

PLANNING COMMITTEE

Monday, 21st August, 2023

Present:-

Councillor Callan (Chair)

Councillors B Bingham
Caulfield
Davenport

Councillors Falconer
Ridgway
Yates

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

CHE/23/00134/ADV - 1 x Hoarding sign at land adjacent Sedgemoor Close and west of Loundsley Green Road, Chesterfield, Derbyshire for Strata Homes.

Councillors Brock, Callan, Caulfield, Davenport, Falconer, Ridgway and Yates.

CHE/22/00093/FUL - Partial demolition of the existing buildings and extension/alterations for the creation of 3 shop units and 6 one-bedroom apartments at first and second floor (revised plans submitted 26.10.2022) at 38 High Street, Old Whittington, Chesterfield, Derbyshire, S41 9JT for NJGC Developments Ltd.

Councillors Callan, Caulfield, Davenport, Falconer, Ridgway and Yates.

CHE/23/00135/FUL - Erection of a mixed-use development (class E(a), (b), (g), (i)) together with car parking, landscaping and associated infrastructure works at Staveley Basin development, Hall Lane, Staveley, Chesterfield for Derbyshire County Council.

Councillors Callan, Caulfield, Davenport, Falconer, Ridgway and Yates.

CHE/23/00194/REM - Approval of reserved matters of CHE/20/00700/OUT for the enabling works and infrastructure across phases 1 and 2 including details of layout, scale, external appearance, landscaping and access at land south of Worksop Road, Mastin Moor for Devonshire Property (MM) Ltd.

Councillors Callan, Caulfield, Davenport, Falconer, Ridgway and Yates.

CHE/16/00340/OUT - Outline planning application with all matters reserved except for access for a residential-led mixed use development comprising up to: 275 new homes (class C3), 300m² of commercial floorspace (class E) & 300m² of floorspace for community use (class F2). primary accesses from Tom Lane, with separate access to the commercial zone. (Additional information received 04.04.2023) on land to south of Tom Lane and west of Rectory Road, Duckmanton for Mr and Mrs Elliot.

Councillors Callan, Caulfield, Davenport, Falconer, Ridgway and Yates.

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

*Matters dealt with under the Delegation Scheme

36 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Bingham, Brady, Brittain, Miles and Stone.

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

No declarations of interest were received.

38 **MINUTES OF PLANNING COMMITTEE**

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 24 July, 2023 be brought to the next meeting for amendment and then to be signed by the Vice Chair of that meeting, Councillor Brittain, as a true record.

39 **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/16/00340/OUT - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR A RESIDENTIAL-LED MIXED USE DEVELOPMENT COMPRISING UP TO: 275 NEW HOMES (CLASS C3), 300M² OF COMMERCIAL FLOORSPACE (CLASS E) & 300M² OF FLOORSPACE FOR COMMUNITY USE (CLASS F2). PRIMARY ACCESSES FROM TOM LANE, WITH SEPARATE ACCESS TO THE COMMERCIAL ZONE. (ADDITIONAL INFORMATION RECEIVED 04.04.2023) ON LAND TO SOUTH OF TOM LANE AND WEST OF RECTORY ROAD, DUCKMANTON FOR MR AND MRS ELLIOT.

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

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

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

In accordance with Minute No. 299 (2001/2002) Mr Farley (applicant's agent) addressed the meeting.

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the completion of an agreement under S106 of the Town and Country Planning Act 1990 on the following terms and conditions as set out below and a CIL liability notice issued as per section 6.9 of the Officer's Report:-

S106 Terms

1. CCG contribution for GP provision - £247,500 (index Linked) to be paid on the occupation of the 10th Unit. (Dialogue with the CCG is continuing regarding the potential project/s).
2. 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.

3. Highways:

A sum of £36,822 as a contribution to the improvement of the A632/Staveley Road signalised junction.

Travel Plan monitoring fee of £1,110.00 pa x five years; total £5,550.
(All index linked).

4. Parcel of blue edged land of around 2.69 hectares, within the allocated land but outside of the application site, to be used for farmland mitigation with the land set aside in perpetuity and a strategy for the management of the land to provide suitable mitigation to be agreed.

5. Should the extent of habitat creation fall below 0.6%, as to be assessed through the submission of each reserved matters application; then an off-site biodiversity contribution of £20,000 per habitat unit or part thereof in order to achieve the gain (index linked) payable to CBC for the off-site gain to be provided elsewhere within the borough, shall be provided to meet a minimum 0.6% gain overall. A report to assess progress shall be submitted bi-annually from commencement of development to the end of a 6-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 6 year period then if no off-site contribution is required no further assessments beyond this time period will be required.

Conditions

1. Application for approval of all reserved matters must be made not later than the expiration of three 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 (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;
- 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 full accordance with the approved plans (listed below) with the exception of the indicative masterplan framework 2021 which is informative only and 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).

Location Plan with blue edged farmland bird mitigation area (20)M101
Rev A received 04.04.2023

Indicative Masterplan Framework March 2021

Residential Access 1 at Tom Lane F14110/01 Rev E (within the Transport Assessment Addendum August 2022)

Residential Access 2 at Tom Lane F14110/08 (within the Transport Assessment Addendum August 2022)

Proposed retail access F14110/03 Rev D (within the Transport Assessment Addendum August 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 with and expand upon the Masterplan and those of the adopted Supplementary Planning Document 'Successful Places: Housing Layout and Design', it shall include;

- A planted buffer to minimise impacts on the adjacent listed building on Rectory Road,
- A landscaped buffer and robust edge to the farmland bird mitigation area to the south
- Planting to mitigate wider landscape impacts from the west
- A street hierarchy
- A strategy for street trees
- A strategy for connected pedestrian and cycle routes through the site

The reserved matters shall follow the detail of the agreed framework.

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

- Setting out the maximum housing numbers within each phase,

A phasing scheme for the delivery of the commercial elements of the scheme.

A phasing scheme for the delivery of structured landscape planting;
The sequence of development across the whole site; such as strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths, 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. Prior to works commencing in connection with each identified phase:

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, persons or organisation 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 have 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.

10. Prior to any works exceeding site clearance, within each identified phase, 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 information for:

- Construction access
- Storage of plant and materials
- Site accommodation, loading, unloading and manoeuvring of goods vehicles
- 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
- Information about wheel washing facilities

11. No part of the development shall be occupied until proposed vehicular accesses have been formed to the proposed site in accordance

with the application drawings No F14110/01 Revision E, F14110/08 and F14110/03 Revision D provided with visibility sightlines as shown on the plans extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses. 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.

12. The Highway Authority recommends that the first 5m of the proposed access road should not be surfaced with a loose material (i.e. unbound chippings or gravel).

13. No part of the development 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 development hereby permitted and shall thereafter be retained for use at all times.

14. Before any other operations are commenced, within any identified phase, the internal layout/ internal design of the roads needs to be agreed as part of a subsequent Reserved Matters applications. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage proposal, 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 County Highway Authority.

15. The premises, the subject of the application, shall not be occupied until an approved Travel Plan/measures including a timetable, to promote travel by sustainable modes shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning

Authority for approval for a period of five years from first occupation of the development.

16. The Development hereby approved shall not commence until drawings of the highway improvements/offsite works comprising:

- the provision of a new bus stop with raised boarder, suitable waiting area and post on the northern side of Tom Lane;
- improvements to the bus stops on Rectory Road in the vicinity of Robertson's Avenue;
- the provision of pedestrian crossing facilities on Tom Lane;
- the provision of approximately 30m of footway on the northern side of Tom Lane between the access to Poolsbrook Country Park and the Duckmanton Arms PH;

Have been submitted to and approved in writing by the Local Planning Authority; the development shall not be occupied until those works have been constructed in accordance with the approved details.

17. Prior to the submission of reserved matters within each phase as agreed by condition 5, there shall be submitted to and agreed in writing by the Local Planning Authority then carried out on site:

The submission of a scheme of intrusive site investigations for the high walls within the site for approval;

The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
The undertaking of both of those schemes of intrusive site investigations.

18. As part of the reserved matters application, to be submitted for any phase (as may be agreed under condition 5 above), there shall be:
The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
The submission of a layout plan which identifies the opencast high walls and the definition of suitable 'no-build' zones;
The submission of a scheme of remedial works for the shallow coal workings for approval.
The remedial works shall be implemented prior to the construction of any other works on site.

19. Prior to development commencing within any phase, 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. 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.

21. 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.

22. 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.

23. In accordance with any phase (as may be agreed under condition 5 above);

- 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.

24. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.

25. Prior to submission of the first reserved matters application(s) for development of the site, a site wide phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the proposed sequence of development across the entire site, the extent of the phases/plots, including reference to the type and extent of development envisaged and include timing information (by reference to any date, the commencement or completion of development of any phase or provision of any element or to any other applicable trigger point) for:

- a) Strategic foul water drainage features including but not exclusive to the points of connection to the public sewer, sewerage, the pumped rate of discharge if appropriate, pumping stations and any other necessary infrastructure.
- b) Surface water drainage features including SuDs, sewerage and outfalls plus any other necessary infrastructure identified as part of a surface/storm water management plan. The details shall include:
 - i. information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site, the point(s) and rate(s) of discharge and the measures taken to prevent pollution of surface waters;
 - ii. a timetable for its implementation;
 - iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

26. No development shall commence until such time as the phasing plan has been approved in writing by the Local Planning Authority. The provision of all water infrastructure (including any necessary off site works and the point of connection(s) into the existing public sewer) shall be carried out in accordance with the approved timing contained within the phasing plan, unless otherwise agreed in writing by the Local Planning Authority. Furthermore, the site shall be developed with separate systems of drainage for foul and surface water on and off site and no surface water shall discharge to the public foul or combined sewer network. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to a public sewer. Roof drainage should not be passed through any interceptor.

27. Prior to works commencing on site clarification of the sewerage to the adjacent Church and any amendments to this as a result of this development shall be submitted to and agreed in writing by the Local Planning Authority.

28. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

29. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

30. 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 for the protection of the retained trees/hedgerows, in accordance with BS 5837:2012, including a tree/hedgerow 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/hedgerows.
 - c) a full specification for the installation of boundary treatment works.
 - 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/hedgerows during both preparation works and construction phases and a plan indicating the alignment of the protective fencing.
 - g) Tree/hedgerow protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - h) 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
 - i) Boundary treatments within the RPA
- The development thereafter shall be implemented in strict accordance with the approved details.

31. 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/hedgerows 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.

32. There shall be no removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

33. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for species and other sensitive features).
- 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.

34. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. 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. The plan should be in accordance with the measures set out in the Ecological Appraisal, Figure 1 Habitat Proposals and the Biodiversity Metric prepared by FPCR June 2021 in order to achieve a minimum 1% net gain. 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.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a five-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 monitoring schedule to assess the success of the enhancement measures
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Details of habitat enhancements for roosting bats and nesting birds to include provision of integrated swift bricks within 50% of dwellings.
- j) Details, including a plan, for provision of gaps for hedgehogs between the gardens within the development.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

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.

35. In line with the provision of land in the associated S106, a Farmland Bird Off-site Mitigation Plan shall be submitted to and approved in writing by the LPA prior to the commencement of the development. The aim of the plan is to enhance and sympathetically manage habitats within the vicinity of the development (ideally within 3km) to benefit skylark, grey partridge, reed bunting and linnet. 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 and how these will benefit the bird species listed above.
- b) Aims and objectives of management.
- c) Details of any legal agreements with neighbouring landowners

The Plan should also ensure:

The mitigation area should not be accessible to people and dogs

The boundaries should be hedgerows or walls, well maintained and not easily accessed by dogs.

The management of the field needs to be specifically tailored to the needs of the farmland birds to provide breeding and foraging habitat for linnet, yellowhammer, skylark and grey partridge.

36. Prior to the commencement (Or each phase of development where necessary) 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 a minimum of 1% biodiversity net gain. If this cannot be achieved on site then appropriate provision shall be provided off site in line with the S106 agreement.

37. 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.

38. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife.

This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

39. Prior to any of the commercial Class E or F2 units being brought into use the operating hours of the proposed units along with delivery times shall be submitted to and agreed in writing by the Local Planning Authority. The units shall be operated in accordance with the agreed hours.

40. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications), the ground floor premises shall not be used for Classes E b and d until details as set out below are first submitted to and agreed in writing by the local planning authority and those agreed details are fully installed on site;

For Class E (b) – details of extraction and cooking facilities and noise assessment and mitigation measures

For Class E (d) – noise assessment and mitigation measures

B. That a CIL liability notice be issued as per section 6.9 of the Officer's report.

CHE/23/00194/REM - APPROVAL OF RESERVED MATTERS OF CHE/20/00700/OUT FOR THE ENABLING WORKS AND INFRASTRUCTURE ACROSS PHASES 1 AND 2 INCLUDING DETAILS OF LAYOUT, SCALE, EXTERNAL APPEARANCE, LANDSCAPING AND ACCESS AT LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR FOR DEVONSHIRE PROPERTY (MM) LTD

In accordance with Minute No. 299 (2001/2002) Ms Clark (applicant's agent) 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. The development to which this permission relates shall be commenced not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
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 of the outline permission or this reserved matters. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

22188-IML-PH1-XX-DR-D-0102 Application Boundary P07

22188-IML-PH1-XX-DR-D-0104 P1 Highway General Arrangement
Landscape Master Plan P21055-00-001-GIL-0100-09

Access general arrangement and indicative drainage layout, MMR-ARP-00-XX-DR-CH-01000 REV A

Civil Highways Standard Details MMR-ARP-00-XX-DR-CH-01001 REV A

Civil Highways S2, MMR-ARP-00-XX-DR-CH-01003 REV A

Proposed Contours and Proposed profile, MMR-ARP-00-XX-DR-CH-01004 REV A

Infrastructure PH1 Manhole Schedule 22188-IML-PH1-XX-DR-D-0503
Rev T04

Infrastructure PH1 Drainage Long sections 22188-IML-PH1-XX-DR-D-0504
Rev T01

Infrastructure PH1 Drainage Long sections 22188-IML-PH1-XX-DR-D-0505
Rev T01

Infrastructure PH1 Drainage Long sections 22188-IML-PH1-XX-DR-D-0506
Rev T01

Infrastructure PH1 Drainage Long sections 22188-IML-PH1-XX-DR-D-0507
Rev T04

Infrastructure Drainage Details 22188-IML-PH1-XX-DR-D-0510 Rev T0

Infrastructure Drainage Details 22188-IML-PH1-XX-DR-D-0511 Rev T0

Infrastructure Drainage Details 22188-IML-PH1-XX-DR-D-0512 Rev T02

Infrastructure Drainage Details Phase 1 22188-IML-PH1-XX-DR-D-0513 Rev T0
Infrastructure PH2 Long section and manhole schedule 22188-IML-PH1-XX-DR-D-0541 Rev T03
S38 Drainage Plan 22188-IML-PH1-XX-DR-D-0550 Rev T2
Proposed Contours PH1 Enabling Works and PH2 22188-IML-INF-DR-C-0671 Rev T04
Isopachyte PH1 Enabling Works and PH2 22188-IML-OC-INF-DR-C-0672 Rev T01
Landscape GA Plan Sheet 1 of 4 P21055-00-001-GIL-0101 REV 07
Landscape GA Plan Sheet 2 of 4 P21055-00-001-GIL-0102 REV 07
Landscape GA Plan Sheet 3 of 4 P21055-00-001-GIL-0103 REV 07
Landscape GA Plan Sheet 4 of 4 P21055-00-001-GIL-0104 REV 07
Typical site sections P21055-00-001-GIL-0200 Rev 00
Typical hard surfaces and edges P21055-00-001-GIL-0300 Rev 01
Typical boundary treatments P21055-00-001-GIL-0301 Rev 01
Typical furniture details sheet 1 of 2 and 2 of 2 P21055-00-001-GIL-0302 Rev 01 and P21055-00-001-GIL-0303 Rev 01
Typical signage details P21055-00-001-GIL-0304 Rev 01
Typical steps and handrail sheet 1 of 2 and 2 of 2 P21055-00-001-GIL-0305 Rev 01 and P21055-00-001-GIL-0306 Rev 01
Typical Informal Play Features P21055-00-001-GIL-0307 REV 01
Path Mound Interface P P21055-00-001-GIL-0308 REV 01
Typical Gateway – Drystone Wall Detail P21055-00-001-GIL-0310 REV 01
Typical Gateways - Feature Entrance Layouts 1-6 P21055-00-001-GIL-0311 REV 03
Typical Gateways - Feature Entrance Layouts 7-10 P21055-00-001-GIL-0312 REV 01
Existing Hedgerow Removal – Retention P21055-00-001-GIL-0400 REV 02
Landscape Softworks Sheet 1 of 4 P21055-00-001-GIL-0401 REV 04
Landscape Softworks Sheet 2 of 4 P21055-00-001-GIL-0402 REV 04
Landscape Softworks Sheet 3 of 4 P21055-00-001-GIL-0403 REV 04
Landscape Softworks Sheet 4 of 4 P21055-00-001-GIL-0404 REV 04
Typical Planting Details P21055-00-001-GIL-0405 REV 02
Typical Landscape Mound Details P21055-00-001-GIL-0406 REV 00
Planting Schedule P21055-00-001-GIL-0500 REV 03
Main Contractors Compound Details 22188-IML-PH1-XX-DR-D-0163 REV T1
S38 General Arrangement 22188-IML-PH1-XX-DR-D-0101 REV T5

S38 Highway Long Sections sheet 1 of 2 22188-IML-PH1-XX-DR-D-0704
REV T3

S38 Highway Long Sections sheet 2 of 2 22188-IML-PH1-XX-DR-D-0705
REV T2

S38 Kerbing and Surfacing 22188-IML-PH1-XX-DR-D-1101 REV T3

Section 38 Details 22188-IML-PH1-XX-DR-D-1102 REV T4

22188-IML-00-INF-DR-C-0687 Earthworks Proposed Site Sections
Sheet 1

22188-IML-00-INF-DR-C-0688 Earthworks Proposed Site Sections
Sheet 2

22188-IML-PH1-XX-DR-D-0501 T07 Phase 1 Enabling Works Drainage

22188-IML-PH1-XX-DR-D-0502 T05 Phase 2 Enabling Works Drainage

Substation design NC1V-004 Rev 1.0

LA Specification P21055-00-001-GIL-0501 REV 02

MM LMP P21055-00-001-GIL-0700 REV 04

Reserved Matters Statement.

3. No development shall take place, other than works to construct a temporary access and compound and regrading earthworks only as set out in this approval, until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

4. Prior to works commencing on the dry-stone wall entrance feature details of the geological source of the stone shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

5. Prior to its installation details of all formal play equipment and any boundaries to the play areas shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

6. Prior to first construction above the slab level of the first dwelling unit, and notwithstanding the approved plans in condition 2, details of a method of boundary treatment to ensure separation of public and private spaces at the point where private drives and public open space adjoin one another, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

7. Prior to commencement, other than works to construct a temporary access and compound taking place, detailed sections through the site east west from the site boundary to the substation and to the north south from site boundary to site boundary in relation to the south western drainage pond shall be submitted to and agreed in writing by the Local Planning Authority. The development levels shall be completed in accordance with the agreed details.

8. Prior to commencement, other than works to construct a temporary access and compound taking place, a post and rail or post and wire fence shall be installed to the application side of the hedge to north western field boundary, to a minimum height of 1.5m and shall be retained thereafter.

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

CHE/23/00134/ADV - 1 X HOARDING SIGN AT LAND ADJACENT SEDGEMOOR CLOSE AND WEST OF LOUNDSLEY GREEN ROAD, CHESTERFIELD, DERBYSHIRE FOR STRATA HOMES

***RESOLVED**

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

1. This consent shall be valid for a period of five years commencing with the date of this decision.
2. The advertisement hereby approved shall be installed in full accordance with the approved plans:

B Y00108-Sales Signs Revision B

CHE/23/00135/FUL - ERECTION OF A MIXED USE DEVELOPMENT (CLASS E(a), (b), (g), (i)) TOGETHER WITH CAR PARKING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS AT STAVELEY BASIN DEVELOPMENT, HALL LANE, STAVELEY, CHESTERFIELD FOR DERBYSHIRE COUNTY COUNCIL.

***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 5.4.13 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 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
 - 1928-JSA-XX-XX-DR-A-00001-rev P1-Location Plan
 - 1928-JSA-XX-XX-DR-A-01001-rev P1-Existing Site Plan
 - 1928-JSA-XX-XX-DR-A-01202-rev P2-Proposed Site Plan
 - 1928-JSA-XX-XX-DR-A-02201-rev P2-Proposed Ground and First Floor Plans
 - 1928-JSA-XX-XX-DR-A-02204-rev P2-Proposed Roof Plan
 - 1928-JSA-XX-XX-DR-A-03200-rev P2-Existing and Proposed Site Section
 - 1928-JSA-XX-XX-DR-A-03201-rev P2-Proposed Sections
 - 1928-JSA-XX-XX-DR-A-04201-rev P2-Proposed Elevations
 - SCB-BWB-DGT-XX-DR-C 0100-rev P01-Vehicle Tracking sheet 1
 - 1928-JSA-XX-XX-DR-A-0500-rev P01-Proposed Drainage layout
 - SCB-BWB-DGT-XX-DR-C -0530-rev P01-Drainage Catchment Plan
 - SCB-BWB-DGT-XX-DR-C-0600-rev P01-Proposed Finished Levels
 - SCB-BWB-DGT-XX-DR-C-0630-rev P01-Proposed Earthworks

3. Within 2 months of commencement of the development a landscaping scheme with programme of implementation and maintenance scheme shall be submitted to the local planning authority for consideration. The details agreed in writing shall be implemented during the first planting season following the completion of the development and which shall be maintained thereafter as agreed.

4. 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 the agreed maintenance period under condition 3 above, 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 landscaping shall also be carried out in accordance with the details approved under condition 3 above.

5. 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, (6/2/23), Sustainable Drainage Statement, ref: SCB-BWB-ZZ-XX-RP-CD-0001_SDS, rev-P02; BWB, (30/1/23), Flood Risk Assessment, ref: SCB-BWB-ZZ-XXRP-YE-0001_FRA, rev-P03, 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.

6. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

7. 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.

8. 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).

9. Prior to any works taking place a Construction Management Plan shall be submitted to the local planning authority for consideration showing space to be provided on site for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of vehicles, parking and manoeuvring of employees and visitors vehicles. The details agreed in writing shall be laid out and constructed in accordance with the approved details prior to the commencement of construction works on site and once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

10. Prior to occupation of the development a Travel Plan for all users of the development shall be submitted to the local planning authority for consideration. The development shall thereafter be carried out in accordance with the measures and actions set out in the agreed travel plan.

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the extent of the class E (a) retail use of the units hereby agreed shall be restricted to a maximum of 280 square metres in total.

12. The development shall only proceed in accordance with the mitigation measures and further geotechnical assessment required as set out in the Phase I and II Geo-Environmental Assessment reports prepared by BWB Consulting Ltd dated February 2023.

13. 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.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- 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 in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

15. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- 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 monitoring schedule to assess the success of the habitat creation and enhancement measures
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works.

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.

16. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife, with particular consideration given to the Chesterfield Canal corridor. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The approved details and measures shall be implemented in full as a part of the development. (Policy CLP16, NPPF para 179)

17. Prior to the commencement of development an updated Biodiversity Metric for the site shall be submitted to the local planning authority for consideration. This shall explore the opportunity to achieve a net gain by including the applicants neighbouring land (blue land). The development shall only proceed on the basis of the details agreed in writing by the local planning authority.

18. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

19. 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.

20. Prior to the carrying out of the improvements to the access track between the Eckington Road gate and the Staveley Town Lock, as shown on drawing 1928-JSA-XX-XX-DR-A-01202-rev P2, details shall be submitted for consideration showing how safe pedestrian and cycle access can be provided between Eckington Road and the canal network. The development shall only proceed in accordance with the details agreed in writing by the local planning authority.

21. Prior to the carrying out of the extended pavement works to the north side of Hall Lane full details shall be submitted to the local planning authority for consideration and which shall have been implemented prior to the first occupation of the development.

22. The post and rail fence around the outer edge of the car park and access and which separates the development from the Trans Pennine Trail shall be 1.2 metres in height and which shall be supplemented by a new hedgerow, the details of which shall be provided under condition 3 above.

23. Details of a hitching rail and mounting block to be provided on site for use of horse riders shall be submitted to the local planning authority for consideration. The agreed details shall thereafter be provided as part of the development and which shall be available for use concurrent with the first occupation of the development and be retained as such thereafter.

24. Details of a horse rider dismount sign and mounting block to be provided on the north side of Hall Lane bridge site shall be submitted to the local planning authority for consideration. The agreed sign and mounting block shall be provided as part of the development and which shall be retained as such thereafter unless otherwise agreed in writing by the local planning authority.

B. That a CIL liability notice be issued as per section 5.4.13 of the Officer's report.

CHE/22/00093/FUL - PARTIAL DEMOLITION OF THE EXISTING BUILDINGS AND EXTENSION/ALTERATIONS FOR THE CREATION OF 3 SHOP UNITS AND 6 ONE BEDROOM APARTMENTS AT FIRST AND SECOND FLOOR (REVISED PLANS SUBMITTED 26.10.2022) AT 38 HIGH STREET OLD WHITTINGTON CHESTERFIELD DERBYSHIRE S41 9JT FOR NJGC DEVELOPMENTS LTD

***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).
 - Proposed ground and first floor layout plans, drawing number 02 Revision B
 - Proposed 2nd floor layout plans and sections, drawing number 03 Revision D
 - Check heights, elevations and streetscene, drawing number 04 Revision B
 - Proposed front, side and rear elevations, drawing number 05 Revision B
 - Proposed site plan with ground floor shops, drawing number 06 Revision B
 - Additional sections through buildings, drawing number 07
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. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason – To ensure adequate space is retained for site storage during the construction period in accordance with CLP22.

6. The existing access to Station Lane shall be increased in width to a minimum of 5m and creation of pedestrian access in accordance with the submitted application drawings prior to the occupation of the development.

7. 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.

8. 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 for the storage and collection of waste and refuse within the curtilage of the site and shall thereafter be maintained throughout the life of the development free from any impediment to its designated use.

9. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance for

the storage bicycles, details of which shall be submitted to the Local Planning Authority for written agreement prior to installation and thereafter maintained throughout the life of the development free from any impediment to its designated use.

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 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.

11. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications), the ground floor premises shall not be used for Classes E b and d until details as set out below are first submitted to and agreed in writing by the local planning authority and those agreed details are fully installed on site;

For Class E (b) – details of extraction and cooking facilities and noise assessment and mitigation measures

For Class E (d) – noise assessment and mitigation measures

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

A) Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

B) Evidence of existing positive drainage to public sewer and the current points of connection; and

C) The means of restricting the discharge to public sewer to the existing rate less a minimum of 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

13. 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.

14. Precise specifications or samples of all materials to be used in the construction of the development including walling materials, roofing, windows 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.

15. 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.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
- f) Details of the body or organization responsible for implementation of the plan.
- g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.
- h) 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.

16. 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) location, type and materials to be used for hard landscaping
- b) boundary treatments
- 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.

17. 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.

18. 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.

B. That a CIL liability notice be issued for £10,506 as per section 5.11 of the Officer's report.

40 **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/21/00884/FUL	Two storey extension and internal alterations at 29 Newbold Road, Newbold S41 7PG for Chesterfield Muslim Association
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- CHE/22/00172/FUL Proposed internal and external alterations to existing sheltered accommodation. Demolition of existing garage and external store. Alterations comprising new 'Juliet' French doors to existing bays. New entrance porches and external material alterations at Aston Court, Hassop Road, Staveley, Chesterfield S43 3YW for Chesterfield Borough Council
- CHE/22/00765/HH High hedge complaint at Longlands, The Dell, Ashgate, Chesterfield S40 4DL for Mr Luke Strong
- CHE/22/00799/FUL Change of use of the first and second floor of the building from commercial, business and service (Use Class E) to 4 residential flats (Use Class C3) and associated external alterations at 4 New Beetwell Street, Chesterfield S40 1QR for Mr Philip Peel
- CHE/23/00108/FUL Construction of minor retaining walls, removal of stepped approach, slight re-profiling of land and dropping of kerbs to facilitate access at 20-22 Newby Road, Newbold, Chesterfield S41 8HG for Mrs Helen Lenton
- CHE/23/00136/FUL Front porch canopy, single storey front and rear extensions, two storey side extension with first floor extension over existing balcony, panels of render to walls, timber canopy covered raised patio area and juliet balconies to the rear at 8 Park Hall Avenue, Walton, Chesterfield S42 7LR for Mr Michael Roe
- CHE/23/00178/FUL Demolition of existing garage/store and erection of one single storey dwelling to the rear at 8 Bridle Road, Woodthorpe, Chesterfield S43 3BY for Stonecraft Developments Ltd
- CHE/23/00227/LBC Internal and external alterations at 39, 39A and 41 Holywell Street, Chesterfield S41 7SH for Voeberg Hospitality Ltd

CHE/23/00231/FUL	Change of use from Class E to 9 units of serviced accommodation and external alterations at 39, 39A and 41 Holywell Street, Chesterfield S41 7SH for Voeberg Hospitality Ltd
CHE/23/00268/FUL	Detached garage at Dreams View, Eckington Road, Staveley, Chesterfield S43 3XZ for Mr Simon Bannister
CHE/23/00279/FUL	Single storey rear extension and raised patio area with storage room below at 240 Handley Road, New Whittington, Chesterfield S43 2ET for Mr Luke Oldfield
CHE/23/00286/FUL	Pitched roof garage at 17 Netherthorpe Close, Staveley, Chesterfield S43 3PX for Miss Rachel Roberts
CHE/23/00296/FUL	Re-submission of CHE/22/00128/FUL to replace flat dormer roof with sloping roof at 7 Newbold Drive, Newbold, Chesterfield S41 7AP for Mr Martin Bruno
CHE/23/00301/LBC	Listed Building Consent for replacement of 5 timber windows on the side and rear elevations of the building. Re-decoration of external structural steelwork, external doors including roller shutter doors and louvers (changing the colour from red to black) and timber windows (to remain white) on the side and rear elevations at Winding Wheel, 13 Holywell Street, Chesterfield S41 7SA for Chesterfield Borough Council
CHE/23/00303/RET	Retention of white render applied to exterior of property, fencing to perimeter of property with gates to side perimeter and construction of hard standing for car at 179 Holland Road, Old Whittington S41 9HD for Mr Christopher Daniels

- CHE/23/00306/FUL Single storey rear/side extension at 32 Aspley Close, Chesterfield S40 4HG for David and Glenys Ashall
- CHE/23/00320/LBC Works to floors, walls, roof for ventilation and door heads at Barrow Hill Primary School, Station Road, Barrow Hill, Chesterfield S43 2PG for Cavendish Learning Trust
- CHE/23/00333/FUL Detached outbuilding at 52 Lindale Road, Newbold, Chesterfield S41 8JH for Mr Melvyn Berry
- CHE/23/00336/FUL Levelling of frontage to form driveway at 9 Sycamore Road, Hollingwood S43 2HQ for Miss Victoria Zhang
- CHE/23/00343/REM Variation of condition 2 (approved plans) of CHE/21/00338/FUL - Demolition of garage and porch; erection of side extension containing; glazed link and double garage; erection of a single-storey extension attached to the rear of the garage (providing utility, WC and garden room), and alterations to front wall at Long Cottage, 79 High Street, Old Whittington, Chesterfield S41 9LA for Mr Jon Carr
- CHE/23/00344/LBC Works to dwelling, garage and boundary wall in conjunction with CHE/23/00343/REM1 at Long Cottage, 79 High Street, Old Whittington, Chesterfield S41 9LA for Mr Jon Carr
- CHE/23/00346/FUL Installation of battery energy storage unit at construction back-up electricity generation facility at Unit 17A Dunston Trading Estate, Foxwood Road, Sheepbridge, Chesterfield S41 9RF for Powertree (Foxwood Road) Ltd
- CHE/23/00354/FUL Two storey front and side extension and front car hardstanding at 2 Royston Close, Walton, Chesterfield S42 7NE for Mr S Beresford

CHE/23/00356/FUL	Demolition of conservatory and erection of single storey side/rear extension and provision of a raised decking area at 2 The Knoll, Brookside, Chesterfield S40 3PS for Mr Robert Bentley
CHE/23/00364/REM	Variation of condition 2 (Approved drawings) and removal of condition 3 (Methodology of works) of CHE/21/00824/FUL- Second storey rear extension to create flat above shop and new shopfront on side elevation- To include rear external steps/wall to the extension at Only The Vape, 396 Chatsworth Road, Chesterfield S40 3BQ for Mr Amardeep Sandhu
CHE/23/00366/FUL	Single storey rear extension and ground floor side WC window at 42 Highland Road, New Whittington, Chesterfield S43 2EZ for Mags Kay
CHE/23/00378/TPO	Crown lift T71 Oak by 5m to allow access of a vehicle and container at Hasland Support Centre, 38 The Green, Hasland, Chesterfield S41 0LN for Mr Mick Stevens
CHE/23/00382/FUL	Off street car parking space at 130 Spital Lane, Spital, Chesterfield S41 0HN for Mrs Gil Carter
(b) Refusals	
CHE/23/00281/DOC	Discharge of condition 20 (Materials) 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/23/00287/FUL	Extension to existing dwelling to form dwelling and annexe with conservatory link. Retention of alterations to doors/windows layout on east-facing elevation of existing dwelling at Oak Tree

Barn, Bolsover Road, Mastin Moor, Chesterfield
S43 3DB for Mr and Mrs Linathan

(c) Discharge of Planning Condition

- CHE/23/00207/DOC Discharge of condition 2 (biodiversity measures) of application CHE/22/00165/RET- Conversion of front garden into driveway. Removal of land, retaining walls built, soakaways installed, concrete finish and parking for two cars at 25 Swaddale Avenue, Tapton, Chesterfield S41 0SX for Mr Adam Betts
- CHE/23/00278/DOC Discharge of planning conditions 3 (window and door schedule) and 4 (materials) of 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 Godfrey Barnes Healthcare LLP
- CHE/23/00297/DOC Discharge of conditions 3 (Window/door schedule), 4 (Schedule of external materials), 6 (Waste arrangements), 8 (Cycle storage), 9 (Biodiversity compliance) and 10 (EV charging point) of application 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/23/00334/DOC Discharge of condition 5 (Noise mitigation for gates) of application CHE/23/00024/RET- Retention of fencing/gating of land at The Old Crane Hire Yard (Walton Fields Farm), Walgrove Road, Walton, Chesterfield for P Turner Erections Ltd

- CHE/23/00380/DOC Discharge of condition 5 (Roof slate) 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 at Dunston Hall, Dunston Road, Chesterfield S41 9RL for Mr David Harrison
- CHE/23/00393/DOC Discharge of conditions 5 (Landscaping), 18 (Materials), 19 (Written Scheme of Investigation-archaeology), 20 (Written Scheme of Investigation- historic building recording) and 21 (Salvage statement) of CHE/22/00749/FUL- Demolition of derelict cottage and erection of one dwelling with associated infrastructure, access, parking and gardens at 1 Ralph Road, Staveley, Chesterfield S43 3PY for Mr and Mrs Easson
- CHE/23/00396/DOC Discharge of condition 22 (Written Scheme of Investigation- archaeological) of E/22/00748/OUT-Outline planning application (means of access submitted) for the erection of two dwellings with associated infrastructure, access, parking and Gardens at 1 Ralph Road, Staveley, Chesterfield S43 3PY for Mr and Mrs Easson
- CHE/23/00401/DOC Discharge of condition 4 (Details of window and door design) of application 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 at Dunston Hall, Dunston Road, Chesterfield S41 9RLfor Mr David Harrison
- CHE/23/00432/DOC Discharge of condition 13 parts B and C (Remediation and verification report) of CHE/16/00216/FUL- Residential development of 7 units and associated ancillary works at Jacksons Bakery, New Hall Road, Chesterfield

S40 1HE for Blackburn Developments Ltd

CHE/23/00448/DOC Discharge of condition 27 (Validation report) of application CHE/16/00518/FUL- Erection of residential development comprising 55 dwellings, access, landscaping and associated works at Site Of Former Newbold Community School, Newbold Road, Newbold, Chesterfield for Miller Homes

(d) CLOPUD granted

CHE/23/00322/CLO Certificate of Lawfulness for a proposed ground mounted solar array on operational land at Sewage Farm, Unnamed Track From Hague Lane To Sewage Works, Mastin Moor, Chesterfield for Downing LLP

CHE/23/00347/CLO Certificate of Lawfulness for a ground mounted solar array with a generating capacity of up to 250 kW connected to the WWTW via underground cables at Whittington Wastewater Treatment Works, Station Lane, Old Whittington, Chesterfield S41 9EY for Downing LLP

(e) Permission in Principle - Refusal

CHE/23/00359/PIP Permission in Principle for 5-9 houses/bungalows at Troughbrook House, Chesterfield Road, Staveley, Chesterfield S43 3RX for Pemberly Developments

(f) Conditional Consent for Non-material Amendment

CHE/23/00299/NMA Non-material amendment to application CHE/23/00031/FUL- Single storey side extension and conversion of garage to habitable room - resubmission of CHE/22/00554/FUL- To demolish conservatory and keep rear elevation window layout the same at Arcot, 51 Somersby

Avenue, Walton, Chesterfield S42 7LY for
CHAZCAD LTD

- CHE/23/00408/NMA Non-material amendment to CHE/22/00795/FUL to include roof lights to the front elevation at 6 Hartside Close, Loundsley Green, Chesterfield S40 4LB for Mr Paul Wilson
- CHE/23/00418/NMA Non-material amendment to application CHE/21/00567/REM (Residential development of 400 dwellings, public open space and associated infrastructure)- To amend the approved planning layout at Land To West Of Inkersall Road, Staveley, Chesterfield for Barratt David Wilson Homes
- CHE/23/00460/NMA Non-material amendment to CHE/22/00562/FUL (Demolition of the existing conservatory and erection of a replacement single storey side extension and a single storey east front/side extension. Timber fencing, raised terracing and associated landscaping works)- To move the proposed window to kitchen extension away from the existing house. Repositioning of proposed rooflight and external south side wall at Upper Close, 17 Somersall Lane, Somersall, Chesterfield S40 3LA for Mr Young

(g) Prior approval not required

- CHE/23/00397/TPD Single storey rear extension at 89 St Philips Drive, Hasland, Chesterfield S41 0RG for Heather Haigh

(h) Finally Disposed Of

- CHE/20/00430/FUL Second floor extension over existing flat roof to provide additional flat and the raising of the existing stairwell at 12 Church Street, Staveley, S43 3TL for Spire Funeral Services Ltd

(i) Unconditional Permission

- CHE/23/00425/CA Fell one dead Whitebeam tree to the frontage of the property at Central Methodist Church, 38 Saltergate, Chesterfield S40 1UH for Mr John French
- CHE/23/00433/CA T1(cherry), T2(cherry), T4(Tulip Tree), T6(Lime), and T7(white beam): crown lift to 5.2m to avoid damage to trees by delivery vehicles etc. T3(sycamore), T4, T5, T6 and T7: crown thinning/clean - removing any dead, diseased and dying branches. T3, T4, T5, and T6: Crown reduction - reduce side branches grown towards 29 west bars to give a 2m clearance from the structure. T1, T2, T3 : reduce overhanging branches from trees on neighbouring Land to leave balanced crown at 29 West Bars, Chesterfield S40 1AG for Mrs Victoria Wale

(j) Withdrawn

- CHE/23/00314/CLO Certificate of lawfulness for a proposed single storey rear extension at 20 Avondale Road, Chesterfield S40 4TF for Mrs G Scotford

41 **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/23/00419/TPO Consent is granted to the pruning of two trees reference T2 Lime & T5 Beech on the Order Map and which are situated in the grounds of Hasland Junior School, Hasland
- CHE/23/00412/TPO Consent is granted to the felling of 1 Lime tree

reference T7 and the pruning of 1 Ash tree reference T4 on the Order Map and which are situated at 15 South Lodge Court, Brampton with a condition to plant one Rowan tree as a replacement in the first available planning season after felling.

CHE/23/00420/TPO Consent is granted to the pruning of one Oak tree reference T3 on the Order Map and which is situated to the rear of The Green Nursing Home, 45 The Green, Hasland

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

CHE/23/00425/CA Agreement to the felling of the tree with a duty to plant a replacement tree in the first planting season after felling.
The felling of one dead Whitebeam tree to the frontage of the Central Methodist Church, Saltergate. The tree is within the Town Centre Conservation Area.

CHE/23/00433/CA Agreement to the pruning of 7 trees. The pruning of the tree will have no adverse effect on the character and amenity of the area.
The pruning of 7 trees to the east of 29 West Bars, Chesterfield. The trees are within the Town Centre Conservation Area.

42 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.

43 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.

44 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC