, however, with a statement which concludes that there are very special circumstances for justifying the proposed development within the Green Belt. The applicant has engaged with the Waste Planning Authority and has reconfigured the site layout, amended the colour finish of the proposed new equipment to a dark recessive colour and amended the landscaping scheme in order to provide the least visual impact. The applicant has also provided further survey work in respect of comments received from Derbyshire Wildlife Trust. I consider that there would be limited impacts on the landscape, amenity, the environment, the Green Belt and the setting of the PDNP. On that basis, I am satisfied that the application is acceptable and is recommended for approval, subject to the conditions as set out below.

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

(2) Information and Analysis

Site and Surroundings

The application site is located off a private access road which is accessed westwards from Swallow House Lane. The site is located between the settlements of Birch Vale and Hayfield and lies in the Sett Valley, adjacent north of the River Sett. It comprises two areas within the existing WWTWs (515.6 square metres (m²) and 273.1m²) and an area adjacent north-west of the existing site (5592.2m²). The total site area is 0.64 hectares (ha). The site of the proposed extension sits on an upwards slope on the north side of the River Sett Valley and is considerably higher (approximately 3 metres (m) to 4m) than the existing WWTWs adjacent south. The site is within open countryside and is within Green Belt. The PDNP area is 105m to the north of the site and bounds the north side of Swallow House Lane. The site is within the Dark Peak National Character Area (NCA). The existing WWTWs and the proposed extension are located within a predominantly agricultural setting. There is sporadic residential development to the north on Swallow House Lane, the nearest residence being 100m to the north. There are no Conservation Areas or Listed Buildings within or in the vicinity of the application site. The site falls in a Coal Authority Development Low Risk Area.

The Derbyshire County Council publication: The Landscape Character of Derbyshire, summarises the vicinity under the section entitled Dark Peak: Settled Valley Pastures Landscape Character Type as *“A settled, pastoral farming landscape on gently sloping lower valley sides, dissected by stream valleys. Dense watercourse trees, scattered boundary trees and tree groups around settlement contribute to a strongly wooded character”*. The site is also within a landscape of ‘secondary sensitivity’, as recorded in the Derbyshire County Council study (October 2010) to identify ‘Areas of Multiple Environmental Sensitivity’ (AMES). The surrounding landscape has some environmental sensitivity and value further reinforced by it being located within Green Belt.

The existing WWTWs is within an area of low probability of flooding (Flood Zone 1). Land adjacent south of the water treatment facility is within Flood Zones 2 and 3. The proposed extension to the north of the existing site is also in Flood Zone 1 and is at a significantly higher elevation than the existing site, approximately 3m-4 m.

The Proposal

The proposed development comprises an extension to the northern boundary of the existing WWTWs within which new equipment is proposed to be installed. The proposed development also includes works within the boundary of the existing site. Some proposed works within the existing treatment works boundary are permitted development. Delivery of this proposal would upgrade the existing outdated waste water treatment equipment and processes to

modern standards and targets and would contribute positively to the delivery of 'High' Water Framework Directive (WFD) status for the River Sett.

The existing WWTWs serves a population of 2,842 people. The year 2036 design horizon after the facility has been upgraded is 3,113 peoples.

Proposed Works within the Existing WWTWs Boundary

Requiring Planning Permission:

- Ferric sulphate dosing kiosk 11.3m long x 4.2m wide x 3.7m high (finish: BS4800 14C 39 Holly Green);
- Tertiary solids removal units (three of) 4m x 4m x 4m high (finish: BS4800 14C 39 Holly Green);
- Motor Control Centre Kiosk 8.3m long x 5.4m wide x 4m high (finish: BS4800 14C 39 Holly Green).

Proposed Works within the Proposed Extension to the Existing WWTWs

Requiring planning permission:

- Sodium bicarbonate dosing kiosk 12m long x 5m wide x 6m high (finish: BS4800 14C 39 Holly Green);
- Dirty water backwash balance tank 2.5m diameter x 4.7m high (finish: BS4800 14C 39 Holly Green);
- Inlet works 9.6m long x 1.5m wide x 3.1m high (finish: BS4800 14C 39 Holly Green);
- Access road 4m wide;
- Chain link fence 2.1m high (finish: RAL 6005 Moss Green);
- Gate 2.4m high (finish: RAL 6005 Moss Green);
- Groundworks and re-profiling (including landscaping).

A temporary construction compound with an area of 1,003m² is also proposed under Permitted Development (Part 4 Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015) adjacent east of the proposed extension to the existing waterworks site.

The application states that the delivery of this proposal would contribute significantly to the River Sett achieving 'High' WFD status. The present WWTWs do not meet this modern standard. The waste water treatment process would be significantly improved by the proposed development, enabling water quality targets to be achieved.

The planning application is supported by a statement of justification which recognises that whilst the proposed development can be considered to be inappropriate development in the Green Belt, the applicant has demonstrated that 'very special circumstances' exist to allow the development. This is considered in detail in the 'Planning Considerations' section below.

Consultations

Local Member

Councillor Atkins (New Mills) was requested to respond by 14 October 2019.

High Peak Borough Council (Planning)

High Peak Borough Council (Planning) responded on 29 July 2019 stating that it has no objections. The Borough Council further responded on 14 October 2019 as follows:

“The site is located within the Green Belt and outside of the built-up area boundary in the open countryside. The Peak National Park boundary lies some 180m to the north at its closest point.

As such, the application is subject to Local Plan Policies EQ3 and EQ4 and restrictive policies contained within Chapter 13 of the NPPF. Policy EQ3 refers to development proposals in the rural areas outside of development boundaries, whilst Policy EQ4 requires proposals in the Green Belt to be assessed in accordance with national policy.

The purpose of Policy EQ3 is to strictly control development in the rural areas in order to protect the landscapes intrinsic character and distinctiveness including the setting of the Peak National Park.

Paragraphs 143 and 144 clarifies that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances; very special circumstances not existing unless the potential harm to the Green Belt is clearly outweighed by any other considerations.

Paragraphs 145 and 146 set out a list of the types of development which are not inappropriate development (and thus acceptable in principle subject to all other material considerations). One such exception at paragraph 146 are ‘engineering operations’ provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (as per the five purposes set out at paragraph 134).

An initial review of the plans would suggest that contrary to the Planning Design and Access Statement, there would be harm to the openness of the Green Belt, by virtue of the introduction of a large section of hard standing in what is currently open land. As such, it would be our view that this application comprises inappropriate development in the Green Belt, and could only be supported should there be very special circumstances that outweigh the harm to the Green Belt by definition. The public benefits of securing the future sustainability of important infrastructure and the contribution of the development towards the delivery of a national programme would amount to

very special circumstances, thus making the proposed development acceptable in principle.

We would ask that full consideration is given to the key issues of Landscape and Visual Impacts including the Peak National Park (Policy EQ2); Impacts upon any Ecological Assets (Policy EQ5); The design of the proposed development and potential impacts upon public and residential amenity (Policy EQ6); and any potential impacts arising from contamination or other environmental health matter (Policy EQ10); in assessing the application and reaching a recommendation.”

High Peak Borough Council (Environmental Health Officer)

High Peak Borough Council (Environmental Health Officer (EHO)) was requested to respond by 14 October 2019.

Hayfield Parish Council

Hayfield Parish Council was requested to respond by 14 October 2019.

New Mills Parish Council

New Mills Parish Council was requested to respond by 14 October 2019.

Peak District National Park Planning Authority

Peak District National Park Planning Authority (PDNPA) was requested to respond by 14 October 2019.

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust (DWT) responded on 12 August 2019 and had no objections, subject to a request for a pre-commencement condition on the need for a badger survey prior to site works and advice in respect of nesting birds.

The applicant subsequently provided a badger survey and DWT has confirmed that it is satisfied and that a pre-commencement condition is no longer required.

Natural England

Natural England was requested to respond by 14 October 2019.

Environment Agency

The Environment Agency (EA) responded on 3 July 2019 and has no comments to make.

Local Highway Authority

The County Council, as Highway Authority, responded on 3 July, 15 August, 10 and 11 October 2019 and raised no objections subject to a pre-commencement condition in respect of a construction management

plan/construction method statement being submitted. In response to the comments of the County Council, as Highway Authority, the applicant submitted additional information comprising construction methods, operation, maintenance, road signage and delivery protocols during all phases of development in an effort to negate the need for any pre-commencement planning conditions. The County Council, as Highway Authority, was re-consulted on this additional information and confirmed, on 11 October 2019, that it is satisfied with the submitted information and that a pre-commencement planning condition in respect of a construction management plan/construction method statement is not now required.

Lead Local Flood Authority

The County Council, as Lead Local Flood Authority (LLFA), responded on 19 July and 14 October 2019 and confirmed that the application site is within Flood Zone 1 and, being less than 1ha in size, does not require a Flood Risk Assessment. The LLFA also confirmed that there are no historic records of flooding within 100m of the site.

Publicity

The application has been advertised by site notices and a press advert in the Glossop Chronicle on 25 July 2019 with a request for observations by 15 August 2019. Three site notices were also hand delivered to neighbouring residences with a request for observations by 15 August 2019. No representations have been received.

Planning Considerations

Section 38(6) of the Planning and Compulsory Planning Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. The development plan consists of the saved policies contained within the Derby and Derbyshire Waste Local Plan (2005) (DDWLP) (adopted 2005), and the adopted policies of the HPLP (2016). The application site is also within the boundary of the Hayfield Parish Neighbourhood Area which was designated on 9 September 2019. There is no Neighbourhood Development Plan in place as yet.

The National Planning Policy Framework (NPPF) (2019) and associated Planning Practice Guidance (PPG), together with the National Planning Policy for Waste (NPPW) (2014), are also material considerations.

Saved Policies of the Derby and Derbyshire Waste Local Plan

W1b: Need for the Development.

W3c: Other Development in Green Belts.

W4: Precautionary Principle.

W5: Identified Interests of Environmental Importance.

W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W9: Protection of Other Interests.

High Peak Local Plan Policies

Within the HPLP, the most relevant policies are:

EQ2: Landscape Character.
EQ3: Rural Development.
EQ4: Green Belt Development.
EQ5: Biodiversity.
EQ6: Design and Place Making.
EQ10: Pollution Control and Unstable Land.

National Planning Policy Framework

A revised NPPF was published in February 2019. The NPPF provides guidance on material considerations in the context of determining planning applications. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined, but is said to have interrelated economic, social and environmental aspects. The economic aspect is to provide sufficient land for the right type of development, in the right place at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal are contained within the NPPW.

National Planning Policy for Waste

The NPPW, published in October 2014, sets out the current detailed Government policies for the determination of planning applications for waste related developments. It reinforces established Government waste policy of driving the management of waste up the waste hierarchy whilst stating that local planning authorities need to ensure that there are sufficient opportunities to meet the identified needs of the area. Appendix B of the NPPW sets out the locational criteria for consideration of the likely impacts of a proposed development on the local environment and amenity.

The Need for the Development

The proposed development is required in order that the WWTWs can meet more stringent environmental controls, meet modern water quality targets and provide for the water treatment needs of a larger population in the future. Delivery of this proposal would contribute to the River Sett achieving 'High'

WFD status. The need for the proposed development is clear and, as such, accords with DDWLP Policy W1b: Need for the Development where the proposed development would help to cater for the needs of the local area.

Therefore, the need for and anticipated benefits from the proposal are considered to be well established. The acceptability of the scheme in the planning balance must be considered further against planning policy and the characteristics of the application in the following respects:

- Location of the development.
- Development in the Green Belt.
- Landscape.
- Highways.
- Ecology.
- Amenity Impacts.
- Drainage

Location of the Development

The application site is located within open countryside, within Green Belt land and is approximately 100m south of the boundary of the PDNP area. A water treatment works was established on the site of the present works in 1896 and outfalls to the River Sett. Part of the proposed development is within the existing boundary of the WWTWs. The proposed extension to the site, with associated development, is adjacent north of the existing curtilage, on a hillside. It is proposed to cut into the hillside to achieve site levels. With regard to the locational criteria in Appendix B of the NPPW, the most relevant criterion is that concerned with landscape, visual impacts and the need to protect designated areas of national importance, i.e. National Parks.

The applicant has indicated that the development including extension of the WWTWs is required to be installed in this locality given that there is insufficient space to install all of the proposed new equipment within the curtilage of the existing WWTWs and that the proposed new equipment needs to be connected to the existing equipment and apparatus at the WWTWs at the existing outfall point into the River Sett. The acceptability of the development in the Green Belt and upon the landscape is considered below.

Development in the Green Belt

Paragraph 143 of the NPPF is clear where it states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, the NPPF advises, in Paragraph 144, that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness,

and any other harm resulting from the proposal, is clearly outweighed by other considerations. DDWLP Policy W3c: Other Development in Green Belts seeks to prevent other forms of waste development except where it would provide small-scale, essential facilities for the maintenance or improvement of waste management facilities, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. HPLP Policy EQ4: Green Belt Development seeks to protect the Green Belt and to maintain its openness and permanence. The policy also presumes against the granting of planning permission within the Green Belt unless it is in accordance with national planning policy.

Paragraphs 145-146 of the NPPF list exceptions to inappropriate development in the Green Belt provided they preserve the openness and do not conflict with the purposes of including land within it. The NPPF lists several types of buildings in Paragraph 145 which are exceptions to inappropriate development in the Green Belt, i.e. agricultural and forestry buildings, buildings associated with outdoor sport, recreation, cemeteries, allotments, replacement buildings, limited affordable housing, limited infilling, etc. The proposed kiosks are buildings and do not fall within the exceptions listed. Their justification for being constructed within the Green Belt is discussed below.

The NPPF lists certain other forms of development in Paragraph 146 that are considered to be not inappropriate in the Green Belt provided that the development preserves its openness and does not conflict with the purposes of including land within it, i.e. mineral extraction, engineering operations, certain local transport infrastructure, material changes to the use of land, re-use of buildings, etc. Those elements of the proposed development that are not kiosks are 'engineering operations' and thus may accord with Paragraph 146 of the NPPF.

The applicant has provided a statement as to the 'very special circumstances' which warrant this proposed development on Green Belt land. The statement provides reasoning for the location of the proposed development as follows:

- there is insufficient space to install all of the proposed new equipment within the curtilage of the existing WWTWs;
- the proposed new equipment needs to be connected to the existing equipment and apparatus at the water treatment works at the existing outfall point into the River Sett;
- there are no alternative locations outside of the Green Belt where the proposed works could be constructed.

The applicant has amended the proposals in response to comments from the waste planning authority and subsequently revised the fencing details to show the chain link fencing/gate to be finished in dark green (colour code BS4800

14 C 39 Holly Green). Similarly, the applicant has agreed to revise the finish of those proposed structures that were originally going to have a steel finish. The structures are now proposed to be finished in dark green (colour code BS4800 14 C 39 Holly Green). These amendments are welcomed and serve to lessen the impact on the openness of the Green Belt.

The requirement to connect to the existing water treatment infrastructure dictates the location, there being no alternative locations outside the Green Belt where such a proposed development could be constructed. I recognise that the proposed works are essential to achieve compliance with modern water quality standards and the needs of a growing local population. Whilst the application is a departure from the Local Plan (given that the development would be within designated Green Belt), I consider that the openness of the Green Belt would be affected to some degree. However, the reasons for the location and form of the proposed development represent, in my view, very special circumstances. I consider that any harm to the Green Belt arising from the proposed development would be minor and not significant, and would be outweighed by the benefits.

As such, I consider that the proposed development accords with the requirements of the NPPF, DDWLP Policy W3c and Policy EQ4 of the HPLP.

Landscape

Paragraph 170 of the NPPF seeks to protect valued landscapes and, in Paragraph 172 requests that great weight is given to conserving and enhancing landscape beauty in National Parks. Policy W7: Landscape and Other Impacts of the DDWLP presumes in favour of waste development where the appearance of the development would respect the character and local distinctiveness of the area, would not materially harm the local landscape and would be located and designed to be no larger than necessary. This policy also seeks that the visual impact of the proposed development is minimised or the appearance of the landscape is improved.

HPLP Policy EQ2: Landscape Character seeks to protect, enhance and restore the landscape character of the HPLP area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the Plan Area. The second criterion of this policy requires that development proposals take into account the setting of the PDNP. Policy EQ3: Rural Development of the HPLP seeks to protect the character of the landscape and the distinctiveness, appearance and integrity of the historic and cultural environment and the setting of the PDNP by strictly controlling new development. Policy EQ6 Design and Place Making presumes in favour of development that is well designed and respects the character of the landscape. The second criterion of this policy is specifically concerned with the PDNP where the proposed development protects and enhances the setting and character of the National Park.

The applicant engaged with the Waste Planning Authority in revising the original planting scheme by incorporating more appropriate species of tree and hedgerow mix and altering the colour finish details of the proposed new equipment to a dark green colour code BS4800 14C 39 Holly Green and RAL 6005 Moss Green for the chain link fencing and the new gate instead of a galvanised or stainless steel finish. The applicant also reconfigured the original proposed layout to a scheme which proposed much of the new structures to be located within the existing waterworks site instead of within the proposed extension.

The PDNP boundary is 100m north of the application site, beginning at the northern edge of Swallow House Lane. The proposed extension to the existing WWTWs would cut into a steep hillside. However, with appropriate landscaping, planting and recessive colour finish, the development would be in keeping with the existing WWTWs. The existing WWTWs has been a feature in this part of the Sett Valley since the 19th century and the works have been located within Green Belt since it was designated. It is considered that the proposed extension and works to the waterworks are sympathetic, are no larger than necessary and would not significantly materially harm the local landscape. Appropriate use of landscaping and recessive colour finish serves to minimise the visual impact and protect and enhance the landscape character. I consider that the proposed development respects the setting and character of the nearby PDNP and serves to conserve and preserve its landscape.

As such, it is considered that the proposed development accords with NPPF guidance and the requirements of policies W3c and W7 of the DDWLP and HPLP policies EQ2, EQ3 and EQ6.

Highways

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development is unlikely to generate significantly more traffic than existing once construction is complete and most traffic is likely to occur at the construction phase of the development.

The applicant has submitted additional information during the processing of the application providing details of construction methods, operation, maintenance, road signage and delivery protocols during all phases of development. The County Council, as Highway Authority, was re-consulted on this additional information and has confirmed that it is satisfied with the submitted information.

The application is considered therefore to be in accordance with the NPPF with regard to highway considerations, as set out above.

Ecology

The NPPF seeks to avoid harm to biodiversity and, in Paragraph 175, advises local planning authorities, when determining planning applications, that if harm cannot be avoided, then adequate mitigation or compensation should be utilised. DDWLP Policy W5: Identified Interests of Environmental Importance requires waste development proposals which may affect interests of environmental importance to be assessed against the level of protection merited by the character and status of the interests and the likely impact upon the interests. The policy adds that waste development will only be permitted if the development would not materially harm the identified interest. HPLP Policy EQ5: Biodiversity states that the biodiversity of the High Peak Borough shall be conserved and where possible enhanced.

An ecological survey of the site has been submitted, which has confirmed the presence, or potential presence, of bats, badger, otter, breeding birds, and reptiles. Bats are not considered to pose a constraint to development and measures are proposed as precautionary standard advice in case bats are found. Evidence of badger activity has been found and precautionary measures are proposed. Suitable habitat for otters can be found further along the River Sett and an otter survey will be undertaken if proposed developments are likely to affect water quality. There are suitable habitats throughout the site for ground and tree-nesting birds. The measures include employing an ecologist to monitor the area prior to site clearance and the start of construction. Any active nests found would be provided with an exclusion zone. One potentially good area for reptiles has been identified and, if the proposed development impinges on this, appropriate surveys would be undertaken to ascertain species present and instigate mitigation measures.

The ecological survey has identified mature deciduous trees lining the private access road to the water treatment facility. The River Sett to the south is lined with predominantly mature alders. The site of the extension area is semi-improved, sheep-grazed grassland. There are no trees covered by Tree Preservation Orders within or in the vicinity of the application site.

An Arboricultural Scoping Assessment has been submitted which identifies the necessary removal of one dead tree (10m high, 300mm stem diameter) adjacent to the existing access to the site and two individual hawthorns (3m high and 150mm stem diameter) along the northern boundary of the site. The scoping assessment recommends that a mature sycamore tree and its Root Protection Area (RPA), located to the north-west of the existing access, is to be protected via a temporary protective barrier.

The applicant has had specific regard to initial comments from DWT over the protection of badgers and has submitted a badger survey. DWT has confirmed that it is satisfied with the survey which indicates that it is not anticipated that badgers would be adversely affected by the works. The compound would be located at least 20m from the badger sett closest to the works.

The proposed measures and procedures to be undertaken by the applicant in respect of protected species, nesting birds, reptiles and trees is welcomed. It is not considered that there would be material harm to the identified interests. I consider that the work undertaken in support of the planning application and mitigation put in place would conserve and enhance the biodiversity interests. I therefore consider that the proposed development accords with advice in the NPPF and the policy requirements of HPLP Policy EQ5 and DDWLP Policy W5.

Noise, Dust and Odour Impacts

Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution and the cumulative effects of pollution on health, living conditions and the natural environment should be taken into account. Policy W4: Precautionary Principle of the DDWLP seeks to impose or make precautionary measures to prevent or minimise any damage/risk of damage where there is reasonable cause for concern that a proposed development presents a threat of serious or irreversible damage to the environment or to the enjoyment of land. DDWLP Policy W9: Protection of Other Interests presumes in favour of waste development if it would not impede or impinge upon the social or economic activities or interests of the community. HPLP Policy EQ10: Pollution Control and Unstable Land and DDWLP Policy W6: Pollution and Related Nuisances seek to protect the locality, communities and the environment from contamination, pollution or adverse environmental/ health effects.

The proposed development is necessary to upgrade the existing WWTWs to meet modern water quality standards and to meet the needs of a growing local population. It is not considered that the general amenity of the local population would be significantly affected in terms of noise, dust or odour impacts. The proposed development would further improve the end quality of what is a raw input material (sewerage), a potential pollutant. The treatment of the raw material has benefits for the local population, the environment and wildlife. The proposal is therefore considered to accord with national guidance contained within the NPPF and the requirements of policies W4, W6 and W9 of the DDWLP and HPLP Policy EQ10.

Drainage

Section 14 of the NPPF is concerned with effective drainage, flood risk management and maintenance of water quality.

The site is within Flood Risk Zone 1, the lowest probability category area, having a less than 1 in 1,000 annual probability of river or sea flooding.

A site drainage plan has been submitted with the application. The LLFA has not objected to the proposal and drainage plan submitted.

The site is not in a flood susceptible locality, and it has been demonstrated that the proposal can be effectively drained in accordance with Section 14 of the NPPF.

Conclusions

The proposed development comprises upgrade works and the installation of new equipment at the existing WWTWs and an extension to the existing works in order that modern water quality standards can be met and to accommodate the needs of a growing local population. The site is within Green Belt and in close proximity to the PDNP. The proposed new buildings (kiosks) would constitute inappropriate development when considered against NPPF criteria on development in Green Belts. However, I am satisfied that the applicant has demonstrated very special circumstances so as to excuse the location of the development in the Green Belt. I consider that any limited impact upon the openness of the Green Belt would not be significant, and would be outweighed by the benefits of this proposal. The applicant has worked with the Waste Planning Authority to amend the site configuration, landscaping details and colour finishes such that the proposed development would not impinge upon, nor cause detriment to local visual amenity and the appearance, setting and character of the Green Belt and the PDNP Area.

The application is therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed below.

(3) **Financial Considerations** The correct fee of £1,638 has been submitted for this planning application.

(4) **Legal Considerations** 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 Waste Planning Authority.

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.

Having regard to the Town and Country Planning (Consultation) (England) Direction 2009, whilst the proposal might be regarded as a departure from the development plan, with regard to HPLP Policy EQ4, it is not, in any event, considered to activate the requirement for the referral of applications to the

Secretary of State under paragraphs 4 (a) and 4 (b) of the Direction. The kiosk buildings are below the 1,000m² (or more) threshold (4 (a)) and it is not considered that the development by reason of its scale or nature or location, would have a significant impact upon the openness of the Green Belt (4 (b)).

(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 1.1499.1

Ecology Survey Report Version 2, NLG Ecology Ltd dated 24 February 2017.
Ash Tree Aerial Inspection Bat Survey Report, NLG Ecology Ltd dated 30 November 2017.

Technical Note Ecological Walkover, Mott MacDonald Bentley, ref. 368589JS62 dated 12 December 2018.

Technical Note Aboricultural Scoping Assessment, Mott MacDonald Bentley, ref. 368589/ARB/B, Revision B dated 8 May 2019.

Application documents received from United Utilities PLC dated 10 June 2019: 1APP form dated 10 June 2019.

Planning/Design and Access Statement dated September 2019.

Email from United Utilities PLC confirming Construction Traffic Management dated 11 October 2019.

Email from United Utilities PLC confirming finish to inlet works and tertiary solids removal units as colour code BS4800 14 C 39 (Holly Green) dated 17 October 2019.

Technical Note Pre-Construction Badger Check, Mott MacDonald, ref. 368589JS62 dated 18 October 2019.

Supplementary Justification Statement (Green Belt), United Utilities PLC (undated).

Site Location Plan ref. 80043004-01-MMB-HAYFI-97-DR-C-00005 Revision P03.

Existing Site Layout ref. 80043004-01-MMB-HAYFI-97-DR-C-00003 Revision P02.

Proposed Site Layout ref. 80043004-01-MMB-HAYFI-97-DR-C-00004 Revision P06.

Landscape Plan ref. 80043004-01-MMB-HAYFI-97-DR-C-00001 Revision P05.

Proposed Site Drainage ref. 80043004-01-MMB-HAYFI-97-DR-C-00013 Revision P05.

Sections ref. 80043004-01-MMB-HAYFI-97-DR-C-00015 Revision P05.

Ferric Sulphate Dosing Kiosk Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00011 Revision P02.

Tertiary Solids Removal Units Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00010 Revision P02.

Sodium Bicarbonate Dosing Kiosk Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00012 Revision P02.

Dirty Water Backwash Balance Tank Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00008 Revision P04.

Inlet Works Details ref. 80043004-01-MMB-HAYFI-97-DR-00007 Revision P02.

Fencing and Gate Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00014 Revision P04.

Environment Agency response dated 3 July 2019.

Internal County Highways Authority responses dated 7 July, 15 August, 10 and 11 October 2019.

Internal Ecologist response dated 9 July 2019.

Internal County Landscape Officer responses dated 9, 27 and 29 July and 30 September 2019.

Internal Lead Local Flood Authority response dated 19 July and 14 October 2019.

High Peak Borough Council (Planning) response dated 29 July and 14 October 2019.

Derbyshire Wildlife Trust responses dated 12 August 2019, 1 and 4 November 2019.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions (or conditions substantially similar to the effect of) listed below:

Commencement

- 1) The development shall be commenced within three years of the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended, and confirm the date of commencement.

- 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.

Form of Development

- 3) The development shall take place in accordance with the details in the 1APP form dated 10 June 2019 and the following:

Planning/Design and Access Statement, dated September 2019;
Ecology Survey Report Version 2, NLG Ecology Ltd., dated 24 February 2017;
Technical Note Ecological Walkover, Mott MacDonald Bentley, ref. 368589JS62, dated 12 December 2018;
Technical Note Aboricultural Scoping Assessment, Mott MacDonald Bentley, ref. 368589/ARB/B, Revision B, dated 8 May 2019;
Technical Note Pre-Construction Badger Check, Mott MacDonald, ref. 368589JS62, dated 18 October 2019;
Ash Tree Aerial Inspection Bat Survey Report, NLG Ecology Ltd., dated 30 November 2017;
Supplementary Justification Statement (Green Belt), United Utilities PLC (undated);
Email from United Utilities PLC confirming Construction Traffic Management, dated 11 October 2019;
Email from United Utilities PLC confirming finish to inlet works and tertiary solids removal units as colour code BS4800 14 C 39 (Holly Green), dated 17 October 2019;
Site Location Plan ref. 80043004-01-MMB-HAYFI-97-DR-C-00005 Revision P03;
Existing Site Layout ref. 80043004-01-MMB-HAYFI-97-DR-C-00003 Revision P02;
Proposed Site Layout ref. 80043004-01-MMB-HAYFI-97-DR-C-00004 Revision P06;
Landscape Plan ref. 80043004-01-MMB-HAYFI-97-DR-C-00001 Revision P05;
Proposed Site Drainage ref. 80043004-01-MMB-HAYFI-97-DR-C-00013 Revision P05;
Sections ref. 80043004-01-MMB-HAYFI-97-DR-C-00015 Revision P05;
Ferric Sulphate Dosing Kiosk Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00011 Revision P02;
Tertiary Solids Removal Units Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00010 Revision P02;
Sodium Bicarbonate Dosing Kiosk Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00012 Revision P02;
Dirty Water Backwash Balance Tank Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00008 Revision P04;
Inlet Works Details ref. 80043004-01-MMB-HAYFI-97-DR-00007 Revision P02;
Fencing and Gate Details ref. 80043004-01-MMB-HAYFI-97-DR-C-00014 Revision P04.

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

Hours of Operation

- 4) All earthmoving and engineering work on the development, including the movement and installation of plant/machinery, shall only be carried out between the hours of 0730 hours to 1830 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays. Work shall not be carried out on Sundays and public or Bank Holidays.

Reason: In the interests of minimising the impact on the amenity of the area.

Landscaping Aftercare

- 5) Any trees or shrubs, which within a period of five years from planting 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 Waste Planning Authority gives written consent to any variation.

Reason: To help assimilate the development into the landscape in the interests of the visual amenity of the area.

Nesting Birds

- 6) There shall be no vegetation clearance during March – September unless preceded by a survey for nesting birds. Any active nests affected by site works shall be protected with appropriate measures until young birds have fledged.

Reason: In the interests of the protection of nesting birds.

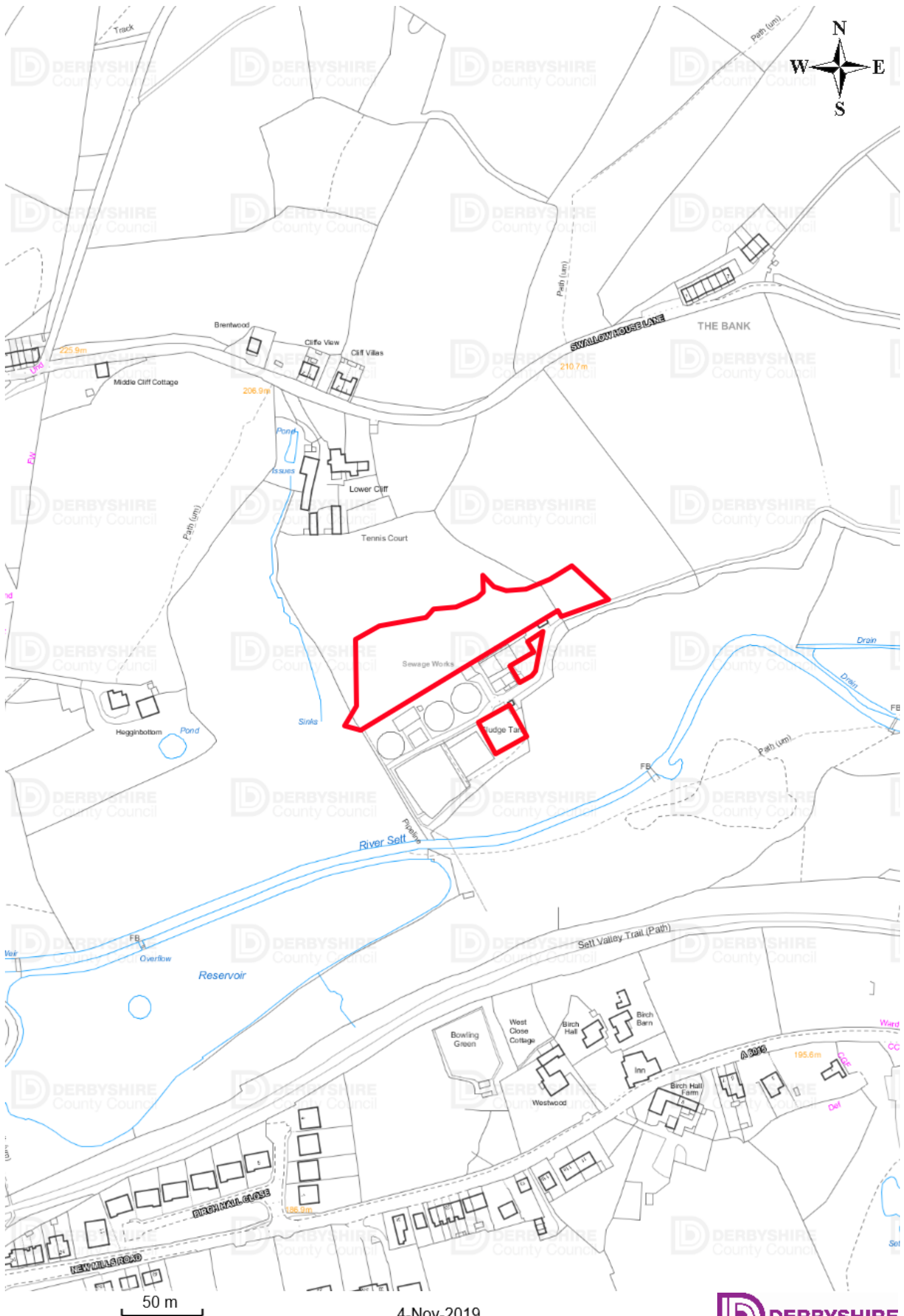
Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

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.

Footnote

- 1) There are geometric limitations on sections of Swallow House Lane between the site and Glossop Road (the anticipated access route). Therefore, in the event that large/abnormal loads need to be delivered to (or removed from) the site, the applicant may wish to seek advice and discuss the need for Traffic Management with the Highway Authority's Traffic and Safety Team – telephone 01629 538686.

Mike Ashworth
Executive Director – Economy, Transport and Environment



4-Nov-2019

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Agenda Item No. 3.2

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

2 December 2019

Report of the Executive Director – Economy, Transport and Environment

**2 PROPOSED CONSTRUCTION OF A NEW BUILDING TO PROVIDE
TWO ADDITIONAL CLASSROOMS, WITH ASSOCIATED GROUP
AND TOILET ACCOMMODATION SPACES AT HIGHFIELD HALL
PRIMARY SCHOOL, HIGHFIELD LANE, CHESTERFIELD
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD2/0419/7**

2.711.6

Introductory Summary The proposal is for the erection of a detached teaching block at Highfield Hall Primary School. The classroom block is proposed to address a shortage of space at the school to accommodate the number of pupils that are currently on roll.

The main school building, Highfield Hall, was originally constructed as a stone built Georgian mansion with records of the building dating back to 1817. The building was converted to be used as a school, which officially opened in 1930. Following conversion, the main building was expanded by the construction of an east wing, kitchen and nursery block. The building was registered as Grade II listed in 1977.

Objections have been received from a local resident who raised concerns about the potential highway impacts of the proposed development. Chesterfield Borough Council (CBC) has also objected to the proposed development as it does not consider the design of the building to be of an appropriate standard for development within the curtilage of a listed building.

It is concluded that this particular development would provide essential infrastructure (in the form of education provision), it would not have a significant adverse impact on the character of the locality or the wider landscape in visual terms and would result in less than substantial harm to the setting of the Grade II listed Highfield Hall. The proposal, however, does not accord fully with certain relevant policies in the adopted Chesterfield Borough local Plan: Core Strategy (CBLP:CS) and in the National Planning Policy Framework (NPPF). One such policy is 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 Government also places great weight on the expansion and improvement of schools. It is considered that, in this instance, the application can be recommended for approval, subject to conditions, on the basis that the value of the benefit is sufficient to outweigh the limited extent of the harm to the listed heritage asset.

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

(2) **Information and Analysis**

Site and Surroundings

The school site is located within the residential area of Newbold to the north-east of Chesterfield town centre. The main school building, Highfield Hall, is Grade II listed. The school has two pedestrian accesses off Highfield Lane (northern boundary) and Lucas Road (western boundary). A vehicular access is located off Gloucester Road (southern boundary). The school site is bounded by residential properties along its north and western boundaries. Highfield Park is positioned along the eastern boundary. Residential properties and the access road are positioned off the southern boundary.

The Proposal

The application proposes the erection of a detached teaching block incorporating two classrooms, a group room, entrance lobby, an accessible toilet and unisex toilets at Highfield Hall Primary School.

The proposed teaching block would be a modular design, detached single storey building. The building would be positioned over a strip of land in the north-east corner of the school site, which currently comprises a grassed/ rubber crumb play area between an enclosed hard play area and the northern boundary. The teaching block would be accessed via an access ramp due to the sloping nature of the site that falls towards the park.

The building would be rectangular in shape and measure 20.5 metres (m) by 8.5m by 3.4m in height and have a 2.5 degree fall flat roof covered with a light grey, single ply roofing membrane. The external walls of the building would comprise of cladding panels cedar textured in a Woodland Cream colour. The buildings plinth and fascia panels would be coloured dark grey (RAL 7015). The doors and windows would be powder coated aluminium framed double glazed units coloured grey (RAL7035). The entrance to the block would have an access ramp with a glazed canopy positioned above the main entrance doors.

Landscaping works are proposed as part of this development, which would, require the removal of one tree, to facilitate the construction. Three replacement trees are proposed and the installation of an access path from the existing hard play area.

Consultations

Local Member

Councillor Wall (Loundsley Green and Newbold) has been notified.

Chesterfield Borough Council

Objects to the proposed development and provided the following comments:

“It is considered that the proposal does not accord with policies CS18 and CS19 of the Chesterfield Borough Council Local Plan: 2011 – 2031.

Core Strategy Policy 18 states that “development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context.” Development is also expected to “respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials”. As per the comments made by this LPAs conservation officer, it is considered that the proposal does not respect the “significance of the original building and its grounds are being eroded by continuing development that is not high quality”. This is also contrary to Core Strategy Policy 19 of the Chesterfield Borough Council Local Plan: 2011 – 2031.

CS19 states that “all new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated.” The comments made by the LPAs conservation officer indicate the design is not considered to be of an appropriate standard for development within the curtilage of a Listed Building.”

Chesterfield Borough Council - Environmental Health Officer

Raises no objection to the proposal but provided the following comments:

- “1. The applicant will need to ensure that the site is suitable with regards to land contamination issues.*
- 2. To minimise noise impacts on the existing residential dwellings, it is recommended that construction works shall only be carried out between the hours of 8:00am to 6:00pm, Monday to Friday and 09:00am to 5:00pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term construction works shall include mobile and fixed plant/machinery, (e.g. generators), radios and the delivery of construction materials.”*

The Coal Authority

Raises no objection to the proposed development subject to the imposition of a pre-commencement condition requiring intrusive site investigations. The Coal Authority commented as follows:

“The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;*
- * The submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and*
- * The implementation of those remedial works.*

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework”.

Highway Authority

The Highway Authority has no objections to the proposal subject to conditions requiring the provision of additional car parking, as have been proposed by application CD2/0919/47, and the provision of an updated School Travel Plan prior to the new classroom block being taken into use.

Sustainable Travel Team

The Sustainable Travel Team made the following comments:

“Derbyshire County Council recommends that schools promote modes of travel away from the car for travel to school for children, parents and staff.

All Derbyshire schools have the opportunity to take part in a National initiative; Modeshift STARs which is an online accreditation scheme in order for them to record and promote modes of travel away from the car for travel to school.

<https://www.modeshiftstars.org/>

A travel plan can also be completed by achieving Modeshift STARs Bronze level accreditation and this would be recommended within 12 months of occupancy of the new classrooms. A travel to school survey can be completed via Modeshift STARs and then also monitored by completing future surveys.”

Publicity

The application has been advertised by site notices and press notice with a request for observations by 31 May 2019. A representation, objecting to the proposal, has been received as a result of the publicity.

The concerns raised can be summarised as follows:

- Existing congestion and parking on Highfield Lane and parking on nearby residential streets during school drop off/pick up time is affecting residents and is getting worse.
- Access for emergency service vehicles is restricted due to congestion.
- Parking is limited for residents' visitors and works people.
- Some cars park in the vicinity of the school for most of the school day.
- More people should be prepared to walk their children to and from the school.

Where relevant, these issues are addressed in the 'Planning Considerations' section below.

Planning Considerations

Section 38(6) of the Planning and Compulsory Planning Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the CBLP:CS. The National Planning Policy Framework 2019 (NPPF) is a material consideration.

The principal planning policies relevant to this proposal are:

Chesterfield Borough Local Plan: Core Strategy Policies

CS9: Green Infrastructure and Biodiversity.

CS18: Design.

CS19: Historic Environment.

CS20: Influencing the Demand for Travel.

National Planning Policy Framework

The most relevant paragraphs from the NPPF are:

11: The presumption in favour of sustainable development.

94 (a): Promoting healthy and safe communities.

124 -127: Achieving well-designed places.

170: Conserving and enhancing the natural environment.

189 -202: Proposals affecting heritage assets.

The key planning considerations for this application are:

- Need for the development.
- Design and visual impact of the development.
- Heritage impacts.
- Highway impacts.

Need for the Development

Paragraph 94 of the NPPF states that it is important that sufficient choice of school places is available to meet the needs of existing and new communities. It states that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education, and that they should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

The supporting information accompanying the application identifies the need for the proposed development. The school has a current net capacity of 356 pupils with a Published Admission Number (PAN) of 60 per year group. Current admissions to the school have now reached 60 pupils per year and the school has had to re-organise its existing internal space into teaching areas to accommodate these pupils. The number of pupils on roll has now reached over 400; projected admission numbers are expected to be maintained at this level of pupil's over the coming years.

Due to the historic nature and listed status of the main school building, the applicant does not consider it feasible for the building to be further extended and, therefore, the applicant proposes to build a detached teaching block which would increase the net capacity of the school from 356 up to 420 and would enable the school to provide sufficient accommodation to accommodate the numbers of pupils being admitted. The proposed scheme is considered to be a basic need case for capital funding for 2018-19 which was approved by Cabinet on the 20 September 2018 (Minute No.225/18 refers).

The application also notes that across this education planning area, which incorporates the Ashgate, Brampton and Stonegravels areas of Chesterfield, demand for pupil spaces is almost exceeding supply and current projections. It is anticipated there will be a demand for 2,572 pupils' places and only 2569 places available. Other school sites within in the area offer limited or no scope for further expansion.

I am therefore satisfied that there is a clear need for the development to provide additional teaching space that would improve the educational facilities for the

school and that the proposal would comply with the requirements of Paragraph 94 of the NPPF.

Design and Visual Impact

Policy CS18: Design of the adopted CBLP:CS and paragraphs 124 and 127 of the NPPF are the relevant policies to assess the design and visual impact of the development.

Policy CS18 states that all new developments should respond to and integrate with the character of the site and surroundings and respect the local distinctiveness, with designs that respect the character, form and setting and surrounding area by virtue of its function, appearance and architectural style, massing, detailing, height and materials.

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve with good design, a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF states that decisions should ensure that developments would function and add to the overall quality of the area, not just for the short term but over the lifetime of the development. They should be visually attractive as a result of good architecture, layout and appropriate landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should not, however, prevent or discourage appropriate innovation or change, maintain a strong sense of place, by using building types and materials and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The modular construction and materials for the classroom block have been proposed so that the teaching block could be constructed off site and installed on site quickly to address the current short fall in accommodation space. The materials and design have been chosen so that the building is subordinate to the existing buildings on site and complement the main school building.

The new classroom block would be similar in scale, massing and height to the existing kitchen block that forms the northern section of the main school building. The materials and design of the new building are intended to be as recessive as possible so as not to detract from the setting of the historic listed building or the character of the school site. The proposed cladding and colours have been chosen to ensure that the building complements the colour of the existing buildings stonework.

Visually, the classroom block would be set back within the school site and would be partially screened by the existing trees/hedges and the existing school building. Some views of this part of the school would be achieved from the Highfield Park situated along the school's eastern boundary.

Regarding the CBC criticisms of the modular construction and design, I acknowledge that a higher quality design would have been desirable in this location. However, some consideration has been made in selecting materials that would allow the building to sit recessively within its context. Taking into account the urgent need to provide accommodation at this school, I am satisfied that the proposed scheme is acceptable in terms of design and visual impact. The proposed block would be positioned in the least visually prominent part of the school site, located to the rear of the main school building. Views of the new classroom block would be limited in this location as it would be well screened by the existing buildings and boundary treatments. The proposed design would complement the existing single storey flat roof blocks positioned in this section of the school site. The design and location of the classroom block would, in my opinion, allow the classroom block to sit relatively recessively within the context of this school site.

On balance, I do not consider that this development would result in a significant detrimental impact on the character of the locality or on the wider landscape in visual terms. The impacts of the proposed block in relation to the heritage asset are considered in the section below.

On the basis of the above, I find the development to be acceptable in the context of Policy CS18 of the CBLP:CS and the NPPF.

Heritage Impacts

The proposed classroom block would be located in the curtilage of the Grade II listed Highfield Hall. Highfield Hall is an example of an historic 18th/19th century two storey Georgian mansion. The main building is constructed in coursed stone, with stone eaves, cornicing and a pitched slate tiled roof. The front of the building incorporates a large canted bay with five windows and, to the west side, is a stone porch with segmental hood four stone columns and round arched door with fanlight. The building was converted to be used as a school, which was officially opened in 1930. Following conversion the main building has been expanded by the construction of an east wing, kitchen and nursery block. The building was registered as Grade II listed in 1977

Sections 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*'.

The Government policy concerning heritage assets and this statutory requirement, is contained in the 2019 NPPF at paragraphs 189-202. 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.

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.”*

Policy CS19: Historic Environment of the adopted CBLP:CS is also relevant to this proposal. It states that all new developments that affect heritage assets must preserve or enhance the local character and distinctiveness of the area in which it would be situated with protection of designated heritage assets and their settings including Conservation Areas, Listed Buildings, Scheduled Monuments and Registered Parks and Gardens.

I concur with the view of CBC that the design and appearance of the development proposed would not preserve or enhance the setting of the grade II listed Highfield Hall and state that the development would, therefore, not comply with Policy CS19 of the CBLP:CS.

However, the classroom block would be positioned to the rear of the listed building in an area that is not visually prominent and is considered to be the least visually sensitive part of the site. This part of the site has had previous modern interventions and consideration has been made in selecting materials that would allow the building to sit recessively within its context. The new classroom block would not be seen in views of the main elevations of the historic building. However, these factors would not fully avoid the block causing any harm. I am of the opinion that the new classroom block would have a small adverse impact on the setting of the Grade II listed building and its significance, but, given its location in the school site, scale and design, such harm would be less than substantial. It would therefore be contrary to Policy CS19 of the CBLP:CS and Paragraph 192 of the NPPF in that the proposal would not preserve that local character and distinctiveness which contributes to the heritage assets 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 taking place at the location and, if this is demonstrated, the harm weighed against the public benefits of the proposal.

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.

I am satisfied that a clear justification for the teaching block has been provided. The new classroom block would ensure that the school has sufficient capacity to deal with existing and predicted pupil numbers and that pupils attending the school are taught within sufficiently sized classrooms, enabling the school to operate effectively with appropriate facilities in place to secure its optimum viable use. I regard the public benefit 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).

Highway Impacts

Policy CS20: Influencing the Demand for Travel of the adopted CBLP:CS seeks to reduce congestion, improve environmental quality and encourage more active and healthy lifestyles by encouraging people to utilise more sustainable travel modes through the location and design of development and parking provision with measures to encourage more sustainable travel choices. Any necessary mitigation measures should be set out in development proposals, including within Transport Statements, Transport Assessments and Travel Plan where these are required, and secured through conditions or legal agreements.

I note the concerns of the local resident regarding existing problems with-on street parking and congestion during school opening and closing times. It is inevitable that all school sites generate traffic during busy periods at the beginning and end of the school day. The development seeks to address existing accommodation issues at the school, the current and predicted pupil numbers are not expected to increase and, as such, it is not anticipated that there would be an increase in journeys to and from the school.

An additional five parking spaces are proposed under a separate planning application to address the current shortfall in staff parking spaces at the school. The acceptability of the additional car parking spaces are the subject of a separate report to this Committee. These spaces, if approved, together with an updated School Travel Plan, would address some of the impacts of parking on surrounding roads near the school site. The Highway Authority has no objection to the proposal, subject to recommended conditions (requiring the securing of five additional car parking spaces and an updated travel plan)

which I consider to be appropriate in order to ensure the acceptability of the development in relation to highway safety. I am satisfied that the development would accord with the requirements of Policy CS20 of the CBLP:CS.

Conclusion

The proposed teaching block would improve the teaching facilities available at the school by providing improved teaching space and group teaching facilities to accommodate pupils that currently attend the school.

The development would impact on the significance of a heritage asset, although it is considered that this harm would be less than substantial and would be offset by the public benefit of the proposal. A clear justification and statement of need for these teaching facilities has been provided in the application. The public benefit is considered to be of sufficient weight to outweigh the harm to the heritage asset.

I do not consider that the development, would have any adverse visual impact and I am satisfied that the highway concerns can be overcome through the provision of the additional five car parking spaces at the school and the production of an updated travel plan.

The application is, therefore, recommended for approval, subject to conditions listed below.

(3) **Financial Considerations** The correct fee of £1,386 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 Officer's Recommendation.

(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. 2.711.6

Application documents from the Director of Property dated 15 April 2019. Correspondence from the Highways Area Management Division dated 30 April 2019, 10 June 2019 and 11 November 2019, Sustainable Travel Team dated 15 May 2019, The Coal Authority dated 16 May 2019 and 12 June 2019, Chesterfield Borough Council Environmental Health Officer dated 31 May 2019, and Chesterfield Borough Council dated 13 June 2019 and 28 June 2018.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission is **granted** subject to the following conditions:

Commencement

- 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 Country 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.

Approved Details

- 3) The development shall take place in accordance with the details in the 1APP form dated 15 April 2019, Design and Access Statement, Ecological Impact Assessment, Heritage Impact Assessment, Tree Survey Report, Coal Mining Risk Assessment and the following drawings:

Proposed Siting for New 2 Classroom Block – Drawing no. 1700636/SK/06 Revision B

Site Location Plan New 2 Classroom Block – Drawing no. 1700636/SK/08

General Arrangement Layout – drawing no. 1700636/A/02

Proposed Elevations – drawing no. 1700636/F/01

Below Ground Drainage Layout – drawing no. 1700636/T/01

External Works Layout – drawing no. 1700636/X/01

Tree Removal and Protection Plan – drawing no. 1700636/X/101

Landscaping Planting Plan – drawing no. 1700636/X/102

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

Hours of Operation

- 4) With the exception of any necessary actions for the protection of persons, property or the environment arising from emergency situations, no activities under this permission shall take place other than between the following hours:
- i) 08:00 hours – 18:00 hours Monday – Friday;
 - ii) 09:00 hours – 17:00 hours Saturday; and
 - iii) Not at any time on Sundays and Bank/public holidays

Reason: To protect the amenity of the area.

Coal Mining Investigation

- 5) The development shall not commence until a scheme of intrusive investigations have been undertaken on site to assess the ground conditions and potential risks posed to the development by past shallow coal mining activity. A detailed report of the findings arising from the intrusive site investigations and a scheme of remediation works with details of the implementation of these remediation works has been submitted to the County Planning Authority for its prior approval. The development shall be carried out in accordance with the details as approved

Reason: To provide certainty as to whether previous coal mining activity has taken place under the part of the site where the proposed development is to take place. It is considered necessary for this to be pre commencement condition to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure that safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

Highways

- 6) The building to be constructed under this permission shall remain unoccupied until such time as five additional car parking spaces are provided at the Highfield Hall Primary School site in accordance with any conditions to which any operative planning permission for the creation of such spaces is subject. Thereafter, the spaces shall be maintained free from any impediment to their designated use.

Reason: In the interest of site and highway safety.

- 7) No building to be constructed under this permission shall be occupied until an up to date School Travel Plan, comprising immediate,

continuing and long-term measures to promote and encourage alternatives to car use and particularly single-occupancy car use, has been submitted to an approved in writing by the County Planning Authority. The approved School Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In the interest of local amenity, together with site and highway safety.

Retention of Classroom Block

- 8) In the event that the classroom block hereby approved is no longer required for educational use by the school, the classroom block shall be removed and the land and site shall be reinstated in accordance with a scheme that has the prior written approval of the County Planning Authority.

Reason: The condition is imposed to ensure the removal of the building and the restoration of the site at the earliest opportunity in the interests of the visual amenity of the area and to protect the setting and significance of the Grade II listed heritage asset.

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.

Footnote

- 1) 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.

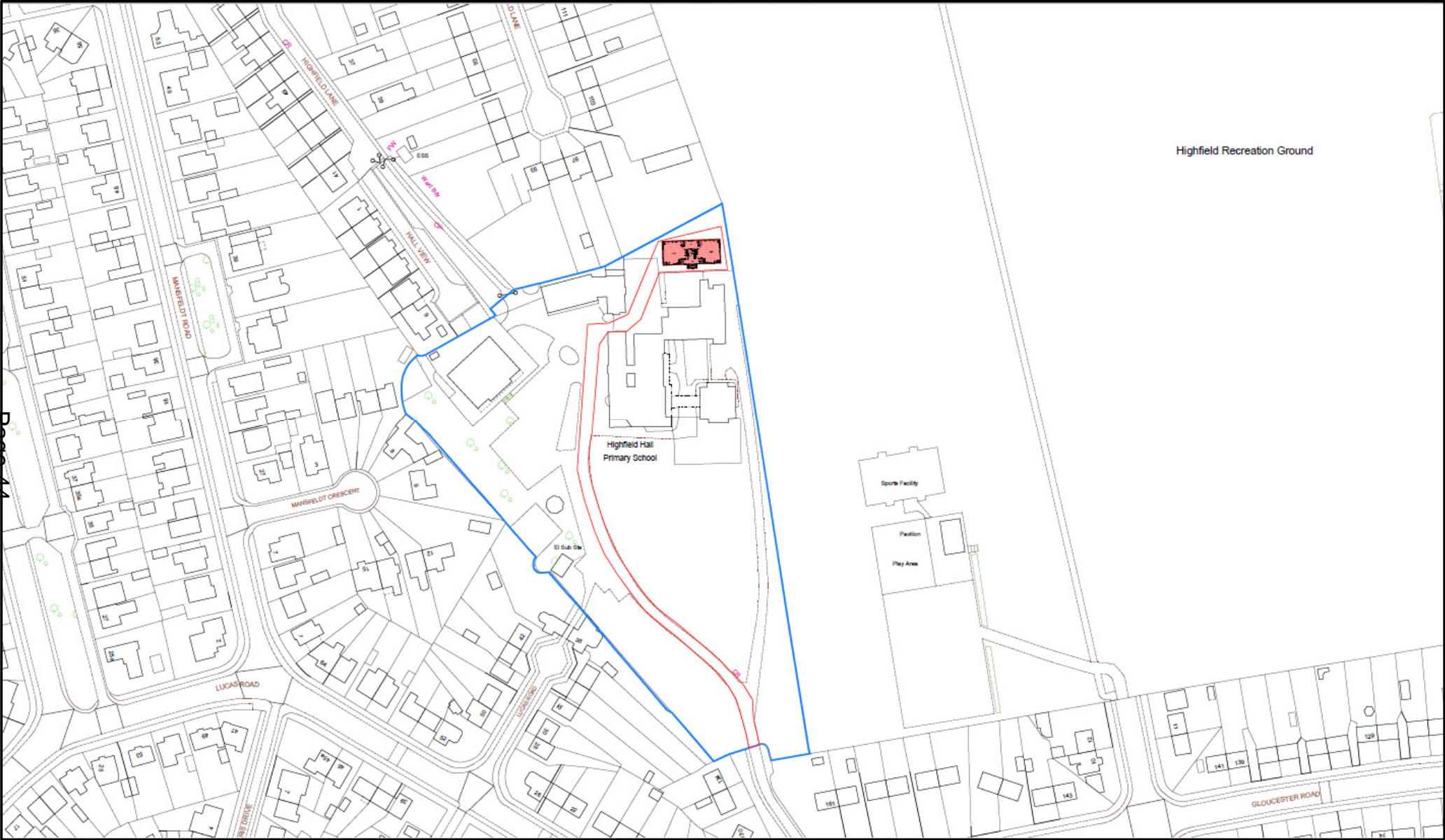
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works

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 feature is 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/coalauthority.

Mike Ashworth
Executive Director – Economy, Transport and Environment



Agenda Item No. 3.3

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

2 December 2019

Report of the Executive Director – Economy, Transport and Environment

- 3 PROVISION OF FIVE ADDITIONAL CAR PARKING SPACES AT
HIGHFIELD HALL PRIMARY SCHOOL, HIGHFIELD LANE,
CHESTERFIELD
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD2/0919/47**

2.711.7

Introductory Summary This is an application for the creation of a new parking area within the grounds of Highfield Hall Primary School, Highfield Lane, Chesterfield. The main school building, Highfield Hall, is a grade II listed building. The proposal would create five additional staff car parking spaces. I am satisfied that the proposal would not harm the significance of the listed building. The proposal accords with development policies and it is therefore recommended for approval.

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

(2) **Information and Analysis**

Site and Surroundings

The school site is located within the residential area of Newbold to the north-east of Chesterfield town centre. The main school building, Highfield Hall, is Grade II listed. The school has two pedestrian accesses; off Highfield Lane (northern boundary) and Lucas Road (western boundary), and a vehicle access off Gloucester Road (southern boundary). The school site is bounded by residential properties along its north and western boundaries. Highfield Park is positioned along the eastern boundary. Residential properties and the access road are positioned off the southern boundary.

The Proposal

This application proposes the provision of five parking spaces by installing ground reinforcing plastic pavers over a grassed area adjacent to the school's access road.

The proposed car parking spaces would be located within the south-east section of the school site over a grassed area adjacent to the western side of

the school driveway. The proposed car parking spaces would be constructed using a plastic porous paving grids coloured green with concrete kerb edging to form a parking area for five vehicles. Following installation of the grids, they would be filled with topsoil and seeded with a high wear tolerant grass seed mix.

The proposed car parking spaces would each measure 4.8 metres (m) by 2.4m with the whole parking area measuring 12m by 4.8m with access off the existing access drive.

Consultations

Local Member

Councillor Wall (Loundsley Green and Newbold) has been notified.

Chesterfield Borough Council

Object to the proposed development. It considers that the development would be contrary to Policy CS20: Influencing the Demand for Travel (which promotes sustainable transport measures) of the Chesterfield Borough Local Plan Core Strategy 2011 – 2031 (CBLP:CS) and Appendix G (Parking Standards).

It considers that there would be insufficient turning space for three of the five proposed car parking spaces and that the access road is not of sufficient width to provide sufficient manoeuvring space. It notes that standard parking spaces have 6m of manoeuvring space but some of the proposed spaces would only have 3.6m-5m of manoeuvring space. The reduced manoeuvring space would result in difficult turning movements that could cause trail backs which could impact on the access and public highway.

It also notes that the application does not provide for the charging of electrical vehicles as is required by Policy CS20.

The Coal Authority

Raised no objection.

Highway Authority

Raised no objection.

Sport England

Raised no objection.

Publicity

The application has been advertised by site notices and press notice with a request for observations by 31 October 2019. No representations have been received.

Planning Considerations

Section 38(6) of the Planning and Compulsory Planning Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the adopted CBLP:CS. The National Planning Policy Framework 2019 (NPPF) is a material consideration.

The principal planning policies relevant to this proposal are:

Chesterfield Borough Local Plan: Core Strategy Policies:

CS9: Green Infrastructure and Biodiversity.

CS18: Design.

CS19: Historic Environment.

CS20: Influencing the Demand for Travel.

National Planning Policy Framework

The most relevant paragraphs from the NPPF are:

11: The presumption in favour of sustainable development.

124 -127: Achieving well-designed places.

170: Conserving and enhancing the natural environment.

189 -202: Proposals affecting heritage assets.

The key planning considerations for this application are:

- Need for the development.
- Design and visual impact of the development.
- Heritage impact.

Need for the Development

The application states that there is currently an undersupply of parking spaces at this school site. The school site currently has 23 marked out parking spaces on site. The school has 14 classrooms and the minimum requirement for parking spaces on site, based on two spaces per classroom, would be 28 parking spaces, which gives an undersupply of five spaces.

The proposed provision of five additional car parking spaces by installing grass pavers adjacent to the access road would improve the parking situation at the school site and enable the school to provide sufficient parking to comply with parking standards.

The application demonstrates that there is a need for these additional car parking spaces that would bring the school parking provision up to the required level and meet the schools requirements. Therefore, I am satisfied that there is a justified need for the proposed development.

Design and Visual Impact

The proposed car parking spaces would be set back from the main frontage of the school site and positioned to limit their impact on views of the listed main school building from outside the school site. The parking spaces would be screened from views outside of the school site by existing boundary walls, fencing, trees and hedgerows.

The design and colour of the proposed parking spaces which would allow through growth of grass, which would further blend them in with the adjoining grassed areas, is considered appropriate for the setting and purpose. The parking spaces are considered to respect the character of the locality in terms of their scale, layout and materials.

I do not consider that the proposed development would have an adverse impact on the visual amenity of the surrounding area or on the character of the school building. On the basis of the above, I am satisfied that the proposed development would accord with the requirements of CS19 of the CBLP:CS and the NPPF.

Heritage Impact

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*'.

The Government policy concerning heritage assets and this statutory requirement is contained in the 2019 NPPF at paragraphs 189 -202. 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. Policy CS19: Historic Environment of the adopted CBLP:CS is also relevant to this proposal.

The proposed development would be located in the curtilage of the Grade II listed Highfields Hall. Highfield Hall is an example of an historic 18th/19th century two storey Georgian mansion. The building was constructed with coursed stone rubble with stone eaves corncicing and a pitched slate tiled roof. The front of the building incorporates a large canted bay with five windows and to the west side is a stone porch with segmental hood four stone columns and round arched door with fanlight. The building was converted to be used as a school, which was officially opened in 1930. Following conversion the main building was expanded by the construction of an east wing, kitchen and nursery block. The building was registered as Grade II listed in 1977.

The grassed area over which the proposed car parking spaces would be positioned is adjacent to the school's access track, close to the school's main entrance off Highfield Road. This is some distance from the Grade II listed

Highfield Hall building located in the north-east corner of the school site and is partially screened from the listed building by existing trees.

I consider that the location of the parking spaces has been carefully considered to minimise the impact on the setting of listed school building, while providing the appropriate level of car parking provision and accessibility.

The design and colour (green) of the ground reinforced paving grids, which would allow the through growth of grass, would ensure that the parking spaces are as visually recessive as possible and would be located on a section of the school site that is as discreet as is possible, whilst still being accessible. I am satisfied that the development would not harm the significance of the listed building.

On the basis of the above, I am satisfied that there would be no harm to the significance of the heritage asset as a result of the development and that the development would accord with Policy CS19 of the CBLP:CS and the relevant paragraphs of the NPPF.

Highways/Parking Issues

Policy CS20 of the CBLP:CS encourages more sustainable travel choices and indicates that mitigation measures should be set out in development proposals including within travel plans when required, and secures through conditions and or legal requirements. It refers to several potential mitigation measures including “(e) Provision of opportunities for charging electric vehicles where appropriate”.

Travel plans promote walking, cycling, public transport use for example, and the schools own travel plan is subject to periodic review. However, this is more relevant to another application which is to be reported to Committee in a separate report, for a modular classroom (planning application code number CD2/0419/7).

Whilst the concerns of the Borough Council are noted, there is already a need to provide car parking spaces within the school site.

The Borough Council has stated that three of the five spaces would fall short of the parking standards of the Borough Council. The County Council, as Highway Authority, nevertheless does not object to the proposal and considers that it has no potential to impact adversely upon highway safety.

The proposal is not for public parking and is not on the public highway. Whilst the manoeuvring space falls short of that indicated in the Borough Council design guide, the site is constrained due to tree planting and is in the setting/ curtilage of the Grade II listed Highfield Hall.

Turning would still be possible, but with a lesser amount of space to the front of the bays as indicated in the parking standard. I consider this on balance to be acceptable, particularly given the physical constraints of the site, and the lack of an objection from the County Council, as Highway Authority.

The proposal is for 'grass-crete' style parking, due to the sensitive constraints of the site. Any additional infrastructure (additional hard surfacing for example) would not be considered appropriate. This also applies to the comment of the Borough Council with regard to no provision for the charging of electric vehicles. Policy CS20 (e) only expects this "where appropriate". I consider that the constraints of the site, as identified, would not make this area of the school site appropriate for electrical charging points.

I consider that the proposal does not depart from Policy CS20 (promotion of sustainable transport measures), especially given that alternative travel methods are promoted under the travel plan for the school which is subject to periodic review.

Conclusion

The proposed car parking spaces are of an appropriate design and scale, and would be positioned so as not harm the significance of the listed main school building. The development would improve the car parking provision to address the school under provision of parking spaces. I do not consider that this development would have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms. I am satisfied that the development would comply with the requirements of the policies of the adopted CBLP:CS and the NPPF. The development is therefore recommended for approval.

(3) **Financial Considerations** The correct fee of £234 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 Officer's Recommendation.

(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. 2.711.7

Application documents from the Director of Property dated 16 September 2019. Correspondence from Sport England dated 30 September 2019, The Coal Authority dated 7 October 2019 and Highways Area Management Division dated 23 October 2019.

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

Commencement

- 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.

Approved Details

- 3) The development shall take place in accordance with the details in the 1APP form dated 16 September 2019, Design and Access Statement, Tree Survey Report and the following drawings:

Site Location Plan – Drawing no. 1700636/X/100

Car Parking Spaces Layout – Drawing no. 1700636/X/101

Additional Car Parking Proposal and Tree Protection Plan – Drawing no. 1700636/X/200.

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

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.

Footnote

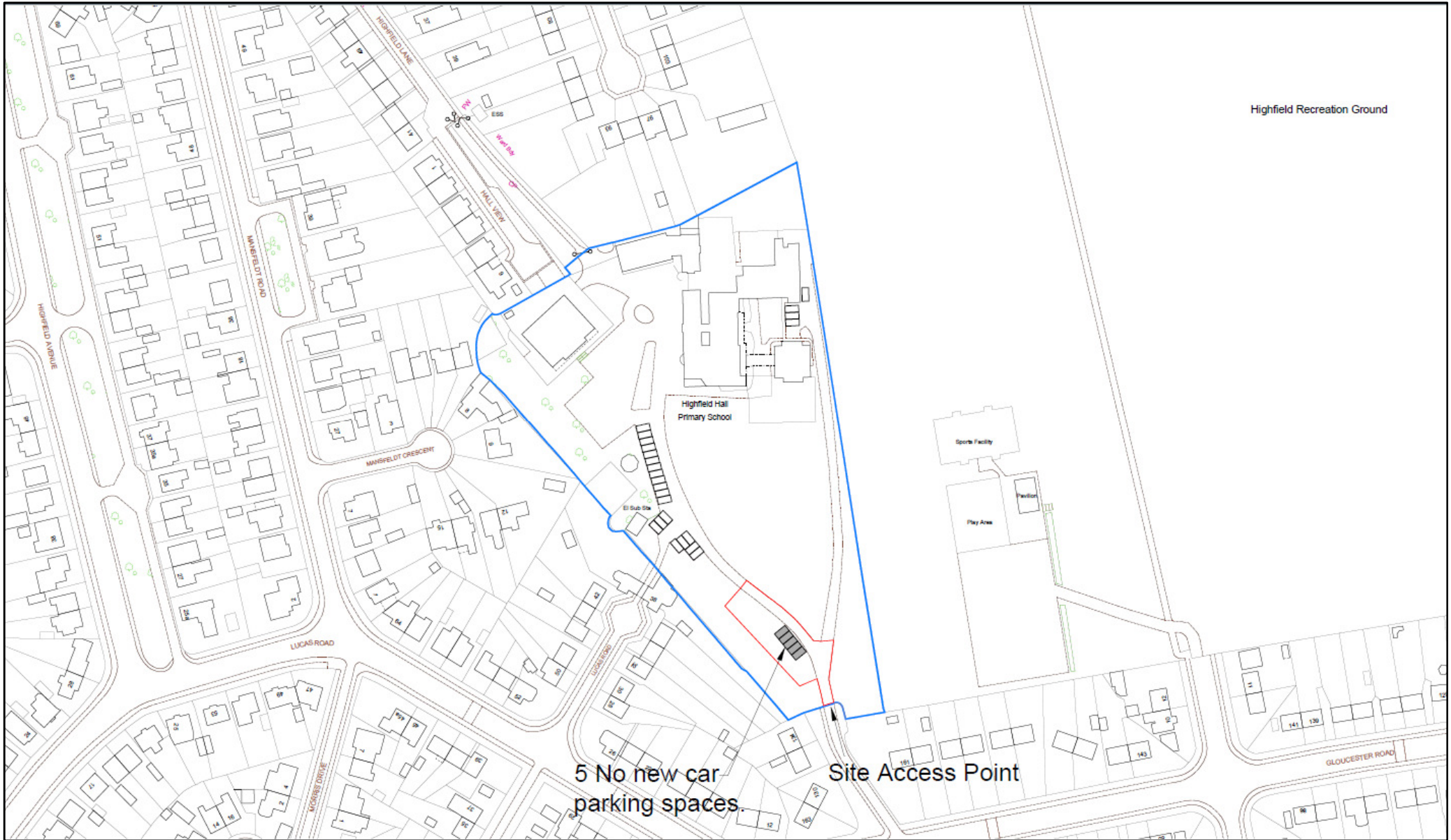
- 1) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine 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.

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 feature is 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/coalauthority

Mike Ashworth
Executive Director – Economy, Transport and Environment



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DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

2 December 2019

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee's Information

4 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 under consideration
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. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	Site inactive.

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.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto Land	Planning Contravention Notice issued 28 October 2019	

Mike Ashworth
Executive Director – Economy, Transport and Environment

Agenda Item No. 3.6

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6 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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