

Do you need

Planning Permission?

A guide to obtaining planning permission
for Derbyshire County Council development (excluding Peak Park)



Frequent changes in legislation require that this document is updated regularly. Please check [dnet](#) for the current version. This version was last updated 3 July 2008.

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Contents

1	Do you need planning permission	3
2	To whom do you apply	4
2.1	Planning permission	4
2.2	Listed building consent	6
2.3	Conservation area consent	6
2.4	Scheduled monument consent	6
2.5	Demolition	7
2.6	Trees	7
2.7	Advertisement consent	7
3	How to apply	8
3.1	Pre-application	8
3.2	Prior-consultation	8
4	Making an application	10
4.1	Planning permission	10
4.2	Listed building & conversation area consent	11
5	What will happen after the application has been submitted	12
5.1	Planning process	12
5.2	checking the progress of your application	13
6	Some issues relating to dealing with planning applications	14
7	The environmental impact of the proposal	15
7.1	New buildings and extensions	15
7.2	Landscaping and external works	17
7.3	Fences and walls	17
8	Your planning permission or listed building/conservation area consent	18
8.1	Consent	18
8.2	Can the application be refused?	18
9	Permitted development	19
9.1	Environmental impact assessment	19
9.2	Extensions to buildings (Part 12)	19
9.3	Development on School sites (Part 32)	20
9.4	Alterations to existing building	21
9.5	Playing fields	21
9.6	Play equipment	21
9.7	Access	21
9.8	Car parks, bus parks, laybys and turning areas	21
9.9	Walls, fences and other means of enclosure	22
9.10	Other equipment	23
9.11	Working by the Highway Authority	23
9.12	Telecommunications equipment	24
9.13	CCTV (Part 32)	25
10	Floodlighting and security lighting	26
11	Sustainable Development, Carbon Footprint and Renewable Energy	27

1. Do you need Planning Permission?

- 1.1. The County Council regularly needs to make improvements to its buildings and sites. Most development requires planning permission (buildings, extensions to buildings and other works, material changes of use and some demolitions). This guidance note explains how you should go about making a planning application.
- 1.2. This note relates only to planning applications within Derbyshire outside the Peak District National Park. All development within the Peak Park is dealt with by the Peak Park Planning Authority.
- 1.3. Separate consents, for example, listed building or conservation area consent, may also be required in some cases.
- 1.4. For certain minor developments you may not have to apply for planning permission – it is already granted by the General Permitted Development Order. This is referred to as "permitted development". Permitted development rights are set nationally by the Government. Conditions and limitations usually apply to permitted development. The limitations may be

more restrictive for listed buildings and sites within conservation areas. More information on permitted development is set out in Section 9.

- 1.5 If in doubt, you should consult the Planning Control Section in the Environmental Services Department.

Email: [Planning Control](#)

[Kevin Finn](#): 01629 580000 ext 3340

- 1.6. In addition to the need for planning permission, listed building, Scheduled Monument or conservation area consent you will also need other approvals such as building regulation approval if building works are involved. Building Control is independent from the planning process and must be processed through the [Head of Corporate Property](#). Any works within the highway will also require a separate highways authority consent.
- 1.7 Please ensure that you have consulted Corporate Property who have "landlord" duties for all County Council land and buildings.



The Planning Control team are based at Shand House, Darley Dale.

2. To whom do you apply?

2.1 Planning Permission

2.1.1 Planning applications for the County Council's own development are normally determined by the County Council under the Town & Country Planning General Regulations 1992. The current practice at Derbyshire is for the Head of Corporate Property to submit **all** County Council planning applications.

Click glen.oxley@derbyshire.gov.uk to email the relevant officer in Corporate Property. Applications for County Council development should be submitted to the Strategic Director - Environmental Services Shand House, Dale Road South, Matlock DE4 3RY.

2.1.2 The regulations also allow the County Council to determine applications for joint development by the authority and another person or body. To satisfy this requirement the County Council's interest in the development must be significant. The joint use of a building by a County service or the level of financial commitment of the County Council might be useful tests of whether its interest is significant. The County Council does not have to own the land which is the subject of the application.

2.1.3 The following examples illustrate the point:

- a) For an extension to a school (including church schools) or construction of a new school by the Education Authority the planning application would be made to the County Planning Authority. It is clearly County Council development.
- b) A proposal, say, for a playgroup building on a County school site is likely to have joint interest and therefore can be submitted to the County Planning Authority as a joint application by the County Council and the relevant playgroup. The rationale for this is that the Education Authority has policies and duties relating to pre-school education and often only charges the playgroup a "peppercorn rent". The County Council's interest would be considered significant.



Heanor Mundy Junior School was built on a greenfield site as a replacement for Heanor Junior school.

2.1.4 If, however, the development is not for a County Council function or a joint interest with another person or body, then the application must be submitted to the relevant District Council for determination even if on land owned by the County Council.

2.1.5 Examples would include

- a) A private nursery on a school site where the arrangement is on a commercial basis, or
- b) Other uses on County Council sites such as community buildings where there is no joint use by the County service, and where the County Council has not supported the use financially. An example would be a scout hut.

2.1.6 Whether an application is to be determined by the County Council or relevant District Council can sometimes

be a complex issue and a decision has to be made in each case based on the circumstances and the degree of County Council involvement. The [County Planning Authority](#) will give guidance on this matter.

2.1.7 Planning permissions granted by the County Council under the 1992 General Regulations may only be implemented by the County Council or by the joint developer identified as such on the planning application. (Note this is different to the normal planning process where planning permissions usually "run with the land").

2.1.8 Where the County Council is seeking planning permission prior to disposing of a site (e.g. to establish its value) and does not intend to carry out the development itself or with a joint partner, then this is not County Council development and that application must be made to the relevant District Council.



Former Newbold School - Planning permission for residential development was granted by Chesterfield Borough Council.

2.2 Listed Building Consent

2.2.1 Listed building consent is needed to demolish a listed building or alter or extend it in any way which would affect its character or setting. The whole of a listed building both inside and out, including any attached extensions can be subject to listed building consent requirements. Protection also extends to detached buildings within the curtilage if these were built before 1st July 1948. Walls, gates and railings, including those on the site boundary, are protected unless "not attached" **and** built after July 1948.

2.2.2 Consent is not normally required for repairs, unless these involve alterations which affect the building's character. As the character of individual listed buildings varies greatly, the Planning Control Section should be consulted when changes or repairs to a listed building are being considered. A County Council listed building application is submitted to the County Planning Authority who makes a resolution. The documents are then forward to the relevant District Council and then to the Secretary of State for determination.

A list of County owned listed buildings and structures can be found [here](#).



Swarkestone Bridge is both a Grade 1 Listed Building and a Scheduled Monument.

2.3 Conservation Area Consent

2.3.1 If you are intending to completely or substantially demolish an unlisted building or a structure such as a wall in a conservation area, then you will need conservation area consent. A County Council application for Conservation Area Consent is submitted to the County Planning Authority who then makes a resolution. The documents are then forward to the relevant District Council and then to the Secretary of State for determination. Certain buildings are exempted, including those with a cubic content of under 115 cubic metres, although this exemption does not apply to buildings within the curtilage of a listed building.

Conservation area consent was required to demolish the former single-storey dining block at St Helena School, Sheffield Road, Chesterfield. Listed Building Consent was not required because, although within the grounds of a listed building, the dining block was built after 1948.



2.4 Scheduled Monument Consent

2.4.1 This is required if you are proposing any works of alteration or repair to a Scheduled Monument. The records are held by the [Historic Environment Record Officer](#) at Shand House, Matlock who will give guidance on what does or does not need consent and how to apply. The application is made directly to the relevant Secretary of State who will determine the application on the advice of English Heritage.

2.5 Demolition

- 2.5.1 Although defined as development, demolition work undertaken by the County Council does not normally require planning permission (although in appropriate cases it will usually require listed building or conservation area consent). Planning permission is required for the demolition of dwellings. New road projects may involve the demolition of residential properties.

2.6 Trees

- 2.6.1 Within conservation areas it is necessary to give at least 6 weeks notice of any proposal to fell or lop a tree. The notice has to be given in writing to the district council, who must respond within the 6-week period. If no response is received within this period, the works can proceed. Trees with a diameter of 75mm or less at 1.5m above ground level (or up to 100mm diameter if the work is to improve the growth of other trees) are exempted from control. Garden or orchard fruit trees are also exempted, as is the felling of trees necessary to implement a development granted planning permission other than outline permission.
- 2.6.2 Tree Preservation Orders (TPO's) may be made for individual trees, groups of important trees or woodlands in any location. They can be made by both the County Council or relevant District Council which results in two sets of records for TPOs. The County TPO's can be viewed [here](#).
- 2.6.3 Application should be made to the County Council or relevant District Council for any tree protected by a TPO, describing the works, the reason for them and any replanting proposed. Consent is not required if the tree is dying, dead or dangerous, although a replacement will normally be required. Consent is not required if the work is to prevent or abate a nuisance.
- 2.6.4 In all these cases, it is recommended that the advice of the [County Council's](#)

[Countryside and Woodlands Officer](#) is obtained before an application is submitted or any works carried out.

2.7 Advertisement Consent

- 2.7.1 Express consent is normally required to display an advertisement. Detailed requirements and guidance is provided in the Town and County Planning (Control of Advertisements) (England) Regulations 2007.
- 2.7.2 Some types of advertisement do not need express consent as they are granted Deemed Consent by the regulations. These include functional advertisements of the County Council subject to certain size limitations.
- 2.7.3 The advertisement has to be "reasonably required to be displayed for the safe or efficient performance of those functions or operation of that undertaking". However, the advert may not exceed 1.55 square metres in area and illumination is not permitted unless reasonably required for the purpose of the advertisement.
- 2.7.4 Before erecting any advertisement it is suggested that you contact the County Planning Control team who would be able to advise you on the need for advertisement consent and how to go about obtaining it should such consent be necessary.



This sign does not need advertisement consent.

3. How to apply

3.1 Pre-Application

3.1.1 If you are intending to submit an application to the County Planning Authority, or if you are uncertain whether or not permission is needed, (or if so to whom the application should be submitted) then the Planning Control staff will be pleased to discuss the matter and give advice. You should also discuss the matter with the [relevant officer](#) in Corporate Property who is responsible for submitting County Council planning applications.

3.1.2 Discussion and agreement over procedures and the content of an application at this stage can often save time and costs later in the process. For example the need for a bat or great crested newt survey which must be undertaken in the right season may prevent an application being decided until the correct information has been provided.

3.1.3 At this stage the planning officer may advise prior consultation with other areas of the department such as highways, ecology, archaeology, listed buildings, footpaths and outside bodies such as the district council, parish representatives, Environment Agency, Sport England, Natural England or English Heritage in order to determine their approach to the development and for you to take on board any concerns prior to submitting the application.

3.1.4 Any advice given at this stage will be informal. It is not intended to fetter the County Planning Authority's statutory duty to determine planning applications in accordance with the Development Plan and other material considerations. For example, it may be that new information comes to light during the handling of the application that leads the case officer to come to a different conclusion to that given informally before the application was submitted.

3.2 Prior Public Consultation by the Applicant

3.2.1 The Government is keen to speed up the formal planning process. It also wants the public and others to be better engaged in the process and at the earliest possible stage.

3.2.2 In particular, it recommends that for major developments the applicant should seek to engage the community in pre-application consultation. The objectives are to ensure that;

- a) The public has an opportunity to influence the principle and detail of the development.
- b) They are better informed about development proposals in their locality and;
- c) The applicant can address any outstanding issues (such as information required to support the application).



Fredrick Gents School, South Normanton was redeveloped to accommodate the increase in students in catchment area.

3.2.3 The County Council has produced a "Statement of Community Involvement" (SCI) which sets out, amongst other things, how the public will be engaged in the planning process. This relates to consultation on planning applications as well as on development plans. The County Council's Statement of Community Involvement was approved in December 2006. A copy of the [SCI](#) can be viewed on the County Council's web site.

3.2.4 The SCI states:

"The Council also needs to consult the community on applications that it

submits on its own behalf for developments relating to libraries, schools, roads and social services developments. These will range from major proposals, such as new roads, to more minor developments like extensions to libraries and the erection of temporary classrooms. The type of consultation carried out by the Council will reflect the type and scale of the proposal. "

Procedures for public consultation after and application has been submitted are covered in Section 5.



All Saints School Matlock

The new Classrooms were designed to match the materials and scale of the existing school.



4. Making an application for Planning Permission, Listed Building, Scheduled Monument Consent or Conservation Area Consent

4.1 Planning Permission

Application forms and notes on how to submit an application are available from the Planning Control Section or can be downloaded from the County Council's on-line [dnet](#). To enable the County Planning Authority to determine the application the applicant must be Derbyshire County Council or a joint application, the County Council and another person/organisation (e.g. "Pre School"). All County Council planning applications are submitted by the [relevant officer](#) in Corporate Property.

4.1.2 Applicants should take care to complete all parts of the form and provide all the plans and other information required as this is essential in order for the application to be determined. Incomplete applications will not be registered and will be returned.

4.1.3 The application must be accompanied by the appropriate certificates:

- a) Certificate A: If the County Council is freehold owner of the site or has a lease with more than 7 years to run.
- b) Certificate B: If the County Council is not the freehold owner or the leaseholder. In this case the prescribed notice must be served on anyone having an interest on the land. e.g. where a church school is the subject of the application, notice should be served on the Diocese and Certificate B should be used.
- c) Certificates C and D are rarely used and are for use when only some or none of the owners of the site are known.

4.1.4 For all planning applications the agricultural holdings section of the certificate must be completed. Copies of Certificates and Notice can be downloaded from the County Council's on line [dnet](#).

4.1.5 Plans accompanying the application must include a location plan with the application area outlined in red and clearly showing the location of the development on the site. Any other land in County Council ownership/control adjoining the application site should be shown edged in blue.

4.1.6 Where applicable, the following information must also be submitted:

- a) Site layout plan
- b) Before and after plans
- c) Before and after elevations.
- d) A Design and Access statement including a statement outlining the development and the need for it. [Design and Access](#) statements are not required for types of applications, including applications relating to advert control, tree preservation orders, or a material change in the use of land or buildings, unless it also involves operational development.
- f) Where flood lighting/security lighting is included further information will be required (see Section 10).
- g) A Flood Risk Assessment, where required.
- h) Travel Plan

For further advice on the content of these statements please contact the [Planning Control section](#)

4.1.7 Six copies of the application form and all plans and certificates should be submitted together with a note about the relevant fee and the budget code from which it can be collected.

4.1.8 Applications may now also be made electronically. To do this you will need to access the County Council's on-line planning application service by using the following [link](#).

4.1.9 Some developments, such as major road schemes, wind turbines or waste developments may fall within the scope of the Environmental Impact Assessment Regulations (EIA). If this is the case then it may be necessary to submit an Environmental Statement with the application. Please consult the Planning Control Section for advice.

4.2 Listed Building, Conservation Area Consent and Scheduled Monument Consent

4.2.1 Drawings accompanying listed building applications must be sufficiently detailed to show exactly how the building is being changed, and the precise design of the new work.

Other information which helps in the understanding of the impact of the

required. Six copies of the application forms, all plans & photographs are required together with two certificates and a design and access statement. Applications for Listed Building Consent need to be accompanied by a thorough Justification Statement so that English Heritage can be satisfied as to:

- the need for the intervention in the building's historic fabric,
- that other options have been examined, and that
- the option proposed is the solution which will incur the minimum intervention and loss of historic fabric, or if it does not, then why this proposal is the optimum solution.

No application fee is required for listed building or conservation area consent applications.

4.2.2 Applications for conservation area consent must justify the reason for the demolition of the building or structure and illustrate what is to replace it.



**Springfield School, Swadlincote –
A typical George Widdows' designed School modernised by enclosing verandas**

5. What will happen after the application has been submitted

5.1 Planning Process

5.1.1 The County Council is committed to its Planning Development Control Charter, which sets out the level of service you may expect to receive. A copy of the [Planning Development Control Charter](#) can be viewed on the County Council's website.

5.1.2 When the application has been checked and is valid it will be sent to the relevant District Council for registration and consultation within 5 working days.

5.1.3 The application is allocated to a case officer, who will visit the site, and undertake publicity as appropriate. This will involve erecting a site notice and carrying out any neighbour notification deemed appropriate. In some cases (for example, major development, development affecting the setting of a listed building, development contrary to the development plan or affecting the character or appearance of a conservation area) the case officer will also arrange for a notice to be published in the local press.

5.1.4 The County Council aims to deal with applications for EIA development within

16 weeks, major applications within 13 weeks and all other applications within 8 weeks.

5.1.5 The case officer will also consult the local County Council members, the Parish/Town Council, the Highway Authority and where appropriate, other relevant organisations, e.g. the Environment Agency, English Heritage, Natural England, DWT, Archaeological Service etc. The district council, parish council and other consultees are given 28 days to respond.

5.1.6 A minimum period of 21 days will be given for members of the public to make representations. However, in accordance with the [Code of Practice](#) for processing planning applications any responses received 3 days before an application is determined will be taken into consideration.

5.1.7 In the case of some uncontroversial development proposals, decisions are delegated to the Strategic Director - Environmental Services, although this will not be the case where any objections on planning grounds have been received which cannot be overcome by imposing conditions on a planning permission. Decisions in respect of applications which have given rise to unresolved planning objections are made by the Council's Regulatory - Planning and Control Committee. The Council allows those who have commented on particular planning applications to attend and speak at the relevant Committee.



The case officer will visit the site, erect a notice and, if necessary, carry out neighbour notification.

5.1.8 The Regulatory - Planning and Control Committees normally meets every three weeks. The [dates](#) of the meetings and [members](#) of the committee can be viewed on the County Councils website.

5.1.9 Where a committee decision is required the case officer will endeavour to take the application to the first available meeting, but this is dependent on committee deadlines and the timely receipt of comments from consultees. Objectors, applicants and representatives of the district and parish councils may address the Committee. Procedures for "public speaking at Committee" are set out in a document which can be viewed on the County Council's website at Annex 2 to the [Planning Charter](#).

5.2 Checking the progress of your application

5.2.1 You may check the progress of your application by contacting the case officer or other planning officers in the Planning Control Section or alternatively you may view the progress of the [planning application](#), including all consultation responses, on the County Council's website.



If objections are received, the application is determined by the County Council's Regulatory - Planning and Control Committee

6. Some issues relating to dealing with planning applications for the County Council's own development

- 6.1. The County Council is aware that it is granting planning permission for its own development and that it may be seen as "judge & jury". We are therefore extremely careful in dealing with such applications to ensure that they are rigorously assessed and that procedures are carefully followed. The planning officer will deal with the application in exactly the same way as an application from a private applicant.
- 6.2. The County Council must determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.3. The Development Plan consists of the Regional Spatial Strategy for the East Midlands, The saved policies of Derby and Derbyshire Joint Structure Plan, the Derby and Derbyshire Waste Local Plan, the Derby and Derbyshire Minerals Local Plan and District/Borough Council Local Plans/Local development Framework.
- 6.4. The planning authority must only take account of "material considerations" in determining a planning application. What constitutes a material consideration has been the subject of much case law since the current planning system was introduced.

6.5. The courts have suggested that anything which relates to the development of land may be material. Whether it is material or not ultimately is a matter of law. However, the weight to be given to a material consideration is a matter for the planning authority.

6.6. Examples of things which may be material include the layout, design/appearance and siting of development, impacts on privacy, the landscape or biodiversity, protected species, the means of access, parking and traffic generation, noise, dust, smell etc.

6.7. The following are not material and should be given no weight in the determination of an application: the history of the applicant, loss of view, commercial competition, impact on property values, restrictive covenants, ownership of land and any private rights of access.

6.2 Can an Application be refused?

6.2.1 Yes, this does happen sometimes. However as this would result in the County Council refusing its own application, our normal practice would be to ask the applicant to withdraw any proposals which are unacceptable. Before doing this the case officer will make every effort to negotiate changes to a proposal which is otherwise considered acceptable in principle.

Please note there is no right of appeal against a decision made by the County Council in respect of its own development.



The County Council Planning Application to construct an in-vessel composting facility and Highways Depot on the former Bennett Ferguson Coal Yard at Grassmoor was refused by the Regulatory - Planning and Development Committee

7. The Environmental Impact of the Proposal

This section sets out some of the environmental issues that the planning authority will take into account in determining the application. It is not intended to be an exhaustive list.

7.1 New Buildings and Extensions

7.1.1 Siting

The case officer will look at how the proposal relates to the site as a whole and its surroundings.

- a) Is there sufficient room on the site not only for the proposal but also for any ancillary requirements such as additional car parking spaces and play areas?
- b) What is the effect of the development on existing features such as trees, wildlife sites, landscaping, and playing fields?
- c) Is there a satisfactory relationship between the proposed building and other buildings on the site?
- d) Could the development cause problems for neighbours?
- e) Does the development impact on any protected species?
- f) Does the location and orientation of the building cause overshadowing, overlooking or sustainability issues?
- g) Is the access acceptable?

7.1.2 Design

The assessment of quality in the design of a building can be a subjective matter. The planning officer will look at the different elements of the building as well as considering the design as a whole.

- a) Is the design approach appropriate? If the application is for a

small extension on an older building then the extension should normally reflect the existing character and detailing. It may be appropriate to re-use displaced historic features or replicate features which maintain the uniformity of the design.

If the building is essentially free standing (even if it is joined to another building by a link) then a different style can be acceptable. The County Planning Authority encourages proposals for well designed contemporary buildings and provided the quality of design and materials is high these can often be acceptable, even in sensitive, historic areas.

- b) Is the size of the building acceptable? In some cases the proposed development would be larger, or higher, than the existing buildings on the site (for example, when adding a new hall to a Victorian School). A larger building is acceptable provided that it does not over dominate the existing buildings and it does not cause overshadowing or loss of light.

A large building can still read as subservient to the main building if it is of simpler design and low-key materials are used. For example, a larger timber clad hall of simple design may stand well next to a smaller more intricate Victorian brick school and will not detract from the importance of the main school building.



Scarcliffe Infants and Junior School. The relationship of the extension with the existing building is important.

c) Are the details of the design appropriate? Is the roof type acceptable? Do the positions of the windows give rise to potential overlooking of neighbouring properties or noise nuisance? The planning authority may require opaque glass to be fitted to windows where overlooking is a potential problem. Designing the interior of the building to place uses such as toilets and stores on appropriate elevations can often resolve this sort of problem. A music room may need special detailing of windows and other measures to prevent nuisance from noise.

d) Are the materials acceptable? A condition may be attached to the planning permission requiring the approval of materials prior to construction so that they can be sourced after the planning permission has been issued. Small extensions should generally match the materials of the existing building. If this has particularly fine details, a condition may require the detailing of the extension to be approved. For a contemporary building, the materials may be different from the main building but they should complement each other and be limited in number. Budgetary restrictions or lack of pre-planning should not determine the quality of materials used.

Upvc windows and doors are not normally acceptable in Victorian or traditional style buildings and are not acceptable in buildings which are listed or in conservation areas. Similarly artificial slates or concrete tiles are not normally acceptable on listed buildings or buildings in conservation areas.



Whaley Bridge School - Contemporary extension?



Hasland school. The presence of trees on the site dictated the location of the extension.

7.1.3 Prefabricated Buildings

Prefabricated buildings may be used in particular circumstances; for example on school sites where rising school rolls may necessitate a temporary solution to a short term problem.



Temporary Classroom at Tibshelf School

The County Planning Authority is usually supportive of this need and will normally grant a time- limited consent. If however a prefabricated building is likely to be on site for a considerable time say for use as a playgroup or club, the planning authority will normally require a standard of design commensurate with the likely period of use.

7.2 Landscaping and external works

- 7.2.1 Existing trees and hedgerows are important features of the landscape and should be retained wherever possible providing they are in good health and of appropriate size and species. If trees have to be removed to accommodate a development then replacement trees may be required. If trees and hedges are retained then the planning authority may require them to be protected during the period of construction. If appropriate and if space permits then a condition may be attached to the planning permission requiring details of new planting and any external works to be submitted for approval.

7.3 Fences & walls

- 7.3.1 Fences and walls can be required for a number of reasons: to demarcate a boundary, provide privacy or security or around a games court or playing field. The choice of whether to build a wall or erect a fence has a cost implication to the project. In environmentally sensitive areas such as conservation areas or where there is a prevalence of walls in the surrounding areas a wall may be required. This will need careful design including the choice of stone or brick, brick bond, mortar and pointing.
- 7.3.2 Normally, fencing is acceptable but it is important to select an appropriate type. The height of fencing will depend on its purpose: It will need to be high if its for security or around a games court, but this must be balanced with the effect it has on the environment and neighbouring properties. A high fence or wall could cause visibility problems in the vicinity of an access or could be seen as overpowering to neighbouring residents.
- 7.3.3 Heavy duty galvanised security fencing, especially with spikes, is usually not appropriate around County Council sites. There are other products available which are environmentally more acceptable and perform just as

well. Powder coated metal fencing comes in a variety of colours but generally black is preferable in an urban environment and dark green or black in a rural environment. Powder coated or plastic coated fencing should be erected on metal posts of matching colour.



This sort of fencing is rarely suitable for County Council sites.



This type of fencing comes in different colours. Trees may have to be protected during construction.



The black fencing at All Saints School, Matlock above is hard to see.

8. Your Planning Permission or Listed Building/ Conservation Area/ Scheduled Monument Consent

8.1 Consent

8.1.1 When an application is approved a copy of the planning permission will be sent to the Head of Corporate Property Officer and the relevant Department.

8.1.2 Conditions may be attached to planning permissions to enhance the quality of development or to enable proposals to proceed where it would otherwise have been necessary to refuse planning permission. Conditions are only imposed if they are necessary, relate to the development proposed, and are enforceable. The conditions may require the submission and approval by the planning authority of further details prior to the commencement of the development. Examples include submissions of details, materials, landscaping, protection of trees, a programme of archaeological works etc. It is important that these conditions are complied with before the development commences or as otherwise specified. Failure to meet the requirements of pre-commencement

conditions may mean that the permission no longer exists.

8.1.3 Other conditions may relate to controls over the use of the development such as floodlighting conditions, hours of use and restrictions on the types of use of a building or facility.

8.1.4 Occasionally the County Planning Authority may withdraw permitted development rights by condition (eg the permitted development rights to locate site huts and equipment related to the road scheme).

8.1.5 It may also restrict the extent of the Use Classes Order, eg it might limit the use at a site to that specifically applied for and exclude other uses within the same class which do not normally require planning permission. Examples have been for community uses on school sites where disco's or private entertainment uses have been excluded because of potential adverse impacts on neighbours from noise and other disturbance.

The re-alignment of the gate posts to facilitate access at Chapel en le Frith Support Centre required listed building consent.



9. Permitted Development

Some small developments may not require planning permission (refer to paragraph 1.3 above). The nature of such "permitted development" and the conditions and limitations which apply are set out in a statutory instrument entitled the "Town & Country Planning (General Permitted Development) Order 1995 (GPDO). Those parts of the Order that are relevant to development on County Council sites are set out below.

9.1 Permitted Development and Environmental Impact Assessment

9.1.1 In all cases permitted development rights are withdrawn if the proposed development would have required an Environmental Impact Assessment. In other words the Government has said that it would be wrong if development which is likely to have significant environmental effects were permitted by the GPDO without proper environmental assessment. In reality it is unlikely that any permitted development carried out by the County Council would require an EIA.

9.2 Part 12: Extensions to Buildings and Ancillary Buildings **(excluding those erected on school sites under Part 32 [see below])**

9.2.1 Under Part 12 Class A(a) of the GPDO, planning permission is not required for the "erection or construction and the maintenance, improvement or other alteration by a local authority of any

small ancillary building, structures, works or equipment on land belonging to or maintained by the County Council and for the purposes of any function exercised by the County Council on that land."

9.2.2 The proposed development must however be less than 200 cubic metres in volume and must not exceed 4 metres in height. Any number of different developments within these limitations may be constructed at a site over time without permission.

9.2.3 The development must also be ancillary to the main use of the site, examples of such development include a storage building or a garage for a school minibus when not sited at a school.

9.2.4 Buildings which are not ancillary to the main use or are to be carried out by someone other than the County Council will need planning permission irrespective of the size or height. Examples of this would include playgroup buildings on a school site, a scout hut or changing rooms/pavilion for a sports club or even, say, an office for social services on a school site.

9.2.5 For the purposes of the GPDO "building" does not include fences, walls, gates or other means of enclosure. These are dealt with under Part 2 of the GPDO.

9.2.6 Listed buildings and their curtilages do not enjoy permitted development rights therefore any development of a listed building will require either listed building consent or planning permission, or both.

9.3 Part 32: Development on School Sites

9.3.1 Part 32 of the GPDO was introduced in 1995 and specifically relates to schools, colleges, universities and hospitals.

9.3.2 A new building or extension to a school is permitted development provided that it is used as part of the school or is incidental to it and:

- a) The predominant use of the existing buildings is for education;
- b) Where the cumulative total floor space (other than the original school) does not exceed 10% of the total floor space of the original school;

c) Where the cumulative total cubic content of the building, other than the original school, (i.e. the school as it existed in 1995 when the General regulations came into force) does not exceed 250 cubic metres;

d) The development is not within 20 metres of the boundary of the school site;

e) The development does not affect a playing field such that it can no longer be so used.

9.3.3 Note: Because of d) and e) above, any extension within 20 metres of the boundary, or affecting a playing field requires planning permission.



The shelter at Woodthorpe Primary School is not considered to be permitted development because it is within 20 metres of the site boundary.

9.4 Alterations to existing buildings

- 9.4.1 Planning permission is not required for internal alterations to a building or for external work provided that it does not materially affect the external appearance of the building. It is difficult to give general advice on this, as it is a question of fact and degree in each case. However, even modest alterations may constitute development: e.g. insertion or alteration to a window, rendering, cladding, and change of roof materials. Internal and external alterations to listed buildings may require listed building consent. In all cases, it would be advisable to consult the Planning Control Section on the need for an application.

9.5 Playing fields

- 9.5.1 The incorporation of land into a school site from another use for the purposes of laying out of a playing field, or other use ancillary to the school is development and requires planning permission.

9.6 Play Equipment

- 9.6.1 Under Part 12 of the GPDO, play equipment is permitted development provided that it is in ancillary to the use of the site (e.g. nursery, day centre) and is less than 4 metres in height.
- 9.6.2 A separate playground – with or without equipment is development and would need permission

9.7 Accesses

- 9.7.1 Most new accesses will require planning permission.
- 9.7.2 The formation, laying out and construction of a means of access to an unclassified highway is permitted development under Part 2 Class B of the GPDO provided the access is required in connection with development permitted by any other class in the GPDO (e.g. Part 12 Class A).
- 9.7.3 For example, a new pedestrian access to a school would be permitted development if it was onto an unclassified road and was in association with a new path or parents waiting area.

9.8 Car Parks/Bus Parks/Lay-bys (within the site) /Turning Area's

Car parks, bus parks, lay-bys and turnings areas are permitted development under Part 12/A(a) provided that they are small and do not involve access onto a classified road. This is a matter of fact and degree. For example, a ten-car extension to a 100 space car park on a secondary school site could be classified as small, whereas a car park extension for ten cars at a primary school would probably require permission. The Planning Control Section should be consulted in writing with a site plan for each proposal.



The change of use from agricultural field to playing field at Ridgeway Primary School required planning permission

9.9 Part 2: Walls, Fences and Other Means of Enclosure

- 9.9.1 Under Part 2 of Schedule 2 to the GPDO, walls, fences or any other means of enclosure are generally permitted development providing that they are no more than one metre in height above ground level if adjacent to a highway used by vehicular traffic, or no more than two metres high elsewhere. The "highway" is not just the carriageway but also includes public footpaths and verges where present.

There are exceptions to this permission, including:

- the erection of any walls, gates or fences within the curtilage of a listed building and
- any development which requires the formation or alteration of a means of access to a trunk or classified road.

There are other exceptions and the Planning Control Section will be pleased to provide guidance on individual cases.

- 9.9.2 Permitted development rights also apply to improvements and alterations to gates etc and advice should be sought from the Development Section on where this may apply.

- 9.9.3 The planting of a hedge is not development and does not require planning permission even if it will form a "means of enclosure".



Tibshelf Infants and Nursery School – walls, fences and gates over 2 metres not abutting a highway require planning permission.



County Behaviour Support Centre, Breadsall. Walls and fences less than 1 metre adjoining a highway are a permitted development

9.10 Other Equipment

- 9.10.1 Small structures or works required in connection with the operation of a local authority are also permitted development under Part 12 Class A(b), examples include lamp standards, kiosks, shelters, seats, fire alarms, refuse bins, barriers, etc.
- 9.10.2 Recycling facilities on school sites are only permitted development if they are for school purposes only. If recycling facilities are made available to the general public then planning permission would be required.

9.11 Works by the Highway Authority

- 9.11.1 Maintenance works carried out within the highway is not development and do not require planning permission.
- 9.11.2 The Highway Authority has further rights under Part 13 of the GPDO namely that it can carry out works of improvement within the highway or works for the maintenance or improvement of the highway on land

adjoining an existing highway, provided that the work is required for or incidental to the maintenance or improvement of the highway.

- 9.11.3 Legal advice has been taken on the interpretation of the words "land adjoining" and it is considered that the land must be actually abutting the highway boundary to be permitted under Part 13. These works could include the demolition and rebuilding of a wall or fence to facilitate road widening or footway construction; the construction of a new wall or fence for noise control, road safety or as a highway retaining wall.

- 9.11.4 If a wall/fence is constructed by a highway authority which is not strictly for highway purposes (for example, when an adjacent landowner requests it as part of a land deal), the proposed development would require a planning application to be made if the wall exceeds the height set out in Part 2



Highfield School, Matlock - recycling facilities on a school site may need permission.

9.12 Telecommunications Equipment

9.12.1 The permitted development rights for the installation of telecommunications equipment for County Council purposes are complicated. They are set out in Part 25 of the GPDO (as amended).

9.12.2 For equipment placed on buildings over 15 metres in height the following limitations apply:

- a) No more than four antennas may be erected on the building or structure.
- b) In the case of an antenna installed on a chimney, the length of the antenna must not exceed 60 cm.
- c) In all other cases the length of the antenna must not exceed 130 cm.
- d) The cubic capacity of the antenna installation must not exceed 35 litres.
- e) The highest part of the antenna or its supporting structure must not be more than three metres higher than the highest part of the building or structure on which it is installed or is to be installed.
- f) Listed building Consent is required for most telecommunications equipment on listed buildings.



9.12.3 In Conservation Areas the installation of an antenna on a chimney, wall or roof slope which faces onto, and is visible from, a highway is not permitted development.

9.12.4 For equipment placed on buildings less than 15 metres in height development is not permitted if:

- a) It would result in the presence on the building or structure of
 - (i) more than two antennas
 - (ii) a single antenna exceeding 100 centimetres in length
 - (iii) two antennas which do not meet the relevant size criteria
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 cm
 - (v) an antenna installed on a chimney where the antenna would protrude over the chimney
 - (vi) an antenna with a cubic capacity in excess of 35 litres.
- b) In the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof.
- c) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney stack, or 60 cm measured from the highest part of the ridge tiles of the roof, whichever is the lowest

Shirebrook School – Planning Permission is required for the communications antenna.

9.13 Part 33: CCTV

9.13.1 The permitted development rights for the installation, alteration or replacement of Close Circuit Television Cameras are set out in Part 33 of the GPDO

9.13.2 Development is not permitted if:

- a) The building on which the camera would be installed, is a listed building or a scheduled monument
- b) The dimensions of the camera including its housing exceed 75cm by 25cm by 25cm
- c) Any part of the camera when installed would be less than 250cm above the ground
- d) Any part of the camera would when installed, altered or replaced, protrude from the surface of the building by more than one metre when measured from the surface of the building
- e) Any part of the camera would be in contact with the surface of the building at a point which is more than 1 metre from any other point of contact
- f) Any part of the camera would be less than 10 metres from any other camera installed
- g) Development would result in more than 4 cameras on the same side of the building
- h) The development would result in more than 16 cameras on the building

9.13.4 "Camera" includes its housing, pan and tilt mechanisms, infrared illuminator, receiver, mountings and brackets.

9.13.5 Please note that any associated lighting may also require planning permission (see Section 10).



**Shand House CCTV
Installed under Part 33 of the GPDO**

10. Flood Lighting and Security lighting

- 10.1. The County Council's Planning Control section deals with a number of planning applications each year where some form of lighting is proposed, for example, all-weather sport pitches and security lighting, including lighting associated with CCTV and car parking.
- 10.2 Planning consent is required where lamp columns exceed 4 metres in height and where lanterns are to be installed over 4 metres above ground level on existing buildings and structures.
- Installations below 4 metres in height are permitted development under Part 12 Class A (a) of the GDPO subject to them being ancillary to the main use of the site.
- 10.3 Listed Building Consent is required where external lighting installations mounted on the buildings are considered to affect the character of the building.
- 10.4 Information, which will be required to be submitted with ALL applications for floodlighting, includes:
- a) An up to date plan showing the area to be lit relative to the surrounding area
 - b) The number, location and height of the proposed columns
 - c) The type, number mounting height and alignment of the luminaries
 - d) The beam angles for each light
 - e) The level of illuminance proposed for the floodlit area and iso-lux map showing illuminance levels at the boundaries of the site. The plan should also show the location of any properties and the illuminance levels at those properties.
 - f) The proposed hours of use.
 - g) Bunding, landscaping or planting where appropriate.



Floodlighting at Willsthorpe School, Long Eaton

11. Sustainable Development/ Carbon Footprint

11.1. In accordance with the [Corporate Energy and Design Sustainability Policy](#) the County Council is committed to putting the principles of sustainable development into action and when designing new buildings and renovating existing ones it will:

- ensure that all designs include the installation of energy efficiency measures, and where possible use passive design solutions such as natural light and ventilation;
- give preference to systems and products that reduce energy use, waste and pollution in construction, transportation and use;
- maintain ongoing investigation into the feasibility of using materials which are either reclaimed, recycled, reconstituted or have a high recyclable element on their final disposal;
- maintain ongoing investigation into the use of renewable and more sustainable energy sources;
- encourage building operators to consider the importance of properly maintaining systems that encourage energy efficiency and reduced waste;
- ensure that all County Council staff, service providers and suppliers are aware of the policy and adopt the standards.

Renewable Energy

11.2 Planning permission will be needed in almost all instances of installing viable photo voltaic panels, solar panels and wind turbines on buildings or free standing. Ground source heat pumps and depending on their design air source heat pumps may not require planning permission. The Planning Control Section will be pleased to give guidance on each case.



**Wind Turbine at
Markham Vale Innovation Centre**



Holymoorside School - windows designed to maximise use of passive solar energy