



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

DELEGATED PLANNING DECISION

Report of the Assistant Director – Regulatory Services

- 1 New Timber, Octagonal, External Shelter with Half Open Sides, Felt Tile Roof and New Bound Rubber Path to be Used for Recreation and Outdoor Learning at William Levick Primary School, Smithy Croft, Dronfield Woodhouse, Derbyshire, S18 8YB
Applicant: William Levick Primary School
Planning Application Code No. CD4/1023/35**

4.2305.5

1. Introductory Summary

- 1.1. This report considers an application for planning permission for the erection of an octagonal shelter at William Levick Primary School. The shelter would be used for outdoor learning and play for the pupils of the school. This application includes the creation of a bound rubber mulch path from the existing trim trail. The proposed development would be situated on the school playing field. The application site is not located Conservation Area and the school building is not listed or within the setting of a listed building.
- 1.2 No objections have been received in respect of the proposal and therefore, I am satisfied that the proposal would accord with the policies of the development plan and the National Planning Policy Framework. The application is therefore recommended for approval, subject to conditions.

2. Divisions Affected

- 2.1 Dronfield Woodhouse.

3. Purpose

- 3.1 To enable the application to be determined under the delegation procedures.

4. Information and Analysis

Site and Surroundings

- 4.1 The application site is located within the grounds of William Levick Primary School in the town of Dronfield. Residential properties are located to the east, west and north of the school site. To the south of the school are the recreational grounds associated with Dronfield Woodhouse Sports and Social Club. The application relates to the school's existing playing field to the south of the main school building and south-west of an existing trim trail. A mature Hawthorne hedgerow runs along the southern boundary of the site and a mature Goat Willow tree is situated to the west of the existing trim trail.
- 4.2 The application site is not located in a Conservation Area (CA) and the school building is not listed or within the setting of a listed building. There is no adopted Neighbourhood Plan within this area.

Proposed Development

- 4.3 The proposed development is for the erection of an octagonal shelter, which would stand at an overall height of 3.71 metres (m) with a width, and length of 4.83m. The proposed shelter would be erected using natural tongue and groove timber boards with a green felt shingle roof. The shelter would be raised with ramped entrance. An 18m long and 1m wide bound rubber mulch path would be installed from the existing trim trail to the proposed shelter. The route of the path would run between an existing archway formed by an existing tree. The proposed path would have a black finish to match the surfacing of the existing trim trail.

Relevant Planning History

- 4.4 There are no relevant permissions which have subsequently been granted in respect of the site.

Consultations

Local Member

- 4.5 Councillor Foster expressed support towards to the proposed development.

North East Derbyshire District Council – Planning

- 4.6 North East Derbyshire District Council – Planning raised no objection to the proposed development.

North East Derbyshire District Council – Environmental Health Officer

- 4.7 North East Derbyshire District council – Environmental Health Officer (EHO) does not wish to make a comment on this application.

Dronfield Town Council

- 4.8 Dronfield Town Council has expressed support towards the proposed development.

Sport England

- 4.9 Does not raise any objection to the proposed development.

Highway Authority

- 4.10 No formal comments.

Publicity

- 4.11 The application has been advertised by site and press notice (Derbyshire Times) with a request for comments by 29 November 2023. No representations were received in respect of this publicity.

Planning Considerations

- 4.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the Adopted North East Derbyshire Local Plan (NEDLP) 2014 - 2034 (2021).
- 4.13 Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (Revised 2023), the associated Planning Practice Guidance (PPG), and Sport England's Planning Policy Statement – A Sporting Future for the Playing Fields of England and Playing Fields Policy and Guidance, as amended (December 2021).
- 4.14 The most relevant policies for this proposal are:

Adopted North East Derbyshire Local Plan 2014 - 2034 (2021) Policies

SP1: Dronfield.

SDC2: Trees, Woodland and Hedgerows.

SDC12: High Quality Design and Place-Making.

ID10: Open Space, Sports and Recreation Facilities.

National Planning Policy Framework (Revised 2023)

The NPPF sets out the Government's key economic, social and environmental objectives, and the planning policies designed to deliver them. The NPPF is a material consideration in planning decisions. The most relevant paragraphs from the NPPF for this proposal development are:

Chapter 8: Promoting healthy and safe communities.

Chapter 12: Achieving well designed spaces.

Chapter 15: Conserving and enhancing the natural environment.

The Need for and Principle of Development

- 4.15 The relevant sections of Policy SP1 (5) of the NEDLP seeks to protect and enhance green space, children's play space, outdoor youth and sports facilities. The policy further states that proposals are encouraged to facilitate additional outdoor youth facilities to meet demand. The purpose of the application is to create an external space for recreation and outdoor learning. The applicant believes the proposed shelter would provide space for quiet play, small group work, events and to enhance outdoor learning.
- 4.16 The NPPF attaches great weight to the need to create, expand, or alter schools. Paragraph 95 states that '*It is important that a sufficient choice of school places is available to meet the needs of existing and new communities*'. Planning authorities are required to take a proactive, positive, and collaborative approach to meeting this requirement and to development that will widen choice in education.
- 4.17 In principle, I am satisfied that the need for the development, as claimed by the applicant, is considered justified and that the development would accord with Policy SP1 of the NEDLP, as well as the requirements of Chapter 8 of the NPPF. However, the acceptability of the scheme in the planning balance must be considered further against planning policy and the merits of the application in the following respects:
- Design and Visual Considerations.
 - Arboricultural Considerations.
 - Playing Field Land.

Design and Visual Considerations

- 4.18 Policy SDC12 of the NEDLP and Chapter 12 of the NPPF promote good design principles to achieve well designed developments. The proposed shelter would be discreetly located within the school site, which would be situated away from the school building and adjacent to an established hedgerow. The shelter is considered to be subordinate to the main school building in terms of the scale, massing and height. This

is also considered to be in context with the existing school building and would be appropriate for educational use. The shelter would also contain a ramped access which provides access for all users. Also, the proposed materials and design would not have a significant impact on the appearance of the school building.

- 4.19 The proposed path would run from the existing trim trail to the proposed shelter. The footpath is considered to be an extension from the existing trim trail and would be created by using recycled tyres.
- 4.20 I am satisfied that the proposed shelter would be of a good design and appropriate for educational use. This would accord with Policy SDC12 of the NEDLP and Chapter 12 of the NPPF.

Playing Field Land

- 4.21 Policy ID10 of the NEDLP identifies the school playing field as a recreation site in which the proposal would be situated. Policy ID10 of the NEDLP and Chapter 8 of the NPPF are concerned with protecting, maintaining and, where possible, enhancement of existing open spaces, sport and recreational buildings and land including playing fields. This is in order to ensure their continued contribution to the health and well-being of local communities. This policy states that any loss would be resisted unless it can be demonstrated it is either surplus to requirement, the benefits outweigh the loss, or the replacement provision would be equal to or better than what was lost.
- 4.22 Sport England's Policy, as set out in Sport England's Planning Policy Statement – A Sporting Future for the Playing Fields of England, seeks to protect all areas of existing playing fields. It is Sport England's policy to oppose any planning application which would result in the loss of playing field land, or prejudice the use of all or part of a playing field unless it is satisfied that the application meets with one or more of five specific exceptions. Sport England was consulted and raised no objections to the proposals. The land in which the proposed shelter and footpath is situated is within close proximity to existing vegetation and the trim trail. Therefore, it considered this proposal to fall within Exception 3 which allows developments which affects only land incapable of forming part of a playing pitch. In addition to this, the purpose of the shelter is for recreational and educational use. The provision of the proposal is considered to be an enhancement that outweighs the minor loss of playing field land.
- 4.23 I am satisfied that the development would accord with the requirements of Policy ID10 of the NEDLP and Chapter 8 the NPPF in terms of open space and playing fields.

Arboricultural Considerations

- 4.24 Policy SDC2 of the NEDLP and Chapter 15 of the NPPF seek to protect and maintain existing trees and hedgerows.
- 4.25 The proposed route of the path would run between an archway formed by the tree identified as a Goat Willow. The application is accompanied by a Tree Risk Report by Silver Oak Arboriculture dated 21 January 2023. The Tree Risk Report considers this tree to be of good amenity value. It is acknowledged that the path would be located within its root protection zone. However, due to the nature of the works, the proposed path is not considered to result in any significant ground works that would adversely impact the existing tree. It is also noted that this tree does not benefit from a Tree Preservation Order (TPO).
- 4.26 The proposed shelter would be located approximately 2m away from an existing Hawthorne hedgerow to ensure that the hedgerow can be maintained. The applicant has stated within the accompanying Planning Statement that no trees or hedges would be disturbed as a result of this development.
- 4.27 I am satisfied that the development would accord with the requirements of Policy SDC2 of the NEDLP and Chapter 15 of the NPPF.

Conclusion

- 4.28 In conclusion, I consider that the need for the proposed development to be justified and demonstrates compliance with good design principles. The proposal would not result in any significant visual impacts or loss of playing field land. No objections have been received in regard to the proposal. I conclude that that the development is in accordance with national and local planning policy.
- 4.29 The application is therefore recommended for approval subject to conditions.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 Recreation and Open Space Statement reference number WLPS23-DC-07 dated October 2023, Planning Statement reference WLPS23-DC-06 dated October 2023, Tree Risk Report dated 21 January 2023, Existing Site Plan revision A, Proposed Site Plan revision A, Proposed Site Plan revision A, Proposed Plan revision A, Elevations and Section

revision A, Perspective & Materials revision A received 30 October 2023.

- 6.2 Application form dated 31 October 2023 and Location Plan revision received 31 October 2023.
- 6.3 Consultation responses: Coal Authority dated 8 September 2023, Highway Authority dated 26 September 2023, Sport England dated 2 October 2023, Derbyshire Wildlife Trust dated 10 October 2023, Natural England dated 22 November 2023, High Peak Borough Council – Environmental Health Officer dated 13 October 2023, 7 November 2023, 13 November 2023, and 18 November 2023.

7. Appendices

- 7.1 Appendix 1 - Implications.
- 7.2 Appendix 2 - Delegation Plan.

8. Recommendation

Planning permission is **granted** subject to the following conditions under the powers delegated by the Council:

Approved Development

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

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

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

Form of Development

- 3) Except as may otherwise be required for compliance with other conditions to which this permission is subject, the development, under this permission, shall take place in accordance with the details contained in the 1APP form 31 October 2023, Recreation and Open Space Statement reference number WLPS23-DC-07 dated October 2023, Planning Statement reference WLPS23-DC-06 dated October 2023, Tree Risk Report dated 21 January 2023, and the following plans:

- Drawing Reference Number WLPS23-DR-01 entitled 'Existing Site Plan' revision A.
- Drawing Reference Number WLPS23-DR-02 entitled 'Proposed Site Plan' revision A.
- Drawing Reference Number WLPS23-DR-03 entitled 'Proposed Plan, Elevations and Section' revision A.
- Drawing Reference Number WLPS23-DR-04 entitled 'Perspective & Materials' revision A.
- Drawing Reference Number TQRQM23049122108158 entitled 'Location Plan' revision B.


Reason: To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

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 Authority has requested clarification on the application where required, which the applicant has provided.

Informative Notes

- 1) During the erection of the development, access, storage, and parking areas should avoid all trees where hard paths and tracks can not be used. This is to ensure the development does not have any adverse Impacts on existing trees on the school site.

Signed..........Date..... 14 December 2023

David Arnold
Assistant Director – Regulatory Services – Place

Implications

Financial

1.1 The Correct fee of £234 has been received.

Legal

2.1 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 Recommendation.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 Not applicable.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

Appendix 3 – Delegated Plan (Not To Scale)

