

## PLANNING COMMITTEE

Monday, 24th July, 2023

Present:-

Councillor Brittain (Chair)

Councillors	B Bingham	Councillors	Falconer
	J Bingham		Miles
	Brittain		Stone
	Caulfield		Yates
	Davenport		

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

**CHE/21/00549/OUT** - Outline planning application all matters reserved except for access for up to 500 dwellings, local centre (class E use and sui generis: hot food takeaway and public house/restaurant uses) approx. 0.4ha), land reserved for a 1 FE primary school (approx. 1ha), drainage, infrastructure, two primary vehicular accesses into the site to serve the residential development from Dunston Road and Dunston Lane via the Skylarks res.devpt, together with assoc. provision of landscaping, public open space, walking and cycling links and the reinstatement of the former cricket pitch and assoc. facilities with vehicular access from Dunston Road on land off Dunston Road, chesterfield for William Davis Homes.

Councillors J Bingham, Brittain, Caulfield, Davenport, Falconer, Stone and Yates.

**CHE/23/00313/FUL** - Erection of an Apartment block (8 units) with associated parking, amenity areas and landscaping (revised scheme of CHE/20/00808/FUL) at land to north of Dunston Road, Chesterfield, Derbyshire for G H Preston.

Councillors J Bingham, Brittain, Caulfield, Davenport, Falconer, Stone and Yates.

**CHE/22/00437/LBC & CHE/22/00436/FUL** - Renovation and Conversion of part of Grade II Listed Barn to create two dwellings with associated

landscaping work - Park Hall Farm, Walton Back Lane, Walton, Chesterfield for Mr M Taylor.

Councillors were unable to attend on site and received a full briefing.

Councillor Miles and B Bingham 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

27 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Callan and Brady.

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

Agenda Item 3 - CHE/23/00313/FUL - Erection of an apartment block (8 units) with associated parking, amenity areas and landscaping (revised scheme of CHE/20/00808/FUL) at land to North of Dunston Road, Chesterfield, Derbyshire for G H Preston.

Councillors B and J Bingham declared an interest in this item.

29 **MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meetings of the Planning Committee held on 3 July, 2023 and 5 July, 2023 be signed by the Chair as a true record.

30 **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/21/00549/OUT - OUTLINE PLANNING APPLICATION ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR UP TO 500 DWELLINGS, LOCAL CENTRE (CLASS E USE AND SUI GENERIS: HOT FOOD TAKEAWAY AND PUBLIC HOUSE/RESTAURANT USES) APPROX. 0.4HA), LAND RESERVED FOR A 1 FE PRIMARY SCHOOL (APPROX. 1HA), DRAINAGE, INFRASTRUCTURE, TWO PRIMARY VEHICULAR ACCESSSES INTO THE SITE TO SERVE THE RESIDENTIAL DEVELOPMENT FROM DUNSTON ROAD AND DUNSTON LANE VIA THE SKYLARKS RES.DEVPT, TOGETHER WITH ASSOC. PROVISION OF LANDSCAPING, PUBLIC OPEN SPACE, WALKING AND CYCLING LINKS AND THE REINSTATEMENT OF THE FORMER CRICKET PITCH AND ASSOC. FACILITIES WITH VEHICULAR ACCESS FROM DUNSTON ROAD ON LAND OFF DUNSTON ROAD, CHESTERFIELD FOR WILLIAM DAVIS HOMES.

In accordance with Minute No. 299 (2001/2002) Ms V Noble (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mrs A Watwood (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mr D Watwood (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mr D Hedley (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Ms M Stacey of Pegasus (applicant's agent).

In accordance with Minute No. 299 (2001/2002) Mr T Dillarstone (applicant for Wm Davis Ltd) addressed the meeting.

### **\*RESOLVED**

#### Recommendation 1

That the officer recommendation be upheld and the application be approved subject to the following S106 matters being concluded as set out below and conditions as set out in Recommendation 2:

## S106 matters:

1. William Davis Homes will provide Cutthorpe Cricket Club with the following:

- Freehold of 2.81ha of land for a nominal (£1) fee.

Planning Obligations totalling up to £887k (index linked) towards the provision of:

- Delivery of or a financial contribution towards the provision of a 'cricket pitch' including a cricket square (6 pitch square – 458m<sup>2</sup>) and outfield (11,925m<sup>2</sup>), including 12 months maintenance/grow - in costs (c.£270 k – Agronomist Costs)

- A two- team pavilion with umpire changing facilities and social space totalling 215 sqm (c.£ 462k SPONS 2021 costs)

- Associated infrastructure, e.g. Car park, pavements and drainage (estimated cost of up to £155k) Provision of access and service connections to the edge of the site including (gas, electricity, water and broadband).

- As part of the submission of the detailed application the design of the cricket club and playing pitch will be supported by appropriate surveys and assessments undertaken by appropriate professionals.

To be index linked.

To be linked to the phasing of the development as set out in the conditions.

This will be on a cascade provision firstly to Cutthorpe Cricket Club, then to another local Cricket Club, then if this should fail a scheme to be submitted for the land to become additional habitat with a biodiversity enhancement scheme to be submitted for this along with long term (30+ years) management and monitoring programme agreed.

2. CCG contribution for GP provision - £450,000 (index Linked) to be paid on the occupation of the 10<sup>th</sup> Unit. (Dialogue with the CCG is continuing regarding the potential project/s).

3. The land reserved for the 1FE primary school will be set aside for such provision for a set period of 10 years from the commencement of the development. With bi-annual assessment from the commencement to the end of a 10 year period, as necessary, to be provided from Derbyshire County Council as Education Authority based on birth rates and cohort data, to set out the need for the school places in order to aid determination under which phase the school shall be provided.

At the end of the 10 year period from commencement, or shorter time period to be agreed with both CBC and DCC, should the land no longer need to be set aside for school delivery a scheme for an alternative use to be provided on the land shall be submitted to and agreed in writing with the LPA and subject to a further submission.

4. Footpath and cycle connections to Baines Wood Close and Kirkstone Road at a contribution of £111,650.00 (Index linked) including a 10% contingency (with any over payment to be returned to the developer), or alternatively to be constructed by William Davis on an agreed scheme. Along with William Davis taking responsibility for the long-term maintenance of the footpath connections. Contribution to be provided on commencement of the relevant phase from which the footpath will be taken or if provided on site by William Davis for the phasing of the provision to be agreed.

5. Affordable housing provision of 10% provision within each phase with a 90/10 percentage split (or as otherwise agreed) of affordable rent and shared ownership.

6. Highways:

- Travel Plan Monitoring fee of £11,165.00.
- Travel Bond fee of £413,952.00.
- Upgrade of bus stops on Cordwell Avenue – contribution yet to be confirmed by the Highway Authority. (index linked)

7. Should the extent of habitat creation fall below that anticipated under conditions 31 and 32 of the planning permission, as to be assessed through the submission of each reserved matters application; then an off-site biodiversity contribution of £20,000 per habitat unit (index linked) to CBC for the off site gain to be provided within the borough, shall be provided to equate to the anticipated on-site requirement. A report to assess progress shall be submitted bi-annually, or as otherwise agreed in writing with the LPA, from commencement of development to the end of a 10 year period with payments to address the shortfall to be made within 3 months of a submitted report advising that the habitat creation will fall short of the required amount. At the end of the 10 year period then if no off-site contribution is required no further assessments beyond this time period will be required.

Recommendation 2:

1. It is recommended that a Tree Preservation Order be served to protect the trees on site, specifically all Category A and B trees shown on the Tree Constraints Plan (Appendix A) with the exception of: T43 (G) and T5 to T7, which in the case of T5 to T7 are likely to be removed to allow the main access into the site and in the case of T43(G) are likely to be at least partially removed to form the Cricket Pitch access/visibility splays.

Conditions in reference to recommendation 1

1. Application for approval of all reserved matters must be made not later than the expiration of ten years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

2. An application for details of the following matters, in a phased approach as required (hereafter referred to as the “reserved matters”), shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-

- a) the scale of the development;
- b) the layout of the development, including internal access roads;
- c) the external appearance of the development;
- d) the landscaping of the site

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

3. The development hereby approved shall only be carried out in accordance with the approved plans (listed below) with the exception of any approved non-material amendment or conditional requirement set out below.

- Location Plan P19-2720 001 sheet no 1 Rev C received 19.07.2021
- Access link from Phase 1 DGC-BWB-HML-XX-DR-TR-102 S2 Rev P1 received 19.07.2021
- Cricket Club access plan DGC2-BWB-GEN-XX-DR-TR-100 S2 Rev P7 received 06.07.2022
- Site Access Plan DGC2-BWB-GEN-XX-DR-TR-101 Revision P7 received 06.07.2022
- Design and Access Statement V2 received 06.07.2022 which includes the indicative Master Plan dated June 2022
- Sustainable drainage statement DNG2-BWB-ZZ-XX-RP-CD-0001\_SDS Rev P05 received 03.11.2022

- Flood Risk Assessment DNG2-BWB-ZZ-XX-RP-YE-0001\_FRA Rev P04 received 10.10.2022
- Geodyne Combined Phase 1 Desk Study and Phase 2 Exploratory Investigation (Stage 1) received 10.10.2022.

4. Prior to the submission of the first reserved matters application for the site the subject of this permission, a supplementary Development Framework Masterplan shall be submitted to the Local Planning Authority for approval in writing. The Framework shall seek to establish the overarching design approach for the entire site to inform any phased reserved matters proposals. The Framework should be compatible and expand upon the principles set in the June 2022 Masterplan set out in the Design and Access Statement (DAS) V2 and upon the content of the revised Design and Access Statement (DAS) V2 and those of the adopted Supplementary Planning Document 'Successful Places: Housing Layout and Design'.

5. The first reserved matters submission required by condition 2 shall include a phasing scheme for the whole of the outline permission site area, including;

Details of the construction access, detailing the earliest feasible point the access through the Skylarks site will no longer be used for construction vehicles,

Setting out the maximum housing numbers within each phase,

Referring to the school provision as set out in the S106 agreement;

A phasing scheme for the delivery of the Cricket Pitch and associated facilities and access,

A phasing scheme for the delivery of the Local Centre and associated facilities,

A phasing scheme for the early delivery of the landscaped edge to the northern boundary of the site.

The sequence of development across the whole site; such as strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths (including links to Kirkstone Road and Baines Wood Close), and the associated access arrangements and timescales for implementation of the off-site highway improvements.

The development shall be completed in accordance with the agreed details.

6. No development shall commence until the site wide phasing programme required by condition 5 has been approved in writing by the local planning authority. Thereafter each subsequent reserved matters

application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance for approval by the local planning authority. Thereafter the development shall be carried out in accordance with the phasing programme as approved and/or updated. The development shall be completed in line with the agreed details.

7. Each reserved matters submission shall set out within a supporting statement, measures to minimise carbon emissions, including but not restricted to;

The construction of the dwellings in terms of; heating, cooling, use of renewables, insulation, orientation and energy efficiency,

A strategy to reduce carbon emissions through construction,

A justification for any mains gas connection,

Works shall be completed in accordance with the agreed details.

8. 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 chimneys or flues shall be installed in any housing without the prior written approval of the Local Planning Authority upon an application submitted to it.

9. a) No development shall take place, within any phase, until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until the pre-start elements of the approved scheme (to be identified in the WSI) have been completed to the written satisfaction of the local planning authority, all can be agreed in a phased manner as required. 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) There shall be no occupation within each phase until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

10. Prior to any works commencing within each phase, exceeding site clearance, a construction management plan or construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Wheel washing facilities

11. Prior to any works commencing within each phase, exceeding site clearance, construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

12. No part of the development within each phase shall be occupied until parking of residents and visitors' vehicles and details of secure cycle parking facilities for the occupants of, and visitors to, the development have been provided within the site in accordance with the details/plan which need to be agreed as part of a subsequent Reserved Matters applications. These facilities shall be fully implemented and made available for use prior to the occupation of the relevant unit hereby permitted and shall thereafter be retained for use at all times.

13. In line with condition 5 phasing, no part of the development, other than that served by the access link from the adjacent Skylarks estate, shall be occupied until new vehicular accesses have been formed to the

proposed site in accordance with the application drawing No DGC2-BWB-GEN-XX-DR-TR-101 Revision P7, provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses, for a distance of 108.3m in the northern direction and 137.2m in the southern direction measured along the nearside carriageway edge. The land 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 adjoining nearside carriageway channel level.

14. No part of the built development hereby permitted on a development parcel shall be commenced on a particular phase or sub-phase unless the internal layout/ internal design of the roads of that particular phase or sub-phase has been agreed as part of a relevant Reserved Matters applications. As part of a Reserved Matters application (including appropriately worded conditions) the scheme of the internal layout must include information such as detailed design of internal roads, gradients, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage, bus access strategy, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross-corner visibility, forward visibility, pedestrian visibility etc. should be provided, all in accordance with current guidance in a manner be agreed in writing with the Local Planning Authority in consultation with the Highway Authority.

15. The details to be submitted to the Local Planning Authority for approval as part of each reserved matters application shall include scheme/schemes for the storage of refuse and recycling bins and access for refuse collection vehicles. No development within each phase as agreed under condition 5, shall be occupied until the agreed refuse collection scheme relevant to the property has been implemented in full. The refuse collection scheme(s) shall then be retained as such thereafter.

16. The cricket club/pitch element of the development hereby approved shall not be brought into use until the access has been provided as shown on drawing DGC-BWB-GEN-XX-DR-TR-100 Rev P6, the access shall thereafter be retained throughout the life of the development.

17. Before any other operations are commenced, within any phase or sub-phase, (excluding site clearance) detailed designs of temporary access(es) to the development site for construction purposes shall be

submitted to the Local Planning Authority for written approval. The approved temporary access(es) shall be implemented and maintained in accordance with the approved details throughout the contract period free from any impediment to its designated use.

18. Prior to the submission of each reserved matters application, in a phased approach as required; There shall be the undertaking of a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entries and high walls);

As part of each reserved matters application, in a phased approach as required, a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any high wall and on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones;

Prior to the commencement of development within each phase the agreed remedial works shall be implemented in full and a verification report on the works submitted.

19. Prior to development commencing within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 above), an Employment and Training Scheme shall be submitted to and be approved in writing by the local planning authority. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and the scheme. Development shall be carried out in accordance with the approved scheme.

20. In relation to each phase and as part of the reserved matters submission there shall be:

A plan showing clearly defined Landscape buffers shown on plan along Dunston Road and the natural landscapes to the west and south including 'Ochre Dyke' with the measurement in metres annotated on plan, to separate the development from these landscape features and excluded from residential dwellings and boundaries,

A plan showing appropriate buffer zones where 'Important' hedgerows have been identified, with the measurement in metres shown, to separate the development from these landscape features.

All excluding agreed works taking place such as access, in line with the protection areas to be agreed under condition 21.

21. Prior to the commencement of the development within each phase or sub-phase as approved under condition 5 above, (including land stripping and all preparatory work), a scheme within each phase, for the protection of the retained landscape features, hedgerows and 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) 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) 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.
- f) 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 and existing surfaces.
- g) A specification for protective fencing to safeguard the landscape features, hedgerows and trees during land stripping, demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) 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
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning

- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

22. As part of each reserved matter to include landscaping, in a phased approach as required; 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:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
  - d) Sustainable urban drainage integration
  - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments

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

23. 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. BWB. (03.11.2022). Dunston Grange Extension, Chesterfield Sustainable Drainage Statement, DNG2-BWB-ZZ-XX-RP-CD-0001\_SDS, Revision P05, BWB. (19.04.2022). Dunston Grange Extension, Chesterfield Flood Risk Assessment, DNG2-BWB-ZZ-XXRP-YE-0001\_FRA, Revision P04 & Bailey, M. (BWB) (2022). Letter to Jo CrawshawMoore, 18 October (referenced DNG2-BWB-ZZ-XX-RP-CD-0002\_S2-P02), 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.

24. Prior to commencement of the development within any phase, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during each 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 each construction phase.

25. The attenuation ponds should not be brought into use until such a time as a scheme for implementation, design and construction in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 in accordance with the submitted design plans submitted to and approved in writing by the Local Planning Authority.

26. Prior to commencement of development within any phase to which it relates, a survey of the capacity and condition of Ochre Dyke, from the point of discharge of the proposed drainage scheme to the point of adoption by Yorkshire Water, shall be undertaken and submitted to the Local Planning Authority. The survey shall be carried out by a suitably qualified engineer and shall make recommendations for any maintenance required to ensure the culvert is fit for purpose to accept the flows and to demonstrate that structural integrity of the culvert shall be maintained for the lifetime of the development. All recommendations made by the survey shall be fully implemented prior to the first occupation within the relevant phase of the development.

27. Prior to the first occupation, within each phase relating to its relative drainage catchment, 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 serving 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).

29. Prior to the commencement of development in each phase (including compound set-up, fencing installation, ground works, vegetation clearance), updated ecological surveys will be undertaken as necessary and in line with CIEEM 2019 guidelines to ensure appropriate mitigation measures are in place and inform the production of a Construction Environmental Management Plan (CEMP: Biodiversity).

30. Construction and Environment Management Plan (CEMP: Biodiversity):

Prior to the commencement of development in each phase (including compound set-up, fencing installation, ground works, vegetation clearance) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP shall be informed by update ecological surveys for each phase, in addition to the baseline surveys undertaken at the outline stage. The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”, including all retained habitat and sensitive features.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These will specifically include measures to safeguard nesting birds, badgers, reptiles and amphibians, along with more general habitat protection measures.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

31. Prior to the commencement of each phase of development, an updated biodiversity metric for the whole site shall be submitted to the Local Planning Authority for approval. This shall reflect the final layout and landscaping for that phase and ensure the development is on track to deliver the predicted level of biodiversity net gain approved at the outline stage, as a minimum (+1.40 % habitat units, +46.25 % hedgerow units and +21.97 % river units). If this cannot be achieved on site then appropriate provision shall be provided off site in line with the S106 agreement.

### 32. Landscape and Biodiversity Enhancement and Management Plan (LBEMP):

Prior to the commencement of each phase of development, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall be an iterative document, with management prescriptions for each phase of works added over time with a view to producing one document for the whole site. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following:

- a) Description and location of features to be retained, created, enhanced and managed.
- b) Aims and objectives of management, to include achieving the level of net gain specified in the approved biodiversity metric for each phase and delivering no less than +1.40 % habitat units, +46.25 % hedgerow units and +21.97 % river units across the whole site.
- c) Appropriate management methods and practices to achieve aims and objectives, including the desired habitat conditions specified in the approved metric.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A detailed monitoring schedule to assess the success of the enhancement and management measures.



- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Reporting requirement to submit monitoring results and any remedial actions to the LPA. The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

### 33. Ecological Enhancement Plan:

Prior to building works commencing above foundation level in each phase, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Such 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:

- integrated bird boxes on all dwellings where possible, as per the British Standard 42021:2022.
- integrated bat boxes in 20% of dwellings.
- insect bricks in 20% of dwellings.
- variety of tree-mounted bat and bird boxes in suitable locations.
- features for amphibians and reptiles in suitable locations, such as log piles and hibernacula.
- gaps 130 mm x 130 mm in residential garden fencing to maintain connectivity for hedgehogs.

34. As part of the appropriate and related reserved matters application to be determined as part of the phasing under condition 5, details of the upgrading of the public right of way through the site, if possible to include hacking and cycling provision, shall be submitted.

35. As part of the appropriate and related reserved matters application to be determined as part of the phasing under condition 5, detailed plans of the connections with Kirkstone Road, existing Skylarks development and Baines Wood Close shall be submitted.

36. Prior to any 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.

37. A. Development shall not commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 above), 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. Further works/investigations/monitoring, as recommended in the Geodyne Combined Phase 1 Desk Study and Phase 2 Exploratory Investigation (Stage 1) received 10.10.2022, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the local planning authority.

ii. A detailed scheme of remedial works should the further investigations 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.

38. 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.

39. Each reserved matters submission shall demonstrate that 25% of the residential units across the whole site, including across tenures, shall be to the M4(2) building regulations for adaptable and accessible homes.

40. The phased scheme to be agreed under condition 5 shall be built in accordance with the approved Plans set out in condition 3 above, unless a further planning application specific to one or more of the phases as agreed is submitted and approved by the Council in substitution for that part of the approved development. If such further planning application is approved, the remaining phase or phases may still be developed as approved in this Planning Permission, it being intended that this overarching Planning Permission should permit each phase separately and severably from the others.

CHE/22/00437/LBC & CHE/22/00436/FUL - RENOVATION AND  
CONVERSION OF PART OF GRADE II LISTED BARN TO CREATE  
TWO DWELLINGS WITH ASSOCIATED LANDSCAPING WORK -  
PARK HALL FARM, WALTON BACK LANE, WALTON, CHESTERFIELD  
FOR MR M TAYLOR

**\*RESOLVED**

A.

It is therefore recommended that the full application CHE/22/00436/FUL and the listed building application CHE/22/00437/LBC be **GRANTED** with associated CIL Liability noticed issued in accordance with section 5.11 and subject to the following conditions:

CHE/22/00436/FUL

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 and discharge of condition application . All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
  - Parking Details, drawing number P-10, Dated 20.09.2022
  - Proposed Barn Elevations, drawing number P-05, Dated 21.07.2018
  - Proposed Barn Plans, drawing number P-04, Dated 21.07.2018
  - Drainage Layout, drawing number P-07, Dated 06.05.2022
  - Biodiversity – Barn Conversions, drawing number P-13, Dated 23.06.2022
  - Heritage, Design and Access Statement, dated 23.06.2022
  - Structure Investigation produced by Gary Pagdin, reference 17-028-R1, dated 10.11.2017
3. No development shall take place other than in accordance with the agreed Written Scheme of Investigation for historic building recording and archaeological monitoring: Park Hall Farm Barn, Walton Back Lane, Walton, Derbyshire. Written Scheme of Investigation for Historic Building Recording (The Jessop Consultancy, May 2022). All elements of work within the WSI will be completed as approved unless otherwise agreed in writing by the local planning authority
4. The tree protection measures outlined in the Arboricultural Impact Assessment and Tree Protection Plan by Jon Coe Tree Consultancy Ltd reference JC/343/220518 shall be adhered to at all times throughout any demolition and construction phases. The development shall be implemented in strict accordance with the approved details unless otherwise agrees in writing by the Local Planning Authority.

5. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, all laid out and constructed in accordance with drawing 'Construction Site Layout, drawing number P-09' and maintained throughout the contract period in accordance with the approved designs free from any impediment to the designated use.

6. The development the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings 'Parking Details, drawing number P-10, Dated 20.09.2022' for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

7. There shall be no gates or other barriers on the shared access/driveway.

8. No part of the development shall be occupied until space for storage of bins have been carried out in accordance with the agreed details as shown on drawing 'Parking Details, drawing number P-10, Dated 20.09.2022' and retained for the designated purposes at all times thereafter.

9. 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.

10. 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.

11. Notwithstanding the submitted details within two months of the commencement of the development details for the 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 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 and new walls including materials, types of fencing and treatment/colour.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

12. 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; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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. 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.

13. Precise specifications or samples 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.

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 within the curtilage of any dwelling, no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) without the prior written approval of the Local Planning Authority upon an application submitted to it.

15. 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.

16. Notwithstanding the submitted details within two months of the commencement of the development details of biodiversity enhancements shall be submitted to the Local Planning Authority for written approval. The scheme shall include integral bat boxes with details of installation to protect the stone elevation of the listed barn and the installation of bird boxes within the wider application site and timescale for implementation. The approved measures must thereafter be installed in accordance with the approved details and maintained thereafter.

B. That a CIL liability notice be issued for £29,972 as per section 5.11 of the officer's report.

### **CHE/22/00437/LBC**

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

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

- Parking Details, drawing number P-10, Dated 20.09.2022
- Proposed Barn Elevations, drawing number P-05, Dated 21.07.2018
- Proposed Barn Plans, drawing number P-04, Dated 21.07.2018
- Drainage Layout, drawing number P-07, Dated 06.05.2022
- Biodiversity - Barn Conversions, drawing number P-13, Dated 23.06.2022
- Heritage, Design and Access Statement, dated 23.06.2022

- Structure Investigation produced by Gary Pagdin, reference 17-028-R1, dated 10.11.2017
03. The development shall take place other than in accordance with the agreed Written Scheme of Investigation for historic building recording and archaeological monitoring: Park Hall Farm Barn, Walton Back Lane, Walton, Derbyshire. Written Scheme of Investigation for Historic Building Recording (The Jessop Consultancy, May 2022). All elements of work within the WSI will be completed as approved unless otherwise agreed in writing by the local planning authority
04. There shall be no works undertaken to any existing external windows or doors until a windows and doors schedule of works has been submitted to the Local Planning Authority for consideration and written approval. This schedule shall include any proposed changes to existing windows and doors throughout the building and include the proposed design and materials for any new windows and doors. Robust justification to the satisfaction of the Local Planning Authority will be required to justify the replacement of any windows and doors with historic and architectural value. Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved schedule.
05. There shall be no works undertaken concerning the renovation, reinstatement or repair of features or fabric of the listed building without prior approval by the Local Planning Authority. Prior to any such works being undertaken a Schedule of Works / Methodology shall be prepared and submitted (the submission of which can be phased) to detail:
- a. any roofing repair
  - b. any repair / replacement rainwater goods
  - c. any repair / repointing to external stonework
  - d. punctuation of the external stonework for any extraction flues or fans
  - e. installation of any boiler / heating system (inc. radiators and pipework)
  - f. location and details of any new services which may require removal / punctuation of floors or wall internally or externally
  - g. any structural timber repair, alteration or replacement, including the roof trusses



Only those details approved in writing by the Local Planning Authority shall be implemented on site in strict accordance with the approved schedule.

### **Note(s)**

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. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.

Councillors B Bingham and J Bingham left the meeting.

CHE/23/00313/FUL - ERECTION OF AN APARTMENT BLOCK (8 UNITS) WITH ASSOCIATED PARKING, AMENITY AREAS AND LANDSCAPING (REVISED SCHEME OF CHE/20/00808/FUL) AT LAND TO NORTH OF DUNSTON ROAD, CHESTERFIELD, DERBYSHIRE FOR G H PRESTON

### **\*RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL liability notice issued as per section 5.11 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 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).
  - Site Location Plan, drawing number 20-028-LP01 Revision A (dated 26.04.2023)

- Proposed Site Plan, drawing number 20-028-P02 Revision J (dated 22.05.2023)
- Proposed Ground Floor Plan, drawing number 20-028-P03 Revision J (dated 22.05.2023)
- Proposed First Floor Plan, drawing number 20-028-P04 Revision G (Dated 19.05.2023)
- Proposed Second Floor Plan, drawing number 20-028-P05 Revision E (dated 19.05.2023)
- Proposed Elevations Sheet 1, drawing number 20-028-P06 Revision G (dated 19.05.2023)
- Proposed Elevations Sheet 2, drawing number 20-028-P07 Revision G (dated 19.05.2023)
- Proposed Site Levels Plan, drawing number 20-028-P08 Revision G (dated 22.05.2023)
- Proposed Landscaping & Site Boundary Treatment Plan, drawing number 20-028-P09 Revision G (dated 19.05.2023)
- Proposed Site Access Visibility Splays, drawing number 20-028-P10 Revision C (dated 22.05.2023)

Supporting documents:

- Design and Access Statement Revision B, produced by Brightman Clarke Architects (dated May 2023)
- Supporting Planning Statement, Revised scheme, produced by Stainton Planning Urban & Rural Consultancy (dated May 2023)
- Ecological Appraisal, produced by Armstrong Ecology Ltd (dated July 2020)
- LCRM (Land Contamination Risk Management): Stage 1 Risk Assessment & CMRA, Project reference GUK-0221-03, Dunston Road, Chesterfield produced by GroundSmiths Geotechnical Engineers (report dated 09.02.2021)

3. 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 shallow 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.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

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 1700 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) No development above floor-slab/D.P.C level shall take place until a noise impact assessment including any noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The noise assessment should demonstrate that the design of the glazing, ventilation, wall and roof structures ensure sufficient sound insulation for the occupants of the building. The agreed details shall be implemented as part of the development.

b) Prior to the first occupation of the hereby permitted development, compliance testing shall be undertaken and results shall be submitted to the Local Planning Authority for written approval. The approved noise mitigation measures shall be retained in perpetuity for the life of the development.

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:-

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

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

11. Precise specifications or samples 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.

12. No development above floor-slab/D.P.C level shall take place until A landscape and biodiversity enhancement and management plan (LBEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LBEMP should combine both the ecology and landscape disciplines and include the following:-

- a) Description and location of features to be created, planted, enhanced and managed.
- b) Aims and objectives of management.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.
- i) Details of internal bird and bat boxes, (including swift boxes, specifications, installation guidance and numbers)

The approved plan will be implemented in accordance with the approved details and maintained thereafter.

13. 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. Details shall include:

- a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- b) location, type and materials to be used for hard landscaping including specifications for:
  - I. permeable paving
  - II. tree pit design
  - III. underground modular systems
  - IV. Sustainable urban drainage integration
- c) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- d) specifications for operations associated with plant establishment and maintenance that are compliant with best practise;

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.

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.

14. The existing hedgerow to be retained identified on drawing 'Proposed Landscaping & Site Boundary Treatment plan drawing number 20-028-P09 Revision D' should be protected (in accordance with BS5837:2012 as appropriate) from damage during construction by the erection of adequate temporary fencing prior to the commencement of groundworks which should remain in place for the duration of construction.

15. 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; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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.

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.

17. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

18. The proposed means of vehicular access hereby approved shall be laid out, hard surfaced and drained prior to occupation of the first dwelling. Visibility splays shall be provided in accordance with drawing 'Proposed Site Access Visibility Splays, drawing number 20-028-P10 Revision C' with a minimum visibility splay of 2.4m x 47m in each

direction. The approved visibility splays shall be kept clear of any obstruction above a height of 1m and retained thereafter.

19. All lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties. The applicant shall submit details of all the lights they intend to use as part of this development and shall seek written approval from the local planning authority prior to the installation of lighting on site.

B. That a CIL liability notice be issued for £30,490.97, as per section 5.11 of the officer's report.

Councillors B Bingham and J Bingham rejoined the meeting.

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

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

(a) Approvals

CHE/22/00772/FUL	Two storey and single storey rear extensions, conversion of a dilapidated unit to a one bed residential unit and renovations to site including electric charging points for vehicles at 19 South Street North, New Whittington, Chesterfield S43 2AA for Mr Simon France
CHE/22/00786/FUL	Use of outbuilding as self-contained annex and erection of a balcony at 25 Somersall Lane, Somersall, Chesterfield S40 3LA for Mr and Mrs Allcock
CHE/22/00812/FUL	Formation of new vehicular access and blocking of existing vehicular access; demolition of existing porch, garage and conservatory; erection of single storey rear and side extensions including vestibule; front 2 storey entrance feature; creation of rear roof terrace

	and formation of habitable rooms in roof space at 20 Woodthorpe Road, Woodthorpe, Chesterfield S43 3BZ for Mr and Mrs A Gent
CHE/23/00104/FUL	Proposed single and two storey extensions to the front, side and rear of the property- Resubmission of application CHE/22/00157/FUL at 28 Kinder Road, Inkersall S43 3HR for Mr Maarek Jaansoo
CHE/23/00191/RET	Retention of outbuilding at 11 Canalside Crescent, Chesterfield S41 0UQ for Mr Shailesh Hinglajia
CHE/23/00192/FUL	Single storey rear extension with small projection to upper storey corner and extension to existing rear raised patio area at 18 Hucknall Avenue, Loundsley Green, Chesterfield S40 4BY for Mr Gary Smith
CHE/23/00195/FUL	Demolition of existing conservatory and erection of two storey side extension and single storey side extension to porch at 14 Bretby Road, Holme Hall, Chesterfield S40 4UL for Mr Richard Carter
CHE/23/00209/ADV	Installation of illuminated Vauxhall totem t 464 Chatsworth Road, Chesterfield S40 3BD for Vertu Motors plc
CHE/23/00220/FUL	Replacement of existing canopy, fuel tanks, fills, pipework, forecourt and alterations to existing parking arrangement at Chesterfield Express, Newbold Road, Newbold, Chesterfield S41 7AL for Esso Petroleum Company Limited
CHE/23/00221/ADV	Freestanding Price Sign (existing retained), proposed Ancillary Petrol Pump Signage (existing Retained) and Proposed New Canopy Fascia Signage with 'Eyebrow' LED down light lighting strips at Chesterfield Express, Newbold



	Road, Newbold S41 7AL for Esso Petroleum Company Limited
CHE/23/00245/FUL	Front and rear dormers at 35 Spital Lane, Spital, Chesterfield S41 0EX for Mr and Mrs Casey
CHE/23/00255/FUL	First floor side extension at 65 Swaddale Avenue, Tapton, Chesterfield S41 0SX for Mr Ismael Abdullah
CHE/23/00273/FUL	Construction of 1 dwellinghouse at 15 Newbridge Lane, Brimington S43 1LX for Martin & Walker Construction Ltd
CHE/23/00280/FUL	Part single part two storey rear extension in render at 27 Selhurst Road, Newbold, Chesterfield S41 7HR for Greg Deakin
CHE/23/00305/FUL	Single / two storey rear extension at 31 East Crescent, Duckmanton S44 5ES for Jonathan Bailey
CHE/23/00351/TPO	Scoth pines under TPO carry out work on snow damaged pines broken branch in canopy to make safe for owners to walk under. Also remove two small pines with not much branch formation left at 231 Walton Back Lane, Walton S42 7LP for Mr Tony Thorpe
CHE/23/00358/TPO	Crown thin, crown lift and draw back branches overhanging the conservatory of no.7 Sandstone Avenue, the garage of no.5 Sandstone Avenue and garden of 30 Foxbrook Drive at 7 Sandstone Avenue, Walton, Chesterfield S42 7NS for Mrs Anne Spencer
CHE/23/00367/TPO	G1X6 Oak trees- Crown lift 5.2m to clear the dwelling and structures and allow light underneath the canopy. Reduction of lateral overhang by 2-3 metres and to leave a crown outwards from the tree's main stem. Crown thin

by 20-30% to allow light and sunlight to filter through onto the home and garden area. Mixed hedgerow- Which is Holly Hawthorn and Hazel- reduction of 50% to leave a 2m high hedge, but retaining its natural appearance to allow light into the garden area at 4 Ballidon Close, Holme Hall, Chesterfield S40 4UA for Ms Julie Mulliss (Wharton)

- CHE/23/00400/TPO Crown lift, crown thin and reduction of branches growing towards the dwelling and structures at 22 Lancaster Road, Newbold, Chesterfield S41 8TR For Mr Rowan Whittaker
- CHE/23/00403/TPO Fell one Dead Beech tree reference T8 of TPO 173 at 341 Ashgate Road, Chesterfield S40 4DB for G W Sabin
- CHE/23/00410/TPO T1 Lime- Clean out deadwood. Crown lift to 5.2m over carriageway, T3 Ash- Clean out deadwood and hanging branch, T7- Copper Beech- Crown lift to 3m over churchyard and T8 Lime-Clean out deadwood and crown lift to 3m over the pavement at Holy Trinity Rectory, 31 Newbold Road, Newbold, Chesterfield S41 7PG for Ms Jenny Allen
- CHE/23/00415/TPO Crown lift to trees within G1 of TPO 212 (2001). In relation to implementation of works approved under planning application 22-00116-REM1 at Land South Of Walton Hospital, Harehill Road, Grangewood, Chesterfield for Miss Georgie Haslam
- CHE/23/00417/TPO Crown lift all low branches and weeping extension growth up to 3.5m from ground level and remove all epicormic growth from the lower stem at 9 Victoria Street, Brimington, Chesterfield S43 1HY for Mr Robert Marsden

(b) Discharge of Planning Condition

CHE/23/00141/DOC Discharge of Conditions 4 (Compliance with preparing ecological assessments) & 5 (landscaping scheme) of CHE/22/00291/FUL- Replacement and repair of retaining walls at Royal Court Rear Car Park, Basil Close, Chesterfield S41 7SL for the Rc Managment Company Ltd

CHE/23/00369/DOC Discharge of condition 4 (biodiversity measures) of CHE/22/00197/FUL- Front porch extension at 81 Ling Road, Walton, Chesterfield S40 3HU for Ms Julia Marples

(c) Unconditional permission

CHE/23/00411/CA T5 Willow- Fell and grind stump, T9 Goat Willow- Fell and grind out/poison, T10 Goat Willow- Fell and grind out/poison stump at Holy Trinity Rectory, 31 Newbold Road, Newbold, Chesterfield S41 7PG for Ms Jenny Allen

(d) Environmental Impact Assessment not required

CHE/23/00404/EIA Town & Country Planning (Environmental Impact Assessment) Regulations 2017, EIA Screening Opinion Request for proposed new custody suite and divisional headquarters development at Site Of Former Boythorpe Works, Goyt Side Road, Chesterfield S40 2PH for David Staniland

(e) Split decision with conditions

CHE/23/00290/TPO Lime trees T2, T5, T9 - To cut down (lop) the top of the trees by removing overhanging branches of trees into residential garden at Hunters Walk, Chesterfield for Ms Glenna Thorpe

(f) Conditional consent for non-material amendment

CHE/23/00413/NMA Non-material amendment to application

CHE/18/00229/FUL- (Residential development of 175 two, three and four bed dwellings and ancillary works)- to change bricks to be used at Land South Of Erin Road Junction, The Grove, Poolsbrook, Chesterfield for Gleeson Developments Limited.

## 32 **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/23/00290/TPO    | Consent is refused to the pruning of 5 trees reference T2, T5-T8 Lime on the Order Map and which are situated along the driveway of Hunters Walk, Saltergate.<br><br>Consent is granted to the crown lifting of the trees to 5.2 metres to allow light underneath the canopy and to selectively prune branches growing towards 11 Tennyson Avenue. |
| CHE/23/00403/TPOEXP | A notification to the owner of 341 Ashgate Road has been issued for the felling of one dead Beech tree reference T8 with a condition to plant one Maple tree in the next available planting season.  |
| CHE/23/00410/TPO    | Consent is granted to the pruning of 4 trees consisting of 2 Limes, 1 Ash & 1 Copper Beech within G1 on the Order Map and which are situated to the rear of The Holy Trinity Rectory, 31 Newbold Road  |
| CHE/23/00400/TPO    | Consent is granted to the pruning of one Beech tree reference T1, one Sycamore reference T2 and two Ash reference T4 & T5  |

on the Order Map and which are situated in the garden of 22 Lancaster Road, Newbold.

- CHE/23/00415/TPO Consent is granted to the pruning of 17 Lime trees reference G1 on the Order Map and which are situated on the former Walton Hospital site off Harehill Road, Grangewood.
- CHE/23/00417/TPO Consent is granted to the pruning of one Elm tree reference T23 on the Order map at the Ringwood Centre, 9 Victoria Road, Brimington.
- CHE/23/00367/TPO Consent is granted to the pruning of 8 Oak trees and mixed hedgerow species consisting of Hazel, Hawthorn and Holly within G1 on the Order Map and which are situated to the east of 4 Ballidon Close, Newbold.
- Consent is also granted to a 50% crown reduction of the hedgerow consisting of Hazel, Holy and Hawthorn to leave a 2 metre high hedge
- CHE/23/00351/TPO Consent is granted to the felling of four Scots Pine trees and the pruning of Larch & Pine trees within G9 on the Order Map and which are situated in the grounds of 231 Walton Back Lane, Somersall
- Consent is also granted to crown clean the remaining Scots Pine and Larch trees.
- CHE/23/00358/TPO Consent is granted to the pruning of one Oak tree reference T5 on the Order Map and which is situated in the rear garden of 7 Sandstone Avenue, Walton.
- CHE/23/00378/TPO The pruning of one Oak tree reference T71 on the Order map at Hasland Support Centre, 86 The Green, Hasland.

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

CHE/23/00411/CA - The felling of 3 Goat Willow trees in the grounds of the Holy Trinity Rectory, Newbold Road

Agreement to the felling of trees. The felling of the trees will have no adverse effect on the character and amenity of the area.

The trees are within the Abercrombie Street Conservation Area and the applicant wishes to fell the self-set Goat Willow trees before they grow any larger and maintain the garden area. A tree survey and report have been submitted with the application to justify the trees removal.

**33 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.

**34 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.

**35 FIVE YEAR SUPPLY OF LAND FOR HOUSING**

The Strategic Planning and Key Sites Manager submitted a report on the latest position on the Council's five year supply of deliverable housing sites.

**\*RESOLVED –**

That the report be noted.