

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

11 August 2014

Report of the Strategic Director – Economy, Transport and Environment

- 2 PROPOSAL FOR THE DEMOLITION OF THE EXISTING “TERRAPIN” CLASSROOM AND THE CONSTRUCTION OF A PURPOSE BUILT SINGLE CLASSROOM AT WIRKSWORTH C OF E CONTROLLED INFANT SCHOOL, NORTH END, WIRKSWORTH**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD3/1113/131 AND RD3/1113/132
3.316.14 and 3.316.15

Introduction Summary This application is for planning permission (CD3/1113/131) and for consent for the demolition of a listed building in a conservation Area (RD3/1113/132). It proposes the demolition of a prefabricated classroom unit and the redevelopment of a purpose built classroom extension to match the existing school.

The proposed development accords with the local development plan and, subject to the recommended conditions, the application is recommended for approval to grant planning permission.

(1) **Purpose of the Report** To enable the Committee to determine whether to grant planning permission for the proposed development and, if so, what conditions to require. This determination will also enable a view from the County Planning Authority regarding the relevant demolition of a building in a Conservation Area to be forwarded via Derbyshire Dales District Council to the Secretary of State for Communities and Local Government, to assist in the determination of the application for conservation area consent for demolition which was made at the same time (6 December 2012) in respect of the proposal (Code No. RD3/1113/132).

(2) **Information and Analysis**

The Proposal

The application proposes to demolish the existing terrapin classroom building, which is in a state of disrepair, adjacent to Greenaway Croft, and construct a

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purpose built, single classroom to match the existing school at Wirksworth C of E Controlled Infant School, North End, Wirksworth.

The proposed single-storey stone and tile pitched classroom would be built in the same location as the existing terrapin classroom which would be demolished. The new classroom would measure approximately 7.9 metres by 11.0 metres and would have two gabled pitched roofs to match the existing school; a small linking corridor would attach the new classroom to the existing school toilet block. The proposed materials would match the existing school.

The existing playground to the north of the school would be converted to a staff car park and the playground would be relocated to the rear of the school.

The school is located in the Wirksworth Conservation Area.

Consultations

Local Member

Councillor Ratcliffe has been consulted with a request to make any comments by 2 January 2014.

Derbyshire Dales District Council

No objections.

Wirksworth Town Council

Any comments were requested by 2 January 2014.

Publicity

The application has been advertised by site notice and in the Matlock Mercury newspaper with a request for observations by 2 January 2014.

As a result of the publicity, two letters of objection and one letter in support of the application has been received, raising the following points.

Objections

- *"The proposed area for a site compound during the development is private land, and under my shared ownership. I do not agree that this area can be used as a site compound and I object to the proposal. The area is private and parents already use the area for a drop off zone for their children."*
- *"The location plan on the website actually incorrectly positions our house number. Our garden and our main bedroom directly overlooks the old terrapin building that is to be demolished....the proposed new building is going to be considerably taller than the terrapin building which means that it will obstruct our views and block sunlight. The design of the building does not greatly appear to enhance the conservation area. We have a young child and are expecting another baby.... so I'm sure you appreciate that*

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noise, disruption etc. will have a major impact on our life. We use our back gate (opposite the staff entrance to the school) and park our car for ease of access with children. How are the building contractors planning to access the site, where will deliveries come from etc., as it will have an impact on our access and car parking? The current small play area is planned to be changed to additional staff car parking which will have an impact on our car parking and level of car noise to our garden."

Support

- *"I agree with the Design & Access Statement and feel the planned development is sympathetic in scale / appearance with the existing school building. Unlike the current terrapin' building!"*

Comment: The points raised from the consultation which are valid planning considerations are considered below.

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 saved policies of the adopted Derbyshire Dales Local Plan. Other material considerations for the determination of this application include statements of Government policy in the National Planning Policy Framework (March 2012).

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

The National Planning Policy Framework

Paragraph 7: Requiring good design.

Paragraph 11: Conserving and enhancing the natural environment.

Paragraph 12: Conserving and enhancing the historic environment.

The Derbyshire Dales Local Plan

EN7: Landscape Character.

EN9: Landscape Features.

EN13: Protected Species.

SF5: Design and Appearance of Development.

NBE5: Development Affecting Species Protected By Law.

NBE21: Development Affecting a Conservation Area.

The key planning considerations for this application are:

- Need for the development.
- Ecology.
- Landscape and other visual impacts.

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- Built Heritage.
- Noise.
- Highways.

Need for the Development

The applicant's Design and Access Statement explains that the proposal is required due to the existing prefabricated extension building having exceeded its life span and being in a poor state of repair. The school therefore needs to replace it by a new well-built classroom with a secure entrance lobby, a replacement school office and cleaner's store, as well as the provision for a school accessible toilet. I am satisfied that this proposal would provide a new permanent classroom to serve the needs of the school.

Ecology

Bats have used areas of the existing school, especially in the roof space above the existing toilet block, but it has not been possible to identify the point of access to the relevant roost. A follow-up bat emergence survey has been undertaken to identify the access points being used by bats, as well as the extent of bat interest within the void and elsewhere within the structure, although bats were found to be absent at the time of this survey. To ensure that the roost would not be adversely affected and the bats are protected throughout the development, and to ensure the proposals accords with national and local plan policies, and legislation, relating to protected species, I recommend appropriate planning conditions. They would protect any bat entry / exit points that have been identified in the report, and require that the development is carried out under a strict Working Method Statement (WMS), preventing works which might affect hibernating bats from occurring over winter, and ensuring that works to be undertaken in the summer months are preceded by a bat survey.

I further consider that any proposed outdoor lighting in the future could also adversely affect bats, so I have recommended a planning condition to restrict the use of any outdoor lighting unless approved in writing by the County Planning Authority.

I have also recommended a planning condition to ensure the protection of birds.

Landscape and Other Visual Impacts

I note the objection above regarding potential obstruction of views and loss of sunlight from a private residency, due to the height of the proposed classroom which would be considerably taller than the existing terrapin. However, I consider that the distance (20 metres) and differences in elevations between the proposed classrooms and the private house are such that there would be no loss of light. Loss of a private view is not a planning consideration.

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I note that the existing timber boundary fence along the existing boundary adjoining Greenaway Croft is to be removed. Because no details have been submitted for the replacement of the security fence, I have recommended an appropriate planning condition for its replacement.

Built Heritage

To ensure the proposal adheres with national and local plan policies, the applicant has worked with the County Planning Authority to ensure detailed design amendments protect and enhance the setting of Wirksworth Conservation Area, however, some unresolved issues relating to design remain, these include:

- The spacing of vertical members on the wider gable of the extension. To ensure this detail meets the standard required to complement the setting of the Conservation Area, I have recommended a planning condition for a scheme showing natural clay plain tile to match the existing tiles on the existing school.
- The colour detail and location of all the Trespa infill panels. I have therefore recommended a planning condition to specify these details prior to the development taking place.
- It is proposed to use a coloured render and I consider that Trespa panels could be used for the inset wall. No specification has been given for the colour of, or the type of finish. I recommend a planning condition to specify these details prior to the development taking place.
- I note that the wide bargeboard to the verge has a moulded edge whilst the bargeboards to the later extension are simpler. I have therefore recommended a planning condition for determining final details of the bargeboard section profile, specification and colour.

Regarding the objection above, relating to the effect of the proposal on the existing Wirksworth Conservation Area, I am satisfied that that the demolition of the prefabricated building, and its replacement by a purpose built extension that complements the existing gabled school, would enhance the Conservation Area. Furthermore, there have been no objections to the design from t Derbyshire Dales District Council. It also adheres to Local Plan Policy NBE21: Development in Conservation Areas.

Noise

I note the objection above relating to noise from parking cars during school hours, due to a playground being converted to a staff car park, as well as noise during the development. Since there would be no increase in staff I am satisfied that the development would not cause any increase in car parking or noise. However, to ensure that noise during the development does not affect local amenity adversely, I recommend an appropriate planning condition ensuring that no work shall be carried out outside normal working hours.

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Highways

I note the objection regarding a proposed use of private land adjoining the school and Greenaway Croft for a site compound during development; however, this area of land is located outside the area of the proposed development and I do not regard it as being a relevant consideration in determining this application.

To ensure that the development does not adversely affect the existing highway and parking areas on Greenaway Croft, or adjoining adopted highways, I recommend a planning condition requiring a scheme which would identify designated spaces within the site for storage and site accommodation throughout the period of development and contractors' access during the development.

I am satisfied that the use of a purpose built private staff car parking area on the existing playground would improve the existing parking arrangements for staff, as well as local residents.

I further note that it is reported that a private area adjacent to Greenway Croft is used by parents as a drop off zone for children; I have therefore recommended a planning condition for a School Travel Plan to be submitted prior to the new development being put into public use.

No rights of way would be affected and there are no highway objections.

Conclusion

Given the above and subject to the recommended conditions, I consider that the proposal does not conflict with the adopted national and local planning policies identified below and the development would not have an adverse effect upon the amenity of the Wirksworth Conservation Area. Therefore, it is recommended for approval.

(3) **Financial Considerations** The correct fee of £770 has been received.

(4) **Legal Considerations** This is an application under the Planning (Listed Buildings in Conservation Areas) Act 1990. The Planning (Listed Buildings and Conservation Areas) Regulations 1990 require that the application is made to the District Council who shall forthwith send it to the Secretary of State (Regulation 13 (2) and (7)).

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.

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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 Nos 3.316.14 and 3.316.15
Application documents received from the Director of Property dated 29 November 2013.

(7) **OFFICER'S RECOMMENDATIONS**

7.1 To inform the Secretary of State, via Derbyshire Dales District Council, that Derbyshire County Council has no objection to the application for relevant demolition in a Conservation Area; and

7.2 That the Committee resolves that 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: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Except as required by other conditions of this permission, the development shall take place in accordance with the details contained in the application dated 6 December 2013, and supporting information and plans, unless otherwise modified or amended by conditions of this permission.

Reason: To clarify the details approved.

- 3) No development shall commence until a scheme has been approved in writing by the County Planning Authority identifying contractor access into the development site and space within the site curtilage for:

- site accommodation;
- storage of plant and materials;

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- parking and manoeuvring of site operatives' and visitors' vehicles; and
- loading/unloading and manoeuvring of goods vehicles.

The scheme shall be maintained free from any impediment throughout the duration of construction works.

Reason: The interests of safety and local amenity.

- 4) No development under this permission shall commence until details of the school boundary fencing adjoining Greenaway Croft have been submitted to and approved in writing by the County Planning Authority. The design shall then be implemented as approved prior to the classroom being put into public use.

Reason: In the interests of school security and visual amenity in the Wirksworth Conservation Area.

- 5) No development under this permission shall commence until details of roof covering and timber framing to the gable(s) have been submitted to and approved in writing by the County Planning Authority. The details shall include:

- the use of natural clay plain tiles to match the existing tiles; and
- spacing of the timber framing to the gable of the extension

The design shall then be implemented as approved.

Reason: To ensure this detail meets the standard required to complement the setting of Wirksworth Conservation Area.

- 6) No development under this permission shall commence until details of the colour and location of all the Trespa infill panels have been submitted to and approved in writing by the County Planning Authority. The design shall then be implemented as approved.

Reason: To ensure this detail meets the standard required to complement the setting of Wirksworth Conservation Area.

- 7) No development under this permission shall commence until details of the types of colour and finish of the proposed render / Trespa panels for the inset wall have submitted to and approved in writing by the County Planning Authority. The design shall then be implemented as approved.

Reason: To ensure this detail meets the standard required to complement the setting of Wirksworth Conservation Area.

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- 8) No development under this permission shall commence until final details of the design of the bargeboards have been submitted to and approved in writing by the County Planning Authority. The details shall include the specification, including sectional profile and dimensions, design of moulded edges and finished colour. The design shall then be implemented as approved.

Reason: To ensure this detail meets the standard required to complement the setting of the Wirksworth Conservation Area.

- 9) Construction work on the development under this permission, including the movement of mobile and fixed plant / machinery, shall only be carried out between the hours of:

- 0800 hours to 1800 hours Monday to Friday;
- 0800 hours to 1300 hours on Saturdays.

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

Reason: To clarify the hours of operation and in the interest of local amenity.

- 10) No development under this permission shall commence until a working method statement (WMS) for protection of bats associated with the roost of bats which involves the existing main building at the site and which is noted in the Protected Species Report (V2) produced by Clear Environmental Consultants on behalf of the applicant in June 2014 ("the Roost") has been submitted to and approved in writing by the County Planning Authority. The WMS shall include the following details:

- i. Timing of works to ensure that the carrying out of any works which have potential to cause disturbance to the bats associated with Roost is avoided throughout the period between 1 November and 31 March inclusive.
- ii. Timing of works to ensure that the carrying out of any works which have potential to cause disturbance to the bats associated with Roost is avoided throughout the period between 1 May and 31 August inclusive, unless during the 24 hours immediately preceding commencement of such works a bat emergence and dawn swarming survey has been undertaken which has shown that over that period the Roost was inactive at all locations relevant to the works.
- iii. Ascertainment of each of the elements of the works which will be supervised by a licensed bat worker.

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- iv. Ascertainment of all potential bat roosting features at the existing main building which are identified in the Protected Species Report and which may be affected by the development, and of equivalent features to be provided in similar locations for any of these features which are affected by the development.
- v. Any other measures which may be considered necessary to (i) avoid disturbance to the Roost during the works and (ii) ensure that the development has no detrimental impact in the longer term on the Roost.

Reason: In the interests of the protection of protected species (bats).

- 11) All works associated with the development under this permission, including any works for clearance of the site, vegetation removal, and demolition, shall be undertaken under the guidance of a practising ecologist with expertise in protection of bats and birds who is either a full or an associate member of the Chartered Institute of Ecology and Environmental Management or a person in respect of whom the County Planning Authority has agreed in writing in advance is suitably qualified to provide such guidance

Reason: To ensure that the development takes place without significant detriment to breeding birds or bats.

- 12) No external lighting shall be installed except in accordance with a scheme that has been submitted to and received the prior written approval of the County Planning Authority. The scheme shall include the following:
- (i) precise details of the lighting fixtures to be used at the site;
 - (ii) a 'lux' plan; and
 - (iii) a programme of implementation.

The lighting shall then be implemented as approved.

Reason: In the interest of protected species and to prevent light extending beyond the site boundaries in the interests of the amenity of the area.

- 13) The premises, the subject of the application, shall not be taken in to use until a revised School Travel Plan has been submitted to and approved in writing by the County Planning Authority. The School Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the County Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the County

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

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

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 and throughout the determination period. The applicant was given clear advice as to what information would be required.

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) 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.

Mike Ashworth
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