

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

1 July 2013

Report of the Strategic Director – Environmental Services

- 1 PROPOSED SINGLE-STOREY TWO CLASSROOM BUILDING WITH STANDARD AND ACCESSIBLE TOILET FACILITIES, INTERNAL CIRCULATION SPACE AND PLANT ROOM, AND THE CREATION OF ADDITIONAL CAR PARKING SPACES AT BURBAGE PRIMARY SCHOOL, CAVENDISH AVENUE, BUXTON**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD1/0313/161

1.1376.7

Introductory Summary This proposal is for a single-storey, two classroom block and the creation of three additional parking spaces at Burbage Primary School. The development is required to accommodate the predicted rise in pupil numbers at the School. Whilst the proposals would result in some visual impacts to adjacent properties, the scale and nature of the proposals would not be so significant as to result in a detrimental effect on local amenity. The application is recommended for approval subject to conditions.

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

(2) **Information and Analysis**

The School Site

Burbage Primary School is accessed off Cavendish Avenue via Girdon Close, and is surrounded by residential properties in all directions. The main school building is located centrally within the site with the school playing field and hard surfaced play area being to the north and east respectively. A single-storey, three classroom teaching block, the subject of planning permission CD1/1007/133, occupies the south-eastern corner of the site. The school site, as well as much of the surrounding area, is characterised by a steeply sloping topography, which slopes in a south to north direction.

There are no public rights of way within the immediate vicinity of the school site.

Christ Church, a Grade II Listed Building, is approximately 300 metres (m) to the west. The Buxton College Conservation Area is approximately 285m to the south-east.

The Proposals

The development would see the construction of a new single-storey classroom block at the school site. The block, which would include provision for two additional teaching spaces, standard and accessible toilet facilities and communal 'break out' teaching and circulation spaces, would be located immediately to the north-east of existing school hard play area, close to the eastern school site boundary.

The new building would measure approximately 12m by 15m in area and 4m in height. The structure would have a mono-pitch roof and, externally, would be finished in brick with a fascia of Eternit Natura rain screen cladding. Windows and doors would be powder coated aluminium. Six photovoltaic panels would be located on the roof orientated in an east to west direction. The panels would extend 0.739m above the main roof line. A 1.2m wide tarmac path would be located around the perimeter of the building. A new brick faced retaining wall, with handrail, would be positioned to the rear of the classroom block.

The building would be positioned over an existing grass bank. In order to create a suitable development platform, the applicant estimates that approximately 350 cubic metres (m³) of MOT Type 1 fill material would need to be imported to the site. The importation works are anticipated to take approximately 3 weeks and generate approximately 15 to 20 vehicular deliveries in total. The applicant has stated that these deliveries would be programmed so as to cause the least disruption to the school and neighbourhood. Access would be via the school main entrance, use the existing access around the side of the school to the building location and would be carefully controlled by the contractor.

The development would also see the creation of three additional car parking spaces at the school site. The additional spaces would be located to the north of the existing car park and would require the creation of a development platform. Two trees would be felled to allow the car park works to take place, although the applicant intends that two new replacement trees be planted in compensation. Associated works also include the reorganisation of the existing car parking facilities.

Operational and capacity requirements are the provisional justification for the proposal to expand the school. In support of the application, the applicant

states that the development is required to enable the school to accommodate the projected increase in pupil numbers in the coming years. At present, the school has capacity for 327 pupils, with 328 on roll. Pupil numbers are expected to rise to 343 in early 2014, before stabilising at around 340 thereafter. The new classrooms would provide accommodation for up to 30 additional places. Staff numbers at the school are anticipated to increase by one.

Consultations

Local Member

Councillor Kemp has been notified.

High Peak Borough Council, Environment Agency, Sport England and Western Power

Were requested to respond by 28 June 2013. No comments have been received at the time of writing; any comments received will be reported verbally at Committee.

United Utilities

Has confirmed that it has no apparatus within the school site and therefore has no objections.

Publicity

The application has been advertised by site notice and by neighbour notification with a request for observations by 25 June 2013. No representations had been received at the time of writing. Any representations received will be reported verbally at the Committee.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the adopted High Peak Local Plan. The National Planning Policy Framework (NPPF) is also a material consideration.

National Planning Policy Framework

The NPPF reiterates the established legal requirement for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides guidance on material considerations. It states that the purpose of the planning system is to help achieve sustainable development and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such but the NPPF states that, in essence, it

means that ensuring better lives for ourselves now does not mean worsening the lives of future generations. It states that sustainability has economic, social and environmental aspects.

High Peak Local Plan (HPLP)

Advice in the NPPF indicates that it may be appropriate to accord less relative weight to these policies than formerly, bearing in mind that the adoption of the HPLP was under pre-2004 Act provisions.

I consider that the relevant development plan policies against which to assess this proposal are the following from the HPLP:

Policy GD4: Character, Form and Design.

Policy GD5: Amenity.

Policy GD6: Landscaping.

Policy OC10: Trees and Woodland.

Policy BC1: External Materials.

Policy LT3: Protection of Recreational Land and Facilities.

Policy CF10: Renewable Energy.

The development is for the construction of a new single-storey, two classroom teaching block at the school site. In that context, I consider that the main considerations in determining this application are:

- The need for the development.
- Location of the development within the school site.
- The scale and design of the classroom block.
- Impact on residential amenity resulting from the development.

Need for the Development

Burbage Primary School is a popular school which regularly attracts pupils from outside its normal catchment area. As a result, there is an increasing pressure for places at all age groups. The new classroom block is required in order to accommodate a predicted increase in pupil numbers at the school site. At present the school is operating to full capacity and a number of non-classroom facilities have been taken out of 'communal' use in order to provide the full range of teaching accommodation. I note that whilst the proposed two classroom block would theoretically provide accommodation for a greater number of places than are predicted to be required, in practice, the new accommodation would also allow for the re-organisation of teaching accommodation at the school.

Representations received in the context of the previous development approved under planning permission CD1/1007/133, highlighted the issue of the impact of additional pupil numbers and staff at the school on the local area, particularly in respect of traffic and the highway network and it is clear

that a similar increase in pupil numbers will occur at the school over the next few years. Impacts to the highway network, are dealt with in detail below, however, it is worth noting as a general point that, whilst the new teaching block would facilitate the increase in pupil numbers at the school, this increase would occur irrespective of the decision with regard to the current proposal.

There are no policies in the HPLP which relate directly to the provision of new school facilities. However, the NPPF attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities stating that *“planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with school promoters to identify and resolve key planning issues before applications are submitted.”*

I have no reason to doubt the applicant's stated need for additional teaching accommodation and consider that such a development would not only improve the existing educational facilities at the site but would also ensure greater choice in education provision for the local community in line with the broad intent of Policy 8 of the NPPF.

The evaluation of a proposal to extend or expand an existing school needs to balance operational and capacity requirements against potential adverse impacts. The main issues to be addressed are whether the new classroom block is acceptable in the proposed location and whether any consequential impacts would be so significant as to detrimentally affect the residential amenity of neighbouring properties.

Location of the Development

The new block would be positioned over an existing area of steep banking within the school grounds and the development would necessitate the importation of fill materials in order to create an appropriate development platform. I acknowledge that, cumulatively, this would result in the creation of a development of substantial mass, particularly when viewed from the east. Notwithstanding the above, however, I note that the proposed new classroom block would be positioned so as not to result in the loss of any existing playing field or hard surfaced play facilities at the school and that its location, close to the main school buildings and the outside play areas, would also ensure good connectivity with other school buildings at the site.

The applicant has provided information regarding potential alternative locations for the classroom block within the site. Options B and C, both of which are to the south of the current application site, would have resulted in the loss of existing hard surfaced play area, whilst Option D, located

immediately to the north of the main school building, would have seen the loss of part of the existing playing field. With that in mind, I am satisfied that the proposed location of the development would be acceptable and that it would accord with the requirements of HPLP Policy GD4: Character, Form and Design and Policy LT3: Protection of Recreational Land and Facilities in terms of its siting and layout.

Recent development works at the school saw the construction of a three classroom block in the south-eastern corner of the site. Whilst I am of the opinion that the applicant has made the best available use of the site in terms of considering the location of both the previous and the proposed new classroom blocks, I also consider that the current proposals should represent the maximum limit of built development at the school. I am of the opinion that any further development would represent an over development of the site and, on that basis, I would not wish to see any further built development take place over and beyond what is currently proposed. Should Members approve this application, then it is considered that the school will have reached its capacity for built development. Any further built development proposals are unlikely to be looked upon favourably by officers and are likely to be considered as over development at the site, detrimental to the effective functioning of the school as a whole and the amenity of nearby residents contrary to development plan Policy GD4 in the HPLP.

Scale and Design

Policy GD4: Character, Form and Design, of the HPLP requires development to respect the character of the High Peak and states that the appearance of any proposed development, its appropriateness to the site and its relationship to its surroundings are key factors for determining planning applications. HPLP Policy BC1: External Materials, requires that the type, colour and specification of all external materials, and the way they are applied will be sympathetic to the character and appearance of the immediate surroundings and the wider area.

The new building would be of a modern single-storey design, constructed in a mix of brick and cladding. The associated retaining wall would also be clad with brick. The design of the building and the choice of materials would complement existing buildings at the site, and its scale and mass would, in my opinion, be sympathetic to both the existing school buildings and surrounding residential properties. No detailed material specifications have been provided with this application, however, and I would recommend a condition requiring samples of the building materials and the detailed design of the retaining wall be submitted to this Authority for approval prior to construction.

I further note that the proposed photovoltaic panels, which would effectively increase the height of the development by a further 0.75 metre, have been orientated in an east to west direction. This would ensure that those

residential properties to the east, which are closest to the development, would only view the panels in profile. Only those properties adjoining the northern boundary of the site on Arbor Grove would have direct views of the panels. I am satisfied, however, that this would not result in any adverse visual impacts and consider that the building would be viewed against the backdrop of the higher (southern) part of the school site including existing buildings.

In the context of the above, I am satisfied that the proposals would meet with the requirements of policies GD4 and BC1 of the HPLP.

Impact on Residential Amenity

Policy GD5: Amenity, of the HPLP states that planning permission will be granted for development provided that it does not create unacceptable loss of, nor suffer from unacceptable levels of privacy or general amenity, particularly as a result of a) overlooking, b) overbearing effects of development, c) air, water, noise, light and other pollution, d) risk from hazardous substances and processes, and e) traffic safety and generation.

The building would be located centrally within the site and, at its closest point, would be approximately 17 metres from the boundary of the school with the nearest residential properties. A number of properties on Dovedale Crescent, as well as those located on Arbor Grove to the north, would have a direct view of the new building, although it is worth noting that the eastern boundary of the school site which abuts Dovedale Crescent is, for some of its length, characterised by a high boundary hedge. This hedge would provide an effective visual screen for those properties which sit below the application site. However, due to the sloping topography of the site and the need to create a development platform, a small number of dwellings on Dovedale Crescent would see their upper-storey windows at the same level as the new classroom block. I am satisfied, however, that the building has been designed to reduce any potential impacts to these dwellings. The building would be single-storey, would not be located immediately adjacent to the property and would not have any windows on its eastern elevation. Impacts, such as loss of privacy and overlooking, are therefore unlikely to occur.

There is potential for disturbance to local residents to result from noise and dust during the construction phase. Whilst these would be of a temporary nature, I would recommend the imposition of planning conditions to control noise and dust resulting from the construction phase of the development.

External lighting on the new building also has the potential to impact on residential amenity, as well as on ecology (see Ecology section below). The applicant has indicated that any lighting would be wall mounted and, preferably, down lighters, although no specific details have been provided with this application. With that in mind, I would recommend the imposition of conditions requiring the submission of an external lighting scheme providing

details of the type, location and light spread of any lights, and also their hours of operation.

Overall, due to the scale and proximity of the development to the adjacent residential properties, there is likely to be some visual impact on the amenity of these residential properties. However, I would consider the impact on amenity to be temporary relatively minor. I do not consider it raises conflict with Policy GD5: Amenity, of the HPLP.

Traffic

The application indicates that, once the new classroom block is in place, the school would employ an additional member of staff. In addition, it is anticipated that up to 15 additional pupils, some of whom may live outside the normal catchment area and whose main mode of travel would be by car due to the distances involved, may be enrolled at the school over the next few years. Whilst any such increase could have the potential to impact on highway safety, in this instance and considering existing and proposed pupil and staff numbers, I do not consider that the increase would be so significant as to adversely affect the safety of the local highway network. Furthermore, as noted above, the predicted increase in pupil numbers is likely to occur anyway, with or without the new classroom block.

The application also proposes the creation of three new parking spaces at the site as well as the relining of existing parking provision. This is welcomed. I note that concerns have previously been raised with regard to the need for staff to park on the highway and the provision of additional spaces should go some way to resolving current problems relating to on-street parking. No reference is made within the application to the School Travel Plan and it is possible that the production of one or the review of the existing Travel Plan may lead to some reduction in parking demand at the school. With that in mind I recommend the imposition of a condition requiring that a Travel Plan/Travel Plan review be produced within 12 months to take account of the new development at the school site.

On the basis of the above, I am satisfied that the proposals would not result in adverse impacts to highway safety and consider that it would accord with the requirements of HPLP Policy GD5: Amenity.

Ecology

The Ecological Assessment indicates that the site is generally of low ecological value. The works required in order to create additional parking at the site would result in the loss of two mature semi-mature trees although both would be replaced following construction works. Whilst the loss of any tree is unfortunate, it is worth noting that neither tree is subject to a Tree Preservation Order and that both species (cherry and sycamore) are common. The Ecological Assessment indicates that neither tree has features which

would provide potential for bat roosts, although both would be capable of supporting nesting birds. With that in mind, and subject to the trees which are to be retained at the site being protected for the duration of the construction period and the timing of tree felling works to avoid the bird nesting season, I am satisfied that the development would meet with the requirements of policies GD6: Landscaping and OC10: Trees and Woodland of the HPLP.

Bats are known to be present within the site and its immediate vicinity. I am aware that the application would include an element of external lighting, although no specific details have been provided as part of the application. In order to mitigate the effects of the external lighting on commuting, foraging and roosting bats, I would therefore recommend that the external lighting scheme be designed to minimise any potential impact to bats.

The Ecological Assessment also suggests a number of ecological compensation and enhancement measures for the school site, including the installation of bird and bat boxes around the school site. These recommendations are welcome and, in order to secure these measures, I have recommended the imposition of a condition requiring the submission of a Habitat Management Plan for the site.

Renewable Energy

The inclusion of the photovoltaic panels, as well as the use of an air source heat pump to power the heating system, as part of the development is welcomed and would accord with Policy CF10: Renewable Energy of the HPLP and with Policy 10: Meeting the challenge of climate change, flooding and coastal change, of the NPPF which seeks to promote sustainable development through, amongst other things, the promotion of renewable energy development.

Conclusions

In conclusion, I accept that there is a need for additional teaching accommodation at the school. The proposed classroom block would tie in with existing buildings at the school site and the surrounding area, and would not result in any significant impacts to neighbouring properties. With that in mind, I am satisfied that the development would meet with the requirements of the development plan and, subject to the conditions suggested below, have therefore recommended accordingly.

(3) **Financial Considerations** The correct fee of £1,155 has been received.

(4) **Legal Considerations** This is an application 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.

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

(6) **Background Papers** File 1.1376.7

Application documents received from the Director of Property dated 5 April 2013, as amended by the correspondence and accompanying drawing numbers PL001 Rev A, PL004 Rev A, PL005 Rev A, PL006 Rev A received 24 May 2013, as amended by the correspondence and drawing number 1200426/PL003 entitled 'Proposed Site Layout including Contractors Compound' received 11 June 2013.

Memorandum from the Footpaths Officer dated 31 May 2013.

Correspondence from United Utilities dated 4 June 2013.

Memorandum from Highways dated 14 June 2013.

(7) **OFFICER'S RECOMMENDATION** Planning permission is **granted** subject to the following conditions:

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

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

- 2) The development shall be undertaken in accordance with the details of the planning application received from the Director of Property dated 5 April 2013, as amended by the correspondence and accompanying drawing numbers PL001 Rev A, PL004 Rev A, PL005 Rev A and PL006 Rev A received 24 May 2013, and the correspondence and drawing number 1200426/PL003 'Proposed Site Layout including Contractors Compound' received 11 June 2013, unless otherwise modified or amended by conditions of this planning permission.

Reason: For the avoidance of doubt and to enable the County Planning Authority to monitor the development.

- 3) No development shall commence above ground level before precise details of all external materials, including windows and doors, have

been submitted to the County Planning Authority for its prior written approval. The scheme shall then be implemented as approved.

Reason: To enable the County Planning Authority to monitor the development.

- 4) The development shall not be begun before precise details of the proposed construction and external facing materials details for the retaining wall have been submitted to and approved in writing by the County Planning Authority. The retaining wall shall be constructed and faced as so approved.

Reason: To enable the County Planning Authority to monitor the development.

Access and Highway Safety

- 5) Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives' and visitors' vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason: In the interests of highway safety.

- 6) The premises to be constructed under this permission shall not be taken into use until space has been provided within the application site in accordance with the revised application drawings for the parking/loading and unloading/manoeuvring of visitors/staff/service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

- 7) Within 12 months of the date of commencement of this permission, a revised Travel Plan shall be submitted to the County Planning Authority for its written approval. Taking into account any measures required as a result of the construction of the new classroom block and the associated increase in staff and pupils at the school, the revised Travel Plan shall set out those physical and other measures required to promote travel by sustainable modes and shall include a timetable for implementation of the measures. The Travel Plan as approved shall be implemented in

accordance with the timetable set out therein, unless otherwise agreed in writing by the County planning Authority.

Reason: In the interest of promoting sustainable modes of transport and in the interest of local amenity.

Hours of Operation

- 8) i) No construction work shall take place outside the hours of 0700 - 1900 hours Mondays to Fridays, and 0800 hours - 1300 hours on Saturdays. There shall be no working on Sundays or Bank or Public Holidays.

ii) No piling shall take place outside the hours of 0900 to 1600 hours Mondays to Fridays.

Reason: In the interests of residential amenity and to control the impact of noise.

- 9) No equipment, (including generators) that needs to be operated outside of the hours specified in Condition 8 shall be operated except in accordance with a scheme for the acoustic screening of the equipment which has been submitted to and received the prior written approval of the County Planning Authority.

Reason: In the interests of residential amenity and to control the impact of noise.

Environmental Protection

- 10) (i) The development shall not be begun before a Dust Management Scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of dust control measures for periods of dry weather. The scheme shall then be implemented as approved.

(ii) The approved Dust Management Scheme notwithstanding, at all times, all operations at the site, shall be carried out in a manner to minimise airborne dust.

Reason: In the interests of residential amenity.

- 11) No burning of waste shall take place on site.

Reason: In the interests of residential amenity.

Ecology

- 12) The development shall be carried out in accordance with the mitigation measures contained in Section 6 of the Ecology Assessment submitted with the planning application dated March 2013. The measures shall include the following:-
- a) Exclusion of any storage of materials, equipment or plant in the 'drip-zone' of retained mature trees (i.e. under their canopy). Best practice should be followed (i.e. BS5837: 2012 Trees in Relation to Construction) to ensure individual mature trees are not adversely affected;
 - b) Sloping ends or ramps for all open trenches, that would allow any badgers or other animals that may fall in, to escape, and capping off of any pipes over 200mm in diameter at night, to prevent animals entering them.
 - c) The timing of vegetation removal (including trees), so as to avoid the bird nesting season which runs from 1 March to 31 August within any year.

Reason: In the interests of the protection of the environment and to enable the County Planning Authority to monitor the development.

- 13) The development shall not be begun before a habitat management plan for the site, has been submitted to and received the prior written approval of the County Planning Authority. The plan, which shall be based on the compensation measures set out in Section 6 of the Ecological Assessment, shall include precise details of the location, species or specification of the following:
- a) the planting of native trees to replace those lost to the development;
 - b) the installation of bird nesting boxes on the new building, existing buildings and/or existing mature trees at the site;
 - c) where appropriate, the installation of Bat roosting boxes/units on the buildings and/or mature trees on the site; and
 - d) A programme of implementation.

The scheme shall then be implemented as approved.

Reason: In the interests of the protection of the environment and to enable the County Planning Authority to monitor the development.

Protection of Trees and Shrubs

- 14) Except for those trees identified for removal on drawing number PL003 entitled 'Proposed Site Layout', no tree(s), shall be cut down, uprooted, damaged, destroyed or removed during the works unless the written approval of the County Planning Authority has been obtained

beforehand. Retained trees, shrubs and hedgerow shall be protected from disturbance, damage or destruction from the approved development by the provision of 3 metres stand-offs which shall be marked out by physical barriers on site. There shall be careful site supervision at all times to ensure that no damage occurs to the protected vegetation.

Reason: In the interests of the protection of trees and shrubs.

Landscaping

- 15) The development shall not be begun before a detailed landscaping scheme has been submitted to and approved in writing by the County Planning Authority. The approved scheme, which shall include provision for the replacement of those trees lost during the development and maintenance of all trees, shrubs and hedgerows protected under Condition 15 above, shall be implemented as approved and in accordance with the programme it shall contain. For the first five years following the implementation of the scheme, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any shrubs and trees which die or become seriously damaged, diseased or are missing, shall be replaced with plants of the same species or such alternative species as shall have been approved in writing beforehand by the County Planning Authority (for the avoidance of doubt 100% replacement is required).

Reason: In the interests of ensuring the satisfactory restoration of the site and in the interests of local amenity.

External Lighting

- 16) No external lighting shall be installed except in accordance with a scheme that has been submitted to and approved in writing by the County Planning Authority. The scheme shall include the following:
- i) precise details of the location of the lighting;
 - ii) specification of the lighting fixtures proposed;
 - iii) measures to ensure that the lighting would not be detrimental to roosting and foraging bats;
 - iv) a plan showing illumination levels associated with the development; and
 - v) a programme of implementation.

The scheme shall then be implemented as approved.

Reason: In the interests of residential amenity and the protection of bats.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

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.

Policies

The principal planning policies relevant to this grant of planning permission are:

National Planning Policy Framework

Policy 8: Promoting healthy communities.

Policy 10: Meeting the challenge of climate change, flooding and coastal change.

High Peak Borough Local Plan

Policy GD4: Character, Form and Design.

Policy GD5: Amenity.

Policy GD6: Landscaping.

Policy OC10: Trees and Woodland.

Policy BC1: External Materials.

Policy LT3: Protection of Recreational Land and Facilities.

Policy CF10: Renewable Energy.

Reasons for Approval

The planning application has been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The development accords with the relevant development plan policies, which are listed below.

Furthermore, the grant of permission for the development subject to the conditions set out in this notice is considered to accord with the presumption in favour of sustainable development under the National Planning Policy Framework (NPPF) published by the Department of Communities and Local Government on 27 March 2012, and to be conforming in all other respects with the guidance in the NPPF (including additional guidance in Technical Guidance to the NPPF, March 2012, so far as relevant).

There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan and the NPPF.

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 accordance with the requirements of Section 76 of the Town and Country Planning Act 1990, attention is drawn to:
 - i) Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970; and
 - ii) Building Bulletin 91 "Access for Disabled People to School Buildings, Management and Design Guide" published in 1999 or any prescribed document replacing that code.
- 3) The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk.

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

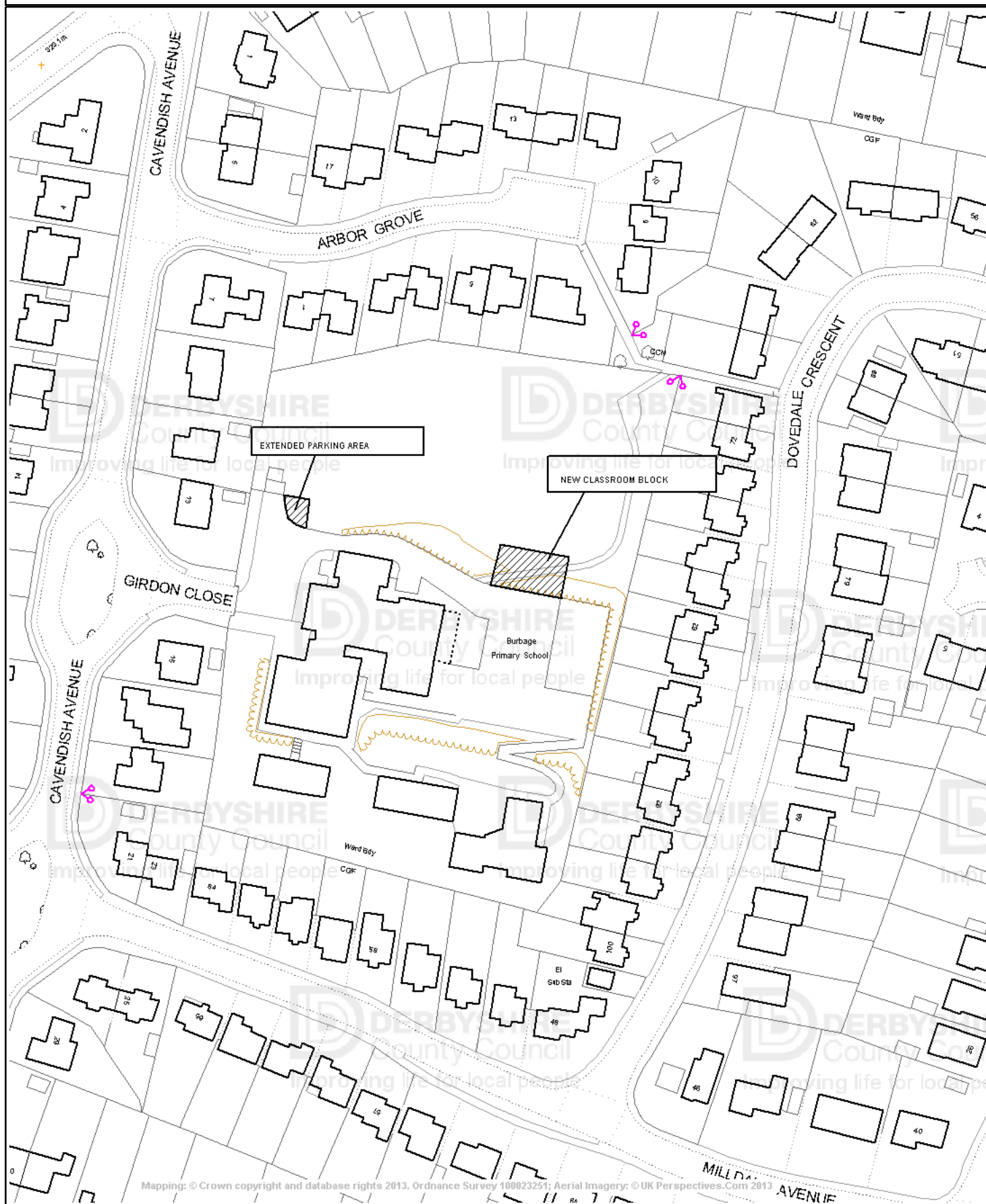
Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.

- 4) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 5) The development has been approved, subject to the preparation and implementation of a Travel Plan (Condition 7), so that the applicant is obliged to submit the appropriate documentation to the Local Planning Authority. Advice regarding the content of Travel Plans may be obtained from the Acting Strategic Director - Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).

Mike Ashworth
Acting Strategic Director – Environmental Services

Proposed New Classroom Block, Burbage Primary School, Buxton



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