

Agenda Item No. 4.4

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY - PLANNING COMMITTEE**

**9 October 2017**

Report of the Strategic Director – Economy, Transport and Communities

- 4 PROPOSED REFURBISHMENT AND EXTENSION OF THE EXISTING SINGLE STOREY BUILDING WITH THE ERECTION OF A SINGLE STOREY EXTENSION, THE DEMOLITION OF EXISTING TWO AND THREE STOREY BUILDINGS AND LANDSCAPING WORKS INCORPORATING THE PROVISION OF A NEW EXTERNAL CAR PARKING AREA, HARD AND SOFT LANDSCAPED PLAY AREAS AND INSTALLATION OF SECURITY FENCING AT BEHAVIOURAL SUPPORT CENTRE, BROOKSIDE ROAD, BREADSALL  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD8/1016/57**

**8.955.10**

**Introductory Summary**

This report is to consider the proposed refurbishment and extension of part of the existing former Pupil Referral Unit building, the demolition of two and three storey office buildings and subsequent hard and soft landscaping works and the installation of security fencing at the site of the former Behavioural Support Centre, Brookside Road, Breadsall.

The proposal would enable the relocation of Breadsall Primary Church of England School from its existing site to this larger site. The extended and refurbished building would provide sufficient accommodation and facilities to accommodate the anticipated increase in demand for school places within the school's normal area as a result of increased housing development within the area. The primary school would benefit from the provision of new accommodation and the alteration to the site following demolition works with new hard play area's a playing field and resurfaced games courts providing the school with facilities it does not have available on its current site. There are also community benefits to be gained from the school relocating to a new site with extensively improved facilities.

Concerns have been raised regarding the potential highway safety impacts associated with the relocation of the primary school. I do not consider,

however, that the proposed development would have any significant impacts in terms of highway safety, and of the view that the proposal would represent sustainable development and would accord with the policies of the Erewash Core Strategy (2014) and the National Planning Policy Framework. The development is therefore recommended for approval subject to conditions.

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

(2) **Information and Analysis** This application proposes the refurbishment of and the erection of a single storey extension to the existing single storey pupil referral unit (PRU) building at the former Breadsall Behavioural Support Centre, Brookside Road, Breadsall. The development would enable the relocation of Breadsall Church of England (CoE) Primary School from its existing accommodation on Moor Road, Breadsall to the Behavioural Support Centre site. The proposed redevelopment of the site also includes the demolition of existing two and three storey blocks in order to provide hard and soft play areas; the retention and resurfacing of the existing playing courts and alterations to the existing car park to provide 18 car parking spaces. The development also makes provision for the erection of 2.4 metres high security fencing.

The site of the Behavioural Support Centre is located at the eastern edge of the village of Breadsall and is accessed off Brookside Road. The site is on an evenly graded hill with a 15 metres (m) fall from the northern site boundary down to the south-western site access onto Brookfield Road. The site is bordered to the north by the village bowling green and agricultural land, to the east by the village sports grounds and by properties positioned off Brookfield Road to the south. These latter are positioned between the two site accesses and the Mill Plantation. An access track runs along the eastern boundary.

The Behavioural Support Centre currently consists of three interconnected buildings ranging from single storey to three storeys. The two and three storey buildings were constructed in the early 1950s using the Consortium of Local Authorities Special Programme (CLASP) system construction. The single storey block was extended in the 1960s. All buildings at the site are faced with coloured boarding, hanging tiles, facing brick works and glazing with coloured infill panels. The roof of the single storey building consists of a flat felt roof with overhanging eaves incorporating roof lights and a raised central section with high level windows.

The proposed single storey extension would be positioned off the north-west elevation of the single storey element of the PRU building, over a section of existing car park, close to that part of the south-east corner of the school site where the main entrance is positioned. The extension would be attached to the main school building by a link corridor measuring 3.6m by 3m with the main

extension measuring 8.7m by 8.5m by 3.2m in height. The proposed extension would incorporate a new accessible main entrance with entrance lobby, general and head teachers offices, a medical room and an accessible toilet, with a lobby/waiting area corridor provided between the extension and the main school building.

The link extension would be constructed using a steel framework with a single ply flat roof. Externally, it would be clad with powder coated insulated aluminium cladding panels. Windows and doors would be powder coated, double glazed to be coloured white and green to match the colour scheme of the existing building. The proposed extension would be constructed in buff cheddar brown facing bricks with a single ply flat roof enclosed by a parapet wall and a powder coated aluminium profiled white coping. The double glazed windows and doors would be coloured white and green. Green coloured shiplap horizontal cladding would be positioned above and below the windows on the extension's north-east elevation.

The existing car parking area would be reorganised to make provision for 16 car parking spaces and two disabled Persons parking spaces that would be positioned on the south-east section of the existing car parking area. The northern part of the existing car park would be separated from the proposed new car parking area with new hedge and tree planting and a 1.8m high fence. The latter would run between the north-west elevation of the proposed extension and the north-west boundary of the site. This section of the car park would be resurfaced and become an informal hard play area for the school. As part of the reorganisation of the car park, a new pedestrian link path is proposed which would run alongside the driveway into the school. Steps and an access ramp would be positioned between an existing store building and the proposed extension to enable access up to the new main entrance.

On the site of the soon to be demolished buildings, which are to the north of the PRU building, it is proposed to re-grade the land following the demolition works in order to create a 45m long by 25m wide playing field which would have 3m high weldmesh ball stop fencing positioned along its south-west boundary and short sections of the north-west and south-east boundaries. Due to the topography of the site, the re-grading would result in steep banks being positioned to the north-east and south-west of the field. These would necessitate the construction of an access path and steps up to the field, as well as a second path and steps that would connect up to the existing games courts. To the north-west of the playing field, adjacent to the games courts, would be positioned a fitness and adventure trail and a storage shed, with a 3.5m high bat wall incorporating hanging tiles from the demolished buildings to be position to the south-east of the games courts.

As part of the conversion of the existing building, the area to the south east would be turned into a habitat area incorporating an access ramp, a

foundation rubber crumb play area and play equipment positioned off the south east elevation of the building. Access up to the games courts and playing field would be via an accessible ramped path from the main entrance, around the southern section of the building and foundation play area, before cutting back into the site up to the field and on to the games courts.

To secure the proposed primary school site following alterations to the school car park, the existing 2.4m high weldmesh fencing positioned across the site access incorporating 3.5m wide double vehicular access gates. A 1.2m wide single pedestrian gate would be relocated closer to the south-west boundary within 5m of Brookside Road. Additional 2.4m high weldmesh fencing would be erected, connecting to existing palisade fencing (which runs along the south-west boundary), around the new access path and along the edge of the existing playing fields to the east of the site up to the northern boundary. This fencing would incorporate a 1.2m wide pedestrian gate and 3.5m wide double gate for maintenance access.

### **Consultations**

Councillor Hart (Breadsall and West Hallam) has been notified.

#### **Erewash Borough Council**

Raised no objections.

#### **Erewash Borough Council Environmental Health Officer (EHO)**

Raised no objection to the proposed development, subject to the inclusion of conditions relating to contaminated land, asbestos and environmental protection being placed on any planning permission granted for the development.

#### **Breadsall Parish Council**

Initially objected to the proposed development on the grounds of insufficient car parking provision, lack of off-road pupil drop off, and the lack of wider benefits to the village as a result of the redevelopment of the site.

The Council's initial response also referred to a desire on the part of the Parish Council to facilitate vehicular access to the playing fields for the use of the village sports club. It raised concern over the lack of information provided regarding the proposed future use of part of the former school site and highlighted concerns regarding the submitted application details.

Following direct correspondence from the school, the Parish Council has withdrawn its objection. The reasons for the withdrawal are stated as being the support in principle for the relocation of the school and the timing issues relating to the need for an European Protected Species (EPS) Licence from Natural England prior to the commencement of demolition works. The Parish Council has further stated, in correspondence to the Council, that in the event

that plans for the school move are delayed in any way, or the EPS Licence deadline not be met, that its objections be reinstated as they were only withdrawn for the above reasons.

Where material, these issues are considered in the Planning Considerations Section below. For the purposes of this report, the objections are considered as still standing.

**Note:**

Any proposed transfer of land from the County Council to facilitate access to the adjacent playing fields is a matter for the Parish Council to raise directly with the County Council's Estates Department. This does not concern the current planning process. Such discussions would therefore need to take place separately and are for the Parish Council to pursue itself.

Issues relating to the potential future use of the existing primary school site and how the site would be accessed is not something that can be considered as part of this application. Derbyshire County Council, in its role as County Planning Authority, can only deal with applications for its own purposes and where it would have a significant interest in the development. No information has been provided by the application as to any future proposals for the site.

**Derbyshire Wildlife Trust**

The Derbyshire Wildlife Trust (DWT) notes that the proposed development is likely to affect bats through disturbance of an EPS License and destruction of a resting place. With all species of bats being EPS, the DWT highlights the need for an EPS Licence and notes that a Licence would be required to carry out any works that include activities such as disturbance or destroying their resting places and that to do so in the absence of a Licence would be an offence.

The DWT recognises that sections 4.28 and 4.30 of the ecology report present a bespoke package of mitigation and compensation, including the timing of works to take place during the winter period (November to February) when bats are unlikely to be present for the installation of six bat boxes on suitable trees prior to the removal of existing roost features on the building the creation of a bat wall covered with reclaimed hanging tiles and the incorporation of integrated bat boxes in the new extension. It advises that the proposed mitigation is broadly in accordance with the requirements of the Bat Mitigation guidelines and should maintain the population identified in the survey report and recommend that a condition to secure the detailed bat mitigation and monitoring strategy should be attached to any consent:

**Environment Agency**

Had no comments to make.

### **Sport England**

Initially objected to the proposed development as a section of proposed boundary fencing would have cut across a usable section of playing field. It therefore raised a statutory objection to the application which it considered did not fully accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the National Planning Policy Framework (NPPF).

Following the provision of revised plans detailing the realignment of the boundary fencing, Sport England considered the development would now meet Sport England Policy Exception E3 and, as such, formally withdrew its objection to the application.

### **Highway Authority**

Derbyshire County Council, in its statutory role as Highway Authority, had no objections to the proposals, subject to the imposition of conditions relating to car parking and the location of gates or barriers near to the highway boundary.

### **Publicity**

The application has been advertised by site notices and press notice with a request for observations by 17 February 2017. A representation has been received via the Parish Council which raises concerns in respect of the development's potential impact on highway safety as a result of the lack of an off-road pupil drop off area, insufficient thought to traffic management around the site, and the need for a reduced speed limit along the stretch of Brookside Road which passes the school frontage. These issues are addressed 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 Erewash Core Strategy (ECS) (March 2014). Other material considerations include statements of Government policy in the NPPF National Planning Practice Guidance (NPPG).

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

#### **Erewash Core Strategy**

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 2: The Spatial Strategy.

Policy 10: Design and Enhancing Local Identity.

Policy 12: Local Services and Healthy Lifestyles.

Policy 13: Culture, Sport and Tourism.

Policy 14: Managing Travel Demand.

The key planning considerations for this application are:

- Sustainable Development.
- Need for development.
- Design and Appearance.
- Impact on Playing Fields.
- Highway Safety.
- Impact on an EPS.

### **Sustainable Development**

The NPPF sets out the Government's key economic, social and environmental objectives and the planning policies designed to deliver them. It states that the purpose of the planning system is to 'contribute to the achievement of 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 lives of future generations. It states that sustainability has three key dimensions, economic, social and environmental.

For decision making this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in framework taken as a whole; or
  2. specific policies in the framework indicate development should be restricted.

ECS Policy A reiterates the presumption in favour of sustainable development set out in the NPPF stating that *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.

### **Need for the Development**

The application states that the proposed relocation of Breadsall Primary School would enable the school to become a 0.5 form entry school with the extended and refurbished building providing accommodation and facilities to accommodate the anticipated increase in demand for places within the school normal area which is to be expanded.

The proposed extension to the building would provide the existing building with a new accessible entrance with associated entrance lobby, and contain the school's administrative offices, medical room and accessible toilet, with a lobby/waiting area corridor linking the extension to the main school building. The external alterations to the site, including the demolition of the two buildings and alterations to the car park, would enable the provision of additional hard play areas, a playing field and trim trail with the existing games courts to be resurfaced and also provide an 18 space car park for staff.

The alterations to the security fencing, incorporating the installation of additional fencing across the site access and internally within the site between the north and southern boundaries, would complete a secure boundary for the primary school so that the school can comply with current safeguarding standards.

Given the above, I consider that there is a clear need for the proposed development which would provide Breadsall CofE Primary School with new accommodation and facilities, and enable the school to move from its existing restricted site and accommodate the anticipated demand for school places within the area.

### **Design and Appearance**

Policy 10 of the ECS requires that all new development should be designed to make a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; have regard to the local context and reinforce valued local characteristics; and reflect the need to reduce the dominance of motor vehicles. The policy goes on to say that development will be assessed in terms of its treatment of the following elements:

- a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
- b) permeability and legibility to provide for clear and easy movement through and within new development areas;
- c) massing, scale and proportion;
- d) materials;
- e) impact on the amenity of nearby residents or occupiers; and



- f) incorporation of features to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promotion of safer living environments.

The proposed extension would be of an appropriate scale, proportion and mass in the context of the existing building. In considering the positioning, height and dimensions of the extension, given its location away from the site boundary and also the topography of the site, which would help screen the extension, I am of the view that the new building would not result in any significant impact to residential amenity. The proposed materials and colour palette have been chosen to visually tie in with existing built development on the school site, and to have a limited visual impact on the surrounding area, and I am satisfied that they would be appropriate in this context.

The relocation of existing fencing around the Brookfield Road access and the new internal fencing incorporating 2.4m high security fencing would be partially screened due to the site topography and existing trees and hedges. The type of fencing proposed is visually permeable and considered acceptable on school sites, and would not have a detrimental impact on this site.

The re-landscaping of the site following the demolition of the existing building would provide additional outdoor recreational facilities which would be accessed by a new ramped access path which would improve access throughout the site.

The development would result in the loss of trees but proposes the planting of new trees in compensation for this loss and further additional planting as part of the landscaping plan for the site. Whilst the loss of any tree is always disappointing, the trees affected were of amenity value and not significant in terms of age or nature conservation value. Subject to the imposition of conditions requiring suitable maintenance of the replacement trees and the protection of other trees at the site being undertaken in accordance with the tree protection plan during the construction period, I have no objection to the proposals in respect of tree protection.

On the basis of the above, I am satisfied that the development would accord with the requirements of the ECS Policy 10 and that it would be acceptable in terms of the visual amenity of the area.

### **Impact on Playing Fields**

As initially proposed, the installation security fencing between the southern and northern boundaries of the site, thereby dividing the site between the new primary school campus to the west and the existing playing fields to the east, would have initially resulted in the loss of a section of the existing playing field area. Sport England objected to this loss on the grounds that, whilst it would

only affect a small section of the existing playing fields, this reduction in the usable area would impact on the maximum size of pitch and potentially number of pitches that could be accommodated.

Following receipt of this objection, the proposed route of the security fencing has been revised in response to it. Following re-consultation on the revised details, Sport England considered that the revised fencing line would not have an impact on the existing playing field area and withdrew its objection.

The proposed development would provide the school with a sporting facility that could be used all year round and Sport England considers that the provision of the Multi-Use Games Areas (MUGAs) would be of sufficient benefit to the development of sport to outweigh the detriment caused by the loss of part of the playing field.

In light of the above, I am satisfied that the development would have a limited impact on the existing playing fields and would enhance the existing sporting facilities on site with the re-surfacing of the existing games courts, the provision of new hard play areas and the provision of a new playing field area, enabling sporting activities to be undertaken at the school throughout the year. I therefore, consider that the development would comply with the requirements of ECS Policy 13.

### **Highway Safety**

The application would result in a net reduction of available parking spaces, due to the proposed alterations to the existing car park, with the redeveloped parking layout incorporating 16 car parking spaces and a further 2 disabled persons parking bays. The proposed parking layout with a reduction of car parking has been proposed as it would provide sufficient parking for the staff of the primary school and free up space within the site for other uses.

The applicant has indicated that all parking provision on-site would be specifically designed for staff and official visitors only and notes that the school currently has a Travel Plan in place which seeks to encourage parents to use more sustainable means of transport to and from school, including walking and cycling.

The Highway Authority has been consulted and has raised no objections to the proposals in respect of either the level of on-site car parking provision proposed or in terms of the potential impacts to the safety of the surrounding highway network. I note the objection raised by the Parish Council and the representation received from local residents with regard to the lack of provision of an off-road, pupil drop-off area. Derbyshire County Council, in its statutory role as the Highway Authority, does not generally support the creation of off-road pupil drop-off areas, as such facilities tend to increase the congestion and queuing issues associated with school sites, which is

considered unacceptable. Under those circumstances, whilst I acknowledge the disruption that school drop-off/pick-up times can cause, such disruption is only temporary.

In light of the above, and subject to the imposition of conditions relating to the provision of on-site car parking and the production of an updated Travel Plan for the school, I am satisfied that the development would accord with the requirements of ECS Policy 14.

## **Ecology**

The application is supported by an ecological assessment which confirms the presence of bats on this site and notes that the development proposed, incorporating the demolition of existing buildings, would result in the loss of all the bat roosts identified by the bat surveys. However, the assessment provides detailed mitigation and compensation measures that have been incorporated within the application details which are considered to accord with the requirements of the Bat Mitigation guidelines and should maintain the bat population identified in the bat survey.

As the development would involve the disturbance of an EPS and the destruction of roosts, there is a need to ensure that the three tests set out in Regulation 53 of the Conservation of Habitats and Species Regulations 2010, have been considered and can be met. The three tests set out within Regulation 53 are as follows:

- (i) the action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 53(2)(e);
- (ii) that there is no satisfactory alternative (Regulation 53(9)(a); and
- (iii) that the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 53(9)(b)).

In respect of the current proposal, I consider that the proposed development would comply with the first test as the buildings to be demolished have been vacated, are in a poor condition and, if left in place, would deteriorate further and become a potential risk to public safety. Their demolition would also provide a social benefit as it would enable the relocated primary school to have adequate outdoor facilities. With regards to the second test, there is no viable option which would enable the retention of these building which are no longer occupied and are no longer required for the purpose they were being used for. In respect of the third test, the ecological details submitted with the application details demonstrate that it is possible to avoid, mitigate and

compensate for the impact on the proposal and the favourable conservation status of the local bat population should be maintained.

I am therefore satisfied that the tests stipulated by Regulation 53 of the Conservation of Habitats and Species Regulations 2010 can be addressed by this application and there is no reason to suspect an EPS Licence would not be granted. Therefore, there is no ecological barrier to the determination of this application.

### **Conclusion**

The proposed extension and alterations to the Behavioural Support Centre site are of an appropriate design and scale, and would be positioned so as not to have an adverse impact on the site.

The development would provide the Breadsall CofE Primary School with a new school building with facilities to enable it meet the anticipated increase in demand for primary places within the local area. The alterations to the site would improve the outdoor play facilities, provide improved site security and the accessibility of the site.

I consider the design of the extensions and alterations to the school site to be appropriate for the location, and I do not consider that this development would have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms. I am satisfied that the proposal would accord with the policies of the adopted ECS. I consider this development to be acceptable and would recommend approval.

No objections have been raised by the Highway Authority and no public rights of way are affected.

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

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

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

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

## Other Considerations

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

(6) **Background Papers** File 8.955.10

Application documents from the Director of Property dated 21 October 2016. Correspondence from the Environment Agency dated 26 January 2017, Erewash Borough Council (EHO) dated 20 February 2017, Erewash Borough Council dated 28 February 2017, Sport England dated 20 March, 22 August and 19 September 2017, Derbyshire Wildlife Trust dated 27 March 2017 and Highways Area Management Division dated 11 July 2017.

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

### Commencement

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

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

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

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

- 3) The development shall take place in accordance with the details in the 1APP form dated 21 October 2016, the Design and Access Statement, Recreation/Open Space Assessment, Waste Management Statement, Ecology Report, Tree Survey Report, Response to Sport England Comments, Response to Breadsall Parish Council Comments and the accompanying drawings (1401373/EF/01, 1401373/EF/02, 1400031/A1/01, 1400031/A1/02 Revision A, 1400031/A2/01, 1400031/A3/01, 1400031/E/01, 1400031/T/01, 1400031/X/01 Revision A, 1400031/X/02, 1400031/X/03 Revision B, 1400031/x/100 Revision C, 1400031/x/101 Revision B, 1400031/x/104 Revision B ).

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

- 4) Prior to the commencement of the development, a Construction Management Plan and Construction Method Statement shall be submitted to and have been approved in writing by the County Planning Authority. The submission shall provide details relating to the storage of plant and materials, site accommodation, loading, unloading of goods vehicles, parking of site operatives' and visitors' vehicles, means of access and routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway, pedestrian and cyclist protection, tree protection measures in accordance with BS5837:2012 and any proposed temporary traffic restrictions.

The construction management plan shall be implemented as approved and maintained throughout the period of construction free from any impediment to its designated use.

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

It is considered that compliance with these requirements would only be effective if the scheme is found to be acceptable and approved as such, prior to the commencement of the development.

### **Hours of Operation**

- 5) Construction and demolition work shall only take place between 0730 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1330 hours on Saturdays. No working shall take place on Sundays, Bank Holidays or Public Holidays.

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

- 6) Deliveries associated with the construction works shall only take place between 0700 hours and 1800 hours Mondays to Fridays and between 0730 hours to 1300 hours on Saturdays.

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

### **Environmental Protection**

- 7) Waste materials arising from the clearance of vegetation or demolition shall not be burned on site.

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

### **Trees and Hedgerows**

- 8) The development shall take place in accordance with the Tree Protection Plan Drawing No 1400031/x/101 Revision B. Any amendments to these proposals shall be submitted to and approved in writing by the County Planning Authority prior to the commencement of the development.

**Reason:** The condition is imposed to ensure that minimal damage is sustained by the school site during the construction works.

- 9) Prior to the commencement of landscaping works, a Landscape and Ecological Method Statement shall be submitted for approval in writing by the County Planning Authority. The Method Statement shall include a planting plan detailing the planting and establishment of trees and shrubs, as shown on the Soft Landscape Plan Drawing No. 1400031/x/104 Revision B.

The development shall be undertaken in accordance with the approved Method Statement.

**Reason:** In the interests of biodiversity and to maximise habitat creation.

- 10) Prior to the completion of the development, a five year aftercare scheme shall be submitted to and approved in writing by the County Planning Authority, which covers:
- maintenance of trees and other planting including beat up/ replacement planting of dead, dying or missing stock to achieve a 100% stocking rate for five seasons following planting;
  - weed control around the stem of hedgerows and other planting for a 1 metre radius; and
  - measures for the control of noxious weed such as docks, thistle and ragwort.

**Reason:** To ensure the school site is successfully restored.

### **Ecology**

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

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

- 12) The development shall be undertaken in accordance with the mitigation, compensation and enhancement measures contained in Section 4 of the Ecological Assessment and the bat mitigation measures demonstrated on the submitted plans.

**Reason:** To ensure the development does not disturb protected species and their habitats or, if this is likely to happen, appropriate mitigation and compensation measures are put in place in the interest of nature conservation.

### **Dust and Air Quality**

- 13) Prior to the commencement of the development, a Method Statement detailing measures to be employed to minimise dust nuisance during demolition and construction activities, which shall have regard to established best practice in respect of the control of dust, shall be submitted to and have been approved in writing by the County Planning Authority. All works shall be carried out in accordance with the approved Method Statement

**Reason:** The condition is imposed to prevent dust from the development being emitted beyond the site boundary and causing nuisance in the interests of residential and local amenity.

It is considered that compliance with these requirements would only be effective if the scheme is found to be acceptable and approved as such, prior to the commencement of the development.

### **Asbestos**

- 14) a) Prior to the commencement of the development, an asbestos survey shall be undertaken by a suitably qualified consultant and submitted to the County Planning Authority.
- b) In the event that the survey required by 14/ a) above identifies the presence of asbestos at the site, there shall be no removal of any asbestos-containing material known, or subsequently found to be on site, until a scheme for its removal has been submitted to and approved in writing by the County Planning Authority prior to its disturbance. Where the presence of asbestos is suspected, the hazardous waste regulations must be complied with. Asbestos contaminated waste should be removed to a site authorised to take asbestos. A waste consignment note is required for each load and a paper trail of movement of such waste shall be kept.

**Reason:** The condition is imposed to ensure that any asbestos present within the building is identified and the asbestos identified is handled



and removed from site in accordance with the hazardous waste regulations.

It is considered that compliance with these requirements would only be effective if the scheme is found to be acceptable and approved as such, prior to the commencement of the development.

### **Ground Contamination**

- 15) The development shall not commence until a scheme to identify and control any environmental risk (including any risk posed by ground gases), is developed and undertaken. This will include a desk top study (Preliminary Risk Assessment/Phase I Investigation) and, if indicated by the desk top study, an intrusive investigation (Generic Risk Assessment/Phase II Investigation). The scope of the intrusive investigation shall be approved in writing by the County Planning Authority before its commencement. In reaching its decision to approve such proposals, the County Planning Authority will have regard to currently pertaining Government guidance, as set out in the CLR series of documents (particularly CLR 11) issued by The Department for Environment, Food and Rural Affairs (DEFRA) or any subsequent guidance which replaces it.

**Reason:** To protect the future occupiers of the development and in the interests of the protection of ground water and pollution control.

- 16) The development shall not commence until a written Method Statement detailing the remediation requirements to deal with any environmental risks associated with this site shall be submitted and approved in writing by the County Planning Authority prior to commencement of the remedial works. The Method Statement should include details of all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. All requirements shall be implemented according to the schedule of works indicated on the Method Statement and completed to the satisfaction of the County Planning Authority prior to the development being brought into use. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority.

**Reason:** To protect the future occupiers of the development and in the interests of the protection of ground water and pollution control.

- 17) During the development, if any contamination is identified that has not been considered previously, then, other than to make the area safe or prevent environmental harm, no further work shall be carried out in the contaminated area until additional remediation proposals for this

material have been submitted to the County Planning Authority for written approval (this would normally involve an investigation and an appropriate level of risk assessment). Any approved proposals shall thereafter form part of the Remediation Method Statement.

**Reason:** To protect the future occupiers of the development and in the interests of the protection of ground water and pollution control.

- 18) Prior to the development first being brought into use, a verification report, which demonstrates that the works have been carried out, shall be submitted to the County Planning Authority for written approval. The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement. The development should not be brought into use until the verification report has been submitted to and approved in writing by the County Planning Authority.

**Reason:** To protect the future occupiers of the development and in the interests of the protection of ground water and pollution control.

- 19) In the event that it is proposed to import soil onto the site in connection with the development, the proposed soil shall be sampled at source, such that a representative sample is obtained and analysed in a laboratory that is accredited under the Monitoring Certification Scheme for Equipment (MCERTS) Chemical testing of Soil Scheme or another approved scheme, the results of which shall be submitted to the County Planning Authority for its consideration. Only the soil approved in writing by the County Planning Authority shall be used on site.

**Reason:** To protect the future occupiers of the development and in the interests of the protection of ground water and pollution control.

### **Site Drainage**

- 20) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the County Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided.

### Highway Safety

- 21) The refurbished behavioural support building and extension, the subject of this application, shall not be taken into use as a primary school until space has been provided within the application site for the parking and manoeuvring of 18 vehicles (16 standard and 2 disables parking spaces), shall be laid out and maintained throughout the life of the development free from any impediment to its designated use.

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

- 22) There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

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

- 23) The refurbished building, extension and facilities, which are the subject of this application, shall not be taken into use until an updated School Travel Plan has been submitted to and approved in writing by the County Planning Authority. The School Travel Plan shall set out physical measures to promote travel by sustainable modes, shall include a timetable for the implementation of the measures and detail the parking spaces available within the school site. The School Travel Plan shall be implemented as approved.

**Reason:** In the interest of promoting sustainable modes of transport and highway safety.

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

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

### 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 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.

- 3) Each parking bay should measure 2.4m x 4.8m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.
- 4) As the development has the potential to affect bats which are a European Protected Species through the destruction of resting places an EPS Licence will be required to enable the works to be undertaken.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Communities**

## CD8/1016/57 Breadsall Behaviour Support Centre Demolition

