

Agenda Item No. 4.4

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

8 October 2018

Report of the Strategic Director – Economy, Transport and Environment

- 4 PROPOSED ERECTION OF A DETACHED THREE CLASSROOM BLOCK, WITH ANCILLARY FACILITIES ON FIELD AND THE ERECTION OF A SINGLE STOREY LOBBY EXTENSION TO THE MAIN SCHOOL BUILDING AT KIRK LANGLEY CHURCH OF ENGLAND VOLUNTARY CONTROLLED PRIMARY SCHOOL, MOOR LANE, KIRK LANGLEY, NR ASHBOURNE
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD6/0518/15**

1612.11

Introductory Summary This report considers an application for the construction of a freestanding three classroom block and the erection of a single storey lobby extension at Kirk Langley CE Primary School, Moor Lane, Kirk Langley. The school is located within the Kirk Langley Conservation Area (CA) and close to a number of listed buildings. Part of the school site is located within the setting of the Grade I listed Kedleston Hall and the Grade 1 Registered Kedleston Park and garden. The development would involve the loss of a section of the school playing field and the removal of one tree to facilitate the creation of new on-site parking provision. The school site is located in open countryside.

The proposed development would bring public benefit through the expansion and improvement of an existing school and would help maintain the vitality of the rural community. The proposal would also bring benefit through the reorganisation of existing accommodation at the school site which is insufficient and requires doubling up of teaching/communal hall space. The development would preserve and enhance the character and appearance of the Kirk Langley CA and would not result in adverse impacts to the setting of the nearby listed buildings or the setting of Kedleston Hall and its grounds.

The development would result in the loss of a large section of the school's informal playing field and the school would involve a shortfall in the external space standards set out in Government guidance. However, such guidance is non-statutory and aimed at the creation of new schools rather than development at existing school sites, as is the case here.

Concerns have been raised about the impact of the development on local amenity, the character and appearance of the CA, the setting of Kedleston Hall and its park and gardens and upon traffic, as well as the appropriateness of the design and its proposed location. However, I do not consider that the proposed development would have any significant impacts in these respects, and consider that the proposal would accord with the saved policies of the Amber Valley Borough Local Plan (2006) (AVBLP) and the National Planning Policy Framework (NPPF). On balance, I find the proposal to be acceptable and recommend that the application for planning permission be approved, subject the recommended conditions.

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

(2) **Information and Analysis** This report relates to an application for a freestanding three classroom block, a single storey lobby extension as well as new parking provision at Kirk Langley CE Voluntary Controlled Primary School.

Site and Surroundings

The application site is located at the south-eastern edge of the village of Kirk Langley. It is bounded by residential development to the north (Moor Lane and Barrington Close) and south (Fieldon Close), by Moor Lane to the west and by open land to the east. Further residential development lies to the west of Moor Lane on The Cunnery.

Outline planning permission (permission code no: AVA/2017/0502) for 30 dwellings to the north of Ashbourne Road (A52) has recently (May 2018) been granted by Amber Valley Borough Council. A new two-storey four bedroom house adjacent to 21 Ashbourne Road (permission code no: AVA/2017/0428) is also currently under construction on land to the north-east of the school site.

The school site is made up of two distinct areas. The original Victorian School building, and its associated grounds, forms the western half of the school site. This area is bounded by brick walls topped with chain link fencing. A hard surfaced play area wraps around the original school building on its western and northern sides. Modern classroom and link extensions to the Victorian school building (permission code: CD6/600/22 constructed in 2000), a freestanding canopy (permission code: CD6/0605/44) and other outbuildings (previously used as the staff room and school kitchens) are located to the east of the main school building. The eastern half of the school site is currently used as the school playing field. This section of the site is currently undeveloped with the exception of the 2.4 metres (m) high weldmesh security fencing along its northern boundary and small ancillary structures, such as goal posts and a trim trail on the field itself. Whilst the school site has a generally flat topography, in keeping with the immediate surrounding area, the

eastern half of the site is at a slightly lower level (approximately 0.6m between the nearest school buildings and the site of the proposed classroom extension) than the western half. Trees are located centrally within the school site, close to the boundary with Fieldon Close.

The original school and its grounds are within the Kirk Langley CA, whilst the playing field sits outside, but adjacent to it. A number of listed buildings are located within 0.5 kilometre (km) of the application site. The nearest of these, a Grade II listed milepost, being approximately 268m to the east on Ashbourne Road (the A50). The remainder are clustered on Church Lane approximately 290m to the north-west.

There are no statutory or non-statutory biodiversity designations within the site. No public rights of way cross the site.

The application site is partially located outside the built framework of Kirk Langley in open countryside. The proposed classroom building would also be located in an area defined as being within the Setting of Kedleston Hall and its Historic Park and Garden, both of which are Grade I.

The Proposal

The application proposes the construction of a new, freestanding three classroom block, a single storey lobby extension and new staff/visitor parking area.

The classroom block, which would be located east of the existing school buildings on the school playing field, would measure 10.56m x 26.36m and would be 4.63m at its highest point. The building would have a mono-pitch roof which has purposefully been designed to have a low profile. It would be orientated at a 90 degree angle to the other school buildings, running parallel to the current boundary between the western and eastern parts of the school. Access to the building would be from the western elevation with each classroom directly accessible externally from doors positioned along the eastern and western elevations. Interconnecting doors would link the three teaching spaces internally. Externally, the block would be constructed in red brick with Trespa panelling, coloured dark blue/grey to reflect the Staffordshire blue clay roof tiles of the existing school buildings, on the upper third of the northern, southern and eastern elevations. Courses of blue engineering brick would run at ground level and mid-elevation to echo those found on the main school building. Full height windows and doors to each classroom would be located along the western and eastern elevations. The roof would have a terne coated, stainless steel finish.

A new flat roofed reception extension, comprising a new school office and lobby area, is also proposed on the northern elevation of the link that joins the Victorian school building and the 2000 classroom extension. A new ramped

access to this extension would also be provided. The new reception extension would be constructed in red brick around the office and full height glass doors and window panels to the lobby area. Dimensions of the proposed reception extension would be 7.03m x 3.94m x 3.39m in height.

The development would also include the creation of nine (including two accessible) on-site staff and visitor car parking spaces, as well as the upgrading of an existing maintenance access into the new parking area to provide a 5m wide gateway from Fieldon Close. Externally, the development would also include the creation of external teaching areas, to the east of the new block, as well as areas of hard and soft landscaping to the east and west. Access between the new block and the existing school buildings would be achieved through the widening of the existing gateway and the removal of the existing gate and the construction of a tarmac pathway. An existing rubber crumb play area, associated with the school's existing reception teaching area, would also be extended as part of the proposals.

One tree, located close to Fieldon Close, would be removed as a result of the development to enable the creation of the new parking area. The application states that this tree is in a poor condition and presents a health and safety risk to pupils.

Background Information

The applicant has provided the following information regarding the background to this proposal:

'Kirk Langley CE (VC) Primary School is a rural primary school in a village along the A52 from Derby City. It is a Victorian building with a classroom extension and a small detached block used as the staff room/ group room/withdrawal space. There are two small classrooms in the main block with the school hall also having to be used as a third classroom as well as for dining, PE etc. The school has a net capacity of 76 with a PAN of 10. The number on roll for 2017/18 was 81. At present 43% of the children admitted to the School are from outside its normal area.

There is a development of 530 dwellings at Radbourne Lane, Mackworth which is within the School's normal area. It is anticipated that when complete the development will generate a demand for 106 additional primary aged pupils. The development is in construction and many of the properties are now under occupation and generating applications for places at the School.

In addition there is an approved housing development of 30 dwellings in the village of Kirk Langley which will generate 6 primary aged pupils. A further development of 38 dwellings between the village and the Radbourne Lane developments has been submitted for planning and, if approved, would generate another 7 primary aged pupils.

A second development of 600 dwellings on Radbourne Lane is proposed. Should the development go ahead it would generate demand for an additional 120 primary aged pupils. The Authority has advised the developer that a new 1 form entry primary school would be required to accommodate the additional pupils.

The building of three new classrooms, toilets and remodelling to create a new entrance, office for the Head and a group room at Kirk Langley CE (VC) Primary School will grow the School's capacity grow to 105 (PAN to 15) and address some of the existing suitability issues at the School. There is insufficient space on the Kirk Langley site for further expansion beyond 105.

The expansion of Kirk Langley CE (VC) Primary School will meet some of the demand generated by the new housing. In addition there is to be a change the normal area boundary of Long Lane CE Controlled Primary School to include the first phase of the Radbourne Lane development. This will create a shared normal area between both Schools and ensure there are sufficient places for the children from the development. The normal area change will not affect the proposed second phase of the Radbourne Lane and should the second phase go ahead a new one form entry primary school would need to be provided as identified in the AVBC local plan'.

Consultations

Local member

Councillor Taylor (Alport and Derwent) has been notified.

Amber Valley Borough Council Planning

The Borough Council raised no objection subject to consultations being undertaken with the Council's Conservation, Heritage and Design Team, Sport England and in respect of ecology.

Environmental Health Officer

The Environmental Health Officer (EHO) has been consulted with a request for comments by 7 August 2018. No response had been received at the time of writing.

Kirk Langley Parish Council

The Parish Council did not wish to make any comments regarding the need for additional buildings or the design of the buildings themselves, but did express concern regarding the operation of Moor Lane in the vicinity of the school during school drop off/pick up times.

The Council notes that during such periods, vehicles are parking on the verges on the southbound carriageway outside the school with the effect that

Moor Lane becomes single carriageway with southbound traffic frequently having to queue on the A52 to access Moor Lane as a result. The Council consider this to be a potentially dangerous situation, causing wider issues for traffic not associated with the school. The Council further notes that the number of vehicles, combined with poor visibility frequently leads to vehicles meeting on-coming traffic, a situation that the proposed expansion of the school would only exacerbate particularly if those new pupils did not live within walking distance.

In an attempt to alleviate the above, the Council therefore proposes the removal of the grass verge between School House and Fieldon Close, and from Fieldon Close for a distance of approximately 80m in a southerly direction to form a layby to be hatched and marked as a school temporary parking zone only.

Sport England

Sport England notes that it has previously advised at pre-application stage, that having viewed the location plan provided and aerial views of the site from Google Earth, the school site did not appear to incorporate playing field land as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

In view of this, Sport England comments that statutory consultation, under the terms of the above Order, would therefore not seem to be required at the formal planning application stage. Consistent with the earlier pre-application response, given that there are no material differences in terms of the site or proposals, and that the development would not impact on any existing sport facilities or formal playing fields, Sport England has no comments to make on the application.

Historic England

Advise that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's expert conservation advice.

The Gardens Trust (GT)

The Gardens Trust (GT) notes that expanding school numbers necessitate additional classroom space and that an additional building is required at the school and that thought has been given to '*minimise the impact on the views from the adjacent housing and from the surrounding fields*' by the proposed new classroom. The GT expressed surprise that the Heritage Impact Assessment does not make reference to the nearby registered park and garden on the CA, considering that the impacts of the development on the CA is of considerably less significance than the potential effect it could have upon a major Grade I heritage asset (Kedleston Hall). The GT notes that the higher

(eastern) elevation of the proposed school building faces northwards and may well be visible from the south side of the Long Walk.

The GT considers that whilst some effort had been made to link the proposed new building to the existing schoolroom through window size, etc, it considers that the new building would stand out strongly in its greenfield site adjacent to the CA. The GT requests that an alternative design be considered.

Highway Authority

Derbyshire County Council, in its statutory role as Highway Authority, stated that it had no objections to the proposals subject to the imposition of conditions relating to the timing of the access works, the dimension of the parking area, the gradient of the new access and the use of inward opening gates.

The Highway Authority also notes the concerns raised by the Parish Council in its response, commenting as follows:

'It is noted that the Parish Council has made representations regarding traffic on Moor Lane at peak hours. Whilst this situation is appreciated the Highway Authority cannot agree to the Parish Council's suggestion of removal of the grass verge and creation of a lay-by for what is a temporary although inconvenient situation. In addition, the hatching and marking of the area could not be guaranteed to keep such an area available for its intended purpose without any means of enforcing this'.

Lead Local Flood Authority

Derbyshire County Council, in its statutory role as Lead Local Flood Authority, stated that due to the nature and scale of the proposals, it did not have any comments to make.

Severn Trent Water

Severn Trent Water raised no objections to the proposal subject to the imposition of a pre-commencement condition relating to drainage plans for the disposal of surface water.

Publicity

The application has been advertised by press advert (Derby Evening Telegraph), by site notice and neighbour notification letters with a request for observations by 9 August 2018. Two representations, objecting to the proposals, have been received as a result of the publicity. The concerns raised can be summarised as follows:

- The development is detrimental to the CA and its rural landscape because the building would be out of character with the surrounding area.
- The building would be visually obtrusive and is of poor quality design,

- The proposed block should be located closer to the existing school buildings.
- The development should be located elsewhere within the school field (the north-west) which would reduce the amount of open space lost.
- There would be a loss of privacy.
- The expansion of the school would exacerbate existing highway safety/congestion issues, particularly around the A52 junction and also blocking access from nearby residential properties.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the saved policies of the adopted AVBLP. Other material considerations include national policy, as set out in the NPPF (2018), and associated Planning Practice Guidance (PPG). Sport England's Playing Fields Policy and Guidance (August 2018) is also of relevance to this proposal as is the National Policy Statement – Planning for Schools Development (PSS) (2011).

The Development Plan

The most relevant policies of the development plan are contained within the AVBLP which predates the NPPF. Therefore, if where there is any inconsistency between the NPPF and a relevant saved policy from the AVBLP, it may be appropriate in assessing the proposal to moderate the attribution of weight to this policy, depending on the degree of inconsistency.

Paragraph 213 of the NPPF sets out official advice in this regard. It states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them. The closer the policies in the plan are to the policies in the NPPF, the greater the weight that may be given.

The development plan policies which are of clearest relevance to this proposal are stated below. Having regard to Paragraph 213 of the NPPF, I consider the majority of these policies to be fundamentally consistent with the NPPF, as well as the PPG. Notwithstanding the age of the adopted plan from which the development plan policies derive, I consider that it should be accorded substantial weight in the determination of the proposal.

The most relevant saved policies of the AVBLP are:

LS1: Sustainable Development.

LS3: Design.

LS4: Accessibility.
TP1: Impact of the Development on the Transport Network.
TP6: Car Parking.
EN1: Countryside.
EN: Ecology.
EN24: Listed Buildings.
EN27: Conservation Areas.
EN33: Historic Parks and Gardens.
LC3: Playing Fields, Parks and Informal Open Spaces.

Submission Draft Amber Valley Local Plan

Amber Valley Borough Council submitted a new Amber Valley Local Plan for consideration by the Secretary of State in March 2018. Following a recent suspension by the Inspector of the Examination in Public until April 2019, pending a green belt review to inform housing land supply in the Borough, it is not anticipated that the emerging plan will be adopted before early 2020.

Whilst the policies included in the submitted plan are therefore a material consideration in the determination of this application, they are only of limited weight.

SS1: presumption in favour of sustainable development.
SS3: Settlement Hierarchy.
SS11: Countryside.
EN4: Historic Environment.
EN5: Historic Environment.
EN6 Historic Environment.
EN7 Historic Environment.
EN11: Biodiversity.
EN17 Quality and Design of development.
IN1: Transport.

Neighbourhood Plan

Kirk Langley was designated as a Neighbourhood Area in April 2017. To date, no neighbourhood plan has been produced.

National Planning Policy Framework

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 goes on to say 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 proposal are:

- 2: Achieving sustainable development.
- 6: Building a strong, competitive economy.
- 7: Requiring good design.
- 8: Promoting healthy and safe communities (paragraphs 83-84 and 96-97).
- 9: Promoting sustainable transport (paragraphs 109 -111).
- 12: Achieving well designed spaces (paragraph 127).
- 16. Conserving and enhancing the historic environment.

The Need for and Benefits of the Development

As noted above, the applicant is seeking to address existing accommodation issues at Kirk Langley Primary School, as well as to ensure that there are sufficient pupil places to accommodate the significant levels of new development within the school's normal area.

The NPPF attaches great weight to a need to create, expand or alter schools. Paragraph 94 states that '*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities*'. Planning authorities are required to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

The PSS (2011) states that '*The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards... The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.*

Saved Policy LS1 of the AVBLP requires proposals for development to be located taking account of a number of sustainability criteria by amongst other things, being well related to existing patterns of development and ensuring the capacity of existing infrastructure to absorb further development.

The proposed development would appear to address ongoing inadequacies with the existing accommodation at the school (through the provision of modern and improved teaching/administrative accommodation), as well as ensuring that the necessary infrastructure (in the form of pupil places) is in place to absorb new development. I note, and welcome, the fact that the applicant has taken a more strategic approach to the planning of pupil places

in the area by working with another school in the area to accommodate the predicted shortfall in pupil places at Kirk Langley. In principle, therefore, the development would accord with the requirements of saved Policy LS1 of the AVBLP, as well as the requirements of the NPPF and the PSS. However, the proposal's acceptability needs to be considered against all other development plan policies. The key issues that need to be considered include:

- the location of the development;
- the design, scale and massing of the proposal;
- impact on heritage assets;
- impact on local amenity;
- loss of playing field land; and
- impact on the highway network.

Location of the Development

The majority of the application site is located outside the built framework of Kirk Langley, in open countryside, as set out in the AVBLP, although is on land that has been in educational use since 2000. The proposed classroom block and new car parking provision should therefore be assessed against countryside policies.

The NPPF advises planning authorities at Paragraph 83 that, specifically with regard to supporting a prosperous rural economy, planning decisions should enable the retention and development of accessible local services and community facilities. It recognises at Paragraph 84 that sites to meet local community needs in rural areas may have to be found adjacent to existing settlements. In these circumstances, the NPPF states that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Policy EN1 of the AVBLP states that new development outside the built settlement framework will only be permitted where it is a) essential in conjunction with the requirements of agriculture or forestry, b) is necessary within the countryside and cannot reasonably be located within an existing settlement, or c) will improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages.

The development is for the expansion and improvement of accommodation at an existing village school. It is considered necessary for the development to take place within the grounds of the existing school site and be well located to provide this essential community facility. The proposed location of the new classroom block would be slightly to the east of what has previously formed

the built edge of the settlement and, as such, would appear to extend the built edge of the village in this location. However, recent residential development to the north, on Barrington Close, as well as older properties on Ashbourne Road, extend well beyond this point. Under these circumstances, it is not considered that there would be any visual encroachment into the rural character of the area. The application site has also been in educational use for a period of nearly 20 years and it is routinely subject to far greater levels of activity than the adjacent agricultural land and it is not considered that the proposal would result in a significant change to the rural character of the locality.

The development would accord with the requirements of saved AVBLP Policy EN1 and the NPPF in respect of development in the countryside.

Design and Positioning

Saved Policy LS3 of the AVBLP requires all development proposals to reflect the principles of good design by conserving or enhancing the quality of local distinctiveness of the natural and built environment; respecting the character of the locality in terms of the scale and nature of development, its layout, density, height, massing, architectural style, materials and landscaping; and taking account of the relationship between the development proposals and neighbouring buildings, and the spaces between and around those buildings.

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed classroom block would be of simple modern design with a mono-pitch roof and, as such, would depart from the more traditional brick built steeply pitched roof style of other buildings within the school site and the immediate surrounding area. External materials have been chosen to both reflect the local vernacular, as well as provide a visual link with the materials of the original school buildings. I note the concerns raised in respect of the modern nature of the design and their appropriateness for this location. I also acknowledge that the previous classroom extension at the school was traditional and designed to replicate the form and massing of the original buildings. Whilst this is not the case here, I do not consider that the modern design of the proposed classroom block would be inappropriate in this educational context or the highly rural setting. Care has clearly been taken to draw from the local vernacular and the use of a simplified palette of materials would ensure that the new building would not appear visually dominant. Whilst direct views of the building would be achievable from nearby properties, the proposed height and scale of the building would also appear subservient to other buildings in the locality, enabling the eye to travel over the building rather than being drawn to it. The use of darker materials on the upper elevations of the building would also assist in making it more visually

recessive. More fundamentally, and considering its proposed use, I consider that the building would provide an appropriate response to modern day educational needs, providing spacious, well-lit teaching accommodation.

With regard to the positioning of the classroom block, the current proposal would maintain good connectivity between the new classrooms and the existing school buildings. The creation of a new hard surfaced area between the new and old school buildings would also create a pleasing formal area that is proposed to be used for external teaching, as well as outdoor play. I note that alternative locations (including the north-west section of the site or closer to the existing school buildings) within the school site have been suggested. Such recommendations appear to be predicated on reducing the impact on surrounding properties and the loss of external play space. It is acknowledged that the proposal would result in the loss of a substantial section of the school playing field, so that the school site was no longer able to meet the external space standards set out in Government guidelines (see further discussion on this issue below). However, locating the new building closer to existing school buildings, where the ground levels are approximately 0.5m lower, would also potentially have a wider impact than just the footprint of the building in terms of the loss of light in existing teaching spaces and wider visibility of the development in the surrounding area primarily through the need to create an appropriate building platform on which to construct the classroom block.

With regard to the proposed lobby extension, whilst also of modern design and materials, I consider that it would improve the appearance of the existing link extension to which it would be attached and would create a clear focus for the school's reception area which is currently lacking, and would therefore make a positive contribution to the appearance of the overall school site.

I am satisfied that the proposed extension would be of a good quality design and appropriate for its proposed educational use. As such, it would accord with both the AVBLP and the NPPF in terms of quality of design. The impact of the design on heritage assets is analysed in the section below.

Impact of Heritage Assets

Part of the school site is in the Kirk Langley CA. There are listed buildings nearby and the school playing field falls within the area identified as forming the setting of Kedleston Hall and Kedleston Park and Garden, both of which are Grade I listed/registered.

Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, must be complied with in the determination of this application. These require that special regard be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and that special attention to the

desirability of preserving or enhancing the character or appearance of a CA respectively.

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 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.

'Setting' is defined in the NPPF glossary as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraphs 189-202 of the NPPF make it clear that, in considering a development proposal, what has to be assessed is the effect there would be, not on the setting, but on the significance of the asset concerned.

Policy EN24 of the AVBLP only permits development proposals within the setting of a Listed Building where the proposals contribute to the preservation of the Listed Building and its setting, having regard to the special elements which make up its special interest, including the character, appearance, scale and its original function. Policy EN27 of the AVBLP allows development proposals within and adjacent to CAs if they would contribute to the preservation or enhancement of the CA. Special consideration will also be given to proposals for development adjacent to affecting the setting of a CA. Policy EN33 of the AVBLP states *that 'within the defined setting of the Historic Park and Garden at Kedleston Hall...planning permission will not be granted for any development proposals that would have an adverse impact on the landscape setting, including views into and out of, the historic Park and garden'.*

Setting of Kedleston Hall and Kedleston Park and Gardens

The school field is located in, but at the western edge of, the area defined as forming the setting of Kedleston Park and garden, which is registered Grade I. The site is located approximately 2.6km from Kedleston Hall and 2.16km from the defined edge of the Registered Park and Garden (RPG).

The GT has raised concerns about the appropriateness of the modern design, stating that the development may well be visible from the south side of Long Walk and that an alternative, more traditional design, should be considered. No objections were raised by Historic England with regard to this issue.

Long Walk is contained within a broader belt of woodland within Kedleston Park and Garden, and the walk, whilst of less inherent significance than the walks within the park, enjoys views to the south across a largely rural landscape. It is in this context that the proposed classroom block would potentially be seen from the RPG. It would, however, be seen against the backdrop of Kirk Langley, specifically the form and mass of the existing school buildings. The proposed use of either red brick or very dark cladding materials and its simple, unassuming design, would ensure that the building would not be visually intrusive. Likewise, the single-storey design within its deliberately low profile, would ensure that the eye would be drawn to the roof line of the taller buildings at the school site, as well as those properties that surround it.

Whilst EN33 remains a saved policy within the AVBLP, the Borough Council does not propose to retain this 'defined setting' policy in its emerging local plan. The defined setting area was largely based on a piece of work undertaken by Derek Lovejoy Partnership in 2001 (*Kedleston Hall and Parkland, A report to establish the setting of Kedleston Hall and its associated parkland and an assessment of the effects of potential development upon the parkland and setting*) in response to earlier development proposals in the area and included a map which was subsequently used by the Council in the formulation of Policy EN33. A more recent publication, the '*Kedleston Hall Setting Study 2017*', prepared by DE Landscape & Heritage and Mel Morris Conservation on behalf of the National Trust takes a more holistic approach to the issues of setting, looking at historic associations, experiential connections, as well as inter-visibility between the RPG and the surrounding area. Of particular relevance in the context of this application are Paragraph 7.3 which states '*The historic record shows that the focus for the expansion and consolidation of the estate was to the northwest, north, northeast and east*' and Paragraph 7.11, which provides '*the land to the southwest, as far as the ridgeline and parish boundary with Kirk Langley, also contribute to the significance of the RPG*'. From this, I would conclude that the land beyond the parish boundary with Kirk Langley does not contribute to the significance of the RPG. The parish boundary is approximately 400m south-west of the southern edge of the Kedleston Park estate and is 1.35km from the application site.

Therefore, notwithstanding the modernity of the design and the view of GT regarding its inappropriateness, I do not believe that the proposal would affect the setting of the RPG or its significance, and I am satisfied that it would not conflict with saved Policy EN33 of the AVBLP, or the NPPF paragraphs 189 - 202.

Kirk Langley Conservation Area

Part of the application site is in the Kirk Langley CA. It is therefore necessary to consider whether the proposal would preserve and enhance the character and appearance of the CA, as well as impact upon its setting. With regard to the latter, the impact on 'setting' as a contributor to the CAs significance, namely its special interest, is a material consideration. No CA appraisal has been produced for Kirk Langley. However, it is considered that the special historic interest lies in the form of the village being recognisable for its medieval and post-medieval development. As noted above, the CA contains a large number of heritage assets relative to its small size and this contributes towards its special interest. The rural setting of the village is also a contributor to its setting.

The proposed lobby extension would be located within the school site and, as noted above, would be well related (in terms of scale and massing) to existing buildings at the school site. The proposed location and use of modern materials would improve the appearance of a currently non-descript brick building and, as such, would enhance the character and appearance of the CA in this location.

The proposed classroom block would extend into open land that is currently in use as the school field. Whilst I note the critical comments of local residents regarding this and the use of a modern design in this location, for the reasons set out above, I do not consider that simple, modern design of the kind proposed here would be inappropriate.

Subject to the submission and approval of further details in respect of the materials and finish of the building, I am satisfied that the proposal would meet the requirements of the NPPF in that it should preserve and enhance the CA. The proposal complies with saved Policy EN27 of the AVBLP and the NPPF.

Listed Buildings

The application site is close to a Grade II listed milepost, being approximately 268m to the east on Ashbourne Road (the A50). The significance of this milepost is in its relationship with the highway and its association with the historic highway network rather than nearby buildings. In assessing the location of the development in relation to the milepost, I am satisfied that it would not result in harm and do not consider that the current proposal would affect its significance. The proposal complies with saved Policy EN24 of the AVBLP and the NPPF.

Loss of Playing Field

The proposed three classroom block would be located on the school field and would result in the loss of almost half of the field, although some of this area would still be used as external hard play space. The NPPF and the Town and Country Planning (Development Management Procedure) Order 2015 define a

playing field as '*The whole of a site which encompasses at least one playing pitch*'. The school field does not fall within this definition. As such, Sport England has had no comments to make on the proposal.

Nevertheless, the proposal would result in the loss of external space at the same time as increasing the capacity of the school. Paragraph 97 of the NPPF indicates that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. Saved Policy LC3 of the AVBLP is against development which would result in the loss of playing fields, parks and informal open space being permitted except where it can be demonstrated that 1) there is no demand for their continued use either currently or in the future, or 2) that they will be replaced by alternative facilities or the proposals would not harm their individual character and function.

The applicant has provided an open space statement and recommended minimum areas for pupil numbers and types of school including for Primary schools. These requirements are drawn from 'Building Bulletin 103: Area Guidelines for mainstream Schools (BB103) and sites. The Education and Skills Funding Agency (ESFA) provides a note on BB103 which states that '*...in line with policies which seek to increase choice and opportunity in state funded education, these guidelines will not necessarily have to be met in every case and should always be applied flexibly in light of the particular circumstances*'. The open space statement indicates that, following the construction of the proposed classroom building, the Kirk Langley site would have a shortfall in terms of recommended outdoor space for the following: soft outdoor PE (-715m²), hard outdoor PE (-23m²) and soft informal and social (-679m²). The site would exceed the recommended space requirements in terms of hard informal and social (+24m²) and habitat (+30m²).

Whilst this increase in shortfall is disadvantageous, BB103 acknowledges that schools on restricted sites will not have sufficient outdoor space to meet the recommended space requirements on site, and recommends that pupils be provided with access to suitable off-site provision in such situations, and that a flexible approach to the site area and the management of the use of the area be applied. Information provided by the applicant acknowledges that, like many old schools in Derbyshire, Kirk Langley is on a restricted site and does not meet the recommended minimum areas for external spaces. The school currently applies a flexible approach in using the space available and has regular weekly use of both Ashbourne Leisure Centre and Barrington Playing Fields (a short walk away). This flexible approach would continue following the construction of the school site.

In conclusion with regard to the loss of outdoor space, whilst it is unfortunate that a section of the school field would be lost, it is noted that the remaining

external space would still continue to provide an essential facility for the school and would still perform the function for which it is intended, i.e. a school field. The applicant has indicated that the school currently utilises sports facilities elsewhere and that this arrangement would continue once the classroom block was in place. I consider that the proposal would meet the third exception category of saved Policy LC3 of the AVBLP and that there would be no conflict with the policy.

Transport and Traffic

Concerns have been raised about the potential for the development to exacerbate existing problems with on-street parking during school opening closing times, as well as the lack of proposed measures to mitigate against this.

AVBLP saved Policy TP1 requires that all development proposals should be able to obtain satisfactory access to the transport network. Proposals that would generate significant demand for additional journeys by car are required by the policy to be accompanied by a transport assessment and, where appropriate, a travel plan. 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 note the concerns of local residents and the Parish Council regarding existing problems with on-street parking and congestion during school opening and closing times. It is acknowledged that all school sites generate busy periods of traffic movements at the beginning and end of the school day and that these periods can cause disruption to local residents.

The proposal would result in an increase in capacity at the school from 76 to 105 and, as a consequence, in journeys to and from the school. Whilst this would appear to have the potential to result in a significant increase in vehicle movements to and from the school, I also note that, at the current time, 43% of pupils enrolled live outside the school's normal area. I therefore consider it likely that, following an initial increase in vehicle movements associated with the proposal, vehicle numbers would potentially reduce towards existing levels as more pupil places are taken up by village residents who would walk to and from the school. The proposed additional nine parking places would address the current lack of formal staff parking spaces and also allow for some visitor parking.

I am mindful, however, that traffic movements associated with the construction of the new buildings have the potential to exacerbate issues of on-street parking during school opening and closing times. I would therefore recommend the imposition of conditions preventing construction deliveries during these times and also the submission of a construction management

plan prior to the commencement of the development. This would also ensure the safety of the users of the school.

The application is not accompanied by a travel plan and I understand that the school's existing travel plan was produced in about 2010 and is therefore considerably out of date. Travel plans can assist in providing a long-term management strategy for a site enabling it to deliver sustainable transport objectives. I consider it would be essential for an up to date travel plan be produced in respect of the school in its expanded form. In the event that planning permission were to be granted, I would recommend the imposition of a condition to this effect.

The Highway Authority has been consulted and has raised no objections to the proposals subject to the imposition of appropriate conditions, and, in light of the Highways response, I conclude that the off-site traffic and access issues raised by local residents can be properly controlled by the Council, as Highway Authority.

With regard to the Parish Council's suggestion regarding the creation of a dedicated hatched area on Moor Lane to the south of Fieldon Close, the Highway Authority has been asked to comment on this suggestion and has made the following comment: *'It is noted that the Parish Council has made representations regarding traffic on Moor Lane at peak hours. Whilst this situation is appreciated, the Highway Authority cannot agree to the Parish Council's suggestion of removal of the grass verge and creation of a lay-by for what is a temporary although inconvenient situation. In addition, the hatching and marking of the area could not be guaranteed to keep such an area available for its intended purpose without any means of enforcing this'*.

Subject to the conditions recommended below, I am satisfied that the development would not be detrimental to highway safety and would accord with saved Policy TN1 of the AVBLP and the NPPF.

Ecology

The applicant has undertaken an ecological assessment of the site, the details of which have been submitted in support of this application. With regard to habitats, the assessment concludes that, whilst the development would result in the disturbance of habitats (described as amenity grassland and hardstanding) at the site, these habitats are of low ecological value and that there would be no significant ecological impact or effect on the local biodiversity interest. With regard to bats, whilst it was noted that a number of structures and a tree provide suitable habitat for roosts, it was concluded that as there would be no direct impact on these structures as a result of the development, there was no need for further assessment work. As best practice measure, the assessment recommends that, where possible, the new classroom block should incorporate integral bat roosting boxes to enhance the

site for roosting bats. With regard to nesting birds, whilst suitable bird nesting habitat was identified on site, this was on buildings that would be unaffected by the proposal and as a result no impact to breeding birds was predicted. As best practice measure, the assessment recommends that, where possible, the new classroom block should incorporate integral bird roosting boxes to enhance the site for roosting birds. The site was considered to provide sub-optimal habitat for great crested newt (GCN) and the impact of the development on this protected species was considered to be very low but the assessment recommends precautionary measures in the event that GCN are found during the construction period.

Subject to the development being undertaken subject to the mitigation measures set out above, I have no objections to the proposals with regard to ecology and consider that it would accord with the requirements of the NPPF and saved Policy 13 of the AVBLP.

Trees

Whilst the proposal would see the loss of only one tree, there are a number of trees located on the school field that have the potential to be adversely impacted during the construction of the classroom block through the use of large plant and machinery, storage of construction materials, etc. These trees are largely of amenity value, but do contribute towards the setting of the adjacent Kirk Langley CA, as well as providing interest to the school site. I would therefore recommend that an arboricultural method statement, setting out root protection areas and how they would be protected during the construction period, be submitted prior to the commencement of the development.

Conclusion

The development proposed under this application would contribute towards the provision of primary pupil places in the Kirk Langley normal area as a result of new housing development in the area. The development would bring benefits through the provision of essential infrastructure, as well as improving existing teaching and administrative accommodation at the school. I note that there would be no further capacity for the school to expand beyond that which is currently proposed and whilst this would normally be of concern, especially in the context of new housing development (both consented and as part of the emerging AVBLP), it is clear that the applicant has taken a strategic approach to education provision in the area in direct response to those pressures.

The development would result in the removal of one tree and the loss of a section of the school playing field. Whilst these losses are of concern, on balance I find that, weighing the benefits associated with the proposed development (in the form of the provision of much needed school places) against the dis-benefits from the loss of a section of the school field, the application for planning permission is acceptable and does not warrant refusal.

of permission. There is still some detail in schemes and some mitigation required, but I consider these requirements can be met by appropriate conditions. Subject to the recommended conditions, the planning application is therefore recommended for approval.

(3) **Financial Considerations** The correct fee of £1,848 has been submitted in respect of this application.

(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.6.1612.11
Application documents received from the Director of Property dated 29 May 2018; revised and additional information received 13 August and 10 and 19 September 2018.

Correspondence from the Conservation, Heritage and Design Manager dated 13 July and 12 September 2018; email correspondence from Sport England dated 16 July 2018; letter from Historic England dated 17 July 2018; email correspondence from the lead Local Flood Authority dated 23 July 2018; letter from Severn Trent Water dated 30 July 2018; email correspondence from Kirk Langley Primary School dated 2 August 2018; email correspondence from the Highways Authority dated 13 August 2018; letter from The GT dated 17 September 2018 and letter from Amber Valley Borough Council dated 18 September 2018.

(7) **OFFICER RECOMMENDATION** That the Committee resolves that planning permission for application code number CD6/0518/15 be **granted** subject to the conditions set out below:

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

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

- 2) Notice in writing of the day of commencement of development shall be provided to the County Planning Authority within seven days of commencement.

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 set out in the application for planning permission and the accompanying documentation registered as valid on 9 July 2018, as supplemented by additional drawings received on 10 September 2018 unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt the drawings and documents are:

- Drawing no 1402320/A001 entitled 'Location Plan'.
- Drawing no 1402320/A003 entitled 'Site Plan As Existing'.
- Drawing no 1402320-LS001 rev 2 entitled 'Land Survey'.
- Drawing no 1402320/A202 entitled 'Site Plan as Proposed'.
- Drawing no 1402320/A203 entitled 'Classroom Block Plan Floor Plan as Proposed'.
- Drawing number 1402320/A204 entitled 'Elevations as proposed'.
- Drawing no 1402320/X/001 Rev C entitled 'Landscape Planning'.
- Drawing no 1402320/X/002 Rev B entitled 'Tree removal and protection'.
- Design and Access statement dated May 2018.
- Heritage Impact Assessment dated May 2018.
- Recreation/open space statement.
- 'Kirk Langley C of E Primary School: Ecology Report' undertaken by BSG Ecology dated May 2018.
- Tree Survey report dated 21 May 2018.

Reason: To ensure conformity with the details of the application that is approved and to clarify its scope.

- 4) No construction work at the site shall take place outside the following hours:

0700 hours to 1900 hours Mondays to Fridays; and
0800 hours to 1300 hours on Saturdays.

There shall be no working at any time on Sundays, Bank and Public Holidays except by agreement with the County Planning Authority. All construction deliveries must halt between the following hours:

0815 hours to 0915 hours Monday to Friday; and
1500 hours to 1600 hours Mondays to Friday.

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 then be implemented as approved.

Reason: In the interests of the health and wellbeing of the users of the school, to ensure highway safety and in the interests of local amenity and the environment.

- 5) Prior to works commencing above ground, precise details of the external materials to be used, including samples of the materials, shall be submitted to and approved in writing by the County Planning Authority. The submission shall include the following:
- External brickwork and associated pointing details.
 - Details of the cladding to be used on the fascia and soffits.
 - Details of the roof eaves and verges of the three classroom block.
 - Details of the roofing materials for the classroom.
 - Colours and finish of the doors and windows (to be provided in RAL of BS equivalent).
 - Colours and finish of the rainwater goods (to be provided in RAL or BS equivalent).
 - Details of surface treatment/openings associated with integral bat and bird boxes on the classroom block.

Reason: In the interest of visual amenity and the character and appearance of the Conservation Area.

- 6) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the County Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage, as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. It is necessary for the condition to be a pre-commencement condition to

ensure that the drainage details are agreed in advance of any ground works taking place.

- 7) No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single occupancy car use to and from the site has been 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 local amenity together with site and highway safety.

- 8) No building or use hereby permitted shall be occupied or the use commenced until such time as the proposed alterations to the access (to be a minimum 5.0m wide) have been carried out in accordance with the application details, in particular, drawing no 1402320/A202 entitled 'Site Plan as Proposed'.

Reason: In the interests of highway safety.

- 9) No building or use hereby permitted shall be occupied or the use commenced until the proposed off-street parking spaces (minimum dimensions 2.4m x 5.5m) have been provided with space to the rear (6.0m) for vehicles to manoeuvre to be able to enter and exit the site in a forward gear.

Reason: In the interests of highway safety.

- 8) The gates on the access off Fieldon Close shall open inwards only.

Reason: In the interests of highway safety.

- 9) The proposed access to Fieldon Close shall be no steeper than 1:14 over its entire length.

Reason: In the interests of highway safety.

- 10) No development shall be begun until a construction management plan or construction method statement has been submitted to and approved in writing by the County Planning Authority. The plan/statement shall be adhered to throughout the construction period and shall provide for:

- parking of vehicles of site operatives and visitors;
- measures for reducing construction noise;

- measures to reduce dust arising from the development;
- routes for construction traffic;
- hours of operation(based on those set out in Condition 4 above);
- method of prevention of debris being carried onto the highway;
- pedestrian and cyclist protection;
- proposed temporary traffic restrictions; and
- arrangements for turning vehicles.

Reason: This condition is imposed in the interest of highway safety. It is necessary for the condition to be a pre-commencement condition to ensure that suitable provision for the management of construction traffic is in place prior to the commencement of construction works on site, so as to avoid potential highway safety and local amenity impacts.

- 11) The site shall be landscaped in accordance with a landscaping scheme, which shall be based on the information set out on drawing number 1402320/X/001 Rev C entitled 'Landscape Planning' and shall include details of the following:

- planting species/size/spacings, etc;
- hard surfacing materials to be used;
- management and maintenance regimes; and
- a programme of implementation.

The scheme shall then be implemented as approved. 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 that shall have been approved in writing beforehand by the County Planning Authority (for the avoidance of doubt 100% replacement is required).

Reason: To ensure that the site is suitably landscaped and in the interests of visual amenity and the environment.

- 12) At all times, the development shall be undertaken in accordance with the recommendations set out in Section 4 of the Kirk Langley C of E Primary School: Ecology Report' undertaken by BSG Ecology dated May 2018.

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

- 13) No site clearance or construction work shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed assessment of the site for active birds' nests immediately before work is commenced and provided written

confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. The written confirmation shall be submitted to the County Planning Authority within seven days of the assessment.

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

- 14) No development shall be begun until an Arboricultural Method Statement has been submitted to and approved in writing by the County Planning Authority which shall include but not be limited to the following:

- details of above and below ground tree protection measures;
- information for the routing of services (where necessary);
- details of the site compound;
- details of area for the storage of materials;
- work access to the site during the construction period; and
- details of any pruning works proposed to be carried out.

The development shall then be carried out in accordance with the Arboricultural Method Statement as approved.

Reason: To ensure that trees are maintained, managed and protected from damage and retained as part of the site landscaping in the interests of visual amenity and landscape character. It is necessary for the condition to be a pre-commencement condition to ensure that suitable measures are in place to protect the trees on the site prior to the commencement of construction works on site, so as to avoid potential harm.

- 15) No external lighting shall be installed at the site until an external lighting scheme has been submitted to the County Planning Authority for its written approval. Any scheme should provide details of the type and nature of the lighting proposed, measures to reduce impacts to bats and also those periods when the lighting would be used. The scheme shall then be implemented as approved.

Reason: In the interests of local amenity and in the interests of the protection of a European Protected Species.

Statement of Compliance with Article 35 of the Town and Country development Management Procedure 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 has 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.

During the determination of the application, the applicant was requested to provide additional information relating to the need for the development as well as technical information relating to the proposals. The applicant provided this information without delay. The applicant also agreed to extend the timescale for the determination of the application.

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. The schedule includes a pre-commencement condition requiring the submission of detailed drainage drawings prior to the development commencing, as well as two others relating to an Arboricultural Method Statement and a construction management plan. 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) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport and Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp

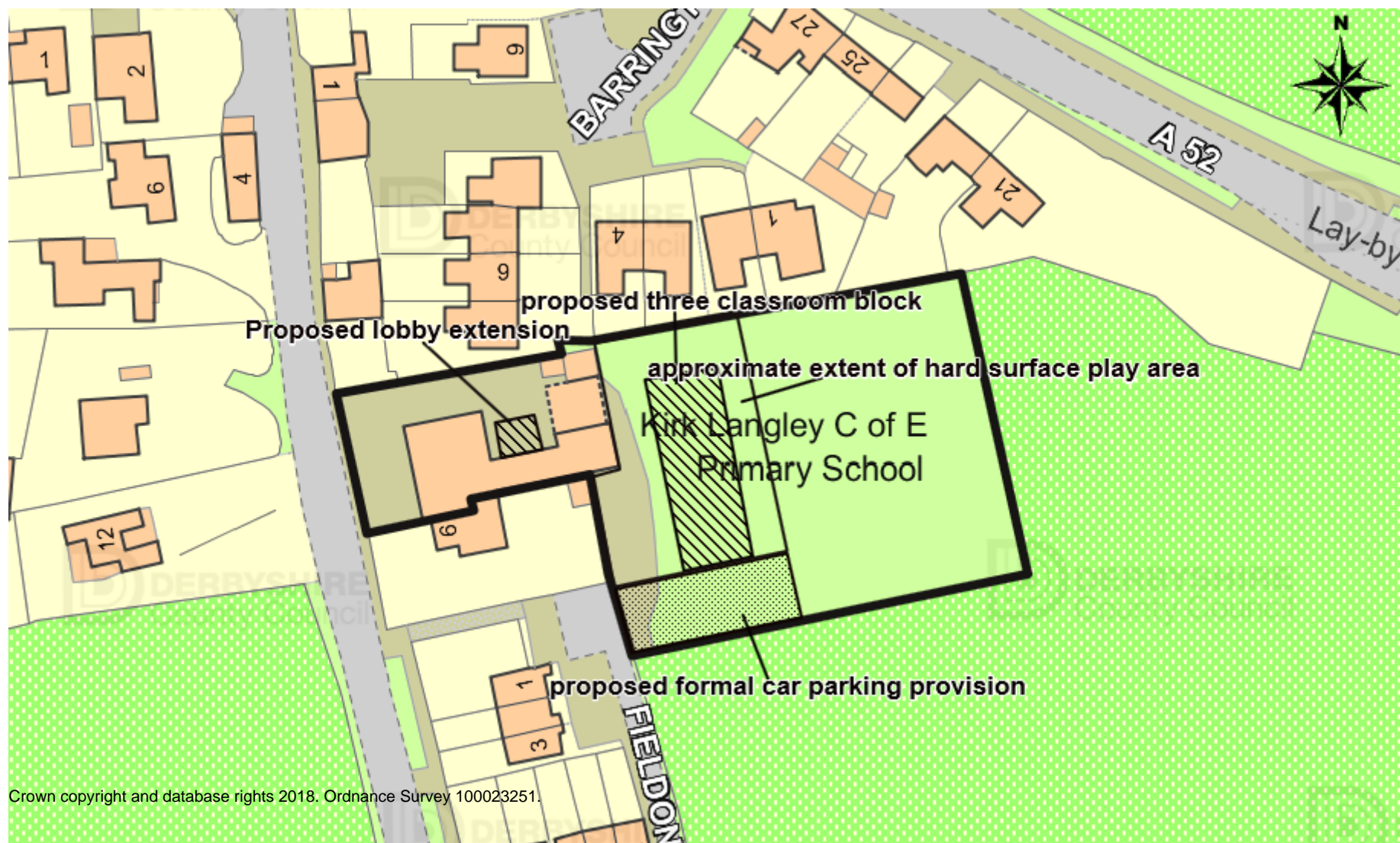
E-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

- 3) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.

- 4) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 5) 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.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Planning Application CD6/0518/15 - Development at Kirk Langley CE Voluntary Controlled Primary School



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20-Sep-2018