

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

8 June 2015

Report of the Strategic Director – Economy, Transport and Environment

- 2 PROPOSED DEMOLITION OF THE EXISTING SCHOOL BUILDINGS AND THE CONSTRUCTION OF A NEW THREE-STOREY MAIN SCHOOL BUILDING, A NEW TWO-STOREY SPORTS HALL, AN ENERGY CENTRE, THE CREATION OF A NEW MULTI-USER GAMES AREA, EXTERNAL SOCIAL AREAS, CAR PARKING AND ASSOCIATED LANDSCAPING AT ALFRETON GRANGE ARTS COLLEGE, GRANGE STREET, ALFRETON**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD6/0315/157

6.396.28

Introduction Summary

This application is for the development of new secondary school comprising a teaching block and adjoining sports block, on the site of the existing Alfreton Grange School, Grange Road, Alfreton.

The existing school is contained within the boundaries of a large school site, enabling the proposed buildings to be built whilst the existing school remains in educational use.

The existing school would, in the fullness of time, be demolished to make way for landscaped social areas and car parking, and improved sporting provision.

The existing school has been colonised with bats which are a European Protected Species (EPS) that warrant the highest level of protection and therefore, further surveys are required to inform of appropriate compensation and mitigation measures prior to any demolition taking place.

I am satisfied this application would not have any adverse impact on local amenity or ecology, subject to the implementation of mitigation and compensation measures. It is recommended for approval, subject to the recommended conditions, on the basis that the development would be in accordance with the development plan policies.

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

(2) **Information and Analysis** This application proposes to develop a new purpose built secondary school with associated sporting facilities to accommodate 850 (11-18 year old) pupils and 87 members of staff, at Alfreton Grange School, Grange Road, Alfreton. The school currently has a capacity of 1,300 pupils but is currently well under capacity with only 450 pupils in attendance. The school specialises in the visual and performing arts.

The school site is located approximately 500 metres to the south-east of Alfreton town centre. The site is located in an area of mixed land uses to the south of Grange Street. The predominant land use is mainly residential, with other adjoining educational establishments. The northern and western boundaries of the site are adjoined by existing detached and semi-detached dwellings along Grange Street and Alfred Street, which screen the school from long distance external views. Woodbridge Junior School and its playing field are located to the northern part of the site, whilst the Sure Start Day Nursery and adjoining playing fields are located in the north-west corner, both of which are accessed from the same access point as Alfreton Grange School which is from Grange Street. The overall school site has an overall area of 11.44 hectares (28.3 acres).

The proposed development comprises a large three-storey 'super block' school building containing the main teaching areas, and an adjoining two-storey sports hall, as well as a purpose built Energy Centre. Existing outdoor sporting facilities would be retained with some areas being relocated, as well as with the addition of a Multi-User Games Area (MUGA). Car parking would be increased and landscaping would complement outdoor learning/social areas.

The main three-storey school super block would measure approximately 65 metres by 38 metres and 11 metres high, and would comprise Barclay silver facing brickwork with a high level, polycarbonate wrap. The windows, louvres, downpipes and curtain wall would be (RAL 7024), signage would be white (RAL 9016).

The adjoining (smaller) two-storey sports block would measure approximately 35 metres by 30 metres by 10 metres high. The single-storey ancillary accommodation for the sports hall would be 6 metres high. The building would also comprise Barclay silver facing brickwork with a high level, polycarbonate wrap. The general colour of windows, louvres, downpipes and entrance would be (RAL 7024), signage would be white (RAL 9016).

The main entrance to the super block would comprise a large brightly coloured archway over two-storeys, whilst the sports block would be brick to the lower level with a translucent material located at the higher level, both would have flat roofs with small parapets to partially screen roof level infrastructure. The design includes the minimal use of colour externally, with grey concrete bricks and dark grey (RAL 7024) window and door frames, and louvres.

The two buildings would be separated by a hard surfaced social area, which would also provide access to the main pupil entrance into the new school.

The Energy Centre would measure 6.4 metres by 23.0 metres by 3.50 metres high, and would comprise a close boarded, timber finish cover, a painted metal container, a glass reinforced plastic (GRP) roof, and graphite grey (RAL 7024) doors. The Energy Centre would be located to the south of the proposed car park and north of the proposed new tennis courts to the east of the school site.

Following completion of the proposed development, the existing secondary school, which is a mixture of two and three-storey classrooms that are located to the north eastern part of the school grounds, would be demolished, and the footprint would be landscaped to social areas for outdoor learning and recreation, as well as to provide a large secure on-site parking area. The existing, recently built, on site English block, would be retained; this area does not form part of the proposed development and its future use has not been decided.

Car Parking has been located on the eastern side of the site. The existing 19 parking bays located along the approach road have been retained and 69 parking bays would be provided within a new main car park. There would be other smaller areas of accessible parking places located closer to the main school. Altogether, there would be provision for a total of 88 car parking spaces within the site. Service access is achieved from the main vehicular entrance where it is segregated from the main pedestrian and social spaces.

The main pedestrian access would utilise the existing entrance located on Grange Street to the north-east corner of the site. This access would provide a new footpath which would lead directly to the main school entrance via a landscaped avenue/footpath and courtyard area. A second pedestrian/cyclist access leads students from the existing bus drop off location to the west of the site and into the school.

The existing landscaping would be enhanced with new tree and shrub planting that would complement the existing boundary features to retain the ecological value, visual amenity and to improve acoustic screening.

All footpaths and public spaces would be lit with appropriate low level lighting and the school site would be secured with green (RAL 6005) boundary weld mesh security fencing with controlled access at all access/egress points.

Background

The redevelopment of Alfreton Grange is being funded under the Priority Schools Building Programme (PSBP). The PSBP is a Central Government initiative to renew the provision of secondary school facilities in England. It is a centrally administered programme by the Department for Education (DfE), and

managed by the Education Funding Authority (EFA), that was set up to address the needs of those schools which were in the most urgent need of repair. The intention of the PSBP is to transform the provision of education to children and to ensure that they have access to educational facilities fit for the 21st Century. In addition, a significant aspect of the programme is that the improved facilities at these schools particularly, but not exclusively the sports provision, should also be made available for the use and enjoyment of the local community outside of normal school opening hours. Alfreton Grange School is the only school in Derbyshire that is subject to the PSBP.

Consultations

Local Member

Councillor Marshall Clarke and Councillor Smith have been consulted with a request to make any comments by 23 April 2015.

Amber Valley Borough Council Environmental Health

Amber Valley Borough Council's (AVBC) Environmental Health Officer (EHO) raises no objections but make the following comments:

"Impacts such as noise, vibration, odour, air pollutants and dust from certain demolition, site preparation and construction activities can significantly affect residential amenity for the occupants of both existing and earlier phases of residential development. To minimise the likelihood of these works causing a statutory nuisance or, as regards noise, requiring the imposition, under section 60 of the Control of Pollution Act 1974, of restrictions on the way that the works are carried out, all such activities should be conducted in accordance with the following:

Condition

All demolition, site preparation and construction activities must be conducted in accordance with the following:

- a) No construction or demolition works, movement of traffic, or deliveries to and from the premises, shall occur other than between 08:00 and 18:00 hours weekdays, and between 08:00 and 13:00 hours on Saturdays, and at no time on Sundays or Public Holidays. Any proposed extension to these hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;*
- b) No piling, blasting, dynamic compaction or use of vibrating rollers, shall occur on the site before a scheme has been submitted to, and approved in writing by, the Local Planning Authority, detailing the provisions to be made for the control of associated environmental noise and vibration. All such activities shall take place only in accordance with the approved scheme;*

- c) *All activities should comply with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites. Efficient silencers should be fitted to, used and maintained in accordance with the manufacturers' instructions, on all vehicles, plant and machinery used on the site;*
- d) *The proposed reversing safety system, for example, broadband alarms, camera systems, banksmen, turning circles etc., shall be agreed with the Local Planning Authority prior to use. The use of tonal reversing alarm systems should be avoided;*
- e) *No visible particulate matter shall be emitted beyond the site boundary. The dust suppression methods, and the emission monitoring method, frequency and recording, shall be agreed with the Local Planning Authority before works commence. All works shall be carried out in accordance with this agreement. At such times as the prevention of dust nuisance by these means is not possible, dust generating activities shall temporarily cease until such time as dust suppression measures become effective;*
- f) *All vehicles entering or leaving the site and those carrying materials likely to deposit dust or mud on the highway must be adequately sheeted. No vehicle shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any dust or mud deposited on the highway shall be removed at a frequency and at times agreed with the Local Planning Authority;*
- g) *Arrangements for dealing with any asbestos-containing materials known, or subsequently found, to be on site should be agreed with the Local Planning Authority prior to its disturbance. It should be noted that under a different regulatory regime, demolition contractors are required to inspect a site. Where the presence of asbestos is suspected, then hazardous waste regulations must be complied with. Asbestos contaminated waste is required to be removed to a site authorised to take asbestos. A waste consignment note is required for each load and a paper trail of movements of such waste kept;*
- h) *No waste arising from demolition or construction activities shall be disposed of by burning without the prior approval of the Local Planning Authority. Burning waste in the open may also require an environmental permit or registered exemption.*

Noise

An environmental noise assessment has been submitted with the application: External Noise Survey Report (Aecom, 17 February 2015) (attached). Please note that I have not commented on the noise levels within the teaching areas considered in the assessment (PSBP Acoustic Standards), as this Unit is only concerned with the likely impact of noise from the developmental and operational aspects of the proposal on noise-sensitive premises outside the site (section 4.2).

The assessment identifies ‘a significant amount of new items of building services plant...and noise from this will need to be controlled in order to minimise the risk of disturbance at nearby noise sensitive receivers’: an assessment, in accordance with BS 4142:2014, has therefore been carried out. Annoyance noise from the proposed sports area has been assessed in accordance with the WHO’s Guidelines on Community Noise.

Building Services Plant

The assessment states that most of the proposed plant is to be located internally in plant rooms or the new energy centre, although breakout from intake or discharge openings will need to be controlled. As the plant specification has not yet been finalised, the assessment proposes maximum cumulative noise limits, based on the pre-development background noise level, that should form the basis of plant selection (Table 4.3). To ensure that this is the case, the following condition should be attached:

Condition

The level of noise emitted from all building services plant operating simultaneously at their design duty shall not exceed the sound limits specified in Table 4.3 of the External Noise Survey Report (Aecom, 17 February 2015), or any subsequent agreed amendment to it.

Sports Activities

The assessment states that there are existing playing fields and sports pitches to the west and south-west of the school site and doesn’t anticipate any change in associated noise levels. The new tennis courts to the west of the new school building would be 50m from the nearest noise-sensitive premises at West End Close; however, although the assessment attempts to quantify it, the degree of noise this is likely to create is difficult to assess, as it will depend on the intensity of usage. Given that it is proposed that the site would operate between 07:30 and 16:00 hours on Mondays to Fridays (as stated in the planning application form), it is unlikely that noise would be an issue during the more sensitive evening and night-time periods. Similar advice could be attached to most of the proposed sports facilities (MUGA) to the west of the site. I can advise that we have no record of noise complaints about any of the current activities on site.

External Lighting

The submitted documentation includes a plan showing the proposed external lighting scheme (AGA-ACM-00-XX-DR-E-3391, Rev 02) (attached) for the main area of the site. The predicted light levels are below 2Lux at most light-sensitive premises; however, levels at the eastern entrance appear to be between 2 and 4Lux at 61 Grange Street, which could give rise to complaint if

the lamps operate all night. If the lamps around the entrance are to operate all night, vertical illuminance levels to the facades of surrounding dwellings should not exceed 1Lux (including any existing light trespass). The applicant should note that on-site adjustments may be necessary to minimise overspill and glare following commissioning. Particular attention should be paid to lamp tilt (between 0 and 90 degrees - the greater the angle, the greater the potential for producing obtrusive light); glare should be minimised by ensuring that the main beam angle / centre of all lights directed towards any potential observer is not more than 70 degrees. In areas with low ambient lighting levels, extra care must be taken when positioning and aiming lighting equipment.

I note that paragraph 6.8.8 of the Planning Statement states that there are currently no proposals to floodlight the MUGA. Given the proximity of existing dwellings to these facilities, any future proposal for lighting should be subject to planning approval.

Land Contamination

I note that the Phase 1 Detailed Desk Top Study (Ref: EB1506A/SH/4327, Curtin's, 02 February 2015) recommends that an intrusive investigation is undertaken to confirm the conceptual model and allow for additional monitoring and sampling of groundwater/gas at borehole locations across the site. I would therefore advise that the following condition is attached to ensure that appropriate remediation (if necessary) is undertaken:

Condition

No development shall commence until:

- a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;*
- b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved in writing by the Local Planning Authority;*
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;*
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;*

- e) *If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';*
- f) *Prior to the commencement of any construction works in any area that has been subject to remediation; a verification report shall be submitted to and approved in writing by the Local Planning Authority. All reports must be submitted in both paper and digital formats."*

Amber Valley Borough Council

Any comments were requested by 23 April 2015, a further request for comments was sent on 14 May with a request for comments by the 20 May 2015.

Alfreton Town Council and the Environment Agency

Any comments were requested by 23 April 2015.

Sport England

Sport England raises no objections and makes the following comments:

"The development proposals would have the following impact on existing playing field/sports facilities at the site:

- *The loss of a partly recessed area in the north-eastern corner of the current natural turf playing field resulting in some encroachment onto the edge of a football pitch.*
- *Potential loss of the existing cricket wicket/square as a result of repositioning of winter sports pitches in response to the above encroachment.*
- *The loss of the smaller of two existing hard court areas (MUGAs), which currently appears to be used for tennis, netball and recreational basketball.*
- *Temporary loss of and damage to the raised plateau of playing field in the northern part of the playing field whilst in use as the contractors' compound during the construction phase, along with part of the north-eastern area of the playing field in close proximity to the position of the new sports block.*
- *Loss of two single court activity halls and associated changing facilities.*

However, the scheme would incorporate the following facilities:

- *A new, enclosed MUGA to the east of the new school building that would accommodate three tennis courts / two netball courts.*
- *A new detached sports block with a 3 badminton court sized main hall, separate activity studio and changing rooms with access arrangements tailored to support both community and curricular use.*

- *A reconfigured pitch layout to allow repositioning of the football pitch encroached upon by the new buildings. An under 11/under 12 football pitch would also be introduced onto the current raised plateau following completion of the construction works.*

It is recognised that the existing activity halls at the school are not fit for purpose and so although the new sports block would not have the full range of use options that would be provided by a four court facility built to current Sport England guidance, it would nevertheless represent a substantial improvement on the site's existing indoor sports facilities and thereby provide the scope to deliver substantial curricular and community sport benefits.

In terms of outdoor sports, the Amber Valley Sports Playing Pitch Strategy 2013 recognises the site as a valuable resource in terms of cricket, with Alfreton Cricket Club using the school's pitch as an important overspill facility in an area where the supply of cricket pitches is tightly matched with demand. There is also extensive community football activity in the locality, and the school's new/existing facilities offer the scope to support this. In addition, the new tennis courts/MUGA would provide opportunities for community use, replacing an existing smaller facility that is in a poor state of repair, although the hours of winter evening use of this new MUGA would be limited due to the absence of floodlighting. Overall, weighing up the loss/negative impact of the development on current sports facilities against the form and potential benefits of the sports provision that it would deliver, it is considered that the application would meet a combination of Exceptions E4 and E5 of the Sport England's Playing Fields Policy.

The post development pitch configuration, as shown on the submitted plans, would appear to result in the loss of the existing cricket wicket and pitch. However, the Planning Statement accompanying the application notes the recognised importance of the site for cricket within the Amber Valley Sports Playing Pitch Strategy 2013, and the aim of obtaining secured community use for this purpose. Having reviewed the residual playing field dimensions post development, the area available is still of a size that would be sufficient to accommodate continued cricket provision, but this would require a modification in the pitch layout in order to avoid the wicket overlapping with a winter sports pitch. As there seems to be no clear reason why the cricket pitch retention cannot be achieved, it is judged that... 'a planning condition can be used to secure this amendment and thereby ensure that sports provision in relation to cricket is maintained at the site.'

The submitted phasing drawing indicates the use of the upper playing field plateau as a contractors' compound which would inevitably lead to some damage to this area. It is also likely that parts of the playing field lying between the compound and adjacent to the new sports block would also sustain some damage. As arrangements are already included within the submission to maintain access to the majority of the playing fields during the

construction period, Sport England does not object to the temporary suspension of use in these areas but it is clearly necessary to ensure that the affected parts of the playing field are returned to an equivalent or better standard to their current condition within a reasonable timescale, and that they continue to be capable of use for pitch sports in the long term.

It is recognised that the scheme has taken into account the importance of facilitating community access to the site's sports facilities. To ensure that the identified sports benefits are satisfactorily delivered in the long term, it is necessary to secure community use of the site's facilities by means of a formal community use agreement.

It is understood that the existing activity halls will be retained pending completion of the development, and access to much of the playing field also preserved throughout the construction phase as referenced above. However, one of the MUGAs would be lost at an early stage and the construction work would take place in very close proximity to the retained MUGA. It is not clear from the submitted information whether or not the retained MUGA will be available for use throughout the construction period. If this is not the case, then delivery of the new MUGA should be scheduled at an early stage within the development programme or suitable alternative arrangements for outdoor courts will need to be made available. The following condition is necessary to ensure this matter is resolved:

In conclusion, Sport England does not wish to raise an objection to this application, subject to conditions being attached to the decision notice (if the Council are minded to approve the application). If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please discuss the details with me. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. If your Authority decides not to attach the above conditions, Sport England would wish to lodge a statutory objection to this application."

Coal Authority

The Coal Authority initially raised an objection due to the lack of appropriate reports, however following the submission of the relevant information, the Coal Authority now raise no objections and make, the following comments:

"The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.... The Coal Authority is therefore pleased to note that appropriate and up-to-date coal mining information for the proposed development site has been obtained on behalf of the applicant and that this information has been used to inform a Coal Mining Risk Assessment

Report (16 April 2015, prepared by Curtins), which... accompanies this planning application.

The Coal Mining Risk Assessment Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the working of 8 coal seams at 52m to 408m depth, The Coal Authority records indicate that the site contains thick coal seams that are likely to outcrop at or close to the surface and which may have been subject to historic unrecorded mining. Our records also indicate that an area at the southern end of the application site is located within the boundary of a site from which coal has been removed by surface mining methods, although the location of this mining legacy feature appears sufficiently remote to pose no undue risk to the safety and stability of the proposed development.

The Coal Mining Risk Assessment Report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, Coal Authority Interactive Mapping, BGS mapping, data and borehole records and an Envirocheck Report. Based on a review of these sources of geological and mining information, Section 3 of the Report concludes that there is a high risk posed to the proposed development from potential shallow coal mine workings beneath the site. Accordingly, Section 4 of the Coal Mining Risk Assessment Report makes appropriate recommendations for the carrying out of a comprehensive intrusive site investigation incorporating rotary boreholes and trial trenching in order to ascertain the ground conditions and to establish the presence or otherwise of mine workings. Due to the risk of mine and landfill type gases on site, Section 4 also recommends a comprehensive soil gas risk assessment as part of any ground investigation.

The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Licensing and Permitting Department as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat areas of unrecorded shallow mine workings to ensure

the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.”

Natural England

No objections.

Publicity

The application has been advertised by site notice with a request for observations by 23 April 2015.

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 Amber Valley Borough Local Plan. Other material considerations for the determination of this application include such statements of Government policy in the National Planning Policy Framework (NPPF) (March 2012).

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

National Planning Policy Framework

Paragraph 7: Requiring good design.

Amber Valley Local Plan Pre Submission Core Strategy Policies

E2: Quality and Design of Development.

E6: Biodiversity.

R1: Reducing the Use of Non-Renewable Energy Resources.

IN3: Community, Leisure, Health Cultural and Facilities.

SS13: Presumption in Favour of Sustainable Development.

Adopted Amber Valley Borough Local Plan Policies

LS1: Sustainable Development.

LS3: Design.

TP1: The Impact of Development on the Transport Network.

TP6: Car Parking.

EN7: Landscape Character Areas.
EN8: Landscape Features.
EN9: Landscape Features.
EN13: Biodiversity.
EN36: Use of Renewable Energy Resources.
LC3: Playing Fields, Parks and Informal Open Space.
LC13: Community Facilities.

The key planning considerations for this application are:

- Need for the development.
- Coal and Contamination.
- Pollution.
- Ecology.
- Landscape and other visual impacts.
- Highways and Rights of Way.

Need for the Development

The application states that the proposal is required due to the existing school being in a dilapidated state of repair. The proposed development would provide a new purpose built “state of the art” secondary school that would deliver the national curriculum and support the community by providing indoor and outdoor sport and vocational learning opportunities. Alfreton Grange School is the only school in Derbyshire that is subject to the PSBP. I am satisfied that there is a need for the development.

Coal and Contamination

The Coal Authority raise no objections, however, it concludes that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. In accordance with its recommendations, I have recommended a planning condition requiring site investigation works to ascertain if remedial works are required to treat areas of unrecorded shallow mine workings to ensure the safety and stability of the proposed development prior to commencement of the development.

I note that the Phase 1 Detailed Desk Top Study (Ref: EB1506A/SH/4327, Curtin's, 2 February 2015) recommends that an intrusive investigation should be carried out to confirm the conceptual model and allow for additional monitoring and sampling of groundwater/gas at borehole locations across the proposed site. I have therefore recommended a planning condition to ensure that appropriate remediation (if necessary) is carried out.

Pollution

The Noise Survey submitted with the application has assessed the potential impact of the proposed development upon nearby noise sensitive receptors. It

concluded that whilst the new buildings would be closer than the existing buildings, it is unlikely that there would be any increase in noise as a result of the proposed development.

The assessment states that most of the proposed plant is to be located internally in plant rooms in either the two new blocks or in the new Energy Centre. By virtue that plant specification has not yet been finalised, the assessment proposes maximum cumulative noise limits, based on the pre-development background noise level that should form the basis of plant selection. I have therefore recommended a planning condition to ensure the level of noise emitted from all the plant located in the proposed buildings does not exceed the sound limits specified in Table 4.3 of the External Noise Survey Report (Aecom, 17 February 2015), or any subsequent agreed amendment to it.

I note that AVBC EHO does not raise an objection regarding the submitted lighting proposals, however, by virtue that lighting can adversely affect bats, the current lighting proposals may need amending due to known, proposed and potential roosting locations, and potential bat foraging/commuting routes. I have therefore recommended a planning condition for a scheme to reassess the future on-site lighting proposals which should also be informed from the results of further bat surveys (as discussed below). Since any outdoor lighting has the potential to affect local amenity and ecology, I have also recommended a planning condition to limit any further lighting.

Ecology

The ecological surveys were carried out in March 2013 and February 2015, which is not an optimal time of the year for surveying for certain species. Since that surveying for bats relied on external surveys only, no sound conclusion could be reached that any buildings with moderate bat roosting potential did not support bat roosts. The applicant was therefore requested to carry out further bat emergence surveys during the planning application determination period (dusk emergence/dawn re-entry surveys 27/28 April 2015, and 11/12 May 2015). The applicant has responded with two extra surveys (dusk emergence/dawn re-entry surveys 27/28 April 2015, and 11/12 May 2015) which confirm that bats were present in the existing school buildings and that they would be affected by the proposed development.

I consider that the close timing of these surveys means that the surveys overall still fall short of providing a complete assessment of the roosts to determine their size and importance. Furthermore, the presence of features in the existing buildings, which are comparable to those features which have been observed to support bat roosts, means that additional bat roosts may be present. Therefore, it is clear now that (1) at least two buildings support bat roosts which would be affected by the proposal, and which would necessitate the need for an European Protected Species (EPS) licence to enable the works to proceed; and that (2) the results of surveys undertaken to date are

not sufficient to confirm the size or significance of the roosts and to be certain of the mitigation that will be required.

Under Natural England standing advice and best practice relating to bats, a planning authority must be able to assess any compensation and mitigation measures that are required, prior to determination of a planning application. Furthermore guidance indicates that bat surveys should not be secured by a planning condition (Paragraphs 98 and 99 of Office of the Deputy Prime Minister (ODPM)/The Department for Environment, Food and Rural Affairs (Defra) joint Circular 06/2005 on Biodiversity and Geological Conservation). However, the guidance does allow for bat surveys to be secured by condition in exceptional circumstances. In this case, it is felt that an exception should be made, since further surveys would build on surveys already carried out, and a delay in the determination of this application may result in the loss of funding, putting the new school at risk.

The presence of bats has been established, however, the County as Planning Authority (CPA) is not in possession of sufficient information to be able to determine the extent to which bat species will be affected. However, I am satisfied that the development proposal which involves the decanting of students from the existing school to the new school, allows the existing school buildings (that are proposed to be demolished) to remain standing for a considerable period following the construction of the new school. This provides a suitable opportunity for further bat surveys, and ascertainment and implementation of appropriate bat mitigation and compensation measures in advance of the loss of the existing buildings. Furthermore, continual monitoring of bats could be carried out in the interim period and measures could be taken to restrict the use of the existing building, as well as a further final survey prior to any demolition. I have therefore recommended planning conditions requiring a further two surveys between June and August to be carried out at the existing school, and submission and implementation of a comprehensive scheme of compensation and mitigation measures based on the results of the relevant surveys, which would prevent any stages of demolition proceeding before the relevant bat compensation mitigation measures have been implemented. These conditions would ensure the delivery of surveys to the standards required to meet the Bat Conservation Trust publication 'Bat Surveys – Good Practice Guidelines'. I consider that these additional bat surveys and compensatory measures should also enable Natural England to grant an EPS Licence to the applicant in respect of bats and the development at the school premises.

When considering planning applications that involve and affect EPS, planning authorities have a legal duty (under Regulation 9(3) of The Conservation of Habitats Directive and Species Regulations (2010) to 'have regard' to the requirements of the Habitats Directive - the European Directive that underpins the protection of EPS, as well as the Wild Birds Directive. Caselaw has shown that where a proposed development will impact on a EPS the planning

authority in determining the planning application must consider the impact the development will have on the EPS, and whether the Statutory Body (Natural England) will be likely to grant a licence to allow the works to occur. In discussion with the County Ecologist, I have considered the 'three tests' that Natural England will apply when assessing these proposals, and despite the absence of a full set of detailed bat surveys for the time being I am confident that Natural England would be minded to grant a licence for the works to occur, once further surveys have been undertaken and detailed mitigation measures devised.

Some trees on site, including oak, common lime and field maple, offer limited bat roost potential, but may support nesting birds. Although some trees are to be felled, I consider that no tree should be felled during the bird nesting period from March to August, unless a suitably qualified ecologist is on site to perform a bird nest check.

The ecological appraisal states that appropriate data searches and desktop studies have been undertaken to inform those assessments and determine the need for further surveys. However, no such further surveys or data are included within the ecological reports. There are records for reptiles from the Alfreton Grange School site, which I believe relate specifically to the overgrown wildlife/woodland area immediately south of the school grounds. I am therefore not satisfied that the semi-natural habitats to the south of the playing field have been appropriately assessed for reptiles. With this in mind, I have recommended an appropriate planning condition for this area to be resurveyed and, as above, appropriate mitigation methods put in place for the protection of reptiles in this core habitat. The mitigation measures may well inform changes to the submitted landscaping scheme; I have therefore recommended a planning condition to reassess the landscaping which should further consider appropriate mitigation for bats and reptiles. Having had due regard to the Habitats Directive and the Wild Birds Directive, I do not consider there is any EPS or wild bird impediment to the grant of this planning permission.

Landscape and Other Visual Impacts

As part of the redevelopment there are a number of trees to be felled but these appear to be non-native and ornamental species of limited amenity value. The trees proposed for retention would be protected in accordance with the Arboriculture Impact Assessment. I note that there are proposals to establish an area of parkland planting, and two areas of orchard/arboretum planting. Although there is a planting strategy included in the submission, I consider it is not clear exactly where the different strategies would be applied and there are no details for the orchard/arboretum areas. Furthermore, because of the reduced footprint for the new building, which would release significant areas of land that can be utilised for compensatory and more appropriate planting, I have recommended a planning condition for the submission of a detailed landscaping scheme to take account of the above

concerns, as well as incorporating appropriate landscape mitigation measures for reptiles, bats and birds.

I am satisfied that the design of the proposed super block building, which is a large three-storey building, complements the smaller two-storey adjoining sports halls. However, I consider that the application lacks some reference to the external materials and colours, and these should be given further consideration. With this in mind, I have therefore recommended a planning condition for the following details to be submitted:

- i) samples of external materials, including brickwork, mortar colour and profile on the super block and sports hall;
- ii) colour of canopy to the super block;
- iii) colour of polycarbonate high level wrap to sports hall;
- iv) colour of PPC aluminium louvered plant screen at roof level on super block and sports hall;
- v) colour of doors on super block and sports hall;
- vi) colour of high-pressure laminate surround to entrance lobby;
- vii) colour of air handling unit on roof of sports hall and super block;
- viii) colour of external sprinkler tank on Energy Centre;
- ix) colour of metal façade on Energy Centre; and
- x) colour of the roof on Energy Centre.

Highways and Rights of Way

The existing vehicular accesses into the site would be retained in their current form and pedestrian accesses would also be unaltered, although the links through the site are being widened to improve accessibility. It is noted that the bus drop-off area remains unaltered and would still accommodate in excess of 10 buses. Additional cycle parking would be provided, along with scooter storage. Whilst there could be some issues along Grange Street with regard to on-street parking, I do not consider that the use of the new school would impact on local amenity; the land use will be similar to the existing land use is the same, though with an increase in on-site parking provision.

It is likely that the main issue would be construction traffic during the development stage and this would need to be carefully managed. The access road to the bus drop-off area currently provides access to the nursery, the junior school and some dwellings, and also carries the route of a public right of way, safe access will need to be retained for these purposes both throughout the construction process and on completion. With this in mind, I have recommended a planning condition for a Construction Management Plan to be submitted and approved prior to any development taking place. I would also recommend early discussion with Derbyshire County Council's Traffic Section to arrange temporary traffic management.

I consider that the submitted Travel Plan is not adequate so I have recommended an appropriate planning condition for the submission of an

improved Travel Plan to be submitted and approved prior to occupation of the new school building.

There are no highways objections subject to appropriate planning conditions highlighted above and no rights of way would be affected.

Conclusion

I consider that the proposal does not conflict with the adopted national and local planning policies identified above. Furthermore I consider that the social need that a new school would deliver at the site is a consideration which is a significant factor to weigh in favour of the development. The redevelopment of Alfreton Grange Arts School requires the demolition of existing classrooms that currently house bats which are an EPS. I am satisfied that the comprehensive phased redevelopment of the existing school site under a permission subject to a range of conditions that include measures for the protection of bats would not adversely affect EPS or local amenity. I therefore recommend the application for approval subject to such conditions.

(3) **Financial Considerations** The correct fee of £24,224 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.

In considering this application, I have had regard to the requirements of the Habitats Directive and Wild Birds Directive, and the Conservation of Habitats and Species Regulations 2010, and I am satisfied that they do not preclude a grant of planning permission as recommended.

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 and transport considerations.

(6) **Background Papers** File No 6.1037.14
Application documents received from the Director of Property dated 19 March 2015 including:
Planning Statement (February 2015) (Tweeddale Ltd).
Design and Access Statement (March 2015) (Ryder Architecture).
Transport Statement (March 2015) (Curtins).

School Travel Plan (2015) (Alfreton Grange Arts College).
 Arboriculture Implications Assessment (March 2015) (Mott MacDonald).
 Biodiversity Statement (March 2015) (Capita Ecology).
 Phase 1 Detailed Desk Top Study (February 2015) (Curtins).
 Flood Risk and Outline Drainage Strategy Study (March 2015) (Curtins).
 Energy Statement (March 2015) (Aecom).
 External Noise Survey Report (February 2015) (Aecom).
 Site Waste Management Plan (February 2015) (Carillion).
 Phasing Plans (Carillion).
 AGA-OOB-PL-GA-001 Rev OJ: Location Plan.
 AGA-OOB-PL-GA-002 Rev 02: General Arrangement Overview.
 AGA-OOB-PL-GA-003 Rev 02: General Arrangement Area Around Building.
 AGA-OOB-PL-GA-004 Rev 02: Existing and Proposed Contours.
 AGA-OOB-PL-GA-005 Rev 02: Circulation Overview.
 AGA-OOB-PL-GA-006 Rev 02: Fencing Strategy.
 AGA-OOB-PL-GA-007 Rev 02: Playing Fields Areas.
 AGA-OOB-PL-GA-008 Rev 02: Planting Strategy.
 AGA-OOB-PL-GA-009 Rev 02: Site Sections.
 AGA-Ryder-TB-00-DR-A-3000 Rev P2: GA Ground Floor Plan.
 AGA-Ryder-TB-01-DR-A-3001 Rev P2: GA First Floor Plan.
 AGA-Ryder-TB-02-DR-A-3002 Rev P2: GA Second Floor Plan.
 AGA-Ryder-TB-R2-DR-A-3003 Rev P3: GA Roof Plan.
 AGA-Ryder-TB-ZZ-DR-A-3600 Rev P3: GA Elevations.
 AGA-Ryder-TB-ZZ-DR-A-3601 Rev P3: GA Elevations.
 AGA-Ryder-TB-ZZ-DR-A-3800 Rev P2: GA Sections.
 MPF2-Ryder-TB-ZZ-DR-A-3900 Rev P2: Strip Section Through Entrance A.
 MPF2-Ryder-TB-ZZ-DR-A-3902 Rev P2: Strip Section Through Wall and Window C.
 MPF2-Ryder-TB-ZZ-DR-A-3904 Rev P2: Strip Section Through Student Entrance Curtain Wall E.
 AGA-Ryder-SB-00-DR-A-3000 Rev P2: GA Ground Floor Plan.
 AGA-Ryder-SB-XX-DR-A-3600 Rev P3: Proposed GA Elevations.
 AG-15628-TOP0-[17-10-13]: Topographic Survey.
 Existing Floor Plans.
 AGA-Ryder-EC-XX-DR-A-3000 Rev P2 GA Plans (Energy Centre).
 AGA-Ryder-TB-ZZ-DR-A-9901 Rev P2: CGI Visual.
 AGA-ACM-00-XX-DR-E-3991 Rev 02: Proposed External Lighting Scheme (Aecom).
 Alfreton Grange site building plan and survey results (14 May 2015).
 Alfreton Grange Arts College Bat report, CAPITA (May 2015).
 Appendix C – Alfreton Grange Phasing Plan.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** in accordance with the application, subject to conditions as set out below or conditions to similar effect:

- 1) The development shall be begun before the expiration of three years from the date of the decision notice.

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

- 2) The development shall be carried out in accordance with the application documents dated 19 March 2015 as amended on 27 March 2015 and 16 May 2015; or as otherwise amended by conditions of this planning permission. Consultation responses from:

- the Coal Authority dated 14 and 30 April 2015;
- Natural England dated 20 April 2015;
- Derbyshire County Council's Conservation and Design Section dated 22 and 23 April 2015;
- AVBC EHO dated 13 May 2015;
- Highways dated 19 May 2015); and
- Sport England dated 21 May 2015.

- 3) The date the development is begun shall be notified in writing to the County Planning Authority no later than seven days after that date.

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

- 4) No construction work or demolition work, movement of traffic or deliveries to and from the premises, including the movement of mobile and fixed plant/machinery, shall only be carried out between the hours of:

- 0730 hours to 1800 hours Monday to Friday;
- 0830 hours to 1300 hours Saturdays.

There shall be no construction work on Sundays, Bank Holidays or other Public Holidays. Any proposed extension to these hours, other than for emergency works, shall be agreed with the County Planning Authority before the work commences.

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

- 5) No piling, blasting, dynamic compaction or use of vibrating rollers, shall occur on the site before a scheme has been submitted to, and approved in writing by, the County Planning Authority, detailing the provisions to be made for the control of associated environmental noise and vibration. All such activities shall take place only in accordance with the approved scheme.

Reason: In the interest of local amenity.

- 6) All operational development activities shall comply with the guidance in British Standard BS5228 Noise and Vibration Control on construction and open sites. Efficient silencers shall be fitted to, used and maintained in accordance with the manufacturers' instructions, on all vehicles, plant and machinery used on the site.

Reason: In the interest of local amenity.

- 7) Within six months of the date of this permission and no later than two months prior to commencement of development, a proposed reversing safety system, including broadband alarms, camera systems, banksmen, and turning circles, but excluding any tonal reversing alarm systems, shall be submitted for approval in writing by the County Planning Authority the safety system, as approved shall be implemented throughout the carrying out of all operational development activities.

Reason: In the interest of local amenity.

- 8) The level of noise emitted from all building services plant rooms and the Energy Centre that are operating simultaneously at their design duty, shall not exceed the sound limits specified in Table 4.3 of the External Noise Survey Report (Aecom, 17 February 2015), or any subsequent agreed amendment to it.

Reason: In the interest of local amenity.

- 9) No visible particulate matter shall be emitted beyond the site boundary. The dust suppression methods, and the emission monitoring method, frequency and recording, shall be agreed with the County Planning Authority before works commence. All works shall be carried out in accordance with the approved scheme. At such times as the prevention of dust nuisance by these means is not possible, dust generating activities shall temporarily cease until such time as dust suppression measures become effective.

Reason: In the interest of local amenity.

- 10) All vehicles entering or leaving the site and those carrying materials likely to deposit dust or mud on the highway must be adequately sheeted. No vehicles shall leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any dust or mud deposited on the highway shall be removed at a frequency and at times agreed with the County Planning Authority.

Reason: In the interest of local amenity.

- 11) No removal of any asbestos-containing materials known, or subsequently found, to be on site shall be carried out unless as agreed in writing with the County Planning Authority prior to its disturbance. Where the presence of asbestos is suspected, then 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 movements of such waste shall be kept.

Reason: In the interest of local amenity.

- 12) There shall be no fires on site and no waste arising from the demolition or construction activities shall be disposed of by burning on site. Burning waste in the open may also require an environmental permit or registered exemption.

Reason: In the interest of local amenity.

- 13) No development shall commence until:
- a. The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and a report submitted to and approved in writing by the County Planning Authority.
 - b. Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved in writing by the County Planning Authority.
 - c. For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate.
 - d. If, during development works, any contamination should be encountered, which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals', then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the County Planning Authority.
 - e. If, during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Contamination Proposals'.
 - f. Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the County Planning Authority.

All reports must be submitted in both paper and digital formats. The scheme shall then be carried out as approved.

Reason: In the interest of local amenity.

- 14) No development shall be carried out until site investigation works have been carried out to ascertain if remedial works are required to treat areas of unrecorded shallow mine workings. In the event that remedial works are required, these shall be carried out in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The scheme shall then be implemented as approved prior to the commencement of any development.

Reason: To ensure the safety and stability of the proposed development.

- 15) Within six months of the date of this permission and no later than two months prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing to the County Planning Authority. The landscaping scheme shall then be implemented as approved. The scheme shall include:

- i) where the different planting strategies would be applied;
- ii) details for the orchard/arboretum areas; and
- iii) landscaping mitigation methods for bats, reptiles and birds.

The scheme shall then be implemented as approved.

Reason: In the interests of local visual and ecological amenity.

- 16) No trees, hedgerows or shrubs (other than those identified in the application documents) shall be cut down, uprooted, damaged, destroyed or removed during the works without the prior written approval of the County Planning Authority. Retained trees, hedgerows and shrubs shall be protected from disturbance, damage or destruction from the approved development by the provision of 3 metres stand-offs. There shall be careful site supervision at all times to ensure that no damage occurs to the protected vegetation.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interests of visual amenity, local landscape character and nature conservation.

- 17) For the first five years following the implementation of the development, planting/landscaping shall be maintained in accordance with the principles of good forestry and husbandry, and any shrubs and trees which die or become seriously damaged or diseased or are missing,

shall be replaced with plants of the same species or such alternative species as may be approved in writing by the County Planning Authority (for the avoidance of doubt 100% replacement is required).

Reason: To ensure that the site is landscaped in accordance with the submitted details, and in the interests of visual amenity and the environment.

- 18) Prior to the development of the super block and sports hall, a scheme detailing the palette of external materials and colours shall be submitted to the County Planning Authority. The scheme shall include:
- a. samples of external materials, including brickwork, mortar colour and profile on the super block and sports hall;
 - b. colour of canopy to the super block;
 - c. wall capping detail;
 - d. colour of polycarbonate high level wrap to sports hall;
 - e. colour of PPC aluminium louvered plant screen at roof level on super block and sports hall;
 - f. colour of doors on super block and sports hall;
 - g. colour of high-pressure laminate surround to entrance lobby;
 - h. colour of air handling unit on roof of sports hall and super block;
 - i. colour of external sprinkler tank on Energy Centre;
 - j. colour of metal façade on Energy Centre; and
 - k. colour of GRP roof on Energy Centre

The scheme shall then be implemented as approved.

Reason: In the interests of local visual amenity.

- 19) The development shall be carried out in accordance with the recommendations in the ecological reports (Alfreton Grange Arts College – Biodiversity Statement Carillion PLC March 2015, Arboriculture Implications Assessment March 2015, Bat Survey Report May 2015, Alfreton Grange Building Plan and Bat Emergence/Return to Roost Survey 1 Results: Dusk dated 27 April 2015 and Dawn dated 28 April 2015 submitted with the application or as otherwise amended by other conditions of this planning permission.

Reason: In the interests of protecting ecology.

- 20) Vegetation removal, including the felling of trees, should be carried out to avoid the bird breeding season (March to August inclusive). In the event that this is not possible, a check for active nests (including nests of ground nesting birds) should be carried out immediately prior to any works taking place by a suitably experienced ecologist. In the event that

nests are found, they should be left undisturbed until all young have fledged.

Reason: To ensure that the development does not disturb breeding birds.

- 21) Within six months of the date of this permission and no later than two months prior to commencement of development, two surveys to ascertain the presence of bats in any buildings to be demolished and elsewhere on the application site, the significance of bat roosts identified in the bat survey reports April-May 2015 inclusive, and how bats and bats roosts might be affected by the development, that shall have been carried between June and August, shall be submitted to the County Planning Authority.

Reason: In conjunction with conditions 15, 19 and 22, to mitigate the effects of the development for bat populations.

- 22) Within six months of the date of this permission and no later than two months prior to commencement of development, a scheme for bat mitigation and compensation shall be submitted to the County Planning Authority for its approval in writing, which shall:
- i) Contain comprehensive mitigation and compensation measures including measures based on those outlined in Section 6.4.2 Table 4 (and sections 6.4.3 and 6.4.4 inclusive) of the Bat Survey Report (Capita Ecology, May 2015), and such further measures as maybe appropriate to secure bat populations taking into account the bat surveys carried out by the developer at the date of this permission and the surveys produced in accordance with Condition 21 above.
 - ii) Include a plan showing the proposed locations of all compensatory bat roost provision, bat bricks and other potential roost features.
 - iii) Interim measures to restrict the use of the existing school buildings to be used by bats, blocking up holes and entries.
 - iv) Include a programme of phasing of all demolition works under the development to prevent any stage of demolition proceeding before each bat compensation mitigation measure which is relevant to that stage has been implemented.
 - v) Include details of lighting arrangements designed to avoid harm to bat interests (taking into account known, proposed and potential roosting locations, and potential bat foraging/commuting routes.
 - vi) Include the submission of a valid European Protected Species (EPS) Licence.
 - vii) Have a competent bat licenced ecologist on site during the demolition phase, where bats or bat roosts might be anticipated or reasonably foreseen.

The scheme shall then be implemented as approved.

Reason: In conjunction with conditions 15, 19 and 21, to mitigate the effects of the development for bat populations.

- 23) No development shall be carried out until a working methodology for the protection of reptiles has been submitted to and approved in writing by the County Planning Authority. The scheme shall then be implemented as approved.

Reason: To ensure that the development does not affect reptiles.

- 24) 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 Waste Planning Authority. The scheme shall:
- i) include precise details of the lighting fixtures to be used at the site;
 - ii) include a 'lux' plan;
 - iii) include a programme of implementation; and
 - iv) demonstrate that bats would not be adversely affected by lighting (taking into account proposed and potential roosting locations, and potential bat foraging/commuting routes).

The lighting scheme shall then be implemented as approved.

Reason: To prevent light extending beyond the site boundaries in the interests of the amenity of the area, and in the interest of protecting bats.

- 25) No development shall take place, including any works of demolition, until a Construction Management Plan or Construction Method Statement has been submitted to and approved in writing by the County Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- parking of vehicles of site operatives and visitors;
 - routes for construction traffic ;
 - hours of operation;
 - method of prevention of debris being carried onto highway;
 - pedestrian and cyclist protection;
 - proposed temporary traffic restrictions;
 - arrangements for turning vehicles; and
 - retention of staff, visitor, delivery and service vehicle parking and access throughout the construction period.

The scheme shall than be implemented as approved.

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

- 26) The premises, the subject of the application, shall not be taken into use until a scheme identifying off-site parking and manoeuvring space for staff, visitor, service and delivery vehicles has been provided in accordance with the application drawings and maintained thereafter free from any impediment to its designated use. The scheme shall then be implemented as approved.

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

- 27) No building or use hereby permitted shall be occupied, or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use, has been prepared. The scheme shall then be submitted to and approved in writing by the County Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets.

Reason: In the interest of reducing car usage and travel, as well as protecting local amenity.

- 28) The development shall not be commenced until a phasing plan detailing proposals for the continuation of outdoor court provision during and after the course of the development works has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The development shall then be implemented in accordance with the approved details.

Reason: To ensure satisfactory measures for the continuation of facilities for sports use.

- 29) Use of the new school building shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the County Planning Authority, and a copy of the completed approved agreement has been provided to the County Planning Authority. The agreement shall apply to the new sports block and external sports facilities/playing fields. The agreement shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed, safe community access to the sports facilities, to ensure sufficient benefit to the development of sport.

- 30) The proposed pitch configuration on the residual playing field shall be modified to include a retained cricket pitch of a fit for purpose standard in addition to the winter pitch sports and athletics track currently shown on the submitted plans, in accordance with details that shall have been submitted to and approved in writing by the County Planning Authority following consultation with Sport England. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the design and layout of the development is fit for purpose and provides sufficient benefits to sport.

- 31) Within three months of the new school building being brought into use, any areas of the retained playing field that are damaged as a result of the implementation of the development shall be restored to a standard at least equivalent to their condition before the development was commenced.

Reason: To ensure the retained playing field is available for sports use.

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 did not engage in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required during the application to overcome the objections and proceed with the application.

Footnotes

- 1) This permission, granted under 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) The Highway Authority recommends that the first 5 metres of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.).
- 3) 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 (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- 4) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com
- 5) The application site is affected by a public Right of Way (Footpath Number 78 Alfretton on the Derbyshire Definitive Map). The route must remain unobstructed and on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer.
- Please note that the granting of planning permission is not consent to divert or obstruct a public Right of Way.
 - If it is necessary to temporarily obstruct a Right of Way to undertake development works, then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
 - If a Right of Way is required to be permanently diverted then the Council that determines the planning application (the Planning Authority) has the necessary powers to make a Diversion Order.
 - Any development insofar as it will permanently affect a public Right of Way must not commence until a Diversion Order (obtainable from the Planning Authority) has been confirmed. A temporary closure of the public Right of Way to facilitate public safety during the works may then be granted by the County Council.
 - To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public Right of Way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

Alfreton Grange Arts College, Grange Street, Alfreton - CD6/0315/157

