

ITEM 4**VARIATION OF CONDITION 2 (APPROVED DRAWINGS) AND CONDITION 17 (ELECTRIC VEHICLE CHARGING POINTS) OF APPLICATION CHE/19/00729/FUL AT PLYMOUTH BRETHREN CHRISTIAN CHURCH, 135 LITTLEMOOR, NEWBOLD, DERBYSHIRE, S41 8QP FOR PLYMOUTH BRETHREN CHRISTIAN CHURCH.****1.0 CONSULTATION RESPONSES**

Environmental Health	Comments received – see report
Local Highways Authority	No comments received
Ward Members	No comments received
Neighbours	5 letters of objection 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 comprises of a single storey detached building formerly known as St Hugh's Church now owned by Plymouth Brethren Christian Church. Consent was granted in 2020 under application CHE/19/00729/FUL for works to the building and for the creation of a car park and associated works following an earlier refusal (CHE/19/00073/FUL).
- 2.2 The site fronts onto Littlemoor highway to the west and is bound by residential dwellings to the north, east and south. Vehicular access to the site is gained from Littlemoor highway in the north western corner. The existing driveway access is flanked by two protected Sycamore trees (T2 and T3). The site contains a number of trees protected by Preservation Order No 4901.241 consisting of 3 individual trees T1 (Silver Birch) and T2 and T3 (Sycamores) and a group of trees G1 situated along the southern and western boundary of the site.
- 2.3 Development has commenced on site implementing application CHE/19/00729/FUL including the demolition of the former presbytery. Works have been undertaken to the building and to create the car park.



Aerial photo of site taken from Google maps © and site photos



3.0 RELEVANT SITE HISTORY

- 3.1 CHE/21/00207/TEWH - Application under Section 74B for a temporary amendment to the construction working hours condition of application CHE/19/00729/FUL – **CONDITIONAL PERMISSION (16.03.2021)**
- 3.2 CHE/21/00044/DOC - Discharge of planning conditions 5 (surface water), 9 (landscaping), 13 (method statement re parking bays), 15 (hard landscaping), 16 (cycle stands) and 18 (screen fencing) of CHE/19/00729 - **CONDITIONS 5, 13, 15, 16 AND 18 DISCHARGED (13.05.2021)**
- 3.3 CHE/19/00729/FUL - 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) – **CONDITIONAL PERMISSION (18.02.2020)**
- 3.4 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)**

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.'

- 3.5 CHE/0598/0270 - Brick built bin store with flat roof to the north – **CONDITIONAL PERMISSION (10.06.1998)**
- 3.6 CHE/1197/0600 - New metal church tower and metal crosses on west windows - **CONDITIONAL PERMISSION (24.12.1997)**
- 3.7 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

- 3.8 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

- 3.9 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 is made under Section 73 of the Town and Country Planning Act 1990 (As Amended) for the variation of condition 2 to change the approved plans and amendments to condition 17 covering electric vehicle charging points of application CHE/19/00729/FUL. The original wording of conditions 2 and 17 are copied below;

4.2 Condition 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)*

4.3 **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.

4.4 The main changes to the approved scheme are set out in the submitted covering letter and are summarised below;

Lighting

Proposed lighting	Previously approved lighting
15x H2 column lights proposed in amended locations. ASD Micro Highway Diamond Elite Black IP66 4000k LED and rear shield, 2m mounting height	14 x H2 column lights previously approved. ASD Highway Diamond Elite Black IP66 with rear shield unit on 2m lamp post
2x H3 column lights in largely the same location. ASD Highway Diamond Elite Black IP66 4000K LED and rear shield, 4m mounting height	2x H3 column lights previously approved. ASD Highway Double Diamond Elite Black IP66 unit on 5m lamp post

11x C wall lights in amended locations. Red arrow LED diecast eyelid bulkheads 4000k IP65, 2m mounting height

10x C wall lights previously approved. ASD Horizontal Louvre Black Opal Wall light 2m mounting height

Gate to rear carpark

- Previously approved plans proposed two control gates to restrict access to the rear car park. Revised proposal seeks to utilise a chain as opposed to a gate. To be opened and closed by members of the Church when required.

Cycle parking

- Amended location for cycle parking situated in front of the plant enclosure.

Air conditioning unit (HVAC)

- The revised proposal includes new plant and HVAC equipment to the north of the building comprising of a VECTIOS™ Reversible heat pump model IPJ-0360. Enclosed by a timber boarded fence.

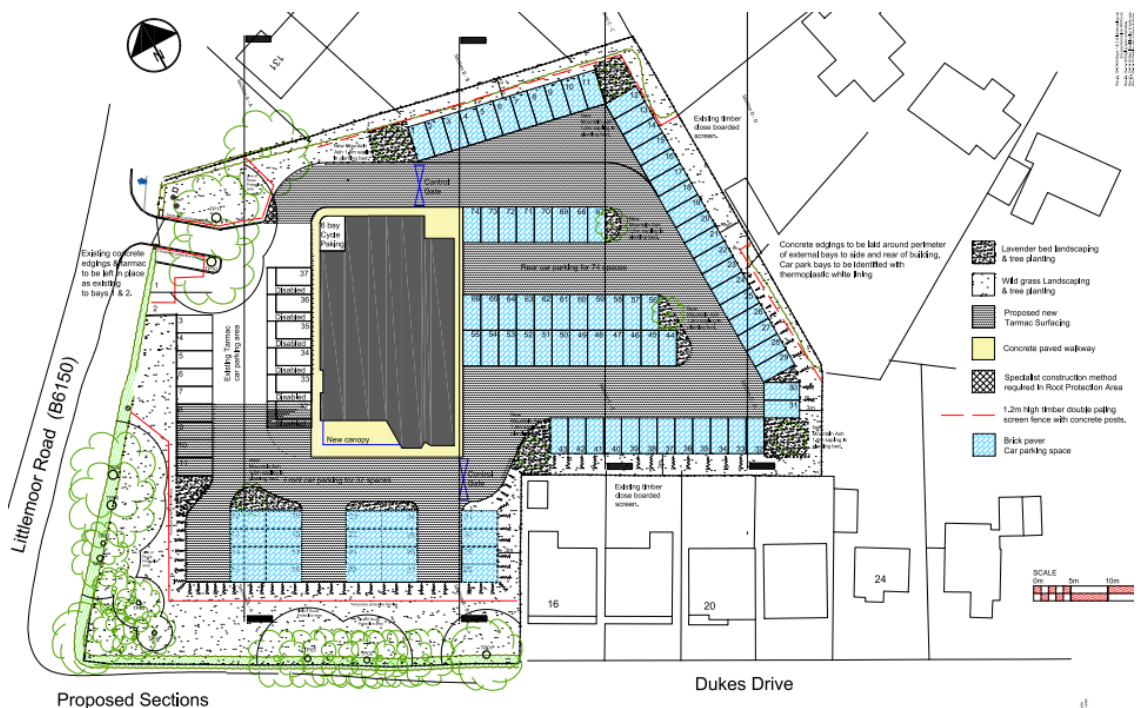
Electric vehicle charging

- The number of spaces of electric vehicle charging is proposed to be reduced to 3 spaces located at the rear of the building. Charging to be provided through external plugs sockets.

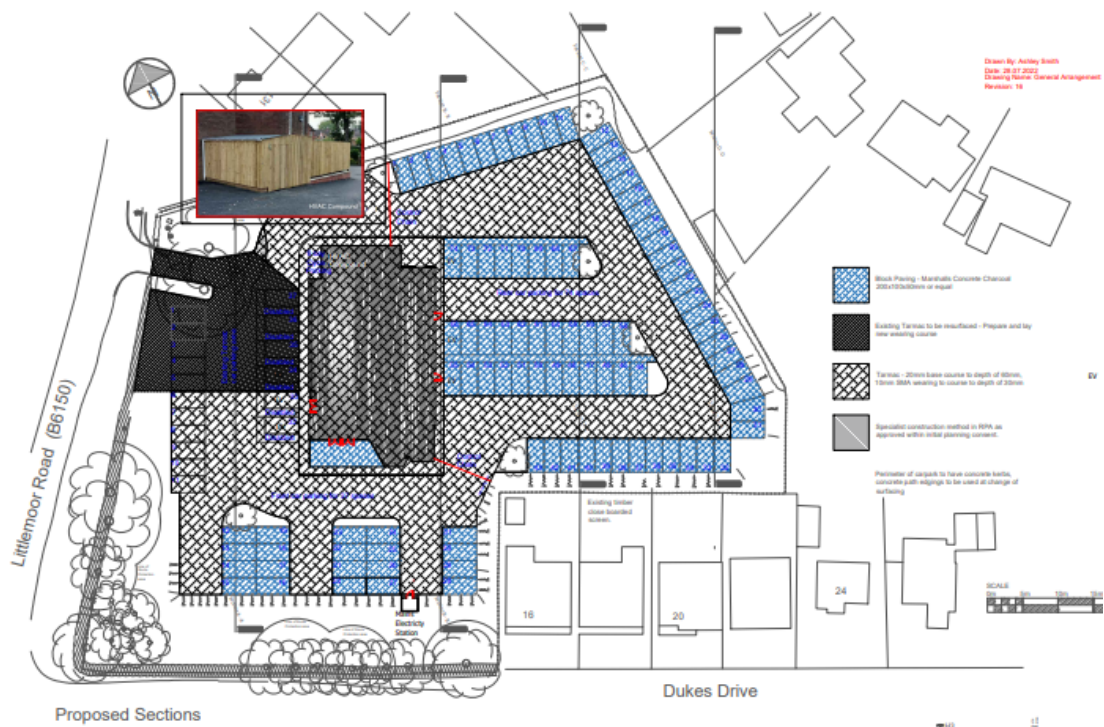
Layout

- The revised plans include alterations to the general layout of the car park, including the provision of two pedestrian walkway areas, small changes to the shape of landscaping beds including removal of one planting bed between parking spaces 29 and 30, increasing the size of the two spaces and installation of one new planting bed. See comparative drawings below;

Previously approved layout



Proposed layout (as installed on site)



5.0 PLANNING POLICY

5.1 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 Chesterfield Borough Local Plan 2018 – 2035.

5.4 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy

CLP2 Principles for Location of Development (Strategic Policy)

CLP10 Social infrastructure

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP22 Influencing the Demand for Travel

5.5 National Planning Policy Framework (2023)

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The principle of development was established by the earlier permission, which concluded that the development was acceptable. In considering a Section 73 submission, the Planning Act only allows the Local Planning Authority to consider the issue of the condition. It cannot re-open the principle of the development, i.e. the previously approved works to the building and for the creation of a car park. The sole issue in relation to this application is therefore to consider the implications of the alterations to the previously approved plans and electric charging provision and to assess the impact of the changes. A Section 73 application will however result in the requirement to issue a new planning permission.

6.2 Design and Appearance of the Proposal

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 The proposed alterations to the previously approved scheme are considered to be acceptable in design and appearance. The changes to the layout including the provision of pedestrian walkways and alterations to landscaping bed are considered to be minor amendment to the previously approved scheme. The works as completed on site do not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.3 Residential Amenity

6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

6.3.2 The alterations to the church building and works to create a carpark were previously determined to be acceptable under application CHE/19/00729/FUL. The amendments proposed under this application which require consideration in relation to residential amenity are changes to lighting and the installation of a HVAC plant equipment.

- 6.3.3 The Planning team undertook a site visit with the Council's Environmental Health Officer to assess the changes to the scheme. In respect of lighting it was noted that four wall mounted lights had been installed on the rear (east) elevation of the building instead of three as approved and one additional light had been installed on the south elevation of the building. The lighting and associated hours of operation of the lighting were subject to complaints regarding disturbance. A condition was imposed on the original decision requiring the lighting to be switched off between the hours of 22:00 and 07:00 to mitigate adverse impacts on the surrounding residential properties. It was agreed that a timer would be installed on the external lighting circuit to ensure that lighting would be turned off at the required times.
- 6.3.4 Since the submission of this S73 application there has been ongoing discussion regarding the HVAC unit with noise readings (Decibels) provided to demonstrate the level of noise from the equipment during operation. The Council's Environmental Health Officer confirmed that no noise complaints have been received regarding the plant equipment which has been installed and has been operational for over two years.
- 6.3.5 It is necessary to also consider the changes proposed to the control chain as opposed to a control gate. There were no restrictions on the use of the car park at the rear other than members of the church would aim to use the smaller carparking area at the front and south side of the church during small services and meetings. The Church confirmed that all users of the carpark would be made aware of the requirements with a member of the congregation/and or trustee responsible for each gathering to ensure the control areas are used as required. As the church has a large congregation the rationale for a large car park was to accommodate vehicles on site to limit on street parking in the surrounding area. The use of the rear car park was previously deemed to be acceptable under application CHE/19/00729/FUL. A chain managed by the church provides a restriction/limitation to using the car park to the rear and is equally as effective as a control mechanism compared with a gate.
- 6.3.6 On balance the proposal will not adversely impact on the neighbouring residents such that refusal of the case is warranted. The proposal accords with the provisions of policies CLP14 and CLP20 of the Local Plan.

6.4 Highway Safety

- 6.4.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 6.4.2 The variation of condition application does not include alterations to existing vehicular access. The access gates to the rear car park were not installed however a chain is now used by the Church to control the flow of vehicles into the car park and ensure safe access/egress to the site and which is managed/monitored by a designated person during meetings.
- 6.4.3 The Local Highways Authority were consulted on the S73 application and no comments were provided. The site has been operational for over two years and no specific highways complaints have been raised during this period.
- 6.4.4 The proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5 Biodiversity, Impact on protected trees

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.”
- 6.5.2 As part of the original application a condition was imposed requiring details of soft landscaping. A landscaping plan was provided under discharge of condition application CHE/21/00044/DOC and further detail requested. The landscaping as installed on site is considered to be acceptable.
- 6.5.3 The original consent included tree protection conditions and conditions requiring the submission of further details (conditions 13 and 15). The necessary information was provided under application discharge of condition application CHE/21/00044/DOC and the conditions discharged.
- 6.5.4 On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.6 Flood risk and drainage

- 6.6.1 Policy CLP13 requires flood risk to be managed for all development commensurate with the scale and impact of the proposed development.
- 6.6.2 The proposed variation of condition application does not impact previously agreed drainage plans/details which were dealt with through discharge of condition application CHE/21/00044/DOC. The development was required to be undertaken in accordance with the approved details. The proposal therefore complies with Local Plan policy CLP13.

7.0 REPRESENTATIONS

- 7.1 At the time of writing this report 5 letters of representation have been received objecting to the development. A brief summary of the main concerns raised is set out below.

- Lighting
 - lighting causing a nuisance to residential property impacting home/work life, sleep and health. 4 lights have been installed instead of the 3 permitted plus 2 emergency light which have been left on for months. 4 lights installed should no be allowed to remain and the 3 remaining lights previously granted should be adjusted to include the luminaires of the 2 emergency lights. If the 4 lights remain plus 2 emergency lights then the overall luminaires should be no more than originally granted for 3 lights.
 - The lighting should not be switched on prior to 7am and switched off at 10pm. Incidents occurring of the lights being left on all night
 - Do the lights need to left on from 7am when the car park is not in use?
 - Lighting has an adverse impact on the neighbouring properties, does not fit in with the residential area and is not environmentally friendly
 - Since planning was granted we have had to endure noise, dust and fumes from machinery and heavy plant vehicles. On completion we have been in contact with the Environmental Health Officer regarding lights on the rear of the building being switched on every night even when the building in unoccupied
 - The lights shining into the rear bedrooms of our property which affects our sleep and health. Yes they are on a timer going off at 10pm but this is not acceptable as we go to bed

early due to work commitments and it impacts visitors who are unable to sleep.

- The Environmental Health Officer has taken photographs and classed it as a statutory nuisance. We are being denied the enjoyment of our property and it is affecting our health.
- Post lights around the car park have been installed in different locations than agreed which when used in darker evenings and morning will shine into our property resulting in more light pollution and affect the wildlife

- Security Gates

- Consent was granted on the basis of a gate to be installed to the rear car park, instead a plastic chain has been fitted. This does not accord with the original proposal and we have experienced anti-social behaviour as a result.
- The security gates were an important part of our initial acceptance to prevent access to restricted/unauthorised vehicles to the back of our property
- Direct access to out gardens is also possible and presents a security issue
- Security gates not installed, chain and hook put up which is unmanaged. As the car park is so well lit at night time this has led to anti-social behaviour on the site such as skateboarding and there is nothing to stop unwanted entry
- The security gates are definitely needed as with the rear car park being illuminated and not secure it is an open invitation for intruders as was proven by the previous church and a full set of steel gates was erected. Unfortunately we have already had to observe trespassers and the noise they create

- Layout of the car park/number of vehicles

- Whilst permission was granted for additional car parking spaces when the church building has a large congregation vehicles are allowed to double park at the rear of the car park. This results in more people, additional noise and exhaust fumes. It is unhealth and unfair for residents as well as a potential safety issue with any emergency service vehicles not being able to access the site
- If an additional 95 car parking spaces were approved then that is what residents expect not a further 20 cars with around 4 people per car. This gives rise to the occupancy of the building itself and if the car park will indeed ever be large enough.
- The applicant states that the overall area of hardsurfacing has not changed unauthorised changes including a footpath have in fact resulted in changes to the car parking spaces

as they have been moved outwards and closer to the residents with the road around the site being reduced.

- Number of cars arriving far exceeds the original declaration with nowhere enough parking bays. Most are very large polluting vehicles and during the hot weather people have pre-started their vehicles to cool them down with air conditioning before leaving all the while exhaust fumes are entering garden and property
- Noise and disturbance from use of car park – shouting, doors slamming, vehicle horns, car alarms whilst we try to enjoy our garden on a Sunday
- over subscribed amount of vehicles are arriving on Sundays so making excessive noise and disturbance so we are unable to enjoy our property. Do we have to repeatedly mention that this is a residential area and the borough councils first loyalty should be to the residents
- Enforcement matters
 - The applicants have been advised regarding various issues since 2019 yet this is ongoing. They have failed to comply with lighting, site layout, gates, cycle parking, electric vehicle charging and installed an air conditioning unit without permission.
- Parking on Dukes Drive
 - Do the revised plans involve a new access to Dukes Drive which is a very narrow residential road. There is considerable parking along Dukes Drive with the nursing home at the end. There is no room for further movement of traffic in this area
- Electric charging provision
 - The charging points are insignificant compared to exiting the hall on mass onto a very small residential road.
 - Car charging units not as stated
- Air conditioning unit
 - Oversized air conditioning unit has been installed and vent ducting fitted which was granted on the original plans, this has been in use and left on all night when the building has been unoccupied making excessive noise
- Bats
 - The bats habitat was removed as we were informed no bats present but since then a neighbour has had a bat in their bedroom
- Landscaping
 - Landscaping around the border has been allowed to grow into weeds which is unsightly and results in dust blowing into our garden

- Other matters
 - Application should not have been granted without restrictions on numbers and operating times, as when do you allow this many vehicles to park in an area surrounded by houses in the middle of a residential area. No thought has been given to the effect this having on our lives and nothing has been done regarding out complaints or sided with residents. We have the right by law to enjoy our properties and shouldn't have to keep contacting the environmental department
 - When the plan was passed the planning officer had gone to great lengths to promote site security, muted lighting and other supposed merits to get the plans passed by the planning board but then the applications are simply it seems, allowed to ignore the plans past and to do whatever they please, this effects people's lives

7.2

Officer comments

- Lighting – Complaints have been received regarding the lighting and ongoing discussions have taken place between the Planning team and Environmental Health team. A joint site visit was undertaken with the Environmental Health Officer and it was agreed that all lighting on site should be turned off at 22:00 to prevent undue disturbance to the residential neighbours. The Church have installed a timer for the lighting system which is now set to turn off at 22:00 and turn on at 07:00. This approach was considered to be acceptable.
- Security gates – It is accepted that gates have not been installed on site, instead a small chain is utilised. Incidents of access to the rear of the church and anti-social behaviour would not be restricted by gates. The gates were initially proposed to control the flow of vehicles which is managed by the congregation.
- Layout of the car park/number of vehicles – the alterations to the car park are considered to be minor in respect of the original permission. The church have a large congregation and therefore require a large number of parking space on site to limit parking on the surrounding streets.
- Enforcement matters – there has been ongoing discussion with the applicants to resolve issues raised. This application seeks to regularise the works undertaken on site and resolve outstanding matters.
- Parking on Dukes Drive – the scheme does not propose a new access to Dukes Drive, parking for the congregation focuses on the car park.

- Electric charging provision – noted. Three charging points have been provided which although minimal is acceptable.
- Air conditioning unit – noted. The Council’s Environmental Health Officer confirmed that no specific complaints have been made regarding noise disturbance from the plant equipment which has been in operation for around two years.
- Bats – a bat roost assessment was undertaken as part of the original application relating to the demolition of the presbytery building. The report found no presence of bats and the building was demolished in accordance with the approved timescales.
- Landscaping – the landscaping works to the site are considered to be acceptable. The maintenance of the planting is to be managed by the church.
- Other matters – noted.

8.0 HUMAN RIGHTS ACT 1998

- 8.1 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
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council’s Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 9.1 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 paragraph 38 of 2023 National Planning Policy Framework (NPPF).
- 9.2 The Local Planning Authority has during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application

10.0 CONCLUSION

10.1 The principle of the development was established by the earlier permission, which concluded that the development was acceptable. The submitted revised drawings do not result in adverse impacts on the amenity of surrounding occupiers or users. Matters covering biodiversity, drainage have already been resolved.

11.0 RECOMMENDATION

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

Conditions list includes previous wording of conditions imposed on CHE/19/00729/FUL and proposed amendments

Condition number	Condition wording and reason
4	<p><u>Time limit</u> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><i>Reason – The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.</i></p> <p>Deleted – development has already commenced on site</p>
Condition 2	<p><u>Approved plans</u> 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</p> <ul style="list-style-type: none">- 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.

Condition amended to reflect revised plans and works already undertaken on site

1

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

- Site location plan, drawing number 1622-540 (dated Nov 2019, received 22.11.2019)

	<ul style="list-style-type: none"> - 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) - Hard surfacing & Levels, Revision 11 (dated 23.03.2021) - External Drainage Plan, Revision 10 (received 25.01.2021) - Soakaway calculations produced by Onn-Point Engineering Job number OP1116, C/01, C/02, C/03, C/04, C/05, C/06, C/07 (Dated 27.10.2020) - Drainage maintenance strategy, produced by Onn Point Engineering, reference 20-OP-1116 (dated November 2020) - Soft Landscaping Schedule, reference Littlemoor version 3 – 201018 - General arrangement, revision 16 - EXTERIOR LIGHTING CAR PARK LIGHTING, ASD-DN-13936-DWG-SHEET 1 of 1, revision R07 - Littlemoor Planning Conditions Detail - Levels, Revision 11 (dated 23.03.2021) <p><i>Reason - In order to clarify the extent of the planning permission</i></p>
3	<p><u>Construction hours</u> 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</p> <p><i>Reason – In the interests of residential amenities.</i></p> <p>Deleted – development has already commenced on site and is complete</p>

4	<p><u>Condition regarding timescale for demolition and bats</u></p> <p>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.</p> <p><i>Reason – to ensure the demolition does not harm protected species and in accordance with the requirements of CS9.</i></p> <p>Deleted – development has already commenced on site and presbytery has been demolished</p>
5	<p><u>Surface water drainage</u></p> <p>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.</p> <p><i>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.</i></p> <p>Condition amended to reflect agreed drainage details agreed as part of discharge of condition application CHE/21/00044/DOC</p>
2	<p>The development shall be carried out in full accordance with the approved plans and documents</p>

	<p>for the means of disposal of foul and surface water drainage (listed below).</p> <ul style="list-style-type: none"> - External Drainage Plan, Revision 10 (received 25.01.2021) - Soakaway calculations produced by Onn-Point Engineering Job number OP1116, C/01, C/02, C/03, C/04, C/05, C/06, C/07 (Dated 27.10.2020) - Drainage maintenance strategy, produced by Onn Point Engineering, reference 20-OP-1116 (dated November 2020) <p><i>Reason - To ensure that drainage provision has been made in the interest of sustainable drainage.</i></p>
6 3	<p><u>Lighting shroud</u></p> <p>All the lighting units shall be appropriately shrouded to prevent glare or dazzle to adjacent residential properties.</p> <p><i>Reason - In the interests of residential amenities</i></p> <p>Condition retained</p>
7 4	<p><u>Lighting hours restriction</u></p> <p>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.</p> <p><i>Reason - In the interests of residential amenities</i></p> <p>Wording of condition amended in the interests of clarity</p> <p>The lighting hereby agreed shall not be used between the hours of 22:00 and 07:00 on any day.</p> <p><i>Reason - In the interests of residential amenities in accordance with Local Plan policies CLP14 and CLP20.</i></p>
8	<p><u>Lighting column further away from RPA of T3 (TP10)</u></p>

	<p>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.</p> <p><i>Reason – To preserve the tree T3 protected by Tree Preservation Order 4901.241 St Hugh's Church, Littlemoor/Dukes Drive (2004).</i></p> <p>Condition deleted, lighting installed on site in accordance with condition requirements, see revised plans</p>
9	<p><u>Soft landscaping</u> 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.</p> <p><i>Reason – The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole</i></p> <p>Condition deleted – landscaping installed on site is considered to be acceptable</p>
10	<p><u>Tree protection measures</u></p>

	<p>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.</p> <p>Condition deleted – works already completed on site</p>
<p>41 5</p>	<p><u>Tree protection</u></p> <p>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.</p> <p><i>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.</i></p> <p>Condition retained</p>
<p>12</p>	<p>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</p>

	<p>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.</p> <p><i>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.</i></p> <p>Condition deleted – works already completed on site</p>
13	<p>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.</p> <p><i>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.</i></p>

	<p>Condition deleted – works already completed on site</p>
14 6	<p><u>Replacement planting within 5 years</u> 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.</p> <p><i>Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.</i></p> <p>Condition retained</p>
15	<p><u>Hard landscaping</u> 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.</p> <p><i>Reason – to ensure protect the amenity of the surrounding occupiers, in accordance with Core Strategy CS2 and CS18.</i></p> <p>Condition deleted – works already completed on site and resolved through DOC application CHE/21/00044/DOC</p>
16	<p><u>Cycle Stands</u> 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</p>

9	<p>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.</p> <p>Reason - to ensure protect the amenity of the surrounding occupiers, in accordance with Core Strategy CS2 and CS18</p> <p>Condition wording amended to reflect works agreed through DOC CHE/21/00044/DOC and as installed on site</p> <p>The fencing installed in accordance with drawing 'General Arrangement, Revision 10 (dated 23.01.2021)' and document 'Littlemoor Planning Conditions Detail' shall be retained for the life of the development.</p> <p><i>Reason - to protect the amenity of the surrounding occupiers, in accordance with Local Plan policies CLP14 and CLP20.</i></p>
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Notes

01. 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.
03. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.