

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

8 June 2015

- 1     **SECTION 73 PLANNING APPLICATION FOR CONSENT NOT TO COMPLY WITH CONDITIONS 2 (APPROVED DETAILS) AND 20 (LANDSCAPING) OF PLANNING PERMISSION CODE NO. CD4/0813/88 WHICH GRANTED PLANNING CONSENT FOR THE DEMOLITION OF EXISTING BUILDINGS AND PROVISION OF A NEW EDUCATIONAL FACILITY AT DEINCOURT COMMUNITY SCHOOL, CHESTERFIELD ROAD, NORTH WINGFIELD  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD4/0315/156**

4.1688.13

**Introductory Summary**

This Section 73 planning application proposes not to comply with two planning conditions attached to planning permission code no. CD4/0813/88 in respect of landscaping and other minor amendments. This variation of planning permission CD4/0813/88 is sought as part of a value engineering (cost cutting) exercise. Most of the proposed variations to the approved landscaping scheme are a result of the need to reduce the cost of the project.

Under the current proposals, car parking provision is reconfigured, the large games court is omitted from the scheme, the sprinkler tank is repositioned and redesigned, the seating/ study area and canopies are omitted, the wildflower and habitat areas are reduced in size and some tree planting is omitted. A proposed new native species hedgerow is omitted from the eastern boundary with an existing laurel hedgerow along that boundary now proposed to be retained.

New elements of the landscaping scheme comprise an additional boundary hedge proposed to the north boundary and a 1.8 metres wide footpath to the east boundary of the playing fields which are to the south of the school building.

I consider that the revised landscaping scheme is acceptable and that it would accord with the objectives of the National Planning Policy Framework (NPPF) and with the policies of the North East Derbyshire District Local Plan (NEDDLP). Subject to conditions it is recommended for approval.

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

(2) **Information and Analysis** This planning application seeks to vary the landscaping scheme approved under planning application code no. CD4/0813/88 and not comply with conditions 2 (approved details) and 20 (landscaping). In the face of financial cutbacks, the County Council is no longer able to fully afford the landscaping proposals approved previously. A revised landscaping scheme is now proposed.

### **Site and Surroundings**

The site is 3.35 hectares in size and is located on the north side of North Wingfield. To the north and east is existing residential development, to the west open countryside, and playing fields (that belonged to the former Deincourt Community School) to the south. Footpath No. 27 runs to the south of the site and Footpath No. 4 to the south-east. There are no listed buildings nearby and the site is not within or near to a Conservation Area. Local wildlife site (reference NE311) is located approximately 250 metres to the west of the site.

### **Planning History**

Planning application code no. CD4/0813/88 for a replacement primary school was approved by Derbyshire County Council on 19 December 2013 (Minute No. 8/14 refers). The proposal comprised the construction of a replacement school for North Wingfield Primary School to be built on the site of the former Deincourt School, Chesterfield Road, North Wingfield. The former North Wingfield Primary School was in a poor condition and was deemed unsuitable for education needs.

Aside from the construction of new school buildings, the proposed development involved architectural landscaping which created new external play areas, outdoor teaching areas, soft/hard landscaped areas, internal footpaths and car parking provision. The two existing games courts were proposed to be resurfaced and enclosed with new 3 metres high perimeter fencing. The school site was proposed to be enclosed with 2.4 metres high weldmesh security fencing and gates to the north, south and eastern boundaries, and by a combination of new 2.4 metres high weldmesh fencing and existing palisade fencing to the west boundary.

Pedestrian and vehicular access to the site was proposed via the existing access on Chesterfield Road and included the provision of two car parks providing a total of 40 car parking spaces for staff and visitors and 4 disabled persons' parking spaces.

As part of planning permission code no. CD4/0813/88, a number of planning conditions required schemes that have since been approved. These schemes include the following planning conditions:

- SD2520 Condition 3: External materials including photovoltaic panels, construction/surfacing/size/layout of games courts and playing field, site security measures, the layout and design of the cycle/buggy storage and canopies, space for the parking and manoeuvring of delivery vehicles. Approved 2 October 2014 (Minute No. 90/14 refers);
- SD2521 Condition 20: Landscaping scheme. Approved 6 February 2014 (Minute No. 19/14 refers);
- SD2542 Condition 23: Bat mitigation plan and monitoring strategy. Approved 27 March 2014 (Minute No. 28/14 refers);
- SD2543 Condition 15: Drainage scheme. Approved 27 March 2014 (Minute No. 28/14 refers);
- SD2544 Condition 9: Dust management scheme. Approved 10 July 2014 (Minute No. 57/14 refers);
- SD2545 Condition 16: Space for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles. Approved 14 August 2014 (Minute No. 80/14 refers).

### **The Proposed Variation**

The proposed revisions to the approved landscaping scheme comprise the following:

### **Existing Large Games Court**

Resurfacing and fencing omitted. The perimeter fencing around this court is proposed to be realigned to exclude the court from the school grounds completely.

### **Car Parking**

One large car park comprising 48 parking spaces plus 4 disabled persons parking spaces in lieu of the original two smaller car parks.

### **Hardplay Areas**

Key Stage 2 hardplay area, originally proposed to the west side of the main school building, relocated to the north of the school building adjacent to Key Stage 1 hardplay (to utilise existing hardplay).

### **Planting**

- Essential structural planting has been maintained.
- No additional losses to existing trees to be retained.
- Hedge to northern boundary added as recommended by the County Landscape Architect at pre-application stage.
- The omission of some proposed tree planting.
- Wildflower and habitat area reduced in size.
- Native hedge to east of boundary omitted (adjacent to 82-104 Chesterfield Road) and existing laurel hedge retained.

## **External Structures**

- Seating/study area north of school omitted.
- Canopies omitted.
- Sprinkler tank details and position amended. The proposed sprinkler tank is slightly larger than that permitted and is relocated further north within the site.

## **Pathways**

A 1.8 metres wide tarmac path has been added to the eastern boundary of the playing field to improve safety/reduce congestion around the school entrance and to support the national 'Walk to School' initiative. This is a late amendment to the project in response to local residents' concerns that parents and vehicles will congregate at the school access on Chesterfield Road at peak times, where the road and footpath are of restricted width. The proposed path provides an additional access option where pupils/parents can access the school off Chesterfield Road further to the south.

## **Consultations**

### **Local Members**

Councillors Gillott, Hill and Wright were consulted on 16 March 2015 with a request to make any comments by 6 April 2015.

### **North East Derbyshire District Council**

#### **Planning**

The Planning Services responded on 10 and 22 April 2015 stating that it has no objections.

### **Environmental Health**

The Environmental Health Department responded on 8 May 2015 stating that it has no comments to make.

### **Tupton Parish Council and North Wingfield Parish Council**

Were consulted on 16 March 2015 with a request to make any comments by 6 April 2015.

### **Derbyshire Wildlife Trust**

Derbyshire Wildlife Trust was consulted on 16 March 2015 with a request to make any comments by 6 April 2015.

### **Environment Agency**

The Environment Agency responded on 17 and 26 March 2015 stating that it has no objections.

### **Coal Authority**

The Coal Authority responded on 2 April 2015 stating that it has no comments.

### **Sport England**

Sport England responded on 31 March 2015 objecting that the proposed 1.8 metres wide footpath at the south-east sector of the application site would result in the loss of usable playing field land and was thus contrary to Sport England's Playing Field Policy. After dialogue with Sport England and submission of further detailed information on this matter, Sport England withdrew its statutory objection on 28 April 2015 stating:

*"The proposal, including the 1.8 m wide track is judged not to have a significant impact on usable playing field land or any playing pitch and accords with Exception Policy E3 of Sport England Playing Fields policy."*

### **Crime Prevention Derbyshire**

Crime Prevention Derbyshire was consulted on 16 March 2015 with a request to make any comments by 6 April 2015.

### **Internal Consultations**

The County Council Public Rights of Way Team responded on 27 March 2015 stating that it has no objections.

The County Highway Authority was consulted on 16 March 2015 with a request to make any comments by 6 April 2015.

The County Archaeologist responded on 18 March 2015 stating no comments.

The County Ecologist was consulted on 16 March 2015 with a request to make any comments by 6 April 2015.

The County Landscape Architect responded on 7 April 2015 and referred to comments made at pre-application stage dated 6 March 2015, where the Landscape Architect supports the amended landscaping proposals and recommends new hedgerow planting to the north of the site to screen the play areas from adjoining residential properties.

The County Design Officer responded on 1 and 7 April 2015 stating no comments.

### **Publicity**

The application was advertised by a press notice in the Derbyshire Times with a request for observations by 17 April 2015.

The application was advertised by five site notices with a request for observations by 17 April 2015.

One letter of objection has been received on 8 April 2015 from a local resident, together with three photos of the footpath. The resident's objection comments are summarised as follows:

- The works have already begun.
- The pathway is in close proximity to the objector's residential curtilage affecting privacy and visual amenity.
- The pathway is raised by approximately 2 feet and overlooks into the garden and kitchen of the objector.
- The objector states that the laurel hedge referred to in the pre-application advice section of the planning application form was removed from the curtilage two years ago.
- The perimeter fence has already been erected. There is no space in between to allow the objector to maintain their fence.
- The objector queries the need for a 2.4 metres high perimeter fence.
- The plans show the new path 15 feet from the objector's boundary, however, the path is being laid 2 feet away. The path is 12 feet wide.
- The objector is disappointed that he has not received formal notification of this planning application by Derbyshire County Council.

## **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 North East Derbyshire District Local Plan (2001) (NEDDLP). Other material considerations include statements of Government policy in the National Planning Policy Framework (2012) (NPPF) and National Planning Practice Guidance (NPPG).

### **National Planning Policy Framework**

Chapter 1: Building a strong, competitive economy.

Chapter 7: Requiring good design.

Chapter 8: Promoting healthy communities.

The NPPF, published in March 2012, sets out the Government's key economic, social and environmental objectives, and the planning policies to deliver them. It states that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 6 of the NPPF) and adds that the planning system should play an active role in guiding development to sustainable solutions (Paragraph 8).

### **National Planning Practice Guidance**

NPPG, published in March 2014, contains revised and updated planning practice guidance on a wide range of planning issues. It complements and expands on the broad guidance in the NPPF.

### **Sport England Playing Fields Policy Statement – A Sporting Future for the Playing Fields of England**

Policy Exception E3.

### **North East Derbyshire District Local Plan Policies**

The relevant saved policies from the NEDDLP are:

GS1: Sustainable Development.

BE1: General Design Principles.

GS5: Settlement Development Limits.

GS6: New Development in the Countryside.

NE8: Tree Planting.

R2: Formal Recreation Facilities.

T2: Highway Access and the Impact of New Development.

### **Assessment of the Proposal**

The majority of the proposed amendments to the approved landscaping scheme are a result of the need to reduce the cost of the project. There is a need for a replacement school in this area and the need to cut costs is important in the success of the scheme. This development will significantly improve existing educational facilities in North Wingfield and accords with the Government's economic and social dimensions of sustainable development, in view of the role it would play in maintaining and improving the quality of life in the local community, in line with the broad intent of Chapter 1: Building a strong, competitive economy and Chapter 8: Promoting healthy communities of the NPPF.

The reconfiguring of the car parking, the omission of the large games court from the scheme, the redesign and positioning of the sprinkler tank, omission of the canopies, seating and study area, reduction in size of the wildflower and habitat areas, omission of some tree planting, omission of new hedge planting (adjacent to the boundary with 82-104 Chesterfield Road) and the retention of an existing laurel hedge are components of this 'value engineering' exercise to save costs.

The addition of boundary hedge planting (to the northern site boundary adjacent to residential properties 1-6 Deincourt Crescent) was recommended by the County Landscape Architect at pre-application stage.

The 1.8 metres wide footpath to the eastern boundary of the playing field is proposed as an initiative to reduce congestion at the existing school access during pupil drop-off/pick-up times. The new footpath would provide an

alternative pedestrian access to the south of the existing access. The County Council wishes to support the national 'Walk to School' initiative, together with a 'park and stride' option using local community car parking away from the school entrance.

A letter of objection has been received from a local resident concerned over the 2.4 metres high perimeter fence (this has been erected) and the 1.8 metre wide path. The perimeter fence has the benefit of planning permission under planning application code no. CD4/0813/88 and has been erected in accordance with the approved details. The approved fence is considered to be appropriately designed so that it is not visually unacceptable close to residential properties whilst providing the necessary security for the school.

The resident's concerns that work on the path was already underway were accurate. The building contractor had begun preliminary removal of topsoil for the path. Upon notification of the commencement of these works, the building contractor was advised to cease construction until such time that planning approval had been received. The width of topsoil that has been stripped back does approximate to 12 feet as described by the resident; however, this is to assist the setting out works needed in due course. The path is proposed to be 1.8 metres in width (6 feet), and would be located exactly where shown on the drawing.

The resident is also concerned that the path is raised by approximately 2 feet and overlooks into their garden and kitchen. The levels of the path follow the levels of the playing field and the path will not be higher than adjacent grassed areas or adjacent property boundary levels. The undulating line of the path, rather than constructing it in a straight line, is to account for existing difference in land levels and the need to construct the path to a shallow gradient of no more than 1 in 20 to ensure access for disabled persons. A steeper gradient path would require continuous hand railing, would be less user-friendly and have a greater visual impact.

The proposed new pathway is located in the southern section of the site that is designated as recreational and in Policy R2 of the NEDDLP. Sport England's Playing Field Policy Statement - A Sporting Future for the Playing Fields of England, seeks to protect playing field land from development. The pathway has been sited adjacent to the eastern site boundary to take account of Sport England's Policy on protecting playing field land. Sport England had initially objected to the portion of the path that curves westwards (adjacent west of 74-78 Chesterfield Road) to allow for differences in ground levels, on the grounds that it considered that the path impinged on playing field land. Following the submission of further information by the applicant, that advised that the playing field in question comprised of substantially different levels and was not considered suitable for sports use, Sport England withdrew its objection to the



proposal. I am therefore satisfied that the proposal would be acceptable in the context of Policy R2 of the NEDDLP.

A laurel hedge was originally proposed to be removed from part of the eastern boundary which is adjacent west of residential properties 82 – 104 Chesterfield Road. The amendments to the scheme propose pruning back the laurel hedge to allow for the construction of the perimeter fence, then allowing the laurel hedge to grow back. I note the concerns of the resident in respect of the laurel hedge, stating that this was cut down and removed two years ago; however, this refers to the eastern site boundary adjacent to 68-78A Chesterfield Road.

The resident is also concerned about not receiving formal notification of this planning application. The planning application was publicised utilising five site notices posted locally and a press notice in the Derbyshire Times, and was carried out in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2010.

Policy GS1 of the NEDDLP states that all development proposals will be required to have regard to the need to maintain or improve the quality of life of communities, maintain economic growth and preserve or enhance the environment of North East Derbyshire, and contribute towards achieving a sustainable pattern of development. The criteria of this Policy seeks that development proposals will be located within defined Settlement Development Limits, make use of previously developed land before greenfield sites, be well related to existing public transport networks, other services and facilities, and be accessible on foot and by cycle. The final criteria seeks that development will protect and conserve the quality of the area's natural and cultural assets and their settings, improve the quality of the built environment and minimise pollution.

The site is located just outside of the defined settlement development limits boundary as defined in Policy GS5 of the NEDDLP. Policy GS6 of the NEDDLP is therefore also relevant to this proposal, which seeks to limit inappropriate development in the Countryside. The site has a long established use as a school and the site is not considered to be greenfield land. The proposal does not require any major new infrastructure and the proposed amendments in this location are considered to be acceptable in the context of policies GS1, GS5 and GS6 of the NEDDLP.

Policy BE1 of the NEDDLP seeks to presume in favour of new development that respects the character and appearance of the surrounding area, and provides landscaping appropriate to the setting. This 'value engineering' exercise seeks to cut costs whilst maintaining landscaping appropriate to the setting. I do not consider that the amended landscaping scheme detracts from the character and appearance of the surrounding area.

The site is accessible by foot and cycle, and is served by public transport. The proposed 1.8 metres path seeks to improve the accessibility of the school as part of the national 'Walk to School' initiative and the County Council's 'park and stride' initiative. The proposed path accords with NEDDLP Policy T2 where the needs of pedestrians, people with disabilities, cyclists and public transport users are taken into account. The gradient of the proposed 1.8 metres path is designed to allow use by disabled persons and the principle behind the path is to allow easier access to the school for pedestrians, as well as avoiding congestion.

The majority of the proposed amendments to the approved landscaping scheme have not attracted comment. The proposed 1.8 metres path initially was the subject of a Sport England objection, which was subsequently withdrawn, with Sport England acknowledging that the path accords with Exception Policy E3 of the Sport England Playing Fields Policy document "A Sporting Future for the Playing Fields of England", where the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss or inability to make use of any playing pitch.

A local resident has raised objections to the 1.8 metres path and the comments raised are noted. The concerns raised by the resident have been assessed and it is considered that the concerns would be addressed upon completion of the construction works. The height of the fence will provide the necessary security for the school and is of an appropriate design. Regarding notification, the application has been advertised by both site and press notice. It was not deemed necessary to individually consult nearby residential properties. In terms of policies GS1, GS6 and BE1 of the NEDDLP, I do not consider that the amended landscaping scheme detracts from the quality of life of the local community. The proposed path seeks to improve access for pupils/parents attending the school and improve congestion problems that may arise from using the existing school access. The residential properties along this part of Chesterfield Road have sat adjacent to the former Deincourt School and its playing fields for many years.

## **Conclusion**

The amended landscaping scheme is to reduce the budget for this project. The proposed new footpath is proposed to improve the accessibility of the school as part of the national and County Council initiatives. The proposed new hedgerow is proposed for the amenity benefit of adjoining residential properties to screen them from the play areas. The detail lost as part of this application is regrettable but still allows the development to be undertaken with the landscaping details to an acceptable standard. Subject to the recommended conditions, I consider that the proposal does not conflict with national or local planning policies and the application is recommended for approval.

(3) **Financial Considerations** The correct fee of £195 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.

### **Other Considerations**

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

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

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

(6) **Background Papers** File No. 4.1688.13  
Application documents dated 12 and 19 March 2015 from Derbyshire County Council's Director of Property. Correspondence from the County Archaeologist dated 18 March 2015, the Rights of Way Officer dated 27 March 2015, the Conservation and Design (Design) Officer dated 1 and 7 April 2015, the County Landscape Architect dated 7 April 2015, the Environment Agency dated 17 and 26 March 2015, Sport England dated 31 March and 28 April 2015, the Coal Authority dated 2 April 2015, Natural England dated 2 and 10 April 2015, North East Derbyshire District Council (Planning) dated 10 and 22 April 2015, North East Derbyshire District Council (Environmental Health) dated 8 May 2015.

(7) **OFFICERS RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions of conditions to similar effect:

### **Approved Details**

- 1) For the avoidance of doubt, the development shall be carried out in accordance with Code No. CD4/0813/88, unless otherwise amended by conditions of this permission. For the following plans and documents:
  - 1App Form - Application for planning permission dated 2 September 2013.
  - North Wingfield Primary School: Planning Statement/Supporting Statement.

- Design and Access Statement in Support of the Planning Application for North Wingfield Primary School, Chesterfield Road, North Wingfield dated August 2013.
- Drawing no. 1100370/x/102 Rev A – Tree Protection Plan.
- Drawing no. 1100370/x/103 Rev A – Tree Protection Plan.
- Drawing No. 1100370/x/203 Rev F – Soft Landscape North Sector of Site (1 of 3) Reduced Scheme
- Drawing No. 1100370/x/204 Rev F – Soft Landscape South Sector of Site (2 of 3) Reduced Scheme
- Drawing no. 1100370/x/101 Rev A - Site sections.
- North Wingfield Primary School: Flood Risk Assessment.
- North Wingfield 1973 plan – Trial Holes.
- Drawing no. 1100370/A/02 – External Elevations.
- Drawing no. 1100370/A/01 – Floor Plan.
- Drawing no. 1100370/OS – Site Location Plan (existing and proposed).
- Drawing No. 1100370/OS - Location Plan (As Existing).
- Drawing No. 1100370/OS/01 - Site Location Plan (Existing and Proposed Sites).
- Drawing no. 1100370/A/03 – Section Elevations through Courtyards.
- Drawing no. SK/01 Rev D0 – View Towards Entrance.
- Drawing no. SK/02 Rev D0 – Main Entrance.
- Drawing no. SK/03 Rev D0 – View of Hall Elevation.
- Drawing no. SK/04 Rev D0 – View Through Landscape.
- Drawing no. SK/05 Rev D0 – Aerial View.
- Drawing no. SK/06 Rev D0 – Feature Details.
- Drawing no. SK/07 Rev D0 – Internal Axonometric.
- Drawing no. 1100370/SC/001 – Ground Investigation By Open Hole Rotary Drilling and Window Sampling.
- Preliminary Site Report, Deincourt School, North Wingfield dated 3 April 1992.
- Preliminary Site Report (Structural) dated 27 December 2012.
- Preliminary Ecological Appraisal, report reference CL1376/005/001 dated March 2013.
- Coal Authority Mining Report dated 7 June 2013.
- EMEC Ecology Report entitled Bat Activity Survey of Deincourt Community School, Chesterfield Road, North Wingfield, Derbyshire dated June 2013.
- North Wingfield Primary School: Recreation/Open Space Assessment.
- Scheme for external materials comprised of submissions received on 1 January 2014 and on 20 February, 3 and 24 September 2014 (submission ref SD2520) as approved by the County Planning Authority on 2 October 2014, otherwise than as amended by drawing

no. 1100370/x/203 Rev F – Soft Landscape North Sector of Site (1 of 3) Reduced Scheme and drawing no 1100370/x/204 Ref F – Soft Landscape South Sector of Site (2 of 3) Reduced Scheme as submitted with planning application CD4/0315/156.

- North Wingfield Primary School: Transport Assessment/Statement and Parking Provision.
- North Wingfield Junior School Travel Plan.
- Coal Mining and Mineral Valuers report dated 30 October 2007.
- Coal Mining Risk Assessment Report dated September 2013.
- Tree Survey Report UPRN: 1570-01.
- Email from the Director Property dated 18 November 2013 regarding the use and sizes of the playing pitches.

**Reason:** To secure conformity with the details of the application that is approved.

### Hours of Operation

- 2) Construction 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.

- 3) Deliveries associated with the construction works shall only take place between:

0700 hours and 1800 hours Mondays to Fridays;  
0730 hours to 1300 hours on Saturdays.

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

- 4) No construction workers shall enter the site more than 30 minutes before the starting time of permitted working as specified on Condition 3.

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

### Noise

- 5) Any generators brought onto site shall be super-silenced (enclosed) and/or screened, and not located adjacent to nearby residential properties.

**Reason:** To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity and the environment.

- 6) All reversing warning systems used on vehicles on the site and visiting the site, shall be either non-audible, ambient related or low tone devices.

**Reason:** To control the impact of noise generated by the development in the interests of local amenity.

### **Dust**

- 7) For the duration of the construction phase of the development, dust management at the site shall be carried out in accordance with the scheme received 4 February and 21 March 2014 from Derbyshire County Council's Director of Property (submission ref. no SD2544), as approved by the County Planning Authority on 10 July 2014.

**Reason:** To control the impact of dust generated by the development in the interests of local amenity.

### **Environmental Protection**

- 8) No burning of waste shall take place at the site.

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

- 9) The applicant shall ensure that a telephone enquiry contact is available and maintained at all times when site works are in progress to deal with enquiries and complaints from the local community about the works. The telephone number, and any change to it, shall be notified to the County Planning Authority and North East Derbyshire District Council's Environmental Health Officer, and it shall also be publicised widely in the local community affected by the works.

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

### **Lighting**

- 10) No external lighting shall be installed except in accordance with a scheme that has been submitted to and received the written approval of the County Planning Authority. The scheme shall include precise details of the lighting proposals, including lux plans. The lighting scheme shall take into account proposed replacement bat roost structures and potential foraging habitats. The scheme shall then be implemented as approved.

**Reason:** To ensure that the lighting is appropriate in the interests of local amenity and the environment, and in the interests of protection of bats.

### **Land Stability/Contamination**

- 11) If, during construction works associated with the development hereby approved, any areas suspected of being contaminated are discovered, all works in this part of the site shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the County Planning Authority. The assessment shall take the form of a Phase I contaminated land assessment (desk-study) and shall detail the site investigation strategy required to deal with the contamination identified. Any investigation required shall be undertaken in accordance with the scheme submitted and shall comply with current Government Guidance. The County Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Upon completion of any necessary remediation works carried out in accordance with the site investigation strategy, a validation report prepared by a competent person shall be submitted to and approved in writing by the County Planning Authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation, shall be included.

**Reason:** To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.

### **Drainage**

- 12) The site drainage shall be carried out and maintained in accordance with the drainage scheme and accompanying drawing nos. 1100370/T/01 and 1100370/T/03 received 4 February 2014 from the County Council's Director of Property (submission ref. no. SD2543), as approved by the County Planning Authority on 27 March 2014.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem, and to minimise the risk of pollution.

### **Access and Highway Safety**

- 13) Space shall be provided within the application site for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives' and visitors' vehicles, in accordance with the details contained in the scheme received 4 February 2014 and amended drawing no. TMP 7.7.14 received 9 July 2014 from the County Council's Director of Property (submission ref. no. SD2545), as approved by the County Planning Authority on 14 August 2014.

**Reason:** In the interests of local amenity, highway safety and the environment.

- 14) No mud or dirt shall be carried out from the site onto the public highway. Throughout the period of the development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

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

- 15) The premises which are the subject of the application shall not be taken into use until the car parking and manoeuvring space and cycle parking have been provided in accordance with Condition 1 above, and maintained thereafter free from any impediment to their designated uses.

**Reason:** To restrict the routes for accessing the site and in the interests of local amenity, highway safety and the environment.

- 16) The premises, which are the subject of the application, shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the County Planning Authority. The Travel Plan shall set out physical and other measures to promote travel by sustainable modes and shall include a timetable for implementation of the measures. The Travel Plan shall be implemented as approved. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the County Planning Authority for a period of five years from first use of premises.

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



## Landscaping

- 17) The landscaping of the site shall be carried out in accordance with the details contained in drawing nos. 1100370/x/203 Rev F – Soft Landscape North Sector of Site (1 of 3) Reduced Scheme and Drawing No. 1100370/x/204 Rev F – Soft Landscape South Sector of Site (2 of 3) Reduced scheme.

**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) For the first five years following the implementation of the development, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any shrubs and trees which die or become seriously damaged 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.

- 19) All fencing located along the site perimeter, and internally within the site, shall be RAL 6009 (dark green) in colour.

**Reason:** In the interests of visual amenity and the environment.

## Ecology

- 20) The bat mitigation plan and monitoring strategy shall be carried out in accordance with scheme and accompanying EMEC Ecology Report entitled 'North Wingfield Primary School Redevelopment in North Wingfield, Derbyshire – Method Statement Document 2' dated January 2014 and received 4 February 2014 from the County Council's Director of Property (submission ref. No. SD2542), as approved by the County Planning Authority on 27 March 2014.

**Reason:** To ensure that appropriate mitigation measures are in place in relation to protected species and in the interests of nature conservation.

## Protection of Trees and Shrubs

- 21) Other than those identified in the application documents, no trees, hedgerows or shrubs 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 in accordance with the measures detailed on the Tree Protection Plan nos 1100370/x/102 and 1100370/x/103. There shall be careful site supervision at all times to ensure that no damage occurs to the protected vegetation. All trees, hedgerows and shrubs protected under this condition shall be incorporated into an approved scheme of landscaping at the site.

**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.

### **Sports Facilities and Community Access**

- 22) The construction of the games courts, the school hall and any works on the playing fields shall be carried out substantially in accordance with the guidance contained in Sport England Guidance Notes, including Designing for PE and Sport – School Sites 2013, Artificial Surfaces for Outdoor Sports 2012 and Natural Turf for Sport 2011.

**Reason:** To ensure the development is fit for purpose, subject to high quality design standards, and sustainable.

- 23) In the event that the school sports facilities are to be made available for public use and prior to the commencement of any community use of the facilities, a Community Use Scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details of hours of use, access by non-school users/non-members, management responsibilities, pricing policy and include a mechanism for review. The approved scheme shall be fully implemented upon commencement of use of the school sports facilities.

**Reason:** To secure well managed safe community access to the sports facilities and in the interests of community sport provision.

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application and post application discussions, and meetings with relevant officers in the Authority prior to the submission of the application.

The planning application has been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the the National Planning Policy Framework (NPPF) (2012).

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

The development under the planning permission with the conditions above is in accordance with the relevant policies of the development plan, which are listed below.

### **Policies**

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

#### **National Planning Policy Framework**

Chapter 1: Building a strong, competitive economy.

Chapter 7: Requiring good design.

Chapter 8: Promoting healthy communities.

#### **Sport England Playing Fields Policy Statement – A Sporting Future for the Playing Fields of England**

Policy Exception E3.

#### **Adopted North East Derbyshire District Local Plan Policies**

GS1: Sustainable Development.

BE1: General Design Principles.

GS5: Settlement Development Limits.

GS6: New Development in the Countryside.

NE8: Tree Planting.

R2: Formal Recreation Facilities.

T2: Highway Access and the Impact of New Development.

### **Footnotes**

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) Attention is drawn to:
  - i) Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970; and
  - ii) Building Bulletin 91 "Access for Disabled People to School Buildings, Management and Design Guide" published in 1999 or any prescribed document replacing that code.

- 3) Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider, wherever possible, removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method, rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at:  
[http://coal.decc.gov.uk/en/coal/cms/services/licensing/license\\_apps/license\\_apps.aspx](http://coal.decc.gov.uk/en/coal/cms/services/licensing/license_apps/license_apps.aspx)

Under the Coal Industry Act 1994, any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:  
<http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:  
<http://coal.decc.gov.uk/assets/coal/whatwedo/4265-policy-for-building-over-or-within-the-influencing.pdf>

Signed..... Dated.....

**Mike Ashworth**  
**Strategic Director – Economy, Transport and the Environment**

