

Case Officer: Paul Staniforth File Nos: CHE/19/00509/REM
Tel. No: (01246) 345781 Plot No: 2/1048
Decision date 20th April 2020 (subject to Covid 19 revised procedure)

ITEM 4

CHE/19/00509/REM – Approval of Reserved Matters for access road on land at The Brushes, Sheffield Road, Chesterfield for Birchall Properties Ltd.

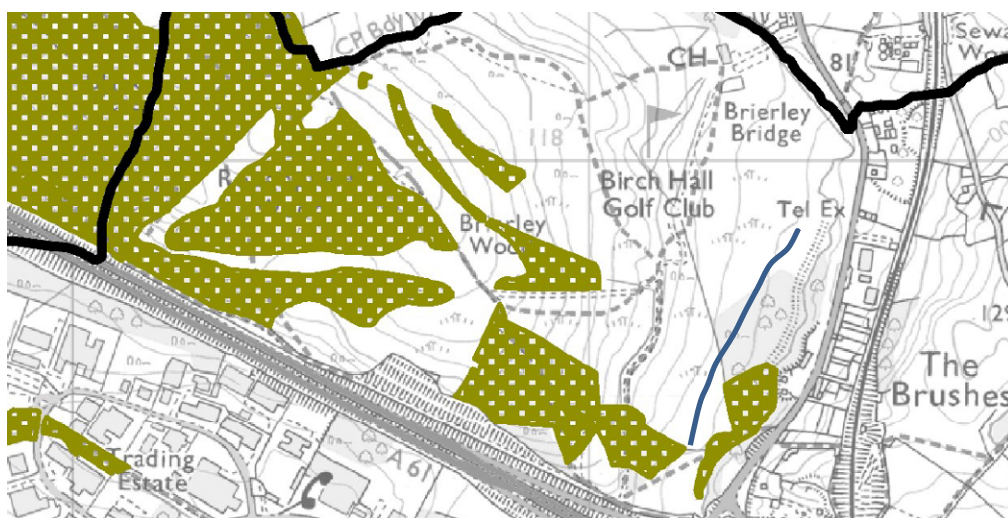
Local Plan: Green Belt
Ward: Old Whittington

1.0 **CONSULTATIONS**

DCC Highways	comments received – see report
Environmental Services	Comment received – see report
Design Services (Drainage)	To be in accordance with CBC drainage guidance
Environment Agency	site outside of flood zones 2 and 3
Derbyshire Wildlife Trust	Comments received – see report
Yorkshire Water	No observations required
Lead Local Flood Authority	No comment received
Coal Authority	Comments received – see report
Derbyshire Constabulary	Comments received – no objection
Ward Members	no representations received
Chesterfield Cycle Campaign	Comments received – see report
Unstone Parish Council	Comment received – see report

2.0 **THE SITE**

- 2.1 The site is within the designated Green Belt area and comprises the currently unused Birchall Golf Course and areas of woodland. Brierley Wood and Roughpiece Woods form part of the site and the areas to the south west are ancient woodland and covered by Tree Preservation Orders. The woodland areas and an area extending along the Sheffield Road frontage are also designated as a local wildlife site and parts are designated as Ancient Woodland.



The extract above is from the Chesterfield Greenprint showing areas of Ancient Woodland, the Borough boundary and the general route of the link road.

- 2.2 The site is bounded by the A61 to the south-west and by the Dronfield by pass to the south, by the river Drone to the south-east, by Unstone Green to the north and by Roughpiece wood to the north-west. It is part of a hilly landscape and presents significant level drops across its boundaries in excess of 100m. The site includes areas of commercial tree planting, gorse, grassland and is edged to the south-west by areas of protected woodland forming a natural buffer to the A61, and to the south-east by the woodland along the river Drone corridor.

- 2.3 The site was the subject of substantial opencast operations up to the 1980s and was subsequently restored to a golf course use (Birchall). Areas of protected ancient woodland on the southern part of the site were not affected by the opencast scheme and which remain today however much of Brierley Wood was destroyed. The golf course is currently not being maintained.
- 2.4 The wider Peak Resort site was up until recently crossed by a number of definitive Public Rights of Way including a bridlepath (BR39) which crossed and ran within the site and which were shown on the definitive plan. There were also a considerable number of 'desire line' paths which criss crossed the site at various locations however all these routes were diverted to a perimeter route which was created around the site following a Diversion Order granted by the Secretary of State on 15th December 2015. The site has subsequently been enclosed by a new fence line.
- 2.5 The site is now served by a new roundabout access situated at the south east A61 slip road corner of the site.

3.0 **PLANNING BACKGROUND**

- 3.1 Outline planning approval was granted on 17th August 1989 for the development of the 280 acre Peak Resort site for a major leisure venue under code **CHE/0389/0210**. This included a single domed structure containing hotel together with indoor and outdoor related leisure and educational facilities centred on a reconfigured golf course and lake together with 250 holiday lodges on the upper part of the site. The scheme was described as *leisure centre consisting of a dome containing hotel with indoor and outdoor related leisure and educational facilities provision of accommodation lodges and a lake*. The supporting information with the application provided a schedule of the individual components and their quantum.
- 3.2 A subsequent Reserved Matters permission was made in 1992 for the scheme under code **CHE/0892/0496** and which was not determined until 1st July 2008. This dealt with a phase 1 of the scheme and reserved further detail for subsequent approval and the scheme therefore remains valid since the original condition on the outline permission allowed the scheme to be begun

(implemented) before the expiry of two years from the date of approval of the last of the reserved matters to be approved.

- 3.3 A number of formal changes have been made to the scheme over the years with amendments to the conditions in 2005 under code **CHE/0301/0164** and which resulted in a S106 agreement dated 10th August 2005 concerning highway matters, travel planning, ecology management and Community Liaison. This scheme also resulted in the introduction of a breaking down of the original single domed structure into a phased scheme where by individual smaller components of the scheme could be provided. An alternative access to the site was also considered and agreed under code **CHE/09/00075/FUL** on 12th November 2009 and this resulted in the access to the site being created from a new roundabout at the junction of the A61 slip road with Sheffield Road.
- 3.4 The permission to amend the scheme granted in 2005 included the diversion of all routes crossing the site to the perimeter of the site and this was realised through SCRIF funding of £2.8m to implement the creation of the new access and s278 agreement, diversion of the footpath and bridle routes and new fencing as a way of facilitating the development.
- 3.5 Approvals for formal variation of a number of conditions were secured under permissions **CHE/14/00086/REM1**; **CHE/14/00087/REM1**; **CHE/14/00088/REM1** and **CHE/14/00089/REM1** on 2nd May 2014 and separate applications for the discharge of relevant pre-commencement conditions in the various permissions had been given on 12th November 2014 to allow works to progress on site. (Codes **CHE/14/00385/DOC**; **CHE/14/00386/DOC**; **CHE/14/00387/DOC**; **CHE/14/00388/DOC** and **CHE/14/00558/DOC**).
- 3.6 Further variations of conditions were secured in 2016 under permissions **CHE/16/00317/REM1** regarding maximum length of permitted stay; **CHE/16/00318/REM1** regarding relocation of car park; **CHE/16/00319/REM1** regarding inclusion of phase 2 apart hotel in phase 1 and **CHE/16/00320/REM1** regarding relocation of clubhouse. Permission **CHE/16/00219/NMA** introduced condition 52 allowing s73 submissions to consider amended drawings.

- 3.7 The submissions included Phase 1 of the development comprising of a domed visitor/arrival building, a 150-room hotel building incorporating, a 400-bed university building, a union building for accessing both the hotel and university buildings, landscaping and public realm facilities including a colonnade, new lake and amphitheatre. Phase 1 also includes a clubhouse with 30 No 5* lodges located at the top of the hill to the west of the 2008 consented dome. Phases 2 and 3 of this development remained unchanged from the 2008 consented drawings, with the exception of an observation tower adjacent to the arrival dome which will be part of Phase 2.
- 3.8 The agreed scheme included a domed structure arrival point on the site intended to provide a multifunctional, all-weather activity and events space to accommodate a visitor/arrival centre with transport interchange, information kiosks, ancillary retail, food & drink, assembly and event functions.
- 3.9 The agreed 150-room Hotel has a stepped 8 storey design incorporating a 360 degree glazed sky lobby, a restaurant, wellness and beauty spa facilities and other hotel amenities and which offers for a range of different visitors at a variety of price bands. As well as accommodation for tourists, the facility would cater for local businesses and the wider public through provision of conferences and meeting facilities, weddings and events. The sky lobby at level 8 would be a beacon and an exciting and exclusive destination. A 400-bed dual usage Tourist Hostel and University accommodation Building would also be occupied by students during term time, but its flexible design would allow for use as additional hotel rooms during the summer months to maximise the variety of accommodation and price ranges available across the resort as a whole. This component would be seven storeys high with a stepped roof line and would include some classrooms and meeting areas.
- 3.10 The scheme also included a Union building linking the structures and which allows for accessing both the hotel and university buildings. This would be a crescent shaped 6 storey building creating a spatial and visual break between the university and hotel

accommodation wings and which would be intended as a common area with a flexible floor plan incorporating retail, restaurants, bars and cafés as well as areas for assembly, meetings and education.

- 3.11 Access to all buildings referred to above was shown to be linked via a double height colonnade overlooking a central lake and amphitheatre.
- 3.12 The phase 1 scheme also included a 30-unit Clubhouse and Lodges located at the top of the hill to the west of the 2008 consented dome where a group of lodges were previously shown. This was to be a 5* facility linked together by a funicular and containing restaurant, bar, beauty and wellness medical facility and other ancillary functions such as meeting rooms.
- 3.13 Application **CHE/19/00394/REM** agreed an Approval of Reserved Matters for two separate buildings including an Adventure Centre and an Open Sided Activity Canopy building for David Lloyd Adrenaline World. The approval was dated 16th October 2019.
- 3.14 Application **CHE/19/00456/REM1** also agreed on 16th October 2019 to a s73 variation of Condition 52 of application CHE/0892/0496 to substitute drawings to enable relocation of approved phase 1 components within the consented development areas and facilitate revised phasing of the scheme.
- 3.15 A separate application for the discharge of condition 1 of CHE/19/00394/REM concerning ecology survey and safeguarding was considered and agreed under **CHE/20/00094/DOC** on 2nd March 2020.

4.0 **THE PROPOSALS**

- 4.1 The reserved matters proposal is for a new access road (referred to as the lower access road) linking the recently constructed and adopted roundabout and access spur from Sheffield Road serving the development site to the south east with the recently agreed David Lloyd Adrenaline World (DLAW) dome proposals to the north. The access road and related roundabout was completed in May 2018 and was formally adopted by Derbyshire County Council

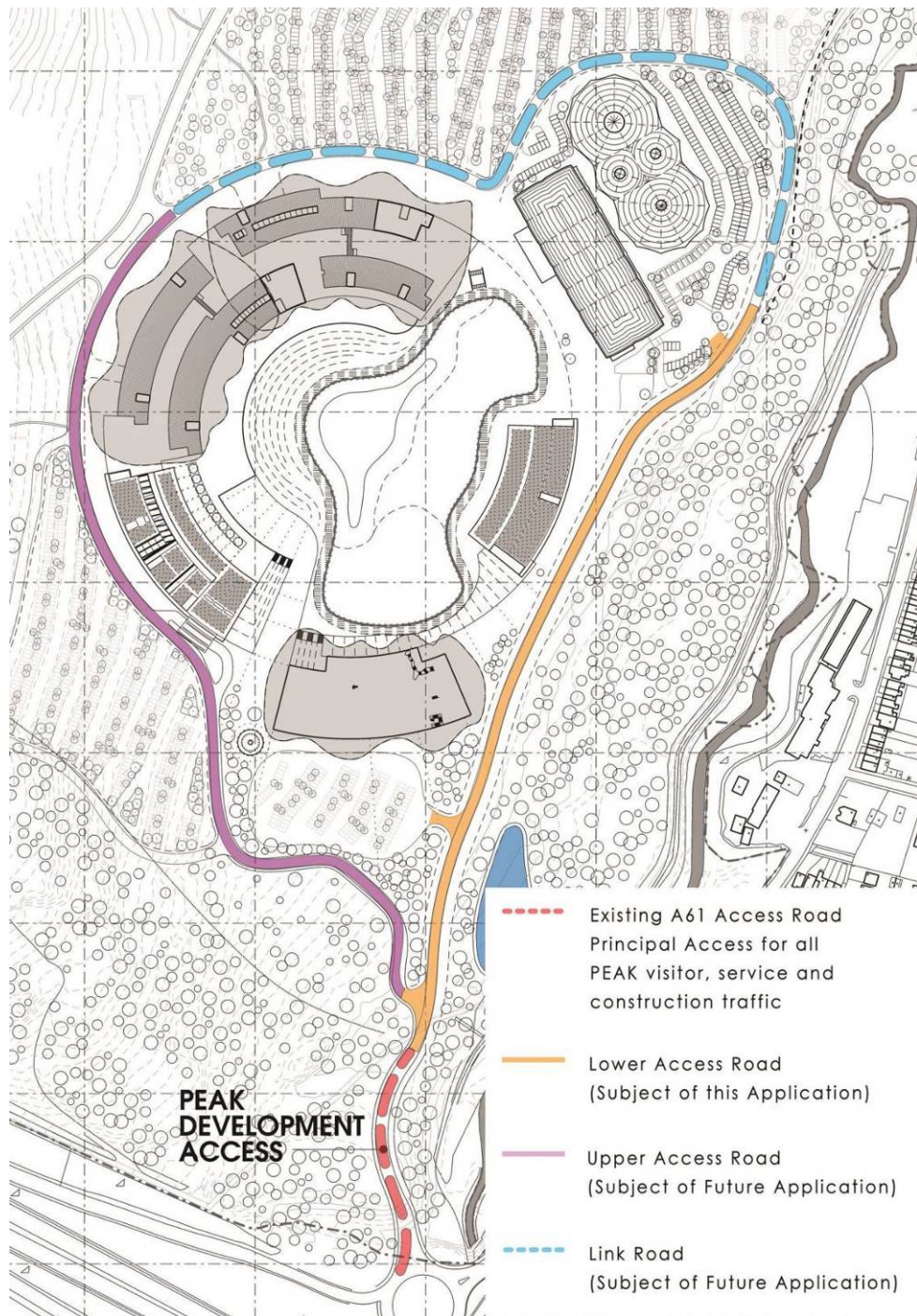
in October 2019 and this provides the access route and entrance to the Peak development for the purposes of construction, service and visitor traffic. The lower access road has been designed within the framework of the permissions and conditions in place on the site and will provide the route for day visitors. Stay visitors will access the site via the upper access road.



4.2

The access road extends the new road shown above and is to be 500 metres in length and with a 6 metre carriageway with 2 metre footway along its west edge separated from the carriageway by a 2 metre verge. A 6 metre wide under drained swale runs along the length of the east side of the access road and which is to connect to an attenuation lake which is to be designed to accommodate water run off and detail of which is to be provided through responding to conditions imposed on existing permissions. The

submitted detail shows areas of cut where graded embankments would be created alongside the new road.



4.3

The lower access road provides 3 No radii access spurs along its length. The first connects to the intended upper access road which is to run north through semi-improved grassland towards the Peak

development area. The second access spur connects to the intended Gateway building and car park area. The road continues around the development area along the base of the sloping land form and skirting an area of semi natural woodland with gentle gradients and between an area of birch copse which is to be retained providing a sense of arrival at the development area and where access is to be taken via the third spur into the DLAW plot.





4.4 The application is supported by a Design and Access Statement including s38 construction details.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 The site is situated within the Green Belt area as defined by Policy EVR1 'Green Belt' of the 2006 Replacement Local Plan. The boundary of the green belt has been retained as existing in the new emerging Chesterfield Local Plan. Policy CS1 of the Local Plan Core Strategy states that the green belt will be maintained and enhanced. Policy CS14 promotes tourism and the visitor economy within the Borough.

5.1.2 Having further regard to the nature of the applications, Policies CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS7 (Managing the Water Cycle), CS9 (Green Infrastructure and Biodiversity), CS13 (Economic Growth), CS18 (Design) and CS20 (Demand for Travel) of the 2013 Local Plan: Core Strategy are applicable as well as the wider National Planning Policy Framework (NPPF).

5.1.3 **Key Issues**

- Principle of the development;
- Design/Appearance and Visual Impact;
- Impact on neighbouring residential amenity;
- Highways Safety;
- Ecology;
- Drainage;
- Land stability;

5.2 **Principle of Development**

5.2.1 The Peak Resort scheme is a priority for Council in that it has the benefit of planning approval and which has been previously agreed and justified within the Green Belt area. This decision was agreed by the Secretary of State at the time as an appropriate development of more than local significance within the Green belt area. The latest Chesterfield Corporate Plan 2015/19 confirms that the Peak Resort scheme is a priority for the Council in terms of making Chesterfield a thriving borough. The scheme was the subject of a significant press release on 15th January 2015 when it was reported that the funding for the £400 million scheme

delivering 1300 jobs had been secured and which gave confidence in investment in the Borough. The scheme has progressed and Stanton Williams Architects remain involved in designing a bespoke scheme for the site and which reflects the requirements of investors.

- 5.2.2 From day one the Peak Resort scheme aims to create a year round tourism, leisure and education destination on the edge of the Peak District National Park, comprising holiday lodges, hotel with leisure / activity base facilities all set within a 300 acre managed park. The David Lloyd Adrenaline World (DLAW) facility has been agreed as a core day visitor attraction consistent with this aim. The activities of all the components across the site will be integrated to provide visitors and students alike world-class opportunities for learning as well as leisure opportunities. The scheme aims to create a destination where outstanding architecture combined with the highest quality of design achieve an iconic resort that maximises the potential of the site. The scheme aims to be exemplary in terms of sustainability from an environmental perspective and to develop successful strategies for the environment and local employment.
- 5.2.3 The scheme is planned to be constructed in phases and phase 1 has now been agreed in the DLAW scheme and which follows the implementation stage which has been completed. The works already undertaken comprising of the new access, diversion of rights of way and boundary fencing and creation of the dome plateau areas have paved the way for the scheme to be progressed.
- 5.2.4 The lower access road is a reserved matters component and provides the link between the adopted public highway and the DLAW development plot. The route follows the principles established from the start and the principle of the connecting roadway is therefore not an issue. It would be perverse now, having constructed and adopted a major access intervention with Sheffield City Region Infrastructure funding, and approval of the David Lloyd Adrenaline World plot development, to not allow the access connection between the two. The lower road positioning is generally as already accepted and does not alter the parameters

set by the existing permissions with regard to location, scale and quantum of development all falling within what has already been assessed and granted.

5.3 **Design / Appearance and Visual Impact**

- 5.3.1 In accordance with Core Strategy Policy CS18, all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.
- 5.3.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. It places emphasis on the importance of good design stating:
'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (para 124)
- 5.3.3 The agreed scheme for the wider site comprises of a significant development which would undoubtedly have an urbanising impact on the area and the lower access road component would be a part of that. The route has already been used for vehicular movement across the site as evidenced by the photographs at paragraph 4.3 however the detailed design has been considered to limit the impacts as far as possible by creating a route as close to existing ground contours as possible and by running the route along the lower land levels adjacent, but not through, the riverside woodland area as well as incorporating a landscaped area and swale along its length between the road and woodland area. The route retains a small birch copse at a crest in the levels and which will enhance the sense of arrival at the development and which will also assist in softening views of the road from within the development area.

- 5.3.4 The applicant indicates that landscaping of the lower road will emphasise the transition from a major public highway into the private countryside setting of the scheme. Native species are to be used in keeping with the local context however the precise detail of the landscaping scheme will be the subject of more detail under a Discharge of Condition submission.
- 5.3.5 The detailed lighting scheme is to be designed to limit visual impact by use of low level bollard lighting and LED street lighting. The lighting will be arranged to reduce illumination during off peak times and during the hours of darkness and will be high efficiency low energy light sources to minimise energy requirements. The applicant refers to the management policies of the resort which will ensure that light levels are kept to a minimum after hours. Again the precise details of the lighting can be secured via a condition of approval.
- 5.3.6 It is considered that the proposals are acceptable and within the parameters of the original design for the scheme. In this respect the proposals are not considered to be of a poor design and therefore accord with policy CS18 and the wider requirements of the NPPF

5.4 **Residential Amenity**

- 5.4.1 Core Strategy Policy CS18 comments that development will be expected to have an acceptable impact on the amenity of users and neighbours. Policy CS2 (Principles for Location of Development) indicates that all development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.
- 5.4.2 The nearest residential neighbours to the site are those on Cheetham Avenue, Sylvia Road and the Sheffield Road frontage to the north and those on Sheffield Road and Mallory Close to the east however it is likely that the lower access road will not be visible from any of these properties.

5.4.3 There will be opportunities to view the lower access road from the bridle route alongside the river running generally parallel with Sheffield Road. The separating distances range from zero metres where the existing road crosses the route to the south of the proposed road up to between 100 - 115 metres along the majority of its length and down to 50 metres at its northern end. There is however an intervening woodland area and the road would be at ground level and landscaped along the woodland side and would be seen against the backdrop of the buildings which would be constructed on the site.

5.4.4 On this basis the proposals are considered to be acceptable in so far as they impact on the amenity of locals and which satisfy policies CS2 and CS18 of the Core Strategy.

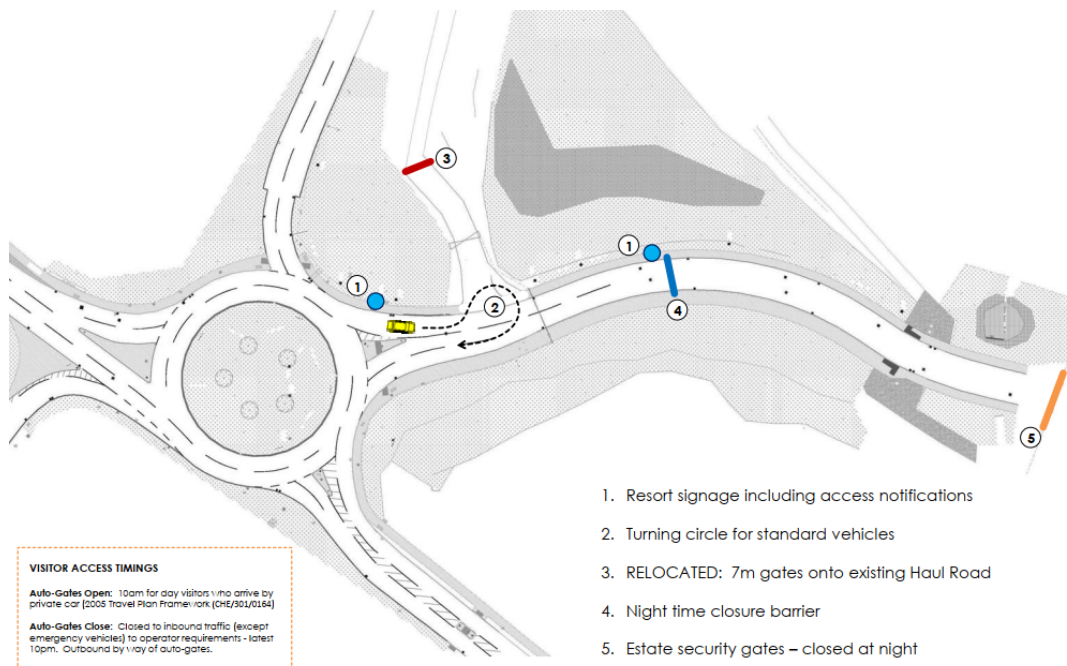
5.5 **Highways Safety**

5.5.1 The proposed lower access road extends the route already constructed into the site and which becomes the main route into the site. The proposal is detailed to s38 specifications. The County Council Highway Authority (HA) has commented that improvements to the existing highway network have been carried out to support development of the wider Peak Resort scheme and that the previous Traffic Statement concluded that the proposals should have no greater impact on operation of the highway than the development already consented and that the Highway Authority does not consider that there is an evidence base to suggest that this conclusion is incorrect. There are already measures in place to manage car parking and to reduce the reliance on the private motor vehicle through travel plan initiatives. In so far as the proposed lower road, the HA has confirmed that the s38 details appear to suggest offering the entire lower access road for adoption however it is the case that the road will not be considered for adoption. The HA comment that an adoptable turning head will need to be created at the terminal point of the roundabout spur and the current layout is not suitable.

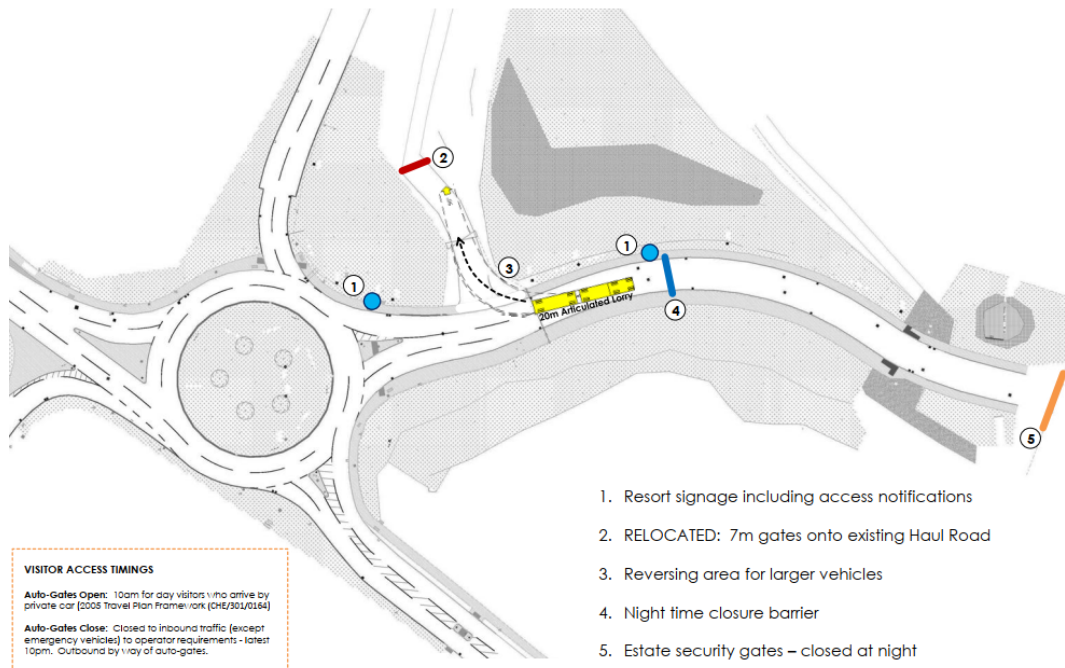
5.5.2 The applicant does not intend for the lower road to be put forwards for adoption and it will remain a private estate road however it has been designed and specified to adoption standards. It is the case

that Derbyshire County Council has agreed and adopted the new roundabout access which provides a spur into the Peak site and which does not include a turning head facility. It is therefore the case that vehicles taking a wrong turn into the site from the roundabout may not be able to turn and would potentially end up reversing out onto the roundabout under circumstances which are contrary to the best interests of highway safety. This is currently the position and the proposed scheme will allow for a resolution of the issue. The applicant has confirmed that during the operating day the gates to the Peak Resort site at the end of the roundabout spur will be open and any highway user(s) missing the resort signage will be able to travel into the resort site up to the radii points to be provided as part of the scheme or as far as the David Lloyd plot and turn around. At times when the resort is closed (as currently exists), in addition to resort signage which can be provided, the opportunity arises for turning arrangements within the available space in advance of the resort gates as shown on the diagrams below.

NIGHT TIME SECURITY & TURNING AREA: for standard vehicles & lorries
 Response to Highways Agency Turning Head Observation



NIGHT TIME SECURITY & TURNING AREA: for larger vehicles
Response to Highways Agency Turning Head Observation



There is insufficient space within highway limits to provide a formal turning head on the adopted spur from the roundabout and the HA did not consider this was necessary when designing the scheme however the opportunities to turn exist as shown in the diagrams above and will ensure that no vehicle has to reverse out onto the traffic roundabout.

5.5.3 In so far as the volume of traffic using the access road, the traffic impact of the proposed development has already been accepted as part of previous applications following appropriate consultation and assessment and determination of the first phase David Lloyd Adrenaline World scheme. The current application is therefore not about the impact of any traffic off site and deals solely with the design, routing and standard of the access road proposed to link the adopted highway spur off the new roundabout to the David Lloyd plot.

5.5.4 Chesterfield Cycle Campaign (CCC) commented that there is a shared path constructed on the south eastern edge of the existing (stub) access road from the new roundabout which leads onto the excellent new bridleway built around Peak and that Derbyshire County Council are currently constructing a cycle route between

Whittington Moor roundabout and Peak. CCC comment that anyone wanting to access the facilities at Peak will have to leave the shared path at the start of this new access road and cycle along the road. CCC believe that for good connectivity the shared path should carry on alongside the access road to the proposed 'day visitor' facilities and if provided it will encourage local visitors to use a sustainable means of transport. CCC comment that if a shared route is provided it will be much better to be on the south eastern side of the access road to link directly with the shared path but also to avoid crossing the two junctions proposed giving access to other areas of the site. This is also true of the footway which is proposed. The footway would also be much better to be on the other side of the road shown on the plans to avoid conflict between pedestrians and vehicles turning in and out of the other access roads. CCC presume that any day visitor arriving by bus will have to walk along this footway. As initially proposed CCC objected to the application because it did not prioritise walking and cycling (Core Strategy 20). They also questioned if there will be access to the facilities by walking and cycling from the Unstone Green end of the bridleway?

- 5.5.5 The applicant responded commenting that people using the PROW along the existing access road spur and along the riverside path, including from the Unstone end connection (on a bicycle or on foot) will be able to access the resort site using the additional paths (provided alongside, but well separated from, the private carriageway). Cyclists will also be able to use the private carriageway and the development makes significant provision for cycle 'parking' at the David Lloyd facility.
- 5.5.6 The Cycle Campaign confirm in response that as long as pedestrians and cyclists can access the David Lloyd complex direct from the excellent PROW, ideally direct to the cycle parking and without crossing a road we'll be happy and if that is the case can you email across a plan showing how that will be achieved and the Campaign will withdraw its objection.
- 5.5.7 The applicant produced a plan and sent it to the Cycle Campaign showing the interface between the existing public rights of way and the proposed continuation of the private estate road into PEAK

Resort. Cyclists travelling from the north (Unstone) along the riverside greenway can join the private road into the Resort either by using the Pegasus Crossing which gives access onto the road-side footpath; or by joining the carriageway. Guests and staff arriving by bicycle or foot will have to check in to prevent inappropriate access and this will likely be done via a security card or code system. The applicant confirms that by their very nature cars/coaches/public transport will have to use the carriageway whereas cyclists and pedestrians would otherwise be able to roam anywhere.

- 5.5.8 The Cycle Campaign suggest that it would be more appropriate to run the pedestrian/cycle route along the east side of the road to avoid the crossing of the junction spurs which link from the lower access road into the development. Whilst in the proposed scheme there will be a need for pedestrians and cyclists to cross these points along the west side of the road this is considered to be the most appropriate option. The east side of the road is to accommodate a natural landscaped swale into which water running from the road will be channelled. Furthermore, there would still be a need for a crossing of the lower access road from the east to the west to get to the David Lloyd development plot.
- 5.5.9 In summary policy CS20 requires that proposals should seek to maximise walking, cycling and use of public transport and that priority will be given to sustainable travel choices. In this context the agreed David Lloyd development secures the provision of an appropriate level of parking spaces including electric vehicle charging points. The permissions granted also include for the significant improvements which have already been delivered for pedestrian and cycle access to and around the site. Furthermore the overall permissions for the wider development of the site allow for innovative measures to reduce car reliance by utilising green travel measures, shuttle bus opportunities and investment in none car access. The proposal is for a road linking the existing major infrastructure provision in the new roundabout and access spur through to the David Lloyd development plot and which is designed to s38 specification. Whilst concerns have been raised it is considered that the scheme is appropriately detailed and any

impacts would not be severe and have a detrimental impact on highway safety.

5.6 **Ecology**

- 5.6.1 The overall site is undergoing a re-naturalisation process following reclamation from open casting and closure of the former golf course. The consented development areas forming a series of platforms were cleared during the approved enabling works in 2015. Outside of these areas, the site is set aside for nature and is managed by grazing and which has resulted in the development of a habitat patchwork including mixed woodland, grassland and river corridor. Policy CS9 (Green Infrastructure and Bio-diversity) recognises Chesterfields green infrastructure at all levels of the planning process and the aim of protecting and enhancing the network.
- 5.6.2 There is already a requirement to undertake ecological survey as part of the development of the site and the reserved matters already agreed. Full Ecological Surveys were undertaken in 2008 by Ecology Solutions and which provided a baseline data for the site. Additional reports addressing specific parts of the site have been submitted in recent years for approval during discharge of various pre-commencement conditions and prior to the works commencing in the respective parts of the site. This has included addendum surveys in 2014 concerning Nesting Birds, Water Voles, Invertebrates, Badgers, Ornithology, Reptiles, Trees and which were supported by a Construction Method Statement. An Extended Phase One Habitat Survey, Tree Survey Report and Habitat Creation report were also prepared in 2014. A Willow Tit Survey was undertaken in 2015 to address a particular component area of the site, a Specific Arboricultural Method Statement in 2016, and Ecological Clerk of Works Reports were provided in September 2016 and December 2016. Further confidential survey and reports have been prepared more recently regarding Badgers involving Natural England in connection with the roundabout and access spur construction.
- 5.6.3 It is accepted that the site accommodates a real variety of wildlife and habitat interest and its significance has been reflected in the

conditions which have been imposed on the planning permissions which have been granted for the scheme. It is accepted that wildlife comes and goes and there is always a need to ensure that surveys where required are undertaken and a professional approach to safeguarding wildlife is provided so that development can proceed without having significant adverse impact on species or habitat.

5.6.4 In this case the areas of the site affected by the current proposal fall within the area already consented for development and which connects the highway to the consented David Lloyd reserved matters scheme and where the land was stripped as part of the agreed implementation works. This is shown in the photographs at 4.3. The main issue in ecology terms relates to the area of the site affected by the current road proposal and which is likely to have lower ecological value since the implementation works were carried out in 2015.

5.6.5 In response to the DLAW scheme and permission (CHE/19/00394/REM), which included a conditional requirement to undertake further ecological assessment of the site prior to the development, the applicant submitted two documents as part of the response to condition 1 (CHE/20/00094/DOC):

- Preliminary Ecological Appraisal (Updated Phase 1 Habitat Survey) January 2020 (PEA) by ECUS Ltd
- Ecology Method Statement

These documents covered both the areas affected by the DLAW plot and the lower access road route.

Preliminary Ecological Assessment (PEA)

The PEA undertaken in January 2020 has reviewed the numerous ecology documents which have been produced regarding the wider scheme. At the time of the survey, the site comprised of bare ground, semi-improved neutral grassland, tall ruderal, pockets of dense and scattered scrub and an earth bund. Invasive species Himalayan balsam *Impatiens glandulifera* was also noted in the vicinity of the access track. The PEA refers to the fact that there are no statutory designated sites present on site or within 2 km of the site. The PEA confirms that no impacts from the proposed

development on local designations identified within 2 km of the Site are anticipated however, given the proximity to Brierley & Roughpiece Woods LWS, including the River Drone and river corridor general safeguards and precautionary measures will apply during construction including the establishment of buffer zones and the use of fencing. As covered by previous reports for the wider scheme; the adjoining woodland to the east which includes Brierley and Roughpiece Wood LWS and the River Drone corridor will be protected through the redevelopment as follows:

- An Ecological Clerk of Works (ECoW) will be appointed for the works;
- The LWS will be fenced-off (i.e. steel-mesh fence) and marked with high visibility tape during construction to prevent encroachment by construction machinery and personnel. No construction machinery or materials will be stored within these areas at any point during the development;
- Following implementation of consented Public Right of Way Diversion Order in 2017, the River Drone is now protected by a 3.6 m wide adopted public greenway, constructed on the existing flood protection bund. The river corridor is further separated from the site by 30- 130 m of established woodland and by existing deer fencing. No encroachment into the river corridor will take place during construction works. Biosecurity measures and LWS fencing will ensure the river corridor is further protected and a toolbox talk will be provided to all site personnel in respect of the riparian environment; and,
- The landscaping scheme will include the establishment of a 10 m “woodland buffer zone” along the eastern boundary of the Site. This will include the 6 m swale. The buffer will help to offset the development from the adjoining woodland including the LWS. The PEA recommends that the 10 m buffer be enhanced with native species planting and managed to create a diverse green corridor of scrub, trees and species rich grassland. In the context of relevant wildlife legislation, appropriate mitigation, compensation and avoidance measures are provided to help to achieve an overall net gain in biodiversity as a result of the proposals, in line with the National Planning Policy Framework (NPPF, 2019) and the Chesterfield Borough Local Plan. The report

includes recommendations for the protection/enhancement/creation of habitats together with the provision of key species-specific enhancements.

Ecology Method Statement

The PEA makes a number of recommendations to ensure best practice on site and to mitigate impacts, with the aim of achieving a net biodiversity gain as a result of the development and which falls into the following categories:

- a. Before commencement of works
- b. Commencement & during works
- c. Design & Landscaping
- d. On-going management & maintenance

The following existing Method Statements and reports have previously been submitted to the Planning Authority:

- Peak Resort Nesting Bird Method Statement (2014)
- Peak Resort Water Vole Method Statement (2014)
- Peak Resort Invertebrate Method Statement (2014)
- Peak Resort Badger Method Statement (2014)
CONFIDENTIAL
- Peak Resort Habitat Creation, Enhancement and Management Plan (2014)
- Peak Resort Ornithological Assessment (2014)
- Peak Resort Reptile Method Statement (2014)
- Peak Resort Construction Method Statement (2014)
- Peak Resort Updated Extended Phase One Habitat Survey (2014)
- Tree Survey Report (2014)
- Willow Tit Survey (2015)
- Specific Arboricultural Method Statement (2016)
- Ecological Clerk of Works Report September (2016)

- Ecological Clerk of Works Report December (2016)
- Natural England Licence Report of Action - Badger Sett Closure (2017-2019)
- Ecological Clerk of Works Report Regarding Badger Sett Closure (2019)

The proposed method statement for the works on the lower access road include the undertaking of works under the supervision of a competent qualified Ecological Clerk of Works. The ECoW will undertake walkover surveys prior to any clearance works on site and will deliver toolbox talks with contractors to communicate the method statements.

Before any works commence on site the ECoW will be appointed and will have undertaken the necessary walkover surveys. Exclusion zones will have been established together with the buffer zones to trees and the woodland and river corridors. On commencement of works the ECoW will undertake the toolbox talks and ensure adherence to the method statement. Trenching and excavations will be covered / ramped and inspected daily and procedures will be followed in so far as storage of foods, waste, chemicals etc. Lighting will be minimised where possible.

5.6.6 Derbyshire Wildlife Trust responded as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which the Chesterfield Borough Council and the Trust have signed. The DWT confirm that their comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development. They have reviewed the two submitted reports. They comment that the PEA provides an update to the current ecological conditions on the ground and how these relate to earlier assessments and the proposed mitigation and method statements. DWT consider the scope and detail of the submissions to be acceptable. DWT consider that the PEA and the mitigation measures set out within it provides an acceptable basis upon which to address the ecological issues at this time and as such DWT have no objections to the submissions. DWT comment that during the period of vegetation clearance on the site, the Ecological Clerk of Works attention is

drawn to the possible presence of brown hare within the site on the basis that they have been seen foraging within the area.

- 5.6.7 It is necessary to ensure that the ecology of the site is safeguarded and that advice is provided by a competent specialist to identify appropriate mitigation measures. The site has been the subject of numerous such surveys over the years and which have informed progress with the scheme and works were undertaken on site in line with the recommendations which have been made. Such reports and recommendations informed the latest enabling works undertaken. The site the subject of the lower access road proposal had been prepared in 2016 by stripping and clearing the land and by using the route as an access across the site however over the course of the subsequent 3 to 4 years the land had commenced re-naturalisation and further survey was deemed necessary to safeguard any species which had returned. Such survey work has been undertaken by ECUS Ltd, an appropriate and competent ecological contractor. ECUS Ltd are an expert in this field of work and the Council, like all other local authorities in Derbyshire, has a service level agreement with Derbyshire Wildlife Trust (DWT) to advise the Council and provide specialist and expert advice on such matters and upon which the Council can rely. Their response to what has been provided and proposed in this case is therefore of significance and of considerable weight in determining the outcome of the matter. The issue concerning possible brown hare presence is a matter which can be drawn to the developers attention through a note.
- 5.6.8 The applicant has confirmed that an appropriate Ecological Consultant has now been appointed to undertake the Ecological Clerk of Works role.
- 5.6.9 In biodiversity terms it is appropriate to consider achievement of a net gain in line with NPPF and the local plan policy CS9. In this respect the scheme is designed to accommodate a landscaping scheme based on native species which maximise flowering and fruiting plants to benefit invertebrates, birds, bats and small mammals. New native species rich scrub and hedgerow planting is proposed to compensate for the loss of scrub habitat and areas of grassland are to be retained and created to create wider diversity.

The areas will be subject to long term management regimes to enhance their value for wildlife. The site will accommodate habitat features for key species groups including 10 x bird nesting boxes; 10 x bat boxes; 3 x log piles; 2 x hibernaculum, deadwood habitats; connected corridors, removal of invasive weeds and an Ecological Management Plan. It is known that Himalayan Balsam is present within the vicinity of the lower access road and which is covered under Sch 9, part II of the Wildlife and Countryside Act 1981. The applicant intends that this species be removed under a management plan following a detailed survey of the site in the optimum period for botanical survey to map the exact location.

5.6.10 It is considered that the proposals are supported by appropriate information and which are acceptable satisfying policy CS9 however a condition is required to ensure that the scheme progresses on the basis of the mitigation measures identified in the Ecological Method Statement.

5.7 **Drainage**

5.7.1 The existing permissions already include conditions concerning the drainage strategy for the site and how surface water is to be managed. This comprises a site wide SUDs solution which is still to be detailed by discharge of the outstanding planning conditions. This will all need to have been agreed prior to the lower access road development commencing and which would then need to be implemented to ensure appropriate drainage is achieved for the roadway. Incorporation of a linear swale linked to an attenuation pond at a lower level is a part of the overall strategy to assist in slower surface water run off and which has beneficial drainage management implications however further detail will be required to ensure the run off rates are restricted to greenfield rates plus 40% for climate change.

5.7.2 Yorkshire Water, The Environment Agency, the Lead Local Flood Authority and the Councils own Drainage Engineer have raised no specific objections concerning the proposals.

5.8 **Land Stability**

- 5.8.1 The existing permissions covering the site already include conditions concerning the necessity to ensure the stability of the site is safeguarded and the site is appropriately remediated from any contamination which may exist. The site was the subject of full site surveys by LBH Wembley in 2014 and which covered the lower part of the Peak site which was a former landfill site from the 1970s. The site was backfilled under a DCC licence (LC10) with inert and non hazardous industrial waste and LBH Wembley undertook necessary borehole and test pit investigations as part of the phase 1 reserved matters scheme and which did not identify a particular barrier to the redevelopment of this part of the site.
- 5.8.2 It is necessary for the development to properly take account of the ground conditions and any issues arising and the Councils Environmental Health Officer and the Coal Authority would be involved in such a process which needs to be followed in a thorough and appropriate manner. The new lower access road includes an opportunity to appropriately mitigate, seal and cap the historic landfill which exists beneath and thereby, through an appropriate sustainable drainage system, reduce surface water run off across the landfill area protecting the adjacent wooded river corridor from pollutants leaching into ground water.
- 5.8.3 It is accepted that there is the potential for methane and or/ other gases to be present on site in/around where the “tip” was. The licences or permits to deposit waste in the 1970's would have been regulated by Derbyshire County Council. The Councils Environmental Health Officer has considered the applications and raises no objection to the prospect of the development of this site having regard to this issue.
- 5.8.4 The Coal Authority (CA) initially raised concerns on the basis of an absence of information however the submission of additional information has led the Coal Authority to confirm that they withdraw their objection. The CAs concerns relate to the prospect of the position of possible unrecorded mine entries on the site which may be within an influencing distance of the proposed road and that appropriate remedial measures should be carried out to ensure safety and stability of the road.

- 5.8.5 On this basis the CA recommend a condition should be imposed specifically related to these risks and requiring a specific remediation strategy which sets out the following:
- details of the findings of the review of the positional accuracy for the mine entries,
 - information, including a plan to demonstrate how their best plot positions relate to the access road,
 - the findings of intrusive site investigations to locate those mine entries noted as being present on, or close to, the access road,
 - details of remedial works and/or mitigation measures to treat the mine entries and take account of any risks posed by the zones of influence from off site mine entries in the construction of the access road.
 - implementation of any necessary remedial works and/or mitigation measures,
 - Submission of a verification report to confirm the works carried out on site.

5.8.6 Any permission issued can included an appropriately worded condition.

5.9 **Designing out Crime**

5.9.1 The proposals for the Peak site is for a gated environment where guests and visitor access is monitored at the entrance point and throughout the car park, which are the only areas of the site to have vehicular public access. The applicant has confirmed that the access road will be controlled at the entry point with security card or access code/intercom however detail of this arrangement will be required by condition.

5.9.2 The facility will be managed by on-site staff covering aspects of guest service as well as maintenance and security. An appropriate level of management and maintenance will be ensured throughout the site as part of the operation of the resort and contribute, together with the security features to achieve a highly safe and secure environment for the enjoyment of guests and visitors, and for the benefit of the wider community in the neighbouring area. The site now has a secure boundary fence around the site which

controls access via barrier/gate control and access to the new lower access road will be a part of this.

5.9.3 Derbyshire Constabulary has considered the applications and has confirmed that they have no objections to the access road proposals.

6.0 **REPRESENTATIONS**

6.1 Site notices were posted on 7th February 2020, and letters were posted to all boundary sharing neighbours on 6th February, 2020.

6.2 Representation against the proposals from 4 different individuals has been received. Comment has also been received from Unstone Parish Council. The points which have been made are all summarised below.

6.3 Unstone Parish Council

6.3.1 Unstone Parish Council confirmed that they would be considering the proposal at their meeting on 20th February 2020. On 21st February the Parish Council requested when the application would be determined. The Parish Council were informed that the next committee was 30th March and any comments received before the application was determined would be taken into consideration.

Comments - No further comments have been received from the Parish Council.

6.4 Mr J Allsop

6.4.1 9 No e-mails have been received making the following comments:

- Question why the consultation had been sent to owner occupier at his home address when his name is known. Such an approach is unprofessional. I do object and will be making further comments in due course.

Comments – The Councils consultation system is not that refined. Whilst the planning service is aware of Mr

Allsops title and name, the system used for consultation on planning application does not. It uses UPRNs and occupants, which can frequently change, are not listed. For neighbours, letters are posted to home addresses however in this case where Mr Allsop owns land but does not live adjacent to the site it was considered important that a consultation on the application was provided.

- Questions were asked regarding the distance the new road will be from the bridle way.

Comments – The information requested was provided to Mr Allsop.

- Not only is this another development and more concrete and tarmac in the green belt, that you state you are keen to protect as a Council, it is in my opinion a danger and conflict. The road is to run over the bridle way. In the event of high visitor numbers, which if you believe the hype, it will be possible for queues of traffic to reach back to the main road and cause on the new roundabout and even the roundabout. If approved the road will create an interface and issues between users of the right of way and traffic. The application is ill conceived and common sense should prevail and the application be rejected.

Comment – It was always envisaged that the access into the site would cross the route of the statutory public thoroughfare around the site. This at a point which has already been provided as part of the roundabout and adopted highway spur and is mitigated by the introduction of a Pegasus crossing. There is no public thoroughfare crossing the element of the road which is the subject of this current application. The issue of possible queueing is not significant and has not generated a concern from the highway authority. The road is at least 500m in length before it reaches the David Lloyd car park area and which provides more than adequate space for any queueing which may arise.

- If this application is approved please be advised it is my intention to “call this in” to have a proper review conducted. Please could you confirm that you understand and accept this and that no approval should actually be formally granted until we have had this opportunity.

Comment – There is a requirement for some major applications to be first referred to the SoS for consideration of a call in power before the local planning authority make the final decision. This involved the establishment of the National Planning Casework Unit as part of DCLG. The Secretary of State will normally only do this if the application conflicts with national policy in important ways, or is nationally significant. The Secretary of State has to take published government policy into account when deciding whether or not to call in a planning application, and when making the decision. The objector has indicated that he intends to ask the NPCU to intervene in this case and decide whether the application should be the subject of a public inquiry. Whereas it is considered the proposal does not fall into the category of such call in applications, this report has been forwarded to the NPCU for their consideration and response.

- I am sure you are well aware of the survey calendar.

Comment –The issues are dealt with under paragraph 5.6 of the report.

- I further object to the application on the grounds of a lack of clear drainage / rainfall management plans or drawing. As previously stated in previous applications the site is on a large slope and this application would create more and faster run off maybe even onto the road.

Comment – The majority of the Country were suffering from severe floods due to the excessive rainfall. The

issue is dealt with at paragraph 5.7.1 and the introduction of SUDs features including the swale and a retention pond will result in water which would otherwise run down the slopes into the river, as existing, being held back and thereby reducing the prospect of any flooding.

- Interestingly having just passed the planned entrance signs warning of floods are in place. This will be exaggerated if this project is allowed.

Comment – The majority of the Country were suffering from severe floods due to the excessive rainfall. The issue is dealt with at paragraph 5.7.1 and the introduction of SUDs features including the swale and a retention pond will result in water which would otherwise run down the slopes into the river, as existing, being held back and thereby reducing the prospect of any flooding.

- I read with interest the objection from The Coal Authority. Once again it appears this project simply bypasses accepted and necessary procedure. I further object on the grounds on insufficient coal mining legacy investigation.

Comment – The issue is dealt with at paragraph 5.8.4 – 5.8.6. The Coal Authority has removed its objection based on additional information provided.

6.5 Mrs Allsop

6.5.1 Objects on the basis that the new roundabout and road layout is busy, the roundabout is too small, with too many exits already and the new exit will cause further disruption. The proposed road into the Resort passes over the existing bridle track. The Peak resort itself and the application of the road will be adding to the flooding potential. I also strongly object to the application for the Ecological Survey to be discharged CHE/17/00093/DOC. Why? I thought that we and the council are supposed to be looking after the planet, not dismissing it.

Comment – The current application is not about the roundabout and how it performs since it has previously been agreed, constructed and implemented with SCRIF grant assistance. The application concerns solely the extension of the existing spur off the roundabout for 500 metres to the David Lloyd plot.

It was always envisaged that the access into the site would cross the route of the statutory public thoroughfare around the site. This at a point which has already been provided as part of the roundabout and adopted highway spur and is mitigated by the introduction of a Pegasus crossing. There is no public thoroughfare crossing the element of the road which is the subject of this current application.

Flooding issues are dealt with under paragraph 5.7 and ecology issues at 5.6

6.6 Mr Wilson

6.6.1 Objects on the grounds that safe access for horse riders wishing to access the bridle way at its former junction with Sheffield Road has not been provided. Previously pointed out that the Highway Code advises riders not to attempt to negotiate roundabouts, the government's inspector also commented on this in her report. Despite this no design changes have been made to provide safe access. To proceed without doing so would be dangerous and irresponsible.

Comment – This comment does not relate to the proposal the subject of the current application. The roundabout and how this relates to access to the bridleway network around the site has previously been considered. It was always envisaged that the access into the site would cross the route of the statutory public thoroughfare around the site. This at a point which has already been provided as part of the roundabout and adopted highway spur and is mitigated by the introduction of a Pegasus crossing. There is no public thoroughfare crossing the element of the road which is the subject of this current application.

6.7 Mr R Smith

6.7.1 Criticises the Council for posting hard copies of letters concerning planning notices. Mr Smith refers to a recent innovation which seems to work is....the internet....and that maybe the Council could try this method. This would make it so much easier for overworked parish clerks, and for we councillors.

Comments – Mr Smith was consulted as a neighbour rather than as a Parish Councillor. The Councils consultation system for neighbours uses address points through UPRNs and occupants and their e mail addresses, which can frequently change, are not listed. It is the case therefore that for neighbours, letters are posted to owner/occupiers. The issue raised about Mr Smiths Parish Council workload is a separate matter. Unstone Parish Council were separately consulted on the application.

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 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme.

7.3 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required

to accomplish the legitimate objective of determining an application.

- 7.4 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest. The applicant has a right of appeal against any conditions imposed on any permission which may be issued.

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 The Local Planning Authority offers a free pre-application advice service which, in this instance, was utilised by the applicant. 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.

- 8.3 The applicant/agent and any objectors will be provided with a copy of the officer report informing them of the application considerations and recommendation/conclusion.

9.0 **CONCLUSION**

- 9.1 The development of the new lower access road is a priority for the Council and which has the benefit of permission in outline and detail for phase one. The proposal links the adopted highway created to serve the overall development with the consented first

phase David Lloyd Adrenaline World and which reflects the overall aspirations for the development of the wider scheme and which has been considered in so far as the impacts on the local area.

- 9.2 The scheme appropriately addresses issues relating to its design, ecology, land condition and highway safety and is considered to be acceptable. Impacts are to be mitigated and conditions as part of any permission granted can ensure that such mitigating measures are implemented. The scheme remains in accord with the principles of the development already agreed on the site and which are acceptable from a residential amenity, highways safety and design and appearance basis. The proposals accord with the requirements of Policies CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS9 (Green Infrastructure and Biodiversity), CS13 (Economic Growth), CS18 (Design) and CS20 (Demand for Travel) of the 2013 Local Plan: Core Strategy.

10.0 **RECOMMENDATIONS**

- 10.1 Approve subject to the conditions of the outline planning permission CHE/0389/0210 and CHE/0301/0164 as varied by CHE/14/00086/REM1; CHE/14/00088/REM1; CHE/16/00219/NMA and CHE/16/00317/REM1 and subject to the following additional conditions:

01. The mitigation measures identified in the Preliminary Ecological Assessment and Ecology Method Statements by ECUS Ltd shall be fully implemented as part of the development hereby agreed.

Reason:

In the interests of safeguarding any ecological interests which may exist on the site in accordance with policy CS9 and the wider requirements of the NPPF.

02. No development shall commence until a detailed remediation strategy to protect the road hereby agreed from the effects of land instability due to coal mining legacy has been submitted to the Local Planning Authority for consideration and approval in writing. The remediation strategy shall set out the following:

- details of the findings of the review of the positional accuracy for the mine entries,
- information, including a plan to demonstrate how their best plot positions relate to the access road,
- the findings of intrusive site investigations to locate those mine entries noted as being present on, or close to, the access road,
- details of remedial works and/or mitigation measures to treat the mine entries and take account of any risks posed by the zones of influence from off site mine entries in the construction of the access road.
- implementation of any necessary remedial works and/or mitigation measures,
- Submission of a verification report to confirm the works carried out on site.

Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.

- 03 Full details of security measures to be installed at the south end of the lower access road shall be submitted to the local planning authority for consideration. This shall include details of any gates or barriers, their position, advance signage, how access to the wider site is to be managed and any other security measures. The agreed details shall be implemented as part of the development and shall be installed concurrent with the opening of the new road to the public.

*Reason:
In the interests of ensuring a secure and safe facility.*

04. Within 2 months of commencement of the development details of a full soft landscaping scheme for the development hereby approved shall be submitted to the Local Planning Authority for consideration. The required soft landscape 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, 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.

05. 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.

06. Full details of the lighting scheme for the lower access road including design and hours of operation shall be submitted to the local planning authority for consideration. The details agreed in writing shall be implemented as part of the development and shall be retained thereafter.

Reason:

In the interests of the amenity of the area in accordance with policy CS2 and CS18

Notes:

- 1 During the period of vegetation clearance on the site, the Ecological Clerk of Works attention is drawn to the possible presence of brown hare within the site on the basis that they have been seen foraging within the area.

2. The applicants attention is drawn to the under Schedule 9, part II of the Wildlife and Countryside Act 1981 in so far as the presence of Himalayan Balsam within the vicinity of the lower access road.
3. 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.