

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 7 NOVEMBER 2023**

#### **Present:**

Councillor Lee Hartshorne (Chair) (in the Chair)  
Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham  
Councillor Michael Durrant  
Councillor Mark Foster  
Councillor Heather Liggett  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Peter Elliott  
Councillor David Hancock  
Councillor Fran Petersen

#### **Also Present:**

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
J Hawley	Principal Planning Enforcement Officer
S Sternberg	Assistant Director of Governance and Monitoring Officer
A Bond	Governance Officer
A Maher	Governance Manager

#### **PLA/ Apologies for Absence and Substitutions**

**39/2**

**3-24** Apologies for absence were received from Councillor S Fawcett, who was substituted by Councillor D Cheetham.

#### **PLA/ Declarations of Interest**

**40/2**

**3-24** Councillor K Rouse declared an interest in Item 6 as a Member of the Clay Cross Town Deal Board. Councillor K Rouse indicated that she would leave the meeting at the appropriate time and would not participate in Committee's discussion of, or determination on, the Application.

#### **PLA/ Minutes of the Last Meeting**

**41/2**

**3-24** The minutes of the meeting held on Tuesday 3 October 2023 were approved as a true record.

Councillor K Rouse left the meeting at this point.

#### **PLA/ NED/23/00601 - CLAY CROSS**

**42/2**

**3-24** The report to Committee explained that an Application had been submitted for the reconfiguration and erection of new extensions to the Clay Cross Adult Community Education Centre and former DACES building, including limited demolition within the Clay Cross Conservation Area. The Application involved the erection of sixteen new commercial units, as well as extensive hard and soft landscape proposals around the buildings, including enhancements and

modifications to Market Street and Bridge Street. It was classed as a Major Development, which would affect the setting of a listed building, the Conservation Area and a Public Right of Way. The Application, which involved Amended Plans, was located at the Masterplan Site, covering land, roads and building to the North and West of Broadleys, Clay Cross.

The Application had been referred to Committee by the Planning Manager (Development Management) because of the strategic importance of the proposed Development.

Planning Committee was recommended to approve the Application. The report to Committee explained the reasons for this.

Members heard that the proposed re-development would cover much of Clay Cross Town Centre, including land which fell within the Clay Cross Conservation Area. Grant aid had been secured from the Towns Fund for a range of specific re-development projects. These had been included in the Clay Cross Town Investment Plan and could be implemented if the Application was approved.

Officers felt that the proposed re-development would be acceptable in principle and supported by the appropriate Development Plan policies. They highlighted specific benefits of the Application. These included the creation of a public open space, which had the potential to improve the character and appearance of Clay Cross Town Centre. The Application would in overall terms preserve the character of the Clay Cross Conservation Area. In particular, it would preserve the significance of the nearby Grade II listed Church. It would also bring back into use the Non-Designated Heritage Assets, which formed part of the re-development, while not causing them any significant harm.

The officers recognised that the Application had drawbacks in planning terms, such as the loss of the land designated for housing supply. But they had concluded that any negative aspects of the proposed scheme would be outweighed by the overall benefits for Clay Cross of the redevelopment and new investment. Consequently, they had concluded that the Application should be approved.

Members were informed that no one had registered to speak on the Application.

Committee considered the Application. It took into account the site's location within the wider Clay Cross Town Centre and the Clay Cross Conservation Area. It considered the relevant local and national planning policies. These included Local Plan Policy SS1, on sustainable development in the District, the efficient use of land and the re-use of buildings, Local Plan Policy SS2, on the overall spatial strategy and distribution of development across the District and Local Plan Policy WC4, on the impact of new developments on the vibrancy and economic health of town centres. It also took into account Local Plan Policy SD5, on new developments within Conservation Areas and Local Plan Policy SDC9, on non-designated Heritage Assets.

Members discussed the Application. Some Members indicated their support for the aims of the re-development and valued the contribution which it would make to Clay Cross. Some Members expressed concern about the impact of the

scheme on traffic, following the removal from the Application of a direct access to the A61 main road. Committee was reminded that the Highway Authority had raised no objections to this, subject to prior agreement of a Unilateral Undertaking for traffic plan monitoring. Some Members queried whether further information about traffic management to and from the site would be required before the Committee could determine on the Application. Other members felt it appropriate that the Application should now be approved. They supported the suggestion that approval should be subject to the imposition of a pre-commencement condition around traffic management.

At the conclusion of the discussion Councillor T Lacey and Councillor F Petersen moved and seconded a Motion to approve the Application in line with officer recommendations.

**RESOLVED -**

That the Application be conditionally approved in line with officer recommendations, subject to conditions and the prior agreement of a Unilateral Undertaking to cover a request by Derbyshire County Council (DCC) for Travel Plan monitoring, and an additional condition, agreed in consultation with the Chair and Vice Chair, in respect of requiring all traffic alterations and measures to be agreed by the Local Planning Authority and that the discharge of that condition be by Planning Committee and not Officers.

Otherwise, that the final wording of the Conditions and Section 106 agreement be delegated to the Planning Manager (Development Management):-

**Conditions**

No.	Condition	Reason
1	The development hereby permitted shall be started within three years from the date of this permission.	To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.
2	<p>The development hereby approved shall be carried out in accordance with the following submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.</p> <p>9578-BUT-XX-00-DR-A-(01)001-P05 (Existing Ground Floor Plan – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(04)002-P05 (Proposed Ground Floor Plan – Clocktower)</p> <p>9578-BUT-XX-00-DR-A-(04)050-P05 (Proposed round Floor Plan with Demolition – Clocktower)</p>	For clarity and the avoidance of doubt.

<p>9578-BUT-XX-01-DR-A-(01)002-P05 (Existing First Floor Plan – Clocktower)</p> <p>9578-BUT-XX-01-DR-A-(04)003-P05 (Proposed First Floor Plan – Clocktower)</p> <p>9578-BUT-XX-01-DR-A-(04)051-P05 (Proposed First Floor Plan with Demolition – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(01)003-P05 (Existing Roof Plan – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(04)004-P05 (Proposed Roof Plan – Clocktower)</p> <p>9578-BUT-XX-RF-DR-A-(04)052-P05 (Roof Demolition – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(02)001-P03 (Existing North and East Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(02)002-P03 (Existing South and West Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(05)001-P05 (Proposed North and East Elevations – Clocktower)</p> <p>9578-BUT-XX-XX-DR-A-(05)002-P05 (Proposed South and West Elevations – Clocktower)</p> <p>9576-BUT-XX-00-DR-A-(01)002-P02 (Existing Ground Floor Plan – Building A)</p> <p>9576-BUT-XX-00-DR-A-(04)002-P06 (Proposed Ground Floor Plan – Building A)</p> <p>9576-BUT-XX-01-DR-A-(04)003-P05 (Proposed First Floor Plan – Building A)</p> <p>9576-BUT-XX-02-DR-A-(04)004-P05 (Proposed Second Floor Plan – Building A)</p> <p>9576-BUT-XX-RF-DR-A-(04)005-P05 (Proposed Roof Plan – Building A)</p> <p>9576-BUT-XX-XX-DR-A-(02)001-P04 (Existing Elevations – Building A)</p> <p>9576-BUT-XX-XX-DR-A-(05)001-P05 (Proposed Elevations – Building A)</p> <p>9577-BUT-XX-XX-DR-A-(04)001-P05 (Proposed Incubation Units Site Plan)</p> <p>9577-BUT-XX-XX-DR-A-(04)002-P05 (Proposed Incubation Units Ground</p>	
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	<p>Floor Plans)  9577-BUT-XX-XX-DR-A-(04)003-P07  (Proposed Incubation Units Roof Plans)  9577-BUT-XX-XX-DR-A-(05)001-P07  (Proposed Incubation Units Site Elevations)  9577-BUT-XX-XX-DR-A-(05)002-P07  (Proposed Incubation Units Typical Elevations)</p> <p>9575-BUT-XX-XX-DR-A-(01)001-P03  (Location Plan)  9575-BUT-XX-XX-DR-A-(04)001-P08  (Proposed Masterplan)</p> <p>06847-PL-A-0100 Rev P01 (Bridge Street – General Arrangement)  06847-PL-A-0101 Rev P01 (Bridge Street - Engineering Plan)  06847-PL-A-0120 Rev P01 (Bridge Street - Swept Path Analysis)</p> <p>06847-PL-C-0100 Rev P07 (Market Street - General Arrangement)  06847-PL-C-0101 Rev P04 (Market Street - Engineering Plan)  06847-PL-C-0120 Rev P04 (Market Street - Swept Path Analysis/Vehicle Tracking)  06847-PL-C-0103 Rev P01 (Market Street Public Waste Bin Strategy)</p> <p>06847-PL-D-0100 Rev P03 (Broadleys - General Arrangement)  06847-PL-D-0101 Rev P02 (Broadleys - Engineering Plan)  06847-PL-D-0120 Rev P02 (Broadleys - Swept Path Analysis)</p>	
	<b>Details</b>	
3	<p>Notwithstanding the submitted details, before work commences above Damp-Proof Course (DPC) level on the incubation units hereby approved, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved</p>	<p>In the interest of the character and appearance of the site and the surrounding Conservation Area.</p>

	details.	
4	Notwithstanding the submitted details, before work commences on the extension to the Clocktower Building, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	In the interest of the character and appearance of the site and the surrounding Conservation Area.
5	Notwithstanding the submitted details (with exception of the works to remove the roof and structural stabilisation works), before work commences on the extension to Building A, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	In the interest of the character and appearance of the site and the surrounding Conservation Area.
6	Notwithstanding the submitted details, before any soft landscaping works commence on any public open space, the following shall be submitted to and approved in writing by the Local Planning Authority:  a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, b) the details of any trees and hedgerows to be retained, together with measures for their protection during development, c) a schedule of proposed plant species, size and density and planting locations, and d) an implementation programme	In the interest of the character and appearance of the site and the surrounding Conservation Area.
7	All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the	In the interest of the character and appearance of the site and the surrounding Conservation Area.

	completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.	
8	Notwithstanding the submitted details, before any above groundwork commences on any public open space, a scheme of hard landscaping (including surfacing, street furniture, bollards, etc) to all public areas, including the town square, along with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as agreed.	In the interest of the character and appearance of the site and the surrounding Conservation Area.
9	Notwithstanding the submitted details, before above groundwork commences, a plan to show the positions, design, materials, height and type of boundary treatment to be erected, along with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed as agreed and then retained as such thereafter.	In the interest of the character and appearance of the site and the surrounding Conservation Area.
10	Notwithstanding the submitted details, before development commences, details of the existing ground levels, proposed finished floor levels of the buildings, hereby approved, and the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.	In the interest of the character and appearance of the site and the surrounding Conservation Area.
11	Prior to the first use of either Building A or any incubation unit (whichever comes first), a scheme of CCTV, including a timetable for its implementation, shall be submitted to and approved by the Local Planning Authority. The approved scheme	In the interest of crime prevention.

	shall then be implemented in full as agreed and be retained as such thereafter.	
12	Notwithstanding the submitted details, before work commences above Damp-Proof Course (DPC) on the incubation units hereby approved, details of the final position and design of any refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage scheme shall then be implemented in full and retained as such thereafter.	In the interest of the character and appearance of the site and the surrounding Conservation Area.
13	Before the development hereby approved starts, a scheme for mitigating climate change through sustainable design, including (but not limited to) the provision of sources of renewable energy, EV charging points, etc. including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved climate change scheme shall be implemented in full as agreed and be retained as such thereafter.	In the interest of delivering sustainable development and in accordance with the North East Derbyshire Interim Sustainable Buildings Policy and the National Planning Policy Framework.
	<b>Uses</b>	
14	The incubation units, clocktower building and Building A hereby approved shall be used for no other purpose other than any use within Use Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.	In the interest of the character and appearance of the town centre, Conservation Area and in the interest of the amenity of neighbouring residents.
	<b>Noise</b>	
15	Before the first use of incubation units 3, 4 and 5 hereby approved, details of an acoustic barrier along the development boundary with any/all residential property(ies), along with a timetable for its implementation, shall be submitted to and be agreed in writing by the Local	In the interest of the amenity of neighbouring residential properties to the south of the proposed development.



	Planning Authority. The barrier(s) shall then be installed as agreed and retained as such thereafter.	
16	Any/all commercial retail/other operations, including the use of the site for any temporary markets/activities of any kind, should be restricted to between the hours of 07:00am and 23:00pm on any day. The buildings and site shall not be formally used at any other time.	In the interest of the amenity of neighbouring residential properties and land uses.
17	The use of the site for any outdoor music concerts shall be restricted to no more than 12 times per year. Prior to the relevant event taking place, notice of the event shall be given to the Local Planning Authority in writing.	In the interest of the amenity of neighbouring residential properties and land uses.
18	Prior to the first occupation of each individual unit, sound power levels of any fixed plant serving units 3, 4 and 5 and any adjoining service yard, as detailed on plan reference 9575-BUT-XX-XX-DR-A-(04)001-P05 dated 30/6/2023, shall be submitted to, and be approved in writing by, the LPA to demonstrate that a rating level of 41 dB(A) will not be exceeded at the boundary with the nearest noise sensitive receptor, when assessed in accordance with the BS4142 standard. The sound power levels of units 3, 4 and 5 and of any adjoining service yard shall not exceed 41 dB(A) at any time.	In the interest of the amenity of neighbouring residential properties to the south of the proposed development.
19	Construction works on site and deliveries during the construction period to the site shall be undertaken only between the hours of 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 on Saturdays. There shall be no construction works undertaken on site or deliveries to the site undertaken on any Sunday or public/bank holiday.	In the interest of highway safety and amenity of neighbouring residents.
20	Prior to the first use of any individual unit for the provision of food, a scheme for the extraction, dispersal and control of cooking odour, together with details of all elements of the inlet and extract systems shall be submitted to and approved in	In the interest of the amenity of neighbouring residential properties.

	writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the unit to which they relate and then be permanently retained as such thereafter.	
	<b>Drainage</b>	
21	There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which shall have been submitted to and been approved in writing by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.	To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
22	No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, including a timetable for its implementation, in accordance with the principles outlined within: a. Clay Cross Town Regeneration Flood Risk Assessment, Report Reference No: CCTR-DCE-XX-XX-RP-C-0001, Revision P01, Dated: June 2023, prepared by Dice Consulting Engineers, Applicant's response by PJA, Reference No: 06847-WR-0001, Dated: 06/09/2023 and proposed drainage plan by PJA, Drawing No: 06847-SK-025-P0 Dated: May 2023 and "including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team" b. And DEFRA's Non-statutory	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.

	<p>technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as agreed and be retained as such thereafter.</p>	
23	<p>No development shall take place until a detailed assessment has been provided to and been approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.</p>	<p>To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:  I. into the ground (infiltration);  II. to a surface water body;  III. to a surface water sewer, highway drain, or another drainage system;  IV. to a combined sewer.</p>
24	<p>Prior to the commencement of the development, hereby approved, a scheme indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and be approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating as agreed and as appropriate before the commencement of any works and be retained as such until all construction works have been completed.</p>	<p>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.</p>
25	<p>Prior to the completion of the development, hereby approved, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and be approved in writing by the Local Planning Authority. This must</p>	<p>To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.</p>

	demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).	
	<b>Land Contamination</b>	
26	<p>Before the commencement of the development hereby approved:</p> <p>a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.</p> <p>b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:</p> <ul style="list-style-type: none"> <li>• the likely presence of potentially hazardous gas,</li> <li>• their likely nature, extent and scale,</li> <li>• whether or not they originated from the site,</li> <li>• a conceptual model of pollutant-receptor linkages,</li> <li>• an assessment of the potential risks to human health, property (existing or proposed) including buildings,</li> <li>• details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant ground gas sampling/monitoring as identified by the desk-study strategy.</li> </ul> <p>The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.</p>	To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.
27	Before the commencement of the development hereby approved:	To protect future occupiers of the development, buildings, structures/services,

	<p>Where the site investigation identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.</p>	<p>ecosystems and controlled waters, including deep and shallow ground water.</p>
28	<p>No buildings hereby approved shall be occupied until:</p> <p>a) The approved remediation works required by condition 27 above have been carried out in full in compliance with the approved methodology and best practice.</p> <p>b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall</p>	<p>To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.</p>

	<p>be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 26(b) to condition 27 above and satisfy condition 28(a) above.</p> <p>c) Upon completion of the remediation works required by conditions 27 and 28(a) above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.</p>	
	<b>Land Stability</b>	
29	<p>No development shall commence until;</p> <p>a) scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;</p> <p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p>	<p>The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.</p>
30	<p>Prior to the first occupation and use of any building, hereby approved, a</p>	<p>The undertaking of intrusive site investigations, prior to the</p>

	signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.	commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.
	<b>Ecology</b>	
31	Prior to any works to the community hub (Building A), an appropriate level of nocturnal bat survey work shall be undertaken by suitably qualified ecologists. The level of survey effort shall depend on the time that has elapsed since the 2023 bat surveys and be guided by an ecologist but must include at least one survey in the bat maternity season. Upon completion of survey(s), a strategy, including a timetable for its implementation, shall be submitted to the Local Planning Authority for approval in writing, detailing any necessary mitigation, licensing and enhancements, and shall include the re-location of existing onsite bat boxes if necessary. The approved strategy shall then be implemented in full as agreed and be retained as such thereafter.	In the interest of protecting nocturnal mammals and providing adequate mitigation measures.
32	Prior to any works to the clocktower building, an updated building inspection shall be carried out by a suitably qualified ecologist and subsequent nocturnal bat surveys undertaken, based on the outcome of the building inspection. Surveys shall be in accordance with the Bat Survey Good Practice Guidelines (Collins, 2023). Upon completion of surveys, a strategy, including a timetable for its	In the interest of protecting nocturnal mammals and providing adequate mitigation measures.

	implementation, shall be submitted to the LPA for approval in writing, detailing any necessary mitigation, licensing and enhancements. The approved strategy shall then be implemented in full as agreed and be retained as such thereafter.	
33	During all/any construction works associated with Phase 1 of the scheme hereby, approved, the community hub (Building A) and the clocktower building shall be securely fenced off to prevent accidental damage or encroachment. Any security lighting required during Phase 1 of the works shall be agreed in writing with the Local Planning Authority and only the lighting so agreed shall be installed.	In the interest of protecting nocturnal mammals from harm resulting from development.
34	Prior to the installation of any external lighting fixtures across the site, a detailed lighting strategy and scheme, including a timetable for its implementation, shall be submitted to and be approved in writing by the Local Planning Authority. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved measures shall then be implemented in full and no other external lighting shall be installed, erected or placed on the site.	In the interest of protecting nocturnal mammals and in the interest of protecting neighbouring residential properties from lightspill.
35	No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have	In the interest of protecting nesting birds.



	<p>fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.</p>	
36	<p>A Landscape and Biodiversity Enhancement and Management Plan (LBEMP), including a timetable for its implementation, shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.</p> <p>The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the approved Biodiversity Metric (prepared by Peak Ecology, date scanned 20/09/23) and to achieve net gain.</p> <p>The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-</p> <ul style="list-style-type: none"> <li>a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.</li> <li>b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.</li> <li>c) Appropriate management methods and practices to achieve aims and objectives.</li> <li>d) Prescriptions for management actions.</li> <li>e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).</li> <li>f) Details of the body or organization responsible for implementation of the plan.</li> <li>g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20 and 30 years.</li> <li>h) Monitoring reports to be sent to</li> </ul>	<p>In the interest of providing landscape and biodiversity enhancements.</p>

	<p>the Council at each of the intervals above</p> <p>i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.</p> <p>j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022. k) Requirement for a statement of compliance upon completion of planting and enhancement works.</p> <p>The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The approved plan/scheme shall then be implemented in accordance with the approved details.</p>	
	<p><b>Archaeology</b></p>	
<p>37</p>	<p>a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority.</p> <p>The scheme shall include an assessment of significance and research questions; and</p> <ol style="list-style-type: none"> <li>1. The programme and methodology of site investigation and recording</li> <li>2. The programme for post investigation assessment</li> <li>3. Provision to be made for analysis of the site investigation and recording</li> <li>4. Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>5. Provision to be made for archive deposition of the analysis and records of the site investigation</li> </ol>	<p>In the interest of protecting and recording below ground archaeology.</p>

	<p>6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</p> <p>b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).</p> <p>c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.</p>	
	<b>Highways</b>	
37	<p>The development hereby approved shall not be brought into use until the highway improvements/offsite works/site access works comprising those on drawings:</p> <ul style="list-style-type: none"> <li>• Market Street Engineering Plan as shown on drawing no. 06847-PL-C-0101 Revision P04</li> <li>• Bridge Street Engineering Plan as shown on drawing no. 06847-PL-A-0101 Revision P01</li> <li>• Broadleys Engineering Plan as shown on drawing no. 06847-PL-D-0101 Revision P02,</li> </ul> <p>Have been constructed and completed.</p>	To ensure the safe and free flow of traffic onto the highway.
38	<p>The closing up of Market Street, as proposed, should not be implemented until such time that Bridge Street has been re-opened and is fully operational.</p>	To ensure the safe and free flow of traffic onto the highway.
39	<p>The development hereby approved, shall not be brought into use until a delivery plan has been submitted to and approved in writing by the Local Planning Authority. The measures</p>	In the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion.

	shall thereafter be implemented in accordance with the approved delivery plan for the lifetime of the development.	
40	The development hereby approved shall not be brought into use until a signalised junction at the bus station exit/Bridge Street has been constructed and completed in accordance with the approved details.	To ensure the safe and free flow of traffic onto the highway.
41	The development hereby approved shall not be brought into use until visibility splays at the Broadleys Access are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres to the North and 25 metres to the South measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.	In the interests of highway safety.
42	The Travel Plan hereby approved, dated June 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented,	To reduce vehicle movements and promote sustainable travel.

	monitored and reviewed in accordance with the approved details	
43	<p>Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:</p> <ul style="list-style-type: none"> <li>• Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);</li> <li>• Advisory routes for construction traffic;</li> <li>• Any temporary access to the site;</li> <li>• Locations for loading/unloading and storage of plant, waste and construction materials;</li> <li>• Method of preventing mud and dust being carried onto the highway;</li> <li>• Arrangements for turning vehicles;</li> <li>• Arrangements to receive abnormal loads or unusually large vehicles;</li> <li>• Highway Condition survey;</li> <li>• Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.</li> </ul>	In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

**PLA/ Planning Appeals - Lodged and Determined**

**43/2**

**3-24** Councillor K Rouse re-entered the meeting at this point.

The report to Committee explained that five appeals had been lodged. No appeals had been allowed and one appeal had been dismissed.

**PLA/ Matters of Urgency (Public Session)**

**44/2**

**3-24** None.

**PLA/ Exclusion of Public**

**45/2**

**3-24** That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 2 and 5, Part 1 of Schedule 12A to the Local Government Act 1972. (As amended by the Local Government (Access to Information) (Variation) Order 2008).

**PLA/ Planning Enforcement Service Progress Report**

**46/2**

**3-24** The report to Committee summarised the work of the Council's Planning Enforcement Service during the period 1 April 2023 to 30 September 2023. The report also provided information on the volume of planning enforcement enquiries and enforcement cases dealt with since 2020.

Members discussed the report and thanked the Enforcement Service for its hard work.

**RESOLVED -**

That the report and workload information on the Planning Enforcement Service be noted (by acclamation).

**PLA/ Matters of Urgency (Private Session)**

**47/2**

**3-24** None.