

Agenda Item No.3.3

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

6 July 2020

Report of the Executive Director - Economy, Transport and Environment

- 3 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**

**3.24.19**

**Introductory Summary** This application is seeking planning permission to create an Artificial Grass Pitch (AGP) with associated features, which includes 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 is not situated within the setting of a listed building or within a Conservation Area (CA). However, the application site is located adjacent to the Lumsdale CA to the east and the Lumsdale Local Wildlife Site (LWS), which runs along part of the eastern boundary of the school.

Concerns have been raised in letters of representation received 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 proposal would improve the sporting facilities at the school, which would be available to the local community. This would enhance the provision in the area and encourage the take up of sport within the wider community. In this regard, the application is considered to accord with paragraphs 94 and 97 of the National Planning Policy Framework (NPPF).

The proposed development is considered to be appropriately located within the school site and I do not consider that it would cause any significant heritage, local amenity or highway impacts or adversely impact on the LWS.

I am satisfied that subject to imposition of conditions the development would accord with development plan policies and the NPPF and the application is therefore recommended for approval subject to conditions.

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

(2) **Information and Analysis**

### **Site and Surroundings**

The application site is situated at Highfields School on the western side of Matlock, approximately 9 miles south-west of Chesterfield and 19 miles north of Derby. The school site is located off Upper Lumsdale, and to the east of Chesterfield Road (A632), a main highway which runs through the town and connects it to other towns, such as Chesterfield. The school site has 121 parking spaces which are accessible off Upper Lumsdale. Along the western site boundary is an existing post and wire fence, as well as dense shrubbery and trees.

The site abuts residential properties along the south-west and south-eastern boundary. More residential properties are located to the north-west along Chesterfield Road and to the east along Upper Lumsdale. Adjacent to the northern boundary of the school is an accountancy business and coach and minibus hire company. The fronts of the residential properties located along the opposite side of Chesterfield Road face towards the north-western boundary of the site. The proposed development would be located to the west of the main school building and east of Chesterfield Road on the existing school playing field. The existing sports field is able to accommodate a 400 metres (m) athletics circuit with a 100m sprint straight, a rounder's pitch, two throwing areas and a long jump/triple jump landing pitch with runway, four non-turf cricket nets, two grass football pitches and a rugby union pitch.

The site is not located within the setting of any listed buildings. The school site is located approximately 200m north-east of the Matlock CA. The Lumsdale CA boundary is located adjacent to the site to the east. The Lumsdale LWS is also located adjacent to part of the eastern boundary of the school site. The site does not fall within a Neighbourhood Plan Area (NPA).

### **The Proposal**

The proposed development is for the creation of a 97m x 61m AGP on part of the existing playing field. The proposal includes the erection of a 4.5m high open steel mesh ball stop fencing around the entire perimeter of the AGP. A pitch barrier (incorporating 1m and 2m high sections) would be erected adjacent to the northern side of the pitch. All the fencing and gates are proposed to be polyester powder coated (ppc) in Moss Green (RAL 6005).

The fence panels would be insulated from the posts using neoprene washers to aid noise reduction by reducing rattle and vibration from ball impacts.

Eight 15m high floodlighting columns are proposed around the AGP. Each column would house two Philips Opti Vision LED lights that would have integral louvres to reduce overspill and glare.

To create a suitable platform to install the AGP upon, the surface materials would be removed to expose underlying sub soil/s. The surface material would be used to create a 0.5m to 1m high retaining wall to accommodate the AGP's plateau along the western and eastern boundary of the AGP. A grass embankment would also be created along the northern perimeter of the AGP and the internal school footpath.

A 2.4m by 6m by 2.59m high maintenance/sports equipment store is proposed to be located adjacent to the AGP. The proposed store would be constructed of a high-tensile steel in a dark green (RAL 6005) finish.

The sporting activities of the existing site, as previously identified above, would be accommodated by the use of the AGP and the playing field land to the south of the proposed AGP. The only notable change would be a reduction in size of the athletics circuit from 400m to 250m.

Additional planting is proposed along the school boundary, adjacent to Chesterfield Road, to fill in gaps. The proposed infill planting would consist of 25 trees to create a dense screen along the site boundary.

The proposed AGP would be available for pre-arranged and structured community use by groups and sports clubs. The AGP would be available for community use after the academic day and at weekends, between the hours of 17:00 to 21:30 (Monday to Friday) and 09:00 to 20:00 (Saturday, Sunday and on Bank holidays). After the final session/activities ceasing each evening, time would be required for players, coaches to vacate the site and for equipment to be removed and stored. Therefore the floodlighting would be extinguished at 21:45 (Monday to Fridays) and at 20:15 (Saturday, Sunday and Bank Holidays).

## **Consultations**

### **Local Member**

Councillor Burfoot provided the following comments:

*"I would make the following points/concerns.*

*I have concerns that there may be a potential noise issue/nuisance in terms of the noise impact of balls hitting the proposed fencing. I would hope that the*

*standard of fencing chosen will have the least impact in terms of sound transmission and impact. Can this be investigated and conditioned?*

*The floodlights and columns are also a potential if not inevitable neighbour nuisance. Do they have to be so high? I assume the columns will be carefully hooded and the floodlights fitted with low energy bulbs and timing devices. The 'opening' hours must be rigorously enforced and the lighting switched off to coincide with those hours.*

*I would suggest that when takings bookings for the facility, that clear advice is given as to parking. There is already a problem especially at weekends with parking on Lumsdale Road especially where it narrows. There should be no parking on the service road at the school.*

*Also, there should be advice given when bookings are taken to deter users from following Satnav directions to the school from the A615. Users should instead be directed to Matlock Green and Lime Tree Road and not off Smuse Lane and Lumsdale Road.*

*Finally, can I ask that a substantial landscaping scheme should be submitted by the applicants to mitigate the inevitable visual impact of this development? There is certainly sufficient space and gaps in the existing tree belt for appropriate tree and shrub planting along the Chesterfield Road boundary.”*

**Derbyshire Dales District Council – Planning**

Has been notified.

**Derbyshire Dales District Council – Environmental Health Officer**

Has been notified.

**Matlock Town Council**

Has been notified.

**The Coal Authority**

No objection.

**Sport England**

Sport England raised no objections to the development subject to the inclusion of the conditions for detailed specifications regarding the design of the AGP and community use.

Sport England provided the following specific comments in respect to the exemptions in its Planning Policy Statement – A Sporting Future for the Playing Fields of England and Playing Fields Policy and Guidance, as amended (August 2018):

*“In terms of E5, it is considered that the delivery of the 3G AGP along with associated natural turf reconfiguration works at the site would be aligned with the strategic objectives for 3G AGP and natural turf pitch provision within the Derbyshire Dales Playing Pitch Strategy (PPS) 2018 (2019 Update), and also the aims of the Local Football Facility Plan (LFFP) for Derbyshire Dales 2018.*

*Following implementation of the development, the residual natural turf playing field would still have the capacity to accommodate a rugby pitch and it is judged that the overall playing pitch provision at the site would be enhanced and accord with identified need subject to the AGP being delivered in line with relevant technical design guidance, and suitable community use arrangements being secured. On this basis, the proposal would deliver overall benefits to sport in accordance with E5, supported by improved ancillary facilities (storage and flood lighting) in accordance with E2.”*

### **Highway Authority**

The Highway Authority raised no objections to the application subject to conditions to limit floodlighting glare on to the highway and to require the submission of a Construction Management Plan, a Travel Plan and a Parking Management Plan being included in any consent granted.

### **Lead Local Flood Authority**

No objection.

### **Publicity**

The application has 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 have been received in response to this publicity.

This application was originally submitted to the Derbyshire Dales District Council (DDDC) in error and was subsequently withdrawn and resubmitted to Derbyshire County Council (DCC), as the correct determining authority in accordance with the Town and Country Planning General Regulations 1992. A number of representations make reference to the above and express their confusion around this matter. Some representations state that they were not properly notified of this application. However, I can confirm that this application was advertised in full accordance of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 15.

Ten of the representations received raise objections to the application. The main points raised are summarised below:

- Concerns about the hours of use of the AGP, in particular, the impact on residents as a result of the lighting and noise from users and traffic.

- *“I cannot emphasis strongly enough the value of the Lumsdale land as both a wildlife corridor and an oasis for both flora and fauna. It forms a buffer between increasingly dense urban development and intensively farmed agricultural land.”*
- Noise and lighting disturbing local wildlife, such as bats.
- Increase in road traffic noise.
- Increase in traffic during starting and leaving times. Parents and coaches picking up and dropping of pupils prevents residents from accessing their properties.
- *“...the subject of drainage, there is already a problem with the sewers on Lumsdale Road not being up to taking the additional run-off from the new Thornberries Estate opposite the school, with manhole covers lifting and land drainage from there making the Bentley Brook flood.”*
- *“[T]he use of a permeable constructed surface is to be welcomed for the pitches, run-off from the slopes around the Lumsdale Valley, the effect on the Bentley Brook, and on the drainage and sewage systems have already caused problems with increased density of housing off the Chesterfield Road. I would suggest that further detailed plans are required before it is possible to make a decision.”*
- Significant numbers of people are visiting Lumsdale Valley. *“The Scheduled Monument itself might not be impacted upon but the roads around are totally inadequate for the traffic now arriving and, within just feet of Highfields School, the route becomes only wide enough for one vehicle and for a while is between stone walls with no pavement”.*
- The design and access statement submitted does not address the increase in traffic, as a direct result of an increase in visitors going to the ‘Mills and waterfall’ using Upper Lumsdale, and Lower Lumsdale Road to Alfreton Road.
- Parking near the scheduled moment *“is hugely problematic”* but the Highfields School has informally assisted with this issue. The bus bay area has been available but still there is great parking issues along the school’s service road which will be problematic for the residents of the Terrace.
- The road is higher than the cottages and noise and headlights up to 22:00 hours will be very intrusive on residents.
- Open until 22:00 hours seems excessive when there is housing so close - Lums Hill Rise, in particular, will feel the impact, and for all residents it seems fair, where there is likely to be quite a high volume of noise from games, that the time be less.
- *“The fencing should be of appropriate materials to minimise the noise resulting from ball impact – again a potential issue for neighbours.”*
- *“More trees are planted between the pitch and Chesterfield Road. We feel this will go some way to drowning some of the noise and light generated from the pitch.”*
- Lighting Columns visually intrusive.

- The School's intention could be to hire out the facility for matches, club practices and other activities (pop concerts, firework displays, etc?) which could draw significant numbers of spectators and participants. These activities could create unacceptable noise and nuisance for surrounding properties.
- *"If residential neighbours will not be adversely affected by the proposals, as stated, then we ask why Lumsdale rather than the more obvious choice of Cavendish playing fields? We would assert that this proposal will most definitely have a negative impact on the area in which we live, and hope the D.C.C will take this into consideration."*

### **Other comments**

- *"A way for residents to pass any concerns and/or complaints to the management if problems arise from the pitch in the future."*

### **Comments received in support of the application**

- *"The calculated lux level on our property is minimal and I don't believe that we would be inconvenienced by it. Modern floodlights control lighting distribution and minimise spill illumination and light pollution excellently nowadays. This has been demonstrated by Matlock Town's new floodlighting being undetectable from Asker Lane at night whereas previously it created a huge glow in the night sky!"*
- *"Matlock in need of facility like this".*

### **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 Derbyshire Dales Local Plan (December 2017) (DDLPL). The National Planning Policy Framework (NPPF) (2019) and the associated Planning Practice Guidance (PPG), Sport England's Planning Policy Statement – A Sporting Future for the Playing Fields of England and Playing Fields Policy and Guidance, as amended (August 2018) are also material considerations.

The most relevant policies for this proposal are:

#### **Adopted Derbyshire Dales Local Plan (2017) Policies**

S1: Sustainable Development Principles.

S2: Settlement Hierarchy.

S3: Development Within Defined Settlement Boundaries.

S7: Matlock/Wirksworth/Darley Dale Development Strategy.

PD1: Design and Place Making.

PD2: Protecting the Historic Environment.

PD3: Biodiversity and the Natural Environment.  
PD4: Green Infrastructure.  
PD5: Landscape Character.  
PD6: Trees, Hedgerows and Woodlands.  
PD7: Climate Change.  
PD8: Flood Risk Management and Water Quality.  
PD9: Pollution Control and Unstable Land.  
HC14: Open Space and Outdoor Recreation Facilities.  
HC15: Community Facilities and Services.  
HC17: Promoting Sport, Leisure and Recreation.  
HC19: Accessibility and Transport.  
HC20: Managing Travel Demand.  
HC21: Car Parking Standards.

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

11: The presumption in favour of sustainable development.  
45-48: Decision-making,  
54-55: Planning conditions.  
91-95, 97: Promoting healthy and safe communities.  
103, 108-111: Promoting sustainable transport.  
117,120: Making effective use of land.  
124 -127: Achieving well-designed spaces.  
149, 159, 160, 163 - 165: Meeting the challenge of climate change, flooding and coastal change.  
170,172,174,175, 177, 180, 183: Conserving and enhancing the natural environment.  
184,189, 190-198, 200-202: Conserving and enhancing the historic environment.

The main considerations for this proposal are:

- Need for the development.
- Design and visual impact, including the impact of the floodlighting.
- Heritage Impacts.
- Ecology impacts.
- Noise Impacts.
- Arboricultural Impact.
- Playing field and Open Space.
- Highway Impact.

### **Need for the Development**

The Design and Access Statement (DAS) and Planning Statement sets out the applicant's need for the proposal at Highfields School. The applicant considers that the proposed development would be an improvement to the school's existing on site sport facilities. The applicant states that the purpose of the proposed development is to "... *further encourage participation in sport*

*and leisure activities and, in turn, bring much needed health benefits with opportunity to generally improve quality of life for people engaged to the project.*” In addition to this, the supporting document explains further that the applicant’s intention is to increase grassroots football development at the school, as well as whole-life sport by enhanced pathways into senior football. As a result, the development would be available to “...school pupils, club players, local community groups and community sports clubs including local junior and youth football clubs.”

The applicant believes that the delivery of the proposal would provide a wide range of benefits to the local community along with “significantly” improving the existing quality of sport facilities available in Matlock and the surrounding area. The applicant states that the overall aim of the project is “*to engage as many people in physical activity as possible through the creation of the proposed AGP and key programmes will be delivered for and children and young people, grassroots football, women and girls football, disability, social inclusion as well as the ageing population.*”

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.*”

I note the applicant’s need for the proposed development in order to improve the school’s sporting facilities, as well as the facilities within Matlock and wider Derbyshire area and the potential of the development to encourage participation in sport, social inclusion and its availability to local communities.

I am satisfied that there is a need for the proposed development.

### **Design and Visual Impact**

Policy PD1 of the DDLP “...requires the layout and design of new developments to create well designed, socially integrated, high quality successful places, where people enjoy living and working. All developments should respond positively to both the environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.” Policy PD1 further requires developments to have a “...satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.” This includes positively contributing to an area’s character, history and relationship to other buildings.

Similarly to Policy PD1, Policy PD7 requires developments to contribute to reducing greenhouse gas emissions through design and adapt and mitigate against climate change. Policy S3 requires developments within settlement boundaries, such as Matlock, to be “*compatible with the character, appearance, and amenity of the part of the settlement in which it would be located*”. In addition to this, the policy also states that the proposed development should not conflict with any other policy within the local plan.

Paragraph 127 of the NPPF states, “*Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Concerns were raised within the representations received about the visual appearance of the development and the impact of light from the floodlights proposed on site. Therefore, consideration should be given to the potential impacts of the proposal on local amenity and if it has been appropriately located and designed in line with the relevant policies identified above.

The proposed AGP would be located to the east of the main highway, set back at a lower elevation than that of the road and the adjacent residential buildings. The AGP would be well-related to the existing built development at the school. As stated above, the AGP would be partially screened from existing shrubbery and mature trees located along the site boundary. The fencing, gates and storage container are all proposed to be finished in a dark green colour.

However, the proposed floodlights and columns would be visible from along Chesterfield Road and from the overlooking residential properties. The

application indicates that they are to be supplied in a natural galvanised finish which, given the location of the proposal adjacent to a CA, I do not consider to be an acceptable finish. I am of the view that they should be painted in a dark colour to ensure that they are as recessive as possible, such as a very dark grey/black. Similarly, the proposed fencing should be finished in a dark recessive colour. This would help to minimise visual impacts and incorporate the development into the wider landscape. Therefore, I recommend that a condition is imposed to require the colour finish for the proposed fencing and lighting columns to be black.

The existing shrubs and trees do provide some screening of the site, however, as previously stated, this has gaps which expose the site from along the main highway. In response to the concerns raised, the applicant has provided a planting scheme which incorporates 24 standard trees of various species along the boundary of the site. The additional planting would help increase the screening value of this vegetation and provide screening for existing residential dwellings overlooking the site. The site does also benefit from being at a lower level to the road and the adjacent residential properties which enhances the effectiveness of the screening and further reduces the visibility of the proposed development.

### Lighting

The height and the potential light spill and visual intrusion of the lighting columns has been considered in the application, which states *“By contrast, higher masts (say 18m high) would demand more intensive lighting to provide adequate results at ground level; whilst lower mast heights (say 12m high) would result in a higher aiming angle for every luminaire, resulting in increased overspill and glare projected onto adjacent land.”* Therefore, it was considered that the 15m high columns would be the most appropriate to limit light spill and visual intrusion. Furthermore, the integral louvres to be fitted to luminaires would also reduce the horizontal and vertical overspill and the impact on the residents adjacent to the site.

It is acknowledged that the applicant would require extra time for equipment to be packed away and removed from site at the end of a session/activity every evening. This would require the lighting remaining on for health and safety reasons to facilitate this. However, I recommend a condition be included to restrict the hours of use of the floodlighting, in the interest of residential amenity, whilst allowing additional time for equipment to be safely cleared away.

Overall, in design terms, I consider the proposed development to be acceptable and appropriately located within the school site. I am satisfied that it would not result in a significant visual or light impacts and therefore accords with policies PD1, S2 and S3 of the DDLP and Paragraph 127 of the NPPF.

## Heritage Impacts

The school site is located at the top of the Lumsdale Valley, and the Lumsdale CA is located along the eastern boundary of the school. Therefore, the impact of the development on the Lumsdale CA needs to be taken into consideration. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under the Planning Acts, “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”

Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise.

They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

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

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

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, but there would be public benefits from the proposal this harm should be weighed against those public benefits. 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, they also recognise that any harm to the significance of the CA s an important consideration even when it would be ‘*less than substantial*’.

Policy PD2: Protecting the Historic Environment, states that *“The District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their settings including...listed buildings, Conservation Areas, archaeological sites or heritage features and non-designated heritage assets.”*

The application is accompanied by a Heritage Impact Assessment (HIA), which takes into consideration key views within and around the proposed site. In addition to this, the assessment acknowledges that the school immediately abuts Upper Lumsdale, which is described in the HIA as, *“Steep hillside and ravine with hidden, dark character and dramatic waterfalls”*, including its views, nature, mature trees and valley slopes.

The HIA states that *“The school can be spotted in two of the principal views: (a) looking north towards the top of Lumsdale Road in the north of the Conservation Area and (b) from higher ground to the east.”*

In line with Paragraph 190 of the NPPF, DDDC has a CA Character Appraisal which identifies the CA as *‘an area of special interest’*. It states that, *‘the area is primarily of historic interest for its industrial archaeology. It was until very recently a working landscape and retains evidence of extensive hydraulic management’*.

It is considered that the main school building would screen a majority of the proposed development from views from the CA. However, as stated above, the school site is visible from two principal viewpoints within the CA. The HIA also states that the proposed lighting columns of the development would be *“just visible with the naked eye from this viewpoint, over the top of the school buildings”*. However, the HIA concludes that the floodlighting would merge into the street lighting of the existing urban development along Chesterfield Road. Therefore, the lighting and the masts would not be visible from within the CA. Taking into consideration of the above, I do not consider, the proposal would result in any to harm the significance of the CA or its setting.

The Lumsdale Mill schedule monument is located within the CA, however, it would not be directly impacted by the proposed development. The concerns raised in respect of increased traffic along Upper Lumsdale to access the schedule monument site are considered further within the Highway section of this report.

I am satisfied that the proposal would not harm the significance of the CA or its setting and would accord with the NPPF and Policy PD2 of the DDLP.

## Ecology Impacts

Paragraph 170 of the NPPF states that *“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.”*

Paragraphs 98 and 99 of the Circular 06/05 Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System states *“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”.*

The site has been surveyed by the applicant and a detailed Ecological Report detailing the findings was submitted with this application. The report identifies no statutorily designated sites within 1 kilometre (km) of the site and that it does not fall within any Impact Risk Zones. The report acknowledges that there are two non-statutory LWS within 1km of the site. The closest and most relevant is the Lumsdale LWS, located 0.17 km east of the site which comprises of a mosaic habitat of disused mills, woodland, valleys, brooks and ponds. The report identifies that there are bat roosts within 1km of the site, also, several of the trees within the woodland just outside the boundaries of the site were assessed as having Potential Roosting Features (PRFs). The findings also identify Badger activity nearby. However, the report states that there was no evidence of a suitable habitat for any other protected or notable species on site at the time of survey.

Rhododendron and Cotoneaster were also found towards the bottom of the woodland to the east of the school building (Location TN4 - Appendix C of the Ecological Appraisal). These are non-native invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended; it is illegal to cause the spread of the plants in the wild. Due to the species' ability to rapidly spread in the wild, a pre-commencement condition is recommended to require the submission of a scheme for their control.

The development has the potential to impact on local wildlife and this has been raised as a concern in a representation with respect to noise and lighting. The Lumsdale LWS includes part of the Bentley Brook Catchment (tributary of the River Derwent) which contains protected species. According to the DDLP, this brook is considered to be of moderate ecological value. However, the site of the AGP is approximately 150m west of the LWS boundary. The existing school buildings form a physical barrier between the proposed AGP site and LWS. Water voles have been recorded within the LWS. There is an absence of aquatic features on site, and it is considered unsuitable for water vole (a mammal that requires an aquatic habitat),

therefore the impact of the proposed development on this species is considered to be negligible.

The boundary of the site consists of scattered trees, hedgerows, dense scrub and tall ruderal vegetation which provides medium/high value foraging and commuting habitat for bats. The boundary vegetation is proposed to be retained and therefore the risk of direct impacts on this vegetation is also considered to be negligible.

However, the proposed flood lighting would potentially have a negative impact on foraging and commuting bats through the increase in artificial illumination which would create a barrier to bat movements, as well as potentially reducing the foraging opportunities by depleting the invertebrates access to unlit areas. It is noted that the distance of the overspill from the proposed lighting would reduce significantly, as shown by the Lux level provided with the application. The integral louvres which reduce overspill and glare and the lighting would not have a greater impact on the wider area. It is also noted that the applicant has revised its lighting scheme to adopt a lower colour temperature, which is less invasive on bats. The lighting impact would also be time-limited to between dusk and 21:45 hours, meaning the lighting would only be in operation for a relatively short period during the most active part of the bat season. However, the use of the floodlighting should be conditioned to minimise impact on foraging and commuting bats.

There is evidence of badger activity close to the site and it is noted that there is a record of badger sets within 1km. The hedgerows and woodland surrounding the site provide suitable badger foraging and sett creation habitat and provides connectivity to other suitable woodland and grassland habitats within the wider area. However, the amenity grassland where the AGP would be located is not considered suitable for sett creation due to its flat profile and the likely regular disturbance from sports activities. It is also noted that the impacts on nearby habitats through dust deposition during construction of the development have been considered and appropriate mitigation has been proposed in the application.

I do not consider that there would be any significant ecological impacts from this development, subject to the recommended conditions being imposed requiring the identified mitigations measures as set out in Section 5 of the ecology report, and a pre-commencement condition requiring the submission of a scheme for the control of the non-native invasive species on site. A condition has also been recommended to restrict the hours of use of the floodlighting and this would also help to prevent an adverse impact on foraging and commuting bats. Furthermore, it is recommended that pre-commencement checks for badgers should be undertaken immediately prior to work starting. Therefore, I am satisfied that there are no ecological barriers

to the determination of this proposal and that it would accord with policies S1 and PD3 of the DDLP and paragraphs 170 and 180 of the NPPF.

### **Arboricultural Impacts**

The application does not propose the removal any trees, hedges or shrubbery to facilitate the development. The supporting documents accompanying the application identifies the existing trees to be in a good to fair condition. However, two individual trees (T10 and T11) have been identified as Category U (unsuitable for retention). Both are recently planted saplings that have failed to establish. These saplings would be replaced as part of a post development planting scheme to the quality of the area and help integrate the proposed development into the surrounding landscape.

To protect the existing trees from construction site traffic, a Tree Protection Plan should be submitted detailing the measures to protect the existing trees on site from damage during the construction works.

A landscaping scheme has been provided, which provides details of the additional planting on the boundary to fill the space and gaps identified with planting of various species of trees. The planting would also positively enhance the biodiversity on site to provide a net gain. This is in line with DDLP Policy PD3, which encourages development to contribute positively to the overall biodiversity of the Plan area to ensure there is a net overall gain to biodiversity. It is considered that the landscaping plan provided, sufficiently addresses the need for additional planting and responds to the concerns raised by Councillor Burfoot, however, a condition should be imposed to ensure the screen planting is carried out and maintained, in accordance with the Plan.

It is recommended that the implementation of the landscaping plan and tree protection measures are secured by condition. I am therefore satisfied that the proposal can thereby accord with Policy PD3 of the DDLP and the NPPF in respect of arboricultural impacts.

### **Playing Field and Open Space**

The NPPF at Paragraph 97 advises that 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.”*

The proposal would result in the current north area of the natural turf playing field being replaced by the proposed AGP. As described above, the existing sport pitches and uses would be relocated; the residual playing field to the south of the AGP site would be capable of accommodating the sports pitches and uses, subject to a reduction in size of the athletics track.

Sport England's Policy, as set out in Sport England's Planning Policy Statement – A Sporting Future for the Playing Fields of England, seeks to protect all areas of existing playing fields. It is Sport England's policy to oppose any planning application which would 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. The substance of these exceptions are incorporated within Paragraph 97 of the NPPF.

The proposed provision of the AGP is considered to be of a sufficient benefit to the development of sport. This benefit is adequate enough to outweigh the loss of the existing playing field caused by the development. The other sporting uses at the site can be accommodated without adversely affecting the use of the playing pitch. The proposal would improve the facilities by providing on-site storage and flood lighting. Sport England has been consulted on the application and have not objected to the loss of playing field and consider that the proposed development complies with the following exceptions of its policy:

- *“E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.*
- *E2 - The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.”*

Sport England considers that the overall playing pitch provision at Highfields School would be enhanced and would accord with identified needs, subject to the proposal being delivered in line with relevant technical design guidance, and suitable community use arrangements being secured. Therefore, a condition should be imposed to require the submission of a Community Use Statement. This would help mitigate the concerns of the residents, as well as provide the local community with a point of contact. This document would also clarify who would use the facilities, including how and when the proposed AGP and parking facilities would operate.

Therefore, I am satisfied that the proposed development would be in accordance with Paragraph 97 of the NPPF and Sport England's Playing Field policy.

## Noise Impacts

Paragraph 180 of the NPPF (2019) 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;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and...”*

Policy PD1 of the DDLP refers to how developments should not have unacceptable impacts, such as noise. I acknowledge the concerns raised by residents regarding the potential for disturbance from noise that would be generated by the development and the vehicular traffic associated with it. A type of fencing which reduces noise and vibration when the ball hits it, as requested by Councillor Burfoot, has been included within the proposal as described above. The applicant has reduced the proposed hours of use for the proposed AGP to end at 21:30 hours, Mondays to Fridays, instead of 22:00 hours.

The supporting information accompanying the application assesses the potential noise impact. The assessment provides examples of noise sources as being the voices of players and coaches and impacts of balls on the fences and the use of whistles. The document states *“that the use of whistles are generally limited and could be controlled by a no whistle policy in the evening apart from competitive matches.”* The assessment further states that *“The predicted noise level is within the proposed criterion of 50 dB LAeq (1 hour) derived from WHO1999 as being the threshold for the onset of moderate community annoyance.”* The predicted noise level in (rear) gardens of the nearest residential receptor would be 31 dB LAeq (1 hour). The assessment considers the noise impact to be below the criteria at which moderate community annoyance in outside living areas, such as gardens, can occur, stated within the noise guidelines of the World Health Organisation (WHO) 1999 as 50 dB LAeq (1 hour). Therefore, the assessment concludes that the proposal would be acceptable in terms of noise and would not be expected to have a significant adverse impact.

DDDC’s Environmental Health Department has regulatory responsibilities in relation to the control of noise pollution. It was consulted on the application and did not raise any objections to the proposal on noise grounds.

It is noted that a comment was made in respect of a point of contact in the event of an issue, such as perceived excessive noise, arising from the use of the AGP. This is not a consideration for the determination of this application but could be addressed within a community use scheme. This would be a matter for the school or DDDC's Environmental Health Department.

Subject to the recommended conditions to control the hours of use, and the submission of a community use scheme, I am satisfied that the development would not significantly impact on the amenity of nearby residents in terms of noise and would accord with Policy PD1 of the DDLP and Paragraph 180 of the NPPF.

### **Highway Impacts**

DDLDP policies S1 and HC19 seek to encourage sustainable travel and to achieve this, developments should be proposed in locations which are accessible by foot, cycle or public transport in order to reduce the reliance on unsustainable travel, such as the use of private cars.

The application site is located within a key urban settlement within Derbyshire Dales and benefits from a good existing public transport infrastructure. The school site is already accessible on foot and by cycle.

The development would potentially result in an increase in the number of visitors arriving at the school by car over and above the current levels as a result of the site being available for use in the evenings and at weekends and, therefore, the number of vehicles on the surrounding road could increase. The application is not accompanied by a travel plan. It is therefore recommended that a condition be proposed requiring the submission of an up to date travel plan to promote sustainable methods of travel, such as the use of public transport, walking and cycling.

Concerns have been raised about the adequacy of parking on the school site. The existing site contains 121 parking spaces which is considered to be sufficient to accommodate the likely maximum parking requirements for the AGP. However, it is mentioned in the documents that there may be times when special events occur at the school which overlap with the use of the AGP. During such occurrences, it is stated that the school would use marshals to control the parking, however, it is unclear how this will be controlled. It is therefore recommended that a condition be imposed to require the submission of a Parking Management Plan, which identifies the means of controlling parking when events occur at the school which overlap with the use of the AGP.

Concern is also raised regarding the cumulation of traffic with that associated with visitors to the 'Mills and waterfall' using Upper Lumsdale and Lower Lumsdale Road to Alfreton Road. The Highway Authority has been consulted

on the proposal and has not raised any such concerns or objections to the proposal.

The intrusion of light from vehicles using the road to access and/or egress the school site could potentially impact on the amenity of the residents and this has been raised in a letter of representation. However, any such intrusion of light from vehicle headlights would be limited to a few hours each evening and is more likely to occur during the winter months. As previously stated, the hours of use of the AGP has been reduced to that originally proposed, therefore, all traffic movements relating to the development would have ceased before 22:00 hours. Any impact on amenity from light intrusion is not considered likely to be significant.

The Highway Authority has recommended a condition to require the flood lighting to be shrouded to prevent glare on to the public highway. The floodlights proposed would have integral louvres to reduce overspill and glare. However, given the proximity of the proposal to the highway, I would support the inclusion of this condition so as to prevent an adverse impact upon users of the highway.

Subject to the recommended highway conditions, I consider the development to be in accordance with policies HC18 and HC19 of the DDLP and the NPPF.

### **Drainage**

Concern was expressed with regard to drainage and surface water run-off causing Bentley Brook to flood. It is claimed that a neighbouring housing development along Chesterfield Road has compounded this issue. A plan showing how the site would be drained is provided by the applicant and is considered to contain sufficient detail. Given the scale of the proposed development and that the Lead Local Flood Authority raised no objections to this development, it would be unreasonable to require further information to be submitted. Therefore, I do not consider the proposed development would have an adverse impact on surface water run-off or cause drainage issues.

### **Conclusion**

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 is 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, I do not consider that this would be to unacceptable levels. The development would not, in my opinion, generate significant amounts of traffic or pollution

and related nuisances. I do not consider it would generate any impacts which cannot be mitigated sufficiently by way of condition.

Subject to the recommended conditions, I am satisfied that the proposal would accord with the DDLP and the NPPF, and the application is therefore recommended for approval.

(3) **Financial Considerations** The correct fee of £ 1,638 has been received.

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

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

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

### **Other Considerations**

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

(6) **Background Papers** File No. 3.24.19  
1APP form received 17 December 2019  
Creation Of Artificial Grass Pitch (AGP) Additional Planning Information received 17 December 2019  
Noise Impact Assessment received 17 December 2019  
Heritage Impact Assessment received 17 December 2019  
Figure 700 revision P01 received 17 December 2019  
Lumsdale Conservation Area Views received 17 December 2019  
Proposed AGP Features received 17 December 2019  
Location Plan received 17 December 2019  
Site Plan received 17 December 2019  
Proposed Plan received 17 December 2019  
Proposed Plan received 17 December 2019  
Development Layout received 17 December 2019  
Proposed Surface Water Drainage received 17 December 2019  
Proposed Floodlights received 17 December 2019  
Proposed Elevations received 17 December 2019  
Proposed Elevations received 17 December 2019

Proposed Playing Pitch Arrangement received 17 December 2019  
LED Floodlighting received 5 June 2020  
Ecological Appraisal revision 2 received 5 June 2020

Design and Access Statement (DAS) and Planning Statement Revision 02  
received 8 June 2020

#### Consultation Responses

Lead Local Flood Authority received 14 February 2020 and 3 April 2020.  
The Coal Authority received 13 February 2020.  
Highway Authority received 25 February 2020.  
Sport England received 3 March 2020.  
Letters of representation – various dates.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **granted** subject to conditions based substantially on 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:** In accordance with Section 91 of the Town and Country Planning Act 1990.

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

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

- 3) Except as may otherwise be required for compliance with other conditions to which this permission is subject, the development under this permission shall take place in accordance with the details contained in the 1APP form dated 17 December 2019, Design and Access Statement (DAS) and Planning Statement Revision 02, LED Floodlighting dated 2 June 2020, Ecological Appraisal revision 2 dated 4 June 2020, Creation Of Artificial Grass Pitch (AGP) Additional Planning Information, Noise Impact Assessment reference 7814/DO dated June 2019, Heritage Impact Assessment dated February 2020, and the following plans:

- Drawing no. 700 entitled 'Figure 700' revision P01.
- Drawing no. 18-0879 BM25583 0430 12 entitled 'Lumsdale Conservation Area Views'.

- Drawing no. 18-0879 BM25583 0430 11 entitled 'Proposed AGP Features'.
- Drawing no. 18-0879 BM25583 0430 01 entitled 'Location Plan'.
- Drawing no. 18-0879 BM25583 0430 02 entitled 'Site Plan'.
- Drawing no. 18-0879 BM25583 0430 03 entitled 'Proposed Plan'.
- Drawing no. 18-0879 BM25583 0430 04 entitled 'Proposed Plan'.
- Drawing no. 18-0879 BM25583 0430 05 entitled 'Development Layout'.
- Drawing no. 18-0879 BM25583 0430 06 entitled 'Proposed Surface Water Drainage'.
- Drawing no. 18-0879 BM25583 0430 07 entitled 'Proposed Floodlights'.
- Drawing no. 18-0879 BM25583 0430 08 entitled 'Proposed Elevations'.
- Drawing no. 18-0879 BM25583 0430 09 entitled 'Proposed Elevations'.
- Drawing no. 18-0879 BM25583 0430 10 entitled 'Proposed Playing Pitch Arrangement'.

**Reason:** To ensure that the development is carried out in accordance with the details in the documents and plans provided for the planning application in the interest of the amenity of the area.

- 4) All the lighting columns and fencing and gates erected under the terms of this permission shall be black (RAL 9005) in colour and maintained in that colour.

**Reason:** To protect the interests of the amenity of the area and the limit the impact on the wider landscape.

- 5) The artificial grass pitch shall be constructed substantially in accordance with the details submitted within the application and in line with guidance and standards set out in Artificial Surfaces for Outdoor Sport, Sport England, 2012 and The Football Association (FA) Guide to 3G Football Turf Pitch Design Principles and Layouts, 2013.

**Reason:** To ensure the development is fit for purpose and sustainable, and delivers benefits to sport in line with Development Plan Policy.

### Hours of Operation

- 6) The Artificial Grassed Pitch shall only be used during the following hours:

Mondays to Fridays 09:00 hours – 21:30 hours

Saturdays, Sundays and Bank Holidays 09:00 – 20:00 hours.

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

- 7) The Floodlights shall only be used during the following hours:

Mondays to Fridays 09:00 hours – 21:45 hours

Saturdays, Sundays and Bank Holidays 09:00 hours – 20:15 hours.

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.

### **Construction**

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

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

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

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

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

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

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

### **Access, Traffic and Highway Safety**

- 9) 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 detailed designs for space to be provided within the site for storage of plant and materials, loading, unloading and manoeuvring of goods vehicles, and for parking and manoeuvring of employees and visitors vehicles, and site accommodation. The plan and statement shall be implemented as approved.

**Reason:** to minimise the impact of school development on the users of the school, nearby residents and local highway network and in the

interest of site safety. **It is necessary for the condition to be pre-commencement condition to be imposed to ensure adequate access and associated facilities are available from the start of the construction works.**

- 10) Before the Artificial Grassed Pitch is first taken into use, a Parking Management Plan, identifying the means of controlling on-site parking, shall be submitted to and approved in writing by the County Planning Authority. The approved Management Plan shall then be implemented throughout the life of the development

**Reason:** In the interests of highway safety.

- 11) Prior to the Artificial Grassed Pitch been taken into use, a School Travel Plan, comprising of immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be revised to include the AGP facility, submitted to and approved in writing by the County Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

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

### **Tree Protection**

- 12) The development shall not commence until a scheme, providing details of tree protection measures for all trees and hedgerows affected by the development, has been submitted to and approved by the County Planning Authority. The tree protection measures shall be implemented as approved and maintained for the duration of the construction period.

**Reason:** The condition is imposed to ensure that these features are maintained, managed and protected from damage, and retained as part of the site landscaping in the interest of visual amenity and landscaping character.

### **Planting**

- 13) The site shall be landscaped in accordance with the details shown on the Planting Plan (Figure 700) drawing no. 700. For the first five years following the implementation of the landscaping scheme, planting shall be maintained and any shrubs or trees which die or become seriously damaged, diseased or are missing, shall be replaced with plants of the same species or such alternative species or such alternative species that shall have been approved in writing beforehand by the County Planning Authority (for the avoidance of doubt 100% replacement is required).

**Reason:** In the interest of the visual setting of the development and the surrounding area. Also, to ensure the successful establishment of the landscaping at the site.

### Ecology

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

**Reason:** It is necessary for this condition to be pre-commencement condition in order to safeguard protected species. These checks need to be undertaken on site due to the mobility of animals and the potential for colonisation of the site.

- 15) No development shall commence until a scheme for the removal and management of the rhododendron and cotoneaster has been submitted to and approved in writing by the County Planning Authority. The scheme shall specify measures for containment, control and removal of Rhododendron and cotoneaster on the site, and their timing. Measures in the approved scheme shall be carried out.

**Reason:** to prevent negative ecological impact. From the spread of invasive, non-native species, in the long term interest of the natural environment it is necessary for this condition to be a pre-commencement condition in order to start containing and removing rhododendron and cotoneaster, from the site, from start of the development.

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

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

- 17) In the event the development is not commenced before 5 June 2021, then it shall only commence at a time when an updated ecological survey to detect any presence of bats, and badgers or other protected species has been undertaken by a suitably qualified ecologist within the

previous 12 months and a full report of the survey in writing by the ecologist which shall include specification of any measures necessary to mitigate any potential adverse impact the development might have on animals or eggs of such protected species present on site has been submitted to the County Planning Authority and received its written approval. The development shall then be carried out in conformity with any measures for mitigation that are specified in any such report as approved.

**Reason:** In the interests of the protection of the protected species and to enable the County Planning Authority to monitor the development. Since the date of the grant of permission the most recent ecological survey of the site is dated 4 June 2020 it is necessary for the condition to be pre-commencement condition with effect from 5 June 2021 to ensure that in the event that the development has not been commenced by then, it does not commence before a new survey is undertaken to detect any protected species on the site and provide for any appropriate mitigation if any such presence is detected.

- 18) The development shall be carried out in accordance with the mitigation measures and recommendations set out in the Ecological Appraisal report reference BOW17.1067. The recommended mitigation measures for the construction phase of development shall be fully implemented and maintained for the duration of the construction period.

**Reason:** To ensure that appropriate mitigation measures are in place in relation to the ecology of the site and in the interest of nature conservation.

### Community Use

- 19) Use of the artificial turf pitch shall not commence until a community use scheme to apply to the artificial turf pitch and ancillary parking and changing facilities has been prepared in consultation with Sport England and then been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of pricing policy, hours of use, access by different user groups, sports development objectives, management responsibilities and a mechanism for review. The artificial turf pitch shall not be used for any community use except in compliance with the approved scheme.

**Reason:** To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

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

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

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

### **Footnotes**

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) In the event that a bat is discovered during works, then all works should stop immediately and advice should be sought from a suitably experienced and licensed ecologist.
- 3) All open trenches or pits must be covered over at night or left with a sloping end, to prevent mammals from falling in and becoming trapped. Similarly, any pipes over 200mm will need to be capped off at night to prevent mammals from using them for shelter. Night work should be avoided where possible and in the unlikely event that evidence of sett digging is observed, works should cease until a full assessment can be made by an ecologist.
- 4) Guidance on preparing Community Use Schemes is available from Sport England. <http://www.sportengland.org/planningapplications/>
- 5) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- 6) Where development has been approved, subject to the preparation and implementation of a Travel Plan, the applicant is obligated to submit the appropriate documentation to the Local Planning Authority, well in advance of the development being taken into use. Advice regarding the content of the Travel Plans may be obtained from the Executive Director – Economy Transport and Environment at County Hall, Matlock).
- 7) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- 8) Advisory/Informative Notes (it should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):
  - A. The County Council does not adopt any sustainable drainage system (SuDS) schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
  - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).
  - C. No part of the proposed development shall be constructed within 3m-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that the County Council has an anti-culverting policy.
  - D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within its control, which is fundamental to allow the drainage of the proposed development site.
  - E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- G. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- H. Surface water drainage plans should include the following:
- Rainwater pipes, gullies and drainage channels including cover levels.
  - Inspection chambers, manholes and silt traps including cover and invert levels.
  - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
  - Soakaways, including size and material.
  - Typical inspection chamber/soakaway/silt trap and surface water (SW) attenuation details.
  - Site ground levels and finished floor levels.
- I. On Site Surface Water Management;
- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
  - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate Change. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the Lead Local Flood Authority).
  - Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
  - A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

#### Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event,

should never exceed the peak greenfield run-off rate for the same event.

- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

#### Volume Control

- For greenfield developments, the run-off volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the run-off volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield run-off volume for the same event, but must not exceed the run-off volume for the development site prior to redevelopment for that event.

Note: If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

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

the development taking place, may be excluded from the greenfield analysis.

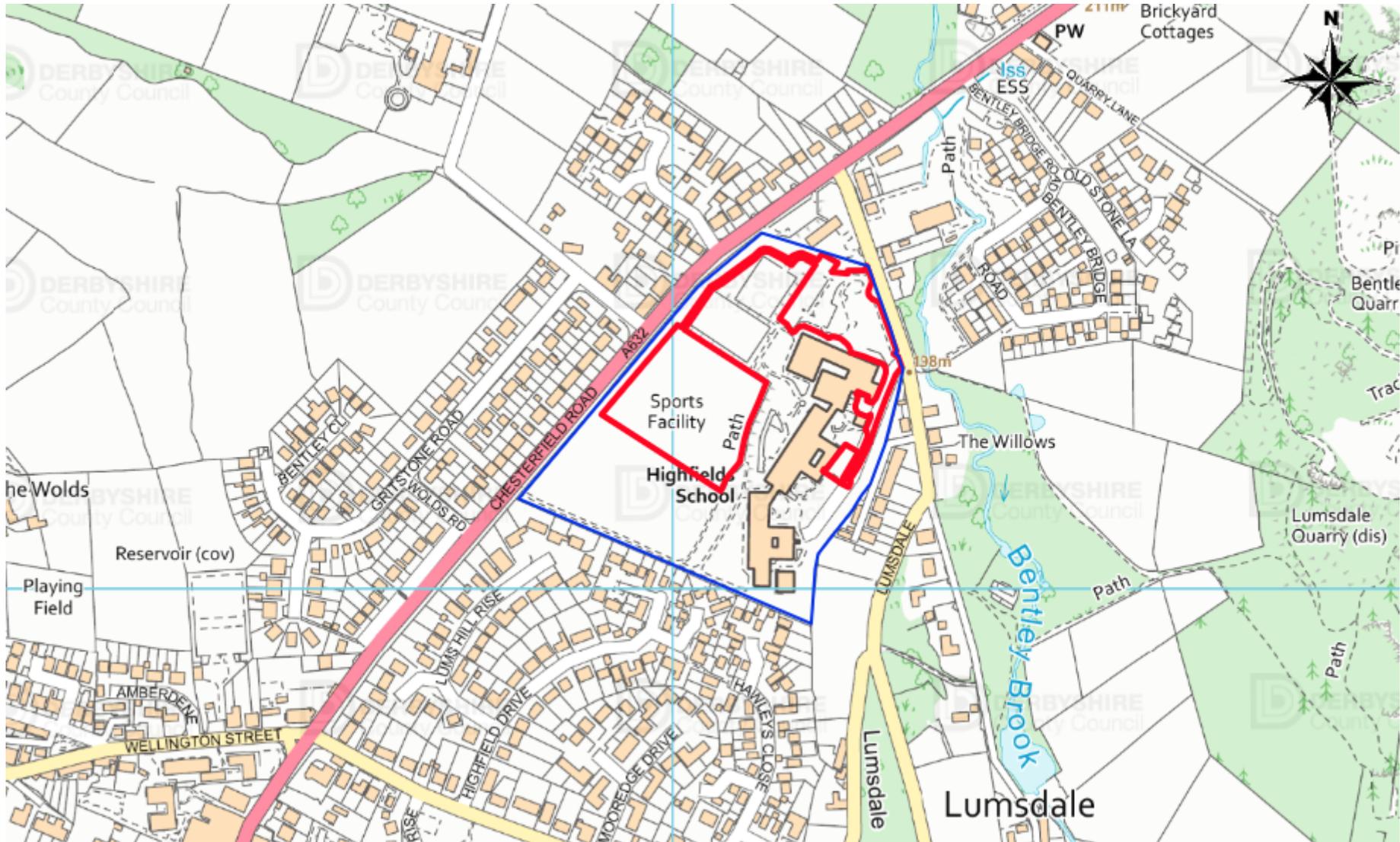
J. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil/rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
- Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

K. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

L. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

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



100 m  
Scale = 5000

17-Jun-2020