

Case Officer: E. Casper
Report Date: 29.05.2019

File No: CHE/19/00073/FUL
Committee Date: 10.06.2019

ITEM 9

HARD SURFACING WITH DRAINAGE AND STREET LIGHTING TO PROVIDE AN ADDITIONAL 2165 SQ.M OF CAR PARKING AREA. REVISED PLANS RECEIVED 26.03.2019 WITH AMENDED LAYOUT AND SURFACING PLAN, AMENDED DRAINAGE AND TREE PROTECTION LAYOUT AND STATEMENT REGARDING USAGE AND TRAFFIC PATTERNS. ALTERATIONS PROPOSED TO THE MAIN BUILDING, INCLUDING AN ENTRANCE CANOPY, TWO NEW ENTRANCE DOORS AND CLADDING TO THE SOUTH WEST ELEVATION. REVISED LIGHTING PLAN RECEIVED 24.04.2019 AND 23.05.2019, REVISED LAYOUT AND SURFACING PLAN 29.05.2019 AND PROPOSED DRAINAGE LAYOUT 24.05.2019 AND ARBORICULTURAL REPORT REVISION A 28.05.2019 AT ST HUGH'S RC CHURCH, LITTLEMOOR, NEWBOLD, DERBYSHIRE, S41 8QP

Local Plan: Unallocated
Ward: Moor
Plot No: 2/1644

1.0 CONSULTATIONS

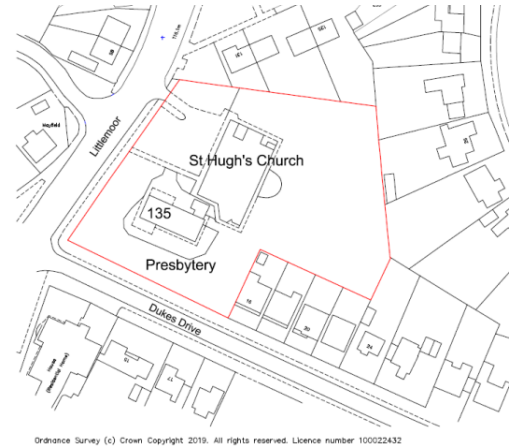
Ward Members	No comments received
Strategy/Forward Planning	Comments received – see report
Environmental Services	Comments received – see report
Design Services Drainage	Comments received – see report
Yorkshire Water Services	No comments received – see report
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report

Neighbours

15 letters of objection received and 1 letter of support (from 11 properties)

2.0 THE SITE

2.1 The site subject of this application is located on the east side of Littlemoor highway and extends to the junction of Dukes Drive. The site is bound by residential dwellings and land levels within the site fall from Dukes Drive towards the northern boundary.



Aerial photograph of the site

Site location plan



Photo taken facing south towards Dukes Drive and the side elevation of No 16 Dukes Drive



Photo taken facing east towards the rear gardens of properties on Ringwood Avenue and Dukes Drive

2.2 The site is formed of a single storey detached building formerly known as St Hugh's Church and an attached single storey Presbytery. The main building is set back from Littlemoor highway towards the centre of the plot and the remaining area is largely laid to grass.

- 2.3 The site is currently served by a small car park with 16 spaces. Vehicular access to the site is gained from Littlemoor highway in the north western corner of the site. The existing driveway is flanked by two protected Sycamore trees (T2 and T3).



Existing access point



Group of protected trees

- 2.4 The site contains trees protected by Tree Preservation Order No 4901.241 consisting of 3 individual trees T1 (Silver Birch) and T2 and T3 (Sycamores) and a group of trees G1 including 13 Birch, 6 Alder, 4 Sycamore, 3 Rowan and 1 Oak. The two Sycamore trees are located either side of the existing entrance and the Silver Birch is to the west of No 16 Dukes Drive. The group of trees (G1) is situated along the southern and western boundary of the site.

3.0 RELEVANT SITE HISTORY

Planning Applications

- 3.1 CHE/0598/0270 - Brick built bin store with flat roof to the north – **CONDITIONAL PERMISSION (10.06.1998)**
- 3.2 CHE/1196/0611 - Re-glazing of church/church hall to the south east elevation with new curtain walling - **CONDITIONAL PERMISSION (23.12.1996)**
- 3.3 CHE/1197/0600 - New metal church tower and metal crosses on west windows - **CONDITIONAL PERMISSION (24.12.1997)**

Tree Preservation Order

- 3.4 4901.241 - Chesterfield Borough Council (St Hugh's Church Littlemoor/Dukes Drive) Tree Preservation Order No 241 2004

Application to Fell or Prune Protected Trees

- 3.5 CHE/18/00693/TPO - crown lift and crown clean T1 Silver Birch, T2 & T3 Sycamore and trees within G1. Also the felling of two dead Rowans and one leaning Silver Birch within G1 of TPO 241 at St Hughs Church 135 Littlemoor – **CONDITIONAL PERMISSION (13.11.2018)**

4.0 THE PROPOSAL

- 4.1 The application seeks consent for the creation of an enlarged parking area to the east of the main building. The proposal will create 116 parking spaces (including 6 accessible spaces) and includes the provision of cycle stands for 6 cycles. The existing main vehicular access point will be retained. Revised plans show an emergency access point and driveway leading onto Dukes Drive. Two additional entrance points onto Dukes Drive have been removed.
- 4.2 The proposal also includes minor alterations to the existing building, introducing cladding to the rear (eastern) elevation, installing new entrance doors and the erection of a covered canopy.
- 4.3 The applicant has provided a statement regarding usage and traffic patterns and has confirmed that some events/services will have small numbers of cars but also states that ‘Gospel Preaching’s, Sermon Meetings and Bible Readings would bring approximately 65 cars and utilise the full carpark and The Bible Readings would sometimes utilise the carpark in its entirety.’ These meetings take place every day see table below. The statement confirms that some meetings will be small gatherings of approximately 15 cars.

4.4

Day	Meeting	Time of Day
Sunday	Lord’s Supper (Holy Communion) Reading Gospel Preachings	Early morning Mid-morning Balance of day
Monday	Prayer Meeting	Late afternoon or evening
Tuesday	Sermon Meeting	Late afternoon or evening
Wednesday	Bible Reading	Late afternoon or evening
Thursday	Bible Reading	Late afternoon or evening
Friday	Bible Reading	Late afternoon or evening
Saturday	Bible Reading	Morning

The statement continues to states that the site will gated and locked when not in use and grounds will be covered by CCTV for security. The car park will be used solely by the Church and will not be let out to other users. The applicant has suggested that the church has a congregation of 500 to 600 members and this is the rationale for the number of parking spaces required.

4.5 The application submission is supported by the following plans and documents:

BACKGROUND/SUPPORTING DOCUMENTS

- Application form (01.02.2019)
- Site Plan, drawing number 1622-10 (dated January 2019)
- Topographic survey, reference PSS – 058 – 001, drawing number 001 (dated 29.08.2018)
- Design and access statement (dated 03.01.2019) – details superseded
- Usage and traffic patterns (received 26.03.2019)

LIGHTING

- Lighting data sheet, produced by Abacus lighting (received 11.02.2019) – 24.04.2019
- ~~Lighting plan ‘horizontal illuminance levels’, drawing number LS24622-2 (dated 02.01.2019) – superseded~~
- ~~Lighting plan ‘horizontal illuminance levels’, drawing number LS24622-3 (dated 01.02.2019) – superseded~~
- ~~Lighting plan ‘horizontal illuminance levels’, drawing number LS24622-5A (dated 17.04.2019) – superseded~~
- Lighting plan ‘horizontal illuminance levels’, drawing number LS24622-6 (dated 14.05.2019)

MAIN BUILDING

- Existing elevations, drawing number 1606-100 revision A (dated 19.03.2019, received 26.03.2019)
- Proposed elevations, drawing number 1606-102 revision A (dated 19.03.2019, received 26.03.2019)
- Existing plan, drawing number 1606-103 (dated March 2019, received 26.03.2019)
- Proposed floor plan, drawing number 1606-104 (dated March 2019, received 26.03.2019)

LAYOUT AND TREE PROTECTION MEASURES

- ~~Proposed site plan, drawing number 1622-10 (dated Jan 2019) – superseded~~
- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision A (dated 19.03.2019) - superseded~~

- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision B (dated 21.05.2019) - superseded~~
- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision C (dated 23.05.2019) – superseded~~
- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision D (dated 23.05.2019) – superseded~~
- ~~Proposed layout & surfacing plan, drawing number 1622-10 revision E (dated 28.05.2019) – superseded~~
- Proposed layout & surfacing plan, drawing number 1622-10 revision F (dated 29.05.2019)

DRAINAGE

- ~~Proposed drainage & tree protection layout, drawing number 1606-101 (dated march 2019) – superseded~~
- ~~External drainage, drawing reference STHUGHRC.08.18 (Dated 13.08.2019) – superseded~~
- ~~Proposed drainage layout, drawing number 1606-101 revision A (22.05.2019) – superseded~~
- Proposed drainage layout, drawing number 1606-101 revision B (24.05.2019)

TREE REPORT

- ~~Pre-development arboricultural report for works at St. Hugh's RC Church 135 Littlemoor, Chesterfield, S41 8QP dated 23.05.2019 - superseded~~
- Pre-development arboricultural report for works at St. Hugh's RC Church 135 Littlemoor, Chesterfield, S41 8QP Revision A dated 28.05.2019

5.0 CONSIDERATIONS

5.1 Planning Policy Background

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

5.2 Chesterfield Local Plan: Core Strategy 2011 – 2031 ('Core Strategy')

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity
- CS17 Social Infrastructure
- CS18 Design
- CS20 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (February 2019)

5.4 Key Issues

- Principle of development (section 5.5)
- Design and appearance of the proposal (section 5.6)
- Impact on neighbouring residential amenity (section 5.7)
- Highways safety and parking provision (5.8)
- Flood risk and drainage (5.9)
- Impact on protected trees and biodiversity (5.10)
- Coal Mining Legacy (5.11)

5.5 Principle of Development

Relevant Policies

- 5.5.1 The application site is situated within the built settlement of Newbold and is an existing place of worship (Policy CS17). The area is largely residential in character and the site is located approximately 130m from Newbold Local Centre and approximately 300m from Littlemoor Local Centre.
- 5.5.2 Policies CS1, CS2, CS7, CS9, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 5.5.3 The Strategy Planning Team were consulted on the proposal and provided comments on the principle of development with respect to planning policy (see paragraphs 5.5.4 to 5.5.6 below)
- 5.5.4 *'As a church, the site is covered by policy CS17. However as the proposal does not include the loss of the facility (in planning terms)*

it does not materially impact on the proposed development. Of more relevance are policies CS20 and CS18. CS20 (Influencing the demand for travel) seeks to maximise walking, cycling and the use of public transport. However the Core Strategy does not have any parking standards. The site is well located for walking from surrounding areas, and well served by a regular bus route. However it is also recognised that the congregation of the church is likely to include a significantly wider catchment where walking and the ability to use public transport is limited.'

- 5.5.5 *'On this basis there is a reasonable expectation that some additional parking may be required. There is therefore no objection in principle to additional parking, provided that Derbyshire County Council, as Highways Authority, is satisfied that it would not have a detrimental impact on the safety and functioning of the highway network.'*
- 5.5.6 *'There is more of a concern over the potential impact on the amenity of neighbouring properties. Policy CS18 requires that development take account of the relationship between public and private spaces and has an acceptable impact on the amenity of users and neighbours. I note that concerns have already been raised by the council's EHO regarding the impact of lighting. Based on the submitted plans, an improved scheme of landscaping would appear to be beneficial, in addition to conditions relating to the management and operation of the car park in terms of lighting, hours of operation, and the potential for related uses such as car boot sales or similar.'*
- 5.5.7 The principle of the scheme to develop an existing community asset, retaining the existing use as place of worship is considered to be generally acceptable (policy CS17). Consideration of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the sections 5.6 and 5.7. Highway safety and demand for travel (CS20) will be discussed in section 5.8. Consideration of issues relating to drainage (CS7) will be discussed in section 5.9. Impacts on protected trees/biodiversity (CS9) will be covered in section 5.10 and consideration of Coal Mining legacy (CS8) will be discussed in section 5.11.

5.6 Design and Appearance of the Proposal

- 5.6.1 Policy CS18 (Design) states that *'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context'* and development should have *'an acceptable impact on the amenity of users and neighbours.'*
- 5.6.2 The application proposes the creation of additional parking spaces to serve the existing facility. The proposal involves removing the existing area of grassland to the east and north of the main building to accommodate additional parking spaces. The proposed surfacing materials consist of tarmac and contrasting porous block paving. Small areas of soft landscaping are proposed including a hawthorn hedge adjacent to part of the southern boundary. Revised plans propose introducing trees along the northern boundary and within planting beds. It is acknowledged that the proposal will lose the 'green' character of the existing field to be replaced with hard surfacing. It is also accepted that the field is not designated greenspace and the proposal will enable the continued use of the place of worship.
- 5.6.3 The layout of the parking spaces has been amended to ensure 5-6m is available to enable vehicles to manoeuvre in and out of designated spaces. A separate emergency access point is proposed leading onto Dukes Drive.
- 5.6.4 The proposal also incorporates minor alterations to the existing building including the installation of two new entrance doors within the south elevation and a replacement entrance door within the west elevation. The application also proposes the erection of a covered canopy formed of a flat roof and measuring 3.4m in height overall, wrapping around the south and south western elevations of the host building. The application also includes light grey ship lap cladding to the east elevation.
- 5.6.5 On balance, the proposal is considered to be acceptable. The development will result in the loss of non-designated greenspace, but will enable the facility to be used as a place of worship. The proposed car parking will also prevent a significant number of cars parking on the surrounding streets and will maximise the effective use of the site. Overall, the proposal is not considered to be unduly out of character and serves the existing facility therefore the

proposal is considered to accord with the provisions of policy CS18 of the Core Strategy and the wider NPPF.

5.7 Impact on Neighbouring Residential Amenity

- 5.7.1 Core Strategy Policy CS2 states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*
- 5.7.2 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.3 The application site is bound by residential dwellings. The applicant provided a statement regarding proposed usage and traffic patterns. The statement shows that most activity at the site will take place on a Sunday with one meeting or service taking place each day of the week. Activity at the site is therefore generally considered to be limited to specific times. It is acknowledged that there may be some noise associated with members arriving and departing from meetings/services. This level of activity is not considered to be unreasonable and will be focused around meeting times rather than continuous activity and disturbance throughout the day. This is considered to be acceptable.
- 5.7.4 Revised lighting plans show reduced numbers of lighting columns and remove proposed lighting adjacent to residential boundaries reducing the overall lighting spill. The statement regarding usage states that lighting will only be used around meeting/services times and will be switched off at all other times. It is recommended that a condition be attached to the decision preventing lighting being left on overnight to protect the residential amenity of the adjoining neighbours.
- 5.7.5 The Environmental Health Officer was consulted on the proposal and provided the following comments; *'I have inspected the above application, and would like to make comments regarding the proposed lighting and the projected footprint: The modelled lighting footprint indicates that the facades of nearby dwellings may well be adversely affected by the lighting. I further note that the lighting will be by LEDs on 8m poles. The lighting is by flush mounted LEDs which cause a bright white light. It is very likely that they will cause*

glare in the rooms of surrounding dwellings. I request that the lighting be fitted with shrouding to prevent glare.'

- 5.7.6 The comments made the Environmental Health Officer have been noted. The revised lighting scheme reduces the number of lighting columns. It is recommended that a condition be attached to the decision requiring lighting to be installed with a shroud to prevent glare.
- 5.7.7 To protect the amenity of the residential neighbours during construction work it is also recommended that a condition be attached to the decision restricting hours of construction work on site.
- 5.7.8 Based on the observations listed above and subject to the inclusion of the recommended conditions, the proposal is considered to accord with the provisions of policy CS2 and CS18 of the Core Strategy and the wider NPPF.

5.8 Highway Safety and Transport

- 5.8.1 Core Strategy Policy CS20 requires development proposals to provide appropriate parking provision in accordance with guidance set out in Appendix G and for development to be sustainably located with access to public transport.
- 5.8.2 The application submission has been reviewed by the Local Highways Authority Derbyshire County Council and the following comments were provided;
- 5.8.3 *'This application is for the provision of a large number of car parking spaces only with no justification given for their provision. It is assumed you are satisfied that there is a requirement for such parking. For such a proposed increase, the Highway Authority would look for improvements to the access to bring it in line with current standards.'*
- 5.8.4 *'The application form indicates no alteration to the access which is of single width which cannot be widened due to trees on either side that are the subject of a tree preservation order. The Highway Authority would have reservations over such an intensification in use of the site given that the access is to a busy classified road and the Highway Authority would not wish to see vehicles*

reversing to or from Littlemoor or having to wait on Littlemoor for vehicles to exit the site before being able to enter.'

5.8.5 *'If you are satisfied that there is a justification for the provision of this level of car parking, the Highway Authority considers that a new access could be created to Littlemoor to current standards, avoiding the trees subject to a tree preservation order, that would remove highway objection to the proposal. The existing access would be required to be closed.'*

5.8.6 *'I would be obliged if you could put this proposal to the applicant and the Highway Authority will be pleased to comment on any revised proposals. In the event the application is to be decided on an as submitted basis, the Highway Authority would recommend refusal of the proposal for the following reason.*

1. The proposal, as submitted, would be likely to lead to vehicles waiting on a classified highway to enter the site and/or vehicles reversing to or from a classified road against the best interests of highway safety.'

5.8.7 The comments from the Highways Officer have been noted. DCC Highways were re-consulted on the revised plans and submitted statement regarding proposed usage and traffic patterns. No further comments were received. Due to the nature of the activity taking place on site it is expected that vehicles will arrive and enter the site at the same time and then leave after a meeting/service at the same time, effectively creating a one way operation. On this basis the existing access is considered to be sufficient. The proposed emergency access leading to Dukes Drive is designed to accommodate low levels of vehicular activity and to be used in an emergency only. The church has indicated that their congregation will regularly involve up to 500-600 persons all arriving within a half hour time frame and that they would all leave generally after the service has ended. It is appreciated that vehicles will generally be multiple occupied however it is also considered that the site is well located in a close proximity to public transport facilities. Revised drawings show the provision of cycle stands for 6 bicycles. The site is also in close proximity to a bus route with a bus stop situated to the north of the existing entrance on Littlemoor highway.

5.8.8 The use of the building by the applicant is not within the control of the local planning authority and it is the case therefore that

inadequate parking provision on the site will just result in on street parking much to the nuisance of neighbouring residents. On balance, the proposal is considered to be acceptable and accords generally with the policy CS20.

5.9 Flood Risk and Drainage

- 5.9.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to Yorkshire Water Services (YWS) and the Council's Design Services (DS) team for comments in respect of drainage and flood risk.
- 5.9.2 Design Services (Drainage) were consulted on this application and provided the following comments; *'It is noted that the applicant proposes to utilise soakaways as a method of discharging surface water runoff from the car park. Soil infiltration tests should be provided along with sizing calculations in accordance with BRE Digest 365 to demonstrate that the sub soils have sufficient capacity to discharge the incoming flow. Further information is included in the attached guidance document.'*
- 5.9.3 The applicant submitted revised plans and the Design Services Team were re-consulted; *'Further to the revised plans received regarding this application; the applicant will still be required to carry out soil infiltration tests and provide sizing calculation results prior to planning permission being granted. These should be in accordance with BRE Digest 365 to demonstrate that the sub soils have sufficient capacity to discharge the incoming flow, as per my previous email dated 26th February, 2019.'*
- 5.9.4 Yorkshire Water were consulted on the proposal and provided the following comments; *'Yorkshire Water has no objection to drawing STHUGHRC.08.18 dated 13/08/2018, that shows surface water proposed to be drained to soakaway. Provided the development is constructed in full accordance with drawing STHUGHRC.08.18 dated 13/08/2018, YW does not require further consultation on this application. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at*

the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.'

5.9.5 Based on the comments listed above, subject to a condition requiring soil infiltration tests and sizing calculations the proposal is considered to accord with policy CS7 of the Core Strategy. It is also recommended that the comments made by Yorkshire Water be included as an informative note within the decision notice.

5.10 Impact on Protected Trees and Biodiversity

5.10.1 The application includes trees protected under Tree Preservation Order. The Council's Tree Officer was consulted on the proposal and raised concerns on 11.03.2019 and 10.04.2019 due to the following;

5.10.2 *'I therefore object to the application as it stands on the following grounds:*

- 1. No tree survey, Tree Restrains Plan and Tree Protection Plan. The tree protection plan should also show the location of any temporary construction parking, site cabins and facilities and the storage of materials. Details should also be provided of any facilitating pruning around the accesses to avoid any construction traffic damage.*
- 2. Encroachment from construction within the Root Protection Areas (RPA) of the retained trees T1 Silver Birch and T2 Sycamore.*
- 3. No details to demonstrate that an above ground construction method is achievable where construction is proposed within the retained trees RPA.*
- 4. Proposed lighting column and any associated trenching within the RPA of T2 & T3 Sycamore.*
- 5. Proposed excavations for drainage within the RPA of T2 Sycamore.*
- 6. No landscaping enhancement proposals.'*

5.10.3 Revised plans were submitted and the Tree Officer provided the following comments; *'I can confirm that the core tree root protection system now included in the RPA of T2 Sycamore is acceptable as shown on drawing 1622-10 Rev F dated 29/05/19 and the tree protection measures outlined in the Arboricultural*

report dated 23rd May 2019 by Andrew Allen Associates and above mentioned drawing provide suitable tree protection measures for the proposed development at St Hugh's Church, Littlemoor.'

- 5.10.4 It has been noted that the revised lighting plan shows a new lighting column within the RPA of T3. The Tree Officer previously objected to the siting of a lighting column within the RPA of the tree, therefore it is recommended that a condition requiring the submission of revised lighting details be included to show the removal of the lighting column.
- 5.10.5 The Derbyshire Wildlife Trust (DWT) were also consulted on the proposal and provided the following comments; *'The application area appears to comprise grassland with a hedgerow on the northern boundary. It is surrounded by residential properties and roads and our database shows no records of protected species for the site.'*
- 5.10.6 *'Whilst there are unlikely to be any significant protected species constraints or notable habitats, planning decisions should aim to achieve a net biodiversity gain (NPPF 2019). As the proposed car parking will result in an almost total loss of green space on site (excluding the presbytery grounds), it is unclear how this will be achieved. We suggest that consideration could be given to the retention/creation of a wildflower strip around the car park perimeters and a scheme to enhance the remainder of the church grounds could be developed to accompany the application.'*
- 5.10.7 *'We would also advise that the light spill from the proposed lighting should not exceed 1 lux to adjacent gardens, as levels higher than this may deter foraging bats. Currently there is light spill of 5 lux at the edges of the site'*
- 5.10.8 The comments from DWT have been noted and it is acknowledged that it is unlikely the site contains notable habitats or protected species. The application will result in the loss of existing grassland and the proposal will introduce some areas of soft landscaping and small trees. Revised lighting plans reduce the number of lighting columns and containing the overall light spill within the application site (with the exception of the western boundary).
- 5.10.9 It is recommended that conditions are attached to the decision requiring further details of proposed hard and soft landscaping

prior to installation on site and to ensure that the planting is maintained for the life of the development. Subject to the imposition of conditions covering the above, the proposal accords with the provisions of policy CS9.

5.11 Coal Mining Legacy

- 5.11.1 The planning application site lies in an area covered by the Coal Authority's referral area and as such it was necessary to consult The Coal Authority on the proposal in accordance with Core Strategy Policy CS8.
- 5.11.2 On the 25.02.2019 The Coal Authority provided the following revised comments; *'As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when considering the nature of this particular development proposal, the proposed development will not require substantial foundations or earthworks. Therefore we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of development proposed in this particular case and **do not object** to this planning application.'*
- 5.11.3 *'In the interests of public safety, however, the Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice: 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.*
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 of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 7626848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

- 5.11.4 The proposal accords with the provisions of policy CS8 and it is recommended that the informative detailed above be attached to the decision notice.

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by neighbour notification letters sent on 14.02.2019, deadline for responses 07.03.2019. Neighbours were re-consulted on 02.04.2019, deadline for responses 16.04.2019. Two site notices were also displayed on 13.03.2019, deadline for responses 03.04.2019. As a result of the notification process 15 letters of objection and 1 letter of support have been received from 11 properties.

Main points raised by neighbours summarised below;

6.2 17 dukes drive (16.02.2019)

- The proposed drop kerbs on Dukes Drive are these for vehicular access or pedestrian.
- What is proposed for the trees on Dukes Drive.

6.3 20 Dukes Drive (26.02.2019)

- Provision of additional parking will bring increased congestion to an already busy road and in close proximity to a small roundabout junction which not adequate for this level of increased traffic as there are already congestion and air quality issues
- Loss of green space to be replaced with vehicles. Emissions will have a detrimental impact on local environment, wildlife, view from properties, residents health and air quality
- Church did not need provision for 120 cars and there is a regular bus services and should use cycle ways, public transport and car sharing should be encouraged

- No demonstrative need for an emergency exit road which would be misused and create a security issue
- Large car park would encourage long stay parking and antisocial behaviour and could be used by commuters to the town centre and train station
- Change of use from green space to hard standing not compatible under current planning application as the land is bound by residential gardens and most residents have fences which would not stop noise or fume pollution impacting the quiet enjoyment of gardens. Reduce privacy and increased disturbance
- 6m high lighting columns on rear boundary of No 16 and 20 Dukes Drive laid on hard standing will be an eyesore, disrupting the view and with implications for wildlife and residents leading to flood lighting in rear gardens and rear bedrooms of properties.
- Security concerns over access to rear of residential properties due to increased footfall in car park, increased attention arising as a result of change of use
- PPS3 Policy AMP 10 states that planning permission will only be granted if the applicant can demonstrate that they will not significantly contribute to an increase in congestion, not detrimental to local environmental quality, meet an identified need and deter long stay parking and commuter and are compatible with the adjoining land use and in Core Strategy 2006 3.14 and CS20
- Highlights class D2 assembly and leisure would be 1 space per 5 seats. Based on surveys and estimated numbers of congregation members suggest the average size would be 121 people, requiring 24 spaces. Estimated number of spaces based on site area suggested to be 93.75.
- Highlights that cycle provision should be provided at 5% of the maximum number of spaces provided for cars
- Superimposed images provided showing difference in proposed view and visual impacts.
- Site has become overgrown and concerns about future management and maintenance
- Loss of habitat for wildlife including foxes, muntjac, sparrow hawk and other birds and small mammals which would be disrupted.
- Proposed 120 cars will lead to significant increase in air pollution and emissions in the area. Includes congestion and air quality map from Core Strategy. Residents will suffer reduced privacy, increased noise disturbance and exhaust fumes emitted in close proximity to gardens and properties detrimental to health, buildings, plants and animals.

- Proposal will introduce artificial lighting which will be unsightly and detrimental to residents bedrooms backing onto this area and also local wildlife. Light pollution is proven to be disorientating to animals and insects, disrupting breeding and natural cycles and increased mortality.
- Lighting the unsupervised space will lead to space being used at unsociable hours for unsociable activities which pose a nuisance and danger to local residents and their properties.
- Highlights that the core strategy focuses on adapting to climate change, reducing emissions, protecting and enhancing networks of greenspaces to cope with climate change. To protect people from harmful effects of development including mining hazards, flooding, traffic risk and pollution. Encouraging healthy lifestyles through walking and cycling and locating facilities in accessible locations
- Highway safety issues – abundance of local amenities in vicinity of proposed development and there are already high levels of traffic and pedestrians at peak times. Existing issues with speeding in the area and Dukes Drive being used as ‘rat run’. The proposal will increase the number of vehicles at the facility will increase traffic and pose immediate danger to life and property with risk of accidents significantly increasing.
- Recognise that provision of adequate parking facilities can stimulate economic development and environmental/safety benefits in town and city centres, however this should not be to the detriment of local residents.
- Core strategy states that people should feel safe and the local council should ensure future environments are designed to minimise opportunities for crime and anti-social behaviour and should only improve an area. Newbold already has a relatively high crime rate.
- Lists factors that should be taken into account; fixed boundary wall to reduce noise and protect fencing and gardens, wall to be lined with hedging for safety and privacy, landscaping including trees to reduce visual impact and replace loss of habitat, use grass parking mesh or similar hardstanding to reduce visual impact, limitations on use of space and parking duration which should be short stay and not used for events, excluding overnight parking, maintenance provision to ensure site is maintained, space should be secure in evening and when not in use, low level security lights to reduce visual impacts, bicycle parking, provision of community garden.
- We would wish our objections to remain as we can see that there is still no real consideration been made in the new plan for the local residents also I would like to add that the plans show, tarmac for

car park which implies that the cars will park on this area and not the new blocked paving area, there is no dimensions on the drawing, I admit there is a scale but this is hard to interpret for the small dimensions of the proposed hedging.

- The proposed application is for Hard surfacing with drainage and street lighting for a car parking area, so why there is an emergency road and dropped curbs on the plan!
- To conclude I would suggest that a new planning proposal be submitted naming the proposer not the RC Church, that the number of vehicle parking spaces be reduced, that there is a 2 metre border round the outside of the planned parking area, all lighting to be low level low impact and have time restrictions, the dropped curbs and emergency road be omitted from the plan as they are not relevant and require additional consideration. Finally could consideration be given in conjunction with the highways department into making Dukes Drive a access only road to reduce the impact on the local residents, I do know that they are not supported by the police but it could still act as a deterrent to some.

6.4

No 16 and No 18 Dukes Drive (signed by occupants of both properties) (dated 28.02.2019)

- Do not object to application for car park but consider proposal present are not in keeping with local environment and not what was expected.
- Phase 2 – assumed this is not part of the application, we object to any access off Dukes Drive
- Number of parking spaces - led to believe this would be half what is shown, do not consider this to be 'essential'
- Emergency access road – do not understand why another access is required and are concerns that this would become a second access/exit, cause a nuisance and possible damage to No 16 Dukes Drive, damage to existing trees adjacent to Dukes Drive
- Dukes Drive - narrow estate road and becomes very congested at times with cars parking on road and footpath outside Old People's home. Extra traffic waiting to go onto Littlemoor Road would cause a blockage, preventing vehicles turning onto Dukes Drive and preventing emergency vehicles reaching ill patients at the Old People's Home.
- Limiting time for use of car park – no limits to times car park can be used which may cause issues for residents on Dukes Drive at night.

- Security – access route to the rear of properties would threaten security as a lorry or van would be able to pull up adjacent to boundaries and obtain access over the fences
- Car park surfacing – mass of black tarmac with white lines is not in keeping with local environment
- Soft landscaping – very little has been presented showing landscaping has been considered. Trees in front of Dukes Drive could block light, cause damage to drains and overhanging gardens.
- Lighting – 6m high standard light shown directly in front of No 16. High levels of artificial light should be avoided and can cause health issues and light pollution. There is not timing on tis use and whether the lights will be switched off when car park is not in use.
- Pollution – concerns about exhaust fumes travelling through fencing which could be a health hazard to people siting or working in gardens
- Mass arrival and leaving – high levels of pollution and noise due to number of cars arriving and leaving at same time
- Noise pollution – caused by opening and closing of car doors, engine, possible music and people talking/shouting.
- Essential use – number of spaces suggests that the site may be used for other things such as car boot sales.
- Design of car park – assumed car park will be for cars only
- Overnight – possibility of the car park being used at night by motorhomes which may affect the security of properties and cause possible disruption at night.
- Wildlife – field used for small animals and birds
- Proposals for alterations/conditions – number of car parking spaces are drastically reduced, parking spaces are away from our boundaries, black surface us broken up to produce a less aggressive appearance, restricted hours of use, high level lighting is removed and replaced with no lighting or low level, lights switched off when not in use, car park entrance kept secure when not in use and designed so unauthorised persons can climb boundary fences, landscaping scheme is produced, non-essential external use restricted, no lorries or large vans no overnight use of car park.

6.5 **18 Dukes Drive (11.04.2019)**

- Item 1 – there is no width given to the new soft landscaping area on boundary with No's 16 – 22 Dukes Drive. We believe this should be a minimum of 2m.

- Item 2 – the block paving is better than tarmac, soil and seeded grasscrete block would give a more pleasing environmental feel.
- Item 3 – regarding emergency access onto Dukes Drive – statement regarding traffic patterns does not mention the emergency access and its purpose, beech pebble could be changed at a later date to tarmac. Would planning permission be required to alter?

6.6 **22 Dukes Drive (05.03.2019 and 15.04.2019 and 18.05.2019)**

- Land to the rear of St Hugh's has not been used for car parking and prior to 1967 was agricultural farm land. Car parking has always been limited, therefore suggest the application is for a change of use to a car park. The change of use of the land is not compatible with the surround area, environment and neighbouring properties.
- Site sold in 2018 and state that there is a covenant restricting the use of the church and the land.
- area used by bats for foraging/commuting and resting. Requests a professional survey of the bats, consideration of the negative impact on bat population taking away the foraging site and removing natural habitat and that of other wildlife. White light from lamps would also obstruct access for bats.
- Field and surrounding trees/hedges home to abundance of wildlife including foxes, squirrels, insects, butterflies, birds and sparrow hawks.
- Note consent was granted for works to protected trees and replacement trees which referred to 'phase 2 of project'
- Drainage – hard standing would create drainage issues on natural slope and concerns about final levels being higher than the existing field.
- Area is large open green area surrounded by properties, some unable to respond to application. Proposal for hard standing car park and light on residents is unfair, taking away sightline and enjoyed of field and wildlife, causing disturbance without consultation.
- Concern the site will be used for other events e.g car boots and fund raising and ask for a restriction to prevent this as this would impact residents.
- Vehicle spaces directly up to boundary of garden fence, leading to fumes from car exhausts in garden and home. Concern for health of family including asthma and impacts on enjoyment of garden.
- Landscaping – lack of well-designed landscape and ask for a grassed area of 3m extended around site to prevent vehicles

backing into boundary fence to reduce exhaust fumes and provide small green area of insects/wildlife. Additional green areas should also be incorporated. A metal barrier should be put in place to prevent accidents.

- Conserving and enhancing the landscape – land is no long maintained
- Concern the car park will become a site for anti-social behaviour.
- Suggested that a product would be used with a protective layer to the grass to leave the appearance of a grass field, minimising the impact on the open field but unfortunately this has not been used.
- Home is higher than the proposed car park area with garden at a lower level. Noise is easily carried at the back of our home and noise from the car park will carry into our home from vehicles, car engines, car doors, general conversation resulting in disturbance accompanied by anti-social behaviour. The community should not be adversely affected and any negative impacts need to be taken into account, minimised or proposals rejected
- Concerned about installation of 8m lamp posts at the bottom of garden and neighbours garden with LED white light and in the middle of the car park facing towards property.
- Concerns regarding lighting raised by Environmental Health Officer who requested shrouds be fitted to prevent glare. If the car park level is made higher the effect of the lighting would be more widespread.
- Introduction of lighting will impact local wildlife and our enjoyment of night sky, health, family life and quality of life and infringe human rights. Introducing artificial light would result in flare into gardens and homes. Light slows production of melatonin which would result in health issues. Bedrooms located at rear of property closest to lights.
- Recommendations of Environmental Health Officer are welcomed but do not go far enough. Question need for LED high luminaire lighting and stress any lighting should be low level, in line with distance street lights and should not be more powerful than current street lighting in area. We proposed that any lighting is kept to a minimum, only used when need and not maintained by a timer system
- Concern about colour coding system on lighting plan and associated key.
- Glare from car headlights – 120 car parking spaces would result in surrounding properties being subject to noise and light pollution and glare from headlights.

- Car parking times/security – proposed vehicle parking is restricted and not allowed to park at any time in car park prior to 8am weekdays and 9:30am at weekend, lights are turned off when not in use and gates locked at all times as a security precaution.
- Understand that the Plymouth Brethren Church hold services at 6am therefore it is likely that vehicles will arrive on site from 5:30am onwards on Sunday morning. This is unacceptable due to noise and light pollution from vehicle engines, car doors, talking and lighting in winter months and would not be in line with village setting/character of area and would be unfair to residents negatively impacting health, privacy, sleep and ability to work due to sleep disturbance and sleep deprivation.
- Number of car parking spaces – appears excessive and unwarranted due to the following factors;
 - o Many churches in the area do not have access to car parking
 - o Anticipated size of congregation and number of spaces – church building unlikely to hold number of people suggested by number of parking spaces.
 - o Good size congregation at the former St Hugh's and car parking was never an issue with mindful consideration of residents, parking, lighting and noise pollution. Not aware of any reports or recorded complaints.
 - o Car parking at a church is not considered essential
 - o Chesterfield Borough Council only have 150 spaces at the new Queens Park Sports Centre which serves the whole of Chesterfield Borough, questions need for 120 car parking spaces.
 - o Littlemoor shopping area has around 50 spaces serving approximately 9 shops with low level street lighting. Raised grassed areas are maintained meaning that vehicles are unable to park directly up to property boundaries.
 - o Alternative transport should be encouraged in accordance with governance guidelines including car sharing, cycling, walking and buses. A bus route is available with a convenient bus stop close to church entrance
 - o Consideration has not been given for the provision of cycle parking on site.
- Phase 2/traffic concerns – seek clarification of lower kerbs in three areas on Dukes Drive and the reason for locked emergency access on Dukes Drive.
- Raise concerns that this will be an exit route for vehicles which will increase traffic onto Dukes Drive and concerns this will have further negative impact on health due to pollution from exhaust

fumes, noise and lighting and result in glare to Ridgewood Care Home.

- Conversation with trustee of Church who stated that the long term plan is to demolish the existing bungalow and build 2 bungalows on site to sell the new builds. There is a covenant in place to prevent building development and we have not been informed of any application.
- Increase in house building have reduced green areas and increased volume of traffic and pollution through gridlocked village of Newbold and Dukes Drive being used as a 'rat run' with traffic queueing traffic experienced regularly. A car park would only add to existing problems and increase numbers of cars on road, reducing number of green spaces.
- Councillor Tony Rodgers is dealing with complaints of speeding traffic and volume of traffic on Dukes Drive and met with Bridget Gould (Head of Highways) to find a solution to this dangerous problem
- Application does not respect character of local area and landscape. No suggesting of maintaining green areas or consideration for environment and pollution. A hardstanding car park will have significant impact on existing properties. Construction work in Newbold area increasing housing, traffic, shrinking green areas.
- Further to amended plans published on 24 and 29 April 2019 in respect of the current field being turned into a hard standing car park, associated buildings, access and lighting. All of the concerns outlined in our letter of 05 March 2019 and email of 15 April 2019 remain. None of the points raised have been addressed by the resubmitted plans and not one of our questions answered.
- We ask that our previous correspondence is taken into account and in particular:
 - The original application was for 80 car parking spaces overall, including the existing 20 parking spaces at the front of the church building. We therefore ask, how it is acceptable for plans to be different from the application, with a 50% increase to approximately 120 car parking spaces overall? How can this increase be allowed?
 - Furthermore the land in question has never been used as a car park which suggests the application should be for a change of use.
 - We completely oppose car parking spaces directly up to our boundary fence due to reasons already outlined including disturbance, vehicle fumes and headlights shining into our home. Surely, should this application for 60 additional car parking spaces

only, at the rear of the church building be approved, (there are currently approximately 20 existing car parking spaces at the front), these spaces can be incorporated away from perimeter boundaries, with the perimeter boundaries used as an area of green space for wildlife. This would recognise and slightly accommodate the vast green space which will be lost and assist with privacy in our homes.

- The maintenance of the proposed planting of a hawthorn hedge has not been addressed in any way given that an existing hawthorn hedge has been left to grow out of control height-wise yet cut back during the time when birds are nesting, contravening the Wildlife and Countryside Act 1981. Additionally, proposals to plant shrubs are vague.
- Lighting issues remain a concern. Again we completely oppose the proposed plans for lighting and for lighting to be sited directly outside of our home. Where there has never been lighting, there are now plans for 6m lamp posts, without shrouds and bright lumens which will deter foraging bats. This will affect our quality of life and the local bat population. There are 10 lamp posts sited on Dukes Drive from Littlemoor to Lansdowne Avenue. We ask what lumens this street lighting is in comparison to those proposed?
- In addition to the existing bat population there are also a family of foxes which have their den on the site and have been there for a number of years. The dog and vixen are currently caring for 5 fox cubs and we are concerned as to how these foxes will be treated/ disposed of. A busy car park will mean a loss of their habitat when the fox population is already known to be in decline.
- Regrettably, the Plymouth Brethren remain evasive regarding times of church services. St Hughs previously held services from 9am. The Plymouth Brethren are known to hold services from 6am with vehicles arriving earlier in time for this early morning service and services are known to take place well into the evening. This church will be well used every day with services throughout the day and comings and goings and the resulting disturbance will be relentless. It is extremely unfair to impose a different way of life on residents and we ask that time restrictions are introduced in an attempt to fit in with existing residential surroundings.
- The entrance and exit routes onto the site do not comply with requirements in correspondence from Highways.
- Proposed plans for 3 access/exits routes onto Dukes Drive remain. This was initially highlighted as being Phase 2 of the development, with an official application still to be submitted. However, this now seems to have formed part of Phase 1. This is

confusing and we therefore ask if plans for Phase 2 have been received and for sight of those plans, please.

- Due to the width of the existing entrance/ exit from Littlemoor not being wide enough we strongly suspect that either the proposed Emergency Exit onto Dukes Drive or one of the other 2 proposed exits will eventually be used as an exit route, creating difficulties, previously outlined, onto Dukes Drive and surrounding areas. We ask why there is a need for an Emergency Exit at a church and why there are plans to lock an Emergency Exit?
- It appears that consideration has still not been adequately addressed in respect of existing trees and their roots.
- Overall, resubmitted plans have not taken into consideration any of our concerns and there has been little or no compromise in any area. We have not been listened to and any changes are for the benefit of the applicants only. There is no justification for the number of car parking spaces and associated lighting.
- This application does nothing to enhance the existing residential or wildlife site and is not in line with the current environment or village setting.

6.7 **15 Dukes Drive (06.03.2019)**

- Support neighbours comments and the Highways Department in relation to the excessive size of this proposal along with the access road onto Duke's Drive.
- As previously stated what reassurances are there that this would be only used in an emergency and why is it required?

6.8 **28 Ringwood Avenue (07.03.2019 and 16.04.2019)**

- Property is directly in line with the vehicle entrance from Littlemoor and are concerned that the headlights from cars entering and then driving into parking spaces will be shining directly into the property.
- The bedroom and lounge are on the back of the property which backs onto the proposed site and are concerned with the starting up of vehicle engines and their headlights could be an issue, as well as the noise of the actual people attending and leaving, previously we could hear the music and the words being spoken through the speaker system both inside the bungalow and garden in the summer evenings.
- What days will the car park be used? eg, every day or any day or just on days of worship? or just weekends ? will there be many functions throughout the year ?

- What noise levels are to be anticipated from any functions being held?
- Will the car park be used just for parking or will it be used for some outdoor activities?
- What time of evening / night will the car park be closed / empty ? surely the car entrance off
- Littlemoor currently is not wide enough for more than one car at a time so the noise from the queuing traffic to get out especially if the car park is full will/ could be noisy and again headlights could be an issue.
- Is there any possibility they could hire out the property for other persons use?
- Will the area be gated and locked late at night or will access be available for cars and bikes etc to enter and drive around?
- In one plan it shows the proposal to be all car park spaces but near to property boundary shows the corner position is marked off as obviously being a corner of the car park it cannot be an actual space, what are the plans for the corner?
- The proposed lights, what will be the time periods they will be lit? will it be every day or just when the car park is being used? will they be lit for a set period of time or will they be lit throughout every night?
- What will be the proposed area each light will cover? do they have an area limit? do they have any sort of cover /shield around them to diffuse any light travelling from them to affect mum's garden/bungalow?
- The drainage system proposal, is it going to go into the mains system or soakaway? if soakaway where are they going to be sited?
- Also has any thought been given to litter /rubbish facilities?
- With reference to the amendments within letter dated 2nd April 2019 , we just have a couple of concerns ,
 1. With regard to the planting of trees, looks like 7 to be planted if allowed, will there be a height restriction on them? will they be looked after frequently to be kept in shape?
 2. In the corner by our boundary there is to be a soft landscaping area, possibly shrubs, will these have a height restriction? and given time could they possibly spread through the hedge into our garden? will these areas also be looked after regularly?
 Also we have now been informed that services could be/will be held in an evening, no time scales given , do you know approximately what time the evening ones will finish?

6.9 **Address unknown (14.04.2019)**

- We wish to raise our formal objections to the above application. We overlook the site but have not received any notification of the planned works and we fully support and reiterate all comments made by our neighbours – (at No 22 Dukes Drive)
- As we are nearing retirement, we were looking forward to making the most of our peaceful surroundings and spending more time in our garden, and if this application were approved, it would adversely affect both this and our quality of life.
- Our primary concerns relate to the traffic noise and lights during antisocial hours (early in the morning and late at night) and the adverse effect on wildlife and its habitat.
- Please can you register our objections and confirm when the consultation with local residents will take place.

6.10 **24 Dukes Drive (10.04.2019)**

- Bats seen on a daily basis and concern that bats will be driven away due to change in lighting. Derbyshire Wildlife Trust advise that light spill should not exceed 1 lux adjacent to gardens as not to deter foraging bats. The trust consider the current light spill to be 5 lux.
- A family of foxes and varied birds come and go between our garden and St Hugh's field.
- We note that the planning application states that the lighting will provide an average 12 lux, which suggests that some lighting units will produce more than 12 lux.
- We sleep in bedroom at the rear of the property and we fear the proposed lighting would affect our sleep and general health.
- We are concerns about early morning and evening noise from the car park and in particular car engines, car doors closing, conservation and children.
- Air quality will be adversely affected if car are parking just the other side of our garden fence. We fear this will aggravate existing respiratory problems.
- The applicant suggest vehicles will enter and leave the car park in a single direction either coming to or departing from a service, using an example of a taxi arriving and leaving after dropping someone off and we know the driveway cannot be widened due to tree preservation order. The obvious place a for a second access is on Dukes Drive

- Note comments on statement regarding usage and traffic patterns
 - there is of no guarantee of numbers attending and times of meetings. Will there be a second barrier restricting cars entering the rear car park. Statement suggests bible readings would ‘sometimes’ full the car park and this takes place four days of the week at late afternoon or evening, therefore likely to be during rush hour affecting congestion on nearby roads and the scale of proposal is unnecessary and unhealthy.
- Existing problems with cars accessing the car park and reversing onto main road to allow cars to exit or manoeuvre into spaces. Existing spaces are tight due to proximity to protected trees and the number of cars involved each week was less than 20 (around half a dozen cars in the car park for the full hour and a dozen or so dropped off and later collected children)
- The proposal does not appear to consider alternative methods of transport which is not compatible with planning regulations or changing attitudes towards the environment
- The Highway Authority recommends the application be refused for 80 car parking spaces. Not consistent with the plan which shows more spaces and 80 spaces considered to be too much for nearby roads to cope with.
- Feel there has been a lack of consideration of neighbourhood, environment and other road users.
- Request that car parking is limited to reasonable times and that neighbours are not woken by people attending church early in the morning or leaving in the evening.
- Applicants state the car park would ‘sometimes’ be fully utilised which suggests the proposed number of spaces is disproportionate to actual need and will unfairly disrupt wildlife and the neighbourhood.
- Former St Hugh’s was well attended and car parking wasn’t an issue for those attending or for neighbours when on street parking occurred.
- Vague and inconsistent information demonstrated by proposal to lower kerb at three points on Dukes Drive which no explanation why and no explanation why emergency access would be required and circumstances for route being used which could cause issues for neighbours on Dukes Drive which is a fairly narrow residential road

6.11 **23 Dukes Drive (16.04.2019)**

- Concerns raised regarding noise, residential amenity, traffic or highways

- Number of parking spaces excessive.
- Unnecessary emergency access onto Dukes Drive
- Excessive lighting

6.12 **131 Littlemoor (23.04.2019)**

- Understand the new owners are of the intention to have a car park on the adjoining field and to make other alterations.
- Being closest to the property concern regarding noise and petrol fumes and possibly evening use as my bedroom is at the back of the house which is owned by the council

Letter of support

6.13 **16 Dukes Drive (28.04.2019)**

- A church car park which is only used occasionally would be better than a redundant site or worse a new housing development. I wanted to voice this in support of the proposal
- My opinion is that the Plymouth Brethren have consulted with neighbours and have listened to us and made changes to overcome any problems
- The road towards the junction of Dukes Drives get cars parking opposite the nursing home and I think the road will be clearer if more off road parking is provided. I'd rather this than increased street parking
- I am looking forward to activity at the church and the property and land being maintained.

6.14 **Officer comments**

- **Emergency Access onto Dukes Drive/additional dropped kerbs – Revised plans remove two dropped kerbs on Dukes Drive and retains the proposed emergency access. The emergency access will be gated and is for use in an emergency. The materials for the access have been agreed in conjunction with the Council's Tree Officer and are required to be installed in accordance with the approved plans.**
- **Highway safety/congestion/alternative modes of transport/cycle provision – see section 5.8**
- **air quality/pollution – the Environmental Health Officer was consulted on the proposal and raised no objection with regards to air quality/pollution**

- **Excessive number of spaces – the Church has a large congregation and the application seeks to maximise the use of the site by enabling off-street parking to prevent significant on-street parking around the site.**
- **Times of use of car park – overnight etc/anti-social behaviour/security/events/restricted – the applicant has provided a statement which states that the site will be locked when not in use and monitored by security. The site will not be let to other users and is solely for the use of the Church.**
- **Lighting/impact of cars at night – revised lighting plans seek to reduce impacts on neighbours, removing lighting columns adjacent to residential dwellings and reducing the overall number and lux spill. It is recommended that a condition is attached restricting the operation of the lighting and shrouding lights to prevent glare. The site is bound by fences and hedges which should restrict glare from headlights.**
- **Hard surfacing/materials – revised plans introduce variation in materials, to visually break up the hard surfacing.**
- **maintenance of site including landscaping and boundary treatments – it is recommended that a condition be attached requiring further information on hard and soft landscaping proposal including a maintenance schedule**
- **Loss of habitat/impact on wildlife/loss of greenspace – see section 5.10.**
- **Phase 2 of development – this application does not include Phase 2 of the development and if Phase 2 is submitted it would be subject of a separate application. Each planning application is considered on its own merits.**
- **Damage to trees – see section 5.10. The Council’s Tree Officer has considered the application and raised no objection to the revised details submitted and the application will be bound by the details of**
- **Change of use to car park – application is for the creation of a car park.**
- **Covenant restricting use of site – separate matter not controlled by the planning process.**
- **Drainage – see section 5.9**

- **Loss of view/sightline of field – considered to be a ‘non-material’ planning consideration and therefore cannot be given any weight in the determination of a planning application.**
- **Noise/disturbance/residential amenity – see section 5.7. The site is an existing place of worship and therefore can be used at any time without the control of the Local Planning Authority.**

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in

line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for. Pre application advice was provided.

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 CONCLUSION

9.1 The principle of the scheme to develop an existing community asset, retaining the existing use as place of worship is considered to be generally acceptable (policy CS17). Overall, the proposal is considered to be acceptable in design and appearance. Subject to the conditions recommended it is not considered that that the proposal would result in significant adverse impact on the residential amenity of the neighbouring properties. The proposal would provide parking arrangements to meet the needs of the church congregation and would avoid the inevitable on street parking which would occur without the on site parking area. Therefore, on balance the proposal is considered to accord with policy CS1, CS2, CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

10.0 RECOMMENDATION

10.1 That the application be **GRANTED** subject to the following conditions and notes:

Conditions

Time limit

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

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

2. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
 - Lighting plan 'horizontal illuminance levels', drawing number LS24622-6 (dated 14.05.2019)
 - Proposed elevations, drawing number 1606-102 revision A (dated 19.03.2019, received 26.03.2019)
 - Proposed floor plan, drawing number 1606-104 (dated March 2019, received 26.03.2019)
 - Proposed layout & surfacing plan, drawing number 1622-10 revision F (dated 29.05.2019)
 - Proposed drainage layout, drawing number 1606-101 revision B (24.05.2019)
 - Pre-development arboricultural report for works at St. Hugh's RC Church 135 Littlemoor, Chesterfield, S41 8QP Revision A dated 28.05.2019

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

Construction hours

3. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials

Reason - In the interests of residential amenities.

Surface water drainage

4. No development approved by this permission shall be commenced until full details, including design calculations and construction details, for the disposal of surface water

which shall include the provision and implementation of a surface water regulation system and storage facility shall be submitted to and been approved by the Local Planning Authority in writing; the implementation of such details as approved shall be subject to soil/porosity tests for all soakaways, as deemed necessary by the Local Planning Authority, and the development shall not be occupied or used until written confirmation has been received from the Local Planning Authority confirming approval of both the porosity tests and the completed surface water drainage measures.

Reason - To ensure that no drainage discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Lighting shroud

5. All the lighting columns shall be shrouded to prevent glare to adjacent residential properties and / or the highway.

Reason - In the interests of residential amenities

Lighting hours restriction

6. The lighting hereby agreed shall not be used between the hours of 22:00 and 07:00 on any day.

Reason - In the interests of residential amenities

Lighting column in RPA

7. Notwithstanding the details shown on the approved lighting plan horizontal illuminance levels, drawing number LS24622-6 (dated 14.05.2019), the single 3m lighting column located within the root protection area of tree T3 shall be removed.

Reason – To preserve the tree T3 protected by Tree Preservation Order 4901.241 St Hugh’s Church, Littlemoor/Dukes Drive (2004).

Soft landscaping

8. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. The required soft landscaping scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, or any implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole

Replacement planting within 5 years

9. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

Hard landscaping

10. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of

enclosure and surfacing finishes. These works shall be carried out as approved prior to the use of the car park.

Tree protection measures

11. Development to be undertaken in accordance with drawing Proposed layout & surfacing plan, drawing number 1622-10 revision F (dated 29.05.2019) and Pre-development arboricultural report for works at St. Hugh's RC Church 135 Littlemoor, Chesterfield, S41 8QP Revision A dated 28.05.2019. The development shall only proceed on the basis of details agreed in writing covering the following matters:
- full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building, land, existing surfaces and damp proof courses.

Reason – To preserve the trees protected by Tree Preservation Order 4901.241 St Hugh's Church, Littlemoor/Dukes Drive (2004).

Cycle Stands

12. Before installation of the 6 Cycle stands hereby agreed full details shall be submitted to local planning authority for consideration. The details agreed in writing shall be implemented on site and shall be available concurrent with the use of the new car park and shall be retained as such thereafter.

Reason – to provide alteration modes of transport

Materials

13. Before ordering of external materials takes place, precise specifications or samples of the walling materials to be used

shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

Informatives

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
4. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
5. The developer should refer to the Council's 'Minimum Standards for Drainage' guidance in preparing any drainage proposals for submission /consideration

6. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp , E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.
7. 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.
8. 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.

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 of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 7626848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

9. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.'