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**North East
Derbyshire**
District Council

Supplementary Agenda

Late Reps Summary Update Report

Contact: Amy Bryan

Tel: 01246 217391

Email: amy.bryan2@ne-derbyshire.gov.uk

Date: Monday, 28 October 2024

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 5 November 2024 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely



Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor David Cheetham
Councillor Andrew Cooper
Councillor Peter Elliot
Councillor Mark Foster
Councillor Christine Gare
Councillor David Hancock

Councillor Lee Hartshorne (Chair)
Councillor William Jones
Councillor Tony Lacey
Councillor Fran Petersen
Councillor Kathy Rouse

For further information about this meeting please contact: Amy Bryan 01246 217391

AGENDA

8 Late Representations - Summary Update Report (Pages 3 - 10)

(Planning Manager – Development Management)



**North East
Derbyshire**
District Council

Access for All statement

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- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

Planning Committee 5th November 2024

SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

PARISH: Shirland and Higham

APPLICATION: 24/00601/FL

CASE OFFICER: Steven Wigglesworth

1. SOURCE OF COMMENTS: The Coal Authority

DATE RECEIVED: 21 October 2024

SUMMARY: The Coal Authority Recommendation to the LPA (revised)

The Coal Authority's Planning & Development Team considers that the content and conclusions of the original Coal Mining Risk Assessment report, as supplemented by those of the subsequent Geo-Environmental Investigation report, are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore wishes to raise no objection to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

To clarify, we no longer require the imposition of the previously recommended conditions on any permission granted.

OFFICER COMMENTS: After officers drafted the committee report they submitted a detailed Geo-Environmental Investigation report which we reconsulted the Coal Authority with - The Coal Authority's comments are noted, and the conditions that they suggested previously in the response of 28 August 2024 can be deleted from

the suggested conditions. In the published committee report these are conditions 3 and 4.

2. SOURCE OF COMMENTS: Derbyshire Wildlife Trust

DATE RECEIVED: 24th October 2024

SUMMARY: All layout changes should be reflected in an updated metric, which should also take account of our previous comments dated 4th September 2024. Sufficient evidence should be provided to demonstrate that at least 10% net gain can be delivered as part of the scheme. The species enhancements recommended as a condition in our previous letter could be incorporated into a Landscape Plan at this stage, to reduce the number of conditions. It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me. To clarify, we no longer require the imposition of the previously recommended conditions on any permission granted.

OFFICER COMMENTS: Officers are satisfied that the development as amended is unlikely to adversely affect the ability of the development to provide the necessary 10% Biodiversity Net Gain. The metric will need to be updated to recalculate the value of the site as amended and produce an appropriate biodiversity gain plan, that process can happen after the application has been determined.

3. SOURCE OF COMMENTS: Dawn Carlisle

DATE RECEIVED: 30 October 2024

SUMMARY: Now that you're only planning on putting 5 bungalows instead of 7 can you please leave my father's garage plot as it is & he continues to rent this as he has done so for many, many years??

OFFICER COMMENTS: Officers note the comment, however the application needs to be determined on its individual merits as proposed, and which for the reasons set out in the report are considered to be acceptable without retaining or replacing the garage plots. This takes the number of representations received in objection up to 3.

4. SOURCE OF COMMENTS: Councillor Charlotte Cupit

DATE RECEIVED: 31 October 2024

SUMMARY: Ahead of the planning committee consideration of the above application next week, I am writing with a few points and suggestions as local ward member for the committee and applicant to consider.

In general, I support the amendments that have been made to the scheme and the reduction of the number of bungalows proposed to create a better layout and design on site. I also understand the rationale for the repurposing of this brownfield garage site into accommodating bungalows in the context of the wider bungalow regeneration scheme proposed nearby and in providing additional bungalow accommodation and capacity in the local area given the displacement impact this will have.

If planning committee are minded to approve the development, I would ask for careful consideration of two further specific points by the committee and applicant.

Firstly, given the narrow width of Byron Grove and the limited parking provision for existing dwellings, that consideration is given in the construction management plan to parking provision for construction vehicles and workers on site, but also support for existing residents at maintaining access and parking provision.

In addition, given the recent resurfacing of Byron Grove, I would also ask that the good condition of this road is maintained and/or reinstated throughout the development.

Moreover, noting the current provision of garages on the proposed development site, and the strong residential and community/social benefit several of these existing garages have, I would ask that consideration be given to either maintaining or providing a few new garage plots as part of the redevelopment to maintain this provision and strike a positive balance locally.

I hope the committee and applicant will be able to consider these suggestions.

OFFICER COMMENTS: Officers note the above comments, however the application needs to be determined on its individual merits as proposed, and which for the reasons set out in the report are considered to be acceptable without retaining or replacing the garage plots.

PARISH: Shirland and Higham

APPLICATION: 24/00642/FL

CASE OFFICER: Steven Wigglesworth

5. SOURCE OF COMMENTS: Coal Authority

DATE RECEIVED: 21 October 2024

SUMMARY: Thank you for your notification of 21 October 2024 seeking the views of the Coal Authority on the above. The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make. However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.

OFFICER COMMENTS: This is the same as their original consultation response and as such raises no new material considerations.

6. SOURCE OF COMMENTS: Derbyshire Wildlife Trust

DATE RECEIVED: 24 October 2024

SUMMARY: The Trust have been consulted due to the submission of amended plans. We have reviewed the Landscape Plan Rev. C, which shows a revised roof plan and the omission of a parking bay. It appears that one extra tree will be planted. The effects of these amendments on biodiversity are minor and may even result in a marginally higher gain due to the extra tree. Our previously recommended conditions remain unchanged.

OFFICER COMMENTS: The response is noted, and does not affect the recommendation.

7. SOURCE OF COMMENTS: 3 representations have been received that raise the following comments.

DATE RECEIVED: 30 October 2024

SUMMARY: The area in question is a great spacious area for our children to play in and we don't want to lose that.

1. Disruptive noise and obstructions could make day to day life stressful for a family with a child with special needs.

OFFICER COMMENTS: The points are noted and considered to be addressed in the report which deals with the issues of noise and disturbance and the reduction in size of the outdoor amenity space and gardens to the flats and houses that are affected. These points do not affect the recommendation that officers have made.

8. SOURCE OF COMMENTS: Environmental Health Officer

DATE RECEIVED: 27 October 2024

SUMMARY:

I have considered the information from Chris Parkin in his email of the 22 October 2024 and whilst I still have reservations regarding the impact of the proposed development if it is intended to recommend the application for approval I would request that the approval be conditional to mitigate the impact of the development from noise. I would agree and recommend conditions 3, 4, 5 and 12 as laid out in your email below. I would also suggest an amendment to condition 6 and an additional condition as shown here:

No	Condition	Reason
6.	Installation of air conditioning units – the sound power level from Air Conditioning unit hereby approved shall not exceed 67 dB(A) re 1pW as given by the product information or verified by the manufacturer. The Air Conditioning unit shall be maintained throughout the lifetime of the development according to the manufacturer's information. If the sound power level from the Air Conditioning unit cannot be provided by the manufacture the sound pressure level shall be verified by noise monitoring undertaken by an independent	As it is planned to have an acoustic barrier on the boundary between the development and the surrounding residential properties it would not be possible to measure the sound pressure level at this point. Also the position of the AC is shown on the plans as "suggested" and if it is moved to another elevation it will affect the noise dispersal away from the unit.

	<p>acoustician and in accordance with a plan agreed in writing with the Local Planning Authority. The monitoring, if needed, shall be completed and the report submitted for approval by the Local Planning Authority prior to the equipment being used. If mitigation works are required, then these shall be completed and further monitoring undertaken with the results demonstrating compliance provided to the local Planning Authority before the Air Conditioning unit is used on site.</p>	
<p>Additional</p>	<p>The use of the hall shall be subjected to a noise management plan which shall be agreed in writing with the Local Planning Authority before the use of the hall commences.</p>	<p>When I questioned the term in the Planning Statement “a versatile community hub” the applicant advised this could be dealt with under a noise management plan. Currently the only uses that have been accessed is the preschool or meetings. The noise assessment did not include the use of the Food Bank or traffic movements associated with the development. Older children are known to be louder so the use of an after-school or holiday club would need to be assessed.</p> <p>With regards to the sources of the predicted noise levels used in the assessment (9 VDI 3770, "Emission Characteristics of Noise Sources - Sports and Recreational Facilities," September 2012 and Saxon Leisure Noise Study - Action Guide for Forecasting and Assessing Noise Exposure from Events and Recreational Facilities, Saxon State Office for Environment and Geology, March 2006 (updated 06- 04-2017) 10 Source: Saxon Leisure Noise Study - Action Guide for Forecasting and Assessing Noise Exposure from Events and Recreational Facilities, Saxon State Office for Environment and</p>

		<p>Geology, March 2006 (updated 06-04-2017)) and despite the links provide as the documents need to be purchased I still do not have access to them so cannot verify that the levels used in the assessment are appropriate for the intended use. So I am not able to consider the actual activities that were taking place within the “club house and community centres” or “adventure playground” to determine if these are relevant levels for this assessment.</p>
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The Response from Noise.co.uk document states that it has considered the impact of all noise sources from the development, but as stated above this does not include vehicle noise/voices accessing the site, occurring to the private garden space of a number of properties around the site and indicates that levels will be above “50dBA” and goes on to state that “This is still within the external garden noise criteria of 50-55 dBA, ensuring minimal impact on gardens in surrounding residential properties.” However, the Environmental Noise Assessment Report number 22925-1 states that “moderate annoyance is commonly observed above 50 dB”, which is in line with World Health Organization Guidelines for Community Noise 1999. This should be compared to the current measured background level in the rear garden of 42 Cleveland Road of 41dB LA90 to indicate a level of impact to the rear gardens of properties on Birkinstyle Avenue.

OFFICER COMMENTS: These points are noted, the suggested rewording of condition 6 is acceptable, and so is the additional condition for a noise management plan. The amended condition and the additional condition should be considered to form part of the suite of the conditions recommended for the conditional approval of this application.

9. SOURCE OF COMMENTS: Derbyshire County Council – Lead Local Flood Authority (LLFA)

DATE RECEIVED: 04 November 2024

SUMMARY: No objection subject to conditions

No objections in principle	Conditions Recommended	X	Objection Recommended
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Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 11/10/2024. The LLFA has no objection subject to the conditions below.

To ensure adherence to National Planning Policy Framework, DEFRA's Non-statutory technical standards for sustainable drainage systems and local guidance, these recommended conditions should not be altered without consulting the County Council Flood Risk Management team.

1. "No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. Flood Risk Assessment & SUDS Statement V01, Document Reference: 24230-HWA-ZZ-XX-RP-C-5000, dated October 2024, prepared by HWA Consulting Engineers and "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
 have been submitted to and approved in writing by the Local Planning Authority."

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

2. "Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase."

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

OFFICER COMMENTS: The 2 conditions suggested by the LLFA as set out above are added into the recommended conditions, and the informatives as set out in the LLFA full response are also added into any approval of the application.