

**FIRST SUPPLEMENTARY REPORT**  
**TO THE PLANNING COMMITTEE**  
**14<sup>th</sup> September 2021**

**Agenda item 5**

**Application ref: 21/00570/FUL**

**Address Chatterley Valley Development Site, Peacock Hay Road**

Since the publication of the main agenda the applicant has written to request that further consideration is given to conditions (iii), (iv), (v), and (ix), set out in the recommendation, as follows:

(iii) – a drainage strategy has been submitted and assuming this has been accepted then the condition should be worded so as to require that the agreed drainage strategy is implemented instead of requiring a drainage strategy to be submitted and agreed as currently recommended.

(iv) – the wording of the draft conditions differs to that within the Coal Authority response of 9<sup>th</sup> July to which a response was provided in August. Intrusive investigations have been undertaken and the findings included, as such this should not be requested.

(v) – The suggested condition would likely require all structural landscaping to be implemented before building construction. However, if the site is delivered in phases, the commencement of construction of some buildings may commence before the earthworks are concluded.

(ix) – Highways England have agreed to more than 250 HGV movements per day.

**Officer response**

At this stage the drainage strategy that has been submitted has not been agreed by the Lead Local Flood Authority as they have raised a number of queries. Until the submitted drainage strategy has been agreed it is not appropriate, as requested, to change the wording of condition (iii) as set out in the recommendation.

The views of the Coal Authority have not been received in respect of the suggested amendments to the wording of condition (iv). In the circumstances it is considered appropriate to secure their views on the wording of the condition prior to the issuing of any planning permission. The recommendation in respect of condition (iv) is therefore amended accordingly.

It is considered appropriate that condition (v) is worded to enable the structural landscaping to be implemented in phases. This would be consistent with the recommendations in respect of the other Chatterley Valley application on this agenda (21/00595/FUL).

Further correspondence has been received indicating that Highways England consider that the number of daily HGV movements to and from the site for the duration of the associated earthworks shall not exceed a maximum of 400 HGV two-way movements per day and not more than 20 HGV two-way movements in either the AM peak hour (08:00 to 09:00) or the PM (17:00 to 18:00). As such the recommendation in respect of condition (ix) can be amended accordingly.

It remains unclear as to why additional tree losses arise when compared to that shown on the plans submitted in connection with hybrid application which granted outline planning permission in this part of the site. It is considered, notwithstanding what is shown on the submitted plans, that Category B trees within the site should be retained if at all possible and as such a further amendment to condition (v) is recommended.

## **REVISED RECOMMENDATION**

**PERMIT the application subject to conditions relating to the following:**

- i. Time limit**
- ii. Implementation in accordance with the approved plans**
- iii. No development to commence until a Sustainable Drainage Strategy has been submitted and agreed, which is to be fully implemented.**
- iv. No development to commence until intrusive site investigation works, if required by the Coal Authority, and remedial works have been undertaken in accordance with approved details (the final wording of the condition to be agreed with the Coal Authority prior to the issuing of the planning permission).**
- v. Detailed structural landscaping scheme to be submitted and approved within 12 months of the commencement of the earthworks on any phase which shall include the retention of Category B trees if possible, or their replacement if not. The scheme is to accord with the Green Infrastructure Strategy and should include the planting of a verge adjoining the footpaths. The structural landscaping scheme shall be implemented prior to the commencement the construction of buildings within that phase.**
- vi. Approval of tree and hedgerow protection measures.**
- vii. Approval and implementation of woodland and landscape management plans.**
- viii. No development shall take place on any part of the site until the development has secured the implementation of a programme of archaeological works**
- ix. Limit on the number of daily HGV movements for the duration of the earthworks to a maximum of 400 HGV two-way movements per day and not more than 20 HGV two-way movements in either the AM peak hour (08:00 to 09:00) or the PM (17:00 to 18:00).**
- x. Approval and implementation of a Construction Traffic Management Plan**
- xi. The reporting of unexpected contamination and preventing the importation of soil or soil forming material without approval.**