

ITEM 2

DEMOLITION OF EXISTING PRESBYTERY, ALTERATIONS TO THE EXISTING CHURCH BUILDING TO CREATE A NEW ENTRANCE AND NEW ENTRANCE CANOPY, OVER CLADDING OF EXISTING WINDOWS ON THE SOUTH WEST ELEVATION AND CREATION OF A NEW HARD SURFACED CAR PARK AREA FOR APPROXIMATELY 95 CARS (REVISED PRE-DEVELOPMENT ARBORICULTURAL REPORT, AMENDED DESIGN AND ACCESS STATEMENT, DRAINAGE LAYOUT PLAN, ILLUMINATION LAYOUT PLAN AND PROPOSED LAYOUT & SURFACING PLAN/SECTION RECEIVED 23.01.2020, BAT & BIRD SURVEY PRELIMINARY ROOST ASSESSMENT AND REVISED EXTERIOR CAR PARK LIGHTING PLAN RECEIVED 30.01.2020) AT PLYMOUTH BRETHREN CHRISTIAN CHURCH, 135 LITTLEMOOR, NEWBOLD, S41 8QP FOR PLYMOUTH BRETHREN CHRISTIAN CHURCH

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

1.0 CONSULTATIONS

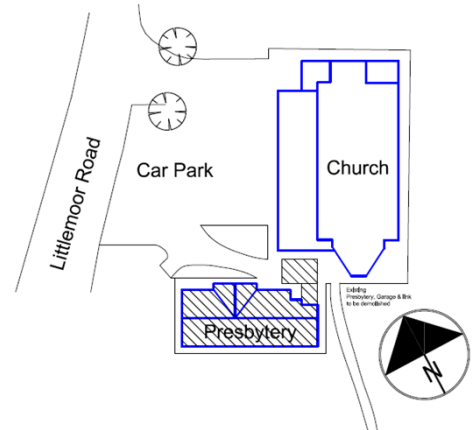
Derbyshire Wildlife Trust	Comments received – see report
Design Services Drainage	Comments received – see report
Environmental Health	Comments received – see report
Forward/Strategy Planning	Comments received – see report
Local Highways Authority	Comments received– see report
Neighbours	7 letters of objection received – see report
The Coal Authority	Comments received – see report
Tree Officer	Comments received – see report
Ward Members	No comments received
Yorkshire Water	Comments received – see report

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



Existing buildings and car park

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



- 2.3 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.
- 2.4 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

- 2.5 In 2019 application CHE/19/00073/FUL for the creation of a car parking area and alterations to the building was refused (see site history section 3.0).

3.0 **RELEVANT SITE HISTORY**

Planning Applications

- 3.1 CHE/19/00073/FUL - 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 – **REFUSED (11.06.2019)**

- 3.2 The reason for refusal is listed below;
'In the opinion of the local planning authority the proposed car parking area to the rear of the building is not sympathetic to the surrounding local residents. The parking spaces are too close to the boundary and will result in lights shining through the hedges, air pollution issues and general noise and disturbance issues to the neighbours amenity. The pole mounted lights would also be a nuisance to the neighbouring properties. The proposal is considered to be in conflict with the requirements of policy CS2 and CS18 of the Core Strategy 2011-2031 and the guidance as set out in the 2019 National Planning Policy Framework Chapter 12.'
- 3.3 CHE/0598/0270 - Brick built bin store with flat roof to the north – **CONDITIONAL PERMISSION (10.06.1998)**
- 3.4 CHE/1197/0600 - New metal church tower and metal crosses on west windows - **CONDITIONAL PERMISSION (24.12.1997)**
- 3.5 CHE/1196/0611 - Re-glazing of church/church hall to the south east elevation with new curtain walling - **CONDITIONAL PERMISSION (23.12.1996)**

Tree Preservation Order

- 3.6 4901.241 - Chesterfield Borough Council (St Hugh's Church Littlemoor/Dukes Drive) Tree Preservation Order No 241 2004

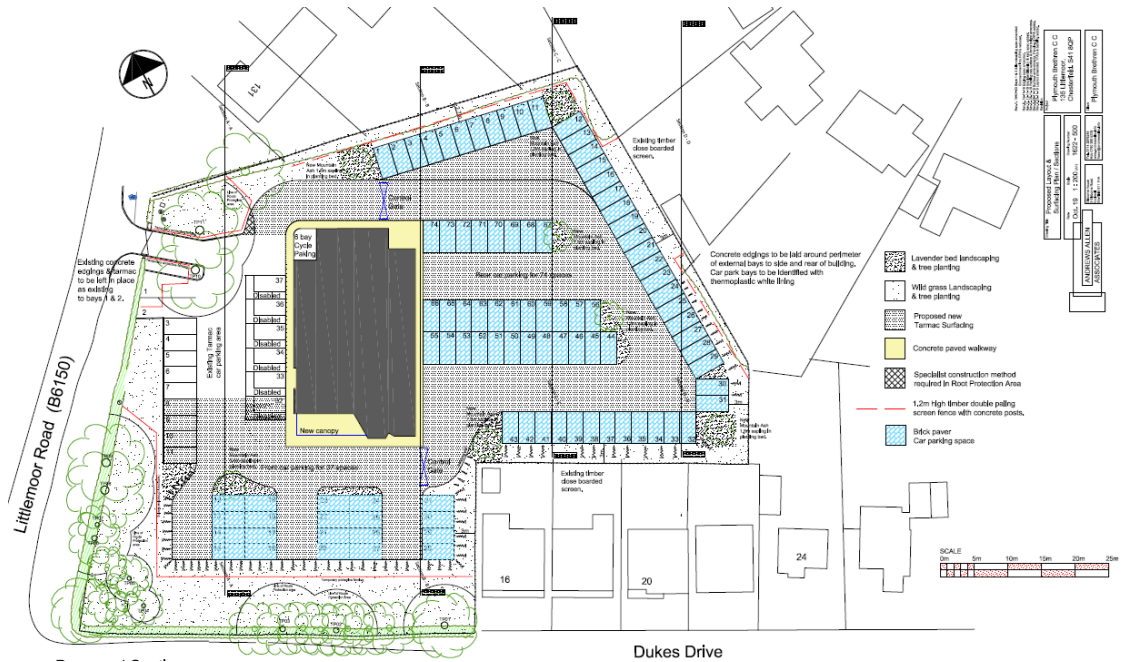
Application to Fell or Prune Protected Trees

- 3.7 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 demolition of the existing presbytery to the south west of the church and the creation of car parking to the north, east and south/south west of the church as an alternative to the scheme refused in June last year (see site layout plan).

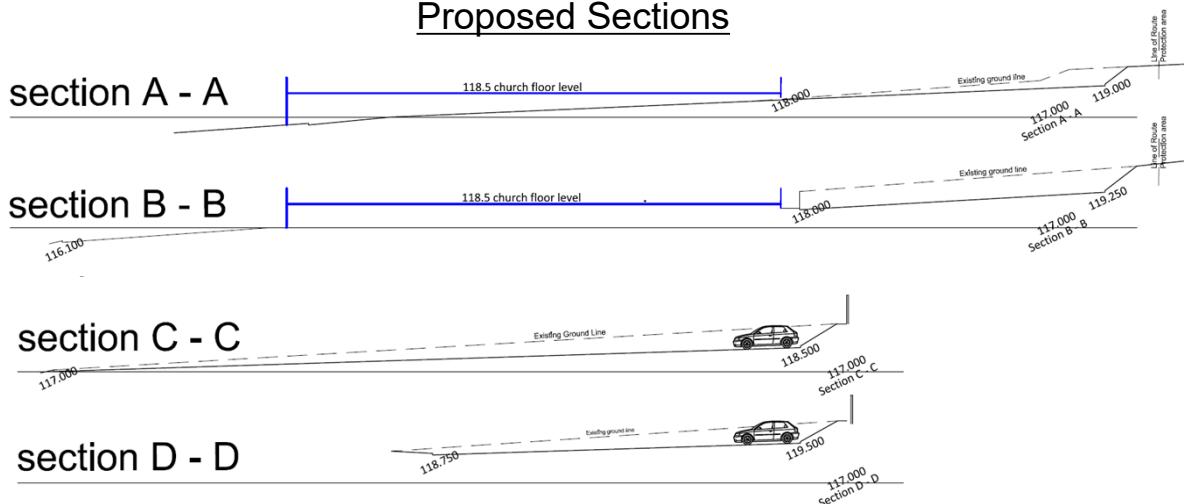
Proposed Site Layout Plan



4.2

The proposal will create 37 spaces to the south/south west and west of the church building including 6 accessible spaces and to the rear of the building 74 additional spaces are proposed (111 spaces in total). The proposal incorporates cycle parking for 6 bicycles. The existing main vehicular access point will be retained. The previous scheme included an emergency access point and driveway leading onto Dukes Drive, this has been removed. The proposed layout drawing provides sections across the site and it is indicated that the car park will be 'cut in' to the site with a retaining wall. Vehicles will therefore be set at a lower level than the rear gardens of the existing properties on Dukes Drive (see section drawings below)

Proposed Sections



4.3 Traffic control gates are proposed to direct the flow of vehicles and prevent parking at the rear of the building except at peak times. Supporting documents state that the rear car park will not be used outside of 08:00 – 21:00 Monday to Saturday and 11:00 – 19:00 on a Sunday, it is expected that car park will only be at full capacity 2 or 3 times per week with little use of the rear car park outside of this time.

4.4 The applicant has provided a statement regarding usage and traffic patterns (see table and summary below);

- *'The Lord's Supper (Holy Communion) and Prayer Meeting are a small gathering with approximately 15 cars. These would be parked in the carpark to the front of the site and no lighting would be used in the rear carpark. Both these occasions have been held on the site by the congregation since the beginning of May 2019.*
- *The Gospel Preaching's, Sermon Meetings and Readings would normally bring approximately 65 cars and utilise the front carpark plus a small part of the rear carpark if required.*
- *Use of the carpark to full capacity is anticipated at a maximum of 2 to 3 times per week, this being; either Wednesday or Thursday typically between 17:15- 20:45, Saturday typically between 10:00-13:00 and Sunday typically between 10:00-18:30.*
- *A typical duration of use would be approx. 2 hours including the arrival and departure periods.*
- *Neither the Sunday Reading or the Saturday Bible Reading would take place every week, more like every other week on average.'*

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

- 4.5 The statement continues to states that the site will gated and locked when not in use and the 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.
- 4.6 The proposal includes a 2.7m to 3m landscape buffer around the perimeter of the site and proposes the introduction of 7 Mountain Ash trees in planting beds. 1.2m high timber fencing is indicated around existing hedging to the north, north east and east of the site to provide a solid screen and prevent glare/light pollution spilling into neighbouring gardens.
- 4.7 The submitted plans propose tarmac surfacing and brick paving with thermoplastic white lining. A concrete paved walkway wraps around the church building and provides level pedestrian access to the building.
- 4.8 The proposal also includes minor alterations to the existing building, introducing light grey ship cladding to the rear (eastern) elevation, installing new entrance doors and the erection of a covered canopy adjoining the southern corner of the church building.
- 4.9 To accommodate the current scheme the existing presbytery will be demolished (see photos below).



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

BACKGROUND/SUPPORTING DOCUMENTS

- Application form (received 22.11.2019)

- Design and access statement produced by Andrews Allen Associates 580-1622 Revision B (dated 11.01.2020, received 22.11.2020)
- Planning application fact sheet, sheet number 600_1622
- Bird & Bat Survey – Preliminary Roost Assessment produced by Midland Ecology (dated 16.01.2020, received 23.01.2020)
- Pre-Development Arboricultural Report 590-1622 revision A (dated 19.01.2020, received 23.01.2020)

SITE PLANS

- Site location plan, drawing number 1622-540 (dated Nov 2019, received 22.11.2019)
- Existing elevations drawing number 1606-530 (dated Nov 19, received 22.11.2019)
- Existing plan (church layout), drawing number 1606 -550 revision A (dated 14.11.2019, received 22.11.2019)
- Proposed plan (church layout), drawing number 560 -1622 (dated 15.11.2019, received 22.11.2019)
- Proposed elevations drawing number 1622 -570 revision A (dated 14.11.2019, received 22.11.2019)
- ~~Car park layout, drawing number 610 -1622 (dated 15.11.2019, received – details superseded~~
- Proposed layout & surfacing plan/sections, drawing number 1622-500 revision F (dated 19.01.2020, received 23.01.2020)

DRAINAGE

- Proposed drainage layout plan, drawing number 1622 – 520 Revision A (dated 13.01.2020, received 23.01.2020)

LIGHTING

- Exterior lighting car park lighting, drawing number ASD-DN-13936-DWG-SHEET 1 of 1 Revision 05 (dated 27.01.2020 received 30.01.2020)
- Proposed illumination layout plan, drawing number 1622 – 510 revision B (dated 13.01.2019, received 23.01.2020)

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 they provided comments on the principle of development with respect to planning policy (see paragraphs 5.5.4 to 5.5.10 below)
- 5.5.4 ***‘Summary comments*** - *The application site is not allocated for a specific use or policy designation in the adopted or emerging Local Plans. The principle of the use of the existing church building is well established. The principle Local Plan policies to consider are policy CS17 (as it relates to the loss of the presbytery) and CS20 (the additional car parking). There is no objection in principle to the alterations to the existing church provided the case officer is satisfied that they accord with the criteria set out in policy CS18 (design).*
- 5.5.5 ***Loss of the presbytery*** - *Policy CS17 addresses applications that result in the loss of community infrastructure. The application description refers to demolition of the existing presbytery. As this was previously residential provision associated with the church, and the main church building will remain in use for religious services, requirement (a) of policy CS17 is satisfied, in that an ‘equivalent’ facility will be available in the locality – on the basis that the social infrastructure element of the site remains unchanged. However, I do note that the application drawings do not appear to show the location of the building to be demolished, and this information should be set out before a decision is made.*
- 5.5.6 ***Car Parking*** - *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 maximum parking standards. The site is well located for walking from surrounding areas, and well served by a regular bus route. 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. 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 Derbyshire County Council, as Highways Authority, are satisfied that it would not have a detrimental impact on the safety and functioning of the highway network.*
- 5.5.7 *Concerns were raised in connection with the previous application for parking on the site (CHE/19/00073/FUL) regarding 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 the applicant has submitted information setting out how the scheme has been revised to address these concerns. These include clarifying how and when the car park will be used, it is suggested that these be set out in a condition on any permission to ensure that they are adhered to.

5.5.8 Other Matters

I note that Derbyshire Wildlife Trust have raised questions regarding the demolition of the presbytery which will need to be addressed to satisfy policy CS9. DWT have welcomed the soft landscaping and tree planting and conditions to ensure that this is delivered as per their recommendations would satisfy the requirement in policy CS9 to achieve a net gain in biodiversity.

Policy CS20 seeks to encourage the provision of electric vehicle charging opportunities. With the application making provision for an additional 95 car parking spaces the potential to include some EV charging provision should be investigated and a scheme secured by condition.

5.5.9 Emerging Local Plan

The emerging Local Plan (2018 to 2033) is currently subject to Examination in Public. Hearings were held in October and November 2019 and the council is preparing to consult on modifications. The plan has therefore reached an advanced stage of preparation. The emerging Local Plan does not allocate the site for any specific purpose so the comments on the principle of the development remain unchanged.

Emerging Policy LP23 (which will replace adopted Local Plan policy CS20) seeks to strengthen the provision of Electric Vehicle Charging. However, this policy is the subject of outstanding objections and likely modifications and therefore relatively little weight can be placed on it – with the result that the application should continue to be determined with reference to adopted Local Plan Policy CS20.

The emerging policy LP16 seeks to continue the objective of achieving a net gain in biodiversity set out in the existing policy CS9, and therefore there is no material difference to the policy position in this respect

- 5.5.10 ***CIL*** - *The proposed use is not subject to the council's community infrastructure levy (CIL).*
- 5.5.11 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, parking provisions and electric vehicle charging (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 and 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 the demolition of the existing presbytery and the loss of the existing area of grassland to the east and south of the main church building.
- 5.6.3 The proposed surfacing materials predominately consist of tarmac and contrasting porous block paving. A landscape buffer of 2.7m to 3m in width is shown around the perimeter of the site. The landscape buffer is indicated to be wild grass planting with planting beds of lavender and Mountain Ash trees. It is acknowledged that the proposal will lose the 'green' character of the existing field to be replaced with hard surfacing however it is also accepted that the field is not designated greenspace and the proposal will enable the continued use of the place of worship.
- 5.6.4 To prevent lighting spill from car headlights to the rear gardens and windows of the adjoining residential properties between existing non-solid hedgerow boundaries a 1.2m high solid timber fence is proposed. The fence height is sufficient to protect the amenity of neighbours from headlight dazzle given the fact that the land levels are generally to be cut into the ground.

- 5.6.5 The parking layout has been amended to ensure 5-6m width of space is available between bays to enable vehicles to manoeuvre in and out of designated spaces easily and move around the site.
- 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, adjoining the south 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 in design and appearance terms. 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. Further consideration of the design with respect of landscaping will be covered in section 5.10.

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 Council's **Environmental Health Officer** was consulted on the proposal and provided the following comments;
- 5.7.4 *'Lighting*
I note that there are a number of objections regarding the proposed lighting. I would like to reiterate (with minor adjustments) my comments relating to the previous application:

The modelled lighting footprint indicates that the facades of nearby dwellings may well be adversely affected by the lighting. I further note that some of the lighting will be by LEDs on 2m and 4m poles. The lighting is by flush mounted LEDs which cause a bright white light. It is likely that they will cause glare in the rooms of surrounding dwellings (albeit to a lesser extent than the previous application which used 8m poles). I request that the lighting be fitted with shrouding to prevent glare. I further note that the lighting fitted to the façade of the building is proposed to be fitted with opalescent luminaires, to limit glare; I suggest that this be conditioned.

5.7.5 Air Quality

The revised proposal increases the number of vehicles on the site. Whilst there are objections regarding the increase in vehicles close to the boundary, in air quality terms the vehicles will be parked up, and not causing fumes for most of the time, and as such the site should have no appreciable impact on local air quality.

However, as the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), and a change to set a revised target date of 2035 has been announced today, I ask that provision for on-site electric charging be installed as part of the build phase.

5.7.6 Construction Hours of Work

Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.'

5.7.7 Further comments were subsequently received from the **Environmental Health Officer;**

'There are three different types of light fitting:

- i) On the boundary, 2m poles with LED downlighters (fitted with backplates)*
- ii) Within the car park area, 4m poles with LED downlighters*
- iii) On the external façade of the church building, LED bulkhead lights – partially shrouded with opalescent screens.*

As the 2m lights have backplates and are mounted lower than much of the surrounding fencing they should have little impact, but I remain concerned regarding the other lighting units.

I note that the applicant states that the lighting will not be operated when the premises are not in use, but does not make any reference to times when the building will be used. With this in mind I ask that the following restrictions be placed on the use of the proposed lighting at the premises.

The 4m poles with LED downlighters, and the bulkhead lights are not to be used between 22:00 on one day and 08:00 on any following day (in order to reduce the possible adverse impact on neighbouring dwellings).

Please also inform the applicant that use of the 2m poles with LED downlighters may require further shrouding measures if adverse impacts are demonstrated in use.

Notwithstanding the above, the lighting shall not be used when the premises are not in use.'

- 5.7.8 The comments made by the Environmental Health Officer have been noted. The revised lighting scheme proposes 14 x 2m high lighting columns around the perimeter and 2 x 4m high lighting columns located centrally in the rear car park. 10 x wall mounted lights are also proposed to the elevations of the church building. The level of lux at the boundary has been reduced to 0.5 lux and back shield shrouding is proposed to prevent lighting spill/nuisance to the surrounding residential properties and gardens. The average level of lux across the site has been reduced to 5 lux. It is recommended that condition be attached to the decision requiring lighting to be installed with shrouds to prevent glare and the wall mounted lighting be fitted with opalescent luminaires.
- 5.7.9 The statement regarding usage sets out 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.
- 5.7.10 The submission also includes the provision of solid timber boundary treatments to prevent light disturbance/pollution through non-solid hedges. It is recommended that a condition be imposed to ensure the fence is of solid construction and at an appropriate height and is erected before the use of the car park commences.

- 5.7.11 The comments made by the Environmental Health Officer with regards to air quality have been noted and the proposal is therefore not considered to harm the air quality of the surrounding residential properties. In addition the more recent scheme includes a larger landscape buffer.
- 5.7.12 To protect the amenity of the residential neighbours and in accordance with the recommendations of the Environmental Health Officer it is also recommended that a condition be attached to the decision restricting hours of construction work on site.
- 5.7.13 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.
- 5.7.14 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. Further consideration of electric charging provision will be covered in the following section.

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 which stated 'comments as previous'. The comments for the previous application are therefore copied below;
- 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. 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 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. Layout 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. The revised scheme proposes the use of traffic control gates which are to be used to limit and direct the flow of vehicles around the site and also prevent parking to the rear of the church when the need does not arise.

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.

5.8.9 Core Strategy Policy CS20 and CS2 requires consideration of air quality and provision where appropriate for electric vehicle charging facilities. It is recommended that a condition be imposed requiring the provision of electric charging points as part of the development.

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** and the Council's **Design Services Drainage** team for comments in respect of drainage and flood risk.

5.9.2 **Design Services Drainage Team** were consulted on this application and provided the following comments;
'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. It is noted that surface water may be disposed of via soakaways. Infiltration tests should be carried out and calculations provided, in accordance with BRE Digest 365 to ensure no flooding for a 1 in 30 year rainfall event. Further information is included in the attached guidance document. Any connections to the public sewerage system will require prior approval from Yorkshire Water.'

5.9.3 **Yorkshire Water** were consulted on the proposal and provided the following comments; *'If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:*

*The development shall be carried out in strict accordance with the details shown on the submitted plan, "1622-520, dated Nov.19" and agreed in writing with the Local Planning Authority.
(In the interest of satisfactory and sustainable drainage)*

1) The submitted drawing 1622-520, dated Nov.19 is acceptable. In summary, the drawing indicates that surface water will discharge to multiple soakaways within the site, which we endorse. Provided that the site is constructed in full accordance with this drawing, Yorkshire Water require no further consultation in relation to this development.

Notes For The Developer:

i) if the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption 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.'

- 5.9.4 Based on the comments listed above, subject to a condition requiring the development be undertaken in accordance with the submitted drainage plan and 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 additional 'notes for the developer' from 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 site includes trees protected under Tree Preservation Order. The Council's **Tree Officer** was consulted on the proposal and provided the following comments;
- 5.10.2 *A tree report has been submitted with the application by Andrews Allen Associates dated 6th November 2019 which includes tree protection measures for the site during demolition and construction.*
- 5.10.3 Existing Access

It is proposed to re-align the access into the site off Littlemoor to the east of T2 Sycamore (TP11) which would encroach into the trees Root Protection Area (RPA) as shown on the Proposed Layout drawing reference 1622-500. To facilitate this, it is proposed that an above ground cellular confinement system is used in this area to avoid any root disturbance. This is acceptable as long as the area as described in the Arboricultural report and shown on drawing 1622-500 is hand dug with no heavy machinery used. If any major roots above 25mm are found then these should only be severed following consultation with the Council's Tree Officer.

5.10.4 *Car Parking bays*

To the frontage of the site off Littlemoor it is proposed that 11 parking bays are constructed with a further 20 in the location of the existing bungalow at 135 Littlemoor and a further 6 disabled bays along the west frontage of the main building. Bays 1 & 2 as shown on drawing 1622-500 are located within the RPA of T3 Sycamore (TP10) with the surface already laid to tarmac. There should therefore be no impact from the car parking bays but it is proposed that the soft landscaping area around the tree and frontage is expanded.

Car parking bays are also proposed in the location of the detached bungalow at 135 Littlemoor which is to the north of G1 of the preservation order. Excavations will be required around this area to create a batter to gradually retain the ground beyond towards the protected trees. These works are outside the RPA of the trees in the group and will have no adverse effect on the retained trees. Once the tree protection measures have been installed, the rooting environment of the trees along the southern and western boundaries will be unaffected by the development activities.

5.10.5 *Drainage layout*

A drainage layout plan has been submitted reference 1622-520 dated November 2019 which shows the drainage channels and soakaways throughout the site. None will have any impact on the retained trees and avoid the RPA's. The drainage layout is therefore acceptable as it stands.

5.10.6 *Lighting Scheme*

Details of the lighting scheme have been provided on drawing ASD-DN-13936 Rev R04 and 1622-510, however there are no

details of where the excavations for the cable runs will be. Further details should therefore be provided or a statement stating that all cable runs will be outside the retained trees RPA's provided. It is also proposed that a lighting column is located approximately 7m away from T3 Sycamore which would be on the edge of the outer crown of the tree. This lighting column should be removed from the scheme to avoid the need to prune the tree in the future especially since there are other lighting columns proposed very close by.

5.10.7 *Landscaping*

A general landscaping scheme is included in the site layout drawing 1622-500 along with details of the tree planting within the Arboricultural report. It is proposed that 7 Rowan trees are planted around the main car parking area to the rear of the site. These small to medium sized trees are suitable for the site and will provide a valuable food source for birds in the winter months and produce a cluster of white creamy flowers in the spring. It is also proposed to extend the soft landscaped area to the frontage of the site around parking bays 1 to 11 which is to be sown with a wild grass seed mix. No other details have been submitted so a more detailed landscaping plan should be provided which provides the ground preparation details, seed mix and maintenance proposals for all areas to be landscaped. In addition to the proposed tree planting it is recommended that some low growing shrubs are planted which will be of benefit to birds, butterflies and bees in mitigation for the loss of grassland.

5.10.8 *I therefore have no objections to the application as long as the following conditions are attached if consent is granted to the application:*

- Prior to the commencement of any demolition or development, protective fencing conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012 should be erected in the location as shown on drawing 1622-500 to provide a construction exclusion zone. The protective fencing as described in the tree report appendix 1 shall be retained intact for the full duration of the development and should not be repositioned or removed without prior written approval from the Local Planning Authority. There shall be no storage of materials within the root protection area unless otherwise agreed in writing by the Local Planning Authority and the tree protection measures outlined in the Arboricultural*

Report by Andrews Allen Associates dated 6th November 2019 shall be adhered to at all times.

- *The removal of the existing hard surface beneath the tree canopy of T3 (TP10) should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools only should be used to remove the existing surface unless otherwise agreed in writing by the Local Planning Authority. There shall be no excavations deeper than the existing tarmac and sub-base and any roots exposed, should be wrapped in dry, clean hessian sacking to prevent desiccation and to protect from rapid temperature changes. Any wrapping should be removed before back filling which should take place as soon as possible. Roots smaller than 25mm diameter may be pruned back, preferably to a side branch, using a proprietary cutting tool such as secateurs or hand saws. Roots larger than 25mm should only be severed following consultation with the Council's Tree Officer, as they may be essential to the tree's health and stability. Prior to back filling, any hessian wrapping should be removed and retained roots should be surrounded with sharp sand (builders sand should not be used because of its high salt content which is harmful to tree roots) or other loose granular fill, before the soil is replaced.*
- *Details should be submitted of the construction activities around parking bays 1 & 2. The details should be provided in a method statement and drawing to demonstrate how any existing edgings and hard surface will be removed and how the new edgings and hard surface will be installed where they encroaches into the designated root protection area of T3 Sycamore.*
- *Prior to completion of the development hereby approved, details of treatment of all parts on the site not covered by buildings or hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:*
 - a) a scaled plan showing vegetation to be retained and trees and plants to be planted:*
 - b) a schedule detailing sizes and numbers of all proposed trees/plants*
 - c) Sufficient specification to ensure successful establishment and survival of new planting.*

- *There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).*

Reason for conditions: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.'

- 5.10.9 The comments from the Tree Officer have been noted. It is recommended that the conditions be imposed as above notwithstanding the following changes. The revised 'proposed illumination layout plan' proposes moving one of the 2m lighting columns on the site frontage away from protected sycamore T3 (TP10) now indicated to be 10m from T3, however it is necessary to note that drawing 'exterior lighting car park lighting revision 05' does not accurately detail the revised location. It is therefore recommended that a condition be imposed requiring the lighting column to be installed in the location on the proposed illumination layout plan. Additional details have been provided clarifying that the existing concrete edgings and tarmac under the canopy of T3 (labelled as bay 1 and 2) will be left as existing.
- 5.10.10 The **Derbyshire Wildlife Trust** were also consulted on the proposal and provided the following comments;
'The application does not include any ecological information; however, as the proposals include demolition of an existing building there is potential for roosting bats to be affected. Planning policy requires the council to fully consider the impacts on European Protected Species such as bats as part of the decision making process when assessing a planning application and therefore we must advise that the application does not include sufficient information at this time.'

As a minimum, an ecological survey should be undertaken to assess the suitability of the structure for use by roosting bats. This daytime survey can be carried out at any time of year; however, if the results indicate that the structure is suitable for bats or evidence of a roost is found then further surveys would be required during the peak bat activity season (May to August inclusive) to provide survey effort compliant with current good practice guidelines. Presence of nesting birds should also be considered.

The surveys should be undertaken by a suitably experienced ecologist, ideally with membership of a relevant professional body such as CIEEM that has recognised professional standards and code of conduct. These surveys would all be required prior to determining the application.

I would also like to reiterate the comments made in the Trust's response to an application for a similar scheme at this site earlier in 2019 that is understood to have been refused. Whilst the existing grassland habitats on site are unlikely to be notable, the proposed car parking will result in a significant loss of the existing green space.

A small area of soft landscaping is retained around the perimeter of the car park and provided this is planted and managed in the longer term to provide a high quality, species-rich grassland habitat this will help to avoid a net loss of biodiversity value. We are pleased to note that seven new trees are also proposed and confirm that mountain ash is a suitable native species, producing berries that provide an important winter food source for birds.'

- 5.10.11 The applicant has subsequently submitted a 'Bird & Bat Survey - Preliminary Roost Assessment' on 30.01.2020. The survey was undertaken by Midland Ecology and the report was checked by a member of MCIEEM. The assessment concludes '*that the buildings show only negligible suitability for use by roosting bats. It is considered likely-absence of roosting bats from these buildings has been established, and that the site is unlikely to play a significant role in connecting the wider landscape. The proposals are therefore unlikely to result in disturbance and/or harm to bats. No further surveys are recommended.*
- The results of this type of survey are generally considered to be valid for a period of 24 months from the survey date. Should the*

proposed works not take place before the 16th January 2022, then the survey should be repeated.'

- 5.10.12 The Derbyshire Wildlife Trust have been re-consulted on the submitted document and at the time of writing this report no further comments have been received. It is therefore recommended that a condition be imposed requiring the complete demolition of the presbytery by 16.01.2022 or if after this date a further 'Bird & Bat Survey - Preliminary Roost Assessment' shall be submitted for consideration and written approval.
- 5.10.13 The revised lighting scheme also reduces the lux levels across the site with 0.5 lux adjacent to the boundaries. Comments on the previous application recommended that lighting should not exceed 1 lux adjacent to gardens as higher levels which may deter foraging bats.
- 5.10.14 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. 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 **The Coal Authority** provided the following comments;
'I have reviewed the site location plans and the proposals and supporting information submitted and available to view on the LPA website and can confirm that the site falls within the defined Development High Risk Area. The Coal Authority records indicate that the application site lies in an area of likely historic unrecorded coal mine workings at shallow depth. 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.'

5.11.3 *However, when considering the nature of this particular development proposal, it does not appear that the erection of the canopy and works to create additional parking will require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and **do not object** to this planning application. However, the Coal Authority does recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note on any planning permission granted:*

5.11.4 *The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any 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 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority*

- 5.11.5 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 03.12.2019. Two site notices were also displayed on 17.12.2019, deadline for responses 09.01.2020. As a result of the notification process 7 letters of objection have been received

6.2 20 Dukes Drive (17.12.2019)

- Objection to the planning application as the issues raised in the last application have not been fully addressed. The Plymouth Brethren are still quoting approximately 550 – 600 persons arriving at any one gathering. This was pointed out by a councillor who used to attend St Hugh's that the building is not suitable for that number. Looking at the plans which are difficult to interpret from an A3 printout a reasonable estimate with the proposed extra fire doors and taking into consideration the seating of the congregation best estimate would still be limited to 200/250 people. Working to government guidelines 70 car parking spaces should be sufficient.
- The proposed introduction of this heavily used car parking development within a predominately residential area the health and well being of residents should have highest priority. Great concerns regarding vehicle emissions reminded of daily in the media and the NHS has this as one of their top 10 concerns regarding clean air/pollution and people exposed to exhaust fumes can develop lung cancer in later life
- At the last planning meeting we attended the subject of lighting disturbance and recognised health issues for local residents was raised. It was pointed out by a councillor that for a large part of the year it is dark early and the application still proposed 2m lights on the perimeter and 4m in the central area. Other examples of low level lighting used in caravan site and other light sensitive areas could be used to enable people safety.
- The applicants states that when the property was used by St Hugh's RC church the congregation utilised Littlemoor Road and Dukes Drive for parking putting pressure on local infrastructure, hazards for traffic and nuisance for residents. I have lived on Dukes Drive apart from 6 to 8 cars parking for a Sunday morning services for 1 to 2 hours, drivers took residents into consideration and no disruption was caused. If this development is going to

cause so much disruption and nuisance and a certain eyesore then with the size of their stated congregation the property is probably not suitable.

- The applicants proposed to use the car park every day of the week anticipating maximum numbers to be 550 to 600 the same number arriving 2-3 times in a week between the hours of 8:00 - 21:00 on a Saturday and 11:00 – 19:00 on a Sunday. There is no provision for any respite days which intrudes on our days of rest and infringes on our right to enjoy our properties
- Applicants refer to charity work in gain favour.
- If the car park is to go ahead the number of spaces at the rear should be reduced and not used at the weekend especially Sunday or to have parking bays in the central area only minimising the health risk from exhaust fumes
- If central parking suggestion is not workable then a border of at least 4m around the perimeter with proposed new screen fence on the entire boundary not just selected areas.
- No long stretched of parking bays but zones broken up by more landscaping every 4th bay. Lighting to be no more than 1m high LED low impact type and at the front of the parking bay away from the boundary.

6.3 22 Dukes Drive (23.12.2019)

- Request the following details are made available – capacity of existing church building, internal room dimensions inside existing church building, width and number of fire escape doors, number of seats to be provided, layout of seat and whether the seats will be fixed or non-fixed.
- These factors such as number of fire exits will determine the building capacity and must be calculated to establish capacity prior to use and fire risk assessment undertaken to comply with fire safety regulations
- Capacity of building is also a determining factor in the number of car parking spaces. Given that government guidelines encourage car sharing of more than 2 people we believe that the request for 113 spaces is in excess of the capacity of the church building. Current indicator are between 70 and 80 spaces re required
- Applicant has declared the congregation in various numbers, trustees initially indicating 150 with the recent planning application fact sheet advising the congregation is made up of approximately 500 persons arriving in around 100 cars followed by 550 – 600 people at any one gather, this indicates that the intention is to use

the car park heavily everyday and throughout the day. Information in respect of congregation size is confusion and misleading

- Highlight unlikely building of this size can hold 550 – 600 people for safety reasons. We are aware that when this building was the former St Hughs Roman Catholic Church held no more than 250 people.
- Based on the information supplied 550 – 600 people arriving in around 100 cars. If 600 people were to travel this equates to 6 people per car. If the capacity of the building is 250 then 42 car parking spaces in total would be adequate
- Item Number 19 of application form refers to hours of opening – this has been answered no, with this in mind it should be simple to implement time restrictions outline in our letter (see below)
- We ask that the form is completed accurately and in its entirety – item number 23 regarding pre-application advice asks if assistance or prior advice been sought from the Local Authority about the application. The applicants have answered yes but failed to complete the section omitting to declare the information required which asks if yes please complete the following this includes officer name, reference, date and details of pre-application advice.
- The car parking spaces are too close to the boundary of our home and garden. This was one of the reasons the previous planning application was declined. Our original concerns remain in respect of general noise, lights from vehicles shining into our home, privacy in our home and gardens and a reduction in air quality caused by pollution from vehicle emissions. There has been no change overall in circumstance.
- One of the top 10 priorities of NHS England is to reduce air pollution to prevent respiratory conditions and hospital admissions. The car park at the rear of our home at what is currently a field will undoubtedly affect our health, young child and surrounding residents.
- We live in a quiet/private/respectful area, being in such close proximity to a car park will be a constant nuisance to neighbouring properties and there will be a lack of privacy in our home and garden.
- Neither Cars or pedestrian traffic have ever had access to this area and the introduction of a car park and sound created by vehicles and members of the congregation, along with the time of day when noise will occur will have a massive impact on our home life. Noise will carry into our home and garden. These negative impacts need to be addressed and minimised, or the application refused as we should not be adversely affected in any way. We would also ask

that the existing building is sound proofed. As stated there has been no change overall in circumstance.

- Should this application be approved, we ask that it is granted on the basis that car parking is available in the central area of the field only and that no vehicles are allowed to park around the perimeter fence, within the vicinity of surrounding properties. We consider this a compromise from both parties.
- Conserving and enhancing the existing landscape character is a must. A car park is not in keeping with the surrounding area. Under no circumstances do we wish trees planted at the boundary between our garden and the land in question as this would obscure our view and affect our boundary. Additionally, we have concerns that any trees or bushes would not be maintained and would soon become overgrown
- Looking at the design model submitted, we question the finished car park ground levels, on the plans. The 'Planning Application Fact Sheet' advises that 'the intention is that levels will remain similar to the existing finished level; if anything, where will be additional dig out to suit the new carpark flow, along with some retaining structure.' Yet, 'Proposed Drainage Layout Plan, Drawing Number 1622-520, indicates a significant drop in the car park levels and 'Proposed Sections, Section C – C and Section D – D' show finished car park levels with a drop of what looks like 5'. Again there are no measurements. Please provide relevant details/measurements.
- There are no diagrams indicating traffic flow. Vehicles driving towards our home will result in car head lights shining into our homes. We ask that details regarding traffic flow are provided.
- Car parking to be available in the central area of the field only (Item 3, paragraph 5 refers).
- We question the adequacy of proposed drainage 'soak-away' system especially in light of climate change and the heavy rain the Country is experiencing on a regular basis.
- The published plans are difficult to read and decipher and we ask for clarification of the height and number of lights proposed not only in the car parking area but also those sited on the existing church building.
- We have concerns regarding any high luminaire bright light that will shine into our homes and garden and ask that any lighting is low level, with posts of no more than 1m in height, similar to the new lighting system around the new multi-storey car park in Chesterfield. We would question the need for any lighting to be

brighter than the existing lighting on Dukes Drive or the need for any white light.

- We also seek assurance that, if approved, when the rear car park is not in use, lights remain switched off in this area, particularly when the church building and front car park are in use. To light the rear car park at these times would be an environmental issue and pointless when barriers will prevent cars from entering.
- Additionally, the introduction of artificial lighting is out of character with the existing area which is intrinsically dark. Artificial lighting will have a negative impact on wildlife, our home life, our enjoyment of the night sky and more importantly on our health, family life and quality of life. We sleep in bedrooms at the rear of our home where the lights will be sited and it is a well known fact that the body's production of melatonin is slowed by light resulting in health issues. Again there has been no overall change in circumstance.
- We have highlighted health concerns throughout in respect of noise disturbance, privacy, air pollution/ air quality and light issues and all of our original concerns remain with no overall change in circumstance.
- Unfortunately, the applicants have once again failed to declare the hours when the church and car park will be in use. Instead they have stated 'early morning, mid-morning, balance of day, late afternoon or evening'. Any declared times are not clear and we ask for the ACTUAL TIMES 'early morning, mid-morning, balance of day, late afternoon or evening' refer to. Regrettably, this information has never been made available throughout this or the previous planning application process. What is the reason for being so evasive? Without this information, there has been no change overall in circumstance.
- We are aware that the existing church building is currently in use at various times during the day and night. An example of this is, having been woken by our poorly child the evening of 22 December 2019, lights were switched on in the building at 11.30pm and in the early hours of 23 December 2019 at 1.15am, 5am and 6.30am. This suggests that once the church is in constant use, the building, car park and lighting will be utilised throughout the day and night. This would be disrespectful and grossly unfair to residents. It would also not be in keeping with this residential area and is perhaps not the ideal place for the Plymouth Brethren after all. We would go in so far as to say it would be an infringement on our human rights to enforce such disturbance on us.
- The last planning application was refused by the Local Planning Authority at the meeting on 10 June 2019. At that meeting a

Councillor sought assurance from the applicant's representative that the times of use of the rear car park on Saturdays and Sundays would not be before 9am and this was agreed. Further to this, if the application is granted, we ask that a restriction is imposed and the rear car park is not used before 9am or after 6pm Monday – Friday. This would provide a lengthy 9 hour window of use during waking hours; albeit the disturbance would still eat into our leisure time and home life.

- Furthermore, we ask that the use of the car park at weekends and bank holidays is restricted as these are our days of rest which we would like to see respected and the rear car park not used on these days.
- We have no doubt that the comings and goings and lighting in the car park will be a disturbance to residents and to have hours of use extending outside of our proposals would be a source of relentless disturbance and unfair to residents. By restricting hours of use we hope that noise disturbance will be alleviated in some way and not be a continuous dread to residents. (Item 2 also refers.)
- The open field, trees and hedges remain a foraging, commuting and resting site for bats. The bats are registered with the Derbyshire bat Conservation Group and National Bat Conservation Trust. Once again, we ask for a professional survey to be undertaken in respect of the bats, given the bats have been in hibernation over the past few months. The long term negative effect on the bat population caused by artificial lighting and the building of a hard-standing car park should be considered. Additionally the field and surrounding trees and hedges are home to an abundance of wildlife including a family of foxes, insects, butterflies and birds including sparrow hawks.
- We are pleased to note that access and exit points have been removed from Dukes Drive. However, concerns remain with traffic leaving and accessing the car park. At busy times this will cause cars to back up onto Littlemoor, the roundabout and Dukes Drive and Dukes Drive will undoubtedly be used as a 'rat run', when we already experience speeding traffic. Derbyshire County Council's, Highway Agency letter of 01 March 2019 from Mike Ashworth, Strategic Director, Economy, Transport and Environment advises:
 - This application is for the provision of a large number of car parking spaces only with no justification given for their provision.'
 - 'For such a proposed increase, the Highway Authority would look for improvements to the access to bring it in line with current standards.'

- The Highway Agency then goes on to suggest a solution. This has also been reiterated by Derbyshire County Council Highways Consultation, when again the comments from the previous application were confirmed on 12 December 2019. However, the applicant's appear to have disregarded the advice and the original concerns remain with no change overall in circumstances.
- Additionally, the applicant's 'Planning Application Fact Sheet' states 'Former users of the church utilise Littlemoor Road and Dukes Drive for parking, putting pressure on the local infrastructure, causing hazards for traffic and nuisance for local residents which this scheme aims to eliminate.'
- As residents of Dukes Drive we can say this is untrue. Former users of St Hughs Church were very mindful of car parking and we were never aware of any hazards caused or nuisance parking.
- The demolition of the presbytery gives rise to unease as we feel that it is only a matter of time before further plans are submitted for either an extension to the church building or an additional building, given the number of people expected in the congregation and the fact that it is highly unlikely that 550 – 600 people will be allowed to congregate in the current church building for safety reasons, additional space will be required. We also note the time of submission of this application, resulting in a time-frame for response of 24 December 2019 as underhand. This is a busy time of year when most people are concentrating on family life rather than responding to planning applications, something the applicants will be aware of and is perhaps in the expectation that people will be unable to meet the deadline.
- For the applicants to heavily endorse their charitable work we feel is to gain a favourable position; when many people undertake worthwhile charity work or support worthwhile causes but do not feel the need for this to be taken into account. The fact that this has been mentioned should not have any influence on the decision making process. Additionally, it seems extravagant to demolish a 3 – 4 bedroom bungalow/ presbytery when this could be used for charitable purposes.
- Furthermore, it is unacceptable that members of the Plymouth Brethren have taken a coercive approach towards older members of our community, accompanied by comments that the land will be sold for building if this application is not granted.
- Without doubt, a hard-standing car park will have a significant impact on existing residents and the environment. There has recently been much construction work in the Newbold area and the area is becoming heavily populated with increased housing, traffic

and shrinking green areas. Overall the proposed car parking area to the rear of the church building is not sympathetic to local surroundings or residents.

- Whilst there have been changes to the original planning application in respect of the additional proposal to demolish the presbytery and entrance/ access routes onto Dukes Drive have been removed, along with the incorporation of slightly more green space in the car parking area, there has been no change overall in circumstances in terms of the actual car park from the time of the original application and the original reasons for the decision to refuse the building of a car park remain valid.

6.4 24 Dukes Drive (24.12.2019)

- Many of the points raised in our objection letter (dated 10.04.2019) still stand (previous objection letter re-attached to latest comments therefore copied below) in particular the nature and conservation of the area will be affected by the removal of green spaces to be replaced by tarmac and lighting.
- We have health concerns about the scheme, our bedrooms are to the rear of the property and are concerned the lighting will impact sleep and health
- Concerned about early morning and evening noise in particular closing of car doors, loud conversations and children
- Believe the air quality will be adversely affected if cars are parking the other side of our garden fence which will aggravate existing respiratory problems.
- In terms of the traffic and congestion we welcome the change of plan regarding the flow of vehicles entering and leaving the car park. However the points made previously about traffic flow are relevant and we stand by the view that the scale of proposal is unnecessary and unhealthy. The church has been used by the applicant for a year now and they have managed without the need for this car park. We are aware of no issues during that period
- We still feel strongly that the proposal is unreasonable and disproportionate to their actual needs whilst unfairly impacting on wildlife and health of the neighbourhood.

Comments from previous objection letter re-attached (but refer to the previous scheme;

- 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

6.5 28 Ringwood Avenue (24.12.2019)

- The lighting issue shows 2m and 4m lights on posts and 2m mounting on the site of the building. At the last planning meeting it was noted that low level lighting would be considered – has this been done?
- The ash trees – has a specified height and width being given as to how far they will grow and how invasive are the roots systems as the plans show planning close to the existing boundaries
- Even with the proposed fencing and 3m gap from existing boundary will the noise levels from car engines and people talking be tested and will an acoustic membrane be considered if necessary?

6.6 37 Dukes Drive (02.01.2020)

- At peak hours the traffic on Littlemoor towards junction with Newbold road are very high. Traffic frequently causes long queues along Littlemoor beyond exit/entrance to proposed car park and often see increased traffic on Dukes Drive at these times as vehicles attempt to avoid queues for roundabout junction
- Concerned that 90 -100 cars with peak around church services and between 500 – 600 people arriving and departing regularly and daily will increase pressure on traffic in the area
- Vehicles will divert onto residential road to bypass the queues which brings safety and pollution concerns

- The proposal seeks to retain the current entrance way as the only way of accessing car park. This is a narrow gateway not wide enough for two cars to pass each other. As a result if vehicles attempt to exit the car park at the same time as any vehicles arriving, entering vehicles would be forced to wait for the entrance to clear. There is insufficient room for vehicles to pass at this point on Littlemoor result in cars queuing back towards the roundabout further blocking traffic flow. Vehicles frequently block the junction of Dukes Drive and Littlemoor whilst queue despite a 'keep clear' box and further traffic will aggravate this situation.
- The number of parking spaces is wholly inappropriate for the limited access available to the site and the nature of the residential area the development is situated within.
- I note earlier proposals included access being taken from Dukes Drive has been removed, the current car park design would allow this to be added in the future which should not be permitted
- I support the comments made by other neighbour.

6.7 26 Dukes Drive (02.02.2020)

- Timing of consultation was underhand expecting people to respond to the application with short notice over the Christmas period.
- Support the views of other neighbour objections
- Proposed development will effect wildlife, environment and busy traffic in the area

6.7 Address not provided (15.01.2020)

- Lights from cars shining into home
- Noise nuisance and emissions from car exhausts
- Number of car parking spaces is not justified for the number of people the building holds
- The hedges have also been left to overgrow

6.8 **Officer comments**

- **Highway safety/congestion/alternative modes of transport/cycle provision – see section 5.8**
- **air quality/pollution/noise – the Environmental Health Officer was consulted on the proposal and has raised no objection with regards to air quality/pollution/noise arising as a result of the development subject to the conditions recommended.**
- **height and number of lighting columns – The application has been reviewed by the Environmental Health Officer with recommended conditions to prevent adverse impacts on the**

amenity of the surrounding neighbours, including time restrictions.

- **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.**
- **Pre-application advice was provided, by the Development Management & Conservation Manager of the Planning Service. The fact that the named officer has not been referred to under Q.23 does not invalidate the application.**
- **In response to the concerns that the Church building cannot hold the numbers of the congregation as suggested, the applicants have provided an estimated number of people arriving and confirmation that they would accommodate them accordingly. Health and safety compliance and fire escape provision is a separate matter controlled by separate legislation.**
- **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 CCTV. 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, reducing the height of the lighting columns and average 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. The revised scheme proposes the erection of a fence to shield the non-solid boundaries and prevent glare/ disturbance from headlights – the height and style of fencing is to be controlled by condition and further conditions can be imposed to ensure lighting is switched off at night/when not in use. See section 5.7**
- **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 and comments from the Derbyshire Wildlife Trust and submitted bird and bat survey and section 5.10 of report.**

- **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 submitted and to accord with the provisions of the conditions.**
- **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.**
- **Time of neighbour notification – letters sent out on 03.12.2019 with the minimum standard notification period which expired on 24.12.2019. The deadline is a minimum timeframe only and comments received after the deadline are still taken into account. Two site notices were also displayed which expired on 09.01.2020.**
- **Size/location of proposed trees – reviewed by Tree Officer and considered to be acceptable specimen for the location.**
- **Maintenance of existing hedgerows would be a private matter between parties.**

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 terms. 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. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below). All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below) with the exception of any approved non material amendment
 - Design and access statement produced by Andrews Allen Associates 580-1622 Revision B (dated 11.01.2020, received 22.11.2020)
 - Bird & Bat Survey – Preliminary Roost Assessment produced by Midland Ecology (dated 16.01.2020, received 23.01.2020)
 - Pre-Development Arboricultural Report 590-1622 revision A (dated 19.01.2020, received 23.01.2020)

SITE PLANS

- Site location plan, drawing number 1622-540 (dated Nov 2019, received 22.11.2019)
- Proposed plan (church layout), drawing number 560 -1622 (dated 15.11.2019, received 22.11.2019)
- Proposed elevations drawing number 1622 -570 revision A (dated 14.11.2019, received 22.11.2019)
- Proposed layout & surfacing plan/sections, drawing number 1622-500 revision F (dated 19.01.2020, received 23.01.2020)

DRAINAGE

- Proposed drainage layout plan, drawing number 1622 – 520 Revision A (dated 13.01.2020, received 23.01.2020)

LIGHTING

- Exterior lighting car park lighting, drawing number ASD-DN-13936-DWG-SHEET 1 of 1 Revision 05 (dated 27.01.2020 received 30.01.2020)
- Proposed illumination layout plan, drawing number 1622 – 510 revision B (dated 13.01.2019, received 23.01.2020)

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.

Condition regarding timescale for demolition and bats

4. The demolition of the presbytery shall be completed by 16.01.2022, unless otherwise agreed in writing by the Local Planning Authority and supported by a revised up to date 'Bird and Bat Survey – Preliminary Roost Assessment' submitted for considered by the Local Planning Authority and formal written approval.

Reason – to ensure the demolition does not harm protected species and in accordance with the requirements of CS9.

Surface water drainage

5. Prior to the installation of surface water drainage infrastructure, 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

6. All the lighting units shall be appropriately shrouded to prevent glare or dazzle to adjacent residential properties.

Reason - In the interests of residential amenities

Lighting hours restriction

7. The lighting hereby agreed shall not be used between the hours of 22:00 and 07:00 on any day. Other than security lighting the car parking lighting scheme shall not be used when the premises is not in use.

Reason - In the interests of residential amenities

Lighting column further away from RPA of T3 (TP10)

8. Notwithstanding the details shown on the approved lighting plan 'Exterior lighting car park lighting, drawing number ASD-DN-13936-DWG-SHEET 1 of 1 Revision 05' (dated 27.01.2020 received 30.01.2020), the single 2m lighting column located to the south east of protected sycamore tree T3 (detailed as T10) shall be located 10m from the stem of the protected sycamore.

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

Soft landscaping

9. 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, and an 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

Tree protection measures

10. Prior to the commencement of any demolition or development, protective fencing conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012 should be erected in the location as shown on drawing 1622-500 to provide a construction exclusion zone. The protective fencing as described in the tree report appendix 1 shall be retained intact for the full duration of the development and should not be repositioned or removed without prior written approval from the Local Planning Authority. There shall be no storage of materials within the root protection area unless otherwise agreed in writing by the Local Planning Authority and the tree protection measures outlined in the Pre-Development Arboricultural Report 590-1622 revision A (dated 19.01.2020, received 23.01.2020) produced by Andrews Allen Associates shall be adhered to at all times.
11. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Reason - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.'

12. The removal of the existing hard surface beneath the tree canopy of T3 (TP10)/ **T2 (TP11)** should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools only should be used to remove the existing surface unless otherwise agreed in writing by the Local Planning Authority. There shall be no excavations deeper than the existing tarmac and sub-base and any roots exposed, should be wrapped in dry, clean hessian sacking to prevent desiccation and to protect from rapid temperature changes. Any wrapping should be removed before back filling which should take place as soon as possible. Roots smaller than 25mm diameter may be pruned back, preferably to a side branch, using a proprietary cutting tool such as secateurs or hand saws. Roots larger than 25mm should only be severed following consultation with the Council's Tree Officer, as they may be essential to the tree's health and stability. Prior to back filling, any hessian wrapping should be removed and retained roots should be surrounded with sharp sand (builders sand should not be used because of its high salt content which is harmful to tree roots) or other loose granular fill, before the soil is replaced.

Reason - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.'

13. Details should be submitted of the construction activities around parking bays 1 & 2. The details should be provided in a method statement and drawing to demonstrate how any existing edgings and hard surface will be removed and how the new edgings and hard surface will be installed where they encroaches into the designated root protection area of T3 Sycamore.

Reason - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.'

Replacement planting within 5 years

- 14.** 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

- 15.** 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.

Reason – to ensure protect the amenity of the surrounding occupiers, in accordance with Core Strategy CS2 and CS18.

Cycle Stands

- 16.** 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

Electric charging provision condition

17. Electric Vehicle charging points (EVCPs) shall be provided in accordance with the approved site layout for at least 5 no car parking spaces. The Charging points shall be available for use concurrent with the first use of the car park hereby approved. Thereafter the EVCPs shall be retained and maintained operational for the lifetime of the development.

Reason – In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

Fencing

18. Prior to the construction of the screen fencing in the position shown on drawing 1622-500 rev F, full details of the construction shall be submitted to the local planning authority for consideration. The fencing shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be carried out in full prior to the first use of the rear car park. The fencing shall be retained thereafter.

Reason - to ensure protect the amenity of the surrounding occupiers, in accordance with Core Strategy CS2 and CS18.

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. Yorkshire Water not for developer - if the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption 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.'