

8th JULY 2026 PLANNING COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE DEVELOPMENT MANAGEMENT AND LAND CHARGES MANAGER

This sheet is to be read in conjunction with the main report.

Applications to be determined under the Town and Country Planning Acts

Planning Site Visits held on 3rd July 2026 commencing at 10:00 hours

PRESENT: -

- Cllr. McGregor
- Cllr. Smith
- Cllr. Tait
- Cllr. Tite
- Cllr. Watson

Apologies received from Cllr. T. Munro and Cllr. J. Ritchie

Officers: Kay Gregory and Chris Whitmore

SITES VISITED

Item 5 – Application no. 23/00086/REM - Land Off Blacksmiths Close And Park Avenue to the Rear of 7-53 Mansfield Road Glapwell

The site visit concluded at 10:40 hours

Agenda Item 5 - Application no. 23/00086/REM - Land Off Blacksmiths Close and Park Avenue to the Rear Of 7-53 Mansfield Road Glapwell

Late item 1

Representations have been received from a neighbour at 35 Park Avenue, Glapwell, objecting to the proposed development. Their grounds for objection are as follows:

Highway Safety, Construction Access and the Applicant's Own Commitments

The development site is accessed solely via Park Avenue, as confirmed in writing by the applicant (Glapwell Nurseries, letter dated 15 June 2020), which explicitly states that planning permission is specific to access from Park Avenue. I live three properties from the site entrance on that same street.

In that same letter, the applicant acknowledged that residents of Park Avenue would be concerned about construction contractor parking, and gave a written commitment to adopt a construction management plan, including a contractor car park and compound located away from Park Avenue. The applicant stated this would be secured either by sale contract or "by condition in the detailed planning application."

This Reserved Matters application is that detailed planning application. I formally request that the Council enforces this commitment by imposing a robust Construction Management Plan (CMP) as a condition of any permission granted, specifically requiring:

- A designated contractor car park and compound located away from Park Avenue
- Restrictions on construction vehicle routing and permitted hours of operation
- A prohibition on contractor vehicles parking on Park Avenue at any time

The applicant cannot resile from commitments made to residents at the outline stage. Failure to impose these conditions would represent a serious breach of trust with the local community and would expose Park Avenue - a residential street wholly unsuited to construction traffic - to unacceptable harm.

The copy of this letter has been provided previously. It was provided after a scrutiny meeting and a request made by Grant Galloway.

Ecological Survey Validity - Confirmed Bat Species and Protected Species Obligations

I wish to draw the Council's urgent attention to bat activity that I have personally recorded in the immediate vicinity of the application site using an Echo Meter Touch bat detector (Wildlife Acoustics) - a professional-grade ultrasonic detector widely used by ecological consultants.

RECENT SURVEY - 13 JUNE 2026

On the evening of 13 June 2026, recording from Park Avenue adjacent to the site boundary between 22:01 and 22:10, I recorded 42 bat passes in under 10 minutes - approximately one pass every 13 seconds. Of these, 28 were confidently Auto-ID'd as Common Pipistrelle (*Pipistrellus pipistrellus*), with a further 14 recorded as unidentified - some of which may represent species that are harder to classify automatically, including *Myotis* species.

EARLIER SURVEY - 24 JULY 2020

Recordings taken on 24 July 2020, immediately prior to public access to the site being denied, identified the following species using the same detector:

- Soprano pipistrelle (*Pipistrellus pygmaeus*) - 10/17 pulses matched
- Common pipistrelle (*Pipistrellus pipistrellus*)
- Daubenton's bat (*Myotis daubentonii*) - 2/3 pulses matched
- Brandt's bat (*Myotis brandtii*)

The detection of *Myotis* species is of particular significance. Daubenton's bat typically forages within 6km of its roost, meaning a roost site is almost certainly present within the local area - potentially within the nursery site itself, given the mature trees and structures present. Daubenton's bat has been recorded sharing

roosts with pipistrelles and Brandt's bats, both of which were also detected at this site.

Taken together, these two surveys - conducted six years apart - demonstrate sustained, high-intensity bat activity across and adjacent to the development site, with multiple protected species confirmed.

THE SURVEY VALIDITY PROBLEM

Public access to this site has been denied for over five years. Any ecological surveys submitted with this application that predate this access restriction cannot possibly reflect the current condition of the site or the wildlife present.

Professional guidance is clear that bat surveys are generally only considered valid for 12 to 18 months, and that a new survey is required after three years or where site conditions have materially changed. Five years of denied access, during which the site vegetation and structures will have changed significantly, clearly constitutes such a change.

LEGAL POSITION

All bat species in the UK are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). They are a material consideration in determining this application. The Council has a statutory duty under these Regulations to be satisfied that the development is likely to receive a European Protected Species mitigation licence from Natural England before granting planning permission.

I formally request that the Council:

- Confirms what ecological survey evidence has been submitted and its date
- Satisfies itself that any surveys comply with the Bat Conservation Trust Good Practice Guidelines (4th edition)
- Requires a full Preliminary Roost Assessment and, where Myotis species activity is confirmed, Bat Emergence and Re-Entry Surveys conducted in the current survey season (April-October 2026)
- Consults Natural England before determining this application
- Does not grant permission until it is satisfied that a European Protected Species mitigation licence is obtainable

The personal survey data I have provided constitutes new material evidence that the Council is obliged to take into account. I would be willing to provide the original recordings, spectrograms and GPS activity map data to the Council's ecologist on request.

Loss of Grade 2 Agricultural Land

The proposed development would result in the permanent and irreversible loss of Grade 2 agricultural land, which is among the best and most versatile farmland in England. This is a significant material consideration that should weigh heavily against the proposal in the planning balance. I request that the Council sets out

clearly how this loss has been justified in the context of the development plan and national planning policy.

Scale, Overdevelopment and Residential Amenity

The proposal for approximately 50 dwellings represents a significant quantum of development. I ask the Council to scrutinise carefully whether the proposed layout, density and massing is appropriate to the character of the surrounding area, and whether existing local infrastructure - including roads, drainage, schools and GP services - has sufficient capacity to absorb this level of growth.

As a directly affected neighbouring resident on the sole vehicular access route to the site, I will be significantly impacted by both the construction phase and the permanent increase in traffic, noise and activity resulting from this development. I ask that robust conditions be imposed to protect the amenity of existing residents throughout the construction period and in perpetuity.

Conclusion

For the reasons set out above, I respectfully request that this application be REFUSED, or at minimum referred to the Planning Committee for full public scrutiny rather than determined under delegated powers.

In particular, I ask that no decision is made until the Council has:

- Confirmed that all ecological surveys are current, complete and compliant with the latest statutory guidance
- Satisfied itself that the applicant's written commitments to Park Avenue residents regarding construction management will be enforced by condition
- Consulted Natural England on the presence of European Protected Species

I am happy to provide supporting evidence - including original bat detector recordings, spectrograms and GPS activity mapping - to the Council's ecologist on request.

Officer Response:

This contributor has raised issues over the lack of a Construction Management Plan. The requirement for submission and approval of this document has been requested by the County Highway Authority and will be imposed as a pre-commencement condition.

With regard to the validity of the ecological information, and the details submitted regarding bat activity, these details have been passed onto Derbyshire Wildlife trust for their comment and confirmation as to whether Natural England need to be consulted. Members are requested to allow delegated authority to the Development Management and Land Charges Manager and Principal Planners to deal with these matters without referral back to planning committee.

The loss of agricultural land has been raised. This matter was given full consideration at the Outline stage and so does not form part of the Reserved Matters application.

Finally, the scale of the development has been raised and overdevelopment for 49 dwellings. This application presents a substantial reduction in housing numbers from the 62 approved at Outline. Planning committee will discuss the scale, appearance and layout of the development during the meeting and so the Local Planning Authority has no further comment to make at this stage.

Late item 2

Comments have been received from a resident at Park Avenue relating to the point of access from Park Avenue. Their comments are as follows:

How was that decision reached, what alternatives were considered, and why any alternatives were rejected? What explanation was given for the acceptability of this single road being the only road in and out of the development for construction and then for residents?

I'm also keen to understand what the remaining avenues are (from the planning process perspective) for residents to raise our concerns. If the formal planning process has reached the point where residents have little or no influence over the road issue, then it's important that we understand that clearly, so we can decide how best to represent our concerns going forward.

I'd now like to better understand how the decision was reached to use our road as the sole access to the development.

In particular, I'd like to understand what factors were considered by the Highways Authority when they concluded that this was an acceptable arrangement. For example:

- . What traffic assessments were carried out?
- . What consideration was given to the impact on existing residents?
- . What safety issues were identified and how were they assessed?

I'd also be grateful if you could provide copies of, or direct me to, the reports, assessments, consultation responses and any other documents that informed the decision to approve Park Ave as the sole access route.

I think it's important that residents are able to understand not just the outcome of the decision, but the evidence and reasoning that led to it, so we can then discuss next steps.

I appreciate you directing me to the Outline application documents.... I'll review them.

However, my previous email wasn't simply asking where the application documents could be found. I was specifically asking for the documents that explain how the

decision was reached to conclude that Park Ave should be the sole access to & out of the development.

In particular, I asked what traffic assessments were carried out, what consideration was given to the impact on existing residents, what safety issues were identified and what reports, consultation responses or other documents informed that.

If those matters are absolutely contained within the Transport Assessment & Travel Plan, could you please confirm that. If they are contained within other documents, I'd be grateful if you could provide them or direct me to the specific documents that address those points.

I'm trying to understand the evidence and reasoning that led to the decision, not just the fact that the decision was made.

Officer response to comments

The case officer contacted the resident by email advising that the sole point of access had been considered at the Outline stage and deemed to be acceptable subject to the full details being considered at the Reserved Matters stage. They were advised that developers do not need to consider alternative points of access and egress when submitting proposal for development. They were advised that a Transport Assessment and Travel Plan were submitted at the Outline stage in full consultation with the County Highway Authority who raised no objections sufficient to require an alternative access. The resident requested additional information to be provided by the case officer who directed them to the documents contained within the Outline application which are available to view on the Council's website.

The resident also queried the avenues that are available for residents to raise their concerns as they consider that the formal planning process has reached the point where residents have little or no influence over the road issue. They were advised that residents have the right to speak at planning committee and that they should register their intention to speak with the Council's Governance team, as contained in the letter sent to residents confirming the committee date. They were advised that if there are a lot of residents who want to speak at committee that a spokesperson is elected to cover all issues, and that they should be mindful that the principle of developing this site for housing with the access from Park Avenue has already been granted at Outline and so the only matters under consideration as part of this Reserved Matters application are layout, appearance, full access details and landscaping.

They were advised that should Members approve the RM application and if residents do not agree with the Council's decision, you do not have a third party right to appeal the planning decision, but do have a right to apply for a Judicial Review which is a challenge to the High Court about how the Council has made the decision on the application. It evaluates legality and fairness, such as the way the process was carried out and the way it has been managed, rather than the merits of the project itself, and it is my understanding that there is only a 6 week period following the decision for it to be lodged. If the judge considers that a legal mistake has been

made in the processing of the application, then the decision may in some cases be quashed.

Late item 3

Following publishing of the report the following documents have been submitted for consideration

Drawing ref: 2520.01.L - Planning Layout (submitted 24 June 2026)

Drawing ref: 2520.03.F - Materials Layout (submitted 24 June 2026)

Drawing ref: 2520.06.G - Boundary Treatment Plan (submitted 24 June 2026)

BNG Metric V03 dated 23 June 2026 (submitted 24 June 2026)

BNG Letter (submitted 24 June 2026)

CEMP Biodiversity Addendum (submitted 24 June)

Landscape and Biodiversity Enhancement Plan – SHF.9048.001.LA.R.002 Rev 2 (submitted 7 July 2026)

Officer response

The planning layout, material layout and boundary treatment plan have been amended following clarification that was needed over the layout and handing of the 5no. bungalows along the southern boundary. These documents are available to view on the Council's website.

The documents relating to ecology and biodiversity net gain have been forwarded onto Derbyshire Wildlife Trust for their assessment and formal comment. Members are requested to allow delegated authority to the Development Management and Land Charges Manager and Principal Planner to consider the documents and Wildlife Trust response, and include any necessary conditions and/or amendments without the application being referred back to Planning Committee.

Late item 4

The planning agent submitted an email on the 6 July 2026 advising that the LBEMP was to be submitted imminently (submitted on 7 July and sent for consultation). They also had a query regarding the officer report, identifying a light typo under the Local Highway Authority comments. The report, within the DCC Highways comments 19/6/26 states that *further to previous comments and having viewed the submitted additional details it is now considered that there are LHA objections to the reserved matters....* The agent considers that the comments should state 'no objections'.

Officer response

The highway authority response dated 19 June 2026 has been inspected and it appears that they have made an error in that sentence as they go on to state elsewhere in that comment that there is no objection subject to conditions and based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable

impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. The Local Planning Authority does not consider that this typo requires any further discussion with the Local Highway Authority at this stage.

Late item 5

Comments received from the Ramblers Association dated 30 June 2026 advising that they have no further comments to make at this stage.

Officer response – none

Late item 6

Comments received from Derbyshire Wildlife trust on the 1 July 2026.

Following on from my email dated 23rd June 2026, I have reviewed the final metric, BNG letter and LBEMP.

BNG - The final BNG figures for the site are a gain of + 1.43 hedgerow units (+ 76.14%) but a net loss of - 3.35 habitat units (- 41.66%). The BNG Letter (23rd May 2026) does not state that offsite units will be purchased, however from our conversations, I understand that the intention is to secure unit purchase to deliver no net loss.

The council should request proof of purchase of these units.

LBEMP - I understand that the LBEMP (Enzygo, June 2026) is required to support the REM application and to discharge Condition 25. This latest version has been largely amended in line with my previous comments (letter DWTBOL505-2d, 16th April 2026), however it still does not fully address the following requirement of the condition wording:

- Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

I already commented on targets and monitoring in my April letter, so this should be revisited by the ecologists. To reiterate, the criteria listed for the target condition of each habitat should be set out in Section 3.1 to enable accurate monitoring. Several monitoring visits by an ecologist should be specified to ensure that these targets are being met. Once these details have been added, our comments will have been addressed.

Officer response

With regard to BNG and the purchase of habitat credits, a suitably worded condition will be included for evidence of purchase of the credits to be submitted prior to commencement of development.

With regards to their comments on the LBEMP, these were forwarded onto the applicant to address. A revised LBEMP has been submitted on the 7 July 2026 and sent out to consultation with the Wildlife Trust.