



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

Councillors Callan and Gilby – Site

Visit 1

Councillors Culley and Perkins – Site

Visit 2

Councillors Baldauf-Good and Staton

– Site Visit 3

12 May 2023

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 22 MAY 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 11am. Ward members wishing to be present should attend on site as indicated below:-

- | | | |
|----|---------|--|
| 1. | 11.20am | Swaddale Avenue, Tapton,
Chesterfield
CHE/23/00087/REM1 |
| 2. | 11.45am | Rother Avenue, Brimington,
Chesterfield
CHE/23/00222/TEL |

3. 12.10pm Newbold Road, Chesterfield
CHE/23/00216/TEL

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 Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday, 22 May 2023. 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 - 42)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 43 - 106)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 107 - 136)
6. Appeals Report (P000) (Pages 137 - 154)
7. Enforcement Report (P410) (Pages 155 - 158)

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, 3rd April, 2023**

Present:-

Councillor Callan (Chair)

Councillors Bingham
Brittain
CattCouncillors G Falconer
Miles

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

CHE/21/00007/OUT – Erection of 9 affordable dwellings (updated description and plans dated 24.01.2023) at number 1-8 and 10 Westwood Avenue, Staveley for Chesterfield Borough Council.

Councillors Brittain, Callan, and G Falconer.

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.

Councillors Brittain, Callan, and G Falconer.

CHE/23/00024/RET – Retention of fencing/gating of land at the Old Crane Hire Yard (Walton Fields Farm), Walton Road, Walton, Chesterfield for P Turner Erections LTD.

Councillors Brittain, Callan, and G Falconer.

Councillors Bingham, Catt and Miles were unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

124 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barr, Brady, Borrell, Marriott and T Gilby.

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

No declarations of interest were received.

126 MINUTES OF PLANNING COMMITTEE**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 14 March, 2023 be signed by the Chair as a true record.

127 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/22/00795/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

In accordance with Minute No. 299 (2001/2002) Mrs Cara Moss (Applicant) addressed the meeting.

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

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

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

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL Liability Notice be issued 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).

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

3. The site shall be developed with separate system of drainage for foul and surface water on and off site.
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, based on existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
- 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.

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.

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.

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.

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.

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.

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.

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.

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).

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).

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.

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.

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.

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.

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.

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.

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.

B. That a CIL liability notice be issued for £19,968 as per section 5.12 of the officer's report.

CHE/23/00024/RET - RETENTION OF FENCING/GATING OF LAND THE OLD CRANE HIRE YARD (WALTON FIELDS FARM), WALGROVE ROAD, WALTON, CHESTERFIELD FOR P TURNER ERECTIONS LTD.

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

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)

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.

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

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.

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.

*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/20/00550/FUL	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
CHE/22/00689/OUT	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
CHE/22/00737/RET	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
CHE/22/00810/COU	Change of use of former beauty room to restaurant waiting room at Morgans, 1 Sheffield Road, Stonegravels, Chesterfield S40 1LL for Lombardi's
CHE/22/00824/FUL	Erection of a car port at St John's Farm, Bridle Road, Woodthorpe, Chesterfield S43 3BY for Mr Mick Hobson
CHE/22/00838/ADV	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 at Bus Shelter in Front Of 443 - 445 Sheffield Road, Whittington Moor, Chesterfield for Clear Channel UK.

- CHE/22/00841/FUL Two storey and single storey rear extension and single storey side extension at 44 Levens Way, Newbold, Chesterfield S41 8HZ for Mrs Susan Dodd
- CHE/22/00844/FUL 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
- CHE/22/00845/LBC 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
- CHE/22/00850/FUL 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
- CHE/23/00004/FUL Creation of apex roof to replace existing flat roof at 54 The Green, Hasland, Chesterfield S41 0LN for Mr Mark Lockett
- CHE/23/00005/RET Retrospective application for rendering of property and cladding of rear extension at 29 Rayleigh Avenue, Brimington S43 1JR for Miss Jennifer Sutton
- CHE/23/00014/FUL 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

CHE/23/00017/FUL	Porch and single storey side extension and replacement of conservatory roof with dual pitched roof at 23 Greenbank Drive, Loundsley Green, Chesterfield S40 4BS for Mr and Mrs Derbyshire
CHE/23/00025/RET	Retention of shed to the front of the property - re-submission of CHE/22/00489/FUL at 27A Ashgate Road, Chesterfield S40 4AG for Mr Neil Caton
CHE/23/00027/RET	Retrospective permission for raised summerhouse and decking at 9 Newbold Back Lane, Chesterfield S40 4HF for Right Property Design Ltd
CHE/23/00031/FUL	Single storey side extension and conversion of garage to habitable room - resubmission of CHE/22/00554/FUL at 51 Somersby Avenue, Walton, Chesterfield S42 7LY for Mr Charles Staton
CHE/23/00033/FUL	Erection of a 2.4m weldmesh fence at Netherthorpe School, Ralph Road, Staveley, Chesterfield S43 3PY for Cavendish Learning Trust
CHE/23/00039/FUL	Single storey side and rear extension and render to walls at 12 Sycamore Lane, Hollingwood, Chesterfield S43 2LD for Mr Kev Coogan
CHE/23/00052/FUL	Flat roof to pitched roof side and rear extension at 25 Hazel Drive, Walton, Chesterfield S40 3EN for Mr and Mrs Swann
CHE/23/00154/TPO	T1 Oak- Remove dead wood at 121 Stand Road, Newbold S41 8SJ for Roy Peters Estates
(b) Refusals	
CHE/22/00551/HH	High hedge complaint at 68 Brushfield Road, Holme Hall, Chesterfield S40 4XE for

Mrs Jacqueline Weston

(c) Discharge of Planning Condition

- CHE/22/00819/DOC 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
- CHE/22/00843/DOC 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 at Land Off Dunston Road, Chesterfield S41 9RL for Strata
- CHE/22/00849/DOC 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
- CHE/23/00009/DOC 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
- CHE/23/00032/DOC 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
- CHE/23/00058/DOC 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
- CHE/23/00059/DOC 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
- CHE/23/00071/DOC 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
- CHE/23/00088/DOC 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 at All Inn, Lowgates, Staveley S43 3TX for Brightman Clarke Architects

- CHE/23/00091/DOC 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 at Adjacent 929 Sheffield Road, Sheepbridge, Chesterfield S41 9EJ for Vistry Partnership Yorkshire
- CHE/23/00095/DOC 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 at Adjacent 929 Sheffield Road, Sheepbridge, Chesterfield S41 9EJ for Vistry Partnership Yorkshire
- CHE/23/00096/DOC 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 at 32 Walton Crescent, Boythorpe, Chesterfield S40 2PJ for Mr & Mrs Cauldwell
- CHE/23/00121/DOC 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
- CHE/23/00175/DOC 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
- CHE/23/00180/DOC 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

(d) Partial Discharge of Conditions

- CHE/22/00820/DOC 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
- CHE/23/00130/DOC 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

(e) Environmental Impact Assessment not required

- CHE/23/00137/EIA 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
- CHE/23/00155/EIA 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

(f) Conditional Consent for Non-material Amendment

CHE/23/00160/NMA 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

129 **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/23/00154/TPOEXP Consent is granted to 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.

CHE/23/00083/TPO Consent is granted to the felling of 1 Horsechestnut tree reference T5, with a condition to plant one new Rowan tree in the first available planting season after felling 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.

CHE/23/00146/TPO Consent is granted to 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

CHE/23/00147/TPO Consent is granted to 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.

130 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.

131 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.

PLANNING COMMITTEE

Monday, 24th April, 2023

Present:-

Councillor Callan (Chair)

Councillors Bingham
Borrell
Brady
Brittain

Councillors Caulfield
Davenport
Marriott
Miles

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

CHE/22/00749/FUL – Demolition of derelict cottage and erection of one dwelling with associated infrastructure, access, parking and gardens (revised plans received 28/01/2023) at 1 Ralph Road, Staveley, Chesterfield, Derbyshire, S43 3PY for Mr and Mrs Easson.

Councillors Borrell, Brady, Callan, Caulfield, Davenport and Marriott.

CHE/22/00748/OUT – Outline application (means of access submitted) for the erection of two dwellings with associated infrastructure, access, parking and gardens (revised plans received 28/01/2023) at 1 Ralph Road, Staveley, Chesterfield, Derbyshire, S43 3PY for Mr and Mrs Easson.

Councillors Borrell, Brady, Callan, Caulfield, Davenport and Marriott.

CHE/22/00808/FUL – Conversion of brick-built former garage into a 2 bedroomed dwelling on land at rear of 127 Newbold Road, Newbold, Chesterfield, S41 7PS for K Hicking and M Edwards.

Councillors Borrell, Brady, Callan, Caulfield, Davenport and Marriott.

CHE/23/00016/FUL – Change of use of and alterations to building for conversion to dwelling (revised location plan received 22.02.2023 with new red line boundary) at 99 Foljambe Road, Chesterfield, Derbyshire, S40 1NJ for G Spencer.

Councillors Borrell, Brady, Callan, Caulfield, Davenport and Marriott.

Councillors Bingham and Miles were unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

132 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barr, Catt, G Falconer and T Gilby.

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

No declarations of interest were received.

134 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/23/00016/FUL - CHANGE OF USE OF AND ALTERATIONS TO BUILDING FOR CONVERSION TO DWELLING (REVISED LOCATION PLAN RECEIVED 22.02.2023 WITH NEW RED LINE BOUNDARY) AT 99 FOLJAMBE ROAD, CHESTERFIELD, DERBYSHIRE, S40 1NJ FOR G SPENCER

In accordance with Minute No. 299 (2001/2002) Mr Stephen Haslam (applicant's agent, Mitchell Proctors) addressed the meeting.

***RESOLVED –**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions.

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 and documents (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).

- Plans as Proposed, drawing number 22-901-02

3. 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. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

4. Prior to the occupation of the development hereby approved plans for a new brick boundary wall to partially enclose the western boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The brick boundary wall shall be erected on site in accordance with the approved plans prior to the occupation of the development and thereafter retained.

5. Prior to occupation of the development hereby approved details of facilities for the storage and collection of waste and refuse within the curtilage of the site shall be submitted to and approved by the Local Planning Authority. Development shall be carried out and thereafter maintained in accordance with the approved details.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

7. 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.

8. Prior to the occupation of the development a scheme for biodiversity and ecological enhancement measures comprising of a bird and bat box shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity and ecological enhancement measures shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter be retained and maintained throughout the life of the development.

9. Prior to ordering and installation a window and door schedule shall be submitted to the Local Planning Authority for written approval. The schedule shall include all new and replacement windows and doors and include profile detail, colour of frames and materials. A section shall be provided to show the depth of reveal for the windows. The doors and windows shall then be installed in accordance with the approved detail.

B. That a CIL liability notice be issued for £5,331 as per section 5.10 of the officer's report.

CHE/22/00749/FUL - DEMOLITION OF DERELICT COTTAGE AND ERECTION OF ONE DWELLING WITH ASSOCIATED INFRASTRUCTURE, ACCESS, PARKING AND GARDENS (REVISED PLANS RECEIVED 28/01/2023) AT 1 RALPH ROAD, STAVELEY, CHESTERFIELD, DERYSHIRE, S43 3PY FOR MR AND MRS EASSON

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

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

***RESOLVED –**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued for £5,867 as per section 5.13 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 permitted 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):

- Site location plan, drawing 2022-214-01 Rev P01, 1:250 @ A4, August 2022
- Proposed block plan, drawing 2022-214-04 Rev P02, 1:200 @ A3, September 2022
- Proposed elevations, drawing 2022-214-12 Rev P01, 1:100 @ A3, September 2022
- Proposed floor plans, drawing 2022-214-10 Rev P01, 1:100 @ A3, September 2022
- Proposed roof plan, drawing 2022-214-11 Rev P01, 1:100 @ A3, September 2022
- Tree planting plan, drawing 1436-001, 1:250 @ A3, February 2023
- Proposed Ecological Mitigation and Enhancement Scheme, drawing 2022-214-06, Rev P01, 1:200 @ A3, December 2022

3. The biodiversity measures shown in the following approved plans / documents:

- Tree planting plan, drawing 1436-001, 1:250 @ A3, February 2023
- Proposed Ecological Mitigation and Enhancement Scheme, drawing 2022-214-06, Rev P01, 1:200 @ A3, December 2022

And detailed in the:

- Preliminary Ecological Appraisal, Rev A, July 2022
- CIEEM Basic Measurement Summary Report, April 2023

shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

4. All works shall proceed strictly in accordance with the measures outlined in Part 5, Ecological Constraints and Opportunities of the Preliminary Ecological Appraisal (Weddle Landscape Design, Rev A, July 2022) and Part 4, Project Implementation and Construction Plan of the CIEEM Basic Measurement Summary Report (Weddle Landscape Design, April 2023). These shall comprise precautionary methods for site clearance to safeguard and manage animal and plant species. A short statement of compliance shall be submitted to the Local Planning Authority and approved in writing upon completion of the works.

5. A detailed landscaping plan shall be submitted to the Local Planning Authority for approval in writing. 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 trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour. The proposed boundary treatments shall include the provision at least one hedgehog gap at the base of each of the boundary fences measuring 130mm x 130mm.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

6. The landscaping provided shall be retained and maintained as follows:

- a) In accordance with section 4, Project Implementation and Construction Plan, of the CIEEM Basic Measurement Summary Report (Weddle Landscape Design, April 2023);
- b) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
- c) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- d) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- e) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

7. 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. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

8. a) Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

I. A desktop study/Phase 1 report documenting the previous land use history of the site.

II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

b) If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

c) The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

9. 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 watercourse is not reasonably practical;

- b) Evidence of existing 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.

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 in writing by the Local Planning Authority.

11. 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.

12. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. 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 occupation and shall be maintained for the life of the approved development.

13. A new vehicular access shall be formed to Ralph Road in accordance with the approved plans, laid out, constructed and maintained in perpetuity free from any impediment to its designated use and the entire site frontage shall be maintained clear of any obstruction exceeding 1m in height (0.6m in the case of vegetation) relative to the road level for a distance of 2.4m into the site from the carriageway edge in order to maximise the visibility available to drivers emerging onto the highway.

14. The development hereby approved shall not be occupied until the works to provide a 2m wide footway along the site frontage to Ralph Road in accordance with the revised application drawing – Proposed block plan, drawing no. 2022-214-04 Rev P02 have been constructed and completed.

15. The premises, the subject of the application, shall not be occupied until space has been provided within the site for the parking of resident's vehicles, in accordance with the approved plans, laid out, constructed and maintained throughout the life of the development free from any impediment to its designated use.

16. From the first occupation of the development hereby approved, there shall be no gates or other barriers across the vehicular access points into the site within 5m of the nearside highway boundary and any gates shall open inwards only.

17. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

18. Samples / details of all materials, including all new windows and doors, to be used in the construction of the external surfaces of the proposed development 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.

19. No development, including demolition, shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements of have been fulfilled in accordance with the programme set out in the WSI.

20. No development, including demolition, shall take place until a Written Scheme of Investigation (WSI) for historic building recording has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements of have been fulfilled in accordance with the programme set out in the WSI.

21. Prior to the removal of the demolished cottage taking place on site, a scheme, in the form of a 'salvage statement' shall be submitted to and approved in writing by the Local Planning Authority to seek to re-use the historic fabric of the cottage, including any natural brick, natural stone, roof pantiles and any primary structural timbers. Material shall be salvaged in accordance with the agreed details.

B. That a CIL liability notice be issued for £5,867 as per section 5.13 of the officer's report.

CHE/22/00748/OUT - OUTLINE APPLICATION (MEANS OF ACCESS SUBMITTED) FOR THE ERECTION OF TWO DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, ACCESS, PARKING AND GARDENS (REVISED PLANS RECEIVED 28/01/2023) AT 1 RALPH ROAD, STAVELEY, CHESTERFIELD, DERYSHIRE, S43 3PY FOR MR AND MRS EASSON

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

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

***RESOLVED –**

A. 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 5.13 of the officer's report:

1. Approval of the details of the appearance, landscaping, layout and scale of the proposal (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Application for approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development hereby permitted 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):

- Site location plan, drawing 2022-214-01 Rev P01, 1:250 @ A4, August 2022
- Access plan for outline planning application, drawing 2022-214-07, Rev P01, 1:200 @ A3, February 2023
- Tree planting plan, drawing 1436-001, 1:250 @ A3, February 2023
- Proposed Ecological Mitigation and Enhancement Scheme, drawing 2022-214-06, Rev P01, 1:200 @ A3, December 2022

5. Concurrent with the submission of landscaping details as part of a reserved matters application, plans/drawings shall be submitted to the Local Planning Authority for approval in writing demonstrating the creation of a suitable habitat which enhances the ecological interest of the site with a maintenance plan. This shall include but not be limited to the proposals shown in the following approved plans / documents:

- Tree planting plan, drawing 1436-001, 1:250 @ A3, February 2023
- Proposed Ecological Mitigation and Enhancement Scheme, drawing 2022-214-06, Rev P01, 1:200 @ A3, December 2022

And detailed in the:

- Preliminary Ecological Appraisal, Rev A, July 2022
- CIEEM Basic Measurement Summary Report, April 2023

The biodiversity measures shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

6. All works shall proceed strictly in accordance with the measures outlined in Part 5, Ecological Constraints and Opportunities of the Preliminary Ecological Appraisal (Weddle Landscape Design, Rev A, July 2022) and Part 4, Project Implementation and Construction Plan of the

CIEEM Basic Measurement Summary Report (Weddle Landscape Design, April 2023). These shall comprise precautionary methods for site clearance to safeguard and manage animal and plant species. A short statement of compliance shall be submitted to and approved in writing upon completion of the works.

7. Within the reserved matters application a detailed landscaping plan shall be submitted to the Local Planning Authority for approval. 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 trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour. The proposed boundary treatments shall include the provision at least one hedgehog gap at the base of each of the boundary fences measuring 130mm x 130mm.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

8. The landscaping provided shall be retained and maintained as follows:

- a) In accordance with section 4, Project Implementation and Construction Plan, of the CIEEM Basic Measurement Summary Report (Weddle Landscape Design, April 2023);
- b) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
- c) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- d) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

e) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

9. 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. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

10. a) Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

I. A desktop study/Phase 1 report documenting the previous land use history of the site.

II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

b) If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

c) The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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:
- a) Evidence to demonstrate that surface water disposal via watercourse is not reasonably practical;
 - b) Evidence of existing 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.
12. 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.
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. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. 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 occupation and shall be maintained for the life of the approved development.
15. Before any other operations are commenced, a new/modified vehicular access shall be formed to Lowgates, located, designed, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction, as shown on the submitted Access Plan, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
16. Prior to the commencement of any other operations, the existing footway to the West of the proposed vehicular access shall be widened to

2m and extended for a distance of 5m to the east of the proposed access to Lowgates including a dropped kerb and tactile crossing point, laid out and constructed in accordance with the submitted Access Plan.

17. Prior to the occupation of the development hereby approved, the existing accesses to Lowgates made redundant by the proposal shall be permanently closed and the existing vehicular crossover shall be reinstated as footway.

18. The development hereby approved shall not be occupied until the works to provide a 2m wide footway along the site frontage to Ralph Road in accordance with the Access Plan – drawing 2022-014-07, Rev P01, 1:200 @ A3, February 2023, have been laid out and constructed.

19. The premises, the subject of the application, shall not be occupied until space has been provided within the site for the parking of residents' vehicles, in accordance with the plans approved under the Reserved Matters submission(s), laid out, constructed and maintained throughout the life of the development free from any impediment to its designated use.

20. From the first occupation of the development hereby approved, there shall be no gates or other barriers across the vehicular access points into the site within 5m of the nearside highway boundary and any gates shall open inwards only.

21. Details of arrangements for storage of bins and collection of waste shall be submitted to and approved by the Local Planning Authority as part of the Reserved Matters submission(s). The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

22. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and

b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements of have been fulfilled in accordance with the programme set out in the WSI.

B. That a CIL liability notice be issued as per section 5.13 of the officer's report:

CHE/22/00808/FUL - CONVERSION OF BRICK-BUILT FORMER GARAGE INTO A 2 BEDROOMED DWELLING ON LAND AT REAR OF 127 NEWBOLD ROAD, NEWBOLD, CHESTERFIELD, S41 7PS FOR K HICKING AND M EDWARDS

In accordance with Minute No. 299 (2001/2002) Mrs Janette Wajs (Objector) addressed the meeting.

***RESOLVED –**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions.

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. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Drawing No. LA-GP-0001 REV A – Proposed Floor Plans
- Drawing No. LA-GP-0002 REV B – Site Plan
- Drawing No. LA-GE-0001 REV A – Proposed Elevations
- Structural Inspection Report, prepared by Robert Morton Consulting, dated 29th November 2022

3. Prior to the ordering of materials, details of all proposed materials to be used in the construction of the dwelling hereby approved, shall be submitted to the Local Planning Authority for consideration. Only the

materials approved in writing shall be used in the development and retained throughout its lifetime.

4. 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 the adjacent land, 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. A tree survey will also be required to provide the information required for the TPP.

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

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) Detailed levels and cross-sections to show that the existing levels of surfacing, within the existing tree's Root Protection Areas can be accommodated where they meet with any adjacent building damp proof courses without the need for any excavations and severance of tree roots.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) 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. These should be outside the trees RPA's unless tree protection measures are implemented.

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

5. A residential charging point shall be provided for the dwelling with an IPD65 rated domestic 13amp socket, directly wired to the consumer unit with 32-amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the Local Planning Authority. The electric charging point shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

6. There shall be no gates or other barriers on the access/driveway, which shall be always left free from obstruction.

7. Prior to the occupation of the development hereby approved, details of hard & soft landscaping, and a scheme for biodiversity and ecological enhancement measures shall be submitted and approved in writing by the Local Planning Authority. The landscaping and ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

8. 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.

9. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles; to be laid out, constructed and retained free from any impediment to their designed use throughout the construction period.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), any change of use which would otherwise be permitted by Class L of Part

3 of Schedule 2 to that Order shall not be carried out without the prior written consent of the Local Planning Authority

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure, other than those expressly authorised in this permission, shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

B. That a CIL liability notice be issued for £2,958 as per section 6.6 of the officer's report.

135 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.

136 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.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	22 nd May 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 22nd May 2023**

ITEM 1	CHE/23/00087/REM1 - VARIATION OF CONDITION 2 (APPROVED PLANS) OF CHE/21/00609/FUL - VARIATION TO ACCOUNT FOR REVISED SITE LAYOUT AROUND PROPOSED PLOTS 1-9 TO ACCOMMODATE EXISTING SEWER EASEMENT OUTSIDE OF PRIVATE GARDENS ON LAND TO THE WEST OF SWADDALE AVENUE, TAPTON, CHESTERFIELD FOR MYPAD2020
ITEM 2	CHE/23/00216/TEL - PRIOR APPROVAL TO INSTALL A 15M HIGH 5g SLIM-LINE MONOPOLE, SUPPORTING 6 NO. ANTENNAS, 3 NO. EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO AT THE VERGE ON NEWBOLD ROAD, NORTH WEST OF JUNCTION WITH LADYWOOD DRIVE, UPPER NEWBOLD, CHESTERFIELD FOR CK HUTCHINSON NETWORKS (UK) LTD.
ITEM 3	CHE/23/00222/TEL - PRIOR APPROVAL TO INSTALL A 15M HIGH 5g SLIM-LINE MONOPOLE, SUPPORTING 6 NO. ANTENNAS, 3 NO. EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO AT THE VERGE ON JUNCTION BETWEEN ROTHER AVENUE AND STATION ROAD, BRIMINGTON, CHESTERFIELD FOR CK HUTCHINSON NETWORKS (UK) LTD.

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ITEM 1**Variation of condition 2 (approved plans) of CHE/21/00609/FUL- Variation to account for revised site layout around proposed plots 1-9 to accommodate existing sewer easement outside of private gardens on Land to the west of Swaddale Avenue, Tapton, Chesterfield for MyPad2020**

Local Plan: H14 allocated for 21 units under Policy CLP3

Ward: Brimington South

Plot No: 2/2175

Committee Date: 22nd May 2023**CONSULTATIONS**

CBC Tree Officer	No further comment as the proposals do not in general affect the retained trees or proposed landscaping.
CBC Environmental Health	No adverse comments to make
Coal Authority	No objections
Highway Authority	The proposed changes have no detrimental highway impact, no objections
Network Rail	In relation to the above application, we have no objection to the variation of proposed plots 1-9 to accommodate an existing sewer easement outside of private gardens. Network Rail do however have concerns over the proposed overland flood routing corridor (present on the new site layout) due to what seems to be surface water flowing toward the railway. We would appreciate clarification as to this additional future to ensure it does not impact on or cause damage to adjacent railway assets.
Derbyshire Wildlife Trust	Could the sewer easement area be seeded with either; a) wildflower grass mix to be cut 2 or 3 times per year outwith the main flowering period or b) a flowering lawn mix if short sward is desirable.
Lead Local Flood Authority	No objection
Representations	One letter raising concerns regarding the impact on amenity

2.0 THE SITE

2.1 The application site is an elongated but narrow parcel of land that sits between Swaddale Avenue to the east and the railway line to the west beyond which is an area of tree screening, the river Rother and beyond this the Trans Pennine Trail. Existing housing surrounds the site on three sides to the south, east and north with the housing to the east being elevated from the site.

2.2 At the time of the submission the application site was overgrown with mainly scrub cover, the site has since been cleared. The land to the south of the site is elevated from around the point of the access route into the site. The remainder of the site is then relatively level.

2.3 The site is allocated in the local plan as a housing site under allocation H14 as set out in policy CLP3, Table 4 for 21 dwellings.

2.4 Site location:



2.5 Point of access:



Looking towards the southern elevated section:



Looking towards the elevated housing on Swaddale Avenue:



Looking to the north:



2.6 The applicants agent has submitted an application for the discharge of conditions but as this relates to the layout proposed in this application the consideration of the conditions has not been concluded.

3.0 **SITE HISTORY**

3.1 CHE/21/00609/FUL Residential development of 26 dwellings, new access, parking and associated landscaping (revised plans received 13.06.2022) – Conditional permission 11.11.2022

3.2 CHE/16/00092/OUT Outline application for residential development of land to the rear of 6-58 Swaddale Avenue along with upgrading the existing site access (all matters reserved except access and layout) - drainage strategy received 9th March 2016. Conditional permission 28.06.2016

4.0 **THE PROPOSAL**

4.1 This application seeks to vary the originally approved plans in the location of Plots 1 to 9 to allow for an area of easement to a below ground sewer easement located to the south of the site. The housing layout to the remainder of the site will remain unchanged.

4.2 The easement is shown on plan to be to the south eastern area of the site which has necessitated the movement of the plots in this southern part of the site to accommodate the easement. The change in the layout results in the properties to the southern end of the site being relocated towards the west of the site to allow for the easement. No other changes to the house types or other elements of the scheme are proposed. The layout changes are as seen on these plans:

Plans as approved:



Plan as now proposed:



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.

- 5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

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

5.5 Principle of Development

- 5.5.1 The principle of development was established through the extant permission which is now being progressed on site. The matters secured via S106 under the earlier permission will also relate to this site for which

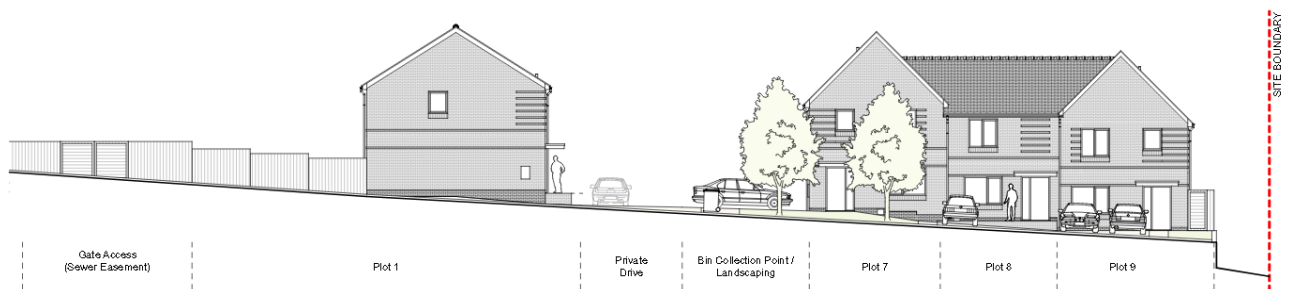
a variation of the S106 will be required to tie it to this application should permission be granted.

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 As there are no changes to the house types there are no substantial visual changes to the development proposed which is acceptable.

5.6.3 The following plan shows the proposed street view looking towards the front access of the easement area with the gated access:



5.6.4 In terms of the layout changes, the movement of the plots will not result in a substantially differing scheme in visual terms. It is acknowledged that the change to the layout for the easement will create an unconnected strip of land which will be somewhat awkward, however, given the constraints of the site and that this area will be landscaped and maintained, this will not result in adverse visual impacts overall. This change will mean that further consideration of the boundary treatments to the rear of the proposed plots P1 to P5 and the gated access to this area will be required. This will be secured via condition to ensure an appropriate fencing detail which allows views through to ensure this does not become a problem area on the site.

5.6.5 Therefore, subject to matters of material finishes, landscaping and boundary treatments the scheme is considered to be acceptable in terms of visual impacts in accordance with policy CLP20.

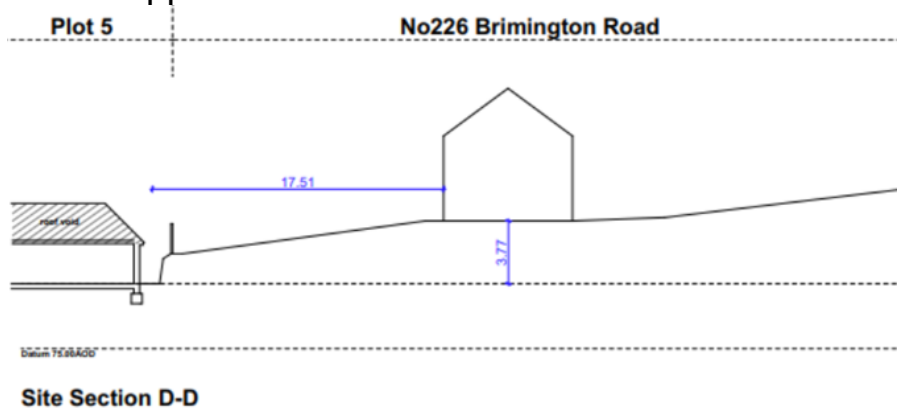
5.6.6 The proposed changes will not result in impacts over and above the existing scheme in terms of heritage matters, which do not need to be reconsidered in further detail as a result of this amended scheme.

5.7 Impact on Residential Amenity

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

5.7.2 Concern has been raised at the proximity of the proposed dwellings at the southern end of the site to the existing dwellings which front Brimington Road. This matter was considered in detail in the previous application and whilst the proposed houses have moved in this location they are not substantially closer to the boundary than those approved.

5.7.3 Whilst the proposed housing is in close proximity to the existing boundary of the neighbouring property, there are a number of issues to note; it is the gable end of the proposed bungalow that will be facing the existing property boundary, the roof of the proposed bungalow has been hipped to minimise the height at the closest point and there is a substantial drop in levels between the properties, as demonstrated in the previous application details:



5.7.4 These mitigating factors will substantially minimise the impact the proposed dwelling has upon the amenity of the adjacent occupiers and result in an acceptable relationship between the two properties.

5.7.5 Concern has also been raised regarding how a boundary fence will be maintained. As is typically found, the adjacent landowner will need to obtain the permission of the landowners on the application site to access and maintain the boundary fence within the area of land available. This is not considered suitable reason to withhold planning

permission. The proposal is therefore considered to accord with policy CLP14.

5.8 Highway Safety and Parking Provision

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

5.8.2 Despite the relocation of the housing the parking layout and access remain largely unchanged. The Highway Authority have raised no further issues and therefore the proposal is acceptable in terms of highway impacts in accordance with policies CLP20 and 22.

5.9 Biodiversity, impact on protected species, enhancement and Trees

5.9.1 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”.

5.9.2 Matter of biodiversity remain largely unchanged as a result of this amended scheme. However, the easement area is to landscaped and Derbyshire Wildlife Trust have recommended biodiversity enhancing wildflower mix for this area. This can be secured as part of the conditions considering the landscaping of the site. On this basis the ecological and biodiversity net gain matters are acceptable. The financial contribution originally required through the S106 will be included in the variation to that legal agreement to include this application.

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 conditions imposed on the original application in terms of contamination and former coal mining activity will follow into this recommendation. The consultees raised no further queries in this regard. On this basis the proposal is acceptable in terms of ground conditions.

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. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. 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 The conditions imposed on the original application in terms of drainage matters will follow into this recommendation. Whilst Network Rail have raised a query regarding the direction of surface water this is a matter to consider in detail through the recommended conditions. The amendment to the layout of the development is clearly necessary for the longevity of the existing drainage infrastructure. On this basis the proposal is considered to be acceptable in terms of drainage matters in line with policy CLP13.

5.12 Development Contributions and CIL Liability.

5.12.1 The proposed development is liable for the Community Infrastructure Levy (CIL) in line with the existing permission, subject to any exemptions that may be applied for. The site is located within the medium (£50) 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:

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) = CIL Charge (E)
BCIS Tender Price Index (at date of Charging Schedule) (D)

Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	A Net Area (GIA in Sq.m)	B CIL Rate	C Index (permission)	D Index (charging schedule)	E CIL Charge
Residential (C3)	2231 (Based on form submitted Nov 2021)	0	2231	£50 Medium area	332	288	£128,592

6.0 REPRESENTATIONS

6.1 One letter has been received from 224 Brimington Road which raises the following concerns:

This moves the new build within 2m of our boundary line. I understand this is acceptable legally but on the whole build there are only two houses where they come that close, that being ourselves and next door. This is unnecessary, I am attaching a document showing a proposed modification where these buildings and parking are swapped thus moving the new houses further away from our boundary line. At the boundary line we have a seating area and barbeque area, this will intrude on our privacy and we will intrude upon theirs. There is also a summer house where the same will apply. How do we manage our fence at this point, we have invested in a fence, with such a small gap how can we manage this.

The suggestion to improve the layout would be to move the parking for P2 and P3 from the existing position and place it adjacent to the boundary line:



6.2 **Officer response:**
Whilst the suggestion looks as though it could be possible the area remaining for the manoeuvring of vehicles would not be sufficient. In addition, having large areas of car parking is contrary the best practice in terms of maximising natural surveillance and avoidance of anti-social behaviour as well as ensuring individual proprietorship of the space. Therefore, this suggested amendment has not been pursued.

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 minor changes to the layout as proposed do not result in a substantially different scheme from that already approved. The changes do not further impact the scheme visually or in terms of residential amenity. The conditions originally imposed need are recommended again to ensure that additional minor issues raised can be appropriately considered through the discharge of those conditions. The proposal will also need to be subject to a variation of the original S106 to refer to this updated application. On this basis the amended scheme is considered to be acceptable in line with the above mentioned local plan policies

10.0 RECOMMENDATION

- 10.1 It is therefore recommended that the application be **GRANTED** subject to securing the following via a deed of variation of the legal agreement:
- Affordable housing as submitted at 10% provision across the site providing 3 units (2.6 rounded up to a whole unit) with a 90/10 split on tenure (rent and shared ownership)
 - Biodiversity net gain 2 habitat units at £20,000 per unit to CBC = £40,000

And 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. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Proposed site layout 21015-70-001_P20 received 08.02.2023
- Swept Path analysis 600357-HEX-00-00-DR-TP-0104 P02 received 13.06.22
- House types:
 - B2.3 A 21015-020-004_P2 received 20.04.22
 - B2.3 B 21015-020-013 received 20.04.22
 - H2.4 A 21015-020-002_P2 received 20.04.22
 - H2.4 B 21015-020-007 received 20.04.22
 - H2.4 C 21015-020-008 received 20.04.22
 - H3.5 A 21015-020-003_P2 received 20.04.22
 - H3.5 B and H3.5 C 21015-020-010 received 20.04.22
 - H3.5 C and H3.5 D 21015-020-009 received 20.04.22
 - H3.5 E 21015-020-011 received 20.04.22
 - H3.5 F 21015-020-01 received 20.04.22

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

3. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure appropriate consideration of potential below ground archaeology in accordance with policy CLP21 of the Adopted Local Plan.

4. 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.

b) Details of construction within the RPA or that may impact on the retained trees.

c) a full specification for the installation of boundary treatment works within the designated root protection areas.

d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

g) a specification for scaffolding and ground protection within tree protection zones.

h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

i) 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

j) Methods to improve the rooting environment for retained and proposed trees and landscaping, due to the use of heavy machinery around the retained trees and the compaction to the rooting environment that this may have caused.

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to policy CLP16 of the Adopted Local Plan and section 197 of the Town and Country Planning Act 1990

5. 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, which shall include wildflower planting to the easement area to the south eastern boundary:
 - b) notwithstanding the submitted details, the proposed hardstanding and boundary treatments that shall be suitable for hedgehog routes (with existing residents boundaries retained and enhanced) and shall include fencing to the south eastern easement area which allows for views through.
 - c) a schedule detailing sizes and numbers of all proposed trees/plants
 - d) Sufficient specification to ensure successful establishment and survival of new planting.
- 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 locality in accordance with policy CLP16 of the Adopted Local Plan.

6. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats, as identified in the agreed Biodiversity Net Gain Feasibility Assessment report to meet the habitat gains set out in the Biodiversity metric calculation and landscaping of the site agreed under condition 5 above.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives, including appropriate management of the wildflower planting to the south eastern easement area;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
 - g) Details of the body or organization responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures,
 - i) Details of the company to be set up to manage the any private highways areas and the landscaped areas of the site in perpetuity,
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity

objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure the long term management of the site including highways and open spaces and the protection of wildlife and habitat objectives, to secure opportunities for enhancing the site's biodiversity value in the long term in accordance policy CLP16 of the Adopted Local Plan.

6. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles. The facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

7. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

8. No development shall take place until full construction details of the residential estate road and footways including layout (generally in accordance with approved application drawings), levels, gradients, surfacing and means of surface water drainage, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter be constructed in accordance with the approved details unless otherwise agree in writing by the Local Planning Authority.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

9. The carriageway and footways agreed under condition 8 above, shall be constructed up to and including base course surfacing to ensure that each dwelling has a properly consolidated and surfaced

carriageway and footway, between the dwelling and the existing highway prior to occupation. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs 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 interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

10. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the drives/accesses/shared drives onto the proposed adopted highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

11. 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 until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established as appropriate.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

12. No dwelling shall be occupied until access has been formed to the new estate street, unless otherwise agreed in writing by the Local Planning Authority, provided with 2m x 25m visibility sightlines, the areas in advance maintained free from any objects exceeding 1m in height (600mm if vegetation) relative to the adjacent carriageway channel level.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

13. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved application drawings for parking and manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected along the highway frontage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

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

15. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

16. 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.

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 149 of the National Planning Policy Framework.

17. Prior to development commencing, 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.

Reason: This is a pre commencement condition in order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

18. Prior to any demolition, construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:
- a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other
Monday to Friday: 08:00 – 18:00
Saturday: 08:00 – 13:00
Sundays and bank Holidays - No working
 - b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;
 - c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;
 - d) Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;
 - e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times.

All works shall be fully implemented in accordance with the approved CEMP. The CEMP shall be reviewed at least at the start of each phase of the development or where there are changes to

relevant legislation or where changes are made to the agreed CEMP.

Reason: This pre commencement condition is required to safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

19. The development shall be constructed in line with the sustainability statement dated 15th July 2022.

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

20. 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.

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

21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which 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) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with policy CLP13 of the Adopted Local Plan.

22. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance

by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network in accordance with policy CLP13 of the Adopted Local Plan.

23. Prior to the commencement of development a detailed methodology for site clearance shall be submitted to and agreed in writing by the Local Planning Authority. The agreed methodology shall be followed through all site clearance works.

Reason: To ensure no further harm to potential biodiversity or habitat in accordance with policy CLP16 of the Adopted Local Plan.

24. Prior any external lighting installation a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that wildlife implications are fully taken into account (including the need for reduced or no lighting in the more sensitive locations and directions; specifically, towards the railway line). The agreed lighting scheme shall be fully installed in accordance with the approved scheme prior to last occupation.

Reason: To minimise impacts on biodiversity and allow for enhancements in line with policy CLP16 of the Adopted Local Plan.

25. Prior to works commencing above slab level a scheme for the incorporation of bat and bird boxes within the development shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall provide precise details of the number, range and location of boxes. The boxes shall be fully installed and maintained thereafter in accordance with the agreed scheme.

Reason: To seek to enhance biodiversity in line with policy CLP16 of the Adopted Local Plan.

26. Details including samples where necessary of all materials to be used in the construction of the external surfaces of the proposed

development 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.

27. Following completion of 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;
- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards
 - Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards
 - Which and how many dwellings within the development have satisfied M4 (3)* wheelchair accessible dwellings standard. (*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same.))
- The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

Reason: In the interests of disabled people and access for all to comply with policy CLP4 of the Adopted Local Plan.

28. Prior to works commencing beyond the entrance access works, a scheme detailing all proposed finished floor and land levels shall be submitted to and approved in writing by the Local Planning Authority prior to any importation of earth to site or excavation works commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory landform in the interests of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

29. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Drawings Hexa Consulting (21/12/2021). Drainage Layout Sheet 1, 600357-HEX-XXZZ-DR-C-9201, Revision P02 and Hexa Consulting (21/12/2021). Drainage Layout Sheet 2, 600357-HEX-XX-ZZ-DR-C-9202, Revision P02; and letters Wojnowska, A. 2022. Letter to Jo Crawshaw-Moore, 600357/AW, 27 June and Wojnowska, A. 2022. Letter to Jo Crawshaw-Moore, 600357/AW, 6 July; including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

31. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per

the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

32. Prior to the commencement of development a statement setting out how emissions will be reduced though the construction process shall be submitted to 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

33. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. 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 occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

Informative 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 proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous 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 development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be 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 safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including 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, digging of 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.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

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

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. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

4. In line with conditions 29 to 31, the LLFA have advised:

Measures should be put in place to ensure that the overland surface water flood route through the development from the east is safeguarded and that surface water flood risk is mitigated to existing and proposed properties.

5. In regard to tree condition 4:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

6. In regard to tree condition 4

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work – Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

7. In line with condition 5 above:

In mitigation for the loss of trees and vegetation, addition planting to the west boundary shall be included on any landscaping drawing to increase the biodiversity on the site and improve the existing vegetation along the rail line boundary. Species shall include any of the following species Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Hawthorn (Cretaegus), Mountain Ash, Whitebeams (Sorbus) as recommended in the Network Rail comments dated 21st October 2021.

8. Highways:

a. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway of Alders Meadow. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available

by email highways.hub@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp

b. 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.

c. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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.

d. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate road should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 538658).

e. Highway surface water shall be disposed of via a positive, gravity fed system (i.e; not pumped) discharging to an approved point of outfall (e.g; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively.

f. Car parking spaces should measure 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. and adequate space behind each space for manoeuvring.

g. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

h. The applicant is advised that to discharge Condition 6 that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 for the

proposed road to be maintained in future at public expense and the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes for the proposed private shared driveways.

i. The applicant will need to demonstrate all aspects relating to layout, levels, gradients, surfacing, lighting and means of surface water drainage, but the attached plans do not indicate the extent of the land that is currently under the developer's ownership and control or if there are small pockets of land that sit outside the existing unadopted highway boundary to secure a Section 38 agreement, all affected landowners must be prepared to dedicate their land for highway purposes and enter into a Highways Act 1980 Section 72 agreement.

j. Due to the lack of any speed restraint shown, the applicant should refer to Council's document Delivering Streets and Places which states that 'In such cases, horizontal calming measures are preferred to vertical calming measures (eg. Speed cushions, road humps, raised tables etc.)'.

k. Any structure built in, under, or over the highway.

- Any retaining wall built within 3.65m of the highway boundary where the retained height above the adjacent highway is 1.4m or more. Any retaining wall or structure which supports the highway and where the distance between the highway boundary and the rear face of the wall or structure is less than twice the difference in level between the ground at the front of the wall and the highest level of the adjacent highway at any point along the length of the wall or structure. Highway-related structures, as considered within the 6Cs area, normally include:

- Bridges.
- Fences (including safety fences).
- Retaining walls.
- Corrugated-steel buried structures.
- Reinforced soil and anchored earth structures.
- Reinforced clay brickwork retaining walls of pocket-type and grouted-cavity construction.
- Crib wall retaining walls of concrete or timber construction.
- Environmental barriers (including noise fencing).
- All drains, pipes and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. All highway-related structures, whether to be adopted or not, shall be designed and constructed in accordance with current relevant Highways England standards, codes of practice and technical memoranda unless agreed otherwise. Design is normally subject to the technical approval procedure set out in BD 2/12 within DMRB and in the context of this design guide, the technical approval authority is the relevant LHA. The applicant must employ a qualified civil or structural engineer with experience in highway structures, with approval from the relevant LHA, to carry out design and

oversee construction. Prior to construction, the applicant shall provide the LHA with a programme of supervision for approval. This programme shall give details of the level and amount of supervision provided and contain proposals for materials testing. The works will then be audited by the LHA at regular intervals for compliance with the construction programme.

9. Yorkshire Water:

1.) The submitted Drainage Strategy (ref ADC-157-01-DS-001) prepared by Inspire, dated October 2021 requires amendments, but if planning permission is granted, the matter can be dealt with via condition. In summary, the report states that

a.) Foul water will discharge to public combined water sewer

b.) Sub-soil conditions likely do not support the use of soakaways due to the presence of coal deposits, however infiltration testing have yet to be carried out. c.)

A watercourse exists near to the site however is not accessible due to levels. d.)

Surface water will discharge to public surface water sewer via storage with restricted discharge 5 litres/second - this is based on a generally assumed minimum discharge rate of surface water discharge, however Yorkshire Water consider the minimum rate to be 3.5 litres per second. We would also consider this site to be greenfield rather than brown as satellite imagery shows the site to not have been developed for some considerable time - at least since 2009.

e.) The means of surface water management has not been properly considered within the drainage report. Yorkshire Water requires further information regarding the means of draining surface water from the development.

2.) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration is not reasonably practical before considering disposal to public sewer.

b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

c.) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

d.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water network at a restricted rate not to exceed 3.5 litres per second.

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 (telephone 03451 208 482, 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 'Codes for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements

10. Lead Local Flood Authority:

Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

H. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event. *Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).*
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.

- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

I. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

J. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

11. Network rail:

Works in Proximity to the Operational Railway Environment.

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety.

Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Condition Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority.

The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless

otherwise agreed in writing by the Local Planning Authority. Contact details for Asset Protection are supplied below and we would draw the developers attention to the attached guidance on Network Rail requirements. Boundary Treatments, Landscaping and Lighting Trespass Proof Fencing Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Condition The developer must provide a suitable trespass proof fence adjacent to Network Rails boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rails existing fencing/wall must not be removed or damaged. Vehicle Incursion Measures An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rails existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways. Condition Given the nature of the proposals and location of turning areas/car parking, we would expect that a condition securing the design and installation of suitable vehicle incursion measures by the developer is included in any consent. This is for the safety, operational needs and integrity of the railway.

Landscaping

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary; Acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees Pines (*Pinus*), Hawthorn (*Crataegus*), Mountain Ash Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata Zebra Not Acceptable: Acer (*Acer pseudoplatanus*), Aspen Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy

Poplar (*Populus nigra* var. *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

Condition Landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail. Li35 Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Condition Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

Additional Requirements Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. Reason for above conditions: The safety, operational needs and integrity of the railway.

Informatives: Please see attached standard railway requirements to be included as informatives.

We trust that the above will be given due consideration in determining the application and if you have any enquiries in relation to the above, please contact us at townplanninglne@networkrail.co.uk. Useful Network Rail contacts; Asset Protection Eastern For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk. Land Information For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk. Property Services For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyserviceslneem@networkrail.co.uk.

Network Rail Standard Informatives:

Please note, not all of these requirements may be applicable to this development

Fail Safe Use of Crane and Plant All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Excavations/Earthworks All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and

executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land. Security of Mutual Boundary Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager. Demolition Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence. Vibro-impact Machinery Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement. Scaffolding Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Bridge Strikes Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection

OFFICIAL

Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense. Abnormal Loads From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include

Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability. Two Metre Boundary Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal. Access to the Railway All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

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ITEM 2

Prior approval to install a 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto at the Verge On Newbold Road North West Of Junction With Ladywood Drive, Upper Newbold, Chesterfield for CK Hutchinson (UK)Ltd

Local Plan: Unallocated

Ward: Linacre

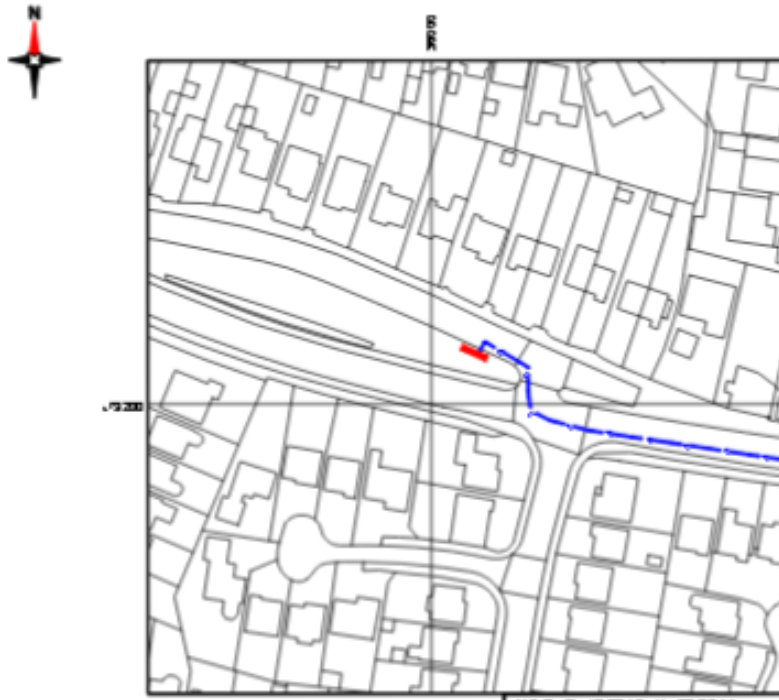
Committee Date: 22nd May 2023

1.0 CONSULTATION RESPONSES

- Ward Members: No objection from former Councillor Simmons.
- Local Highways Authority: No highway safety comments to make.
- Tree Officer: No objections but if consent is granted then a condition should be attached to restrict any storage of materials, parking of vehicles and machinery or other construction activities within the soft landscaped (grass) area within 10 metres of the London Plane tree to the west of the proposed monopole.
- Environmental Health: No adverse comments to make.
- Representations: A total of 21 representations from local residents have been received - see report

2.0 THE SITE

- 2.1 The proposed site is to the eastern end of an area of grass verge which separates the main Newbold Road from the minor road which serves a number of residential properties. There is an existing telegraph pole at the far eastern end of the verge. The verge widens to the west where it includes a number of trees. To the south of Newbold Road is modern housing development, which sits at a lower level with the dwellings to the north siting at a higher level.



Photographs of the site:



3.0 SITE HISTORY

3.1 None.

4.0 THE PROPOSAL

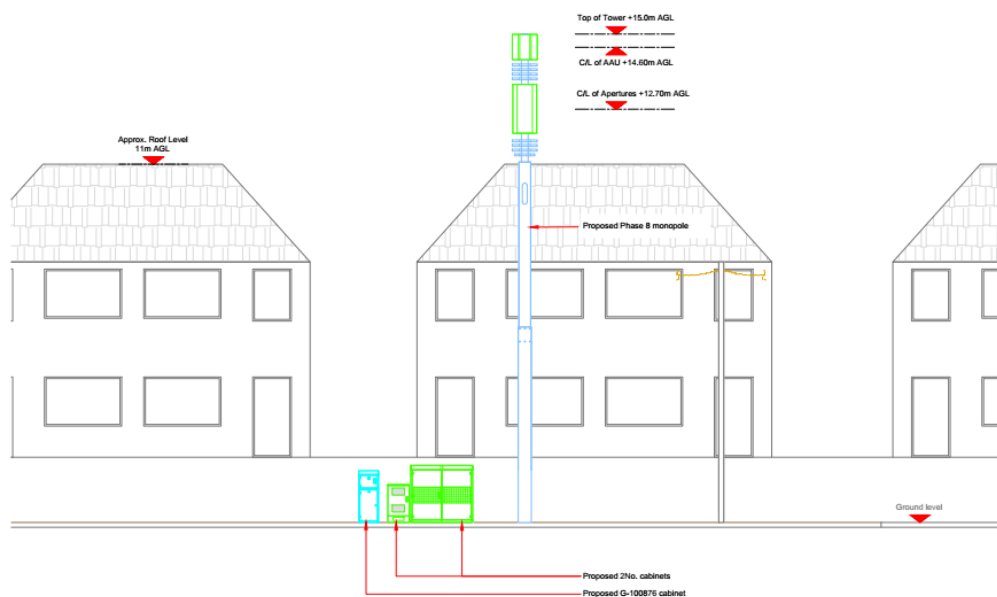
4.1 The application is submitted under Class A, Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, for the consideration of whether the prior approval of the Authority is required as to the siting and appearance of the development.

4.2 The development comprises of a grey steel monopole with a height of 15 metres, with 3 steel grey equipment cabinets with dimensions of: 1.9m x 0.6m x 1.752m (height); 0.65m x 0.7m x 0.95m (height) and 0.6m x 0.52m x 1.585m (height).

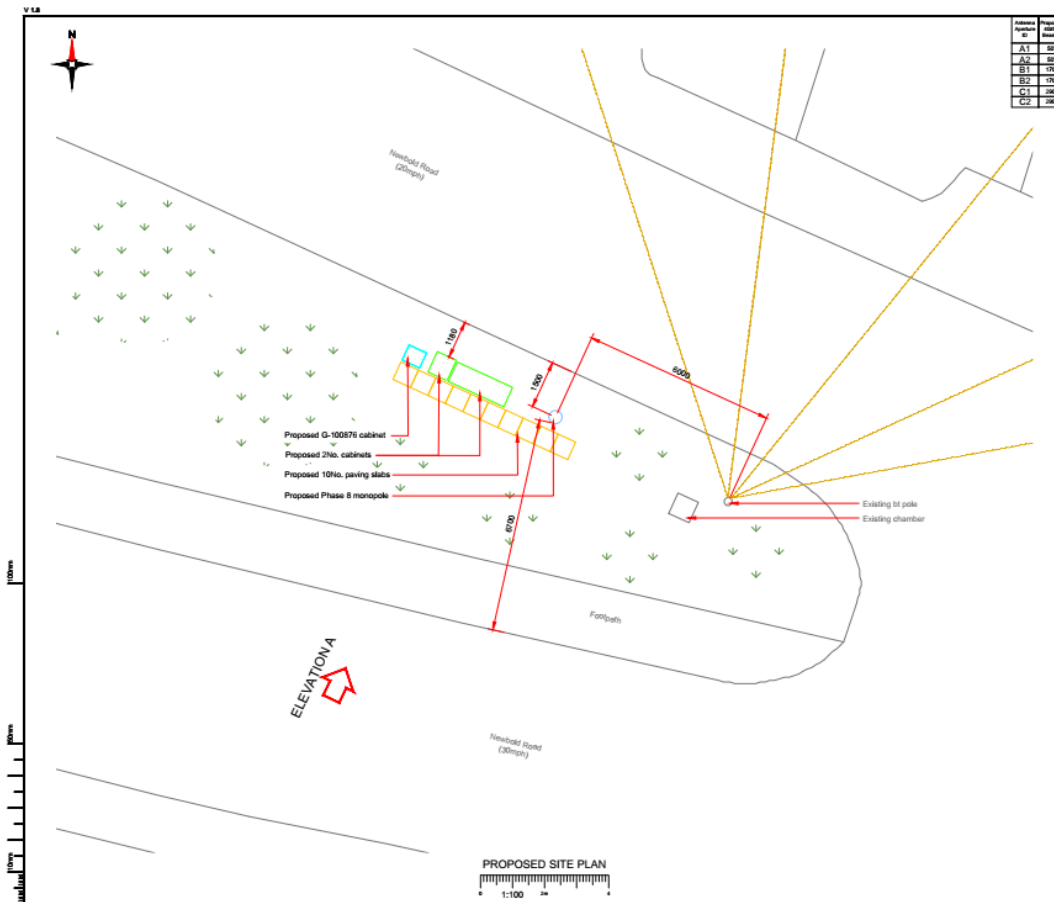
4.3 The following information has also been submitted with the application:

- Site Specific Supplementary information
- ICNRP declaration & clarification statement
- DCMS MHCLG Collaborating for Digital Connectivity
- HM Government Ofcom 5G Guide
- GSMA 5G EMF Exposure Safety
- Extract to Cllr Guide to Connectivity
- Mobile UK Health factsheet

Proposed elevational plan:



Proposed Site plan:



5.0 PLANNING POLICY

Chesterfield Borough Local Plan 2018 – 2035

- CLP2 Principles of Location for Development
- CLP11 Infrastructure Delivery
- CLP14 A Healthy Environment
- CLP20 Design

National Planning Policy Framework (2021)

- Part 10 Supporting high quality communications
- Part 12 Achieving well-designed places
- Part 15 Conserving and enhancing the natural environment

6.0 CONSIDERATIONS

6.1 Procedure

- 6.1.1 This is a telecommunications application for prior approval, which is made under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) – (GPDO). The information submitted is considered to meet the requirements of the aforementioned development order.
- 6.1.2 The application made is not for planning permission, but is purely for a decision by the Local Planning Authority (LPA) as to whether prior approval is necessary for the siting and appearance of the monopole, and if necessary, whether the prior approval is granted or refused.
- 6.1.3 The 3 cabinets proposed are considered to be permitted development under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as they are less than 2.5 cubic metres in volume and there is no requirement for determination to be sought as to whether the prior approval of the LPA is required for their installation. The merits of these have therefore not been considered as part of this application.

6.2 Principle of Development

- 6.2.1 The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Regard may be had to the policies of the Local Plan and NPPF only in so far as they are factors relevant to matters of siting and appearance.
- 6.2.2 Para. 117 of the NPPF (2021) sets out that applications for telecommunications (including prior approval) should be supported by the necessary evidence to justify the proposed development. This should include:
- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that when operational, International Commission guidelines in terms of health will be met.

6.2.3 The Planning Statement submitted with the application states there is a specific requirement for an installation in this location to ensure that the latest high-quality 3G and 4G service provision is provided in this area of the town. The proposal would also ensure that new 5G coverage can be provided at this location and would fill a gap in service provision. It states that the search area is very small for this new installation. The existing sites in this area of Chesterfield are struggling to cope with demand and increase in capacity and therefore a new site is required.

6.2.4 With regard to alternative sites, it states the area surrounding the proposed site has been fully investigated and it was considered that the application site was the most viable and suitable location. The statement goes on to note that the majority of the area is dominated by low-density residential properties with narrow pavements which allowed the operator to discount the majority of the search area. As such the area around Newbold Road was investigated and the operator is of the view this is the only viable general location that can accommodate telecoms equipment, given there is a greater amount of footpath available. Further options along Newbold Road were investigated but the precise location was chosen because it offered the most discreet option that provided the most effective coverage, whilst not adversely affecting the amenity of the residential areas.

6.3 Effect of the siting and appearance on the character and appearance of the area

6.3.1 The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm is identified, whether this would be outweighed by the need for the installation to be sited as proposed.

6.3.2 The application site is in a prominent location on a substantial grass verge within Newbold Road, which contains a number of trees and forms a pleasant setting for the dwellings on the northern side of Newbold Road. The applicants interpretation of the dwellings to the north is misleading in that it shows matching two storey semi detached hipped roofed dwellings however it is the case that the design of the dwellings is varied and a number of the dwellings facing the proposed siting are single storey. Although in close proximity to a telegraph pole it would be more than twice its height. The same applies to street lights within the vicinity. The monopole would therefore be visually prominent from both the east and west and in particular from the dwellings on the northern side of Newbold Road. Further the residential development to the south

of Newbold Road sits at a lower level and as such the proposed monopole would appear as a very prominent feature when viewed from the junction of Ladywood Road with Holme Park Avenue and from Holme Park Avenue.

- 6.3.3 In an appeal decision made in January 2023 for a 5G mast at Inkersall, the Inspector found that the siting and appearance of the proposal would have an adverse effect on the character and appearance of the area. Nonetheless, having regard to all relevant considerations, including national planning policy and the lack of alternative sites, the Inspector considered that the operational needs of the appellant and the enhancement of the local telecommunications network, would outweigh such harm. It is considered that the same argument is applicable to this current application.

6.4 Public Health & Fear

- 6.4.1 Proposals such as that applied for, especially where in close proximity to dwellings, can lead to public concerns at the potential for adverse health impacts from the emissions generated by the telecommunications antennae.
- 6.4.2 Guidance in para. 114-118 of the revised NPPF set out the required evidence to justify the proposed development and state that LPAs must determine applications on planning grounds. The NPPF further indicates that they should not seek to question the need for the telecommunications system; or determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 6.4.3 It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for the LPA, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.
- 6.5.4 In considering the public health implications of the proposal, it is considered that the Government and Health Protection Agency are the appropriate bodies for setting guidelines and controls to protect the public, and that significant weight is given to the NPPF and the current approach taken by Government on the matter. In this respect the applicants have certified ICNIRP Guideline compliance for the proposed

installation. Furthermore, given the recent ICNIRP studies' conclusions it would appear that there is no reliable evidence to date that exposure to the electro-magnetic radiation associated with mobile phones and similar technologies can lead to a significant health risk and therefore insufficient reason to deviate from the Government's guidance.

- 6.6.5 Consequently, it is considered that a refusal on grounds of there being a material threat to public health could not be sustained at appeal. Notwithstanding this however, it is likely to be impossible to prove scientifically that no risk exists, and speculation can give rise to a level of public fear which is a material consideration. It is considered that these comments do not outweigh the Government's guidance in the NPPF and that the Planning Authority could not therefore sustain a refusal on grounds of public fear and an adverse effect on amenity as a consequence of this.

7.0 REPRESENTATIONS

- 7.1 21 objections have been received from local residents. The concerns are summarised below:

- location/appearance – unsightly and prominent location, visual eyesore, out of character with a residential area, too close to dwellings, better located away from properties, will spoil a green area, alternative locations further up Newbold Road not as close to properties;
- Public health and safety – not enough scientific evidence to show it does not result in harm to health. No technical details included showing frequencies, output and safety exclusion zones (50m or more is required under ICNIRP's terms)
- Proximity to school
- Ecological harm to nearby trees;
- Question need for another mast;
- Possible adverse impact on property values;
- Negative impact on the environment and to wildlife;
- Invalid site and location plans – the application does not clear or correctly show the area relating to the proposal. There is ambiguity with regard to the area that should be outlined in red.

- 7.2 ***In respect of these, the health issue is addressed above. St Mary's school is nearby but not in close proximity to the site. Government advice is that the need for masts should not be questioned and the potential impact upon property values is not a***

material planning consideration. Although limited in nature the applicant has included information regarding alternative locations. The site is sufficiently distanced from the nearest tree to not have an impact and there is no evidence that it would result in harm to wildlife. The harmful impacts of the proposal are set out within the report. The submitted plans and documents meet the requirement for a prior notification application.

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. The applicant has a right of appeal against a refusal of permission.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 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 'sustainable development' to which the presumption in favour of the development applies.

9.2. The Local Planning Authority have considered this application in a positive and proactive way to achieve a positive outcome for the application.

10.0 CONCLUSION

10.1 The telecommunications operator has demonstrated that there is an operational need for the development. The proposed siting and visual impact of the development is considered to have a harmful impact on the visual character and appearance of the area and would be unduly prominent within the streetscene and the proposal does not accord with the requirements of policy CLP20 of the Chesterfield Borough Local Plan 2018-2035 and the National Planning Policy Framework (2021). However, the recent appeal decision at Inkersall referred to above demonstrates that despite such concerns prior approval may be given in circumstances where the operational and locational needs of the applicant and the enhancement of the local telecommunications network, would outweigh such harm. This applies equally to the current application and thus on this basis it is considered that prior approval should be granted.

11.0 **RECOMMENDATION**

11.1 It is therefore recommended that the application be **GRANTED** subject to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority receive the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

ITEM 3

Prior approval to install a 15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto at the Verge On Junction Between Rother Avenue and Station Road, Brimington for CK Hutchinson Networks (UK) Ltd

Local Plan: Unallocated

Ward: Brimington North

Committee Date: 22nd May 2023

1.0 CONSULTATION RESPONSES

Ward Members: Objection from Cllr Callan – see report.

Local Highways Authority: No highway safety comments to make.

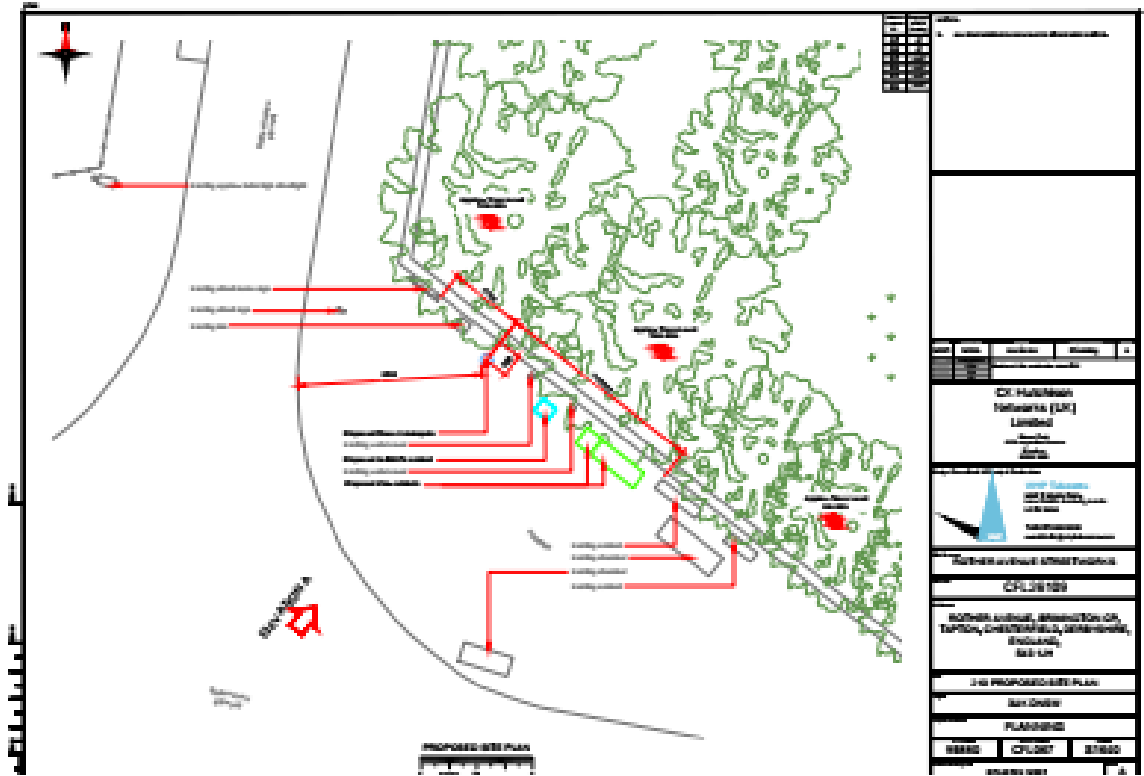
Environmental Health: No objections.

Representations: A total of 13 representations from local residents have been received - see report

2.0 THE SITE

2.1 The proposed site is on a wide pavement on the junction of Station Road (B6050) with Rother Avenue. There are existing equipment cabinets at the back of the footpath adjacent to the brick boundary wall on Station Road. There are a number of tall trees (Evergreen leylandii hedge) behind the wall within the adjacent garden which are approximated to be in the region of 8 to 10m in height.

2.2 The garden is curtilage to the adjacent listed building no. 64 Station Road which is a grade II listed 18th Century stone built house. The surrounding area is residential in character.



Extract of submitted site plan.



Photograph taken from corner of Rother Avenue with Station Road, showing the wall to the adjacent listed building and the leylandii hedge behind the wall.

3.0 SITE HISTORY

3.1 None.

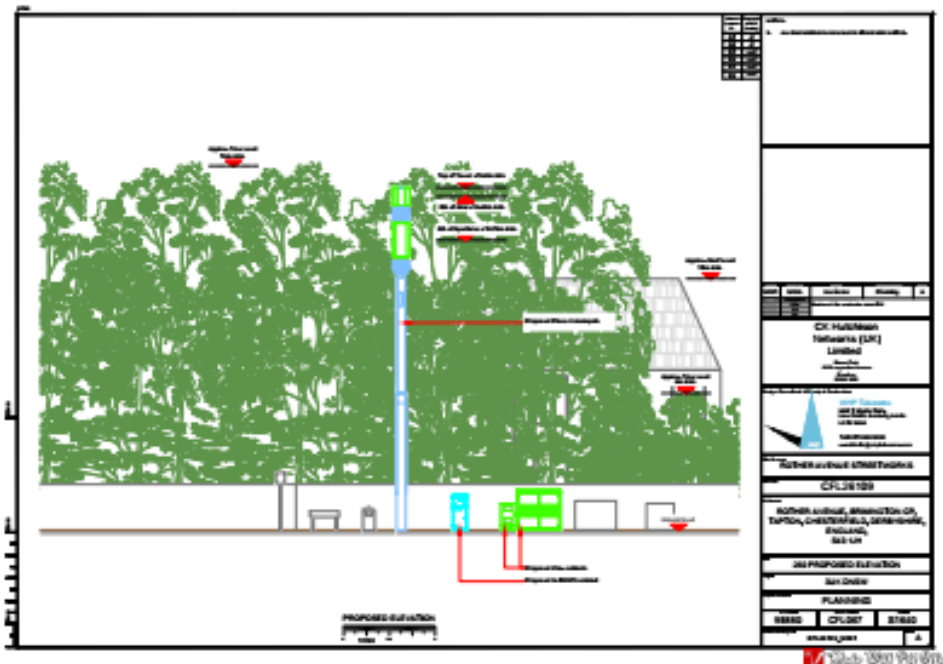
4.0 THE PROPOSAL

4.1 The application is submitted under Class A, Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, for the consideration of whether the prior approval of the Authority is required as to the siting and appearance of the development.

4.2.1 The development comprises of a grey steel monopole with a height of 15 metres, with 3 steel grey equipment cabinets with dimensions of: 1.9m x 0.6m x 1.752m (height); 0.65m x 0.7m x 0.95m (height) and 0.6m x 0.52m x 1.585m (height).

4.2.2 The following information has also been submitted with the application:

- Site Specific Supplementary information
- ICNRP declaration & clarification statement
- DCMS MHCLG Collaborating for Digital Connectivity
- HM Government Ofcom 5G Guide
- GSMA 5G EMF Exposure Safety
- Extract to Cllr Guide to Connectivity
- Mobile UK Health factsheet



Extract of submitted elevational plan.

5.0 PLANNING POLICY

5.1 Chesterfield Borough Local Plan 2018 – 2035

- CLP2 Principles of Location for Development
- CLP11 Infrastructure Delivery
- CLP14 A Healthy Environment
- CLP20 Design
- CLP21 Historic Environment

5.2 National Planning Policy Framework (2021)

- Part 10 Supporting high quality communications
- Part 12 Achieving well-designed places
- Part 15 Conserving and enhancing the natural environment
- Part 16 Conserving and enhancing the historic environment

6.0 CONSIDERATION

6.1 Procedure

6.1.1 This is a telecommunications application for prior approval, which is made under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The information submitted is considered to meet the requirements of the aforementioned development order.

6.1.2 The application made is not for planning permission but is purely for a decision by the Local Planning Authority (LPA) as to whether prior approval is necessary for the siting and appearance of the monopole, and if necessary, whether the prior approval is granted or refused.

6.2 Principle of Development

6.2.1 The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require consideration of the development plan. Regard may be had to the policies of the Local Plan and NPPF only in so far as they are factors relevant to matters of siting and appearance.

6.2.2 Para. 117 of the NPPF (2021) sets out that applications for telecommunications (including prior approval) should be supported by

the necessary evidence to justify the proposed development. This should include:

- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that when operational, International Commission guidelines in terms of health will be met.

6.2.3 The Planning Statement submitted with the application states there is a specific requirement for an installation in this location to ensure that the latest high-quality 3G and 4G service provision is provided in this area of the town. The proposal would also ensure that new 5G coverage can be provided at this location and would fill a gap in service provision. It states that the search area is very small for this new installation. The existing sites in this area of Brimington are struggling to cope with demand and increase in capacity and therefore a new site is required.

6.2.4 With regard to alternative sites, it states the area surrounding the proposed site has been fully investigated and it was considered that the application site was the most viable and suitable location. The statement states that the majority of the area is dominated by low-density residential properties with narrow pavements which allowed the operator to discount the majority of the area around the search area. As such the area around Station Road was investigated and the operator is of the view this is the only viable general location that can accommodate telecoms equipment, given there is a greater amount of footpath available. Further options along Station Road were investigated but the precise location was chosen because it offered the most discreet option that provided the most effective coverage, whilst not adversely affecting the amenity of the residential areas.

For reasons given below the location is not considered to be the most discreet nor does it cause no harm.

6.2.5 Following a request for a plan of all the alternative sites considered, the agent responded as follows:

- “The prominence of the site to a limited number of residential properties is accepted and the site was chosen because of the 16m

trees that act as a very effective backdrop. As such the site, although visible, is not skylined and as it is positioned on a corner, will only be clearly visible along a small section of Station Road. As such, the proposal will only have a minor impact on the vast majority of the area and we would contend that the benefits that the proposal will provide in terms of providing a high speed digital network to the area, will outweigh any potential impact.

- In terms of the impact on the nearby properties, we can consider a change of pole from a Phase 8 to a Phase 9 which is a slim streamlined design. In addition, the colour of the pole and cabinets can be changed to Fir Green (RAL6009) which would enable the equipment to further assimilate the equipment with the backdrop of trees. I have enclosed an example and if it would be considered favourably then I would be happy to agree an extension to the 56 day Prior Approval period to allow the Council to reissue their consultations.
- I have enclosed a revised section of the SSSI to include the discounted options, including a plan to illustrate the locations. As the statement previously stated, the area is extremely constrained by a very small search area that a proposal must be located within with very limited options or sites that could even be discounted.
- There are no existing sites in the search area that can be shared.
- There is no minimum distance that a pole should be within from a residential property, with the exception that that it complies with the ICNIRP guidelines. An ICNIRP certificate was provided with the application.
- With regard to the proximity of Brimington Junior School not being noted in the supporting statement, this was because on the basis of the Code of Best Practice, it was not judged as being within close proximity to the site or being affected by its location – the school is 300m from the site and does not have any views of the site from the grounds.”

6.3 Effect of the siting and appearance on the character and appearance of the area including the impact on the setting of the adjacent listed building

- 6.3.1 The main issue is effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the

setting of the adjacent listed building. If any harm is identified, whether this would be outweighed by the need for the installation to be sited as proposed and set out by the applicant.

- 6.3.2 The application site is in a prominent location on a wide pavement to a road junction, within a residential area and in close proximity to existing dwellings including directly to the frontage of a Grade II listed building.
- 6.3.3 At 15m in height the proposed monopole would be much taller than existing street furniture and adjacent wall. Contrary to the submission it is also considered that the mast would be higher than the existing trees/hedge which are contained within the garden of the adjacent listed building. Whilst the trees in situ would provide some screening to the mast in the local area, it is considered that given the location of the trees in a residential garden, their overgrown nature and the fact that there is no need for any consent to fell these trees, the longevity of the trees is questionable. Such a transient screen to protect the setting of a heritage asset is not considered to be sufficient. Furthermore the mast is considered to be much higher than the trees. It is considered therefore that the mast will result in harm to the setting of the listed building and thereby its significance. The owner of the listed building has not objected to the proposal following consultation and it is possible that concerns regarding the hedge resulting in its reduction or removal would present a very inappropriate relationship between the mast and the heritage asset being situated immediately in front of its main façade.
- 6.3.4 In line with Part 16 of the NPPF, Policy CLP21 of the local plan states that *“In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible”*. The policy goes on to say *“Where a development is likely to result in harm to, or a degree of loss of significance of designated heritage assets and/or their setting, planning applications should be accompanied by evidence that sets out:*
- 1. a description of the significance of the affected assets and their setting and an assessment of the nature and degree of impact on this;*
 - 2. an evaluation of how harm or loss would be avoided, minimised or mitigated;*
 - 3. a clear and convincing justification for the development and the resulting harm or loss.*
- Such an assessment of the impact on the setting of the listed building, in line with the NPPF, has not been provided in this case.

- 6.3.5 Para 202 of the NPPF notes the need to consider public benefits against less than substantial harm as would be caused here. Whilst there are public benefits arising from the installation due to the network benefits, it is not considered that this harm is outweighed in this case given the clear relationship between the site of the mast and views of the listed building and the close proximity between the two.
- 6.3.6 In an appeal decision made in January 2023 for a 5G mast at Inkersall, the Inspector found that the siting and appearance of the proposal would have an adverse effect on the character and appearance of the area. Nonetheless, having regard to all relevant considerations, including national planning policy and the lack of alternative sites, the Inspector considered that the operational needs of the appellant and the enhancement of the local telecommunications network, would outweigh such harm. However, this proposal is considered different to this case in that the impacts relate to the setting of a Grade II listed building which national and local policy seeks to protect. It is therefore reasonable to come to a different conclusion in this case.

6.4 Public Health & Fear

- 6.4.1 Proposals such as that applied for, especially where in close proximity to dwellings, can lead to public concerns at the potential for adverse health impacts from the emissions generated by the telecommunications antennae.
- 6.4.2 Guidance in para. 114-118 of the revised NPPF set out the required evidence to justify the proposed development and state that LPAs must determine applications on planning grounds. The NPPF further indicates that they should not seek to question the need for the telecommunications system; or determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 6.4.3 It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for the LPA, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.
- 6.5.4 In considering the public health implications of the proposal, it is considered that the Government and Health Protection Agency are the

appropriate bodies for setting guidelines and controls to protect the public, and that significant weight is given to the NPPF and the current approach taken by Government on the matter. In this respect the applicants have certified ICNIRP Guideline compliance for the proposed installation. Furthermore, given the recent ICNIRP studies' conclusions it would appear that there is no reliable evidence to date that exposure to the electro-magnetic radiation associated with mobile phones and similar technologies can lead to a significant health risk and therefore there is insufficient reason to deviate from the Governments guidance.

6.6.5 Consequently, it is considered that a refusal on grounds of there being a material threat to public health could not be sustained at appeal. Notwithstanding this however, it is likely to be impossible to prove scientifically that no risk exists, and speculation can give rise to a level of public fear which is a material consideration in terms of objection raised on grounds of fear, as they fear the potential radiation increases from 5g masts on local wildlife and themselves and their families. It is not considered that these comments outweigh the Government's guidance in the NPPF and that the Planning Authority could sustain a refusal on grounds of public fear and an adverse effect on amenity as a consequence of this.

7.0 REPRESENTATIONS

7.1 Objections have been received from 13 local residents. The main concerns are summarised below:

- location/appearance – would be an eyesore within a purely residential area on a junction that is a controlled crossing used daily by children on their way to school. Very close to houses;
- Visual distraction in a very green area;
- Public health and safety – not enough scientific evidence to show it does not result in harm to health. No technical details included showing frequencies, output and safety exclusion zones (50m or more is required under ICNIRP's terms);
- Proximity to school;
- Ecological harm to nearby trees;
- Possible adverse impact on property values;
- Negative impact on the environment and to wildlife.

7.2 Cllr Callan has also objected as he believes that it will be unsightly and will impact on the amenity of local residents. He has spoken to residents

and they are unhappy with the proposal, having concerns about the visual impact and possible health implications.

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. The applicant has a right of appeal against a refusal of permission.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and the 2021 National Planning Policy Framework (NPPF) the Local Planning Authority has considered the merits of the submitted application and judged that the application is not acceptable in terms of the impact on the setting of the nearby listed building and which is contrary to the provisions of the Local Plan and the NPPF. On this basis the requirement to engage in a positive and proactive manner is considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

10.0 CONCLUSION

10.1 The telecommunications operator has demonstrated that there is an operational need for the development. The proposed siting and visual impact of the development is considered to have a harmful impact on the setting of the nearby listed building and as such, the proposal does not accord with the requirements of policy CLP21 of the Chesterfield

Borough Local Plan 2018-2035 and the National Planning Policy Framework (2021).

11.0 RECOMMENDATION

- 11.1 It is therefore recommended that Chesterfield Borough Council refuse the siting and appearance of the development proposed in the manner described in the above-mentioned application and shown on the accompanying plan(s) and drawing(s) for the following reason:

The siting and appearance of the proposed installation due to being directly adjacent to and in close proximity to a Grade II listed building, no. 64 Station Road, would result in harm to the public appreciation of and to the setting of the Grade II listed building, resulting in harm to the significance of the heritage asset. The public benefits arising from the harm are not considered to outweigh the harm in this case. The proposal is considered to be contrary to the national guidance in Part 16 of the NPPF and Policy CLP21 of the Chesterfield Local Plan 2018-35.

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	22 nd May 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/17/00627/TPD	Brimington South	Rear single storey extension At 218 Lockoford Lane Tapton S41 0TQ For Mr Haydon Pratt	PD	10/05/2023
CHE/19/00473/HH	Brockwell	Leylandii hedge could be reduced in height. At 72A Hawksley Avenue Chesterfield S40 4TL For Mr Andrew Brough	FDO	27/03/2023
CHE/19/00815/HH	Holmebrook	Reduction in height of hedge At 12 Boythorpe Avenue Boythorpe S40 2QE For Mrs Barbara Matchett	CP	01/05/2023
CHE/20/00759/DOC	Lowgates And Woodthorpe	Discharge of condition 7 (tree survey) of CHE/17/00804 - Conversion of existing goat shed/stables into holiday let using shared access drive. At Poppy Barn 23 Bridle Road Woodthorpe S43 3BY For Mr and Mrs Hall	REF	04/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00200/REM	Holmebrook	Variation of conditions 18 (surface water drainage) and 24 (substitution of drainage drawing) of CHE/19/00735/FUL - Re-submission of CHE/19/00341/FUL - demolition of existing garages and erection of 6 self contained single storey complex behavioural bungalows and 6 self contained assisted living apartments over 2 storeys and new tarmac through road linking Bank Street and Chester Street. At Garage Sites Bank Street Chesterfield S40 1BH For Chesterfield SSL Ltd	CP	05/04/2023
CHE/21/00587/DOC	Old Whittington	Discharge of conditions 28 and 29 of CHE/16/00171/OUT At Land At Former Boat Yard Sheffield Road Sheepbridge For Vistry Partnerships (Yorkshire)	DPC	03/05/2023
CHE/21/00708/FUL	St Leonards	Single storey flat roof rear extension At 44 Redvers Buller Road Chesterfield S40 2EH For Mrs Samantha Grayson	CP	21/04/2023
CHE/21/00874/DOC	West	Discharge of condition 8 (parking layout and entrance/exit) of application CHE/21/00303/FUL - Demolition of existing residential annex and construction of new 4 bedroom house At The Oaks 534 Chatsworth Road Chesterfield S40 3AY For A-Rock Construction	DPC	21/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00116/REM	Walton	Variation of conditions 2 (approved drawings), 5 (works around RPAs) and 6 (hard and soft landscaping) of CHE/20/00305/FUL - Erection of new residential dwellings at the sites off Whitecotes Lane and Harehill Road with associated access, parking and open space to allow for construction of a sub station to Whitecotes Lane and for the introduction of a YWA in the s/western corner off Harehill Road At Land South Of Walton Hospital Harehill Road Grangewood Chesterfield For Vistry Partnerships	CP	18/04/2023
CHE/22/00426/LBC	Old Whittington	Replacement of main boiler. The new flue will need to terminate vertical to roof level. It will require a protective cage and a vent. At Holly House School Church Street North Old Whittington Chesterfield S41 9QR For Derbyshire County Council	CP	28/04/2023
CHE/22/00580/CLU	Barrow Hill And New Whittington	Lawful development certificate application for use of building as a dwelling At Greenfield Stables 219A Handley Road New Whittington Chesterfield S43 2ES For Mrs Tina Bannister	REF	20/04/2023
CHE/22/00661/FUL	Hollingwood And Inkersall	New upper and lower concrete landings with brick retaining walls all supporting a new external platform lift At 75 Laurel Crescent Hollingwood S43 2LS For Mrs Sharon May	WDN	25/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00776/DOC	St Leonards	Discharge of condition 3 (Drainage strategy) of application CHE/22/00540/FUL- Construction of a new mental health facility and associated landscaping, groundworks, parking, and access arrangements - re-submission of CHE/21/00887/FUL At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL For Derbyshire Healthcare NHS Foundation Trust	DPC	04/04/2023
CHE/22/00789/FUL	Hollingwood And Inkersall	Erection of an outbuilding to the rear of the property to be used as a games room and store room for building tools / materials) At 72 Stanley Avenue Inkersall Chesterfield S43 3SY For Mr Clinton Peters	CP	02/05/2023
CHE/22/00813/FUL	West	External alterations, changes to frontage parking layout, relocated fence and gates and change of use of workshop to showroom (Updated description 24.03.2023) At 464 Chatsworth Road Chesterfield S40 3BD For Vertu Motors	CP	24/04/2023
CHE/22/00825/FUL	Old Whittington	Erection of small storage/light use unit At Land To The Rear Of 52 Whittington Hill Old Whittington Chesterfield For Mr Kevin Marchant	CP	27/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00020/NMA	Staveley Central	<p>Non material amendment to application CHE/21/00567/REM- Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure- To remove a section of carriageway from the approved planning layout, removal of foul pumping station, removal of 2 no. attenuation basins, removal of swales along the spine road.</p> <p>At Land To West Of Inkersall Road Staveley Chesterfield</p> <p>For Barratt David Wilson Homes</p>	CPNMAZ	02/05/2023
CHE/23/00030/FUL	Lowgates And Woodthorpe	<p>Demolition of existing sun room and erection of a single storey side extension</p> <p>At 32B Norbriggs Road Woodthorpe Chesterfield S43 3BU</p> <p>For Mr Ken Rutland</p>	CP	30/03/2023
CHE/23/00035/FUL	West	<p>Drop kerb stones to facilitate vehicular access</p> <p>At Landscape Cottage 716 Chatsworth Road Chesterfield S40 3PB</p> <p>For Mr Alan Miles</p>	CP	27/03/2023
CHE/23/00040/FUL	West	<p>Demolition of existing garage and conservatory to allow for two-storey side extension, with attached carport, and single storey rear extension with cladding of walls</p> <p>At 15 South Lodge Court Ashgate Chesterfield S40 3QG</p>	CP	23/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00041/FUL	Lowgates And Woodthorpe	Development of new security fencing and automated gates At Police Station Eckington Road Staveley Chesterfield S43 3XZ For Derbyshire Constabulary	CP	30/03/2023
CHE/23/00043/DOC	Hollingwood And Inkersall	Discharge of conditions 7 (Details of levels), 8 (Compliance with working hours), 11 (Storage of plant and materials) and 13 (Construction details of estate roads and footways) of application CHE/15/00085/OUT- Outline residential development on 1.38 hectres of land for up to 35 dwellings including means of access At Land To South Of Poplar Farm Rectory Road Duckmanton Chesterfield For Woodall Homes Ltd	DPC	03/05/2023
CHE/23/00045/FUL	Hollingwood And Inkersall	Existing flat roof of front and rear wing changed to a dual pitched design At 75 Ashover Road Inkersall Chesterfield S43 3EG For Mr Sean Heenan	CP	31/03/2023
CHE/23/00047/FUL	St Leonards	Removal, refurbishment and re- installation of existing bollards, gate pillars and wrought iron gate to create wider gate opening and change operation of electric gates from hinged to sliding. At Hady House 75 Hady Hill Hady S41 0EE For Mr C Fletcher	CP	29/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00050/FUL	St Helens	First floor rear extension At 1 Highfield View Road Newbold Chesterfield S41 7HW For Mr Graham Flint	REF	06/04/2023
CHE/23/00057/DOC	Old Whittington	Discharge of condition 4 (Employment and Training Scheme) 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	20/04/2023
CHE/23/00060/FUL	West	Single storey side extension At 104 Storrs Road Chesterfield S40 3QB For Mrs A Hutson	CP	23/03/2023
CHE/23/00063/DOC	Old Whittington	Discharge of condition 35 (Details of additional surface water run-off avoidance) 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 Yorks	REF	02/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00067/DOC	Lowgates And Woodthorpe	Discharge of conditions 7 (stone material), 15 (repointing methodology), 17 (ecology measures), 18 (bat survey), 19 (guttering), and 20 (roof materials) of CHE/22/00668/FUL- Conversion of barn to one dwelling including associated alterations, air source heat pump, amenity space and parking At Woodthorpe Grange Farm 27 Bridle Road Woodthorpe Chesterfield S43 3BY For Mrs Sally Crowder	DPC	29/03/2023
CHE/23/00068/FUL	Brimington South	Engineering works to dismantle the cavity walls of the rear elevation and part of the side elevation and rebuild them At 33 The Crescent Brimington S43 1AZ For Chesterfield Borough Council	CP	19/04/2023
CHE/23/00069/DOC	Old Whittington	Discharge of conditions 25 (Details of estate road and footways), 30 (Prevention of discharge of water onto highway), 33 (Management plan of surface water drainage) and 34 (Drainage hierarchy) 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 Homes	REF	27/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00070/FUL	St Helens	Single storey/two storey rear extension- CP Resubmission of application CHE/22/00553/FUL At 47 Highbury Road Newbold S41 7HL For Mr Jason Briggs		30/03/2023
CHE/23/00076/FUL	Hollingwood And Inkersall	Alteration to land levels of frontage to allow for two proposed parking bays and dropped kerb for access At 27 Oak Street Hollingwood Chesterfield S43 2HL For Stephen Easto	CP	05/04/2023
CHE/23/00081/FUL	Brimington North	Two storey side extension and single storey front extension, proposed porch, proposed rear WC, drive widening, and extended drive At 1 Totlely Mount Brimington Chesterfield S43 1JZ For Mr Cosar	CP	27/03/2023
CHE/23/00083/TPO	West	T9 Horse Chestnut, T7 and T8 Lime Trees- To be pollarded to previous Points. T5- To be felled and replaced. (permission for this granted on a previous application) At 15 South Lodge Court Ashgate Chesterfield S40 3QG For Mr Ian Trueman	SC	24/03/2023
CHE/23/00090/ADV	Moor	Installation of a freestanding 1 x 48- sheet LED illuminated display panel At Chesterfield Trade Centre Sheffield Road Whittington Moor Chesterfield S41 8LS For Vivid Outdoor Media Solutions (A) Ltd	REF	20/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00093/FUL	Brockwell	Single storey rear extension - resubmission of CHE/22/00576/FUL At 34 Newbold Avenue Newbold Chesterfield S41 7AT For Mr and Mrs Lewishill	CP	04/05/2023
CHE/23/00098/SOL	Old Whittington	Installation of roof mounted solar PV panels At Heraeus Electro-Nite (UK) Ltd 655 Sheffield Road Chesterfield Sheepbridge S41 9ED For Heraeus Electro-nite Ltd	PANR	29/03/2023
CHE/23/00099/FUL	Hollingwood And Inkersall	Erection of external fire escape and associated construction works At Inspiration House Markham Lane Duckmanton S44 5HS For Smurfit Kappa	CP	25/04/2023
CHE/23/00100/FUL	Old Whittington	Rendering of bungalow, dropped kerb and retention of 2m high electric gate At 122 Newbridge Lane Old Whittington Chesterfield S41 9JA For Mr David John Gladwin	CP	24/04/2023
CHE/23/00101/NMA	West	Non-material amendment of application CHE/21/00713/FUL (Side extension to form an annexe for dependent relative)- To allow for own use At Lorien 6 Thornfield Avenue Chesterfield S40 3LG For Mr Shaun Coe	UP	19/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00102/FUL	Walton	Alterations to existing Courtyard area to CP create Mental Health Occupational Therapy Garden including raising Boundary Walls / Fences and new Greenhouse and Shed At Walton Hospital Whitecotes Lane Walton S40 3HW For Derbyshire Healthcare NHS Foundation Trust		25/04/2023
CHE/23/00110/FUL	West	Demolition of existing garage and single-storey rear extension, construction of new two-storey side extension and single-storey rear extension. At 41 Yew Tree Drive Somersall Chesterfield S40 3NB For Mr and Mrs Jon Fuller	CP	17/04/2023
CHE/23/00112/FUL	West	Alterations to convert existing rear conservatory to a sun room. At 402 Old Road Chesterfield S40 3QF For Mr T Upfold	CP	02/05/2023
CHE/23/00113/ADV	Brimington North	1 Internally Illuminated tablet fascia sign and 5 window vinyl's At Chesterfield and District Co-Op Society Ltd 17 High Street Brimington Chesterfield S43 1DE For Sophie Mead	CP	27/04/2023
CHE/23/00115/LBC	Holmebrook	Repairs and stabilisation to building At Cannon Mill Dock Walk Chesterfield S40 2AB For Cannon Mill Trust CIO	CP	13/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00118/DOC	St Leonards	Discharge of conditions 11 (Details of roosting and nesting facilities) and 12 (External materials) of application CHE/21/00438/FUL- Two-storey Urgent Care and Emergency Department extension to existing hospital At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL For Derbyshire Support & Facilities Services Limited	PDOC	27/04/2023
CHE/23/00120/FUL	Old Whittington	Single-storey side/rear extension with render and new driveway At 95 Newbridge Lane Old Whittington Chesterfield S41 9HU For Miss Louise Henstock	CP	02/05/2023
CHE/23/00122/FUL	West	Demolition of building used as hairdresser and erection of two storey building containing 2 one bed apartments and associated car parking At 87 Heaton Street Chesterfield S40 3AF For Mr Webber	WDN	05/05/2023
CHE/23/00124/TPD	Walton	Rear extension and chimney At 27 Hillside Drive Walton S40 2DB For Mr and Mrs Patrick Jones	PANR	28/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00126/ADV	West	<p>Installation of Internally illuminated 'MG' CP totem sign, internally illuminated 'MG' logo sign, integrally illuminated set of 'Bristol St Motors' letters and a non illuminated 'Welcome' sign</p> <p>At 464 Chatsworth Road Chesterfield S40 3BD</p> <p>For MG Motor UK Limited</p>		20/04/2023
CHE/23/00128/DOC	Brockwell	<p>Discharge of condition 3 (biodiversity) of CHE/22/00329/FUL-Loft conversion and associated roof works to create additional accommodation</p> <p>At 14 Newbold Drive Newbold Chesterfield S41 7AP</p> <p>For Michael and Kathryn Boden</p>	DPC	26/04/2023
CHE/23/00138/FUL	Brockwell	<p>Single storey rear garden room extension</p> <p>At 60 Spire Heights Chesterfield S40 4BF</p> <p>For Miss L Kerry</p>	CP	19/04/2023
CHE/23/00139/TPO	West	<p>T15 Lime - Remove new growth from reduced imb as per pervious approved request. T8 Cedar - crown lift to 3 metres, remove all crossing and dead branches, reduce back 2 limbs to the east edge of property to growing tips (approx 3 metres), reduce growing tips over property by approx 2 metres. Reasons for work : improve health of tree, overshadowing of propoerty, loss of light</p> <p>At 40 Netherleigh Road Ashgate Chesterfield S40 3QJ</p> <p>For Martin Reynolds</p>	CP	21/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00140/FUL	Hollingwood And Inkersall	Two storey rear extension At 35 East Crescent Duckmanton Chesterfield S44 5ES For Mrs Katherine Longstaffe	CP	09/05/2023
CHE/23/00142/CLO	Walton	Certificate of lawfulness for a proposed single storey extension At 17 Stradbroke Rise Walton Chesterfield S40 3RB For Mr & Mrs Newton	GR	19/04/2023
CHE/23/00145/FUL	Old Whittington	Two storey side and rear extension At 3 Hartland Way Old Whittington Chesterfield S41 9HT For Miss Tia Chapman-Metham	CP	28/04/2023
CHE/23/00146/TPO	Dunston	Pruning works to Oak trees labelled T10, T11 and T13 to include: Removal of any epicormic growth on the stem, crown raise to ensure 3m clearance from footpath and 5m over the highway where necessary, cutting back all branches to ensure there is 2.5m clearance from the property and 1m from any overhead BT lines, wires and streetlighting columns, removal of any dead wood over 50mm diameter throughout the canopy. Works are carried out in respect to direct damage to roof and integrity of properties and with a view to facilitating ongoing property maintenance by Chesterfield Borough Council Housing department. At 2 Ennerdale Crescent Newbold Chesterfield S41 8HL For Mr Gary McCarthy	CP	24/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00147/TPO	Dunston	<p>Pruning works to T8 on location plan to include: Removal of any epicormic growth on the stem, crown raise to ensure 3m clearance from footpath and 5m over the highway where necessary, cutting back all branches to ensure there is 2.5m clearance from the property and 1m from any overhead BT lines, wires and streetlighting columns, removal any dead wood over 50mm diameter throughout the canopy. Works are carried out in respect to direct damage to roof and integrity of properties and with a view to facilitating ongoing property maintenance by Chesterfield Borough Council Housing department.</p> <p>At 131 Keswick Drive Newbold Chesterfield S41 8HJ For Mr Gary McCarthy</p>	CP	24/03/2023
CHE/23/00148/DOC	Dunston	<p>Discharge of condition 3 (Schedule of works) and 10 (Archaeological WSI) (Schedule of works) of CHE/22/00618/LBC - Repair of Listed (former) farm outbuildings associated with Dunston Hall, including repairs to external and internal walls, roofs, floors, windows and doors. The insertion of a contemporary steel framework to provide necessary structural support</p> <p>At Dunston Hall Dunston Road Chesterfield S41 9RL</p> <p>For Dunston Hall Leisure Ltd</p>	PDOC	24/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00149/DOC	Dunston	<p>Discharge of conditions 9 (health and safety construction plan), 11 (European Protected species licence and 15 (Archaeological WSI) of CHE/22/00111/FUL - Alteration and conversion of existing outbuilding to create a new ancillary function room associated with the use of Dunston Hall as a holiday let and wedding venue.</p> <p>At Dunston Hall Dunston Road Chesterfield S41 9RL</p> <p>For Dunston Hall Leisure Ltd</p>	DPC	24/04/2023
CHE/23/00150/DOC	Dunston	<p>Discharge of condition 3 (Schedule of work) of CHE/22/00112/LBC - Listed Building Consent for alteration and conversion of existing outbuilding to create a new ancillary Function Room associated with the use of Dunston Hall as a holiday let and wedding venue.</p> <p>At Dunston Hall Dunston Road Chesterfield S41 9RL</p> <p>For Dunston Hall Leisure Ltd</p>	DPC	24/04/2023
CHE/23/00156/CLO	West	<p>Roof alterations including hip to the gable roof alteration to facilitate a dormer window to the rear elevation.</p> <p>At 3 Queen Mary Road Chesterfield S40 3LB</p> <p>For Mr Mike Smith</p>	GR	19/04/2023
CHE/23/00158/FUL	Lowgates And Woodthorpe	<p>Alterations to roof line of conservatory and installation of glazed lantern lights with altered flat roofs.</p> <p>At 47 Norbriggs Road Woodthorpe Chesterfield S43 3BT</p> <p>For Mr Daniel Woolliamson</p>	CP	09/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00161/DOC	Hasland	Discharge of conditions 5 (intrusive site investigations) and 6 (coal mining safety) of CHE/21/00286/OUT At 16A Eyre Street East Hasland S41 0PQ For Bix and Oshin Development Ltd	REF	27/04/2023
CHE/23/00162/NMA	West	Non material amendment to CHE/20/00790/FUL (First floor side extension above existing garage and rear two storey extension) to reduce width of the side extension by approximately 600mm At 31 Storrs Road Chesterfield S40 3QA For Mr & Mrs Pogson	CPNMAZ	24/04/2023
CHE/23/00163/FUL	Hollingwood And Inkersall	Additional ancillary office, workshop and showroom space within the existing building envelope. Proposed alterations to the external wall cladding and glazing on the NW, SE and SW elevations. Provision of a new entrance canopy on the SW elevation At Plot 2, South Markham Lane Duckmanton S44 5HS For NIBE Energy Systems Limited	CP	25/04/2023
CHE/23/00165/ADV	St Leonards	signage At Northern Gateway Enterprise Centre Saltergate Chesterfield S40 1UT For Chesterfield Borough Council	CP	24/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00166/PA	Brockwell	<p>Prior approval for change of use from class E to 2 no flats- Resubmission of application CHE/22/00826/PA</p> <p>At 31 West Bars Chesterfield S40 1AG</p> <p>For James Steer</p>	REF	04/05/2023
CHE/23/00168/DEM	St Helens	<p>Demolition of portal framed single skin commercial building on concrete slab</p> <p>At Tapton Business Park Brimington Road Tapton Chesterfield S41 7UP</p> <p>For Chesterfield Engineering Group Ltd</p>	PANR	31/03/2023
CHE/23/00171/DOC	Old Whittington	<p>Discharge of condition 11 (Flood risk assessment) of 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 S41 9EJ</p> <p>For Vistry Partnership Yorkshire</p>	REF	27/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00176/DOC	St Leonards	Discharge of conditions 3 (Protection of retained trees), 4 (Landscaping), 5 (Landscape and Ecological Management Plan), 8 (SMART Target added to Travel Plan) ,9 (Cycle parking), 13 (Design and management plan for surface water drainage) and 18 (Employment and Training Scheme) of application CHE/21/00438/FUL- Two-storey Urgent Care and Emergency Department extension to existing Hospital (Revised description 18/4/23 replacing condition so that condition 13 is sought discharge instead of 16)	PDOC	27/04/2023
		At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL For Chesterfield Royal Hospital		
CHE/23/00179/FUL	Rother	Replacement of 6 external doors (2 single doors and 2 pairs of double doors)	CP	09/05/2023
		At Church Of Saint Augustine Derby Road Chesterfield S40 2EP For Saints Augustine Church		

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00181/DOC	St Leonards	<p>Discharge of conditions 3 (Compliance with separate systems of drainage) , 4 (Works to provide a satisfactory outfall), 6 (Materials), 7 (Cycle parking), 10 (Landscape and Ecological Management Plan), 11 (In accordance with update biodiversity net gain metric), 12 (Badger mitigation measures) and 13 (Lighting strategy) of application CHE/22/00500/FUL- Erection of a new health and well being hub</p> <p>At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL For DSFS Limited</p>	PDOC	27/04/2023
CHE/23/00182/RET	Hollingwood And Inkersall	<p>Retention of garden games room, external store and boundary wall and covered yard/canopy - resubmission of CHE/21/00852/RET</p> <p>At 11 Castleton Grove Inkersall S43 3HU</p> <p>For Mr Richard White</p>	CP	30/03/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00185/DOC Linacre		<p>Discharge of conditions 5 (Means of disposal of surface water drainage), 6 (Storage of plant and materials within site), 7 (Details of access and parking), 9 (Construction details of the shared driveway), 11 (Space for parking within site curtilage), 13 (Storage of bins and collection of waste), 14 (Management and maintenance of the proposed shared driveway), 15 (Written Scheme of Investigation), 16 (Site investigation), 18 (Biodiversity Enhancement Plan), 19 (Lighting strategy), 20 (Tree surveys), 21 (Landscaping), 22 (Details of proposed Access Facilitation Pruning), 24 (Materials) and compliance with conditions 1 (Approval of reserved matters), 2 (Time scale of submission of reserved matters), 3 (Commencement), 4 (Development with separate systems of drainage), 8 (Vehicular access), 10 (Shared driveway construction), 12 (Gates), 17 (Removal of vegetation) and 23 (Construction hours), 25 (Revocation of PD rights) and 26 (EV charging points) of application CHE/19/00043/OUT- Outline application for residential Development</p> <p>At Moorlea Ashgate Road Chesterfield S42 7JE For Bestwick Estates Limited</p>	REF	05/05/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00189/CLO	Brimington South	<p>Certificate of Lawfulness for the proposed use of the building for ancillary booking, admin and IT office functions associated with an app-based private taxi/minicab/private hire service; with no private hire vehicle parking or visiting members of the public</p> <p>At Tapton Park Innovation Centre, Room 27D Brimington Road Tapton Chesterfield S41 0TZ For Bolt Services UK Limited</p>	GR	11/04/2023
CHE/23/00193/TPO	West	<p>Fell weeping ash which is diseased Daldinia Concentrica and plant replacement tree</p> <p>At 666 Chatsworth Road Chesterfield S40 3NU For Dr John Hadfield</p>	CP	30/03/2023
CHE/23/00201/DOC	St Leonards	<p>Discharge of conditions 8 (Scheme for restoration of tree's rooting environment) and 9 (Landscaping) of application CHE/22/00500/FUL- Erection of a new health and well being hub</p> <p>At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL For DSFS Limited</p>	REF	27/04/2023
CHE/23/00205/CA	Brimington North	<p>G1 - Poplar Group - Previously pollarded and now with extensive re-growth - Re-Pollard back to previous points</p> <p>At Red Lion Church Street Brimington S43 1JG For Naomi Hales</p>	UP	21/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00217/TPO	Old Whittington	<p>T1 Sycamore car park - lean over car park cavity at the base. 30% reduction 18m tree height. 15m crown height. 13m crown spread remove up to 2.5m to appropriate growth points T2 Horse chestnut - 30% reduction Tree height 25m. Crown height 21m crown spread 17m remove up to 3m of the crown and cut to appropriate growth points T3 Oak - lighting strike. dead wood removal only T4 Horse chestnut - reduce limb over driveway by 1.5m T6 Lime - Reduce limb next to the building by 2m T7 Lime - Dead tree-remove</p> <p>At Goldcrest House High Street Old Whittington S41 9LQ</p> <p>For Mr Renshaw</p>	CP	24/04/2023
CHE/23/00218/CA	Brimington North	<p>Tree works At The Rectory Church Street Brimington S43 1JG For Ms Jenny Allen</p>	UP	21/04/2023
CHE/23/00219/TPO	West	<p>Crown reduction to T3- Sycamore At Oaklands 25A Storrs Road Chesterfield S40 3QA</p> <p>For Mrs Jean Coxhead</p>	CP	26/04/2023
CHE/23/00223/CA	West	<p>Reduce Ash by 25%, remove dead wood and crossing branches At 3 Somersall Willows Chesterfield S40 3SR</p> <p>For John Salway</p>	UP	26/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00234/CLO	Brockwell	Certificate of Lawfulness for a proposed single storey rear extension At 3 Cromwell Road Chesterfield S40 4TH For Mrs April Hancock	RF	24/04/2023
CHE/23/00238/CA	St Helens	Crown lifting of one Horsechestnut tree At Royal Court Basil Close Chesterfield S41 7SL For Richard O'Shea	UP	21/04/2023
CHE/23/00239/TPO	Walton	Trees T1 and T2 (Both Beech Trees)- Crown thin up to 20%, removal of crossing branches and removal of dead wood At Walton Hall 85 Foljambe Avenue Walton S40 3EY For Mr Matthew Jones	CP	26/04/2023
CHE/23/00244/TPO	West	Removal of snow-damaged branches to one Cedar within A1 of TPO 7 At 15 The Dell Ashgate Chesterfield S40 4DL For Philip Heath	CP	18/04/2023
CHE/23/00249/TPO	Hasland	Remove Tree 01 for reasons outlined in attached report. Replace with new tree, to be planted within 3 metres of the property's roadside boundary with The Green. True native species of Silver birch is preferred (Betula pendula) unless the local authority require a different species At 97 The Green Hasland S41 0JT For Mr Alan Boyce	CP	27/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00250/DOC	Lowgates And Woodthorpe	Discharge of condition 14 (Materials) of application CHE/21/00883/FUL- Re submission of CHE/21/00078/FUL for demolition of existing bungalow and detached garage and erection of a 2 bed bungalow At 4 Woodthorpe Road Woodthorpe Chesterfield S43 3BZ For AKO Vale Ltd	DPC	28/04/2023
CHE/23/00252/CA	St Leonards	Prune magnolia tree as canopy is shading bowling green & grass is not growing. Also tree is causing damage to retaining boundary wall At Bowling Green South Place Chesterfield For Chesterfield Bowling Club	UP	24/04/2023
CHE/23/00259/TPO	West	Lime T12- Remove epicormic growth crossing Ash T6- Remove dead wood and thin by 25% Lime T7- Pollard back to previous cuts Lime T8- Remove dead wood and 25% crown thin At 3 Somersall Willows Chesterfield S40 3SR For John Salway	CP	26/04/2023
CHE/23/00270/TPO	West	Remove dead and dangerous branches from T53 Beech and T55 Oak of Tree Preservation Order 4901.159 At Cheslyn Hay 752 Chatsworth Road Chesterfield S40 3PN For Jon Braithwaite	CP	26/04/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00271/DOC	Barrow Hill And New Whittington	Discharge of condition 3 (Biodiversity) of application CHE/22/00498/FUL- Ground floor triple glazed window on side elevation At 90 Highland Road New Whittington S43 2EZ For Mrs Therese Walker	DPC	28/04/2023
CHE/23/00272/DOC	Brimington South	Discharge of condition 4 (biodiversity measures) of CHE/22/00561/FUL- Attached garage on the side elevation At 40 Westmoor Road Brimington S43 1PT For Mrs Jane Conneely	DPC	28/04/2023
CHE/23/00295/DOC	Whittington	Discharge of condition 8 (Boundary treatment details) of application CHE/22/00413/REM1- Variation of condition 30 (external dimensions and elevational treatments) of application CHE/12/00028/FUL- Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property. (Amended plan 08.09.22 removing upper floor rear window from plot 4) At Manor Syck Farm 132 Church Street North Old Whittington Chesterfield S41 9QP For Marsh Green Construction Ltd.	DPC	10/05/2023

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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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 22nd May 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 Costs application made	Allowed 26/4/23 and Partial Costs awarded against CBC – see appendix A and B
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	n/a	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	

2/1257	Middlecroft & Poolsbrook ward	Mrs V Zheng	CHE/21/00778/FUL Change of Use and new build to create 20 apartments at Elm Tree Inn, High Street, Staveley – Refusal	Planning Committee against officer advice	28/04/23	Written Reps	
2/	St Helens ward	Woodall Homes Ltd	CHE/22/00604/FUL – Residential Development of land at Brimington Road, Waterside – 145 units – Non Determination	n/a	11/05/23	Public Inquiry	

Appendix A

Appeal by Ms Claire Hancock

Land adjacent to Boythorpe Avenue, Chesterfield.

CHE/21/00171/FUL

1. Planning permission was refused on 31st August 2022 by Planning Committee against the advice of officers for the erection of a pair of semi detached dwelling son land adjacent to Walton Walk/Boythorpe Avenue. The reasons for refusal were:

01. The design constitutes inappropriate development that is not conducive to the street scene contrary to policy CLP20 of the adopted Chesterfield Local Plan and Part 12 of the NPPF.

02. The proposed parking arrangement will lead to vehicles reversing onto the highway close to the junction with Central Avenue against the best interests of highway safety, contrary to policies CLP20 and 22 of the adopted Chesterfield Local Plan and Part 9 of the NPPF.

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The main issues were the effect of the proposal on (i) the character and appearance of the area, and (ii) highway safety.

Character and appearance

4. The appeal site is situated in a predominantly residential area, typified by properties of varying styles that are generally set back from the highway behind garden and parking areas. The topography in the area varies such that many of the buildings are set at higher or lower levels. These factors, as well as established planting and trees within garden areas, contributes to the pleasant, verdant character of the area.
5. The proposed dwellings would appear as single storey buildings in views from the front along Boythorpe Avenue. This would differ from the predominantly two storey properties in the area, but the inspector was able to see a single storey dwelling to the east of the site. Although there are properties with distinct styles to either side of Boythorpe Avenue, the appeal site is in a corner location, and the proposed dwellings would be set away, closer to Boythorpe Avenue than the two storey buildings along Riber Terrace. The short terrace rows, on the opposite side of Boythorpe Avenue, are also visually

separate from the appeal site. The inspector did not therefore consider the scale of the proposal in this context would harm the character of the area, particularly given the heights that buildings appear at vary with topography.

6. Reference was made to the buildings being large compared to the site. The dwellings would appear as single storey structures from the front and would only extend across part of the width of the plot to Boythorpe Avenue. The proposed properties would be set back from the road, behind garden and parking areas, with further garden areas to the side and rear. The inspector did not therefore consider the proposal would be overly large for the site.
7. The inspector therefore concluded that the proposed development would not have an unacceptable adverse impact on the character and appearance of the area. As such, it would not conflict with Policy CLP20 of the Chesterfield Borough Local Plan (Local Plan), which seeks, amongst other matters, good design that positively contributes to the distinctive character of the borough. It would also not be contrary to the National Planning Policy Framework (Framework), which seeks at paragraph 130 for development to be sympathetic to local character.

Highway safety

8. The proposed dwellings would each be served by 2 parking spaces each off Boythorpe Avenue. Although these spaces would be located close to the junction of Boythorpe Avenue with Central Avenue, and would require vehicles to undertake reversing manoeuvres, this is not an unusual arrangement in the area. The inspector was able to see other driveways in the vicinity of the appeal site, including one on the opposite side of Boythorpe Avenue, close to the same junction with Central Avenue. Although reference was made to on-street parking, given that Boythorpe Avenue is lightly trafficked and the likelihood of conflict with other road users is low, the inspector did not consider that the proposed parking arrangements would give rise to an unacceptable road safety risk. The highway authority also raised no objection to the scheme.
9. The inspector therefore concluded that the proposed development would not have a harmful effect on highway

safety. It would therefore not be contrary to Policies CLP20 or CLP22 of the Local Plan, which seek, amongst other matters, the provision of adequate and safe vehicle access and parking. It would also not be contrary to Paragraph 111 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

10. A variety of concerns were raised in relation to privacy impacts arising from the proposed development, including to the garden areas of neighbouring properties. The rear of the proposed dwellings would not however directly face the properties along Riber Terrace but have an off-set relationship. There would be rear facing windows on the upper level of the dwellings, but these would either be obscure glazed or high level windows and non-opening. The proposal would have large glazed openings at lower ground floor level, but any direct overlooking can be mitigated with appropriate boundary treatment. The design of the side-facing windows would also incorporate blank panels. The inspector considered other concerns relating to privacy, but the effect on living conditions did not form part of the Council's refusal, and the inspector also did not consider that domestic activities, such as window cleaning would have any harmful effects, given the siting and form of development proposed. For these reasons, the inspector did not consider there would be any unacceptable privacy impacts arising, irrespective of any screening offered by trees, including to the garden areas of neighbouring properties.
11. Despite the difference in levels, given the separation with properties on Riber Terrace, the inspector did not consider there would be a detrimental impact by way of overbearing impact or loss of sunlight. A suitable height screen to the parking area would prevent undue light spillage from car headlights and this is a matter that can be addressed by condition. Concerns had been raised on noise and dust, but construction activity would be for a limited period and the timing of such activities can be addressed by condition.

12. Reference was made in third party representations to an alternative bungalow development on the appeal site, but the inspector was required to determine the appeal before him on its own merits. Concerns had been raised relating to the accuracy of plans. Although they do not show the conservatory on a neighbouring dwelling or the correct position of a boundary between two neighbouring properties, the inspector was able to see the appeal site and its relationship with surrounding properties at the time of his visit and have considered the appeal accordingly.
13. The inspector had taken into account all other matters raised including reference to the condition of the site, ground conditions and reference to boundary trees, but none of these matters would outweigh my conclusions on the main issues.

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development above floor slab level shall take place until details and samples of all proposed external facing materials, including all hard landscaping materials, have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details/samples.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location plan 20_93 PL_01 Proposed Site plan 20_93 PL_12 Rev C Proposed Site plan 20_93 PL_03 Rev C
Proposed Typical site sections 20_93 PL_10 Rev D Proposed Finishes schedule 20_93 PL_09 Rev F Proposed Elevations 20_93 PL_108 Rev G Proposed Roof plan 20_93 PL_07 Rev F Proposed Ground floor plan 20_93 PL_06 Rev F Proposed Lower ground floor plan 20_93 PL_05 Rev D Proposed Floor plans general arrangement 20_93 PL_04 Rev G
- 4) No development shall commence until:
 - a) a scheme of intrusive 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. Prior to the first 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 coal mining activity.

5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied.

6) No development shall commence until details of any works and measures adjacent to Boythorpe Avenue to be taken to secure the stability of the highway have been submitted to and approved in

writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

7) No development shall commence until infiltration tests of the subsoils have been carried out and sizing calculations submitted to the Local Planning Authority for approval in writing, to ensure that soakaways are suitable for use at this site. The soakaways should be designed in accordance with BRE Digest 365 to ensure that no flooding occurs during a 30-year storm, as a minimum. Development shall be carried out in accordance with the approved details.

8) At the first commencement of development 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 constructed and maintained throughout the contract period free from any impediment to its designated use.

9) Prior to the first commencement of development on site (excluding demolition/ site clearance and /works as part of condition 6), new vehicular and pedestrian accesses shall be formed to Boythorpe Avenue and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access to the extremities of the site frontages abutting the highway in both directions. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway level.

10) The development hereby approved shall not be occupied until parking spaces has been provided within the site for the parking of residents vehicles (each space measuring a minimum of 2.4m x 5m), located, designed, laid out, constructed and maintained throughout the life of the development free from any impediment to its designated use.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other

means of enclosure shall be erected along the highway frontage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

12) The proposed access driveways to Boythorpe Avenue shall be no steeper than 1:15 for the first 5m from nearside highway boundary and 1:12 thereafter.

13) Prior to the development hereby permitted commencing above slab level, a scheme (including a programme of implementation and maintenance) to demonstrate biodiversity enhancement through the development; including the provision of bird and boxes and a detailed landscaping scheme for the site, shall have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

14) No dwelling hereby approved shall be first 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.

15) A residential vehicle charging point shall be provided for each dwelling hereby approved with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be submitted to and approved in writing, by the Local Planning Authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

16) No construction or demolition works, movement of construction traffic, or deliveries to and from the site, shall occur other than between 0800 and 1800 hours Monday-Friday, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

17) Works on site shall be completed in accordance with the recommendations of the submitted ecological report dated 07.06.2021.

18) Prior to any external lighting installation, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that wildlife implications are fully taken into account (including the need for reduced or no lighting in the more sensitive locations and directions). The agreed lighting scheme shall be fully installed in accordance with the approved scheme prior to first occupation of the development hereby approved.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order;

- the side oriel windows as approved shall retain the blanked panel to the north facing side of the windows

- the ground floor bathroom windows to the rear elevation shall be and remain obscured glazed to Pilkington level 3 or above - the ground floor bedroom windows to the rear elevation shall be and remain non-opening high level windows

- and no other windows or roof lights shall be installed within the rear or side elevations or rear roof slope of any dwelling hereby approved.

All such works shall require the formal written permission of the Local Planning Authority on an application made to it.

20) Notwithstanding the submitted details, prior to works progressing above slab level a detailed scheme of all boundary treatments for the site, as well as the retaining walls around the bin stores, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the retaining wall having a brick element to 1m in height above the parking area with railing above. The agreed works shall be completed on site prior to first occupation of the approved development and shall be retained thereafter.

21) The site shall be developed using separate systems of foul and surface water drainage.

22) No materials or machinery shall be brought onto the site, until a 2 metre high fence of Weldmesh securely attached to scaffolding poles inserted into the ground has been erected in a continuous length, one metre beyond the crown spread of the trees to be retained (or such other fencing line as is agreed in writing with the Local Planning Authority). The fencing must remain throughout the

period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or any excavation or changes in level take place within the fenced area.

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Appendix B

Appeal by Ms Claire Hancock

Land adjacent to Boythorpe Avenue, Chesterfield.

CHE/21/00171/FUL

1. Planning permission was refused on 31st August 2022 by Planning Committee against the advice of officers for the erection of a pair of semi detached dwellings on land adjacent to Walton Walk/Boythorpe Avenue. An appeal against the decision has been allowed by the written representation appeal method and the applicant has sought a costs award against the Council.
2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process. The type of behaviour that can lead to a costs award includes both substantive and procedural matters relating to issues arising from the planning merits of the appeal or relating to process.
3. The applicant set out that the Council has behaved unreasonably by not producing evidence to substantiate its decision. In relation to the first reason for refusal, the Council's Statement provides a justification for its decision. At paragraph 1.4, it explained the Council's reasoning and although this is brief, it does justify its concerns in explaining that it was the proposal presenting as a single storey development, where the prevailing character of the area is of two storey buildings. Such matters relating to character and appearance involve an element of judgement, and the Council was entitled to exercise its planning judgement as it saw fit. Although the inspector did not share the Council's assessment of the appeal proposal in relation to this issue, he did not consider the Council acted unreasonably by making vague, generalised or inaccurate assertions.
4. In relation to the second reason for refusal on highway safety matters, whilst the Council set out an explanation of its concerns, it has not provided an objective analysis of why the proximity of the proposal to a junction or the presence of on-street parking would result in highway safety concerns. This is especially the case given the Highway Authority had not

objected to the proposal, and the Council should have explained why it had departed from this advice, which it failed to do. The Council has acted unreasonably in this regard.

5. The applicant has also referenced the Council's decision making during their consideration of the application subject of this appeal, and in particular the proceedings at Planning Committee and the Member's site visit. It is clear based on the Council's response to the complaint that was made to them, that there were certain shortcomings. Whilst this is regrettable, it is evident that the Council would have refused planning permission on grounds relating to character and appearance and the inspector did not therefore find the procedural shortcomings has resulted in unreasonable behaviour which has caused another party to incur unnecessary or wasted expense.
6. The applicant stated that costs were incurred in making design revisions during lengthy discussions with the Council. The inspector did not however consider the expense associated with this work was unnecessary or wasted, as such discussions and amendments are a normal part of the process in the consideration of an application, in order to, as the applicant has stated, reach the best possible design for a site.
7. Although an appeal would have been necessary in relation to the first reason for refusal, the applicant has been required to address highway safety matters in the appeal submission. The applicant has therefore incurred unnecessary or wasted expense in this regard and a partial award is justified.
8. The inspector therefore found that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a partial award of costs is justified and in exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Chesterfield Borough Council shall pay to Ms Claire Hancock (RTH Projects), the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in

relation to the second reason for refusal relating to highway safety.

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FOR PUBLICATION Agenda Item 7

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 22ND MAY 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

12 May 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	update <small>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>1,328</small>	23/09/19 <small>1,328</small>	balcony, canopy and french door	17/00800/FUL <small>540</small>	16/03/21 <small>788</small>	16/03/21 <small>757</small>	16/04/21 <small>757</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>82</small>	20/02/23 <small>82</small>	wooden play structure					removal within 28 days. About to be issued.	<input type="checkbox"/>	B
Markham Road	Markham House <small>5,563</small>	18/02/08 <small>5,563</small>	storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5503</small>	20/10/08 <small>5318</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 <small>103</small>	30/01/23 <small>103</small>	frontage fencing and forecourt retail sales					Appeal against refusal of planning permission, further report to be submitted.	<input checked="" type="checkbox"/> <small>12/05/23</small>	N

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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	12/12/22 152	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> 21/12/22	Wa
Pottery Lane West	10	18/07/22 299	Storage of vehicles					Instructed	<input type="checkbox"/> 20/10/22	Mo
York Street	2	09/10/17 2,042	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"/> 19/12/18	Ha
Section 215 Amenity Notice			<i>Total currently Authorised: 3 Authorised to Issue Average: days</i>							
Edinburgh Road	12	10/10/22 215	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> 28/10/22	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>950</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>950</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 Romer • 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