



Please ask for Emily Taylor
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The Chair and Members of Planning Committee

Councillors Dyke and Ludlow – Site Visit 1

Councillors Davenport, Fordham and Hollingworth – Site Visit 2

Councillors Kellman, Redihough and Snowdon – Site Visit 3

24 March 2023

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 3 APRIL 2023 at 1.00 pm in Committee Room 1, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE FOLLOWING SITE VISITS.

Planning Committee Members should assemble in Committee Room 1 at 10:50am. Ward members wishing to be present should attend on site as indicated below:-

- | | | |
|----|---------|--|
| 1. | 11:15am | Westwood Avenue, Staveley, Chesterfield
CHE/21/00007/OUT |
| 2. | 11:45am | 6 Hartside Close, Loundsley Green,
Chesterfield
CHE/22/00795/FUL |
| 3. | 12:10pm | Walgrove Road, Walton, Chesterfield |

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

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Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items, unless a reasonable adjustment is in place by prior arrangement. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it.

A reasonable adjustment meeting will take place at 10:30am in Committee Room 1 for those not able to attend the site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Emily Taylor on tel. 01246 345236 or via e-mail: Emily.Taylor@chesterfield.gov.uk by 9.00 a.m. on Monday 3 April. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 28)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 29 - 108)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 109 - 124)
6. Applications to Fell or Prune Trees (P620D) (Pages 125 - 128)
7. Appeals Report (P000) (Pages 129 - 132)
8. Enforcement Report (P410) (Pages 133 - 136)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Head of Regulatory Law and Monitoring Officer

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PLANNING COMMITTEE**Monday, 13th March, 2023**

Present:-

Councillor Callan (Chair)

Councillors Bingham
Borrell
Brittain
Caulfield

Councillors Davenport
G Falconer
Marriott

The following site visit took place immediately before the meeting and was attended by the following Members:

CHE/22/00607/FUL – Demolition of 20 and 22 Somersall Lane and erection of three replacement dwellings with associated parking and turning areas (Existing access retained) on land at 20 Somersall Lane, Chesterfield for Rutland UK Property LTD.

Councillors Brittain, Borrell, Callan, Caulfield, Davenport, Falconer and Marriott.

CHE/22/00784/FUL – Temporary siting of a marquee with associated temporary path, access and car parking, for use in connection with the existing business at Dunston Hall (for a period of three years), Dunston Hall, Dunston Road, Chesterfield for Dunston Hall Leisure LTD.

Councillors Brittain, Borrell, Callan, Caulfield, Davenport, Falconer and Marriott.

CHE/22/00592/OUT – Residential development of two dwellings – Re-submission of CHE/21/00143/OUT at rear of 66 South Street North, New Whittington, Chesterfield, S43 2AB for Rawson Residential Renovations LTD.

Councillors Brittain, Borrell, Callan, Caulfield, Davenport, Falconer and Marriott.

CHE/22/00680/FUL – Demolition of existing buildings and erection of a self storage facility (Unit 1) including office use (Class E(G)(I)) of 186 SQM and two employment units comprising unit 2 class E (G)(II) (G)(III) & B8 and unit 3 class E(G) & B8 and associated parking, servicing areas and landscaping at former Simply Gym, Sheffield Road, Whittington Moor, Chesterfield for McCarthy’s Storage World (Chesterfield) LTD.

Councillors Brittain, Borrell, Callen, Davenport, Falconer and Marriott.

Councillor Bingham was unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

116 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barr, Brady, Catt, D Collins, T Gilby and Mann.

117 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

Agenda Item 2 – CHE/22/00592/OUT – Residential development of two dwellings – Re-submission of CHE/21/00143/OUT at rear of 66 South Street North, New Whittington, Chesterfield, S43 2AB for Rawson Residential Renovations LTD.

Councillor Bingham declared an interest in this application as he was opposed to the proposal.

118 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 20 February, 2023 be signed by the Chair as a true record.

119 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

The Committee considered the under-mentioned applications in light of reports by the Development Management and Conservation Manager and resolved as follows:-

CHE/22/00607/FUL - DEMOLITION OF 20 AND 22 SOMERSALL LANE AND ERECTION OF THREE REPLACEMENT DWELLINGS WITH ASSOCIATED PARKING AND TURNING AREAS (EXISTING ACCESSES RETAINED) ON LAND AT 20 SOMERSALL LANE FOR RUTLAND UK PROPERTY LTD

In accordance with Minute No. 299 (2001/2002) Mr Derek Roe (Objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mrs Charlotte Stainton (Stainton Planning, Applicants Agent) addressed the meeting.

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL liability notice issued for £43,586 as per section 5.12 of the officer's report:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment or conditional requirement below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):

Location plan 2021-196-01
 Proposed location plan 2021-169-13 Rev P01
 Proposed block plan 2021-169-03 Rev P03
 Proposed plot 1 floor plan 2021-170-05 Rev P03
 Proposed plot 1 elevation plan 2021-170-06 Rev P03
 Proposed plot 2 floor plan 2021-170-07 Rev P03
 Proposed plot 2 elevation plan 2021-170-08 Rev P03
 Proposed plot 3 floor plan 2021-170-09 Rev P03
 Proposed plot 3 elevation plan 2021-170-10 Rev P03
 Existing and proposed street scene 2021-170-04 Rev P03
 Tree survey and tree constraints plan

3. No demolition or substantive works to 20 Somersall Lane shall be carried until a European Protected Species licence has been obtained from Natural England, plus all additional survey work considered necessary to inform the licence application has been undertaken. Upon receipt of a licence from Natural England/site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in section 4.18 of the Bat Survey (August 2022) prepared by Armstrong Ecology and amended as necessary based on the results of the additional surveys. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence/confirmation of registration will be submitted to the LPA once granted. A copy of the results of any monitoring works will be submitted to the LPA.
4. Prior to building works commencing above foundation level, a biodiversity enhancement plan shall be submitted to and approved in writing by the LPA to aim to achieve a net biodiversity gain, in accordance with the NPPF 2021. The plan should be in accordance with the measures outlined in the Preliminary Ecological Appraisal (May 2022) and Bat Survey (August 2022) prepared by Armstrong Ecology. Integrated boxes should be favoured to provide long-lasting, discreet and secure nesting and roosting opportunities. Boxes shall be attached at eaves level, with bird boxes avoiding south facing elevations. Photographs of the boxes in situ shall be submitted to fully discharge the condition.
5. 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 fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
6. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and maintained

throughout the contract period free from any impediment to its designated use.

7. The premises, the subjects of the application, shall not be occupied until space has been provided within the application site generally in accordance with the application drawings for the parking of resident's vehicles (each space measuring a minimum of 2.4m x 5.5m), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

8. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees on and off the site, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) A specification for protective fencing or ground protection to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- b) Tree protection during demolition and construction indicated on a TPP and construction activities clearly identified as prohibited in this area.
- c) Detailed protection measures for the trees to the frontage of the site within the highway verge and Somersall Conservation Area.

The development thereafter shall be implemented in strict accordance with the approved details.

9. Notwithstanding the submitted information and prior to first occupation of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) proposed hardstanding and boundary treatments, to include hedgehog holes
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees on and off the site unless agreed in writing by the Local Planning Authority.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and

- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

12. Notwithstanding the submitted elevation plans; details; including samples, of all facing materials, including brick, render,

heads and cills along with details of eaves, verges, windows, doors, (including garage doors) colours and finishes shall all be submitted to and agreed in writing by the Local Planning Authority. Work shall be completed in accordance with the agreed details.

13. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

14. Prior to works on the hereby approved building(s) and land being commenced a scheme detailing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to on and off site datum point and their relationship to existing neighbouring buildings and land, to align with the proposed street scene plan shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels.

15. a) Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting scheme.

b) All works shall be fully implemented in accordance with the approved scheme prior to occupation.

16. a) Prior to the development hereby permitted being occupied the upper floor side elevations windows shall be installed with obscure glazing in accordance with the elevation plan for each plot define in condition 2 above. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product.

b) Once installed the glazing shall be retained as such thereafter.

17. Prior to the commencement of development, a statement shall be submitted to and agreed in writing by the Local Planning Authority setting out how the development will address matters of climate change through the construction and occupation stages of the development.

CHE/22/00784/FUL - TEMPORARY SITING OF A MARQUEE WITH ASSOCIATED TEMPORARY PATH, ACCESS AND CAR PARKING, FOR USE IN CONNECTION WITH THE EXISTING BUSINESS AT DUNSTON HALL (FOR A PERIOD OF THREE YEARS), DUNSTON HALL, DUNSTON ROAD, CHESTERFIELD FOR DUNSTON HALL LEISURE LTD.

In accordance with Minute No. 299 (2001/2002) Mrs Katie Parsons (RCA Regeneration Ltd, Applicants Agent) addressed the meeting.

***RESOLVED –**

That the officer recommendation be upheld and the application be granted planning permission subject to the following conditions: -

1. This permission is valid for a limited period only, expiring on 13th March 2026. On or before that date the marquee shall be removed from the site and the land shall be restored in accordance with an agree Landscaping Plan as outlined in condition No.3 of this consent.

2. The development hereby approved shall only be carried out in full accordance with the approved plans and drawings with the exception of any specified conditions, pending listed building consent and approved non-material amendment:

- Location plan, revised (PM100)
- Proposed site plan, revised (PM300)
- Plans & Elevations (PM200)

3. Prior to removal of the marquee hereby approved, details of the restoration treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after the removal of the marquee. Details shall include:

a) a scaled plan showing vegetation to be retained and trees and plants to be planted:

b) a schedule detailing sizes and numbers of all proposed trees/plants

c) Sufficient specification to ensure successful establishment and survival of new planting.

d) details of the timing schedule (month/year), method and restoration works for the development site.

4. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

5. Prior to the temporary marquee hereby granted consent becoming operational, a Noise Assessment shall be submitted to the Council for approval in writing. The Noise Assessment shall be in accordance with standard BS4142 and shall include:

- The reason for and scope of the report.
- Location plan of proposed use and likely noise receptors.
- Methodology used including proposed noise generation, location of noise monitoring, equipment used, weather conditions, etc.
- Any reasons for deviations from standard methods.
- Table of results.
- Comparison of survey results with noise standards.
- Recommendations for noise control measures.
- Calculations of the noise reductions expected to support any suggested noise control measures.

Only those measures agreed by the Council in writing shall be implemented as part of the development.

6. In accordance with the consent and attached conditions granted under CHE/21/00430/FUL, the number of guests attending any event shall be limited to no more than 120 guests at any one time.

7. There shall be no firework displays associated with wedding events.

8. The number of wedding or similar events taking place at the premises shall be limited to no more than two per week.

9. Unless otherwise agreed by the planning authority in writing, there shall be no direct lighting shone towards Building D (as shown in the Bat Survey Report, Middleton Bell Ecology, Sept 2022, ref: CHE/22/00111/FUL).

CHE/22/00680/FUL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A SELF STORAGE FACILITY (UNIT 1) INCLUDING OFFICE USE (CLASS E(G)(I)) OF 186 SQM AND TWO EMPLOYMENT UNITS COMPRISING UNIT 2 CLASS E (G)(II)/E (G)(III) & B8 AND UNIT 3 CLASS E(G) & B8 AND ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING (REVISED DRAWINGS RECEIVED 26TH AND 27TH JANUARY 2023) AT FORMER SIMPLY GYM, SHEFFIELD ROAD, WHITTINGTON MOOR, CHESTERFIELD FOR MCCARTHY'S STORAGE WORLD (CHESTERFIELD) LTD.

Councillor Caulfield, having not attended the site visit, took no part in this item.

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued as per section 6.1.2 of the officer's report:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans:
 - 17669-1-500 Location Plan
 - 17669-1-098B Existing Site Plan
 - 17669-1-100D Proposed Site Plan
 - 17669-1-105C Proposed Unit 1 GA Plan
 - 17669-1-106C Proposed Unit 1 Roof Plan
 - 17669-1-107D Proposed Unit 1 Elevations
 - 17669-1-108B Proposed Unit 1 Sections
 - 17669-1-109C Proposed Unit 1 First & Third Floor Plan

- 17669-1-110B Proposed Unit 2 GA Layouts
- 17669-1-111C Proposed Unit 2 Elevations & Sections
- 17669-1-115A Proposed Unit 3 GA Layouts
- 17669-1-116C Proposed Unit 3 Elevations & Sections
- 17669-1-121C Proposed Site Sections
- 17669-1-122C Proposed Boundary Treatment and Fence Plan
- 17669-1-124C Proposed Unit 1 Second Floor Plan
- 17669-1-VL_L01C Landscape Plan
- Vehicle tracking swept Path analysis,
- Flood Risk Assessment (revised document submitted 17/02/23),
- Arboricultural Impact Assessment (Revised document submitted 21/02/23),
- Ecological Impact Assessment (Revised document submitted 09/02/23),
- Noise Assessment (revised document submitted 14/02/23)
- Transport Statement (Rev 2);

With the exception of any approved non-material amendment.

3. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications), the premises shall be used for offices, light industrial, research and development, and storage and distribution uses only, and for no other purpose within class E.
4. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.
5. Prior to the development hereby permitted being occupied/brought into use the southern facing windows on the first floor of unit 2 shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.
Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage which may affect the retained trees.
- b) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- c) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- d) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- e) Methods to improve the rooting environment for retained and proposed trees and landscaping
The development thereafter shall be implemented in strict accordance with the approved details.

7. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

8. Prior to first occupation, the proposed respective parking areas to each unit shall be provided in accordance with the application

drawing such that vehicles can be parked. Once provided, the space shall be retained free from any impediment to its designated use for the life of the development.

9. A Construction Management Plan and Demolition Method Statement shall be submitted to the Local Planning Authority for consideration. Demolition works shall not proceed until the Demolition Method Statement has been agreed in writing and construction works shall not proceed until the Construction Management Plan has been agreed in writing. The approved plans shall be adhered to throughout the construction and demolition periods. The plan/statements shall provide for:

- Parking of vehicles for site operatives and visitors,
- storage of plant and materials and site accommodation,
- details/method of construction/demolition of buildings on site.
- method of prevention of mud/debris being carried onto the public highway,
- proposed temporary traffic management/restrictions,
- arrangements for loading/unloading and turning vehicles within the site,
- any roadside fencing/hoarding,
- Routes for construction traffic, including abnormal loads/cranes etc.
- Hours of operation
- Pedestrian and cyclist protection
- Arrangements for turning vehicles
- Dust suppression to neighbouring residents
- Limiting impact of noise surrounding dwellings

- Dealing safely with asbestos on site
- Any other issue related to the safe demolition of the existing buildings

10. No clearance of scrub, trees or hedgerow 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 fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

11. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- Integral universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022, or equivalent external boxes suitable for building construction and/or trees.
- Integral or external bat boxes suitable for buildings or trees.
- Insect bricks / boxes.
- Fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs

12. Excluding works of demolition, no development shall commence until;

a) 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;

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.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

13. Prior to the occupation of the development, or it being taken into beneficial use, a 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.

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

15. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

16. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved 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.

17. Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting scheme. All works shall be fully implemented in accordance with the approved scheme before the use commences.

18. Prior to any roller shutter being installed on site details of the shutter demonstrating a 'quiet' mechanism shall be submitted to and agreed in writing by the LPA. Works shall be completed in accordance with the agreed details.

19. Prior to works commencing on site, excluding works of demolition, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless any contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority; For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;

If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals'; Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

20. Prior to development commencing, excluding works of demolition, an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

21. The development shall include 6 Non-residential charging points to be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the

stated criteria prior to first occupation on site and shall be maintained for the life of the approved development.

22. Prior to any external plant being installed on site details of this shall be submitted to and agreed in writing by the LPA. Works shall be completed in accordance with the agreed details.

23. The site shall be landscaped and maintained strictly in accordance with the approved details provided in the Landscape Plan (drawing 17669-1-VL_L01 Rev C) in the first planting season after completion or first occupation of the development, whichever is the sooner.

Any new plant(s) and tree (s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details.

24. The cycle parking stands in the Proposed Site Plan shall adhere to the standard in the Department for Transport's Cycle Infrastructure Design Local Transport Note 1/20, as specified in chapter 11.

25. Prior to the commencement of the development, a statement shall be submitted to and agreed in writing by the Local Planning Authority setting out how the development will address matters of climate change through the construction and occupation stages of the development.

CHE/22/00592/OUT - RESIDENTIAL DEVELOPMENT OF TWO DWELLINGS - RE-SUBMISSION OF CHE/21/00143/OUT - REAR OF 66 SOUTH STREET NORTH, NEW WHITTINGTON, S43 2AB FOR RAWSON RESIDENTIAL RENOVATIONS LTD

Councillor Bingham declared an interest in this item and left the meeting at this point.

***RESOLVED –**

That the Council as Local Planning Authority would have REFUSED the planning application for the following reasons: -

1. The development of the site fails to appropriately reflect the prevailing pattern of built form resulting in an incongruous and over-intensive development harmful to the character of the area. Giving consideration to the indicative plan, the proposed plot size is inadequate to appropriately accommodate two new dwellings resulting in an overdevelopment of the site. This would lead to a cramped form of development with insufficient separation distances from existing neighbouring properties, such that the development is likely to result in harmful amenity impacts upon existing and future residents. The proposal therefore fails to meet the provisions of the 'Successful Places' SPD, Local Plan Policies CLP14 and CLP20 of Chesterfield Borough Local Plan 2018 – 2035 and part 12 of the National Planning Policy Framework.

Councillor Bingham returned to the meeting at this point.

120 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)**

The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

CHE/22/00252/FUL	Expansion of current car valet facilities to include fit out of parts storage into existing valet building, with added welfare and washroom facilities and office space. Construction of a new 4 car valet building within existing site to cope with expansion of facilities. Proposed shipping container on site at Vertu Motors Pdi Centre, 128 Station Road, Whittington Moor S41 9EU for Vertu Motors plc
CHE/22/00585/FUL	Erection of a drive-thru cafe and hot food unit including details of access at Land at Aaron Street Duckmanton, Chesterfield for Chicken Villas

	Limited
CHE/22/00597/FUL	Building extension to include warehouse and 3 storeys of office accommodation at Grangers International, Enterprise Way, Duckmanton S44 5FD for Ms Jacquie Storer
CHE/22/00598/FUL	Demolition of existing stone outbuilding and erection of a detached double garage with a room above in the roof space (revised drawings received 07.01.23 and 10.01.23) at 115 High Street, Old Whittington, Chesterfield S41 9LB for Mr Lee Fletcher
CHE/22/00761/FUL	Roof height increase to create first floor rooms with front and rear dormers and single storey rear extension (revised plans and description 03.02.23) at 28 Glasshouse Lane, New Whittington S43 2DQ for Mrs Jenny Bacon
CHE/22/00804/FUL	Refurbishment of offices and workshops and creation of an independent access to the office space at Zero Workshop, New Street, Chesterfield S40 2JZ for Miss Georgina Templeman
CHE/22/00835/FUL	Rear extension and decking at 86 Walton Road, Walton, Chesterfield S40 3BY for Dr and Mrs Mathew
CHE/22/00840/ADV	Illuminated and non-illuminated signage at Rose and Crown, 104 Old Road, Chesterfield S40 2QT For Everards of Leicestershire
CHE/22/00851/FUL	Single storey rear extension and steps to patio at 1 Davian Way, Walton, Chesterfield S40 3JF for Mr and Mrs Stannard
CHE/23/00082/TPO	T30 Hawthorn - fell as in decline due to previous

suppression of growth giving a very low amenity value. Replace with ornamental cherry (if acceptable). T26 Maple - clean crown to remove epicormic growth, reduce overcrowding, and improve health. T31 Sycamore - Removal of ivy from tree to improve growth. T32 and T33 Beech - To cut back over hanging branches A) to increase height/clearance over car parking area of ex. NEDDC, B) to give 2m clearance to avenue house surgery (Tennyson Avenue) at Hunters Walk, Chesterfield for Limetree Park No 1 Management Company

CHE/23/00089/TPO

Maintenance and pruning works to trees within W1 and W2 on attached sketch plan. This is to include removal of dead trees, pruning back from structures, footpaths and boundaries to ensure clearance of no less than 1m from and up to 2.5m high. Pruning back of overhanging branches to include adjacent properties, street furniture, utilities installations and streetlighting at Wain Avenue, Chesterfield for Mr Gary McCarthy

(b) Refusals

CHE/21/00735/DOC

Discharge of planning condition 3 (Surface Water Drainage Strategy) of CHE/20/00869/REM (Approval of reserved matters for 150 dwellings of CHE/18/00532/OUT) at Land to the North of Northmoor View, Brimington for Vistry (Yorkshire) Ltd

CHE/22/00137/FUL

Demolition of existing take-away and construction of 3 one bedroom apartments at 47B Chester Street, Chesterfield S40 1DN for Mr and Mrs Long

CHE/22/00654/FUL

Alterations to dwelling with 2 storey side extension, cladding and new chimney. Raised hardstanding and ramps for access and erection

of car port (revised drawings received 13/12/22, description amended 15/12/22) at 20 Avondale Road, Chesterfield S40 4TF for Mr and Mrs Scotford

CHE/23/00001/FUL Erection of a two storey house and associated works at 7 Ashcroft Drive, Old Whittington, Chesterfield S41 9NU for Mr Chris Eaton

(c) Discharge of Planning Condition

CHE/21/00845/DOC Discharge of planning condition 16 of CHE/18/00532/OUT at Land to the North of Northmoor View, Brimington for Cathy Brown

CHE/22/00779/DOC Discharge of condition 3 (materials) of CHE/19/00535/FUL- Erection of a conservatory at 1 Fenland Way, Chesterfield S40 3RH for Mr J R Richmond

CHE/22/00831/DOC Discharge of condition 7 (biodiversity) of CHE/22/00427/FUL- Change of use from commercial to residential. Cladding of exterior walls at 43 Newbold Village, Newbold Road, Chesterfield S41 8RJ for Mr Darren Gregory

CHE/22/00846/DOC Discharge of condition 16 (External lighting scheme) of application CHE/13/00675/OUT (as amended by CHE/20/00221/NMA)- redevelopment of land for employment uses (Use Classes B1, B2 and B8) at Land Accessed From Farndale Road, Staveley, Chesterfield for Devonshire Property (B2B) Limited

CHE/22/00847/DOC Discharge of condition 2 (Details of electric charging vehicle charging point) of application CHE/20/00653/REM (as amended by CHE/21/00777/NMA)- Approval of reserved matters of CHE/13/00675/OUT - Redevelopment of land for employment uses (Use Classes B1, B2 and B8) at Land Accessed from Farndale

Road, Staveley for Mr Andrew Byrne

CHE/23/00019/DOC Discharge of condition 5 (Details of proposed extraction plant) of CHE/21/00752/FUL at Arnold Clark Motorstore, Meltham Lane, Chesterfield S41 7LG for Arnold Clark Automobiles

CHE/23/00021/DOC Discharge of conditions 19 (landscaping details) and 21 (lighting details) of CHE/19/00775/FUL- Erection of coffee shop drive-thru restaurant and associated works at Arnold Clark Motorstore, Meltham Lane, Chesterfield S41 7LG for Arnold Clark Automobiles

CHE/23/00053/DOC Discharge of condition 28 (Carbon release scheme) of application CHE/22/00511/FUL- Erection of a new 3 bedroom bungalow with attached garage and associated landscaping works at Land West Of Wash House Lane, Wash House Lane, Chesterfield for Mr and Mrs Allenby

CHE/23/00062/DOC Discharge of condition 32 (Compliance with building regulations relating to internal heating and solar PV) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens at Adjacent 929 Sheffield Road, Sheepbridge, Chesterfield S41 9EJ for Vistry Partnership Yorkshire

(d) Prior approval not required

CHE/22/00769/DEM Demolition of existing building at Old Whittington Miners Welfare Club, Station Lane, Old Whittington, Chesterfield S41 9NL for Meadow Lane Services Limited

CHE/23/00055/TPD Single storey rear extension at 16 Newbold Drive, Newbold, Chesterfield S41 7AP for Mr and Mrs Curnyn

(e) CLOPUD granted

CHE/23/00075/CLO Certificate of Lawfulness for a proposed single storey rear extension at 9 Blue Lodge Close, Inkersall, Chesterfield S43 3GF for Mr and Mrs Thompson

(f) Conditional consent for non-material amendment

CHE/23/00077/NMA Non-material amendment to application CHE/21/00707/FUL- Erection of 301 dwellings including the provision of public open space, landscaping and associated infrastructure and works - To plot swap between Plots 112 and 158 at Land To The East Of Linacre Road, Holme Hall Chesterfield for Tilia Homes Ltd

121 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees:-

CHE/23/00082/TPO Consent is granted to the felling of one Hawthorn reference T30 which is in poor condition, with a condition to plant one new Cherry tree in the same location and the pruning of four trees reference T26 Maple, T31 Sycamore and T33 & T34 Beech on the Order map at Hunters Walk off Saltergate

CHE/23/00089/TPO Consent is granted to the felling of dead Elm trees and the pruning of trees to clear structures, footpaths and boundaries within W1 & W2 on the Order Map and which are situated off Wain Avenue and the River Rother, Piccadilly. Duty to plant replacement trees has been dispensed with

on this occasion.

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/23/00046/CA Agreement to the pruning of one Cherry tree to
 The pruning of one crown reduce to leave a 15 metres high tree with a
 Cherry tree in the crown spread of 8 metres to previous reduction
 grounds of 95a points. The pruning of the tree will have no
 High Street, Old adverse effect on the character and amenity of the
 Whittington area.

The trees are within the Old Whittington
 Conservation Area and the applicant wishes to
 prune the tree because it is close to the
 neighbouring property and lamp stand.

122 APPEALS REPORT (P000)

The Development Management and Conservation Manager reported on the current position in respect of appeals which had been received.

***RESOLVED -**

That the report be noted.

123 ENFORCEMENT REPORT (P410)

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 rd April 2023
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 3rd April 2023**

ITEM 1	CHE/21/00007/OUT - ERECTION OF 9 AFFORDABLE DWELLINGS (UPDATED DESCRIPTION AND PLANS DATED 24.01.2023) AT NUMBERS 1-8 AND 10 WESTWOOD AVENUE, STAVELEY FOR CHESTERFIELD BOROUGH COUNCIL.
ITEM 2	CHE/23/00024/RET - RETENTION OF FENCING/GATING OF LAND AT THE OLD CRANE HIRE YARD (WALTON FIELDS FARM), WALGROVE ROAD, WALTON, CHESTERFIELD FOR P TURNER ERECTIONS LTD.
ITEM 3	CHE/22/00795/FUL - TWO STOREY REAR EXTENSION, SINGLE STOREY FRONT EXTENSION TO GARAGE AND INCREASE OF EXISTING PITCHED ROOF HEIGHT AT 6 HARTSIDE CLOSE, LOUNDSLEY GREEN, CHESTERFIELD, S40 4LB FOR MR PAUL WILSON

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ITEM 1**Erection of 9 affordable dwellings (updated description and plans dated 24.01.2023) at Numbers 1-8 and 10 Westwood Avenue, Staveley for Chesterfield Borough Council**

Local Plan: Not allocated

Ward: Middlecroft And Poolsbrook

Plot No:

Committee Date: 3rd April 2023**CONSULTATION SUMMARY:**

DCC Policy	Cllr Gayes, happy with the change to the scheme. The additional primary pupils can be accommodated. Mitigation is likely needed through CIL to accommodate the additional secondary pupils.
CBC Forward Planning	The development would accord with policy CLP1 and most of Policy CLP2 being close to local services. Due to the reduced number affordable housing no longer applies. The homes meet M4(2) accessibility.
Highway Authority	Comment made see report below
CBC Design Services Drainage	Drainage information can be conditioned.
Lead Local Flood Authority	As the development is no longer major development no comments to make
Coal Authority	No objection subject to conditions.
Derbyshire Constabulary Designing Out Crime Officer	The proposed gated access into the nature break out area which is within the private driveway for Plot 6 is problematic and likely to lead to disputes.
CBC Environmental Health	Refer to previous comment which noted: no objection subject to - hours of operation, lighting, EV charging, contamination conditions.
Yorkshire Water	Refer to previous comment which noted: no objection subject to condition.
Derbyshire Wildlife Trust	A Landscape Plan and a Biodiversity Enhancement Plan should be conditioned.
CBC Tree Officer	Landscaping condition recommended.

Representations	5 received from 4 neighbouring parties.
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2.0 THE SITE

2.1 The application site is a now vacant parcel of land accessed from the road leading from Edward Street and Westwood Avenue adjacent to the small parcel of open space. The land is relatively level but begins to incline to the north west. The site is surrounded by existing residential properties.

2.2 Images of the site:



3.0 SITE HISTORY

3.1 CHE/16/00335/DEM Demolition of houses - Prior Approval Not Required 24.06.2016

This application noted that the reason for the demolition was that the tilts to the building had exceeded safe limits.

4.0 THE PROPOSAL

4.1 The application has been substantially amended since the original submission of 13 dwellings to now be for 9 dwellings to replace the units previously on site, but demolished some years ago. The site pre demolition (google image):



4.2 The revised layout now shows a terraced row of three units to the site frontage adjacent to no. 15 with parking for two vehicles to each unit to the frontage of the site. This would involve the removal of the existing tree. There is then proposed three further pairs of semi-detached houses. Two adjacent to no. 12 with gardens backing onto the houses on Bond Street. A further pair of semi detached homes is then proposed to the far north of the site overlooking the adjacent vacant site and the proposed nature break which is intended to be accessed via Plot 6.



4.3 All of the proposed dwelling are 3 bedroom units with 2 parking spaces. The design of the proposed units has been altered to better reflect the surrounding housing in terms of hipped roof design, chimney details and window proportions:



4.4 There are a number of areas of the site where, due to constraints, there will be landscaped edges and areas. This is demonstrated on the proposed landscaping plan; there is the nature break area to the north west of the site and a large garden or open space area to the north. This shows replacement planting and opportunities for enhancing biodiversity.

5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP3 Flexibility in Delivery of Housing (Strategic Policy)
- CLP4 Range of Housing
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design

CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- Residential SPD

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on residential amenity
- Highway safety
- Biodiversity and trees
- Ground conditions
- Drainage

5.5 Principle of Development

- 5.5.1 The application site is an unallocated parcel of land where the dwellings previously on site were demolished due to structural concerns some years ago. The site is within the area noted to be the built-up area to which policies CLP1 and 2 relate.
- 5.5.2 Policies CLP1 and 2 direct new development to location within walking access to a range of key services. The application site is well related to existing development it is within suitable walking distance of the local centre, school and with public transport routes available. The site is easily accessible being within a sustainable location and therefore meets the requirements of policies CLP1 and 2.
- 5.5.3 As the site is now for 9 units there is no affordable housing requirement. However, the units themselves will be affordable rental units for CBC as registered social landlord.
- 5.5.4 Policy CLP4 also requires that: On sites totalling 10 or more dwellings (including phases of those sites) 25% of dwellings should be built to building regulations standard M4(2). Whilst this development is only for 9 units all of the units will meet the M4(2) standard, which is welcomed.

- 5.5.5 In regard to climate change Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy.
- 5.5.6 Whilst this development does not constitute major development the submission refers to climate matters noting: *whilst the buildings will be traditional construction, many elements will be constructed in a factory and pre finished then transported to site, reducing waste and improving air tightness in the units. The homes will have a minimum of 10% energy efficiency above Part L of the building regulations.*
- 5.5.7 There is no information within the submission regarding how emission will be reduced through construction, operation or through the use of renewables. It is therefore reasonable to impose a condition for a statement to be submitted regarding these matters.
- 5.5.8 Subject to more detailed consideration the principle of the development is in line with Adopted Local Plan policy.

5.6 Design and Appearance

- 5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 5.6.2 The design of the units have been amended through the application process to better reflect the design of the surrounding development. The revised design in form and style reflects upon the surrounding housing. A condition will be required to ensure the final finished materials are appropriate to the context.
- 5.6.3 The layout has been amended to reduce the number of units overall which has improved the development in terms of appearance but also in terms of neighbouring impacts, whilst still allowing access to the third-party land to remain accessible in the north western corner.
- 5.6.4 Landscaping of the site including the nature break and verge areas will be required in an appropriate manner to ensure the development assimilates well within its setting. The area of soft planting shown on the

submitted landscaping plan are considered to be acceptable providing additional planting to property boundaries, which will also address the boundary concerns raised. A condition to an appropriate landscaping scheme will be required, refer to Section 5.9 of the report below.

5.6.5 Subject to conditions the proposal is considered to be in line with policy CLP20.

5.7 Impact on Residential Amenity

5.7.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.

5.7.2 It should be noted that the site formerly contained 9 dwellings and that these were placed in similar positions to the proposed development. The SPD advises that: "To reduce the effect of direct overlooking from new houses, first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5m to the boundary of an adjoining residential garden. However, not all circumstances are the same and some flexibility should be applied with regard to the extent of overlooking and the relationship between houses and gardens (similar to that outlined in Table 3 with respect to overlooking between windows)." The document goes on to note that; 12m is required for rear to side wall and 21m rear to rear.

5.7.3 Bearing the above in mind it is important to consider the separation distances achieved in the amended scheme. Plots 1 to 3 show separation of approximately 14 to 15m between the rear walls and the boundary of the garden to plot 4. Plots 4 and 5 have approximately 10m separation from the rear elevation to the garden boundary with existing no.15. From the gable of Plot 5 there is approximately 15m to the adjacent dwelling at 215 / 217 The Bagallows. The separation between plots 6 to 9 and the neighbouring dwellings on Bond Street are well beyond the minimum separation at approximately 38m. Where the distances are at the lower end this is mitigated by being to the end of the adjacent garden which will therefore have minimal impact on the amenity of existing residents. From considering these separation distances along with the former development, it is considered that the development is within and in some cases exceeding acceptable limits and therefore meets the requirements of Policy CLP14.

- 5.7.4 Concerns have been raised by neighbouring residents regarding the retention of existing boundary treatments. Whilst the details of the boundary treatments proposed are unknown at this time it is not considered there would be any need to remove fences that exist. However, the siting of boundary lines and responsibility for boundary treatments is a private matter to be considered between the landowners and / or tenants and is not a matter to be resolved by the Local Planning Authority. Notwithstanding this a condition can be imposed for the boundary treatments to be agreed, as noted in para 5.6.4 above the proposed soft landscaping will also help to assimilate and soften the development.
- 5.7.5 The Designing Out Crime Officer has noted that there is a potential conflict issue with access being gained from the driveway of plot 6 to the adjacent nature break area. It is assumed that the land owner CBC, will merely wish to retain access rights to this area and that this will not become a publicly accessible area which would defeat the purpose of the nature break. However, it is considered that the access requires further thought and therefore a condition will be imposed to seek clarification as to the boundary treatment here and clarification of access and management.
- 5.7.6 The Council's Environmental Health Officer has noted requirements for a lighting condition, construction hours condition and EV charging condition. It is noted that EV charging is now required as mandatory under the Building Regulations and therefore there is no need to impose this as a planning condition. The other matters are considered reasonable conditions and are included in the recommendation. The construction hours will relate to normal working hours and therefore there will be some disruption to those on shift work who may live nearby. However, the conditional approach will seek to have quieter hours when usually expected during the evening, night and early morning, which is considered to be a reasonable approach.
- 5.7.6 Subject to conditions it is considered that the proposal is acceptable in terms of amenity impacts in line with policy CLP14 of the Adopted Local Plan.

5.8 Highway Safety and Parking Provision

- 5.8.1 Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe. In terms of parking the policy goes on to note that; The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:

- i. The size of any dwellings proposed.
- ii. The type, mix and use of the development.
- iii. The proximity of facilities such as schools, shops or employment
- iv. The availability of and capacity for safe on-street and public car parking in the area.
- v. Proximity to and availability of public transport and other sustainable transport options.
- vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.
- vii. Local car ownership levels.

5.8.2 The highway arrangement is very similar to what was present on site prior to demolition. Each of the proposed units will have 2 parking space.

The Highway Authority have noted;

“From a highways aspect the drawings are now considered acceptable in principle although it should be noted that in order to implement the scheme a separate construction approval process with the Highway Authority will need to be progressed – this scrutinises the access construction details and will be necessary in order for the Highway Authority to enter into a Section 184 Agreement for any works.

The LPA will be well aware that future adoption of the estate streets is purely a voluntary act between the developer and the Highway Authority and any planning permission granted is for the land and not the land owner, so should the land be sold off after planning permission is granted, the future owner must be aware that the proposed site access road will remain private and before any recommended Highway Conditions can be supported by the County Council for Discharge, the land owner must apply for a Stopping Up of the existing HM@PE under the relevant Section of the Town and Country Planning Act to enable its removal from the County Council HM@PE register.

However, the highway Authority will still need to ensure the street is appropriately constructed and maintained to a satisfactory standard to protect future residents and to ensure they have a satisfactory access to their properties.

The Highway Authority would need to approve an appropriate construction for the private streets and would look for a Management Company to be set up to take on the future maintenance requirements

for the private street(s). The developer should also be aware of the requirements of the Advance Payments Code part of the Highways Act 1980 and the obligations to secure the streets financially, where an adoption Agreement is not entered into. The construction of the works will inevitably lead to considerable disruption in the area which will affect a number of existing dwellings, so a construction management plan will therefore be an essential element, to be secured by condition. Therefore, it is considered that the remaining issues may be addressed by appropriate conditions appended to the consent issued for this development.”

- 5.8.3 Given that; the site has been previously developed for housing, that there are 2 parking spaces for each dwelling proposed within the layout and that the very similar layout of the road to the previous development, it is considered that the proposal will not result in harm to highway safety subject to conditions. The proposal is therefore in accordance with policies CLP20 and 22 of the Adopted Local Plan. It should be noted that of the planning conditions recommended by the Highway Authority only those which meet the NPPF tests for planning conditions are recommended to be imposed in any permission.

5.9 Biodiversity and Trees

- 5.9.1 Policy CLP16 requires that; The council will expect development proposals to:
- protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
 - avoid or minimise adverse impacts on biodiversity and geodiversity; and
 - provide a net measurable gain in biodiversity.
- 5.9.2 The site has been vacant since 2016 when the approval was given to demolish the houses with the intention to replace the housing. The site therefore has no designation in terms of habitat. The proposed scheme is now minor development where a metric for biodiversity would not normally be required. However, in terms of Policy CLP16 a gain in biodiversity needs to be met.
- 5.9.3 The Council’s Tree Officer has noted; “New landscaping is proposed as shown on the Landscaping drawing reference 7560 07 which includes

35 new trees consisting of 3 species of tree, Ash, Horsechestnut and Silver Birch. No specific species of Ash tree or Horsechestnut have been provided so it is assumed that these are *Fraxinus excelsior* (Ash) and *Aesculus hippocastanum* (Horsechestnut). Due to Ash dieback and bleed canker of Horsechestnut it is advised that the proposed tree species are removed from the scheme and alternative species selected with more variety to enhance the development site so that they can grow to maturity. The trees planting specifications are also required.

It is also proposed to plant native hedges, shrubs beds and a wildflower mix which is acceptable. Further details are required of the ground preparation, cultivation and a maintenance schedule for the whole site. There are no objections to the application, however a landscaping condition should be attached if consent is granted to the scheme.”

5.9.4 Derbyshire Wildlife Trust have considered the case and noted that; “A Landscape Plan should be conditioned, as per the comments from the Tree Officer. We also advise that a Biodiversity Enhancement Plan is conditioned.”

5.9.5 The proposed development will lead to the loss of a tree to the site frontage and greenery to the whole site. Additional landscaping is proposed which is considered to provide appropriate compensation for this loss, albeit the planting suggested needs to be amended to address the Tree Officer comments in terms of species. Therefore, subject to a landscaping and biodiversity condition the proposal is considered to be appropriate in terms of ecological impacts in accordance with Policy CLP16 of the Adopted Local Plan.

5.10 Ground conditions

5.10.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.

5.10.2 The site is in the high risk area for former coal mining activity and it is assumed that the earlier demolition due to structural issues was in connection with this. The Coal Authority have commented on the submission noting:

The submitted report notes the need for remedial works to stabilise the shallow workings and that further investigations should be carried out. A permit is likely required from the CA. The CA records indicate that surface coal resource is present on the site, although this should not be

taken to imply that mineral extraction would be acceptable. Conditions are recommended.

- 5.10.3 Therefore subject to the recommended conditions which will secure appropriate investigative and remedial works, the proposal is considered to be acceptable in terms of ground conditions in relation to former mining activity.
- 5.10.4 With regard to contamination the Council's Environmental Health Officer noted that: Whilst it appears soil sampling has taken place the rationale behind this is unknown and no desk top study has been provided. Therefore, a full contamination condition is needed for a desk study, intrusive investigation if needed and remediation and validation. Subject to this condition the proposal is considered to have appropriately considered potential contamination of the site.
- 5.10.5 On this basis the proposal is considered to meet the requirements of Policy CLP14 to ensure the land is fit for the proposed use.

5.11 Drainage

- 5.11.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. The Policy goes on to note that; Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.
- 5.11.2 To achieve the water efficiency a condition is imposed which links to Building Regulations to secure the efficiency required by the policy.
- 5.11.3 The Councils;' Design Services team have commented on the proposal: "Regarding the application above; the site is not shown to be at risk of flooding according to the Environment Agency Flood Maps. We would like to see drainage details, prior to full approval, of how the developer intends to dispose of surface water and foul drainage from the proposed site. With this being a greenfield site, the surface water discharge should be restricted to greenfield run-off rates. The site should also be developed with separate foul and surface water drainage systems. It is noted that soakaways may be used as a method of surface water disposal. Infiltration tests of the subsoils must first be carried out

and sizing calculations provided to prove that soakaways are a suitable means of disposal. These should be designed in accordance with BRE Digest 365 to ensure no flooding occurs during a 30 year design storm as a minimum.”

5.11.4 As the required information has not been submitted further discussion led to the agreement that the required information can be submitted via a condition. This is in line with the advice from Yorkshire Water where they raised no objection subject to conditions relating to separate systems of foul and surface water and details of drainage works including the discharge rate.

5.11.5 Subject to the recommended conditions drainage matters have been appropriately addressed in line with policy CLP13 of the Adopted Local Plan.

5.12 Development Contributions and CIL Liability.

5.12.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for, such as for affordable housing. The site is located within the low CIL charging Zone as set out in the Council’s Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge is calculated as follows:

$$\frac{\text{Net Area (A)} \times \text{CIL Rate (B)} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	810	0	810	£20 (Low)	355	288	£19,968

6.0 REPRESENTATIONS

- 6.1 In response to the original and amended scheme there have been 5 representations received from 4 neighbouring parties, these are summarised:
- 6.2 With the development backing onto my garden would my fence be ripped out or build adjacent to the fence? Is the fence mine or the Council's?
- 6.3 When will work start and for how long? This will be disruptive for those working night shifts. Will the houses be sold or Council housing? My fence will remain. Will the vehicles on my driveway be safe and undamaged?
- 6.4 As my land will remain vacant after the development, I wish to ensure that access to my land will not be compromised by the development. The fencing erected by the Council does not following the true boundary which I haven't insisted on this being corrected. The Council has removed the padlock to the gate on my boundary rendering me unable to access my land.
Second comment: I will require access to my land to be maintained during construction, reiterated the comment regarding the line of the boundary fence. The true boundaries should be agreed and clearly marked prior to development.
- 6.5 Contrary to the information on the application form there are numerous trees including a very large Ash tree and numerous hedges at the site.
- 6.6 ***Officer response:***
These matters are addressed in the report above.
The matter regarding access to the adjacent land has been passed onto the Council's Estates and housing teams for resolution.

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 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

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 paragraph 38 of 2021 National Planning Policy Framework (NPPF).

8.2 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/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

9.1 The proposed development is considered to have addressed appropriately or via conditions matters of design, amenity, highway safety, biodiversity, ground conditions and drainage. As such the proposal is considered to be appropriate meeting the requirements of the relevant planning policies set out above.

10.0 RECOMMENDATION

10.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment or conditional requirement below. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Site location plan (only) plan 05 Rev B received 24.01.2023

Proposed plan 04 Rev D received 16.03.2023

Proposed layout plan 03 Rev D received 16.03.2023

Reason - In order to clarify the extent of the planning permission.

3. The site shall be developed with separate system of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

4. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, this 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, base don existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges takes place until proper provision has been made for its disposal and in the interests of sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

5. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.

6. No development shall commence until;
 - a) Further intrusive investigations have been carried out on site to establish the risks posed to the development by past coal mining activity and;
 - b) The remedial works and any mitigation measures necessary to address and instability arising from coal mining legacy have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the site is safe from former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

7. Prior to the occupation of the development a 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 mining activity.

Reason: To ensure the site is safe from former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

8. Details, including samples where necessary, of all materials to be used in the construction of the external surfaces of the proposed development, including eaves and fascia, chimneys, window and doors, shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development In accordance with policy CLP20 of the Adopted Local Plan.

9. Prior to the development commencing above slab level details of the boundary treatment, pedestrian access arrangements and management of the area adjacent to Plot 6 noted as 'nature break' on plan 03 Rev D, shall be submitted to and agreed in writing by the local planning authority. Works shall be completed in accordance with the agreed details and managed as agreed thereafter.

Reason: For clarification and to ensure appropriate and secure pedestrian access via Plot 6 and management of the space in accordance with Policy CLP14 and 16 of the Adopted Local Plan.

10. Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting scheme. All works shall be fully implemented in accordance with the approved scheme prior to occupation of each unit.

Reason - To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of amenity/biodiversity/habitats in accordance with policies CLP14 and 16 of the Adopted Local Plan.

11. Prior to works on the hereby approved building(s) and land being commenced a scheme detailing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to on and off site datum point and their relationship to existing neighbouring buildings and land shall be submitted to and approved by the Local Planning Authority, and the development shall be constructed in accordance with the agreed levels. Works shall be completed in accordance with the approved details.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

12. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

13. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
 - integrated bat boxes.
 - insect bricks.
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Reason: To enhance biodiversity on site in accordance with Policy CLP16 of the Adopted Local Plan.

14. Notwithstanding the submitted landscaping plan and prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) a schedule detailing sizes and numbers of all proposed trees/plants
- c) Sufficient specification to ensure successful establishment and survival of new planting.
- d) all hard surfacing materials
- e) all boundary treatments

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate

15. Prior to the development progressing above slab level a sustainability statement shall be submitted detailing; consideration of climate change in design and construction, use of renewable technologies, a statement on how emissions will be reduced through the construction process, and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

16. Notwithstanding any information submitted, no development shall take place, with the exception of the site clearance, until construction details of the turning head and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

17. The carriageways and footways shall be constructed in accordance with the details approved under condition (16) above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing/proposed public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

18. The dwellings, the subject of the application, shall not be occupied until the site has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority in writing. In the case where interim turning arrangements are constructed these must remain available until any permanent turning head is available, in accordance with the approved designs.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

19. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, all to be laid out, constructed and approved in writing by the Local Planning Authority.

The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

20. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

21. The dwellings hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 153 of the National Planning Policy Framework.

Informatives:

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to design and layout in order to achieve a positive outcome for the application.
2. The letter from Yorkshire water dated 18.03.2021 contains detailed drainage information, please make note of this.
3. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991) he should contact our developer services team (phone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption – a design and

construction guide for developers 6th Edition' as supplemented by Yorkshire waters requirements.

4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

5. Highway footnotes:

Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, Email - ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This normally takes the form of a cash deposit equal to the calculated construction costs of the street and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where the developer wishes for the development to remain private it is expected that the streets are constructed to an acceptable standard and a management company set up, by the developer, to take on the future maintenance responsibilities for the estate streets on the development.

Pursuant to the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section). vii. Construction works will require Temporary Traffic Management and possibly road closures/diversions. Advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.

Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

The applicant is advised to obtain a technical approval for all drainage with the turning head by obtaining details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition 18 of this consent.

Any affected Highway Maintainable at Public Expense (HM@PE) on the Derbyshire Definitive Map) must remain unobstructed on its legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Please note that the granting of planning permission is not consent to divert or obstruct the HM@PE. If it is necessary to temporarily obstruct the HM@PE to undertake development works then a temporary closure/diversion is obtainable from the County Council. If the HM@PE is required to be permanently diverted then

the Council that determines the planning application (The Local Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a HM@PE must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the HM@PE to facilitate public safety during the works may then be granted by the County Council.

Planning Committee: 3rd April 2023

ITEM 2

PROPOSAL: RETENTION OF FENCING/GATING OF LAND

LOCATION: THE OLD CRANE HIRE YARD (WALTON FIELDS FARM), WALGROVE ROAD, WALTON, CHESTERFIELD FOR P TURNER ERECTIONS LTD.

Local Plan: Unallocated, within the built up area

Ward: Walton

1.0 CONSULTATIONS

Ward Members	No comments received
Local Highways Authority	No objections to the proposal. Condition recommended requiring gates to open inwards only.
Environmental Health	Comments on mitigation detail to prevent noise from the movement of the gates
Derbyshire Wildlife Trust	Comments received – see report.
CBC Estates	Estates notified of application and are aware of boundary matters.
Representations	23 objections were received in response to the notification process from 8 properties and 2 objections were submitted with no address provided. 1 letter was received from the neighbouring landowner regarding the boundary, the letter was neither objecting or supporting the application.

2.0 THE SITE

2.1 The site subject of this application is broadly rectangular in shape with access taken onto Walgrove Road at the turning head. The site is bound by residential dwellings on Walgrove Road to the north and west and residential dwellings on Ashdown Drive to the south. The eastern boundary of the site is bound by Northwood Tissue. The site

was previously occupied by Walton Fields Farm and associated outbuildings. The derelict remains of the farmhouse and buildings are evident on site situated towards the southern boundary. Aerial imagery of the site shows the storage of three large cranes on site from approximately 1999 to 2020.

2.2 A few small portacabin buildings are currently present on site and have been subject of vandalism. The site has recently been cleared of vegetation and soft landscaping with works underway to clear waste and fly tipped rubbish from the site. Fencing has been installed on site and is the subject of this application (see section 4.0 of report for detail)

2.3 The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035.



Extract of submitted location plan ©

Aerial photograph taken from Google maps ©

3.0 **SITE HISTORY**

3.1 No relevant site history

4.0 **THE PROPOSAL**

4.1 The application seeks retrospective consent for the installation of fencing and gates on the site. Planning permission is required for gates and fencing exceeding 2m in height or exceeding 1m in height adjacent to the highway as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015. Extract of relevant legislation copied below for reference.

4.2

Part 2, Minor Operations, Class A – gates, fences, walls etc

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

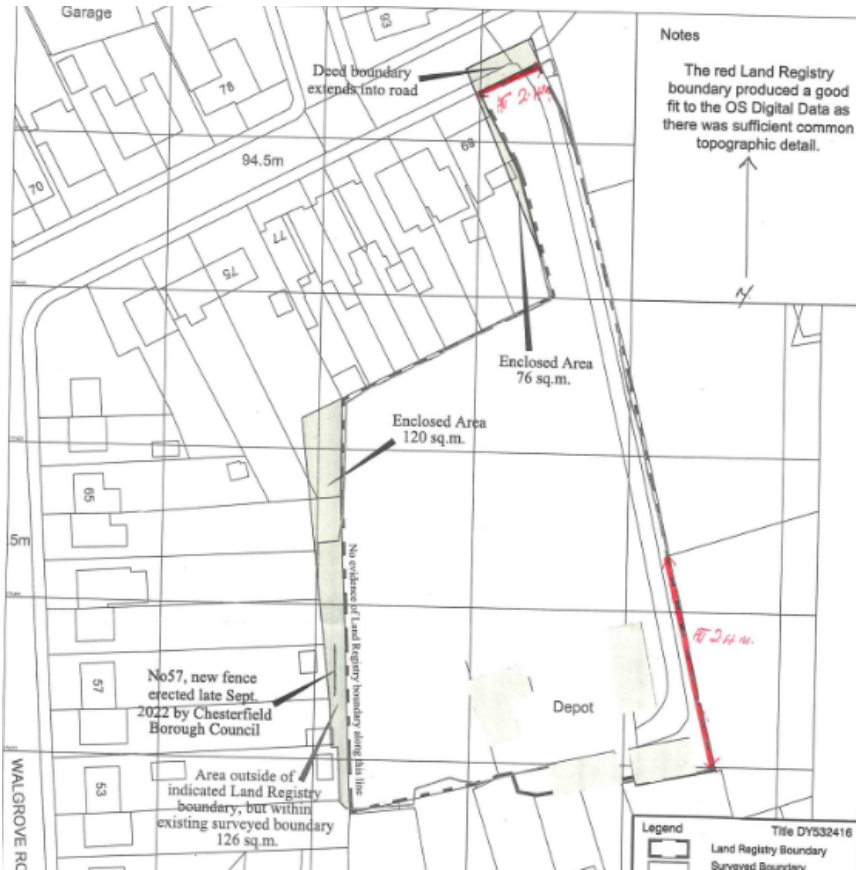
Development not permitted

A.1 Development is not permitted by Class A if—

- a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—*
 - i. for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*
 - ii. in any other case, 1 metre above ground level;*
- b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;*
- c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or*
- d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.*

4.3

It is important and necessary to set out the parameters of this application and scope of the works under consideration. The application is solely considering the metal palisade fencing and gates at the northern boundary on the frontage with Walgrove Road and the metal palisade fencing in the south eastern corner of the site. The palisade fencing in both locations measures approximately 2.4m in height and therefore requires planning permission. The location of the fencing subject of the application is indicated on the submitted 'boundaries and fence location plan' with the areas of fencing illustrated in red (see extract copied below)



Extract of submitted boundaries and fence location plan ©



Photographs of fencing and gates on the frontage with Walgrove Road



Photographs of fencing in the south eastern corner of the site

4.4

Additional fencing has been installed on site consisting of post and wire fencing which does not exceed 2m in height. The remaining fencing on site is therefore permitted development and is not the subject of this application. The applicant has been informed of the relevant permitted development rights and is aware that any fencing installed on the remaining boundaries must not exceed 2m in height otherwise a further application for planning permission will be required (see photographs below to illustrate).



Post and wire fencing on the western boundary



Post and wire fencing on the eastern boundary

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design

5.3 **National Planning Policy Framework**

- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

5.4 **Principle of Development**

5.4.1 The application is for minor works for the retrospective installation of palisade gates and fencing which is acceptable in principle (CLP1 and CLP2) subject to further consideration of design and appearance, residential amenity, impact on protected species, landscaping, highway safety (CLP14, CLP16, CLP20 and CLP22).

5.5 **Design and Appearance of the Proposal**

Relevant Policies

5.5.1 Local Plan policy CLP20 states '*all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.*'

All development will be expected to:

- a. *promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;*
- b. *respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials*
- c. *be at a density appropriate to the character of the area whilst not excluding higher densities in and close to designated local, district and town centres;*
- d. *contribute to the vitality of its setting through the arrangement of active frontages, accesses, and functions, including servicing;*
- e. *ensure that the interface between building plots and streets and also the boundaries of development sites and their surroundings are attractive and take account of the relationship between public and private spaces;*
- f. *provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings;*
- g. *provide adequate and safe vehicle access and parking;*
- h. *provide safe, convenient and attractive environment for pedestrians and cyclists;*
- i. *preserve or enhance the landscape character and biodiversity assets of the borough;*
- j. *be designed to be adaptable and accessible for all;*
- k. *have an acceptable impact on the amenity of users and neighbours;*
- l. *be designed to be safe and secure and to create environments which reduce the potential for crime;*
- m. *minimise the impact of light pollution;*
- n. *be able to withstand any long-term impacts of climate change*

Considerations

- 5.5.2 The surrounding streetscene on Walgrove Road largely comprises of residential dwellings with a secure secondary access serving Northwood Tissue to the east of the site formed of a brick wall with metal green gates with anti-climb metal structures attached. The Northwood Tissue site provides a landscape buffer to the site and it appears from aerial imagery that the access to Walgrove Road is not actively used for vehicular traffic. The site is situated at the turning head of the road at the end of the row of properties. The retrospective works subject of this application are therefore predominately visible from Walgrove Road public highway.

5.5.3

The site was previously served by smaller metal gates and chain/mesh fencing (see Google streetview © photographs below)



Photographs of fencing and gates on the frontage with Walgrove Road in May 2011



Photographs of fencing and gates on the frontage with Walgrove Road in September 2022



5.5.4

The replacement palisade gate and fencing represents a change to the previous gate and fencing on the site. The new fencing is visually more prominent within the streetscene due to the design, height and colour. The applicant has set out the rationale for the new fencing which seeks to enclose the site and prevent trespass and vandalism.

- 5.5.5 The use of palisade fencing is not atypical for security purposes. The fencing on the frontage with Walgrove Road represents a relatively small extent of the overall site boundary. It is acknowledged that the development has an impact on the streetscene to mitigate the visual impact of the development it is recommended that a condition be imposed requiring the fencing to be painted dark green. Fence netting could also be installed to the rear of the fencing as a further visual screen.
- 5.5.6 The fencing in the south eastern corner of the site has a limited visual impact with restricted vantage points from the public highway therefore no further mitigation is required for this fencing.
- 5.5.7 Having consideration for the observations above the proposal is considered to be acceptable subject to conditions and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20.

5.6 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.6.1 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'*
- 5.6.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*

Considerations

- 5.6.3 The Council's Environmental Health Officer reviewed the scheme and asked for further detail on mitigation to prevent noise from the movement of the gates. The applicant has stated that bolt holes will be installed to mitigate noise and it is therefore recommended that a condition be imposed requiring further details be submitted for a scheme of mitigation within a set period of time following the determination of the application, the mitigation scheme must then be installed in accordance with agreed details.
- 5.6.4 It is acknowledged that the fencing is visible from the public highway and nearby residential dwellings, however siting, design and scale of

the fencing and gates are considered to have a minimal impact on the amenity of the surrounding residential neighbours.

- 5.6.5 Having consideration for the observations above, subject to a condition requiring further details of measures to prevent noise from the movement of the gates, it is considered that the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Biodiversity Including Impact on Trees and Protected Species

Relevant Policies

- 5.7.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and*
 - *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity*

Considerations

- 5.7.2 The application site is not subject to any specific landscape allocation or tree preservation order. It is noted that trees/ soft landscaping have been removed as part of general site clearance. The removal of the trees/landscaping is not subject to planning control and can be commenced without the need for planning permission.
- 5.7.3 The Council's Tree Officer visited the site and undertook a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The assessment and scoring concluded that the trees/hedgerows on site did not merit the imposition of a Tree Preservation Order.
- 5.7.4 Concerns raised by neighbours (see detail in representations sections of report) regarding potential impact on protected species including badgers and clearance of the site during nesting season. Representations refer to a complaints made to the Derbyshire Police Wildlife Crimes Officer, Planning Enforcement Team of Chesterfield Borough Council and the Derbyshire Wildlife Trust. Potential offences under wildlife protection legislation would be addressed through the relevant police. This application solely relates to the installation of the

sections of fencing and gates which require planning permission (as set out in section 4.0 of the report). The main impact on protected species arising as a result of the installation of fencing requiring planning permission.

- 5.7.5 The Derbyshire Wildlife Trust reviewed the scheme and confirmed residents have reported badger activity on the site. It is understood that investigations were undertaken and no sett was identified. There is potential for use of the site for foraging and recommendations were made to the landowner for badger gaps to allow access. The Derbyshire Wildlife Trust stated that best practice would be gaps of 200 mm wide by 300 mm high should be sufficient (in accordance with Natural England Advice Note TIN026).
- 5.7.6 The applicant subsequently provided a plan showing the location of a badger gap in the eastern boundary the provision of a second gap on the western boundary should fencing be installed in this location.
- 5.7.7 Subject to condition requiring the badger gaps be installed in accordance with the submitted plan, the development accords with the requirements of CLP16 and the NPPF.

5.8 Highway Safety

Relevant Policies

- 5.8.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking'*
- 5.8.2 Local Plan policy CLP22 states that *'Development proposals will not be permitted where they would have an unacceptable impact on highway safety'*

Considerations

- 5.8.3 The Local Highways Authority reviewed the scheme and provided the following comments; *'The proposal seeks the retention of fencing and access gates associated with The Old Crane Hire Yard. Prior to the erection of the fencing / gates the site previously had fencing and access gates in the same location on the turning head of Walgrove Road, therefore, the proposal is considered to be acceptable. The Highway Authority has no objections to the proposal.'* A condition was recommended requiring gates to open inwards only.

5.8.4 The development therefore will not have an adverse impact on highway safety. Subject to a condition requiring the gates to open inwards the development complies with the requirements of CLP20 and CLP22.

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and site notice.

- 23 objections were received in response to the notification process from 8 properties and 2 objections were submitted with no address provided.
- 1 letter was received from the neighbouring landowner regarding the boundary, the letter was neither objecting or supporting the application.

6.2 The main concerns raised are summarized below, full representations are available to read on the website.

- Reasons for objection – noise, policy, traffic or highways, visual, residential amenity
- Design and appearance of gates/fencing
 - Not in keeping with the street and are too high. Impacting the view/outlook from the window and visible above eye level of door
 - Gates are not in keeping with a residential property with a severe physical appearance, oversize height, visual eye sore grossly inappropriate for a residential street
 - surrounding properties also are affected due to the aesthetics to the street, which has already been compromised by the gates from the factory. The adjacent Factory gates, whilst also unsightly and tall, are a rear entrance for an industrial site and more appropriate for that purpose.
 - The original gates, whilst also ugly and in a poor condition, were at least green/rust in colour and blended into the then leafy backdrop, alongside Factory gates also green in colour. An alternative fencing and gate system that is appropriate to the location, of a legal height for a residential zone, in keeping with site-use (i.e. not industrial) and of building/boundary fence or wall materials (such as brick, wood) would be far more palatable to other residents.

- The fencing itself is mismatched with mixed steel fencing with wooden post and barbed wire. The visual result is simply appalling.
- In reference to the images supplied of the 2 green gates and brick walls, the commercial complex behind has built something appropriate for a residential setting. The only hint of security from a street view are the rotary spikes tops. A small section of palisade fencing, which is hidden behind properties to adjoin one brick wall, has been thought out with the residents visual aspect in mind as the colour used is green. This is in stark contrast to what has been installed by the applicant as she has not thought of the residents visual aspect and chosen the cheapest most garish colour in galvanised steel, which does not blend in with the surrounding
- Removal of trees to accommodate gates/fencing has had an adverse impact on the surrounding which is considerably less attractive to adjacent properties
- Residential amenity – noise/disturbance
 - gates are noisy when windy
 - gates/fencing have an adverse impact
 - The current status of the land is less visually pleasing due to the inconsistencies in the types of fencing and gates utilised and the manner in which the land was cleared.
 - The new fencing / gate installation appears to have been carried out in a way which shows little or no consideration to the surroundings
 - the site entrance is now a very ugly location that may attract unwanted activity and interest due to the type of fencing used, and stark frontage to the application site.
- Highway safety concerns
 - Length and narrowness
 - Debris washing out from site after rain events due to removal of grass cover to accommodate oversized gates
 - The installation of the fencing / gates saw the removal of a curb stone and Road sign. Little clean up of the roadway, pathways during and after the said installation.
 - The road is left in a state due to mud running off the track
 - It is only after concerned neighbours brought knowledge of these damaging vegetation operations (prior to fencing/gate erection) to the attention of the Wildlife Crimes Officer, Chesterfield Borough Council and the Derbyshire Wildlife Trust, that the applicant was contacted.

- Retrospective works and impact on protected species, wildlife, and trees
 - This application is retrospective and makes a mockery of the planning system. The application does not mention that extensive vegetation clearance was undertaken to enable the fencing works. Operations, using heavy machinery by contractors, removed vegetation (scrub, mature trees and hedgerow) without ecological survey and during the bird nesting season in 2022 - this was completed in advance of the erection of the extensive boundary fencing and entrance gates evidenced in the application documents. It is only after concerned neighbours brought knowledge of these damaging vegetation operations (prior to fencing/gate erection) to the attention of the Wildlife Crimes Officer, Chesterfield Borough Council and the Derbyshire Wildlife Trust, that the applicant conduct a survey in relation to protected species
 - Concerns raised regarding protected species on or in close proximity to the site. Introducing fencing will block access which is an offence
 - Protected species are present at the site and at land adjacent to the site. This is well known to myself, other neighbours. Without a Preliminary Ecological Appraisal, and possibly further ecological survey for protected habitats / species, in advance of the vegetation clearance operations, it won't now be known if protected and priority species have been impacted. A derelict stone farmhouse and other stone structures are present at the site, within dense vegetation, and have been for a long time. The initial ecological surveys would have identified if the structures had the potential to support protected or priority species such as bats or barn owl, and further surveys may have been necessary prior to operations that could lead to impacts and unlawful actions. The applicant has not provided any information with the retrospective planning application to allow Chesterfield Borough Council to make a decision regarding the erection of fencing that was enabled by the vegetation clearance operations. Surely a decision cannot be made on this application until this has been rectified?
 - Section 15 of the application form has been checked as 'Yes' for trees and hedges present on and adjacent the site. As part of this there has been removal and cutting of the western site boundary hedgerow, which may be an 'important' hedgerow under the Hedgerow Regulations 1997,

in part because the farmstead was in a more rural location, prior to development of the area, when the hedgerow was planted. Without the proper consideration of a tree and hedgerow survey, by Chesterfield Borough Council, that would have taken place had the applicant made a planning application PRIOR to these removal operations, the applicant may have removed part of an important hedgerow unlawfully, and again, has acted in contradiction to planning requirements. The presence of protected and priority species within the hedgerow, at a site that also comprised dense scrub habitats, may also have been impacted by the operations. The necessary surveys should have been undertaken prior to submission of a planning application.

- Removal of mature trees and hedgerows particularly at boundaries as this would lessen the visual impact of the fencing and noise/airborne pollution from site activities. Removal represents a loss of appreciable carbon sink which would otherwise offset on-site industrial emissions which is counter to the Borough Councils Climate Change Action Plan
- Surveys of the land should be undertaken with access gaps and wildlife corridors. Cease clearance of trees and hedgerows until the end of the nesting period and consider the level of clearance necessary. A thick native hedgerow such as hawthorn or dog rose would be a deterrent to trespassers. Applicant should consider actions to mitigate habitat loss caused e.g. tree planting and nest boxes
- Future intended use of the site - if the long term plan for the site is to create an industrial development protection from noise/environmental pollutants for local residents offered by boundary vegetation could be significant. If the plan is to instead pursue a residential status and establish a housing development then the inclusion of mature trees and boundary hedgerows with an established wildlife population will likely add markedly to property prices and the overall character of the development. If the plan is to continue using the site for storage then the loss of a few feet of boundary land for the preservation of trees and inclusion of a wildlife corridor seems unlikely to have a great deal of impact, given the large amount of otherwise vacant space on the property
- Impact of house prices, loss of trees impacts house value, fencing/gates will impact house prices
- Boundary plan

- Submitted plans take in land which does not belong to applicant and includes neighbours land, council land and public highway
- submitted plans shows they own half the road and land in the gardens of Walgrove Road, this is unfounded and based on a coal map form 1836 which shows where the coal is not where the boundaries are. Further surveyors reports have been done and show the applicants plan is incorrect/obsolete
- The exact location of fencing may not be correct, as one of the submitted plans shows two different boundary lines - this has not been through the planning process to ensure the fencing location is correct, before being erected
- The fence at 57 is not a new fence erected as suggested, it was a pre existing fence however had new fence panels put in place to existing concrete posts in 2022. The fence was preexisting and has been in place for years. It was photographed in place in 2019 on Google Street View. The property is owned and managed by Chesterfield Borough Council so the fencing is highly unlikely to be encroaching on boundaries and appears to have been disregarded in the surveyed boundaries due to the belief that this had been recently erected which is not the case. I disagree with the need to have a fence over 2m in this area.
- Trespass/anti-social behaviour
 - neighbours who have lived in the area for many years have not know people trespassing and gaining access from the front of the property due to locked gates and barbed fencing.
 - No assets of value have been removed from property expect by the landowner.
 - Access to the site has been gained at the far end of the site due to a fallen stone wall which backed onto common land
 - The industrial look actually would attract anti-social behaviour due to the broken window affect, as the land is in a poor state with rubbish and looks abandoned and unsightly.
 - Photographs supplied with the application show vandalism and rubbish at site boundaries, that cannot have been made by persons entering the site by vehicle, as the previous Walgrove Road gates were locked, and vegetation was too dense to drive through. Locals know that sporadic vandalism at the site over the years has been a result of foot access from the east, to the rear of the Factory grounds, not Walgrove Road. The need therefore for such substantial

security gates and fencing at the Walgrove Road entrance is unclear, as the site seems to now constitute a derelict farmhouse and other structures, rubbish at boundaries, some retained trees and scrub, and bare earth where vegetation has been partially cleared. The scale and type of fencing/gate at this location is akin to an industrial premises or a compound - which the applicant's property is not.

- Additional structures installed adjacent to No 89 Walgrove Road, unacceptable impact on residents
 - To the side of the residential property a high fencing has been placed to prevent use of gate however this is approximately 1 ft over the existing property's gate and therefore is aesthetically affects the property and can be seen from the garden, conservatory and kitchen of the property impacting the value of the property.

6.2

Officer comments

- **Design and appearance of gates/fencing – see section 5.5**
- **Residential amenity – noise/disturbance – see section 5.6**
- **Highway safety concerns – see section 5.8**
- **Retrospective works and impact on protected species, wildlife, and trees – see section 5.7**
- **Future intended use of the site – the works subject of this application relates solely to the retrospective fencing and gates on the site**
- **Impact of house prices, loss of trees impacts house value, fencing/gates will impact house prices – is a non-material planning consideration and therefore cannot be given weight in the determination of the application**
- **Boundary plan – the application solely relates to the fencing/gates on the northern boundary and in the south eastern corner of the site. Determining the location of the boundary and erection of additional fencing not subject of this planning application adjacent to the rear gardens on Walgrove Road and Ashdown Drive would be a private matter to be resolved between the relevant landowners.**
- **Trespass/anti-social behaviour – comments noted, representations refer to instances of trespass/anti-social behaviour**
- **Additional structures installed adjacent to No 89 Walgrove Road – structures installed reduced in height to below 2m and therefore do not require planning permission.**

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. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.
- 8.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 CONCLUSION

- 9.1 The proposal is considered to be acceptable subject to conditions and would not cause significant adverse impacts on the visual amenity and character of the area and will therefore accord with the provisions of policy Local Plan policies CLP20. subject to a condition requiring further details of measures to prevent noise from the movement of the gates, it is considered that the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20. Subject to condition requiring the badger gaps be installed in accordance with the submitted plan, the development accords with the requirements of CLP16 and the NPPF. The development therefore will not have an adverse impact on highway safety. Subject to a condition requiring the gates to open inwards the development complies with the requirements of CLP20 and CLP22.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

Approved plans and documents

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment.
 - Boundaries and Fence Location Plan (11.01.2023)
 - Green Paint document (received 13.03.2023)
 - Location of badger gaps (received 15.03.2023)

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

Painting the fence

2. The fencing and gates subject of this application on the northern boundary fronting Walgrove Road highway shall be painted dark green within two months of the date of the decision in accordance with the submitted 'green paint' detail submitted on 13.03.2023.

Reason - To ensure a satisfactory external appearance of the development in accordance with CLP20 of the Local Plan

Inward opening gates

3. The gates subject of this application on the northern boundary fronting Walgrove Road highway shall open inwards only.

Reason – In the interests of highway safety and in accordance with Local Plan policies CLP20 and CLP22

Badger gaps

4. Badger gaps shall be installed on site in fencing in accordance with the submitted drawing 'Location of badger gaps' (received 15.03.2023). The gaps shall measure a minimum of 200 mm wide by 300 mm high, with no sharp edges. The badger gap shall be installed within 14 days and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of Local Plan policy CLP16.

Noise mitigation

5. A scheme for noise mitigation measures for the gates on the northern boundary fronting Walgrove Road highway shall be submitted to the Local Planning Authority for written approval including a schedule for implementation . The noise mitigation measures shall include a drop bolt receiver. The approved works shall thereafter be installed on site in accordance with the agreed schedule of implementation and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of residential amenity and in accordance with Local Plan policies CLP14 and CLP20.

Notes

1. 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.
2. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under UK wildlife protection legislation. An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
3. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter which would be an offence under relevant regulations. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

Item 3

PROPOSAL: Two storey rear extension, single storey front extension to garage and increase of existing pitched roof height

LOCATION: 6 Hartside Close, Loundsley Green, Chesterfield, S40 4LB
for Mr Paul Wilson

1.0 CONSULTATION RESPONSES

- Derbyshire Wildlife Trust No objections, subject to conditions
- Highways No comments to make
- Tree Officer No objections, noted that a TPO is close to the gable of the property and a formal application would be required for any work
- Ward Councillors No reps raised - request application to be determined at planning committee from Cllr Davenport
- Representations Two objections received and comment from Toby Perkins MP.

2.0 SITE DESCRIPTION

- 2.1. The application relates to a detached single storey bungalow located in the northeast corner of Hartside Close. The dwelling is of a buff brick construction with a tiled, gable pitched roof. To the front is a driveway which leads to an attached flat roof garage.
- 2.2. To the rear, orientated NW, is a moderately sized garden bordered on three sides by a timber fence and soft landscaping in the form of trees and hedges.
- 2.3. The surrounding area is solely residential, characterised by a mixture of detached bungalows and larger two-storey dwellings. Some of the bungalows have had dormer windows installed in the roof plane. To the Northeast of the site is a public footpath known as Newbold Back Lane.



3.0 PLANNING HISTORY

3.1. There is no previous planning history on the site.

4.0 PROPOSAL

4.1. The applicant is seeking permission for the erection of a two storey rear extension, with an associated raising of the ridge height, and a single storey front & side extension to the garage. It was originally proposed to render the external walls however, matching brickwork is now proposed to be used.

4.2. The two-storey extension will have a rearward projection of 4m and project along the rear elevation by 12.4m, joining with the existing flat roofed garage. The extension will have a flat roof, with an overall height of 5.16m.

4.3. The ridge height of the dwelling will increase by 0.5m, from 5m to 5.5m.

4.4. The garage extension will have a sideways projection of 5.8m and forward projection of 2m. The extension will have a flat roof, with an overall height of 2.9m

4.5 At ground floor the extension will be bedroom with ensuite and kitchen /dining room with separate utility. At first floor 3 bedrooms and a bathroom will be provided.

5.0 PLANNING POLICY

1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

1.2. Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

1.3. National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

1.4. Supplementary Planning Documents

- Successful Places Residential Design Guide

6.0 CONSIDERATION

6.1. Principle of Development

6.1.1. The application site is located within an established residential area where works to a domestic property are considered to be generally acceptable subject to compliance with policies CLP1, CLP2 and CLP20 of the Local Plan, as well as the wider objectives of the NPPF and Successful Places Residential Design Guide

6.2. Design and Appearance of the Proposal

6.2.1. Local Plan Policy CLP20 states in part that all development should identify and respond positively to the character of the site and surroundings and

respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2. The proposal would include the use of matching the existing materials, and from the frontage the appearance of the dwelling will not be significantly different to the existing.

6.2.3. The extension to the rear is effectively an elongated dormer across the rear and which gives the appearance of a two-storey extension with a flat roof. This is different to the existing dwelling and what exists locally however, it would not be highly visible from any public vantage point, including Newbold Back Lane and which would not project beyond the side elevations.

6.2.4. It is acknowledged that the proposal results in the changing of a bungalow to a larger 1 ½ storey two level dwelling however there are examples of larger houses in the local area, including in prominent corner plots. Reference is made to Nos 1, 3 and 5 Hartside Close which all have more than one living level. The design and scale of buildings in the vicinity of the site is sufficiently varied such that the proposal is not considered to be at odds with the prevailing character of the area.

6.2.3. The proposal is therefore not considered to have a detrimental impact on the area and the proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.3. Residential Amenity

6.3.1 Local Plan Policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

6.3.2 The proposed extension will increase the footprint of the dwelling and result in the rear elevation being closer to the shared boundary with the properties on Cambrian Close to the Northwest.

6.2.3. SPD guidance states that a distance between habitable room windows of 21m should be maintained and that at least 10.5m should be retained to the rear boundary – whilst this applies to new dwellings, the principles are applicable to domestic extensions. A distance of 13m is retained to the rear boundary and 24m to the rear windows of 5 Cambrian Close; exceeding the recommended minimum distances set out in the SPD.

6.2.4. It is acknowledged that there will be some increase in overlooking from the first floor of the extension, and there will always be a detrimental impact from new development, however, the rear boundary benefits from both hard and soft landscaping to mitigate some of the effect and keep any loss of privacy to a minimum.

6.2.5. Overall, the massing of the proposed new extension is in proportion to the dwelling and site as a whole and will not have a significantly detrimental impact in terms of overshadowing, overbearing and loss of privacy.

6.3.3 On this basis the proposal is considered to accord with the provisions of policies CLP14 and CLP20, as well as the revised NPPF.

6.4. Highways Safety

6.4.1. Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

6.4.2. The proposal does not result in the loss of off-street parking or requires further parking to be provided within the site.

6.4.3. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5. Ecology

6.5.1. Derbyshire Wildlife Trust's (DWT) biological records indicate that there is a badger sett close to the development site.

6.5.2. A Badger Mitigation Report, provided by Peak Ecology, has been submitted which identified the badger sett and provides a mitigation strategy. DWT is satisfied with the findings of the report and recommend an appropriate condition be included with any permission granted.

6.6. Biodiversity

6.6.1. Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.6.2. The proposal is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will be attached to any decision issued to ensure the application provides biodiversity net gain measures, as a result of the proposed development.

6.6.3. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

7.1. Notification letters were sent to neighbouring properties and two representations have been received (3 and 5 Cambrian Close). Correspondence is also received from Toby Perkins MP referring to contact he has received from No 5 Cambrian Close. The objections relate to the loss of privacy to dwellings on Cambrian Close as a result of overlooking and the consequential impact on health. Reference is also made to the loss of a bungalow in the area which are in short demand.

7.2. ***The effect of the development on privacy has been addressed in section 6.3 above.***

- 7.3. ***In terms of the loss of a bungalow, the Council has no specific policy regarding the conversion of bungalows to two-storey dwellings. As such all applications are determined on their individual merits the degree of compliance with policies CLP14 and CLP20 of the adopted Chesterfield Local Plan 2018-35 which requires that all development will be expected to have an acceptable impact on the amenity of both users and neighbours.***

8.0 HUMAN RIGHTS ACT 1998

- 8.1. 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

- 8.2. The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF ENGAGEMENT

- 9.1. In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered 'sustainable development' to which the presumption in favour of the development applies.
- 9.2. The Local Planning Authority has considered this application in a positive and proactive way to achieve a positive outcome for the application.

10.0 CONCLUSION

10.1. Overall the proposal is considered to be acceptable in accordance with the above identified policies of the Local Plan. The proposal would not harm the character of the street scene, would not have a harmful impact on the amenity of the occupiers or surrounding residents, does not raise any highway safety concerns and a scheme of biodiversity net gain has been submitted and will be secured by condition. It is therefore considered that the application is acceptable from a design, amenity, highways, biodiversity perspective.

11.0 RECOMMENDATION

11.1. It is therefore recommended that the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason – The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Drawing No. DWG2 – Proposed Plans & Elevations
- Badger Mitigation Statement – Project No. Wils01, Dated 13/02/2023

Reason – In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. Unless otherwise agreed in writing by the Local Planning Authority, new materials to be used externally shall match those of the existing building.

Reason - In the interests of the appearance of the development and in the interests of the amenities of nearby residents, in accordance with policy CLP20 of the adopted Chesterfield Borough Local Plan

4. All works shall proceed in accordance with the Badger Mitigation Method Statement (Peak Ecology, 13/02/2023). This shall specifically include no use of machinery within 15m of the sett and the retention of access to the garden for badgers upon completion of works. Should a badger or badger cubs be seen at any time during works, an ecologist shall be contacted immediately for a review of the approach. A short statement of compliance shall be submitted to the LPA upon completion of works to discharge this condition.

Reason – To minimise the impact of the development on a protected species, in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

5. Within 3 months of the completion of the development hereby approved, a scheme for biodiversity and ecological enhancement measures shall be installed into the development on site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

Reason – In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

Informative Notes

1. The Local Planning Authority have, during the consideration of this application, engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

2. 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.
3. Coal Authority Informative 01/01/2023 – 31/12/2024

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for

court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

4. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. You must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter.

These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

5. In accordance with condition no. 5 of this permission, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - Bird/Owl/Bat Boxes

Locating your nestbox:

Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk

(remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.

Locating your bat box:

Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

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FOR PUBLICATION

AGENDA ITEM

Diversion of Public Rights of Way at Markham Vale Chesterfield.

MEETING:	PLANNING COMMITTEE
DATE:	3 rd April 2023
REPORT BY:	DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD:	Lowgates and Woodthorpe
Plot No:	2/2404

1.0 REASON FOR THE REPORT

- 1.1 To seek authority for Chesterfield Borough Council (CBC) to discharge its functions in regard to the proposed footpath diversion to Bolsover District Council (BDC) who will then consider a Diversion Order affecting the routes of Footpaths Staveley FP29 and Bolsover FP34, as affected by the Markham Vale expansion proposal considered under planning applications CHE/21/00554/OUT for CBC and 21/00424/OUT for BDC, pursuant to section 257 of the Town and Country Planning Act 1990.

2.0 BACKGROUND

- 2.1 At the planning committee meeting of the 12th December 2022 Members resolved to grant planning permission subject to conditions and the signing of a S106 agreement for: Outline

planning for erection of warehouse units (Class B2/B8) up to 68,000 sq. m gross, with ancillary office accommodation; construction of new access road; provision of service yards and internal vehicle circulation and parking areas; erection of covered cycle parking areas, pump house and sprinkler tank, gate houses and perimeter fencing; associated drainage works, site levelling and landscaping; and realignment of existing public right of way.

- 2.2 As yet the S106 remains outstanding and therefore permission has not yet been granted. As noted above the planning application included the construction of two large warehouse units and the scheme necessitated the diversion of Footpaths Staveley FP 29 and Bolsover FP34 which cross the site and which would need to be the subject of a formal diversion order.
- 2.3 The routes of the footpaths were considered in detail through the above mentioned planning application where it was concluded in regard to the footpath that: “It is clear from the comments above that the changes to the route of the footpath will result in a more circuitous footpath route through the site due to the need to divert around the buildings, and this is a negative of the scheme. However, the route itself is intended to be an attractive tree lined route along the water course, it will also be a surfaced route rather than walking across the centre of the field, and the existing hazards will be addressed. Therefore, there is considered to be sufficient mitigation and enhancement of the footpath route arising from the proposal sufficient to ensure the diversion is appropriate. The comment of Peak and Northern Footpaths is noted and there will be the right to make objections under the statutory process for footpath diversions under S257 of the Town and Country Planning Act.”

3.0 THE PROPOSED DIVERSION ROUTES

- 3.1 The route which would be affected by the development is the line straight across the site from the edge of the M1 crossing to the access point onto the Clowne Branch Greenway. The existing route and the proposed diversion are shown on the attached plans.
- 3.2 As yet the formal process for consultation and notification of the diversion has not occurred as permission for the development has not yet been granted. This report is merely for the authorisation for the procedures to consider the diversions to be undertaken by BDC on behalf of CBC as the route covers both Local Planning Authority areas. BDC would then take the lead in the consideration of the case.

4.0 EFFECT OF PROPOSED DIVERSION

- 4.1 The general effect of the proposed diversions would be to discontinue the present sections of footways and to replace them with the new sections as shown on the attached plan.

5.0 PROCEDURES

- 5.1 Under the Council's constitution the consideration of matters relating to diversion of footpaths and other rights of way is a non-executive function delegated to Planning Committee.
- 5.2 Consideration of whether to pursue diversion of relevant footpaths and rights of way (in the event that detailed planning permission is granted for the development) is a separate matter from consideration of the application itself. Consideration is not prejudiced by the Committee having already considered the diversion application, and members would not have to declare interests if they were at the Committee which considered the diversion.

5.3 The Government's Rights of Way Circular (1/09)¹ says:

7.15 The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.

5.4 Applications to divert footpaths to enable development to take place are dealt with by this Council under procedures under the Town and Country Planning Act 1990 and under the Highways Act 1980.

5.5 Under the the Local Government Act 1972 an authority has power to discharge their functions to any other local authority. Therefore, in this case given the cross boundary nature of the matter it is considered reasonable for one authority to seek the diversion order in line with the Town and Country Planning Act 1990.

5.6 The order would be confirmed, or not confirmed, in due course depending on consideration of objections made to the order (if any). If members approve the discharge of this function to BDC then the full and due process would be carried out by BDC in consultation with CBC.

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6.0 DESCRIPTION OF DIVERSION ROUTES

- 6.1 The new route would be a fully surfaced path meandering between the proposed buildings rather than cutting straight across the fields in a diagonal line. This will be a more circuitous route through the buildings but a more commodious route due to the proposed surrounding landscaping proposed adjacent to the water course but also due to the existing path being difficult to use in some areas in particular; over the Oxcroft Branch Line where the stepped access is broken and at the start of the route adjacent to the M1 where there is a very narrow section adjacent to a ditch.
- 6.2 Currently Bolsover FP34 merges seamlessly route A to B into Staveley FP29 route B to C on plan which cuts a diagonal route across the undulating fields and over the Branch Line and onto the Greenway.
- 6.3 The new route will be A to D which is along the edge of the field to the immediate south of the Clowne Greenway. Then under the bridge of the former rail line route D to E. the route then cuts through at a lower level between the development platforms and building beginning to take the route along the landscaped water course E to F and F to G. the route then comes out from the valley to higher ground from G to H to J. The route then runs along the woodland edge to the M1 from J to K back to the crossing to the M1.

7.0 CONSIDERATIONS

- 7.1 The power to make an order depends on the Council as the local planning authority who granted planning permission being satisfied that it is expedient to divert the path.
- 7.2 The diversions described above and shown on the attached plans are required to allow the proposed development to be implemented. Various organisations will need to be consulted

through the diversion process and any comments made will need to be taken into consideration in deciding the most appropriate course of action. The Order making procedure requires the further consultation prior to the Order being made all of which would be undertaken in liaison with BDC as leading Local Authority in this matter.

7.3 The merits of the planning permission should not be questioned when considering whether to make an Order, nor should an order be made purely on the grounds that planning permission has been granted. Whilst planning permission is recommended to be granted this does not mean that the public rights of way will automatically be diverted however there must be good reasons to justify a decision not to make an order. The disadvantages or loss likely to arise as a result of the diversion of the route to members of the public generally or to persons whose properties adjoin or are near the existing route should be weighed against the advantages of the proposed Order.

7.4 In this case the diversion routes are clearly necessary to allow for the development. The routes provide a more suitable and superior solution to what is currently available which is very difficult to use in some areas. The new routes will have an increased width and improved and appropriate surface. The new routes join into existing routes which are unaffected and are no less commodious to the users compared with what currently exists. Whilst the new route would be longer than the existing it is considered that this is not excessive and this is balanced by the easier walkability of the new routes.

8.0 RECOMENDATION

8.1 Due to the cross boundary nature of footpath route and the need for one Authority to lead on this matter, it is recommended that the Council Under the Local Government Act 1972 discharge their functions for the diversion order to Bolsover

District Council who will then undertake the procedures for the consideration of the Order.

GERARD ROGERS
HEAD OF REGULATORY LAW

HELEN FRITH
PRINCIPAL PLANNER, DEVELOPMENT MANAGEMENT

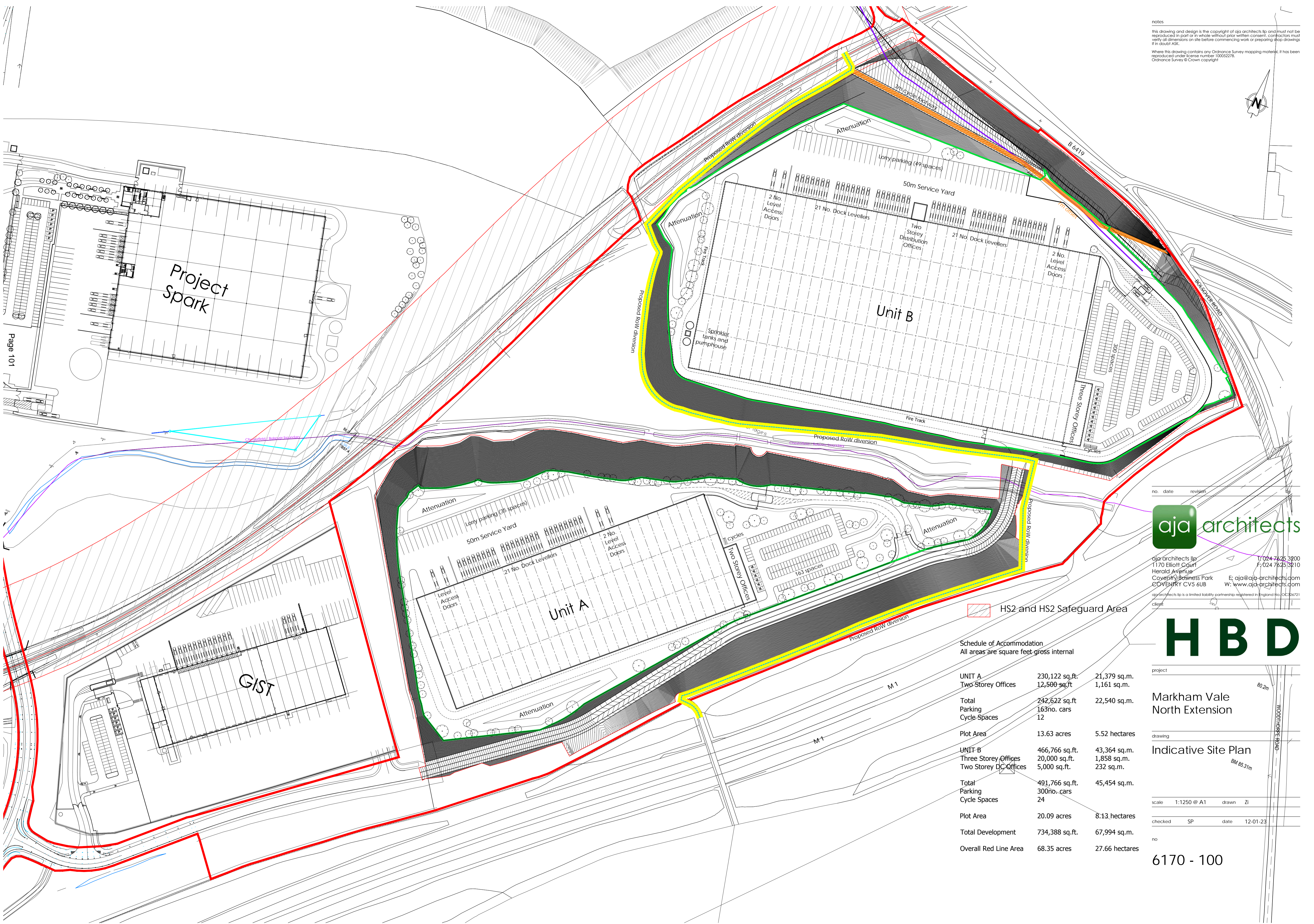
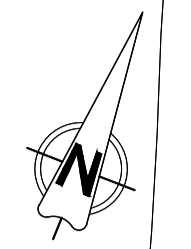
Further information on this matter can be obtained from:

Gerard Rogers, Regulatory Law Tel 01246 936471 or
gerard.rogers@chesterfield.gov.uk

Helen Frith, Development Management Tel 01246 959699 or
helen.frith@chesterfield.gov.uk

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 client

HS2 and HS2 Safeguard Area

Schedule of Accommodation
 All areas are square feet gross internal

UNIT A	230,122 sq.ft.	21,379 sq.m.
Two Storey Offices	12,500 sq.ft.	1,161 sq.m.
Total	242,622 sq.ft.	22,540 sq.m.
Parking	163no. cars	
Cycle Spaces	12	
Plot Area	13.63 acres	5.52 hectares
UNIT B	466,766 sq.ft.	43,364 sq.m.
Three Storey Offices	20,000 sq.ft.	1,858 sq.m.
Two Storey DC Offices	5,000 sq.ft.	232 sq.m.
Total	491,766 sq.ft.	45,454 sq.m.
Parking	300no. cars	
Cycle Spaces	24	
Plot Area	20.09 acres	8.13 hectares
Total Development	734,388 sq.ft.	67,994 sq.m.
Overall Red Line Area	68.35 acres	27.66 hectares

H B D

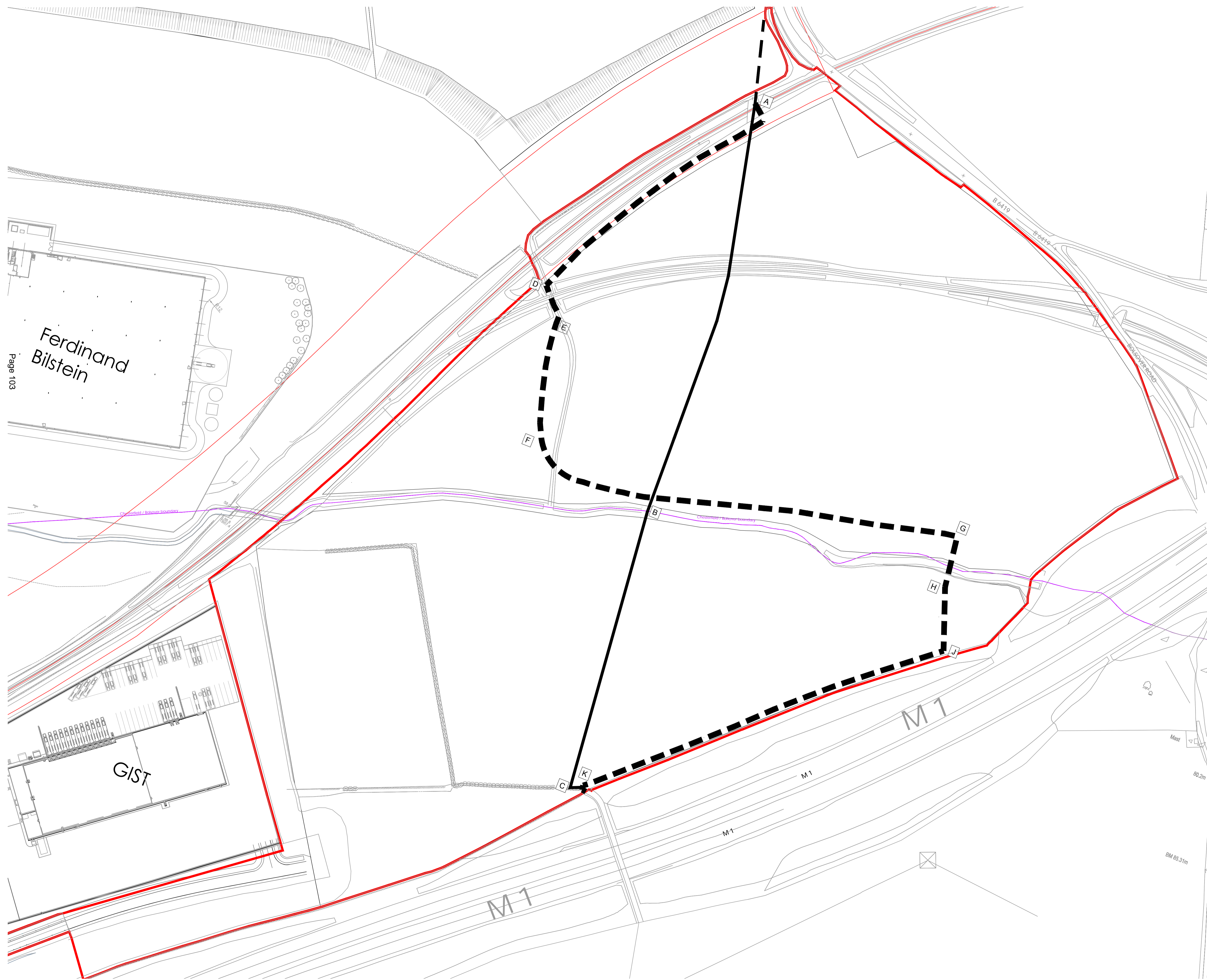
project
 Markham Vale
 North Extension

drawing
 Indicative Site Plan

scale 1:1250 @ A1 drawn ZI
 checked SP date 12-01-23

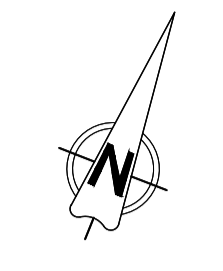
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Ferdinand Bilstein

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- Path to be extinguished A, B, C.
- - - Path to be created A, D, E, F, G, H, J, K.
- - - Footpath

Distance	
A-B	310.0m
B-C	210.0m
A-D	219.0m
D-E	24.5m
E-F	91.0m
F-G	324.0m
G-H	38.0m
H-J	47.0m
J-K	282.0m
K-C	8.0m

no.	date	revision	by



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project

Markham Vale
North Extension

drawing

Proposed Diversion of
Public Footpaths

scale 1:1250 @ A1 drawn pk

checked SP date 27-01-23

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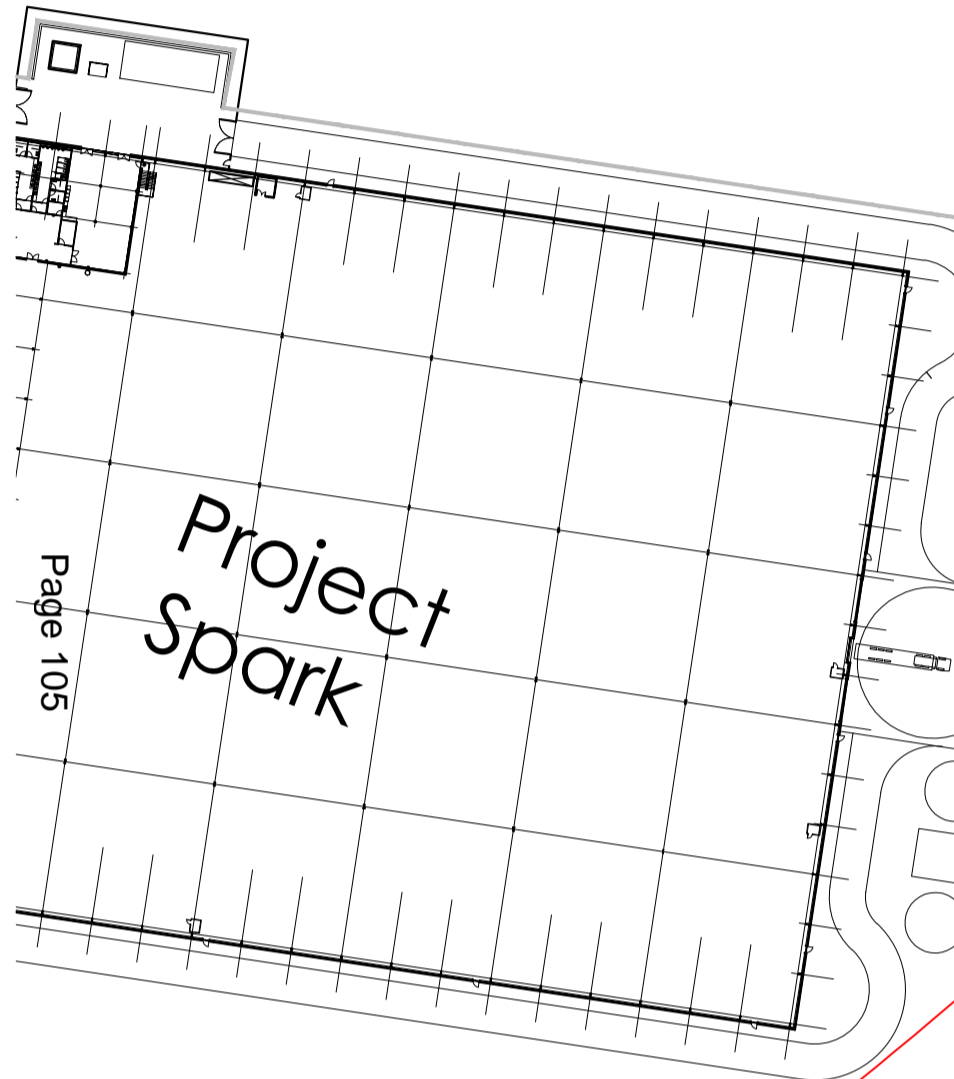
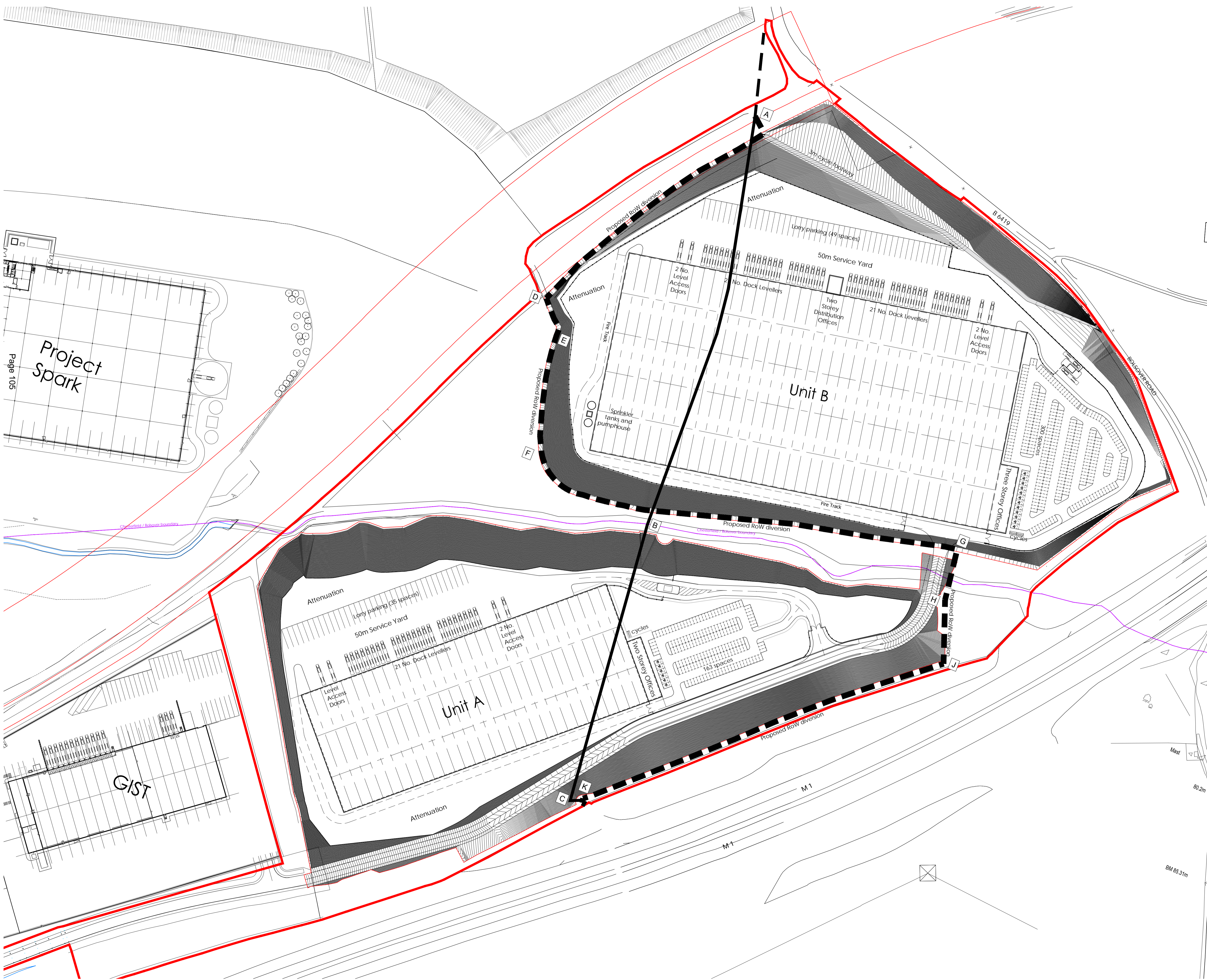
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 client:



project

Markham Vale
 North Extension

drawing
 Proposed Diversion of
 Public Footpaths

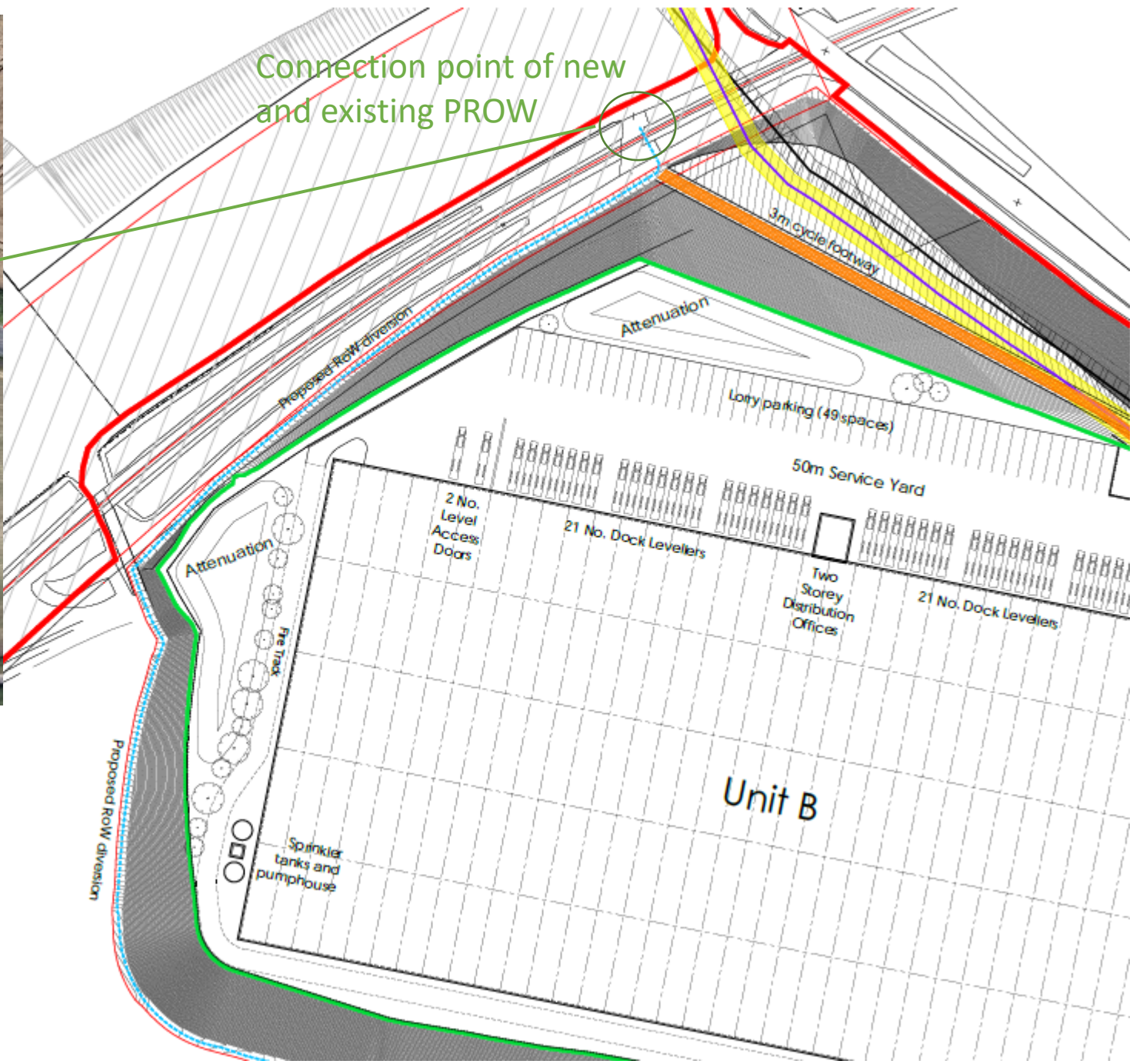
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Existing Public Right of Way Route

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 rd April 2023
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only.
Anyone requiring further information on any of the matters
contained in this report should contact:-

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/20/00550/FUL	Holmebrook	Proposed new commercial building for Use Class E (revised description 15/03/23). Revised drawings received 20.09.2021. Revised CMRA received 12/12/22 At Land At Chester Street Chesterfield For Woodleigh Motors	CP	17/03/2023
CHE/22/00551/HH	Linacre	High hedge complaint At 68 Brushfield Road Holme Hall Chesterfield S40 4XE For Mrs Jacqueline Weston	REF	14/03/2023
CHE/22/00689/OUT	Hasland	Outline planning consent for two dwellings adjacent to 21 Southfield Avenue - replacement of previous permission CHE/19/00468/OUT At Land Adjacent To 21 Southfield Avenue Hasland For Mr Matt Ervine	CP	15/03/2023
CHE/22/00737/RET	St Leonards	Retention of existing menage, gravel yard, fence and changes to levels around menage to create banking At Land To The Rear Of 101 Spital Lane Spital Chesterfield S41 0HL For Ms Sim Imrie	CP	14/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00810/COU	St Helens	Change of use of former beauty room to restaurant waiting room At Morgans 1 Sheffield Road Stonegravels Chesterfield S40 1LL For Lombardi's	CP	16/03/2023
CHE/22/00819/DOC	Hasland	Discharge of conditions 2 (materials) and 3 (hard and soft landscaping) of CHE/22/00220/REM- Approval of reserved matters (appearance, access and landscaping) of CHE/21/00286/OUT At 16A Eyre Street East Hasland Chesterfield S41 0PQ For Bix and Oshin Development Ltd	DPC	03/03/2023
CHE/22/00820/DOC	Hasland	Discharge of conditions 4 (biodiversity net gain), 5 (intrusive site investigations), 6 (coal mining safety), 8 (surface water) , and 13 (land levels) of CHE/21/00286/OUT- Residential development (1 dwelling) - Outline with some matters reserved At 16A Eyre Street East Hasland Chesterfield S41 0PQ For Bix and Oshin Development Ltd	PDOC	03/03/2023
CHE/22/00824/FUL	Lowgates And Woodthorpe	Erection of a car port At St John's Farm Bridle Road Woodthorpe Chesterfield S43 3BY For Mr Mick Hobson	CP	02/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00838/ADV	Dunston	<p>Replace existing double-sided internally illuminated 6-sheet bus shelter advertising displays with a replacement unit. One panel will have an illuminated digital display, and the reverse panel will have non-illuminated and non-advertising graphic space for Council and community content</p> <p>At Bus Shelter In Front Of 443 - 445 Sheffield Road Whittington Moor Chesterfield</p> <p>For Clear Channel UK</p>	CP	09/03/2023
CHE/22/00841/FUL	Dunston	<p>Two storey and single storey rear extension and single storey side extension</p> <p>At 44 Levens Way Newbold Chesterfield S41 8HZ</p> <p>For Mrs Susan Dodd</p>	CP	08/03/2023
CHE/22/00843/DOC	Dunston	<p>Discharge of condition 9C (Validation Report) of application CHE/15/00116/OUT- Outline planning application for the development of up to 146 residential dwellings with approval of access from Dunston Road</p> <p>At Land Off Dunston Road Chesterfield S41 9RL</p> <p>For Strata</p>	DPC	03/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00844/FUL	St Helens	Change of use from Class E(f) Day Centre to Residential Home for Adults with Learning Disabilities (Class C2), including the removal and incorporation of external windows and doors, provision of access steps to south elevation and render At Pine Bank Day Centre 9 Abercrombie Street Chesterfield S41 7LW For Godfrey Barnes Healthcare LLP	CP	07/03/2023
CHE/22/00845/LBC	St Helens	Listed building consent for the removal and incorporation of external windows and doors and render At Pine Bank Day Centre 9 Abercrombie Street Chesterfield S41 7LW For Mr Barnes	CP	07/03/2023
CHE/22/00849/DOC	Walton	Discharge of conditions 3 (coal mining) and 7 (ecology) of CHE/20/00177/FUL- Demolish existing semi detached property and build new detached dormer bungalow At Former Walton Villa 32 Matlock Road Chesterfield For Mr John Scott	DPC	02/03/2023
CHE/22/00850/FUL	Old Whittington	Installation of a free-standing Glen Farrow Biomass Boiler At Hema Works, Unit 3 Station Lane Old Whittington Chesterfield S41 9QX For Glen Farrow Ltd	CP	06/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00004/FUL	Hasland	Creation of apex roof to replace existing flat roof At 54 The Green Hasland Chesterfield S41 0LN For Mr Mark Lockett	CP	02/03/2023
CHE/23/00005/RET	Brimington North	Retrospective application for rendering of property and cladding of rear extension At 29 Rayleigh Avenue Brimington S43 1JR For Miss Jennifer Sutton	CP	09/03/2023
CHE/23/00009/DOC	Brimington North	Discharge of condition 3 (Biodiversity) of CHE/22/00393/FUL - Change of use from congregational church to a residential property At Congregational Church Chapel Street Brimington S43 1HZ For Mr Simon O'Donnell	DPC	02/03/2023
CHE/23/00014/FUL	Linacre	Demolition of existing conservatory and extension of existing kitchen and dining area to create open plan area and sub division of existing garage to form utility space At 21 Bank Wood Close Upper Newbold Chesterfield S41 8XQ For Mr M Washbourne	CP	06/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00017/FUL	West	<p>Porch and single storey side extension and replacement of conservatory roof with dual pitched roof</p> <p>At 23 Greenbank Drive Loundsley Green Chesterfield S40 4BS</p> <p>For Mr and Mrs Derbyshire</p>	CP	06/03/2023
CHE/23/00025/RET	Brockwell	<p>Retention of shed to the front of the property - re-submission of CHE/22/00489/FUL</p> <p>At 27A Ashgate Road Chesterfield S40 4AG</p> <p>For Mr Neil Caton</p>	CP	13/03/2023
CHE/23/00027/RET	Brockwell	<p>Retrospective permission for raised summerhouse and decking</p> <p>At 9 Newbold Back Lane Chesterfield S40 4HF</p> <p>For Right Property Design Ltd</p>	CP	14/03/2023
CHE/23/00031/FUL	Walton	<p>Single storey side extension and conversion of garage to habitable room - resubmission of CHE/22/00554/FUL</p> <p>At 51 Somersby Avenue Walton Chesterfield S42 7LY</p> <p>For Mr Charles Staton</p>	CP	13/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00032/DOC	Holmebrook	Discharge of condition 20 (Revised parking layout) of application CHE/16/00216/FUL- Residential development of 7 units and associated ancillary works At Jacksons Bakery New Hall Road Chesterfield S40 1HE For Mr James Blackburn	DPC	22/03/2023
CHE/23/00033/FUL	Lowgates And Woodthorpe	Erection of a 2.4m weldmesh fence At Netherthorpe School Ralph Road Staveley Chesterfield S43 3PY For Cavendish Learning Trust	CP	21/03/2023
CHE/23/00039/FUL	Hollingwood And Inkersall	Single storey side and rear extension and render to walls At 12 Sycamore Lane Hollingwood Chesterfield S43 2LD For Mr Kev Coogan	CP	20/03/2023
CHE/23/00052/FUL	Walton	Flat roof to pitched roof side and rear extension At 25 Hazel Drive Walton Chesterfield S40 3EN For Mr and Mrs Swann	CP	21/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00058/DOC	Old Whittington	Discharge of condition 8 (Construction Environmental Management Plan) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens At Adjacent 929 Sheffield Road Sheepbridge S41 9EJ For Vistry Homes	DPC	22/03/2023
CHE/23/00059/DOC	Old Whittington	Discharge of condition 10 (Biodiversity Enhancement and Management Plan) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens At Adjacent 929 Sheffield Road Sheepbridge S41 9EJ For Vistry Homes	DPC	22/03/2023
CHE/23/00071/DOC	Walton	Discharge of conditions 4 (Remediation), 5 (Verification report), 10 (Materials for gable of no. 34), 11 (Roof materials), 12 (Render colour) and 13 (Biodiversity measures) of application CHE/20/00177/FUL- Demolish existing semi detached property and build new detached dormer bungalow At Former Walton Villa 32 Matlock Road Chesterfield For Mr John Scott	DPC	02/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00088/DOC	Lowgates And Woodthorpe	<p>Discharge of conditions 7 (Storage of bins and collection of waste) and 12 (Hard and soft landscaping) of CHE/22/00616/REM1- Variation of condition 2 (external dimensions and elevational treatments) of application CHE/19/00083/FUL-Conversion of existing pub (6-one bed flats) , new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats). Alterations to be made to the conversion of the pub with a small first floor extension to the rear allowing for on site communal meeting facilities and site office for supported living</p> <p>At All Inn Lowgates Staveley S43 3TX</p> <p>For Brightman Clarke Architects</p>	DPC	07/03/2023
CHE/23/00091/DOC	Old Whittington	<p>Discharge of condition 18 (Construction methodology) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens</p> <p>At Adjacent 929 Sheffield Road Sheepbridge Chesterfield S41 9EJ</p> <p>For Vistry Partnership Yorkshire</p>	DPC	14/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00095/DOC	Old Whittington	<p>Discharge of condition 5 (Scheme for the protection of retained trees) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens</p> <p>At Adjacent 929 Sheffield Road Sheepbridge Chesterfield S41 9EJ</p> <p>For Vistry Partnership Yorkshire</p>	DPC	03/03/2023
CHE/23/00096/DOC	Holmebrook	<p>Discharge of condition 3 (Biodiversity measures) of application CHE/22/00745/FUL- Two storey side and rear extension together with associated internal and external alterations</p> <p>At 32 Walton Crescent Boythorpe Chesterfield S40 2PJ</p> <p>For Mr & Mrs Cauldwell</p>	DPC	02/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00121/DOC	St Leonards	Discharge of condition 4 (site investigations) of CHE/19/00747/FUL- Demolition of existing garage and erection of one detached dwelling on land to the side At 3 Quarry Bank Road Spital Chesterfield S41 0HH For Chris Needham	DPC	14/03/2023
CHE/23/00130/DOC	Linacre	Compliance with conditions 1 (Commencement), 2 (In accordance with approved plans), 4 (Revocation of Permitted Development rights), 5 (Water consumption) and discharge of conditions 3 (Garage door details) and 6 (Land levels) of application CHE/21/00331/REM- Approval of all Reserved Matters for 7 dwellings (following approval of outline planning permission CHE/19/00043/OUT) At Moorlea Ashgate Road Chesterfield S42 7JE For Bestwick Estates Limited	PDOC	14/03/2023
CHE/23/00137/EIA	St Helens	Request for EIA screening opinion under regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) RE: application CHE/22/00604/FUL - residential development of 144 dwellings and retail space At Tapton Business Park Brimington Road Tapton S41 7UP For Woodall Homes LTD	EIANR	21/03/2023
CHE/23/00154/TPO	Moor	T1 Oak- Remove dead wood At 121 Stand Road Newbold S41 8SJ	CP	08/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00155/EIA	Old Whittington	Request for a Screening Opinion for a Solar PV Array At Whittington Sewage Works Station Lane Old Whittington S41 9EY For Arcus Consultancy Services LTD	EIANR	21/03/2023
CHE/23/00160/NMA	Holmebrook	Non material amendment to application CHE/16/00216/FUL- Residential development of 7 units and associated ancillary works- To allow for amendments to landscaping, changes in external levels and clarification of siting of buildings At Jacksons Bakery New Hall Road Chesterfield S40 1HE For Blackburn Developments Ltd	CPNMAZ	16/03/2023
CHE/23/00175/DOC	West	Discharge of condition 4 (materials) of CHE/22/00431/FUL- Proposed rear extension garage conversion, porch and render to existing walls At 386 Ashgate Road Chesterfield S40 4DD For Mr David Mawson	DPC	14/03/2023
CHE/23/00180/DOC	West	Discharge of condition 3 (method statement) of CHE/22/00798/FUL- Erection of two single storey outbuildings At 35 Oakfield Avenue Chesterfield S40 3LE For Mr Robert Bradshaw	DPC	22/03/2023

Delegated List - Planning Applications

Key to Decisions

Code	Description
AC	Historic
AP	Historic
APPRET	Application returned to applicant
CI	Called in by secretary of state
CIRNO	Circular 18/84 no objection
CNOCO	Circular 18/84 no objs but conditions
CONCOM	Confirmation Compliance with Conditions
CP	Conditional permission
CPEOTZ	Conditional Permission Extension of Time
CPMAZ	Conditional consent for material amendment
CPRE1Z	Conditional Permission Vary Conditions
CPRET	Conditional Approval Retrospective
DPC	Discharge of Planning Conditions
FDO	Finally Disposed Of
GR CLOPUD	CLOPUD Granted
GRANT CLUD	CLUD Granted
GRNTEX	Permission Granted with Exemption
ND	Non Development
OBJ	Other Council objection
OC	Other Council no obj with comments
OW	Other Council no obj without comments
PA	Prior Notification Approval
PADEM	Prior Notification Demolition Approve
PD	Found to be Permitted Development
PR	Prior Notification Refusal
RAP	Retrospective Application Refused
RARETZ	Retrospective Application Approved
RC	Application Refused
REF	Refused
RETAP	DO NOT USE
RETRFZ	Retrospective Application Refused
RF CLODUP	CLOPUD Refused
RTN	Invalid Application Returned
S106	S106 Approved pending planning obligation
SC	Split decision with conditions
SU	Split decision - approval unconditional
UP	Unconditional permission
UPRET	Unconditional Approval Retrospective
WDN	Withdrawn
XXXXXX	Recommendation Pending

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 rd April 2023
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact:-

Applications to Fell or Prune Trees	Steve Perry	345791
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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/23/00154/TPOEXP TPO 4901.125 08/03/23	The pruning of one Oak tree reference T1 on the Order map to remove dead wood from an otherwise living tree which is situated to the rear of 121 Stand Road.	Consent is granted to the removal of dead wood pruning back to sound timber and suitable replacement branches.
CHE/23/00083/TPO TPO 4901.12 23/03/23	The felling of 1 Horsechestnut tree reference T5 and the pruning of 2 Lime trees reference T7 & T8 and 1 Horsechestnut tree reference T9 on the Order Map and which are situated at 15 South Lodge Court, Brampton.	Consent is granted to the felling of 1 Horsechestnut tree which has decay on the main stem and bleeding canker. A condition is attached to plant one new Rowan tree in the first available planting season after felling. Consent is also granted to re-pollard two Lime trees and crown reduce one Horsechestnut to previous reduction points.
CHE/23/00146/TPO TPO 4901.112 23/03/23	The pruning of three Oak trees reference T10, T11 & T13 on the Order Map and which are situated to the frontage of 86 Keswick Drive and 2 & 4 Ennerdale Crescent, Dunston for Mr Gary Mc Carthy, CBC Leisure Services.	Consent is granted to crown lift by 3 metres over the garden & driveway area and 5 metres over the public highway. Crown clean to remove dead wood and epicormic growth and the reduction of branches growing towards the property, street lighting and telephone cables.

CHE/23/00147/TPO TPO 4901.112 23/03/23	The pruning of one Oak tree reference T8 on the Order Map and which is situated to the frontage of 131 Keswick Drive, Dunston for Mr Gary Mc Carthy, CBC Leisure Services.	Consent is granted to crown lift by 3 metres over the garden area and 5 metres over the public highway. Crown clean to remove dead wood and epicormic growth and the reduction of branches growing towards the property, street lighting and telephone cables.
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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 3rd April 2023
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

<u>TITLE</u>	<u>LOCATION</u>
Non exempt papers on files referred to in report	Development Management Section Planning Service Town Hall Chesterfield

1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of appeals being dealt with by the Council.

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact Paul Staniforth on 01246 345781.

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/22/00250/TPO – Felling 2 Beech trees at 25a Storrs Road Refusal	Officer delegation	21/06/22	Hearing	
2/4431	Holmebrook ward	Claire Hancock	CHE/21/00171/FUL - Pair dwellings on land at 33 Boythorpe Avenue Refusal	Planning Committee against officer advice	28/09/22	Written Reps	
2/156	Lowgates and Woodthorpe ward	Miss S McManus	CHE/22/00742/FUL – extension at 26 Netherthorpe Close - Refusal	Officer delegation	16/01/23	Written Reps	
2/2518	West ward	Mr J Simms	CHE/22/00712/FUL – fencing at 34 Miriam Avenue - Refusal	Officer delegation	12/01/23	Written Reps	
2/621	Barrow Hill and New Whittington ward	Mr P Rawson	CHE/22/00592/OUT 2 dwellings on land at 66 South Street North – None Determination	Officer delegation	9/2/23	Written Reps	
2/2581	Middlecroft & Poolsbrook ward	Mr T Singh	CHE/21/00381/FUL Extension at 26A Circular Road – Refusal	Officer delegation	23/2/23	Written Reps	
2/705	Brockwell ward	Mr D Hopkinson	CHE/22/00276/RET Retention of fencing and retail sales at 194-196 Newbold Road - Refusal	Planning Committee against officer advice	28/02/23	Written Reps	

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FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 3RD APRIL 2023
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

TITLE: Non-exempt papers (if any) on relevant files

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 For non-exempt information about current formal enforcement progress.

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Enforcement team.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non-compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law
Tel 01246 936471 or email gerard.rogers@chesterfield.gov.uk

ENFORCEMENT REPORT

Enforcements currently Authorised: 10

23 March 2023

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: 540 days</i>					
York Street	2 <small>1,278</small>	23/09/19 <small>1,278</small> balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>738</small>	16/04/21 <small>707</small>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> <small>18/03/21</small>	Ha
Enforcement Notice		<i>Total currently Authorised: 6</i>		<i>Authorised to Issue Average: 31 days</i>					
Chester Street	94 <small>32</small>	20/02/23 <small>32</small> wooden play structure					removal within 28 days	<input type="checkbox"/>	B
Page 134 Markham Road	Markham House 5,513	18/02/08 <small>5,513</small> storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5453</small>	20/10/08 <small>5268</small>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>14/11/19</small>	HI
Newbold Road	194-196 - former Hardy's Site 53	30/01/23 <small>53</small> frontage fencing and forecourt retail sales					Notice being finalised.	<input type="checkbox"/> <small>30/01/23</small>	N

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Park Hall Avenue 2		12/12/22 <i>102</i>	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> <i>21/12/22</i>	Wa
Pottery Lane West	10	18/07/22 <i>249</i>	Storage of vehicles					Instructed	<input type="checkbox"/> <i>20/10/22</i>	Mo
York Street	2	09/10/17 <i>1,992</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha
Section 215 Amenity Notice			<i>Total currently Authorised: 3 Authorised to Issue Average: days</i>							
Edinburgh Road	12	10/10/22 <i>165</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> <i>28/10/22</i>	SH

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Highfield Road	80	05/10/20 <i>900</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> 15/02/21	SH
Tapton Terrace	26	05/10/20 <i>900</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> 15/02/21	SL

Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Holtingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rotter • SH St Helens • SL St Leonards • Wa Walton • We West

SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court
CV-19 - coronavirus implications for enforcement or compliance