PUBLIC

LET7251 Form TCP 3

DERBYSHIRE COUNTY COUNCIL

TO: Derbyshire County Council
C/O Joanne Woods
MABER
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Nottingham
NG1 1JU

County Hall
Matlock
Derbyshire
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6.174.45

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Council under the above Act and all related Acts, Orders and Regulations, and with reference to your application Code No CD6/1021/21 received on the 12 November 2021 for permission **to not comply with Condition 1 of Planning CD6/0820/32 to allow various alternative design changes to school building and landscaping detail at Land at Alfreton Park, Alfreton, DE55 7AP** in the manner described in the application and shown on the accompanying plan(s) and drawing(s), NOTICE IS HEREBY GIVEN that permission for the proposed development is **GRANTED subject to compliance with the following conditions:**

Form of Development

1) The development shall be carried out in accordance with the details set out in planning permission code no. CD6/0820/32 dated 13 November 2020, as amended by application for planning permission code no. CD6/1021/21 received 12 November 2021, unless otherwise modified or amended by conditions of this planning permission. For the avoidance of doubt the approved plans and documents are:

- Application Form dated 25 October 2021
- Drawing No. 3276-MAB-XX-00-DR-A-00011 Rev S2/P01 entitled "Site Location Plan" dated 13 August 2021
- Drawing No. 3276-MAB-XX-ZZ-DR-A-00101 Rev S2/P01 entitled 'Ground Floor Plan' dated 13 August 2021
- Drawing No. 3276-MAB-XX-01-DR-A-00102 Rev S2/P01 entitled 'Roof Plan' dated 13 August 2021

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- Drawing No. 3276-MAB-XX-ZZ-DR-A-00151 Rev S2/P02 entitled 'Elevations Sheet 1 of 5' dated 11 November 2021
- Drawing No. 3276-MAB-XX-ZZ-DR-A-00152 Rev S2/P01 entitled 'Elevations Sheet 2 of 5' dated 13 August 2021
- Drawing No. 3276-MAB-XX-ZZ-DR-A-00153 Rev S2/P01 entitled 'Elevations Sheet 3 of 5' dated 13 August 2021
- Drawing No. 3276-MAB-XX-ZZ-DR-A-00154 Rev S2/P01 entitled 'Elevations Sheet 4 of 5' dated 13 August 2021
- Drawing No. 3276-MAB-XX-ZZ-DR-A-00155 Rev S2/P02 entitled 'Elevations Sheet 5 of 5' dated 11 November 2021
- Drawing No. 2057-WWA-ZZ-XX-DR-L-0104 Rev C10 entitled "Landscape Entrance Plan" (Revision dated 7 January 2022)
- Drawing No. 2057-WWA-ZZ-XX-DR-L-0105 Rev C09 entitled "Landscape Carpark & Drop-off Plan" (Revision dated 7 January 2022)
- Drawing No. 2057-WWA-ZZ-XX-DR-L-0106 Rev C09 entitled "Southern Landscape External Classrooms Plan" (Revision dated 4 January 2022)
- Drawing Number 2057 -WWA-ZZ-XX-DR-L-0103 Rev C09 entitled "Landscape Courtyard Plan" (received 03 February 2022)
- Drawing No. 2057-WWA-ZZ-XX-DR-L-0301 Rev C03 entitled "Planting Plan North Sheet 1 of 4" (Revision dated 04 January 2022)
- Drawing No. 2057-WWA-ZZ-XX-DR-L-0302 Rev C03 entitled "Planting Plan West Sheet 2 of 4" (Revision dated 04 January 2022)
- Drawing No. 2057-WWA-ZZ-XX-DR-L-0303 Rev C04 entitled "Planting Plan South Sheet 3 of 4" (Revision dated 07 January 2022)
- Drawing No. 2057-WWA-ZZ-XX-DR-L-0304 Rev C03 entitled "Planting Plan East Sheet 4 of 4" (Revision dated 04 January 2022)
- Planning Statement (Rev P03) dated 12 January 2022
- Management and Maintenance Plan dated January 2022
- Drainage Strategy Statement dated October 2021

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

Hours of Operation

2) The School Hall and MUGA, shall only be used during the following hours:

Mondays to Fridays 08:00 hours – 20:00 hours
Saturdays, Sundays and Bank Holidays 09:00 hours – 18:00 hours

Reason: In the interests of local amenity and the environment.

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3) The School Hall and MUGA shall only be used by the external parties/local communities between the following hours:

Mondays to Fridays 16:00 hours – 20:00 hours
Saturdays, Sundays and Bank Holidays 09:00 hours – 18:00 hours

Reason: In the interests of highway safety and local amenity

Construction
4) No construction/demolition work at the site shall take place outside the following hours:

0700 hours to 1900 hours Mondays to Fridays.
0800 hours to 1300 hours on Saturdays.

At any time on Sundays or Public Holidays except by agreement with the County Planning Authority.

All deliveries to the site shall be limited to within the above hours. Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to and approved in writing by the County Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of local amenity and the environment.

5) If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected contamination shall be dealt with. The Strategy shall be implemented as approved in writing by the County Planning Authority.

Reason: To protect the health of the public and the wider environment.

6) No topsoil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the County Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed and source material information. The analysis shall then be carried out and

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validatory evidence submitted to and approved in writing by the County Planning Authority.

Reason: To protect the health of the public and the wider environment.

7) All rubbish, scrap and waste material, either found or generated on the site, shall be stored in clearly marked areas or containers until such time as it can be removed to facility which holds an appropriate Environmental Permit.

Reason: In the interest of protecting the environment and the amenity of the surrounding area.

8) There shall be no burning of Waste at the site.

Reason: In the interest of protecting the environment and the amenity of the surrounding area.

9) Prior to the demolition of the existing school building, a plan and details shall be submitted to, and be agreed in writing by the County Planning Authority, to indicate design, type and location of equipment, picnic areas, toddler area and any associated equipment and furniture.

Reason: In the interest of visual amenity

Access, Traffic and Highway Safety

10) Throughout the construction 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 interests of highway safety and to prevent the drag out of mud, dirt or debris onto the highway.

11) The premises the subject of the application shall not be taken into use until space has been laid out within the site in accordance with the application drawing for the parking and manoeuvring of staff, visitors, service and delivery vehicles and mini-buses/taxis, and for all vehicles to turn so that they may enter and leave the site in forward gear. The space shall be retained free from any impediment to its designated use throughout the life of the development.

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Reason: The condition is imposed to minimise the impact of the development on the users of the park, nearby residents and local highway network and in the interest of site safety.

12) The school shall make its own car parking provision available to the Local Community during community events undertaken within Alfreton Park.

Reason: In the interests of appropriate parking provision and highway safety around the site.

13) Prior to the occupation of the school an up to date School Travel Plan shall be submitted to and have been approved in writing by the County Planning Authority. The Travel Plan then shall be implemented as approved. The Travel Plan shall then be monitored and reviewed in accordance with the agreed Travel Plan targets.

Reason: In the interests of highway safety and to encourage sustainable modes of travel to and from the school.

Ecology

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

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

15) Prior to the new buildings being taken into use, ecological mitigation measures, and an ecological enhancement plan for the site shall be submitted to and approved in writing by the County Planning Authority. The ecological enhancement plan shall then be implemented as approved.

Reason: In the interests of increasing and maintaining biodiversity at the school site.

16) Throughout the development and when clearing vegetation from around the site, reasonable care shall be taken to ensure that if any reptiles discovered are not injured or killed. If, at any time during the development any reptile is found, a suitably qualified ecologist shall be supervise the protection and removal of reptiles. No further works to the area of the site, where the

reptile was discovered, maybe undertaken unless supervised by a suitably qualified ecologist.

Reason: To protect any reptiles that may be present within the site.

17) If, at any time during the development any badgers or evidence of their presence on site is found, all development should cease on site until a suitably qualified ecologist has assessed the site and a scheme outlining badger protection and suitable habitat mitigation is submitted to and approved in writing by the County Planning Authority, prior to works re-commencing on site.

Reason: In the interests of protection of badger presence and habitat.

18) All flood lighting shall be restricted to that of the approved hours of operations, as highlighted under conditions 2 and 3 of this decision notice. The lighting should not be used overnight unless required for security purposes.

Reason: In the interests of bat conservation and foraging.

Landscaping

19) All fencing shall be finished in either a Dark Green or Black finish.

Reason: To reduce the visual impact of the development.

20) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the County Planning Authority agrees any variation in writing. For the avoidance of doubt, for the purposes of this condition, 100% replacement is required.

Reason: In the interests of establishment of appropriate landscape works for the benefit of visual amenity.

21) Prior to the commencement of the demolition works, a Tree Protection Scheme, setting out appropriate measures to protect the Tree Preservation Order (TPO) trees and safeguard the root protection areas, shall be

submitted to and be approved in writing by the County Planning Authority. The scheme shall then be implemented as approved.

Reason: In the interest of preserving local amenity and protection of TPO and veteran trees.

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

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

Footnotes

1) In the event that a bat is discovered during works, then all works should stop immediately and advice should be sought from a suitably experienced and licensed ecologist.

2) All open trenches or pits must be covered over at night or left with a sloping end, to prevent mammals from falling in and becoming trapped. Similarly, any pipes over 200mm will need to be capped off at night to prevent mammals from using them for shelter. Night work should be avoided where possible and in the unlikely event that evidence of sett digging is observed, works should cease until a full assessment can be made by an ecologist.

3) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

4) Where development has been approved, subject to the preparation and implementation of a Travel Plan, the applicant is obligated to submit the appropriate documentation to the Local Planning Authority, well in advance of the development being taken into use. Advice regarding the content of the Travel Plans may be obtained from Rob Bounds, Senior Transport Planner, County Hall, Matlock.

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5) The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

6) Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk

7) No part of the proposed development shall be constructed within 3-8m of an ordinary watercourse and a minimum 3m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

8) The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

9) The applicant should demonstrate, to the satisfaction of the County Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

10) The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions and pipe numbers.
- Soakaways, including size and material.

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- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

I. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition an appropriate allowance should be made for urban creep throughout the lifetime of the development (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield runoff volume for the same event.

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence.

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Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.

- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network whatever size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

11) All Micro Drainage calculations and results must be submitted in .MDX format, to the County Planning Authority. (Other methods of drainage calculations are acceptable.)

12) The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

13) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks

and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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NOTES

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice; unless

- this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

- Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the County

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Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

The following notes are the further advice of the County Council.

- This permission relates to planning control only. Any other statutory consent necessary to enable the proposed development to commence must be obtained from the appropriate authority or regulator.

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