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To: Members of Regulatory - Planning Committee

Thursday, 27 August 2020

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 7 September 2020**

This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting., the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

Simon Hobbs
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

- 1 (a) To receive apologies for absence (if any)
- 1 (b) To receive declarations of interest (if any)
- 1 (c) To receive declarations of significant lobbying (if any)
- 1 (d) To receive petitions (if any)

2. Minutes (Pages 1 - 12)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 6 July 2020

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

- 3 (a) Proposed Retrospective Change of Use of Lane and a building from Industrial B2 Use to a Waste Transfer Station, to allow the Storage and Bulking up of Dry Recyclables Collected from North East Derbyshire District Council, Chesterfield and Bolsover Kerbside Collections Situated on the Eastern Side of the B6039 Mansfield Road, including the Overnight Parking of Refuse Collection Vehicles, the Installation of a Vehicle Weighbridge and Two Storage Containers and for the Siting of a Portacabin Land and Buildings to the East of Mansfield Road, Corbriggs Industrial Estate, Corbriggs. Applicant: Ward Recycling Limited. Code No: CW4/0620/21 (Pages 13 - 46)
- 3 (b) Proposed Construction of a New Primary School, Associated Landscaping Works, the provision of a New External Car Parking Area, and Installation of Security Fencing at the former Pupil Referral Unit, Brookside Road, Breadsall. Applicant: Derbyshire County Council. Code No: CD8/0120/72 (Pages 47 - 82)
- 3 (c) Current Enforcement Action (Pages 83 - 86)
- 3 (d) Outstanding Application List (Pages 87 - 90)
- 3 (e) Current Appeals/Called in Applications (Pages 91 - 92)
- 3 (f) Matters Determined by the Director - Economy, Transport and Environment under Delegated Powers (Pages 93 - 96)

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Agenda Item 2

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 6 July 2020.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, D Charles, A Griffiths, L Grooby, R Iliffe, R Mihaly, and R A Parkinson, and B Wright

Apologies for absence were received from Councillor P J Smith.

26/20 **PETITION RESOLVED** (1) to receive the under-mentioned petition:

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBERS</u>
Objections to the proposed construction of a new 4 arm roundabout junction centred on the A6 to the north of Buxton, including the initial lengths of access roads off the roundabout to the south east (Code no: CD1/0220/76)	10	Councillors L Grooby and T Kemp

(2) to note that the contents of the petition had been considered by the Executive Director – Economy, Transport and Environment and were referred to in his report being considered by the committee under an item at this meeting. (Minute 28/20 refers)

27/20 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 8 June 2020 be confirmed as a correct record.

28/20 **CONSTRUCTION OF A NEW FOUR ARM ROUNDABOUT JUNCTION CENTRED ON THE A6 TO THE NORTH OF BUXTON, INCLUDING THE INITIAL LENGTHS OF ACCESS ROADS OFF THE ROUNDABOUT TO THE SOUTH-EAST APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD1/0220/76** An application had been received for the construction of a roundabout junction on the A6. The four arm roundabout junction would provide the required updated infrastructure at this junction point to safely serve both existing traffic and that generated by new

planned development for three housing sites. These sites were Land at Hogshaw, Land at Tongue Lane (both identified in the High Peak Local Plan (HPLP) and the Waterswallows development, which benefited from outline planning permission. In addition, the roundabout would support the development of a 2 hectare (ha) employment land allocation identified in the HPLP and would provide a safer and more suitable access at the industrial estate. The application site covers an area of 3.2ha on the north-eastern edge of Buxton.

The Executive Director had provided a detailed report published with the agenda, which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. As detailed in the Executives Director report:-

The application site covered an area of 3.2ha on the north-eastern side of Buxton, within the administrative area of High Peak Borough Council (HPBC). The site included existing highways; the A6, Fairfield Road, Waterswallows Road and Cherry Tree Drive, and surrounding land including open grassed land and a small area of the High Peak Golf Course. The development site area extended from the A6 junction with Waterswallows Road, approximately 500 metres (m) east along Waterswallows Road; 450m north along the A6 and the western boundary follows the alignment of North Road and the curtilage boundary of the Devonshire Arms Public House. To the south and east of the development site is the residential area of Fairfield and the Tongue Lane Industrial Estate. To the west of the site are properties on North Road, with the Church of St Peter behind. A 13.7ha housing allocation site: (Land at Hogshaw, Buxton) was located further north-west of this. To the north and east of the site is the High Peak Golf Course and the land beyond is predominantly open countryside.

The site did not include any national or local ecological designations. The site is located within the Fairfield Conservation Area and there are nine Grade II listed buildings within a 500m radius of the scheme, five to south side of Waterswallows Road and four to the northern side of the A6, including the Church of St Peter. The site lay within Flood Zone 1 and there were no waterbodies on it.

Applications had been made in the early 2000s to register the area in the Register of Common Land. A registration of the land as common land had been overturned by the High Court. The land had previously been provisionally registered as common land but the registration had never been made final. Therefore, whilst the site was known locally as Fairfield Common, the site did not have any official Common Land status.

The four arm proposal was designed to provide the required infrastructure at this junction point to safely serve both existing traffic and that which would be generated by the new planned development for three housing sites. These sites were land at Hogshaw, land at Tongue Lane (both identified in the HPLP) and land at Waterswallows (for development which benefitted from outline planning permission). In addition, the roundabout would support the development of a 2ha employment land allocation identified in the HPLP and provide a safer and more suitable access at the industrial estate.

Two rounds of public consultation had been undertaken with respect to the planning application.

DCC conservation design officers had been consulted and they were satisfied that there was less than substantial harm.

He had found that that the principle of the proposed development was clearly supported by the current allocation of a roundabout within the general locality within the HPLP. HPBC had identified the strategic importance of the roundabout as infrastructure required to bring development forward and thereby assisting in housing delivery and maintenance of a five year housing supply. There was clear support in the HPLP for the Fairfield Link Road and for the roundabout. Providing the roundabout as part of the Fairfield Link Road was crucial in delivering the policies outlined above within the HPLP. There were considerable public economic and social benefits to the County/Borough and the immediate area from facilitation of expansion to the Tongue Lane Industrial Estate, and in bringing forward additional housing at allocated sites at Hogshaw and Tongue Lane, and the approved Waterswallows site (unallocated) in combination in the order of 567 new homes.

Given the identification of the link road, including a roundabout in the HPLP; effective demonstration of compliance with the NPPF and HPLP with regard to most policies; the previous planning history to the site including a roundabout approved in the general locality of Fairfield common; the significant economic and social benefits to come forward to unlocking the development sites identified and in assistance in housing delivery; he considered that the principle of the development was established.

There would be an impact on the character of the landscape, and some conflict with policies EQ2 and EQ3 of the HPLP in regard to the requirement to "*protect, enhance and restore the landscape character*". With appropriate conditions requiring detailed landscaping to be submitted; retention of trees and tree/hedge protection; and design of lighting and signage, then these effects could be further mitigated and limited.

He considered the significant public benefits of the proposed roundabout

to outweigh the harm of likely impact upon the wider landscape that would result from its development.

With regard to heritage assets, he did not dispute that there would be 'harm' to the setting of the conservation area, the listed buildings, and non-designated heritage asset. He concurred with HPBC's assessment that this harm would be to a '*less than substantial*' scale, this does not in any way reduce the importance of the heritage assets and the weight that was given against the planning assessment. He regarded the public benefits to be delivered by this proposal (as outlined in the report), however, as being a factor of sufficient weight to justify a positive recommendation of the application, whilst having given special regard to the desirability of preservation of the setting of the listed buildings (as required by Section 66), and conservation area (Section 72) and having regard to the other impacts associated with the development as referred to in the report.

He considered that any highways, ecological, drainage, archaeological, residential and general amenity, climate change considerations or other impacts in their assessment are of limited weight in the 'planning balance', and, where necessary, could be mitigated by way of condition, and do not outweigh the public benefits of the proposal.

The application had therefore been recommended for approval in the Officer's Recommendation within the Executive Director's report, subject to conditions as set out in it (or conditions substantially similar).

29 Individual representations had been received from the public, as had been summarised in the Executives Director's report. Of these, 28 did not support the application. The petition which had been received as referred to in Minute 26/20 above, with 10 signatures from residents of St Peter's Road, was also in objection to the proposal, and stated that they had not been not directly consulted in writing on the proposal. The Executive Director was, however, satisfied that the correct consultation requirements had been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Borough Council member for the Corbar Ward had also written a letter. One representation supported the application.

A second round of publicity had been undertaken upon receipt of additional information, including a revised landscaping plan, addendum to the Heritage Impact Assessment and Air Quality Assessment.

Sixteen additional representations from members of the public to the application had been received. 14 of these were opposed to the application. These largely reiterated comments made in the initial consultation and had

also been summarised in the Executive Director's report.

11 written statements of up to 500 words had been received from members of the public who had made representations, including one on behalf of a local group, the Buxton Town Team. They re-iterated various points made in objection to the proposal, and each of them was read out in full by an officer.

Certain points were confirmed in comments in response by the Head of Planning Services and were noted by the Committee and taken into account as part of their considerations.

Councillor Grooby, whilst expressing general support for the application, acknowledged the case for requiring further investigatory work to be carried out in relation to the right turn into Lightwood Road, and the pedestrian walking routes around the Waterswallows Road area, as highlighted in the representations read out.

Councillor Mihaly made several comments and made particular reference as to whether alternative designs had been considered for the roundabout, and questioned whether the junction assessment based on a traffic count over a 12 hour period had been sufficient for an application of this magnitude

Councillor Charles made several comments and made particular reference to the comments of the Arboricultural Officer at HPBC in suggesting that the plans for the replacement and replenishment of trees were not sufficiently developed.

Councillor Parkinson observed that for this item Committee was concerned only with reaching a decision on the highway development proposal under the application reported to it, and that this did not extend to reviewing any matters decided on by the Borough Council as planning authority or the Borough Local Plan.

The Head of Planning Services then responded to the comments made by the members. He highlighted that the Highways Authority had been fully consulted and had not objected to the proposals, that alternative designs had been considered, that the final design of such schemes often hinged on highway safety and that this applied to this particular scheme. He also confirmed that a revised landscaping scheme which had been advanced had been part of the second round of consultation which had helped to address concerns relating to the local Heritage assets, and that further details would be settled by requirements of conditions as recommended under the Executive Director's report. It was also confirmed that the junction assessment had been in accordance with standard practice and in line with government and technical

guidance. It had been carried out on a neutral day and highways officers had been satisfied with it.

RESOLVED that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Executive Director's report.

29/20 CONSOLIDATION OF HISTORIC PLANNING PERMISSIONS AND CONTINUATION OF WASTE RECYCLING/WASTE PROCESSING TO INCLUDE: EXTENSION TO AN EXISTING RECYCLING BUILDING, INSTALLATION OF NEW WEIGHBRIDGE, IMPROVED SITE LAYOUT, AND RETROSPECTIVE USE OF SECOND VEHICULAR SITE ACCESS OFF MERLIN WAY/CROMPTON ROAD, AT THE DONALD WARD LIMITED RECYCLING FACILITY, QUARRY HILL INDUSTRIAL ESTATE, HALLAM FIELDS ROAD, ILKESTON, DERBYSHIRE APPLICANT: DONALD WARD LTD CODE NO: CW8/0220/75

An application had been received which related to a number of previously granted planning permissions for the recycling and transfer of wastes at the application site. Elements of the application were retrospective (regularising incremental changes to the site including the use of the second site access of Merlin Way and the location/orientation of the existing recycling building and picking line) while other elements related to entirely new development (the weighbridge at the Merlin Way access point and the extension to the recycling building).

The site was situated within the large industrial complex of Quarry Hill and Hallam Fields Industrial Estates, Ilkeston. These estates had a long history of industrial use dating back to the middle of the 19th century, but more recently having been developed for a range of industrial uses in the latter half of the 20th century. Several of the businesses located within Quarry Hill and Hallam Fields industrial estates are related to waste recycling and logistics.

The Executive Director had provided a detailed report published with the agenda, which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. As the report detailed:-

Concerns relating primarily to noise, odour, traffic, traffic safety and cumulative impacts had been raised in representations received about this proposal following the consultation process. The noise concerns related not only to noise from the operation of the site and processes carried out there, but also to noise (and vibration) arising from heavy goods vehicle movements to and from the site throughout the day and at anti-social hours.

The applicant company had sought approval through this application for

the consolidation of existing permissions and for the regularisation of incremental changes to working practices and processes, including the ongoing use of the access off Merlin Way. The application had included the proposed construction of a new extension to the waste processing building and a new gatehouse and weighbridge off Merlin Way and an extension to the hours of operation at the site, which it was considered would contribute to an integrated system of waste management, for moving waste up through the waste hierarchy in accordance with national waste management objectives. It was considered that a permission under the application would also bring the operations at the site under one planning permission with up to date conditions that would assist in its management and monitoring.

The noise impact of this activity was assessed in the ES and, despite being identified as of low impact on amenity, it was proposed to be further mitigated by the provision of a noise attenuation barrier toward the eastern end of the site to reduce the impact of the activity on residential areas to the east of the site.

The proposed extended hours would be restricted to working inside the building and to the loading of the ASR feed hopper and, given that the site was set within an industrial environment and was subject to regulation by an environmental permit monitored by the Environment Agency, the Executive Director did not consider the proposed working times to be unacceptable. The application did not propose a change in the types of waste materials currently processed nor an increase in the site throughput beyond that which was already consented by the existing environmental permit.

Five written statements of up to 500 words, from the applicant and those who had made representations, had been duly received, and were each read out in full by officers. These comprised a statement from the applicant in support of the application, and statements in objection from Councillor Pringle (Broxtowe Borough Council), Trowell Parish Council and two members of the public.

Various matters raised under the statements were addressed by the Head of Planning Services for the benefit of the Committee. He also explained that the applicant's planning consultant had very recently expressed concern regarding how limitations on the hours of operation by condition could prohibit the movement of refuse vehicles from the site prior to 6.00 a.m., because refuse collection vehicle movements from the site before 6.00 a.m. were apparently necessary in order for the company to carry out contractual obligations.

The Head of Planning Services confirmed that no such details of refuse vehicle operation had been provided with the application under consideration;

therefore it had not been possible for any additional impacts from such early morning operating to be addressed within consultations on the application or the published report. He also explained that, assuming that permission was granted subject to conditions as recommended in the report, it would be possible for a further application to be submitted for a relaxation of the restricted operating hours under that conditional permission, which would need to be assessed and determined on its own merits.

The Executive Director had been satisfied that subject to appropriate conditions, the proposal would accord with the DDWLP and the adopted ECS and saved policies of the EBLP, and it was accordingly recommended for conditional approval under the Officer's Recommendation in the report.

RESOLVED that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Executive Director's report.

30/20 PROPOSED ARTIFICIAL GRASS PITCH WITH ASSOCIATED FENCING, GATES, PITCH BARRIERS, HARD STANDING AREAS, FLOODLIGHTING AND AN EQUIPMENT STORE AND THE ADJUSTMENT OF THE EXISTING SUMMER AND WINTER PLAYING PITCHES AT HIGHFIELDS SCHOOL, UPPER LUMSDALE, MATLOCK, DERBYSHIRE APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD3/1219/65

An application had been sought which sought planning permission to create an Artificial Grass Pitch (AGP) with associated features, which included perimeter fencing, gates, pitch barriers, hard standing areas, floodlighting, an equipment store and adjustments to the existing summer and winter playing pitches. The proposed AGP would be available for community use outside of normal school hours.

The application site was not situated within the setting of a listed building or within a Conservation Area (CA). However, the application site was located adjacent to the Lumsdale CA to the east and the Lumsdale Local Wildlife Site (LWS), which ran along part of the eastern boundary of the school.

The Executive Director had provided a detailed report published with the agenda, which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. As detailed in the report:-

Concerns had been raised in letters of representation received following the consultation process regarding the potential impact of the proposal on the amenity of the area and residential properties from noise, lighting, visual intrusion, as well as impacts on a nearby LWS and the local highway. The

Local member Councillor Burfoot had also made a number comments

The application had been advertised by site and press notice (Matlock Mercury) with a request for comments by 18 March 2020. Neighbouring properties were also notified by letter of this development. Fourteen representations had been received in response to this publicity. Ten of the representations received raised objections to the application.

He had concluded that the AGP and the community use associated with the proposal would be of benefit to the pupils of the school and the wider community. The development would improve the existing sporting facilities and improve the accessibility to sports facilities for groups and clubs in Matlock and the wider Derbyshire area. There was an identifiable need for the facility in the local area.

The proposed development would introduce a source of noise in the area, by introducing local community use of the facility after school hours. However, 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 did not consider it would generate any impacts which could not be mitigated sufficiently by way of condition.

Subject to the recommended conditions, the he had been satisfied that the proposal would accord with the DDLP and the NPPF, and the application had accordingly been recommended for conditional approval.

Three written statements of up to 500 words had been duly received from amongst the members of the public who had made representations on the application, each of which was read out in full by an officer.

The matters raised under the representations were addressed by the Head of Planning Services for the benefit of the Committee.

Councillor Mihaly queried selection of the hours of opening of the proposed facility and what might need to be secured through a travel plan.

The Head of Planning Services commented in response that a 9.30pm finishing time would not be unusual in terms of other local facilities and the floodlights would go off at that point, and that the Environmental Health Officer had raised no concerns. He also drew attention to the travel plan requirement under condition 11 within the Officer's Recommendation in the report.

RESOLVED that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Executive Director's report.

31/20 **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

32/20 **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 6 July 2020 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.

33/20 **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

34/20 **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:

Date	Reports
28/05/2020	Applicant: Derbyshire County Council Planning Application Code No: CD2/0420/2 Replacement of the Existing Front Elevation Timber Windows and Door with New Aluminium Windows and Door, Bishop Geoffrey Allen Church and County Centre, Winster Mews, Gamesley
03/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: CM9/1215/122 Swarkestone Quarry: SM3237 – Dust Monitoring Scheme
10/06/2020	Applicant: Derbyshire County Council Planning Application Code No: CD3/0420/1 Structural Refurbishment of Link Staircase at County Hall, Smedley Street, Matlock
10/06/2020	Applicant: Derbyshire County Council Planning Application Code No: CD6/0320/84 Proposed Single Pitch Canopy to Existing Nursery Building at St John's CE Voluntary Controlled Primary School, Laund Nook, Belper
10/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: CW8/0817/37 Johnson Aggregates and Recycling: SW3344 - Details of Boundary wall

	SW3345 - Recording of noise, dust and odour complaint SW3346 - Details of Site Lighting SW3347 - Mitigation scheme for coal risk settlement SW3348 - Dust Emissions monitoring scheme SW3350 - Surface water drainage scheme SW3351 - Landscaping Scheme SW3352 - Detailed design, management and maintenance plan of surface water drainage
19/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: CW9/0319/109 BM Tech: SW3458 - Landscaping
25/06/2020	Applicant: Derbyshire County Council Planning Application Code No: CD8/0420/6 Creation of Additional Parking Area at Front of Entrance at Brackenfield School, Bracken Road, Long Eaton
25/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: CD2/0419/7 Highfield Hall Primary School SD3454 – Intrusive site investigation and remediation works

35/20 DEVELOPMENT MANAGEMENT PERFORMANCE
MONITORING RESOLVED to receive the report on development performance monitoring.

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Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

7 September 2020

Report of the Director – Economy, Transport and the Environment

- 1 RETROSPECTIVE APPLICATION FOR PLANNING PERMISSION FOR CHANGE OF USE OF LAND AND A BUILDING FROM INDUSTRIAL B2 USE TO A WASTE TRANSFER STATION, TO ALLOW THE STORAGE AND BULKING UP OF DRY RECYCLABLES COLLECTED FROM NORTH EAST DERBYSHIRE DISTRICT COUNCIL, CHESTERFIELD AND BOLSOVER KERBSIDE COLLECTIONS SITUATED ON THE EASTERN SIDE OF THE B6039 MANSFIELD ROAD, INCLUDING THE OVERNIGHT PARKING OF REFUSE COLLECTION VEHICLES, THE INSTALLATION OF A VEHICLE WEIGHBRIDGE, AND TWO STORAGE CONTAINERS AND FOR THE SITING OF A PORTACABIN LAND AND BUILDINGS TO THE EAST OF MASFIELD ROAD, CORBRIGGS INDUSTRIAL ESTATE, CORBRIGGS
APPLICANT: WARD RECYCLING LIMITED
CODE NO: CW4/0620/21**

4.2514.4

Introductory Summary This is a retrospective application that seeks permission to use an existing building and surrounding land at Mansfield Road, Corbriggs for the storage of dry recyclable waste materials, such as glass, plastic, tin, paper and cardboard that has arisen from local kerbside recycling collections. These waste streams are bulked up within the existing building and transferred by Heavy Goods Vehicles to a treatment facility for reprocessing into a product for subsequent use. The facility receives dry recyclable waste materials and can be an integral part of a sustainable method of waste management. The planning application also seeks permission for a portable type office building, a weighbridge, and two steel storage containers for the storage of recycled clothes.

The site is identified in the North East Derbyshire Local Plan as an Existing Employment Area. The site is operated by Wards Recycling Limited who provide kerbside recycling collection services for Chesterfield Borough, North East Derbyshire District and Bolsover District Councils.

Objections have been received from local residents and from Grassmoor, Hasland and Winsick Parish Council. I have considered the points raised and have concluded that the development accords with Local Plan policies and

national planning policy and is acceptable subject to imposition of the recommended planning conditions. With respect to the concerns over the proposed hours of the waste operation and the impact on nearby residents, I have proposed a condition under the recommendation to limit the daily finish time (Mondays to Fridays) to 19:00 hours, in the interests of neighbouring residential amenity. There is concern regarding the condition of the land being of made ground and the presence of pollutants, however, I am satisfied that this can be satisfactorily remediated and that this can be required by a condition.

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

(2) **Information and Analysis**

The Site

The application site area is just under 1 hectare (ha) and is located to the east side of Mansfield Road, Corbriggs, to the south-east of Hasland, Chesterfield. The site is located within a relatively small area designated as existing employment land in the North East Derbyshire Local Plan (NEDLP) that has a history of industrial and waste uses. The site itself was previously used for vehicle/plant maintenance and repair and, prior to this, was part of a former colliery site (Coal Contractor's yard). The site is now operated by Ward Recycling Limited, this is a different company to Donald Ward Limited (who trades as Ward Recycling) who has a number of waste recycling sites in Derbyshire.

The nearest dwelling is 40 metres (m) south of the application site; it is in a row of residential properties on the west side of Mansfield Road. There are also dwellings lining the east side of Mansfield Road, the nearest being 75m south of the site. To the north-west, on the west side of Mansfield Road, is a residential caravan site where the nearest dwelling is 120m distance from the application site. To the south-east, on the other side of Mansfield Road, is Grassmoor Golf Club and Country Park.

The land immediately to the north and east of the application site also forms part of the wider employment land area and is in use by separate companies including a crane hire business and a construction plant hire business. Also located to the north of the site is a building and land that was formerly in use as a waste recycling facility for which an extant planning permission remains in place. North-west of the application site is a derelict two storey office building.

The application site is accessed from Mansfield Road via a shared access which also serves the adjacent businesses and other sites in the employment area. The application site is not within the designated Green Belt but is within

a landscape character area broadly categorised as Coalfield Village Farmlands.

The site is not within a Conservation Areas and there are no others within the vicinity or any Listed Buildings in close proximity. In terms of ecological designations the Local Wildlife Sites (LWSs) Corbriggs Marsh is 110m to the south-east of the site and Grassmoor Country Park Ponds is 620m to the south. There are no Sites of Special Scientific Interest (SSSI) nearby.

There are no bridleways cycle trails or other Public Rights of Way (PROW) affected by the proposed development. The nearest PROW are 85m and 150m to the south of the application site respectively.

The site is located within Flood Zone 1 which is land having less than a 1 in a 1,000 year probability of flooding. There is an unnamed watercourse (possibly a field drain) running in a north-east to south-west direction 115m to the south-east of the application site.

The site is within a Coal Authority Development Low Risk Area and a coal mining risk assessment would not be required.

The Application

The development described by the application comprises the retrospective change of the use of the site to a waste transfer facility. The site accepts waste that comprises of mixed dry recyclables, glass and paper with a small amount of clothes and shoes. The site has been operating as a waste facility since April 2019. An application to regularise this development was originally submitted in March 2019 but was considered to be invalid due to lack of supporting information. A further application was submitted August 2019, but was subsequently withdrawn by the applicant to address a technical matter. This current application is a resubmission.

Retrospective planning permission is also sought for a portable type office building of dimensions: 9.78m long x 6.05m wide x 3.0m high, a weighbridge of dimensions 24m long x 3.0m wide x 0.50m high and two steel storage containers for the storage of recycled clothes each measuring 1.45m long x 1.3m wide x 2.26m high.

The waste transfer facility accepts mixed dry recyclables, glass, paper, clothes and shoes collected from the kerbside recycling collections in North East Derbyshire District, Bolsover District, and Chesterfield Borough. The received waste material is stored temporarily in separate bays within the existing building on the site and then bulk loaded onto Heavy Goods Vehicles (HGVs) for transportation off-site. There is some storage of second-hand clothes and shoes in a closed-off section of the building at its south-east elevation (separate from the storage bays) and also within the two on-site steel storage containers.

Up to 15 Rear End Loader (REL) kerbside waste collection vehicles are based at the site. When the vehicles return to the site they unload in the large building through one of the two large roller shutter doors. The applicant states that the waste transfer station can operate with its doors closed, other than when vehicles are entering/leaving the building to deliver or remove the waste. Waste is already segregated when collected and there is no waste sorting on site.

The application form states a maximum throughput figure of 75,000 tonnes per annum of municipal waste, which is the maximum allowed under an Environment Agency Standard Rules Environmental Permit. However, the applicant has advised that the facility is currently operating at an average of 28,600 tonnes per annum. The applicant estimates that waste tonnages in the future will potentially increase by between 3% and 5% per annum. However, this would be restricted to a maximum of 35,000 tonnes per annum, which the applicant has clarified is the maximum capacity of the waste transfer building.

The applicant says that a typical daily make-up of the waste streams arriving at the site would be around 110 tonnes of mixed dry recyclables, paper and glass.

Approximately 40kg of waste clothing/shoes is collected each day from kerbside collections and temporarily stored in two steel containers which are located in the yard and in a separate area of the main building for collection by the charity every fortnight.

The application proposes that the site would be open for the receipt and removal of wastes Monday to Friday 06:30 hours to 20:00 hours.

The supporting information states that the facility would normally close at 18:00 hours, however, there may be occasions where the facility would need to remain open until 20:00 hours. An example stated in the application is where the late opening hours would be required to complete the loading of bulked waste onto HGVs for transportation off-site.

On Saturdays and Sundays, the site would be closed except on Saturdays over weekends extended by a Bank Holiday when the site would be open on the Saturdays preceding and after the Bank Holiday. The proposed hours of operation on these exceptional Saturdays are 06:30 hours to 17:00 hours.

A total of 15 vehicles would continue to be used for kerbside collections and would operate from the site. The crews would arrive at the site between 06:30 hours and 06:45 hours and leave between 15:00 hours and 17:30 hours. The submitted information states that no vehicles would leave the site before 07:00 hours each day.

A total of 55 staff are employed in the operation of this site.

Planning History

Planning application code no. CW4/0319/107 – Change of use of land for a material waste transfer facility with no sorting of materials for kerbside contract from three local councils including an education centre housed in an onsite porta-cabin. Application was not validated due to lack of supporting information.

Planning application code no. CW4/0819/45 - Change of use of land and buildings to a waste transfer station, including the overnight parking of refuse collection vehicles, the installation of a vehicle weighbridge and the siting of a portacabin was withdrawn on 22 June 2020.

Consultations

Local Members

Councillor Barker (Staveley Sutton Ward) responded on 9 July 2020 and expressed concerns about allowing this activity on this site given its close proximity to residential properties. Councillor Barker states that if the County Council is minded to approve planning permission, then strict enforceable planning conditions must be applied.

Councillor Allen (Birdholme Ward, north-west of the application site) was requested to respond by 14 July 2020.

Councillor Wright (Clay Cross Ward, west of the application site) was requested to respond by 14 July 2020.

North East Derbyshire District Council (Planning)

North East Derbyshire District Council (NEDDC) (Planning) responded on 16 July 2020 raising concern that the proposed operating hours from 06:30 hours to 20:00 hours Mondays to Fridays could give rise to an unacceptable impact on neighbouring residential amenity.

North East Derbyshire District Council (Environmental Health)

NEDDC's Environmental Health Officer (EHO) responded on 26 June and 12 August 2020 under the following sub-headings and his/her comments are summarised as follows:

Contaminated Land

The EHO notes that the submitted Phase II Environmental Assessment confirms that due to the presence of asbestos and Poly-Aromatic Hydrocarbons (PAHs) the Made Ground across the site will need to be remediated. The assessment goes on to say that remediation can be undertaken by capping with hardstanding or tarmac, or by removing all hazards presented in the conceptual model, so that the site can be made suitable for the proposed use. The EHO expresses concern that it is not clear from the application which option the applicant is wishing to pursue and so

clarification of the remediation method is needed (which may be required by condition). It is also not clear what depth of capping is considered necessary for the area that has not had a tarmac/concrete covering.

Noise

The EHO commented that the submitted Noise Impact Assessment appears to represent a worst case scenario and the lack of concerns raised to Environmental Health by neighbours suggests to him/her that this assessment is robust. The EHO notes, however, that the Noise Impact Assessment only considers on-site noise sources and the impact of vehicles when accessing/egressing the public highway is not directly considered. The EHO notes that commercial vehicles would not leave the site before 07:00 hours and considers that the number of vehicle movements involved is unlikely to be significant, compared to the significant traffic flow on Mansfield Road. The EHO considers that 07:00 hours to 20:00 hours is a long duration over which commercial vehicles may access and egress the site.

The EHO notes that Mansfield Road does carry commercial traffic not associated with the site. The EHO considers that there may be some vehicular access/egress noise impact associated with the site but does not consider this to be so significant as to warrant a recommendation for refusal of this planning application.

Dust

The EHO considers the conclusions of the submitted Dust Impact Assessment to be reasonable. Dust emission levels were monitored as part of the assessment and the deposited dust at the vehicular access/egress and weighbridge area are at acceptable levels. The EHO does not consider that further dust control is required.

General

The EHO is aware of a recent complaint made to Environmental Health with regard to operational activities taking place outside the building and litter from the site being spread along Mansfield Road. The EHO forwarded the complaint to the Environment Agency, as the lead permitting authority. The EHO notes that the operator sweeps Mansfield Road regularly.

Chesterfield Borough Council (Planning)

Chesterfield Borough Council (CBC) (Planning) responded on 14 July 2020 and has no objections.

Chesterfield Borough Council (Environmental Health)

CBC (EHO) was requested to respond by 14 July 2020.

Temple Normanton Parish Council

The application site is within Temple Normanton Parish. Comments were requested from the Parish Council by 14 July 2020.

Grassmoor, Hasland and Winsick Parish Council

Grassmoor, Hasland and Winsick Parish is to the west and north of the application site. The Parish Council responded on 8 July 2020 and objects on the following grounds:

- *“Increase in volume of Heavy Goods Vehicles;*
- *The impact in terms of noise, smell and dust on neighbouring residential properties.*
- *The site already has a rats and the proposed activities will only*
- *Increase this problem, again causing a nuisance and danger to environmental health to neighbouring residential properties. The application will be a general blight on the local area which has over the years had more than its fair share of such sites.”*

Calow Parish Council

Calow Parish is to the north-west of the application site and the Parish Council was requested to respond by 14 July 2020.

Environment Agency

The Environment Agency (EA) has no objections to the application, however, it recommends that the operator ensures that the current proposals fit with the existing Environmental Permit.

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust (DWT) responded on 3 August 2020 and noted that the application site comprises previously developed land. The DWT database has not highlighted any notable features of ecological value on the site. DWT requests that any boundary tree lines are retained and any external lighting should be sensitively designed to minimise light spillage to tree lines and impact on any potential adjacent habitat. DWT concluded that ecological impacts were not anticipated to result from the proposal.

Highway Authority

The Highway Authority responded on 22 July and 10 and 11 August 2020. The Highway Authority noted that the planning application red line area includes the access road between the site and Mansfield Road, and has not raised any concerns with regard to the submitted Transport Statement. The Highway Authority noted that there has been one serious highway accident in the vicinity of the site but it does not consider that this would justify refusal of the application.

The number of parking spaces is considered acceptable, however, the Highway Authority states that car parking spaces should be 5.2m long and the length of spaces for larger spaces should be 11.6m long. The Highway Authority is satisfied with the width of car and lorry parking spaces, which are 2.5m and 3.0m respectively. The Highway Authority requires that all vehicles shall be able to enter and exit the site in a forward gear. The Highway

Authority has provided a footnote in respect of the potential for drag out of material onto the public highway and the need for the applicant to take reasonable steps to keep the highway clear and clean.

Lead Local Flood Authority

The County Council, as Lead Local Flood Authority (LLFA) responded on 11 August 2020. The LLFA states that it has no comments to make.

Publicity

The application has been advertised by a press advert in the Derbyshire Times on 25 June 2020, with a request for observations by 16 July 2020. Site notices were posted together with notices posted to neighbouring residences and businesses on 25 June 2020 with a request for observations by 16 July 2020.

In response to the publicity undertaken, including that undertaken for the previous withdrawn application (code no. CW4/0819/45), 11 letters of objection (from 5 households) have been received and are summarised as follows:

- The site is not on an industrial estate, this is a hamlet.
- The application does not comply with the Waste Local Plan.
- Concern at hours of operation; 8pm in the evening is too late and impacts on neighbouring residential amenity.
- Constant stream of vehicles accessing and egressing the site all day, detrimental impact of more vehicles on the highway including problems of vehicle fumes.
- Danger to wildlife from the high volume of large vehicles.
- Personal CCTV footage shows vehicles running outside of the specified hours.
- Fly and vermin infestation in and around local residences.
- Nuisance putrefying waste odours coming from the site.
- Dust from the site deposited on and in local houses, on local cars and breathed in by local people.
- Nearby house windows cannot be opened in warm weather because of the dust.
- Water culvert runs under Mansfield Road which needs to be assessed re: its condition and wear and tear from the additional heavy vehicle movements.
- The road floods and washes into local houses cellars.
- Benzoapyrene, PAHs and asbestos was observed in the environmental assessment (ground condition report). Benzoapyrene is a carcinogen.
- Concern over contaminated material from the yard surface being dragged out onto the highway.

- Concern that young children live near to this site which contains contaminants and asbestos fibres. This site has been operating for a year without addressing these health issues.
- Drop in property value.
- Wards need to relocate to somewhere more suitable.
- This site needs to be closed down.
- The proposed action to contain the contamination is not enough.
- Roller shutter doors to the building left open when they are supposed to be kept shut except for vehicles accessing/egressing the building.
- Noise nuisance from loading shovels and reversing alarms.
- The existing yard surface of compacted scrapings is not suitable for the constant manoeuvring of heavy vehicles.
- Approval of this planning application would be permanent and have potential for intensification of the waste use.
- Local residents have suffered the results of non-compliance of planning conditions and the failure of enforcement to rectify problems.
- Litter along Mansfield Road nuisance comprising paper, plastics and glass falling off lorries.
- Dust and rubble drag out from the site blocks the drains and flood water enters local peoples' gardens and the cellars of local residences.
- The REL vehicles have an upward pointing exhaust giving a loud turbo whine.
- The Dust and Noise Assessments are resubmissions from the previous planning application.
- The site is open more than it is closed.
- The operator is working outside of the hours stipulated in the planning application.
- There have been several vehicle accidents on Mansfield Road, plus walls, hedges and railings being demolished by cars.
- Nearby houses physically shake when lorries pass.
- Some of the objections could be overcome by good housekeeping, good working practice and upgrading and overhauling of the site.

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 planning application, the relevant policies of the development plan are the saved policies contained within the Derby and Derbyshire Waste Local Plan (2005) (DDWLP) adopted in 2005, and the North East Derbyshire Local Plan (NEDLP), also adopted in 2005. Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE) and within the National Planning

Policy for Waste (NPPW) (2014). The application site is within Temple Normanton Parish and is not covered by a Neighbourhood Plan.

Saved Policies of the Derby and Derbyshire Waste Local Plan (2005) for this application, the most relevant development plan policies from the DDWLP are:

W1b: Need for the Development.
W4: Precautionary Principle.
W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W8: Impacts of the Transport of Waste.
W9: Protection of Other Interests.
W10: Cumulative Impacts.

Saved Policies of the North East Derbyshire Local Plan 2001-2011 (2005) for this application, the most relevant development plan policies from the NEDLP are:

GS1: Sustainable Development.
GS6: New Development in the Countryside.
GS7: Change of Use and Conversions.
NE1: Landscape Character.
BE1: General Design Principles.
E6(k): Existing Employment Areas.
E7: Development in New and Existing Employment Areas.
CSU6: Contaminated Land.
T2: Highways Access and the Impact of New Development.
T9: Car parking Provision.

The NEDLP 2014-2034 Publication Draft Local Plan and Supporting Documents were submitted to the Secretary of State on 24 May 2018 for independent examination. Policies within the Draft Local Plan are not considered to be of significant weight given their unadopted status at this time.

National Planning Policy Framework (Revised 2019)

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework as a whole contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF states that achieving sustainable development means that the framework has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this application are:

Chapter 2: Achieving sustainable development.

Chapter 6: Building a strong, competitive economy.

Chapter 12: Achieving well-designed places.

Chapter 15: Conserving and enhancing the natural environment.

National Waste Management Plan for England

This plan provided guidance regarding the 'waste hierarchy'. However, the most relevant statements of Government waste policy on the issues raised by this proposal are now contained within the NPPW.

National Planning Policy for Waste (2014)

This document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management, and states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. Annex A of this document details the waste hierarchy.

The other highly relevant sections of the NPPW are at Paragraph 7 (Determining Planning Applications) and at Appendix B: (Locational Criteria).

One of the key priorities of the County Council is to ensure that waste development increases sustainable waste management achieved through moving the management of waste up through the waste hierarchy. This can only be achieved by recycling, recovery and reuse of waste materials. As a consequence, there is a continuing need to provide sustainable waste management facilities but this, of course, has to be balanced against the suitability of the proposed site and its potential impacts on this local environment. Bearing this in mind, the key issues relevant to this proposal are:

- The need for the development.
- Location of the development.
- Local amenity impacts.

The Need for Development

The planning application site comprises a waste transfer facility, presently operating without the benefit of planning permission.

DDWLP Policy W1b: Need for the Development states that "*Waste development will be permitted if the development would help cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management...*"

The policy presumes in favour of waste development that would help to cater for the needs of the local area as part of an integrated approach to waste management. In terms of the needs of a wider area, this policy also seeks to permit development where it would satisfy a need which could not realistically be met closer to the source of the waste and would contribute to an integrated system of waste management.

The proposal is for a waste transfer station that would receive waste collected from kerbside collections in the Chesterfield, Bolsover and North East Derbyshire Local Authority areas. The site would act as a local bulking point prior to the waste being transported to other recycling facilities for processing. The facility would continue to play an important part in the delivery of the existing recycling collection service in the areas, which cater for the needs of local people. It facilitates management of waste in accordance with the waste hierarchy. I consider that the proposed facility would contribute towards sustainability objectives and would accord with the requirements of DDWLP Policy W1b.

Policy GS1: Sustainable Development of the NEDLP states that all development proposals *“will be required to have regard to the need to maintain or improve the quality of life of our communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire and contribute towards achieving a sustainable pattern of development”*. Criterion (b) of this policy is also relevant: it provides that, unless otherwise indicated in the Local Plan, *“all development proposals make use of previously developed land before greenfield sites”*. Waste is collected, taken to a transfer facility, which comprises a former employment site, and segregated before being taken elsewhere for processing. Without collecting and dealing with a community’s waste, the quality of life of the community and the local environment would inevitably lead to detrimental effects leading to reductions in quality of life and the quality of the environment.

Economic growth can be stimulated by the sale of segregated waste in bulk, such as used aluminium drinks cans transferred to companies who re-use the metal in their products. The application accords with Paragraph 8 of the NPPF under Chapter 2: Achieving sustainable development in that the overarching economic, social and environmental objectives of the NPPF are met by identifying and coordinating the provision of necessary infrastructure, in this case, a waste transfer facility, supporting healthy communities, by dealing with the waste produced by the community, and by minimising waste and moving towards a low carbon economy.

This is an existing waste transfer facility, operating without the benefit of planning permission, serving the kerbside recyclable waste collection duties of North East Derbyshire District, Bolsover District, and Chesterfield Borough Councils. There is evidently a need for such kerbside collections from the areas of the three authorities and a consequent need for suitable local

capacity for collating and segregating the waste thereby collected, to facilitate waste management in accordance with the waste hierarchy. I am satisfied that the need for the development is therefore demonstrated.

The proposal accords with the requirements of the NPPF, the NPPW, Policy W1b of the DDWLP and Policy GS1 of the NEDLP, given that there is a need for this type of waste recovery facility for meeting the expectations of the waste hierarchy.

The acceptability of the scheme in the planning balance, however, must be considered further against planning policy and the merits of the application in the following respects:

- location of the development; and
- environmental and amenity impacts, to include consideration of contaminated land, noise and vibration (including hours of operation), highway impacts, dust, odours, drainage, vermin, lighting and landscape and visual impacts.

Location of the Development

The site is located in an industrial complex which is listed as one of several existing employment areas (Corbriggs, Mansfield Road) by Policy E6 (k) of the NEDLP, and identified by the Proposals Map under the NEDLP. The application site is surrounded by other established industrial units and buildings. Policy E6 of the NEDLP specifies that proposals for employment development within the listed areas will be permitted subject to the criteria listed in Policy E7 of the NEDLP.

Policy E7 of the NEDLP states that proposals for the development of land, the extension of existing premises, the redevelopment of existing disused employment sites or their reuse, including conversion, of vacant employment premises, will be permitted for employment uses (Use classes B1, B2 and B8), provided that:

- (a) the effect on the appearance and character of neighbouring uses and the surrounding environment is acceptable;
- (b) problems of noise, disturbance and pollution are minimised;
- (c) the problems of heavy traffic in residential areas and on unsuitable roads are minimised, and the local and trunk road network in the vicinity of the site is capable of accommodating traffic generated by the proposed development. Where it is considered appropriate, a traffic impact study will be required to be submitted prior to the determination of the planning application; and
- (d) a high standard of design, materials and landscaping is achieved and that the neighbouring and wider landscape and valued features within can be safeguarded.

I am satisfied that the above criteria can be met and controlled to acceptable levels by imposition of planning conditions (considered further in this report).

Whilst the application site is located in an area allocated for employment use under Policy E6(k) of the NEDLP, the site is, however, outside the defined settlement limits. Therefore, under the terms of the NEDLP policies, it is in the countryside. Policy GS6 of the NEDLP states that "*In the countryside, new development will only be permitted where:*

- (a) the development is for the operation of a use appropriate to such a location;*
- (b) it is in keeping with the character of the countryside;*
- (c) it causes minimal disturbance to farming and minimises the loss of agricultural land, particularly that of the best and most versatile quality;*
- (d) it does not require major new or improved infrastructure provision;*
- (e) it causes minimal problems of noise, disturbance and pollution and other environmental impact; and*
- (f) it does not represent a prominent intrusion into the countryside."*

With regard to the operational use being required to be appropriate to such a location, as specified by (a) in GS6, the previous use of the application site was for plant and vehicle maintenance and repair and (Use Class: B2 General Industrial). At national and local level it is recognised, subject to environmental considerations, that in principle, industrial sites are generally acceptable for waste management operations. The situation of the site within an Existing Employment Area under Policy E6(k) of the NEDLP is also an indicator of its appropriateness for the development.

The use is required to be in keeping with the character of the countryside by Policy (b) in GS6 and not to represent a prominent intrusion into the countryside by Policy (f) in GS6(f).

Waste uses are often found in rural localities and, given that appropriate screening of the development can be achieved, I consider that there would be no significant conflict with the countryside setting in this instance.

Given that the site has been used historically for industrial purposes, I consider that there is no conflict with regard to farming operations and nor any conflict with Policy GS6 at (c) since there is no loss of agricultural land.

The site does not require major new or improved major infrastructure provision, therefore there is no conflict with GS6 at (d).

Issues of noise, disturbance, pollution and other environmental impacts (considered in detail below) could be mitigated by way of condition and I am satisfied that therefore that a grant of permission subject to suitable

conditions, the development would also be in accordance of the requirement of Policy GS6 at (e).

Similarly the requirement of Policy GS7: Change of Use and Conversions is not against the grant of planning permission where the use, scale or type of operation would not have an adverse effect upon the character of the area or neighbouring land uses. I am satisfied the impacts assessed below can be appropriately and sufficiently controlled through imposition of planning conditions.

Paragraph 4 of the NPPW states that waste planning authorities should consider a broad range of locations for waste facilities including industrial sites and give priority to previously developed land, such as this site. Appendix B of the NPPW provides locational criteria for waste planning authorities to consider when determining planning applications, where criteria c. landscape and visual impacts, f. traffic and access, g. air emissions, including dust, h. odours and j. noise and vibration are particularly relevant. These are considered further in the Environment and Amenity Impacts and Landscape and Visual Impacts sections below. However, the location of the development is considered acceptable in consideration of the criteria set out in the NPPW, subject to appropriate mitigation through the imposition of planning conditions.

Policy W9: Protection of Other Interests of the DDWLP presumes in favour of waste development where it would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community. I am satisfied that, subject to conditions, the application would accord with this policy.

Regarding the comment made in a representation that the application site is not an industrial estate but a hamlet, I agree that the two areas of linear residential development on the west and east sides of Mansfield Road could be described as a hamlet. Historic maps available for the area confirm, however, that the application site was part of a former colliery from the late 19th century through to the 20th century and subsequently became an employment area. I therefore consider that the application site has a long established industrial history, albeit in close proximity to the linear residential development along Mansfield Road.

Although a waste facility of this sort is a unique (“Sui Generis”) land use which does not fall within any general use class such as a B1, B2 or B8 use, it is the type of use which is generally considered to be acceptable in existing industrial locations, subject to consideration of impacts on neighbouring employment and residential uses. If these impacts can be adequately controlled and mitigated, then there should be no particular policy conflict or other reason to refuse permission for such a use in this locality.

Overall, in the context of the policies identified above, the use is considered to be acceptable in land use policy terms, subject to there being no significant adverse environmental impacts which cannot be appropriately mitigated by way of condition where considered necessary. I therefore consider that the location of the proposed development is acceptable and accords with Paragraph 4 and Appendix B of the NPPW, Chapter 15 of the NPPF, Policy W9 of the DDWLP and policies GS6, GS7, E6 and E7 of the NEDLP.

Environmental and Amenity Impacts

Paragraph 170 in Chapter 15 of the NPPF (Conserving and enhancing the natural environment) states that planning policies and decisions should contribute to and enhance the natural and local environment by [among other means] preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. The NPPF further states in Paragraph 183 that local planning authorities should focus on whether a proposed development is an acceptable use of land rather than the control of emissions or processes and assume that pollution control regimes and the remit of pollution control authorities will operate effectively.

Paragraph 5 of the NPPW advises waste planning authorities to assess the suitability of sites for new and enhanced waste management facilities in terms of the cumulative impact of existing and proposed waste facilities on the well-being of the local community, including any significant adverse impacts on environmental quality.

Appendix B of the NPPW outlines a number of locational criteria in testing the suitability of waste sites in the determination of planning applications. Criteria g. air emissions including dust, h. odours, i. vermin and birds and j. noise and vibration consider the proximity of sensitive receptors and the extent to which adverse dust, odour, noise, vibration and vermin can be controlled through the use of appropriate and well-maintained and managed equipment. The advice recognises that waste facilities can produce noise affecting both the inside and outside of buildings and that HGV movements to and from a site can produce noise and vibration. Criterion f. of NPPW Appendix B, traffic and access, is concerned with the suitability of the local road network.

Policy W4 of the DDWLP (Precautionary Principle) presumes against development where there is reasonable cause for concern that a proposed waste development presents a threat of serious or irreversible damage to the environment unless conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such damage. Policy W6 of the DDWLP: (Pollution and Related Nuisances) seeks to permit development only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects to local communities, the wider environment, nearby land uses and the application site.

Policy W8 of the DDWLP (Impact of the Transport of Waste) states that waste development will be permitted where the methods and routes of transport would not cause significant disturbance to the environment, people or communities, the transport network is adequate to accommodate the traffic generated by the proposal and where the access arrangements and the generated traffic impact would not be detrimental to road safety.

Policy W10 of the DDWLP (Cumulative Impact) seeks to assess proposed development in light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. This policy presumes in favour of development that would not result in significant and detrimental cumulative impact on the environment of those communities.

Policy E7 of the NEDLP (Development in New and Existing Employment Areas) seeks to minimise any potential problems of noise, disturbance and pollution and to ensure that any effects on the appearance and character of neighbouring land uses are acceptable in criteria a) and b) of the policy.

Contaminated Land

Policy CSU6 of the NEDDLP (Contaminated Land) requires that proposals for the redevelopment of sites likely to be contaminated should be accompanied by a detailed assessment that would identify the nature and extent of the contamination and set out the necessary remedial or mitigation measures required.

The applicant has submitted a Phase II Ground Conditions report (entitled Environmental Assessment) which concludes that there is 'made ground' across the site which will need to be remediated due the presence of asbestos and localised PAHs. The report recommends that remediation can be undertaken by capping with hardstanding or tarmac. The report states that there is a risk to end users of the site in respect of the proposed development. Local residents have also expressed concern about the presence of PAHs, asbestos and also benzoapyrene (a carcinogen) on this site, and the potential for drag out of contaminated material onto the public highway (Mansfield Road) by vehicles accessing and egressing the site. Residents are also understandably concerned that this site has been operating for over a year without remediation of the made ground having been undertaken.

Appropriate remediation across the site is confirmed as a requirement by the EHO. There has not been sufficient information submitted with the application regarding the intended capping and hardstanding of the site. More information is required on the intended remediation and the thickness and nature of the capping/hardstanding material. However, I consider that there is an appropriate engineering solution to safely cap and contain the contamination. I recommend a condition in respect of this, requiring the developer to submit to the Waste Planning Authority a scheme for a phased programme of site

remediation which includes details of the capping and hardstanding material specifications, for approval subject to any amendments by the Authority (following consultation with the EHO) and then implementation as approved.

Subject to the recommend conditions I am satisfied that the application, in this regard, is in accordance the NPPF, the NPPW, policies W6 and W10 of the DDWLP and Policy CSU6 of the NEDLP.

Noise and Vibration

Concerns are raised in the representations received about the impact of noise from the operations at this site. Apart from the complaint to NEDDC referred to by the EHO, the County Council has since operations commenced received complaints from local residents regarding noise. The concerns relate to the impact of noise associated with operations taking place outside the building, the roller shutter doors to the waste transfer building being kept open when they could be closed (i.e. generally, except for when vehicles are accessing and egressing the building), noise from loading shovels and reversing alarms and noises and vibration from vehicles when passing nearby properties. Grassmoor, Hasland and Winsick Parish Council has also raised concerns about noise impacting on local residents from this development. A representation also comments that the Noise Assessment is a resubmission from the previous planning application.

The resubmitted Noise Assessment is considered to be a valid document in respect of this current planning application and was updated by the applicant prior to submission. Background noise monitoring was undertaken at a location representative of the noise climate of the closest residential receptor on Mansfield Road. The Noise Assessment report predicts the likely impact of noise on this receptor from the operations at the site for weekday operations and the proposed occasional Saturday operations. The assessment concludes that the predicted internal and external noise levels at the closest receptor would be well below the recommended guidelines.

I appreciate the concerns of residents about noise and vibration associated with operations and vehicles accessing and egressing this site. I note that the terrace of houses along the west side of Mansfield Road front, near to the highway. Mansfield Road is a busy road throughout the day with much commercial traffic using it.

However, I am satisfied that these noise related amenity concerns can be satisfactorily controlled by conditions. Therefore, planning conditions are recommended to require that doors of the building remain closed except for vehicles entering/leaving the building to deliver or remove the waste and to require reversing alarms used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices. I have also included a planning condition in the recommendation to require the submission of a noise

management plan for the site which includes a relevant mechanism for complaints with regard to noise nuisance.

I am also of the opinion that the current condition of the waste recycling building should be improved to provide noise attenuation benefits, such as by repairing of holes and gaps in panels. I have therefore recommended a condition to require a scheme of improvement works to the building.

The hours of operation sought by the applicant in the application are 06.30 hours to 20:00 hours Mondays to Fridays. Saturdays, Sundays and Bank Holidays would normally be non-working days, however, the submitted information does state that Saturday working would be required for weekends that fall either side of a Bank Holiday.

The supporting Planning Statement states that the facility would normally close at 18:00 hours but there may be instances where operations need to continue to 20:00 hours to allow for bulk loading of waste for transportation off-site. It also states that crews who drive and operate the vehicles arrive at the site between 06:30 hours to 06:45 hours, but no RELs leave the site before 07:00 hours each day.

Local residents are concerned about the stated hours of operation at this site until 20:00 hours in the evening being too late for operations such as this, and detrimental to local residential amenity. Residents also report that the site operates outside the times proposed in the planning application. NEDDC (Planning) also raised concern about the proposed operating hours and the potential to give rise to unacceptable impacts on neighbouring residential properties. The EHO considers 07:00 hours to 20:00 hours to be a long duration over which commercial vehicles may access and egress the site.

I acknowledge the concerns of local people and that noise nuisance can have a detrimental impact on their amenity and quality of life. I do not consider the occasional need to load a bulk loader lorry to be a reasonable justification for allowing working at the site to 20:00 hours. I am of the opinion that the site operator could configure the relevant schedules and operations to within 07:00 hours to 19:00 hours (allowing only staff and their personal vehicles to access the site from 06:30 hours). This would provide an 12 hour working day, during daytime hours, which would, in my opinion, be sufficient to run a waste transfer facility and would leave an hours tolerance for employees to leave the site after operations cease at 18:00 hours and a tolerance for instances where bulk loader vehicles are still being loaded after 18:00 hours. I am also concerned about the potential for disturbance from Saturday working (where the Saturday falls either side of a Bank Holiday weekend). In this respect, I consider that a finish time of 17:00 hours on Bank Holiday weekend Saturdays to be appropriate. I have recommended a planning condition on hours of operation in the recommendation below.

Subject to the recommend conditions, I am satisfied that the application in respect of noise and vibration is in accordance with the NPPF, the NPPW, policies W6 and W10 of the DDWLP and policies GS1, GS7 and E7 of the NEDLP.

Highway and Transport Impacts

A Transport Assessment has been submitted in support of the planning application which concludes that the traffic generated by the proposal in the AM and PM peak hours is not material and that the proposed development would not result in material impact on the operation of the highway network. The Highway Authority has not raised any concerns regarding the content or conclusions of the Transport Assessment or the proposed development in general. However some local residents have communicated concerns in respect of vehicles accessing and egressing the site throughout the day, the detrimental impact of more vehicles travelling on the highway and exhaust fumes. Grassmoor, Hasland and Winsick Parish Council is also concerned in respect of the increase in HGVs.

One resident considers that the existing yard surface of compacted scrapings is not suitable for the constant manoeuvring of heavy vehicles. I would agree that non-solid bound surfacing, particularly during wet weather conditions, can become rutted and be a cause of drag out from such sites on to the highway. However, a condition is recommended in respect of the requirement for a site remediation scheme to include hard surfacing of area where vehicles move around which would also help to mitigate any potential drag out issues from the site.

A local resident has expressed concerns that the HGV movements associated with the application site are a danger to wildlife. DWT has been consulted on the application but has not suggested that there might be ground for concern regarding any impacts on wildlife from the HGV movements. I consider, therefore, that there is unlikely to be any significant danger to wildlife from HGV movements.

Mansfield Road is a relatively busy road with a mixture of commercial and domestic traffic. I have had regard to the concerns of local residents relating to a history of accidents on Mansfield Road and the comments that walls, hedges and railings have been demolished in vehicle accidents. The Highway Authority has noted an historical serious traffic accident in the vicinity of the application site but does not consider that this would constitute a highway safety issue. I do not, however, consider that the concerns over accidents on Mansfield Road are sufficient to warrant refusal of this planning application.

I am however recommending a condition to limit the annual throughput of the site to its upper capacity limit of 35,000 tonnes per annum and not the 75,000 tonnes stated on the application form. The use of the site above the capacity that it is able to handle could result in detrimental impacts on local amenity.

The Highway Authority has not raised any objections to the development and, subject to the recommend conditions, I am satisfied that the application in respect of highway impacts is in accordance the NPPF, the NPPW, policies W6, W8 and W10 of the DDWLP and policies GS1, T2 and E7 of the NEDLP.

Dust

I have had regard to the concerns of Grassmoor Hasland and Winsick Parish Council on nuisance dust emissions from the application site impacting detrimentally upon local residences. Local residents have also commented that dust is deposited on their property and is also inhaled. The applicant has provided a Dust Impact Assessment with the application. A background survey of dust has been carried out at the site using Frisbee dust gauges positioned at the HGV exit and proposed weighbridge location. The assessment concludes that the levels of deposited dust meet acceptable levels set out in published guidance and that no further dust controls are required. The applicant has provided a dust management plan with the application. One resident comments that the Dust Impact Assessment is a resubmission from the previous planning application. The resubmitted assessment is considered to be a valid document in respect of this current planning application and was updated by the applicant prior to submission.

This type of waste (dry recyclable materials) does not generally cause significant dust and the recycling activities are carried out inside the building which would help to contain any dust from this source. The most likely source of dust would be from HGVs moving around the site. The NEDDC EHO considers that the conclusions of the Dust Impact Assessment to be reasonable and that further dust control is not required. The EHO considers that the deposited dust at the vehicular access/egress and the weighbridge area are of acceptable levels.

I have, however, recommended a planning condition to require the measures set out in the dust management plan are adhered to, that dust suppression methods are utilised during dry and/or windy weather and in the interest of local amenity that a procedure for complaints with respect to dust is submitted. I am satisfied that with conditions in place, issues arising from dust can be appropriately controlled.

Subject to the recommend conditions, I am satisfied that the application in respect of dust is in accordance the NPPF, the NPPW, policies W6 and W10 of the DDWLP and policies GS1, GS7 and E7 of the NEDLP.

Odours

The NEDDC EHO has not raised any concerns over the potential for odour nuisance from the application site. However, I note the concerns of Grassmoor Hasland and Winsick Parish Council on nuisance odour emissions from the application site impacting detrimentally upon local residences. I also note the comments of local residents with regard to waste odours emanating

from the site. I appreciate that food remnants on recyclable materials, could result in odour. The key to controlling this nuisance is keeping the roller shutter doors closed to the building at all times, except for vehicular access/ egress and loading/unloading vehicles within the building.

A condition has been recommended to require the doors to remain closed and for a scheme of improvements to the building. The site is also controlled by conditions on the Environmental Permit issued by the EA which includes conditions relating to odour control. The EA is considered to be the key regulator in respect of odour. I am therefore satisfied that the application in respect of odour is in accordance the NPPF, the NPPW, policies W6 and W10 of the DDWLP and policies GS1, GS7 and E7 of the NEDLP.

Drainage and Litter

Whilst local residents have expressed concern about local drainage issues (drains being blocked by debris from the application site and the need for a water culvert underneath Mansfield Road to be assessed with regard to its condition and potential wear and tear from heavy vehicle movements), it is clear from the consultation response from the LLFA that it has had no comments to make on this planning application.

I am aware of complaints to this Authority and to the NEDDC EHO with regard to litter and drag out from the site being spread along Mansfield Road. Residents are concerned about paper, plastics and glass falling off lorries belonging to the waste operator and littering the highway. Residents also state that the dust and rubble drag out from the site blocks the drains, resulting in the road flooding and water entering local residential gardens and cellars. There is also concern that contaminated material from the yard surface could be dragged out onto the highway. The operator has been made aware of these issues and has put measures in place at the site which include regular litter picking and mechanical sweeping of Mansfield Road. However, I recommend a planning condition seeking to ensure that all loads into and out of the site are enclosed or sheeted to prevent spillage on to the highway. Subject to the recommended conditions, I am satisfied that the application, in respect of drainage and litter, is in accordance the NPPF, the NPPW, policies W6, and W10 of the DDWLP and policies GS1 and E7 of the NEDLP.

Vermin and Fly Infestation

I have had regard to the concerns of Grassmoor, Hasland and Winsick Parish Council with respect to an existing problem with rat infestation at the site. The Parish Council considers that the development would exacerbate this problem. I also note the concerns of local residents over fly and vermin infestation at the site, spreading to local residences. I acknowledge that waste food remnants on empty packaging is a source of food to flies and other vermin. Flies also use the food remnants to lay eggs on and breed, thereby exacerbating the problem. I consider that a vermin control regime could

control the problem and have included a relevant planning condition to this effect in the recommendation.

External Lighting

I have had regard to the comments of DWT in respect of the potential for light spillage from external lighting affecting tree lines and any potential adjacent habitat. External lighting can also impact on residential amenity. I have therefore included a planning condition in the recommendation for the submission of an external lighting scheme to be submitted to and approved by the Waste Planning Authority.

Landscape and Visual Impact

At national level, the NPPF seeks to protect landscape and local character. The most relevant section of the NPPF in this regard is considered to be Chapter 12: Achieving well-designed places where Paragraph 127(c), which requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Appendix B: Locational Criteria (c) Landscape and Visual Impacts of the NPPW similarly identifies landscape impact as a consideration in the determination of waste planning applications.

Policy W7 of the DDWLP (Landscape and Other Visual Impacts) 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. Policy NE1: Landscape Character of the NEDLP seeks to conserve and/or enhance the character of the landscape and states that development that would result in the loss of distinctive features that contribute towards and add value to the landscape character of an area would be resisted.

Policy BE1 of the NEDLP requires that proposals for new development will only be granted planning permission where they are of a density, scale, massing, height and layout, and use materials that (a) respect the character and appearance of the surrounding area; and (b) contribute towards providing a safe and secure local environment. Whilst the application is made in retrospect, the policy is still considered relevant.

I do not consider that any significant adverse landscape or visual effects would occur which would be associated with this development. The change of use relates to an existing industrial building, containers and portacabin which are already well screened from Mansfield Road. The site is not easily viewable from any vantage points, including from Grassmoor Country Park to the west on the opposite side of Mansfield Road. Drivers using Mansfield Road and pedestrians cannot readily view the application site due to the existing trees

and vegetation that bounds the application site to the west and south-west. With regard to the comments of DWT that consider that boundary tree lines should be retained and protected. I recommend a planning condition to require this. I am satisfied that with this safeguard the change of use is acceptable with regard to landscape and visual impact, would have limited impact upon the landscape, and accords with the NPPF, the NPPW, Policy W7 of the DDWLP and policies NE1 and BE1 of the NEDLP.

Other Comments

A local resident has expressed concern regarding any drop in residential property values as a result of the development. Whilst such financial concern is understandable and not unusual it is not a material planning consideration so cannot be taken into account in determining the application.

Conclusion

The waste transfer facility forms an important part of the delivery of the existing kerbside recycling collection service in the area, moves waste up through the waste management hierarchy and contributes to sustainable waste management objectives set out in Government policy. The waste facility has been in operation since April 2019 without the benefit of planning permission. The planning application site is within an employment area, as identified in the NEDLP, which has history of industrial type uses and is surrounded by other general industrial type uses. I am satisfied that the location is appropriate for this type of use. There is concern regarding the condition of the land being of made ground and the presence of pollutants, however, I am satisfied that this can be satisfactorily remediated. The concerns of local residents regarding the impact of this development on their amenity and on the local environment are acknowledged, however, I do not consider that they would be so significant as to warrant refusal of the application. This application seeks to regularise the use of the site and would enable modern planning controls to be placed on the operation via planning conditions. This would enable the Waste Planning Authority to appropriately control and monitor the operation, and to ensure that any associated impacts can be effectively controlled.

Subject to the recommended conditions, I consider that the proposal is acceptable. I do not consider that the proposal conflicts with national or local planning policies and it is recommended for approval.

(3) **Financial Considerations** The correct fee of £2340 has been received.

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

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

Other considerations

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

(6) **Background Papers** File No 4.2514.4
Application documents received from Ward Recycling Ltd dated 12 June 2020;
1APP form dated 12 June 2020;
Covering Letter ref. 4095-CAU-XX-XX-DR-T-9104.A0-C1 dated 12 June 2020;
Supporting Planning Statement, author: Caulmert Limited, ref. 4095-CAU-XX-XX-DR-T-9301.A0-C1 dated 12 June 2020;
Transport Statement, author: Ashley Helme Associates Ltd, ref. 1674/1C, dated June 2020;
Phase II Environmental Assessment, author: Ivy House Environmental, ref. IV.116.19 dated February 2020;
Noise Impact Assessment, author: Spire Environmental Consultants Ltd, ref. R20.1340-N-3-AG dated 9 June 2020;
Deposited Dust Impact Assessment, author: Environmental Consultants Ltd, ref. R20.1340-D-3-AG dated 9 June 2020;
Site Boundary Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1801, Revision PO2 dated 4 July 2019;
Existing Site Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1802, Revision P2 dated 4 July 2019;
Proposed Site Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1800, Revision P5 dated 27 June 2019;
Waste Transfer Building Existing Internal Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1805, Revision P1 dated 4 July 2019;
Waste Transfer Building Proposed Internal Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1806, Revision P5 dated 4 July 2019;
Portacabin Elevations, Drg. No. 4095-CAU-XX-XX-DR-T-1803, Revision P1 dated 4 July 2019;
Portacabin Floor Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1804, Revision P1 dated 4 July 2019;
Weighbridge Plan and Elevation, Drg. No. 4095-CAU-XX-XX-DR-T-1807, Revision P1 dated 4 July 2019;
Clothes and Shoes Storage Container, Drg. No. 4095-CAU-XX-XX-DR-T-1808, Revision P1 dated 22 November 2019.

County Elected Member response dated 9 July 2020;
Internal County Highways Authority responses dated 22 July, 10 and 11 August 2020;
Internal County Lead Local Flood Authority response dated 11 August 2020;

Internal County Landscape Architect response dated 30 June 2020;
North-East Derbyshire District Council (Planning) response dated 16 July 2020;
North-East Derbyshire District Council (Environmental Health) response dated 26 June and 12 August 2020;
Chesterfield Borough Council (Planning) response dated 23 June 2020;
Grassmoor, Hasland and Winsick Parish Council response dated 8 July 2020;
Derbyshire Wildlife Trust response dated 3 August 2020.
Letters of representations – various dates.

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

Form of Development

1) The development shall take place in accordance with the details in the following drawings and documents, except as otherwise required by any other conditions of this planning permission:

- 1APP form dated 12 June 2020;
- Covering Letter ref. 4095-CAU-XX-XX-DR-T-9104.A0-C1, dated 12 June 2020;
- Supporting Planning Statement, author: Caulmert Limited, ref. 4095-CAU-XX-XX-DR-T-9301.A0-C1, dated 12 June 2020;
- Transport Statement, author: Ashley Helme Associates Ltd., ref. 1674/1C, dated June 2020;
- Phase II Environmental Assessment, author: Ivy House Environmental, ref. IV.116.19, dated February 2020;
- Noise Impact Assessment, author: Spire Environmental Consultants Ltd., ref. R20.1340-N-3-AG, dated 9 June 2020;
- Deposited Dust Impact Assessment, author: Environmental Consultants Ltd, ref. R20.1340-D-3-AG, dated 9 June 2020;
- Site Boundary Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1801, Revision PO2, dated 4 July 2019;
- Existing Site Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1802, Revision P2, dated 4 July 2019;
- Proposed Site Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1800, Revision P5, dated 27 June 2019;
- Waste Transfer Building Existing Internal Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1805, Revision P1, dated 4 July 2019;
- Waste Transfer Building Proposed Internal Layout Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1806, Revision P5, dated 4 July 2019;
- Portacabin Elevations, Drg. No. 4095-CAU-XX-XX-DR-T-1803, Revision P1, dated 4 July 2019;
- Portacabin Floor Plan, Drg. No. 4095-CAU-XX-XX-DR-T-1804, Revision P1, dated 4 July 2019;

- Weighbridge Plan and Elevation, Drg. No. 4095-CAU-XX-XX-DR-T-1807, Revision P1, dated 4 July 2019;
- Clothes and Shoes Storage Container, Drg. No. 4095-CAU-XX-XX-DR-T-1808, Revision P1, dated 22 November 2019.

Reason: To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

Availability of Plans

- 2) A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any condition of this permission, shall be kept available for inspection at the site for the duration of the development.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of development.

Volume of Waste

- 3) The maximum limit of waste imported to the application site shall not exceed 35,000 tonnes annually.

Reason: In the interest of the amenity of the area.

Hours of Operation

- 4) Except during an emergency incident affecting the site, which shall be notified to the Waste Planning Authority within 24 hours of the incident occurring, the development and use of the site under this permission and all activities relating to it, including operations in the Waste Transfer building and the movement in and out of the site of Rear End Loading vehicles and any other Heavy Goods vehicles, shall only be undertaken during the following times:

- between 07:00 hours and 19:00 hours on any Monday, Tuesday, Wednesday, Thursday or Friday that is not a Bank Holiday or other public holiday;
- between 07:00 hours and 17:00 hours on Saturdays which occur immediately before or after a Bank Holiday or other public holiday.

No such development use or activities shall be undertaken on a Sunday or Bank or Public Holiday nor on any Saturday other than those Saturdays specified above.

Except in an emergency incident affecting the site, employees or other agents of the developer who arrive at the site for undertaking the development or use of the site or any activities relating to it shall not enter or be allowed entry to the site earlier than 06:30 hours.

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

Site Remediation Scheme

- 5) Within one month of the date of this planning permission, the applicant shall submit a phased and programmed scheme for remediation of site contamination by capping and surfacing to the Waste Planning Authority for approval in writing. The scheme to be submitted shall include timescales for the implementation and completion of works in each phase, details of the capping and surfacing of the yard area, internal vehicle manoeuvring areas and the internal access road in concrete or tarmac to a depth suitable to address the underlying ground contamination to the satisfaction of the Waste Planning Authority, in consultation with the North East Derbyshire District Council's Environmental Health Officer. Upon a submitted scheme being approved by the Waste Planning Authority including any amendments the scheme as approved shall be implemented in accordance with the timescales as approved.

Reason: To ensure that the contamination in the Made Ground on the site (the yard area, internal vehicle manoeuvring areas and the internal access road) is remediated appropriately.

Highway Safety

- 6) No mud, dirt, debris, oil or grease shall be carried from the site onto the public highway.

Reason: In the interest of highway safety.

- 7) There shall be no discharge of surface water from the site onto the public highway.

Reason: In the interest of highway safety.

- 8) All loaded vehicles delivering to or removing waste materials from the site shall be enclosed or covered so as to prevent spillage, dust or loss of material on the site or onto the public highway.

Reason: In the interest of environmental and highway safety and the local and wider amenity.

Car and Lorry Parking On-Site and Vehicle Manoeuvring

- 9) Within one month of the date of this planning permission, the applicant shall submit a revised proposed site layout drawing to the Waste Planning Authority for approval in writing, showing all car parking spaces to be of dimensions 5.2 metres (m) long x 2.5m wide and lorry parking spaces to be of dimensions 11.6m long x 3m wide. The revised

proposed site layout drawing shall also provide vehicle path details where vehicles entering and leaving the site can do so in a forward gear. The spaces shall be provided, as approved by the Waste Planning Authority, within one month from the date of approval.

Reason: In the interest of highway safety.

Noise Emissions

- 10) The doors to the waste transfer building shall be kept shut at all times, except to allow for vehicular access/egress into and out of the building to deliver or remove waste. Unloading of Rear End Loader lorries and the loading of the segregated waste onto bulk loaders for transporting off-site for processing shall be undertaken within the waste transfer building.

Reason: In the interests of noise mitigation and local amenity.

- 11) Within one month of the date of this planning permission a Noise Management scheme shall be submitted to the Waste Planning Authority for its written approval. The scheme shall include:
- details of noise suppression measures to be employed on site;
 - methods to monitor emissions of noise arising from the development; and
 - procedures to be followed in the event of a complaint being received by the Waste Planning Authority or the developer regarding noise arising from the development.

The noise management scheme shall be implemented as approved for the duration of the development.

Reason: To ensure that the waste management facility and the related operations do not have an adverse effect on local amenity.

- 12) Efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturers' instructions on all vehicles, plant and machinery used at the site. Save for the purpose of maintenance, none of the above shall be operated with covers open or removed.

Reason: To ensure avoidance of disturbance or minimum disturbance from noise during operations in the interests of the amenity of the area.

- 13) At all times, all vehicles, plant and machinery employed on the site shall operate only during the permitted hours, except in an emergency.

Reason: To ensure that the waste management facility and the related operations do not have an adverse effect on local amenity and the site operations are contained within the site.

- 14) Reversing alarms used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

Reason: To ensure that the waste management facility and the related operations do not have an adverse effect on local amenity and the site operations are contained within the site.

Dust Emissions

- 15) Within one month of the date of this planning permission a Dust Management scheme shall be submitted to the Waste Planning Authority for its written approval. The scheme shall include:

- details of dust suppression measures to be employed on site;
- methods to monitor emissions of dust arising from the development; and
- procedures to be followed in the event of a complaint being received by the Waste Planning Authority or the developer regarding noise arising from the development.

The Dust Management scheme shall be implemented as approved for the duration of the development.

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

- 16) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

Reason: In the interests of the protection of local amenity.

- 17) During dry and/or windy weather, dust suppression methods, such as water bowsers and hosepipes, shall be used to prevent dust being blown off the site. At such times as the prevention of dust nuisance by the above conditions is not possible, the movement of any dusty materials shall temporarily cease until such times that the weather conditions improve.

Reason: In the interests of the protection of local amenity.

Odour Emissions

- 18) Within one month of the date of this planning permission an Odour Management scheme shall be submitted to the Waste Planning Authority for its written approval. The scheme shall include:

- details of odour suppression measures to be employed on site;
- methods to monitor emissions of odour arising from the development; and
- procedures to be followed in the event of complaint being received by the Waste Planning Authority or the developer regarding noise arising from the development.

The Odour Management scheme shall be implemented as approved for the duration of the development.

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

External Lighting

- 19) Within one month of the date of this permission, an external lighting scheme which shall have regard to the Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including a plan showing details of all existing external lighting and any proposed new external lighting, shall be submitted to the Waste Planning Authority for approval in writing subject to any amendments. The scheme, shall be implemented as approved within three months of the date the scheme is approved.

Reason: In the interests of visual amenity and to avoid any light pollution during the operation of the facility.

Pest Control

- 20) The operator shall ensure that appropriate measures for vermin and other pest control (including flies) are employed at the site.

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

Environmental Protection

- 21) There shall be no burning of waste materials on the site.

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

- 22) No mixed dry recyclables, paper or glass or other waste material shall be stored outside the building. All loading of waste material shall be undertaken entirely within the building.

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

- 23) The existing trees and vegetation at the west and south-west boundaries of the site shall be retained.

Reason: In the interests of visually screening the waste operations.

- 24) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and appropriately stored.

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

- 25) During each working day any loose rubbish, debris, scrap and other waste material generated on the site shall be collected up and then stored securely in a suitable container until moved for acceptance to the waste transfer building or for disposal off-site in a suitable facility.

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

Storage of Fluids

- 26) Any facilities for the storage of oil, fuels or other fluids shall be sited on impervious bases and surrounded by imperious bund walls. The volume of the bunded compound shall be equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution to the water environment.

Scheme of Building Improvements

- 27) Within two months of the date of this permission a scheme of improvement works for the waste transfer building shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include measures to repair holes/gaps in the building walls, panels and roof, improvements to the operation of the doors to the building and a programme of implementation. The improvement measures shall be implemented as approved and the building shall from then on be subject to appropriate maintenance to ensure that it is kept in a good state of repair.

Reason: In the interest of the amenity of the area.

Cessation

- 28) In the event of cessation of use of the site as a Waste Transfer Facility, for a period in excess of six consecutive months, the site shall be cleared of all residual waste materials within six weeks of the end of that period of six consecutive months.

Reason: In the interest of local amenity

Footnote

Highways

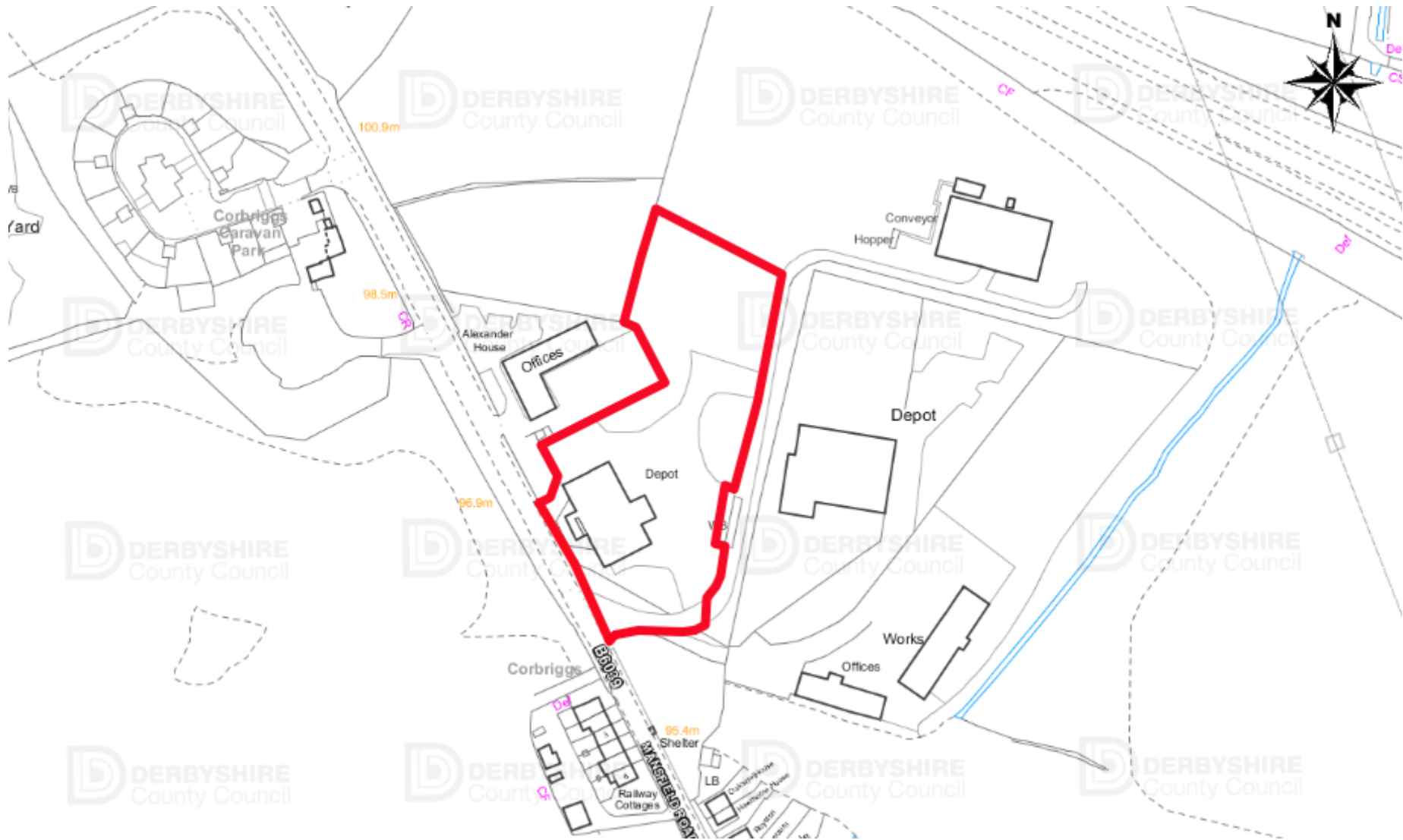
- 1) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that any mud or other extraneous material carried out of the site and deposited on the public highway is removed from it. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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.

Tim Gregory
Director - Economy, Transport and Environment

CW4/0620/21 - Ward Recycling Ltd., Land and Buildings to the East of Mansfield Road, Corbriggs



Agenda Item No. 3.2

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

7 September 2020

Report of the Director – Economy, Transport and Environment

- 2 PROPOSED CONSTRUCTION OF A NEW PRIMARY SCHOOL, ASSOCIATED LANDSCAPING WORKS, THE PROVISION OF A NEW EXTERNAL CAR PARKING AREA, HARD AND SOFT LANDSCAPED PLAY AREAS AND INSTALLATION OF SECURITY FENCING AT THE FORMER PUPIL REFERRAL UNIT, BROOKSIDE ROAD, BREADSALL
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD8/0120/72**

8.955.13

Introduction Summary This application seeks permission for the construction of a new primary school to accommodate 120 pupils. The proposed new school building would be situated on the site of the former Behavioural Support Centre in Breadsall, within which the former Pupil Referral Unit was located. The proposed development also includes the redesign of the existing car parking area to accommodate the development and provide 17 car parking spaces and 1 disabled person's parking space, a new 45 metres (m) x 25m playing field with 3m high weldmesh ball stop fencing. The existing courts would be retained and resurfaced with new pathways connecting to the rest of the site. The proposal also includes the erection of a 2.4m high fencing along the site perimeter to secure the site.

The school's facilities are also proposed to be used to host inter-school sporting events, both in school time and as extra-curricular events. The proposed hours of use of the external facilities are 07:30 hours to 18:00 hours.

The application site is not situated within any designations, but is within the setting of a Grade II listed Methodist Chapel. The site is situated within the designated Neighbourhood Plan Area of Breadsall. The Neighbourhood Plan has concluded its pre-submission draft consultation.

Breadsall Parish Council has objected to the proposal and seven representations have also been received from members of the public, which raise concerns about the proposal relating to the reduction of on-site parking spaces, highway safety, the design of the proposed building and substation. In addition to this, concerns were also raised in respect of the use of

neighbouring parking facilities at the Memorial Hall and the 'cart track', a narrow maintenance access track, to the east of the site.

I am satisfied that the proposed new school building is of a good design and would be situated in a discrete location that would not result in any significant visual impacts on the amenity of the area. The applicant states that the existing school site on Moor Road in Breadsall is not fit for that purpose because it does not meet modern guidelines as set by the Department for Education. The proposed development would provide improved facilities for the pupils that currently attend the existing school which comply with the modern guidelines.

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

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

(2) **Information and Analysis** The former Behavioural Support Centre site, which included a Pupil Referral Unit, is located at the eastern edge of the village of Breadsall, which occupies approximately 1.16 hectares (ha) of land on an evenly graded ground that slopes down to its south-western facing entrance, from Brookfield Road. The site is bounded to the north by the village bowling green and agricultural land, to the east by the village sports grounds and to the south by residential properties off Brookfield Road. An access track runs along the eastern boundary.

The former Behavioural Support Centre consisted of three interconnected buildings ranging from single to three storeys. The two and three storey buildings were constructed in the early 1950s using the Consortium of Local Authorities Special Programme (CLASP) system of construction. The single storey block, which functioned as the Pupil Referral Unit, was extended in the 1960s. The Pupil Referral Unit was closed in July 2017 and all of these buildings previously on site have now been demolished. The site is now vacant. Erewash Borough Council received prior notification for the demolition (ERE/0719/0044).

The site is now considered to be a brownfield site, as defined by the NPPF, and there remains, on-site, a tarmac area that was used as a playground, with a chain linked fencing around its perimeter. To the east of the site is green open space, which was used as the school field. The site also contains a car parking area set back from the main highway, which is accessible from Brookside Road. It contains 48 parking spaces and 2 disabled persons' spaces. To the east of this parking area is a storage area and an on-site substation. The perimeter of the site is bounded by palisade and chain linked fencing.

The west, north and eastern boundaries of the existing school site are on the border of the Green Belt. To the south-east is the Mill Plantation which is a dense wooded area, protected by a Tree Preservation Order (TPO). The site is not located within a Flood Storage Area or a Flood zone. The Breadsall Conservation Area (CA), is approximately 160m west of the site, at its nearest. There are two listed buildings within 250m of the site; A Grade I listed building called Church of All Saints is located approximately 225m west and a Grade II listed Methodist Chapel, 40m to the south of the site. The site is situated within the designated Neighbourhood Plan Area of Breadsall which is a pre-submission draft consultation.

Proposed Development

The proposed development is the erection of a new half primary school, in place of the single storey Pupil Referral Unit building to accommodate up to 120 pupils. The proposed school building would have an internal floor area of 782 square metres (m²) and would be approximately 24m in width (north-south), 29.46m in length (east-west) and have a height of 7.4m to the highest point. The new school building would have five teaching spaces (two junior, one reception, one infant and a group room), a school hall, kitchen area, library, staff/office rooms, store rooms and toilet facilities.

The walls of the proposed building would be constructed using two types of brick above the damp proof course. The building's design features a raised central atrium to provide natural light and ventilation for the hall. The external walls would be finished in three shades of brick.

The roof of the proposed school building would have a 12 degree pitch and use roof tiles in a Titanium Grey finish. Rain water goods and fascias would be aluminium in dark grey finish and a total of 78 solar panels would also be incorporated into the roof on the north, east and south elevations.

The proposed windows, soffits and door frames would be aluminium in a light grey finish. The door leaves would be aluminium in a Royal Blue finish. Four bat boxes are proposed, two on the northern elevation and two on the southern elevation of the building.

The existing car park at the entrance of the site would be reconfigured and resurfaced. There would be a net reduction of available parking spaces, the reconfigured parking layout would provide 17 car parking spaces and a further one disabled person's parking bay. The school car park entrance would be altered to improve sight lines and incorporate new fencing and access gates consisting of a single leaf pedestrian access gate and a double vehicular gate.

There would be a reconfiguration and regrading of the open green space at the school which would include a new 45m x 25m playing field that would have a 3m high weldmesh ball-stop fencing positioned along its south-western boundary and short sections on the north-west and south-east boundaries.

The existing courts would be retained and resurfaced with new pathways connecting the courts to the rest of the site. A fitness and adventure trail would be developed to the north-west of the playing field.

Several trees would be felled along with the removal of a hedgerow but, additional trees of native species would be planted across the school site at various different levels. There would also be native and ornamental shrub planting, wildflower meadows and a habitat area. Further bat boxes and bird boxes are proposed in retained trees around the site.

To secure the site, a 2.4m high weldmesh fence would be erected along the north and east perimeters of school site and the existing palisade fencing along the west and south boundaries of the site would be retained. Roll top fencing with pedestrian access gates are proposed between the car parking area and the proposed informal hard play area and around the early years and foundation play area. All proposed fencing would be finished in a dark green. The existing store and substation would be demolished. It is proposed that a replacement substation would be located at the entrance of the site. The replacement substation would be 2.4m high, 3.1m long and 2.2m wide. The existing wall around the proposed early years/foundation play area would be demolished and replaced with a 1.1m high log retaining wall. A 3.5m wide double gate for maintenance access, is proposed along the east boundary providing access to and from the open green space to the east of the application area.

The sporting facilities at the school would be available for educational use only. This is proposed to include hosting of inter-school sporting events both in school time and as extra-curricular events. The school would also provide 'Wrap-Around-Care' for pupils. Therefore, the site would operate between 07:30 hours until 18:00 hours, and make use of both internal and external facilities during this time. The applicant explains that extra-curricular activities/sports clubs/inter-school competitions with other local schools would usually take place after the normal school hours. During term time, performances to parents and the local school community would normally take place between 18:00 hours and 21:00 hours.

Relevant Planning History

Development proposed under Application Code No. CD8/1018/57 was granted planning permission on 9 October 2017; for the refurbishment and extension to a single storey building (building one), and demolition of buildings two and three. This also included various landscaping works, alteration to parking, play areas, and boundary treatment such as security fencing.

However, as the buildings on site have been demolished, the development granted permission under this application can no longer be carried out.

Consultations

Local Member

Councillor Hart has been notified of the proposed development.

Erewash Borough Council - Planning

Provided the following comments:

“The details have been considered and the Borough Council has no objection to the principle of the proposal. However, it is considered that the location of the proposed car parking adjacent to the access has some visual amenity concerns, and it would be an improvement if this were located within the site. Furthermore, the residential amenity of the properties on Brookside Road has the potential to be impacted by the proposal, in particular by the close proximity of the sprinkler tank and pump room to the relatively short rear gardens of these properties.

It is noted that the proposed site layout shows a ‘track for future construction’ adjacent to No.57 Brookside Road. While this track is not currently for consideration, the Borough Council wish to ensure awareness of protected trees in this location.”

Erewash Borough Council - Environmental Health Officer

The Environmental Health Officer (EHO) raises no objection to the application subject to conditions. The EHO commented:

“It is advised that an asbestos survey is undertaken on the remaining buildings prior to any further demolition at the site and following this any necessary remedial works are undertaken prior to demolition of the remaining buildings.

In conclusion EBC consider that the contaminated land investigation undertaken is limited and doesn’t cover any areas of the site proposed for soft landscaping and grassed amenity where the exposure to potential contaminants is most likely. Based on the above comments EBC consider that the investigation does not follow current guidance or good practice and is therefore not considered to be suitable for submission.

Given the above, and with consideration to the proposed sensitive use of the site, further investigative works are considered to be necessary at the site to ensure that all potential risks to the end users and other receptors are fully investigated and where necessary mitigated. Prior to any further intrusive works being undertaken a revised conceptual model should be forwarded to the LPA as well as details of the scope of works. The proposed scope of works will need to be agreed with the LPA prior to commencement.

In order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented.”

Therefore, the EHO has suggested a number of conditions to address the matter raised above.

Breadsall Parish Council

Objects to the development on the following grounds.

- As this application has no significant changes to the previous one (CD8/1019/52), the Parish Council is really disappointed that, yet again, it is forced to make an objection to these proposals, as it had hoped that the decision to demolish the entire school and redevelop on what is a generous site by normal primary school standards, would have enabled a redesigned school more appropriate to the 21st century. This clean slate could have seen a plan incorporating elements beneficial to the village, as requested in the Parish Council’s original representations. Instead we have a design which would appear to be a rehash of the 1950s building which was originally to be remodelled, both occupying the same footprint and incorporating all the mistakes of the original application.
- Reduction of car parking spaces on site.
- There is reference to the school’s use for inter-school sporting events and community use. According to the Design and Access statement "*local community groups will be engaged to explore facility use options*". This would inevitably compound the total inadequacy of the parking.
- The school’s travel plan suggests that a ‘park and stride scheme’ will operate from the nearby Memorial Hall car park. The Parish Council questions whether the Management Committee of the Hall has been consulted as the car park is very well used already by groups attending events and classes in the hall and considers that it would be presumptuous to expect to use a private car park in this way.
- The submitted travel plan is out of date and no current Modeshift recognised accredited travel plan is in place.
- No provision has been made for off-road pupil drop-off, contrary to Erewash Borough Council’s policy that "*facilities should be provided to ensure pupils enter and leave parked coaches and cars safely and clear of the highway without vehicles reversing*".

- *“...critical overloading on Brookside Road and the lack of any drop off methods.”* The Parish Council considers that preventing ... *“on street stopping will reduce the situation to chaos.”*
- Reference is made to the school being on a bus route. This unfortunately is not now the case, the route having been withdrawn. It would not, in any case, have been likely to be of use in serving the school catchment area. The plans also mention the 301 bus which serves the Roman Catholic School that does stop on Brookside road at 08:00 hours. It would not seem practical for primary school pupils to be hanging about on a busy road for an hour before school starts.
- There are still no plans included for traffic calming measures as seen at all other primary schools in the area, this is highly worrying as this is an extremely busy road. The Parish Council commissioned traffic surveys in 2016 which show the 12-hour workday average volume was 5,736 vehicles, which regularly travel at speeds significantly over the speed limit in this area and recent speed watch sessions also show a large number of motorists regularly breaking the speed limit by more than 10 miles over the 30mph limit.

Additional comments were provided by the Parish Council following consultation on further information. The Parish Council stated that it wished to maintain its initial comments above but added the following:

- *“Our initial response to the new documents is that we wish to object to the proposal to move the site substation to the side of no 53a Brookside Road from its current position behind the houses. The insertion of such a substation in a prominent position adjacent to domestic properties is a totally inappropriate industrial insertion into a domestic street scene.”*

Environment Agency

The Environment Agency has raised no objection to the development.

Lead Local Flood Authority

The Council, as Lead Local Flood Authority (LLFA), raised no objections, subject to the submission of a detailed design and associated management and maintenance plan of the surface water drainage for the site. In addition to this, the applicant should also submit details indicating how additional surface water run-off from the site will be avoided during the construction phase; as well as, a verification report which has been carried out by a qualified drainage engineer.

Sport England

Sport England raised no objections.

Cadent Gas Limited

No objection raised subject to the inclusion of an informative note for the applicant if the application is approved.

Severn Trent Water Limited

Severn Trent raised no objections to the proposed development.

Derbyshire Wildlife Trust

No objection subject to conditions which require a Landscape and Ecological Management Plan (LEMP) prior to the commencement of landscaping works. DWT also wants the development to be carried out in strict accordance with the mitigation measures outlined within the Ecology Report Revision 1 prepared by BSG Ecology dated February 2020.

DWT requests the submission of details regarding the location of the four bat boxes. These details are already located on the 'General Arrangement Plan' Drawing Reference 1800592/A2/01.

Highway Authority

The Council, as Local Highway Authority, raised no objections to the proposed development subject the following conditions being included:

1. No development shall take place until details have been submitted to and approved in writing by the County Planning Authority for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions. The approved details shall be adhered to throughout the construction period.
2. Prior to any other works commencing on site, the vehicular access to Brookside Road shall be modified in accordance with the revised application drawings (1800592/A2/02 rev C and 1800592/X/100 rev D) and constructed to base level for at least the first 15m into the site from the highway boundary.
3. Prior to the premises being taken into use, the access, parking and manoeuvring space shall be laid out in accordance with the revised application drawings (1800592/A2/02 rev C and 1800592/X/100 rev D), paved in a solid bound material, provided with measures to prevent surface water from flowing from within the site onto the public highway and maintained throughout the life of the development free of any impediment to its designated use.
4. No part of the development permitted by this consent shall be occupied until a revised travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall set out proposals (including a timetable) to promote travel by sustainable modes. The travel plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the County Planning

Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

Publicity

The application has been advertised by site notices and a press notice in the Derby Evening Telegraph, with a request for comments by 5 March 2020. The application was also re-advertised by site notice, with a request for comments by 14 August 2020. In response to this publicity, seven representations have been received providing comments on the proposal. The main points raised are set out below:

Objections

- Representations raise concerns regarding the parking arrangement, which is described as “*extremely inadequate*”. This is due to the reduction of 48 existing car parking spaces.
- The number of retained parking spaces are too low to meet the needs of the school.
- Proposed development is visible from residential properties.
- “*...the proposed development is: Not remotely in keeping with the village from a design and appearance point of view; An overbearing presence near a common boundary, to the serious detriment of me and my neighbours and my enjoyment of my home; Is not compliant with the clearly stated key objectives of Erewash's Planning Policy. I have suffered much noise and disturbance for over three years as a result of the demolition of the old behavioural unit...*”
- “*As you will be aware the school is currently located on Moor Road. At pickup and drop off times it is totally congested around the school and therefore parents unable to get a space, park on the Memorial Hall car park and walk through a jitty to pick up and drop off their children.*”
- The Memorial Hall car park has a capacity of 25 spaces and therefore not everyone would get a space and the others will park along Brookside Road, which is considered by a representation to be very dangerous. In addition to this, concern is raised regarding difficulties residents of existing driveways would have during pick-up and drop-off times, if parents are parking along Brookside Road.
- “*Does the area for staff parking really need to spill right down to the front of the plot, this requires the removal of mature trees, the erection of a high fence, all of which will have a negative effect on the now rural street view. Again, this seems unnecessary given the area of land you have to work with.*”
- “*The reference to a bus service. The 301-bus referred to is primarily to ferry children from Spondon/Oakwood etc, to the Roman Catholic school*

in Darley Abbey. It is of no use to Breadsall School children, neither by route or timetable.”

- *“Buses along Brookside Road. What buses? Not for years.”*
- *“The majority of children and staff live outside of Breadsall and therefore travel in by car, given this is a primary and junior school hardly any children are going to cycle or scooter to school as suggested.”*
- *“...In fact, we are already concerned about the design and appearance of the site frontage and street scene in general.”*
- Objections were raised concerning the position of the substation. The received representations describe the proposed substation as having an *“overbearing presence to the common boundary with number 53a Brookside Road but, also create an industrialised setting”*. Also, the representations state that the height of the substation has not been provided or the screening. The representation also expands to say *“The environmental impact in terms of noise is not covered. Given this lack of information one can only conclude this change will have a detrimental effect on the street scene”*.
- The substation is also described as having an impact on local residents during proposed hours of use and *“not compliant with the area's Planning Policy; namely: the section's key objectives are to produce work which: Positively manage Erewash's historic and natural environment to ensure the Borough's assets are protected for future generations to enjoy”*.
- Concerns about the position of the pump room/sprinkler tank room and noise pollution.
- Concerns about inadequate drainage on site and flooding problems.
- Concerns are raised regarding the ‘cart track’ to the east of the site. Representations consider it to have been incorporated into the development. It is also noted that the representation highlights that if the cart track is to be used as a vehicular road, then it would exit close to an existing traffic calming measure and *“on the narrowest section of Brookside Road and therefore would be dangerous to say the least. This whole area would then have to re-designed etc”*.
- The Hall Committee for Breadsall Memorial Hall states *“The Memorial Hall is a well-used facility within the village, operating for over 50 years, and survives by being hired out. Your statement under Benefit of the Scheme of “potential community benefits to be gained from the school relocating to a new site with extensively improved facilities” concerns us as this implies the school intends hiring out its facilities in competition to the village hall and thus there is potential for us to be placed in financial difficulties.”*
- A representation on behalf of the Memorial Hall also raises concern regarding parking for inter-school sporting events and community use. *“There are not enough spaces on the new site where will the vehicles park? The Memorial Hall car park is not a public car park. It is for users of the Hall and playing fields only and is signposted thus. We certainly will not entertain our spaces being used in the hope that it sorts out your parking problems.”* The representation also expands to say that parents

have been using the car park for pick up and drop off but long term parking for parents or school visitors would not be allowed.

- *“Brookside Road is not the best road for parking on and a line of cars parked along the side of the road will cause traffic chaos at busy times. The school is placed between two calming measures so cars are already moving on to the wrong side of the road and if parents are parked between them the road will become a bottleneck.”*

Supporting Comments

- *“... we are not opposed to the school being relocated to this site, in fact we are hopeful the development will tidy up this very neglected area of land.”*
- *“...could be a dedicated drop off facility and that more visitor parking could be afforded, especially given the schools future ambitions, relating to inter-school activities”.*

Other Comments

- A representation indicating concern regarding revision to the entrance to the site appears to have resulted from confusion over the nature of the proposed alterations proposed in this respect to improve visibility and safety.
- A representative also requests an explanation why it is to be used by the school and states that it is an unmade track used to maintain the field to the rear of the ‘Plantation’. The representation also states *“... I am sure that the relevant transport people and police/ambulance people need to be involved...”*

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the Adopted Erewash Core Strategy (2014) (ECS) and the saved policies within the Erewash Borough Local Plan 2005 (Amended 2014) (EBLP). The National Planning Policy Framework (NPPF) (2019), and the associated Planning Practice Guidance (PPG) are also of relevance to this proposal.

The relevant development plan policies that must be taken into account when considering this proposal are set out below:

Adopted Erewash Core Strategy (2014) Policies

A: Presumption in Favour of Sustainable Development.

1: Climate Change.

10: Design and Enhancing Local Identity.

11: The Historic Environment.

13: Culture, Sport and Tourism.
4: Managing Travel Demand.
17: Biodiversity.

Erewash Borough Local Plan Saved Policies 2005 (Amended 2014)

H12: Quality and Design.
T2: Parking.
T7: Pedestrians and Disabled People.
T9: Travel Plans.
EV6: Listed Buildings.
EV11: Protected Species and Threatened Species.
EV14: Protection of Trees and Hedgerows.
EV16: Landscape Character.
R5: Public Open Space, Sports Facilities and Allotments.
DC7: Development and Flood Risk

The most relevant paragraphs from the NPPF for this proposal are:

- 11: The presumption in favour of sustainable development.
- 39-43: Pre-application engagement and front-loading.
- 91-95: Promoting healthy and safe communities.
- 96-97: Open space and recreation.
- 91, 92, 95, 97: Promoting healthy and safe communities.
- 103, 108-111: Promoting sustainable transport.
- 117,118,121-122: Making effective use of land.
- 124 -127, 131: Achieving well-designed spaces.
- 148, 150, 151, 156, 163, 165: Meeting the challenge of climate change, flooding and coastal change.
- 170,174,175,178-183: Conserving and enhancing the natural environment.
- 189, 192-196: Proposals affecting heritage assets.

The key planning considerations for this development are:

- Need for the development.
- Highway Safety and traffic impacts.
- Playing field and open space.
- Design and Visual Impact.
- Heritage Impact.
- Ecological impacts.
- Noise impacts.

Need for the Development

The supporting information sets out a justification for the development. The erection of a new school would enable the pupils of Breadsall Church of England (CE) Primary School on Moor Road in Breadsall to relocate from its existing site to this larger site. Breadsall CE Primary School does not benefit from a school hall or on-site playing field, which does not meet the current guidelines of the Department for Education (DfE). The existing School is also

considered to be undersized for the number of pupils on role. The existing school currently has 113 pupils on role and the proposed new school would enable an increased intake to 120. In addition to this, the applicant states that the proposed new school would be able to provide *“New hard play areas, a playing field and re-surfaced games courts which the present schools site does not have available”*. The proposed site would enable the provision of both accommodation and *“extensively improved facilities”* which comply with modern guidelines.

In respect of the existing substation, the application states the need for its relocation as:

“We understand from Western Power that the switchgear to be in a poor state of repair. The existing transformer and high voltage switchgear date back to 1959 and consequently are in need of replacement. The proposed location allows separate access for maintenance work/ operational reasons and improves network connectivity.

Replacement of the switchgear/ transformer to the existing location has engineering difficulties. An adjacent location is restricted by the sprinkler tank/ pump house and bin store access given the onsite level differences. Alternative locations would un-reasonably restrict the site layout and achievable parking arrangements to the site.”

The NPPF and the EBLP both encourage the development/ regeneration of brownfield sites to meet local/community needs. Development of brownfield land is preferred to the development of land within Green Belt and/or on green open space. The NPPF encourages as much use as possible of suitable brownfield sites and under-utilised land.

Paragraph 118 c) of the NPPF states that planning policies and decisions should *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.”*

The spatial objectives contained within the adopted EBLP sets out the Borough’s viewpoint on developing brownfields sites, as a form of regeneration to meet needs and improve areas, which states:

“Regeneration: to ensure brownfield regeneration opportunities are maximised ... To ensure that regeneration supports and enhances opportunities for local communities and residents, leading to all neighbourhoods being neighbourhoods of choice, where people want to live. The proposed development would provide better facilities for the current and future pupils of that community.”

Paragraph 94 of the NPPF relates to meeting the needs of schools and requires local planning authorities to take a *“proactive, positive and*

collaborative approach to meeting this requirement, and to development that will widen choice in education:

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

This is a vacant site following that demolition of the buildings that previously occupied the site that has a history of educational (Class D) use. I do not consider the proposed use as a primary school would be significantly greater in intensity than its previous use and I am satisfied that there is a justified need for the proposed development and that it accords with the NPPF in this respect.

Highway Safety and Traffic Impacts

Access to the site would be from the existing access on Brookside Road, which previously served the former Pupil Referral Unit. Brookside Road runs through Breadsall and benefits from existing traffic calming measures adjacent to the site. The proposed development would reduce the overall number of parking spaces on site.

The Highway Authority previously raised concerns about the access to the site, as it was considered to be substandard in terms of visibility. In response to these concerns, the applicant has submitted revised plans which have demonstrated improved visibility from the access to the site. The Highway Authority does not object to the proposal, subject to the conditions highlighted above are included within the decision notice.

Representations have been received raising concerns regarding parking and potential impacts, such as congestion. The Parish Council has also raised its concerns in respect of parking and the loss of parking spaces. The school does not provide pick up/drop off on site and the proposed parking provision is specifically designed for staff and official visitors to the school. This would mean that parents intending to drop their children off by car would need to park elsewhere. However, the existing school site from which children are to be relocated does not offer any parking for pick up or drop off or any parking for visitors and teachers. The application site is located approximately 265m away from the existing school. The proposal includes provision for on-site parking for teachers and visitors, which the existing school site lacks, and would therefore reduce the need for on-street parking or parking in other car parks in the vicinity, and therefore the overall impact on the highway network.

I am satisfied that the reduction in car parking spaces is in accordance with Erewash Borough Council's Parking Standards Supplementary Planning Document (SPD), which requires 2 car parking spaces per class room. The proposed school offers 7 teaching spaces requiring a minimum of 14 vehicular spaces. Therefore, the school would still exceed the minimum requirement. I do not consider this would have a significant impact.

The applicant has submitted a travel plan with the application which suggests a 'park and stride' from the adjacent memorial hall to the west. This would appear to require an agreement with the Memorial Hall Committee to be achievable. According to one of the representations, the Memorial Hall car park would be not available in the future for use by the school or parents picking up and dropping off. However, I that this car park has previously been available for use by the school.

A further representation raises concern regarding the 'cart track', located to the east off Brookside Road being incorporated into the development. The track is shown on the Location and Site Plan, but it is located outside the red line boundary. The track is, however, located within the blue line boundary, and would provide site access for maintenance purposes through the proposed double gate.

The application also includes proposals to promote sustainable methods of transport to limit congestion around the school site and demand for parking. The application includes proposals for cycle/scooter storage at the site to encourage alternatives to car use.

The travel plan states that the site is located too far away from the nearest railway station, as it is 4 miles away from the site. In addition to this, the plan states that there are buses that go through the village but do not stop by the housing estates where the pupils are most likely to come from. The lack of access to a bus service is raised within the representations. However, a local bus route (59/59A) stop is located near to the site entrance on Brookside Road. Service 59/59A is an hourly service which commenced on 27 December 2019, but this is the only bus route which passes the school. This service starts and finishes at Shipley View, Ilkeston and the points of this service are, Ilkeston, West Hallam, Smalley and Derby. This service is now more frequent than the comments made within the representations suggest. However, this is a recent change. The Coronavirus (COVID-19) pandemic resulted a reduced service, which may have given those whom submitted representations the impression of a lack of service.

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

The travel plan also states that *"roads through village have pavements but the village is used as a rat run by commuters so parents would not let their children walk to school on their own even if they live very close by. ... There are several cycle paths and tracks around the village, in the past we have had year 6 pupils cycling to school after they have done their level 2 bikability."* In addition to this, the internal design of the building includes amenities such as

shower and changing facilities which could encourage cycling or walking to site.

The submitted travel plan is outdated and it is therefore recommended that, prior to the occupation of building, a revised travel plan should be submitted for approval. The revised travel plan should re-address the scope for a 'park and stride', as it is clear that this has not been encouraged by the owners of the Hall.

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

I consider that the proposed development would not result in adverse impacts on the highway network to warrant refusal of this application. The development would encourage cycling and walking to the site but, due to the rural location, there is limited access to public transport. Under these circumstances, I am satisfied that the proposal would accord with policies 14 and 15 of the ECS and the NPPF. However, conditions are recommended to be imposed for the submission of an up-to-date travel plan and a Construction Management Plan. Conditions would also require the vehicular access to be modified prior to any other works commencing and prior the building been occupied the access, parking and manoeuvring space shall be laid out in accordance with the revised application drawings.

Playing Field and Open Space

The proposed new school building would primarily be positioned on the footprint of the former school buildings. A playing field is also proposed on this footprint. However, the proposed ancillary works and landscaping, as described above, are outside this footprint and on land considered to be playing field or capable of forming a playing field.

Sport England's Policy, A Sporting Future for the Playing Fields of England, seeks to protect all areas of existing playing fields and it is their policy to oppose any planning application which will result in the loss of playing field land, or prejudice the use of all or part of a playing field unless it is satisfied that the application meets with one or more of five specific exceptions. These exceptions are incorporated within Paragraph 97 of the NPPF.

Sport England considers that the development would meet the Sport England Policy exception E3. The proposed development only affects land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

Paragraph 97 of the NPPF states that “*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

I am satisfied that there would not be any loss of playing field overall, and also that the existing provision on the site would be improved.

The application is accompanied by a Recreational Open Space Statement, which states that “*The school will benefit from a very generously sized external hard and soft play areas, far in excess of the minimum required areas needed for the number of pupils in attendance at the school. The location of the proposed new building has been chosen intentionally to minimise the impact on existing designated hard and soft play areas. With all proposed building works in-situ, the resultant areas for hard and soft play would all be appropriate for the number of pupils expected to attend.”*

The applicant would restrict the proposed on-site facilities for solely educational use. This is proposed with the intention of improving availability of facilities for sports. There are a cluster of Derbyshire schools in the locality, all of which have very limited sports facilities, which would be able to use and share these facilities. The proposed facilities would provide the opportunity to host inter-school sporting events, both in school time and as extra-curricular events. The Parish Council raised concerns regarding competing facilities. However, the information accompanying this application states that these facilities would be for educational use only. Therefore, there would be no competition between the Parish facilities and those of the school.

I do not consider that the proposed alterations to the playing field would have any significant impact on the playing field or open space provision and would enhance the existing facilities. The proposal meets the exceptions within Sport England’s Playing Fields Policy and accords with the NPPF.

Design and Visual Impact

The site is located adjacent to the Green Belt and is set back away from the main highway. The nearest residential properties are those along Brookside Road to the south of the site. The site is also partially visible from the Breadsall Parish Hall to the west of the site. The views into the site are very limited, owing to the level of screening already provided by existing vegetation along the boundary of the site. The proposed school building would be

positioned over the footprint of the former buildings and would represent a net reduction in overall built form. Furthermore, due to the topography of the site, the proposed new building would be visually, unobtrusively located on the site. The site is visually contained by existing vegetation and topography from many receptors. The screening of the site would be enhanced by additional planting, further reducing any visual impact of the development. The proposed fencing would be finished in dark green so it is recessive and not visually imposing. Therefore, I do not consider that the proposal would have a strong or dominant presence on the surrounding built landscape.

A representation was received in respect of the visual impact of the parking adjacent to the highway. The proposed entrance has been set back and a hedge row removed in order to improve visibility. However, because the entrance is set back, I do not consider this would have a significant visual impact.

The applicant states that *“the proposed school has been organised around a central space with perimeter accommodation of a single storey scale. The roof form offers a raised central atrium which provides natural light and ventilation. The overall scale and height of the proposal is less than the original buildings [demolished buildings] and is considered to be more in-keeping with the character of the area.”* I am of the opinion that the scale of the building reflects its location, which is demonstrated by the single storey element of the building. The development would demonstrate good quality design as a result of the use of appropriate materials and colour finishes.

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

Policy 1 of the EBLP states *“All development proposals will be expected to mitigate and adapt to climate change, and to comply with national targets on reducing carbon emissions and energy use.”*

The supporting Energy Statement accompanying this application demonstrates that the applicant has considered methods on how to reduce, where possible, the buildings carbon emissions and energy use. The proposed design includes sustainable technologies, materials and construction techniques. This includes windows which have been designed to maximise the use of natural light, as well as thermal efficiency and ventilation, a heat recovery system, LED lighting and solar photovoltaic panels on the roof of the proposed main building.

Concerns have been raised about the visual impact of the proposed location of the substation. The concern is that the substation in the proposed location

would impact on the adjacent residential property and the street scene. It is acknowledged that the substation is proposed to be located in a visually prominent position adjacent to the highway. However, it is noted that there would be some screening from proposed hedgerow planting, which would reduce the visual impact on the street scene over time. To the east of the proposed substation is an existing hedgerow, this would function as a screen and therefore reduce the visual impact on the residents to the east.

Policy 1 also requires that *“All new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Urban Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible.”*

The site lies within Flood Zone 1 where there is a low probability of fluvial flooding occurring. The LLFA do not object to the proposed development but has acknowledged previous flooding within Breadsall. Therefore, LLFA has requested three pre-commencement conditions to be imposed. These conditions require the submission of a detailed drainage scheme, a verification report and details on how to manage surface water run off during the construction phase.

Subject to the recommended conditions, I am satisfied that the proposed development would not have a strong or dominant presence on the surrounding built landscape and would have a limited visual impact. In addition to this, the location of the new school is considered to be suitably located and has an attractive design which demonstrates a good use of materials. I am satisfied that the proposed development complies with policies 1, 10, 17 of the ECS, saved Policy EV14 of the EBLP and the NPPF.

Heritage Impact

The application site is not situated in the Breadsall CA, but the CA boundary is approximately 160m to the west. There are two listed buildings within 250m of the school site. A Grade I listed building called Church of All Saints is located approximately 225m west of the proposed site and a Grade II listed Methodist Chapel is approximately 40m to the south. The Grade I listed building, being located a considerable distance from the site, and is unlikely to be impacted upon by the proposal. However, the Grade II listed Methodist Chapel is located in close proximity to the site and therefore, there is potential for the development to impact upon its setting.

The listed building description for the Chapel from Historic England is as follows: *“Chapel. Dated 1826. Rendered brick with Welsh slate roof. North elevation of two bays. Central early C20 porch with flat roof and panelled double doors. Flanked on each side by semi-circular headed windows with early C20 glazing bars and 'Art Nouveau' coloured glass. Plain stringcourse above, at the base of the stepped and ramped parapet with gabled top. Above the stringcourse is a date plaque inscribed 'Wesleyan Methodist Chapel*

MDCCCXXVI'. The south elevation has two windows similar to those on the north elevation. Plain interior with C20 fittings."

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

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

These NPPF paragraphs therefore recognise that to reach a decision to grant permission in a case of '*less than substantial*' harm need not involve so much public benefit to weigh against the harm as would be needed in a case of '*substantial*' harm. Nevertheless, even "*less than substantial*" harm to the significance of a listed building is an important consideration, which Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires considerable weight to be given to it.

The harm that would be caused to the setting of the listed building is considered to be '*less than substantial*'. The proposed site is located a reasonable distance away from the heritage asset and is separated by Brookside Road and residential properties. A proposed mixed hedgerow of native species with hedgerow trees is proposed along the boundary of the site which would reduce the visual impact of the proposal on the setting of the heritage asset.

According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of the heritage asset), there should be a clear, and convincing justification for the development to take place at the location and, if this is demonstrated, the harm should be weighed against the public benefits of the proposal. As above, there are clear public benefits for Breadsall and the wider community from this development. The new school building would accommodate rising demand for education provision and provide both pupils of the existing school and future pupils with access to educational facilities which are not available at the current school accommodation.

I regard the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation for the application, even

having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.

In consideration of Paragraph 196 of the NPPF, it is considered that the benefits of the proposal clearly outweigh any harm to the heritage assets. I am satisfied that the proposed development would not result in a significant impact on the significance of the heritage assets. Therefore, I consider the proposed development complies with Policy 11 of the ECS, saved Policy EV6 of the EBLP, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology

The application is accompanied by an ecological assessment report which includes details of bat survey/s undertaken at the site. The proposal has taken into consideration the presence of bats on site. The recently demolished buildings, known as 2 and 3, supported 11 bat roosts behind panels of hanging tiles and timber cladding, and within bat boxes. Building 1 also supported a bat roost within a bat box. The three buildings supported four bat species: brown long-eared *Plecotus auritus*, common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and noctule *Nyctalus noctula*.

Paragraphs 98 and 99 of the Circular 06/05, stated above, highlights “*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.*”

Paragraph 170 of the NPPF states “*the planning system should contribute to and enhance the natural and local environment’ by ‘minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*”

Prior to the demolition of Buildings 2 and 3, six new bat boxes were installed on trees within the site as part of the licensed mitigation strategy approved by Natural England. Bat boxes are proposed to be retained and further boxes installed as part of the redevelopment of this site. The construction of a bat wall is also proposed that would enhance the potential for bats to roost on site.

None of the trees on site have been identified as having any natural features that offer bat roosting opportunities, however, bat boxes on two trees have been confirmed to support roosting bats.

Some trees would need to be removed to enable the development, however, their removal is unlikely to result in a significant ecological impact. Furthermore, the wildflower meadow, substantial tree and hedgerow planting within the site would contribute and enhance the biodiversity on site.

Lighting on the site has potential impact upon bats. The proposed lighting layout, submitted with the application, shows the locations of the luminaires, which would be positioned away from the bat boxes fixed to the new building. The proposed lighting has been designed to reduce upward light spill, thereby minimising the amount of obtrusive light (Sky glow) and preserve the nocturnal feeding habitat for bats. It is considered that the lighting proposed would not have a significant impact on bats or the wider environment.

Overall, the ecological assessment concludes that there would be no likelihood of significant ecological impacts. DWT has not raised any objections to the proposals. Therefore, I am satisfied that there are no ecological barriers to the determination of this proposal and that it would accord with Policy 17 of the ECS, saved Policy EV11 of the EBLP and the NPPF.

Noise Impacts

Paragraph 180 of the NPPF states that *“decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”*

The site is currently vacant and the existing dominant sources of noise in the area are largely traffic from the main road (Brookside Road) and the community facilities to the west. The nearest noise receptors would be the existing residential properties adjacent to the southern boundary of the site. I consider that the noise produced from normal school activities during school hours, such as teaching and outdoor play, would not be significant.

The school's facilities are to be restricted for educational purposes and would not be open for the wider public. The use of the games courts and playing field until 18:00 hours would introduce a source of noise which could potentially impact on residents who live in close proximity to the site by virtue of noise and potentially anti-social behavior. Considering the proximity to the residential properties, it is likely that they would, on occasions, experience some noise disturbance from the potential use of the facilities. Therefore, a condition is recommended to restrict the hours of use of the external facility.

Erewash Borough Council, in its consultation, and a resident have raised concern about the location of the proposed sprinkler tank and pump house, and that this could be a potential source of noise which could adversely impact the amenity of the neighbouring residents. However, the sprinkler tank and pump house would only be used in the event of a fire there would be no

noise generated from the sprinkler tank or pump house, except in the event of a fire. This would therefore not impact on the amenity of the nearby residents.

The construction of the new school building would generate noise which could impact on the amenity of the neighbouring residential properties. Any construction noise would be temporary, however, it could still have an adverse impact on local amenity. Therefore, to limit the impact of noise during the construction phase, a condition is recommended to restrict the hours of construction work. Erewash Borough Council's Environmental Health Department have regulatory responsibilities in relation to the control of excessive noise pollution. It was consulted on the application and no objections/concerns were raised regarding the proposal on noise grounds.

I am satisfied that the development would not impact significantly on the amenity of nearby residents in terms of noise, and would accord with policies 16 and 13 of the ECS and the NPPF in this respect. However, given the proposed development's close proximity to residential properties, a condition is recommended to restrict the hours of use of the facilities and construction. This is to ensure that they would not result in an adverse effect on residents.

Arboricultural Impacts

Paragraph 175 of the NPPF states that *"When determining planning applications, local planning authorities should apply the following principles:*

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

The trees identified on site are not protected by any TPOs and are not considered to be of a Category A value. No trees on or adjacent to the site have been designated as ancient or veteran. The tree surveys on site primarily identify trees of moderate and low quality value. As highlighted above, a number of trees and a hedgerow would be removed as part of the development. Three Leyland Cypress need to be felled due to their problematic location close to the boundary fence, for security and sightline reasons. Two Birch trees that are in a poor condition/nearly dead also need to be felled for safety reasons. Two Flowering Cherry trees need to be felled due to their proximity to the construction of the sprinkler tank and pump house and associated regrading which needs to be located as shown, due to technical and insurance requirements. These trees are in poor condition, however, a substantial number of new trees would be planted across the site to compensate for the loss minor trees as a result of the development and to enhance the visual amenity of the site.

I am satisfied that the proposal would accord with saved Policy EV14 of the EBLP and the NPPF.

Conclusion

In conclusion, the overall layout and location of the proposed development is considered to be of a good and sustainable design. The proposed development would potentially increase noise in the area as a result of use of the games courts and playing field facilities. However, I do not consider that this would be to unacceptable levels and the use of the facilities would be restricted by condition. It is not considered that the development would generate significant amounts of traffic and would not have an adverse impact on the connecting highway infrastructure due to parking. The relocation of the site access would improve what was considered to be a substandard access in terms of visibility. The works, as described above, have a justified need to take place and would accord with local and national planning policy. Subject to the recommended conditions, I am satisfied that the proposal would accord with the ECS, EBLP and the NPPF, and the application is recommended for approval.

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

(3) **Financial Considerations** The correct fee of £5,082 has been received.

(4) **Legal Considerations** 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 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. 8.955.13
Application Form, Ecology Report, Cover Letter,
Tree Survey report, School Travel Plan,
Travel Policy Flood Risk Assessment, Drainage Strategy, Post Demolition
Survey, General Arrangement Plan, Existing Site Plan, Existing Site Location
Plan, Drainage GA, Bat Retaining Wall Details, Application Site Plan,
Topographical Survey, 3D Model, Sewer Record, Supporting Statement
regarding the school relocation, and Interpretative Report on a Ground
Investigation all received 24 January 2020.

Email RE: 2020 04 28 AGT-EBC comments 07 CD8.0120.72 received 30 April 2020.

Design and Access Statement, Waste Management Statement, Transport Statement & Parking Provision, Tree Removal and Protection Plan, Landscape Planning, Site Layout Plan, Proposed Site Plan, Recreation & Open Space Statement, Planning Statement, Lighting Assessment, Heritage Impact Assessment, Energy Statement, Community Use Statement, Electrical Services External Lighting, and Storm Sewer Design all received 29 July 2020.

Standard Foundation of up to 1000
KVA Pocket Substation and Standard GRP Enclosure and Threshold Beam
Details for up to
1000 KVA Pocket Substation received 17 August 2020.

Consultation Responses from:

Derbyshire County Council - Ecology received 9 August, 11 September and 6 December 2019.

Derbyshire County Council – Sustainable Travel Team received 31 January, 17 February and 10 August 2020.

Cadent Gas received 3 February and 4 February 2020.

Derbyshire County Council – Landscape Team 3 February and 12 August 2020.

Derbyshire County Council – Built Conservation and Design Quality comments received 5 February and 12 August 2020.

Erewash Borough Council – Environmental Health Officer received 13 February 2020.

Sport England received 17 February and 7 August 2020.

Breadsall Parish Council received 17 February and 11 August 2020.

Severn Trent Water received 19 February 2020.

Highway Authority received 28 February and 14 August 2020.

Lead Local Flood Authority received 19 March, 5 May and 19 August 2020.

Erewash Borough Council – Planning received 23 April 2020.

Derbyshire county Council – Education received 19 August 2020.

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

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

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

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

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

- 3) The development shall take place in accordance with the details contained in the application for planning permission dated 21 January 2020 and the following documents and plans:

- Design and Access Statement dated July 2020,
- Interpretative Report On A Ground Investigation Report no: G19077-IR dated September 2019 Revision 2,
- Cover Letter dated 22 January 2020,
- Community Use Statement dated July 2020,
- Energy Statement July 2020,
- Ecology Report dated February 2020 Revision 1,
- Tree Survey Report dated February 2020,
- Waste Management Statement dated July 2020,
- School Travel Plan dated 2018,
- Travel Policy, Transport Statement & Parking Statement dated July 2020,
- Recreation & Open Space Statement dated July 2020,
- Planning Statement dated July 2020,
- Lighting Assessment dated July 2020,
- Heritage Impact Assessment dated July 2020,
- Flood Risk Assessment dated 21 January 2020 Revision 3,
- Drainage Strategy dated 12 September 2019,
- Supporting Statement regarding the school relocation,
- Sewer Record (Tublar) dated 27 September 2019,
- Storm Sewer Design dated 28 July 2020 Email Entitled 2020 04 08 AGT-EBC comments 07 CD8.0120.72
- Drawing no. 1800592/X/101 entitled 'Tree Removal and Protection Plan', Revision E.
- Drawing no. 1800592/X/100 entitled 'Landscape Planning', Revision D.
- Drawing no. 1800592/A2/02 entitled 'Site Layout Plan', Revision C.
- Drawing no. 1800592/X/03 entitled 'Proposed site plan' Revision C.
- Drawing no. 1400031 LS002 entitled 'Post Demolition Survey'.
- Drawing no. 1800592/A2/01 entitled 'General Arrangement Plan'.
- Drawing no. 1800592-P-09 entitled 'Electrical Services External Lighting' Revision C.
- Drawing no. 1800592/X/02 entitled 'Existing Site Plan' Revision A.
- Drawing no. 1800592/X/01 entitled 'Site Location Plan' Revision A.

- Drawing no. F699-CHG-Z0-00-DR-C-5000 entitled 'Drainage GA' Revision P02.
- Drawing no. 1800592/S/D009 entitled 'Bat Retaining Wall Details'
- Drawing no. 1800592/05/2500 entitled 'Application Site Pan, Revision A'.
- Drawing entitled 'Topographical Survey' dated 15 May 2019.
- Drawing no. 1800592/A2/03 entitled '3D Model'.
- Drawing no. EK0014 entitled 'Standard Foundation of up to 1000 KVA Pocket Substation'.
- Drawing no. EK0015 entitled 'GRP Enclosure and Threshold Beam Details for up to 1000 KVA Pocket Substation'.
- Drawing no. F699-CHG-Z0-00-DR-C-50 entitled 'Drainage GA' revision P03.

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

Hours of Operation

- 4) The multi-use games area and playing fields, shall only be used during the following hours:

Mondays to Fridays 7:30 hours to 18:00 hours.

Saturdays, Sundays and Bank Holidays 10:00 hours and 18:00 hours.

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

Construction

- 5) Construction work, including deliveries associated with the construction works, at the site shall only be permitted between the following hours:

07.30 hours and 18.00 hours Monday to Friday, and
08.00 hours and 13.00 hours on Saturdays.

There shall be no construction work on Sundays, Bank and Public Holidays.

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

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

- 6) Prior to the commencement of development, a method statement detailing the measures to be employed at the site to minimise dust nuisance during construction activities, having regard to established

best practice in respect of the control of dust, shall be submitted to and approved in writing by the County Planning Authority. The measures shall then be implemented as approved for the duration of the construction works on site.

Reason: To control the impact of dust generated by the construction of development, in the interests of the residential amenity of the area, and to protect the environment. This is in accordance with Paragraph 170 of the National Planning Policy Framework 2019 and the national Planning Practice Guidance.

- 7) The new sports facilities to be constructed in accordance with this permission shall not be taken into use until a noise management scheme for the sports facilities has been submitted to and approved in writing by the County Planning Authority. The noise management scheme shall then be implemented in accordance with the details as approved.

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

Contamination and Pollution Control

- 8) The development shall not commence until a scheme, to identify and control any environmental risks associated with this site, is developed and undertaken. This will include an intrusive investigation (Generic Risk Assessment/Phase II Investigation). The scope of the intrusive investigation will be based on the approved Phase 1 desk study report for the proposed development. The scope of works must be submitted to and approved in writing by the County Planning Authority prior to commencement. The scheme shall be implemented in accordance with the details as approved.

Reason: The submission of the scheme, prior to the commencement of development, is considered to be necessary, due to the sensitive nature of the site and to protect the surrounding environment and safeguard the amenity of the area. This is in accordance with Paragraph 170 of the National Planning Policy Framework 2019 and the national Planning Practice Guidance.

- 9) A written Method Statement, detailing the remediation requirements to deal with any environmental risks associated with this site, shall be submitted to and approved in writing by the County Planning Authority prior to commencement of the remedial works. All requirements shall be implemented according to the schedule of works indicated on the Method Statement and completed to the satisfaction of the County Planning Authority prior to the development being brought into use. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority.

Reason: To protect the surrounding environment and safeguard the amenity of the area.

- 10) Prior to the development first being brought into use, a validation report must be submitted to the County Planning Authority demonstrating that the remedial works have been carried out. The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement.

Reason: To protect the surrounding environment and safeguard the amenity of the area.

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

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 170 of the National Planning Policy Framework 2019.

- 12) No soils shall be imported onto the site unless they have been tested for contamination and assessed for their suitability for the proposed development; a methodology for testing this material shall be submitted to and approved in writing by the County Planning Authority prior to any soil being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed and source material information.

The proposed soil shall be sampled at source, such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme or another approved scheme the results of which shall be submitted to the County Planning Authority for consideration.

The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the County Planning Authority.

Reason: To prevent pollutants contaminating the site and to protect the health of the public and the wider environment.

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

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

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

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

Access, Traffic and Highway Safety

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

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

- 16) No development shall take place until details have been submitted to and been approved in writing by the County Planning Authority for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions. The approved details shall be adhered to throughout the construction period.

Reason: The condition is imposed to ensure adequate access and associated facilities are available during the construction works to minimise the impact of the development on nearby residents and local highway network and in the interest of site safety. It is considered compliance with these requirements would only be effective if found to

be acceptable and approved as such, prior to the commencement of development.

- 17) Prior to any other works commencing on site, the vehicular access to Brookside Road shall be modified in accordance with the revised application drawings (1800592/A2/02 rev C and 1800592/X/100 rev D) and constructed to base level for at least the first 15m into the site from the highway boundary.

Reason: The condition is imposed to ensure adequate access to the site and in the interest of site and highway safety.

- 18) Prior to the premises being taken into use, the access, parking and manoeuvring space shall be laid out in accordance with the revised application drawings (1800592/A2/02 rev C and 1800592/X/100 rev D), paved in a solid bound material, provided with measures to prevent surface water from flowing from within the site onto the public highway and maintained throughout the life of the development free of any impediment to its designated use.

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

- 19) No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes. The Travel Plan shall be implemented in accordance with the timetable set out in that plan, unless otherwise agreed in writing by the County Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval, for a period of five years from first occupation of the development permitted by this consent.

Reason: The condition is imposed in the interest of sustainable travel and to minimise the impact of the development on nearby residents and local highway network. It is necessary for the condition to be prior to commencement, in order to be compliance with Paragraph 111 of the National Planning Policy Framework 2019.

Lighting

- 20) Any external lighting shall be designed and installed so that it does not cause nuisance to the occupiers of nearby residential properties.

The floodlights shall be controlled by a timer mechanism to prevent illumination outside these hours. The lighting should not be used overnight unless required for security purposes.

Reason: In the interest of local amenity and bat conservation.

Flood Risk

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

a. 'PROPOSED PRIMARY SCHOOL, BREADSALL DRAINAGE STRATEGY' (collinshallgreen, 12/09/2019), Email titled 'RE: Behavioural Support Centre, Brookside Road, Breadsall - CD8/1020/72' (from Russell Short to Scott Stone, 23/03/2020) and 'Drainage GA' (collinshallgreen, 20.08.20) drawing number F699-CHG-Z0-00-DR-C-5000 revision P03, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.

b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority."

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

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

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

- 23) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

Ecology

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

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

- 25) The development shall be carried out in strict accordance with the previously approved bat mitigation measures as outlined in Section 4.8 of the Ecology Report Revision 1 prepared by BSG Ecology dated February 2020. Further details shall be submitted to the County Planning Authority for its written approval in respect of the proposed specifications and location of the four bat boxes to be installed within the external fabric of the new building. The measures shall be implemented as construction proceeds and completed prior to the first use of the development.

Reason: In the interests of protecting priority species within the site.

Landscaping

- 26) Prior to the commencement of landscaping works, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the County Planning Authority for its written approval. The LEMP shall include detailed specifications of the new tree, shrub, hedgerow and wildflower planting as shown on the Landscape Planning Drawing number 1800592/X/100 Rev C together with a maintenance schedule for a five year period. The development shall be undertaken in accordance with the approved LEMP.

Reason: The submission of the scheme, prior to the commencement of development, is to ensure that the appropriate species would be planted and habitats are protected and managed appropriately.

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

Reason: To ensure the successful establishment of the landscaping at the site.

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

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

Footnotes

- 1) Approval for access works within the public highway and permissions to carry them out is by means of an Agreement under Section 278 of the Highways Act 1980. Prior to carrying out any access works within the public highway, the applicant is required to contact Derbyshire County Council, as Highway Authority, for approval of details and granting of permissions to carry out the works. Contact Kevin Barton (kevin.barton@derbyshire.gov.uk) in the Department of Economy, Transport and Environment.

- 2) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge onto the highway. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 3) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 4) Foul is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011.

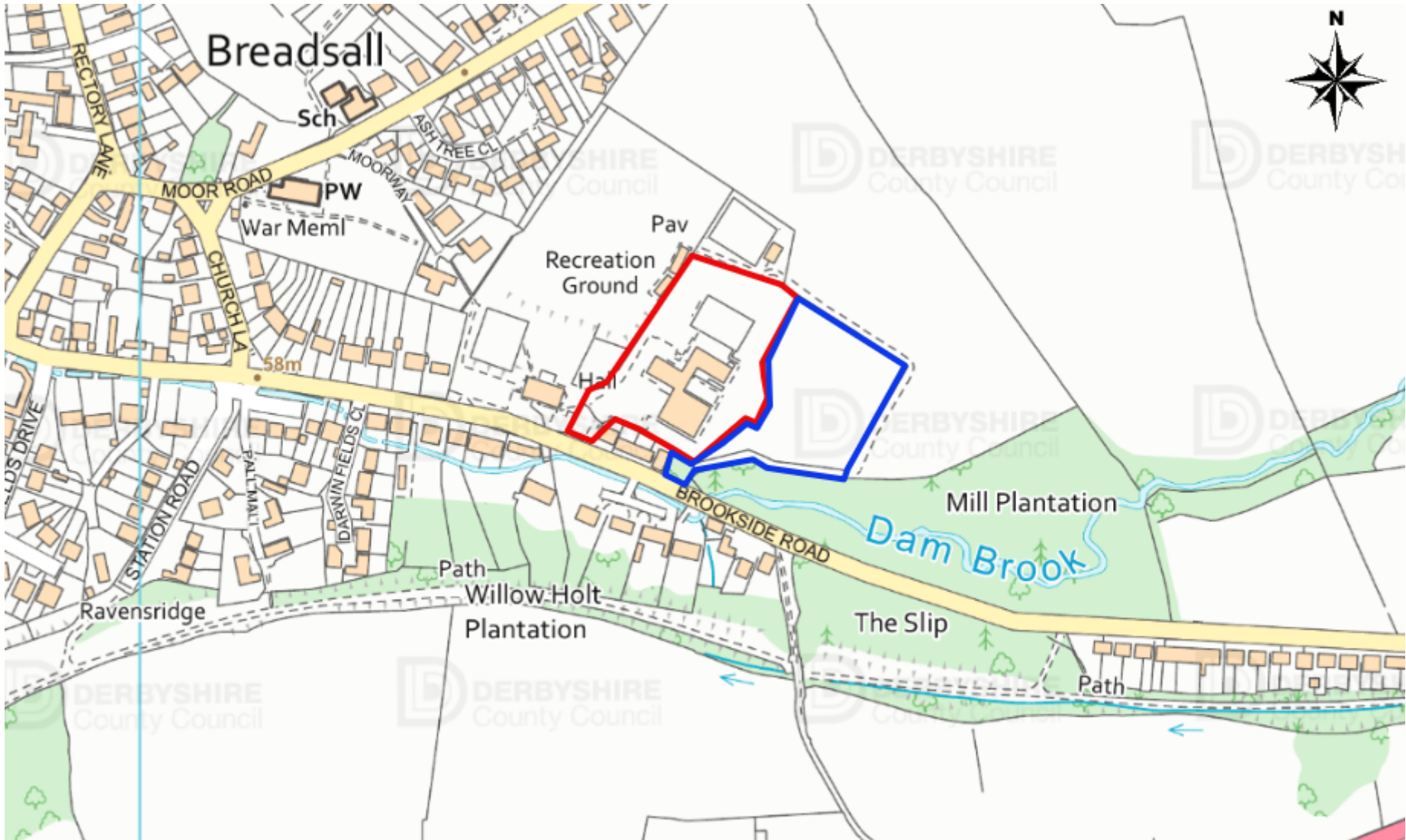
Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Should you require any further information please contact us on the telephone number or email below:

Tel: 0345 2667930

(reply to email: Planning.APEast@severntrent.co.uk)

Tim Gregory
Director – Economy, Transport and Environment



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19-Aug-2020

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

7 September 2020

Report of the Director – Economy, Transport and Environment

Item for the Committee’s Information

3 CURRENT ENFORCEMENT ACTION

Site	Breach	Action Taken	Comment
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	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.	Site inactive. Two planning applications relating to the site under consideration CM3/0918/48 and CM3/0918/49).

	<p>relating to requirement to provide appropriate remediation scheme.</p> <p>February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.</p>	Interim Injunction Order granted 31 March 2017.	
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	<p>Date notice takes effect – 21 January 2019.</p> <p>Ongoing monitoring of notice requirements.</p>
Land at Park Hills Farm, Muggington Lane End, Weston Underwood	Without planning permission the deposit of waste materials onto land.	<p>Temporary Stop Notice issued 29 May 2019.</p> <p>Enforcement Notice issued 3 February 2020.</p>	Ongoing monitoring/review. Enforcement notice took effect 4 March 2020.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	<p>Planning Contravention Notice issued 28 October 2019.</p> <p>Temporary Stop Notice issued 29 May 2020.</p> <p>Enforcement Notice issued 16 July 2020 – Notice takes effect on 19 August 2020 unless an appeal is lodged before the effective date.</p>	

Land at Barden Farm/Hirst Farm, Smalley	Importation and deposit of waste material; treatment and processing of waste material; formation of an excavation and deposit of waste material within the excavation.	Planning Contravention Notice issued 4 August 2020 – Response required by 25 August 2020.	Planning Contravention Notice issued in consultation with Amber Valley Borough Council
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Tim Gregory
Director – Economy, Transport and Environment

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Decisions Outstanding on 7 September 2020.

Table shows:
EIA applications outstanding for more than 16 weeks
Major applications outstanding for more than 13 weeks
Minor applications outstanding for more than 8 weeks

Date: 20 August 2020

Appcode	Proposal	Location	Status	No of Weeks
EIA				
CD9/0319/110	DEMOLITION OF ASHLEA FARM AND RELATED BUILDINGS OFF DEEP DALE LANE AND THE DEVELOPMENT OF A NEW ALL MOVEMENT JUNCTION ON THE A50 AND CONNECTING LINK ROAD TO INFINITY PARK WAY, WITH ASSOCIATED WORKS INCLUDING: STREET LIGHTING COLUMNS, FOOTWAYS/CYCLEWAYS, CONSTRUCTION OF EARTH MOUNDS, FLOOD COMPENSATION AREAS, ACOUSTIC FENCING AND LANDSCAPING.	Land between Deep Dale Lane and Infinity Park Way, Sinfin, Derby	Further Information Awaited	72
CM9/0816/46	Application under Section 73 to vary condition specifically to commencing extraction in the Western Extension prior to completing restoration of Phase 8 of Planning Permission CM9/0211/163 and allowing increased stocking of waste materials in the landfill transfer station	Shardlow Quarry, Acre Lane, Shardlow	Further Information Awaited	136
CM3/0817/40	development of a lateral extension to the south west of the existing permitted operations to provide the winning and working of minerals, associated ancillary operations and amended restoration scheme through landfill at Slinger Top Quarry, Cromford.	Slinger Top Quarry, Cromford, Matlock	Further Information Awaited	162
CM6/1110/112	Recovery of 400,000 tonnes of coal using surface mining and the development of two flood alliviation areas along the Bottle Brook at George Farm Reclamation Site, Denby.	George Farm, Denby, Derbyshire	Approved /Legal Agreement	502
CM3/0906/91	Section 73 application for the amendment of condition 17 of planning permission WED/1284/836	Middleton Mine, Middleton by Wirksworth	Further Information Awaited	731
Major				
CW2/0520/16	Change of Use from B2 use to End of Life Vehicle processing (Sui Generis Use)	Whittington Engineering Complex, Bay 10, South Street North, New Whittington, Chesterfield	Report being prepared	14
CW3/0620/18	Installation of 1no. Kiosk	Ashbourne Sewage Treatment Works, Watery Lane, Ashbourne	Report Written	14

CD9/0520/8	Section 73 Application for the variation of conditions 3,4 and 24 of planning permission CD9/0519/20 for construction of an all purpose single carriageway complete with verges, cycleways and footpaths (including three roundabout junctions), connecting between the existing roundabout spur at Occupation Lane, Woodville and the A514 Derby Road Swadlincote	Land between existing roundabout spur at Occupation Lane, Woodville and A514 Derby Road, Swadlincote	Awaiting delegated decision	17
CM1/0320/85	The installation and operation of a combined heat and power ('CHP') plant which would generate both electrical and thermal energy through the combustion of natural gas.	Hindlow Works, Buxton Road, Buxton	Further Information Awaited	17
CW8/0120/71	Section 73 planning application to vary condition 5 of permission CW8/0817/37 to increase operational hours at the site.	Johnsons Recycling Centre, Crompton Road, Ilkeston	Further Information Awaited	18
CW8/0120/70	Section 73 planning application to vary condition 6 of permission CW8/0417/1 to increase operational hours at the site	Johnsons Recycling Centre, Crompton Road Ilkeston	Further Information Awaited	34
CW9/1119/61	Under Section 73 of the Town and Country Planning Act 1990 to not comply with Condition 2 of planning permission CW9/0816/45 in order to remove the 10 year time limit set out in the condition and to make this permission compatible with the existing planning permission CW9/1018/63 at Cadley Hill Park, Burton Road, Swadlincote.	Willshee's Skip Hire Ltd, Cadley Hill Park, Burton Road, Swadlincote	Consultation Replies Awaited	41
CM5/1119/57	Full planning permission for the retention, continued operation and restoration of the existing Whitwell Lime Works site at Craggs Road, Whitwell, Derbyshire until 31st December 2043	Whitwell Works, Southfield Lane, Whitwell	Report being prepared	42
CM3/0918/49	Formation of new access and road to existing quarry	Stancliffe Quarry, Dale Road North, Darley Dale	Further Information Awaited	91
CM3/0918/48	Amendment to condition 7, 10 & 11 of determined conditions approval R3/0699/17 (LET 7276). Relating to quarry permit 1390/9/2 (7 March 1952)	Stancliffe Quarry, Dale Road North, Matlock	Further Information Awaited	91
CM5/0818/42	Reclamation, cut of and fill site, of the former Whitwell Colliery site to facilitate mixed use redevelopment of the site together with landscaping, ecology and drainage.	Former Whitwell Colliery, Station Road, Whitwell	Approved /Legal Agreement	96
CW8/0818/45	Section 73 application seeking permission to amend condition 24 of planning permission CW8/0811/61 to extend the hours of working on the established Ward Waste Recycling Facility on land at the Quarry Hill Industrial Estate, Hallam Fields Road, Ilkeston, Derbyshire	Donald Ward Limited, Quarry Hill Industrial Estate, Ilkeston	Report Written	106
CM1/1017/57	S73 Application to vary condition 16 of permission R1/0498/5, to regularise the extraction limit so that it conforms the 1947 limit , not the 1951 limit.	Dowlow Quarry, Sterndale Moor, Buxton	Further Information Awaited	149
CM1/1017/58	10.68 hectare site extension into land to the south-east of the quarry	Dowlow Quarry, Sterndale Moor, Buxton	Further Information Awaited	149
Minor				
CD9/0620/22	Extension of existing building to provide new office space and secure reception area	Overseal Primary, Woodville Road, Overseal, Swadlincote	Consultations being initiated	9

CD9/0520/15	This proposal is for the installation of 4nr sheds at Aston-on-Trent Primary School.	Aston On Trent Primary School, Long Croft, Aston-On-Trent	Consultations being initiated	9
CD2/0420/3	Renew flat roof including tapered insulation system and associated rainwater goods.	Brimington Hostel, 9 Victoria Street, Brimington, Chesterfield	Consultation Replies Awaited	12
CD4/0520/9	Retrospective temporary permission for timber fencing and gates. To be read in conjunction with application ref PP08709771 for permanent boundary fencing and hedges.	125c Market Street, Clay Cross, Chesterfield	Consultations being initiated	13
CD1/0620/17	Change of use application to Childrens care facility (Class C2 use)	Grinlow Cottage Hostel, Grinlow Road, Harpur Hill, Buxton	Report Written	13
CD2/0520/11	Erection of a steel weldmesh security fence 2.4 m High along boundary to 45-65 the Green.	Hasland Junior School, Broomfield Avenue, Hasland	Report Written	17
CD1/0420/5	Erection of a two storey teaching building with associated connecting canopy and the provision of three Multi User Games Area (MUGA) courts	Glossopdale School, Newshaw Lane, Hadfield, Glossop	Consultations being initiated	19
CD8/0120/72	The proposed construction of a new Primary School associated landscaping works incorporating the provision of a new external car parking area, hard and soft landscaped play areas and installation of security fencing at the former Pupil Referral Unit Brookside road Breadsall (amended vehicular access and application red line).	Behavioural Support Centre, Brookside Road, Breadsall	Report being prepared	33

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Agenda Item No.3.5

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

7 September 2020

Report of the Director – Economy, Transport and Environment

Item for the Committee’s Information

5 CURRENT APPEALS/CALLED IN APPLICATIONS

There are currently no appeals lodged with the Planning Inspectorate.

**Tim Gregory
Director – Economy, Transport and Environment**

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Agenda Item No.3.6

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

7 September 2020

Report of the Director – Economy, Transport and Environment

Item for the Committee’s Information

6 MATTERS DETERMINED BY THE DIRECTOR – ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS

Date	Reports
30/06/2020	<p>Applicant: Derbyshire County Council Planning Application Code No: CM1/0320/80 Continued Operation of Existing Cement Bagging Plant and Associated Infrastructure, Tunstead Quarry, Waterswallows, Wormhill, Buxton</p>
30/06/2020	<p>Applicant: Mr Morley Planning Application Code No: CW9/0420/4 Section 73 Application to Vary Condition 3 of CW9/0319/109, BM Tech, Unit 2, Uttoxeter Road, Foston</p>
30/06/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions: CW5/1117/69 Oxcroft Disposal Point: SW3342 – Surface Water Drainage Scheme SW3453 – Site Compound Layout Plan SW3247 – Land Contamination Assessment SW3248 – Scheme Controlling the Importation of Soil</p>
01/07/2020	<p>Applicant: Derbyshire County Council Planning Application Code No: NMA/0520/69 Non-Material Amendment to List of Approved Plans Associated with Condition 3, Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston</p>
10/07/2020	<p>Applicant: Derbyshire County Council Planning Application Code No: CD2/0520/11 Steel Weldmesh Security Fence at The Green, Hasland Junior School, Broomfield Avenue, Hasland</p>
10/07/2020	<p>Applicant: Severn Trent Water Limited Planning Application Code No: CD3/0320/83 New Odour Control and Temporary Works, Matlock Sewage Treatment Works, Lea Road, Matlock</p>

10/07/2020	Delegation Decisions on Schemes Required by Planning Conditions: CW8/0817/37 Saint-Gobain Small Valves Building and Yard SW3349 – Submission of a health and safety risk assessment/method statement.
14/07/2020	Applicant: Derbyshire County Council Planning Application Code No: CD1/0620/17 Retrospective Change of Use to Children's Care Facility, Grinlow Cottage Hostel, Grinlow Road, Harpur Hill, Buxton
14/07/2020	Applicant: Derbyshire County Council Planning Application Code No: CW3/0620/18 Installation of Kiosk, Ashbourne Sewage Treatment Works, Watery Lane, Ashbourne
14/07/2020	Exempt Item – Enforcement Notice, Lady Lea Road, Horsley
24/07/2020	Applicant: Steetley Dolomite Limited Planning Application Code No: CM5/1119/57 Retention, Continued Operation and Restoration of Existing Lime Works, Craggs Road, Whitwell
24/07/2020	Applicant: NORSE Application Code No: NMA/0620/70 Non-Material Amendment to Amend Condition 6, Alfreton Recycling Facility, Cotes Park Lane, Somercotes, Alfreton
24/07/2020	Delegation Decisions on Schemes Required by Planning Conditions: CM9/1215/122 Swarkestone Quarry SM3256 – Submission of a Written Scheme of Investigation CD9/0119/87 Willington County Primary School SD3455 – Submission of details for the temporary access SD3456 - Submission of details for space provided on site to accommodate storage, parking, manoeuvring, loading and unloading
29/07/2020	Applicant: Derbyshire County Council Planning Application Code No: CD9/0520/8 Section 73 to Not Comply with Conditions 3,4 and 24 of CD9/0519/20, Roundabout Spur, Occupation Lane, Woodville, A514 Derby Road, Swadlincote
05/08/2020	Applicant: Derbyshire County Council Planning Application Code No: CD2/0420/3 Renew Flat Roof and Associated Rainwater Goods, Brimington Hostel, Victoria Street, Brimington
05/08/2020	Delegation Decisions on Schemes Required by Planning Conditions: CM6/0910/94 Lodge House Surface Coal Mine SM3343 – Landscaping Drainage Scheme

	<p>CD6/0619/22 Land at Alfreton Park SD3329 - Submission of a scheme for the surface water retention pond including design, planting and maintenance retention pond</p> <p>CD9/0119/87 Willington County Primary School SD3457 – Submission of an up to date bat survey</p>
12/08/2020	<p>Applicant: Messrs. Gawrych and Wisniewski Planning Application Code No: CW2/0520/16 Change of Use from B2 to End of Life Vehicle Processing, Whittington Engineering Complex, South Street North, New Whittington, Chesterfield</p>
12/08/2020	<p>Applicant: Welbeck Estates Company Ltd Application Cod No: NMA/0620/71 Non-Material Amendment to CW5/0218/89, to Approved Routeing Pattern at Crewswell Colliery Lagoons, Frithwood Lane, Creswell</p>
12/08/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions: CM9/0805/73 Elvaston SM3260 - Archaeological Written Scheme of Investigation</p>
20/08/2020	<p>Applicant: CPJ Environmental Services Ltd Application Code No: CL3/0520/12 Application for a CLUED at the Existing Waste Management Facility and Agricultural Contractors Business, Moor Farm Road West, Airfield Industrial Estate, Ashbourne</p>
25/08/2020	<p>Applicant: Derbyshire County Council Planning Application Code No: CD9/0520/15 The Installation of 4NR Sheds at Aston-On-Trent Primary School, Long Croft, Aston-on-Trent</p>
25/08/2020	<p>Applicant: Derbyshire County Council Planning Application Code No: CD4/0520/9 Retrospective Temporary Permission for Timber Fencing and Gates at 125C Market Street, Clay Cross</p>
25/08/2020	<p>Applicant: Derbyshire County Council Planning Application Code No: CD4/0520/10 The Erection of Timber Post and Rail Fencing (Part Retrospective) at 125C Market Street, Clay Cross</p>

Tim Gregory
Director – Economy, Transport and Environment

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