



Please ask for Liz Athorn  
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The Chair and Members of Planning  
Committee

Councillors Brock and Niblock – Site  
Visit 1

11 August 2023

Councillors Holmes and Thornton –  
Site Visit 2

Councillors Dyke and Jacobs – Site  
Visit 3

Councillor Jacobs – Site Visit 4

Councillors Ogle and Wheeldon –  
Site Visit 5

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on  
MONDAY, 21 AUGUST 2023 at 1.00 pm in Committee Room 1, the agenda for  
which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Reception at 10.15am. Ward members wishing to be present should attend on site as indicated below:-

1. 10.30am Land adjacent Sedgemoor Close and West of Loundsley Green Road, Chesterfield, CHE/23/00134/ADV
2. 10.55am 38 High Street, Old Whittington, Chesterfield, S41 9JJ, CHE/22/00093/FUL
3. 11.10am Staveley Basin Development, Hall Lane, Staveley, Chesterfield, CHE/23/00135/FUL
4. 11.30am Land South of Worksop Road, Mastin Moor, CHE/23/00194/REM
5. 11.55am Land to South of Tom Lane and West of Rectory Road, Duckmanton, CHE/16/00340/OUT

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

A reasonable adjustment meeting will take place at 9.45 am in Committee Room 1 for those not able to attend the site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: [liz.athorn@chesterfield.gov.uk](mailto:liz.athorn@chesterfield.gov.uk) by 9.00 a.m. on Monday, 21<sup>st</sup> August 2023.

If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence

2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 42)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 43 - 242)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 243 - 260)
6. Applications to Fell or Prune Trees (P620D) (Pages 261 - 266)
7. Appeals Report (P000) (Pages 267 - 282)
8. Enforcement Report (P410) (Pages 283 - 288)
9. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph of Part I of Schedule 12A of the Act."

Part 2 (Non Public Information)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

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**PLANNING COMMITTEE****Monday, 24th July, 2023**

Present:-

Councillor Brittain (Chair)

Councillors B Bingham  
J Bingham  
Caulfield  
Davenport

Councillors Falconer  
Miles  
Stone  
Yates

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.

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 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.

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 Scotch 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    | <p>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.</p> <p>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.</p> |
| CHE/23/00403/TPOEXP | <p>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.</p>                                                                                                                                                |
| CHE/23/00410/TPO    | <p>Consent is granted to the pruning of 4 trees consisting of 2 Limes, 1 Ash &amp; 1 Copper Beech within G1 on the Order Map and which are situated to the rear of The Holy Trinity Rectory, 31 Newbold Road</p>                                                                                                                                          |
| CHE/23/00400/TPO    | <p>Consent is granted to the pruning of one Beech tree reference T1, one Sycamore reference T2 and two Ash reference T4 &amp; T5 on the Order Map and which are situated in the garden of 22 Lancaster Road, Newbold.</p>                                                                                                                                 |
| CHE/23/00415/TPO    | <p>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.</p>                                                                                                                                                                          |

- 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.

# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	21 <sup>st</sup> August 2023
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER'S REPORT ON THE 21<sup>st</sup> August 2023**

<b>ITEM 1</b>	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), 300M <sup>2</sup> OF COMMERCIAL FLOORSPACE (CLASS E) & 300M <sup>2</sup> 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.
<b>ITEM 2</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.
<b>ITEM 3</b>	CHE/23/00134/ADV - 1 X HOARDING SIGN AT LAND ADJACENT SEDGEMOOR CLOSE AND WEST OF LOUNDSLEY GREEN ROAD, CHESTERFIELD, DERBYSHIRE FOR STRATA HOMES
<b>ITEM 4</b>	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.
<b>ITEM 5</b>	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, S41 9JT FOR NJGC DEVELOPMENTS LTD
-----------------------------------------------------------------------------------------------------------------

**ITEM 1**

**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), 300m<sup>2</sup> of commercial floorspace (class E) & 300m<sup>2</sup> 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 T10m Lane and West of Rectory Road, Duckmanton for Mr and Mrs Elliot.**

Local Plan: Allocation H34 and RP1  
Ward: Staveley South  
Plot No:

Committee Date: 21<sup>st</sup> August 2023

**1.0 CONSULTATION SUMMARY**

Environment Agency	No comment
The Coal Authority	Comments made and conditions recommended.
NEDDC	No response received
CCG – NHS	Request for £247,500 in contributions towards healthcare at one or more of: Castle Street Medical Centre (Bolsover), Family Friendly Surgery (Bolsover), Royal Primary Care – Rectory Road Medical Centre (Chesterfield).
Derbyshire Constabulary Designing out Crime Officer	Should follow basic principles: <ul style="list-style-type: none"> <li>– All movement routes, open space and private curtilage overlooked by primary elevations.</li> <li>– Principally back to back housing blocks to avoid exposed rear garden elevations.</li> <li>– Parking within curtilage.</li> <li>– Secured private garden space with individual access points.</li> <li>– Housing with private space adjoining open space or public space to have an adequate buffer between, with boundary treatment to define and reinforce the distinction between the two.</li> </ul>
CBC Economic Development	Recommend condition on local labour supply

DCC Archaeology	The majority of the site has been subject to open cast mining and retains no archaeological potential. However, the eastern edge of Duckmanton Road may be undisturbed and may therefore have archaeological potential in the vicinity of Polar farm which is likely to represent the medieval core of settlement at Middle Duckmanton. Recommend condition.
CBC Design Services	Comment made see report.
CBC Conservation Officer	No objection
Highways England	No objection
CBC Housing	In principle support for the application subject to negotiation with the developer for the provision of Affordable Housing.
Lead Local Flood Authority	Conditions recommended
CBC Urban Design Officer	No objection on urban design grounds at this stage. However, a design framework is recommended as the basis for taking forward the detailed reserved matters proposals in the event that outline planning permission is granted. The incorporation of adequate on-site green infrastructure to mitigate the landscape impacts will also be required.
DCC Policy	Comments made pre the Adopted Local Plan when there was insufficient housing land supply. Also notes that monies from CIL will be needed for school expansion to accommodate the additional pupils. No further updated comments.
Yorkshire Water	Recommend conditions, but note that the public sewer network does not currently have capacity available to accommodate the anticipated discharge from this proposal. Therefore, a feasibility study will be required to determine suitable foul connection points, any available capacity in the public sewer network, together with any likely costs and timescales for any potential upgrading works required
CBC Environmental Health	Conditions recommended and queries raised regarding the noise study.
Derbyshire Wildlife Trust	Comments as set out in the report and conditions recommended.

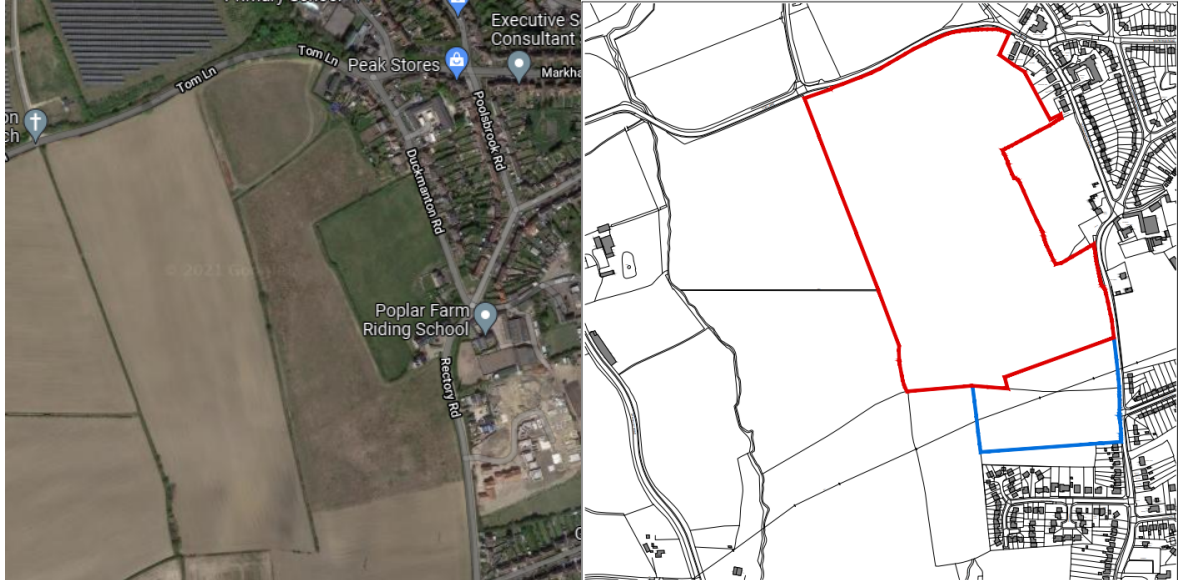
CBC Tree Officer	It is important the remaining hedges and trees are retained, with new planting to compensate for loss. Conditions recommended.
CBC Climate Officer	Comments made see report.
DCC Highways	Concerns raised initially now addressed and conditions and S106 matters recommended.
Active Travel England	No comment to make as the application was submitted before 1 <sup>st</sup> June 2023.
Neighbours, Site Notices and Advert	152 comments have been received with some parties commenting more than once. The comments include those from a local Councillor in NE Derbyshire. The main points raised by all of the comments are summarised in section 7.0 of the report.

## **2.0 THE SITE**

- 2.1 The application site is an area of 16.6 hectares of agricultural fields which generally slope away from Rectory Road to the west. There are hedgerows to the perimeter of the site which has generally been used for agriculture.
- 2.2 The site is located to the west of Duckmanton and north of Long Duckmanton. There are small clusters of housing to the east of the site with the main residential area of Duckmanton beyond Duckmanton Road to the east. There is a primary school nearby on West Crescent and a local store on Markham Road with bus stops providing a regular service into Chesterfield on Duckmanton Road. A solar farm is located to the north.
- 2.3 Staveley footpath no. 10 is opposite the site to the north leading from Tom Lane to Poolsbrook Country Park. The route of a proposed local cycle network runs along the site edge on Tom Lane.
- 2.4 There are two small local wildlife sites in the area one if the Ireland Wildlife site to the north west and the Arkwright Town Railway to the south west.
- 2.5 Opposite the site is a Grade II listed building which is the original farmhouse now the house to the riding school. This is described as: Poplar Farmhouse, late C18-early C19. Coursed stone rubble; 2 storeys; 3 sash windows (one with single glazing bars); central arched doorway in plain stone surround with semi-circular traceried fanlight and later door; coped gabled ends, brick stacks; slates.
- 2.6 There are other listed buildings at a further distance from the site in Long Duckmanton; Cherry Tree House and the Manor Farmhouse and Barn, and

further to the north west Inkersall Farmhouse. The site is also within the wider setting of the Grade I listed and schedule monuments of Bolsover Castle and Sutton Scarsdale Hall which are outside of the Borough.

The application site:



## 2.7 Site Images:

From Rectory Road



From Duckmanton Road





From Tom Lane



### **3.0 SITE HISTORY**

- 3.1 CHE/14/00504/EIA Residential - led mixed use development of up to 400 new homes, up to 500sqm of retail/commercial development (A class uses), provision of public open space, play facilities, public footpath network and green infrastructure – 01.08.2014 An Environmental Statement is required.
- 3.2 However, there is a letter on file from the Secretary of State dated November 2014 following the date of the above application where the SoS

determined that; “having taken into account the selection criteria in Schedule 3 to the 2011 Regulations, the proposal would not be likely to have significant effects on the environment.” The letter concludes: “in exercise of the powers conferred on him by Regulation 6(4) of the 2011 Regulations the Secretary of State hereby directs that the proposed development is not ‘EIA development’ within the meaning of the 2011 Regulations. This letter constitutes the statement required by Regulations 4(7).

- 3.3 Therefore despite the determination under reference CHE/14/00504/EIA above, the Secretary of State determination means that the proposal does not require the submission of an Environmental Statement. It is also worth noting that the extent of development has been reduced since the initial submission from 400 dwellings to 275 dwellings.
- 3.4 On the adjacent site development has been recently completed fronting Rectory Road and a small housing estate known as Poplar Heights has been completed.

#### **4.0 THE PROPOSAL**

- 4.1 In 2016 Outline planning permission was submitted for the erection of 400 new houses on the site with 300m<sup>2</sup> of commercial space under A use Classes (now Class E and sui generis uses) and 300 m<sup>2</sup> of community uses identified as Class D1 and D2 (now Class E, F or sui generis).
- 4.2 In 2021 the Council’s Forward Planning Team in consultation with DCC Urban Design Officer and Landscape Officer provided an indicative masterplan of the site with a position statement to aid progress of the development given the elongated time period over which the application was being considered. This was provided on the basis that further updated information would come forward from the applicant’s agent to support the scheme and to address policies Adopted in the Local Plan 2020 which allocated this site for the development of 275 houses (Site H34).
- 4.3 Following this the application was substantially amended and updated in 2022 to be for a Residential-led mixed use development comprising up to: 275 new homes (class C3), 300m<sup>2</sup> of commercial floorspace (class E) and 300m<sup>2</sup> of floorspace for community use (Class F2). The primary accesses to the site, which are the only matter being considered at this stage, are proposed from Tom Lane, with separate access to the commercial area. This is an outline application with only access being considered at this stage and all other matters reserved for future consideration.



4.4 The application has been updated information with regard to the proposal, including highways and ecological information. Drainage and LVIA information remains unchanged from the initial 2016 submission. A sustainability statement was submitted which notes:

The applicant is not a developer or building and will not be developing the site, it is intended that following a grant of permission the land will be sold to a developer.

In view of this the applicant cannot put forward sustainability measures but will accept a condition requiring the submission of a more detailed statement as apart of the reserved matters and encourage the successful bidder to engage with the LPA in this matter.

The document then considers a list of issues to be considered further at the detailed design stage.

4.5 The updated planning statement notes:

- It is a sloping site.
- There are public transport routes in the area as well as local services and facilities including Church, local shop and school.
- The proposed density equates to 16 dwellings per hectare, but with blue and green infrastructure increases to 31 dwellings per hectare.
- Affordable housing would be at 10% in line with policy.
- 25% of the units would be at the M4(2) adaptable and accessible homes standard.
- The proposal will include around 5.5 hectares of formal and informal public open space with a network of multi functional green routes and spaces to incorporate SUD's, support biodiversity and pedestrian and cycle routes, with 0.4 hectares of allotments and a large central public open space.
- It is noted that the volume of storm surface water has been calculated and the swales and pond storage designed to equate to or exceed greenfield run-off rate, with additional capacity for climate change.
- Foul water will be into the existing mains system with pumping where necessary.
- The community zone is envisaged to include 1 or 2 small retail units and community rooms with class E and F2 uses proposed.
- The proposal includes 3 access points from Tom Lane.
- The masterplan is indicative only.



## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy**

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

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

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP11 Infrastructure Delivery  
CLP13 Managing the Water Cycle  
CLP14 A Healthy Environment  
CLP16 Biodiversity, Geodiversity and the Ecological Network  
CLP17 Open Space, Play Provision, Sports Facilities and Allotments  
CLP20 Design  
CLP21 Historic Environment  
CLP22 Influencing the Demand for Travel  
RP1 Regeneration Priority Areas (Strategic Policy)

### **5.3 Other Relevant Policy and Documents**

National Planning Policy Framework:

Part 2. Achieving sustainable development  
Part 4. Decision-making  
Part 5. Delivering a sufficient supply of homes  
Part 8. Promoting healthy and safe communities  
Part 9. Promoting sustainable transport  
Part 11. Making effective use of land  
Part 12. Achieving well-designed places  
Part 14. Meeting the challenge of climate change, flooding and coastal change  
Part 15. Conserving and enhancing the natural environment  
Part 16. Conserving and enhancing the historic environment

Supplementary Planning Documents:

Designing Out Crime  
Successful Places' Residential Design Guide  
Historic Environment

### **5.4 Key Issues:**

- Principle of development
  - Primacy of the Development Plan
  - Commercial element
  - Affordable and Accessible Homes
  - Infrastructure
  - Climate
  - Settlement coalescence
  - Conclusion
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highway safety

- Ecology and Biodiversity
- Ground conditions
- Drainage
- Waste
- CIL Liability
- Conclusion

## **5.5 Principle of Development**

### Primacy of the Development Plan

5.5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act set out the primacy of the development plan where it states that, 'regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The relevant Development Plan for consideration in this regard is the Chesterfield Borough Local Plan 2018 – 2035, Adopted July 2020.

5.5.2 It needs to be acknowledged that the submission of the application and the consultation responses to the proposal were all received prior to the adoption of the Local Plan. Policy CLP1 of the Adopted Local Plan sets out the Spatial Strategy for development in the Borough; The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.

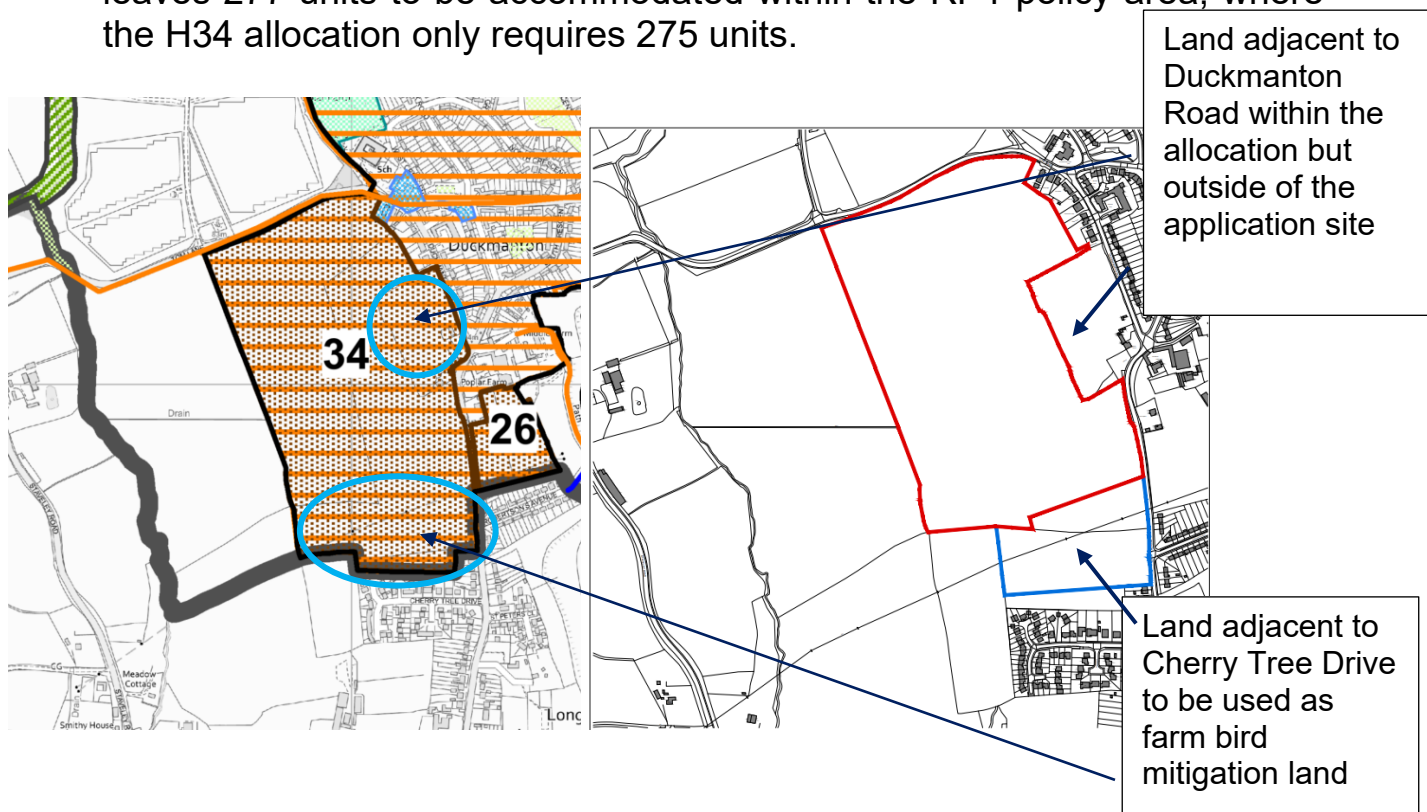
5.5.3 The site is within the Regeneration Priority Area established under policy RP1, where it is noted that the council will grant planning permission for development which supports regeneration and where it would;

- a) extend the type, tenure and quality of housing; and
- b) deliver environmental and biodiversity benefits; and
- c) support or enhance existing services and community facilities;
- d) provide recruitment, training and procurement to benefit the local economy (via a Local Labour Agreement in line with Policy CLP6), with the priority being to maximise training and employment opportunities for existing residents of the RPA within which the development is located; and
- e) increase trees and tree groups to enhance landscape character; and
- f) have an acceptable impact on the wider highway network (taking account of cumulative effects of other developments within the RPAs) and provide any necessary mitigation.

5.5.4 Specifically in terms of Duckmanton the policy requires; Within the Duckmanton Regeneration Priority Area, development is expected to:

- deliver a minimum of 310 new homes on sites H26 and H34; and
- provide safe and convenient walking and cycling access to job opportunities at Markham Vale; and
- provide safe and convenient walking and cycling connections to Poolsbrook and Poolsbrook Country Park; and
- promote design that positively contributes to the surrounding area, and conserves or enhances the significance of heritage assets including Poplar Farmhouse, Duckmanton Model Village and Long Duckmanton; and
- deliver highway and pedestrian improvements at Tom Lane and Duckmanton Road.

5.5.5 Under Policy RP1, Housing allocation H26 as set out in policy CLP3 has been completed and is now known as Poplar Heights. There are 33 residential units on the development in line with the allocation and as approved under CHE/15/00085/OUT and CHE/18/00768/REM. This leaves 277 units to be accommodated within the RP1 policy area, where the H34 allocation only requires 275 units.



5.5.6 Under Policy CLP3 allocation H34 seeks to accommodate 275 units which generally aligns with this submission in terms of the quantum of development proposed. However, it should be noted that the red edged site plan does not match the allocation as there is third party land fronting

Duckmanton Road which is not within the control of the applicant and a further parcel that is owned by the applicant located to the south adjacent to the Cherry Tree Drive development. Housing allocation H26 has been completed with 33 residential units on that development. This leaves 277 units to be accommodated within the RP1 policy area, which accords with the allocation. The application is for up to 275 units with areas of the allocation outside of the application site which could make up for the slight shortfall in numbers. It should be noted that there has been no application put forward on this part of the allocation.

- 5.5.7 The amended scheme for the site includes an area of land, owned by the applicant, to the south of the site, the land adjacent to Cherry Tree Drive. This land will be used for farm bird mitigation, which effectively removes this area from future development as recommended to be controlled in perpetuity by the S106 legal agreement.
- 5.5.8 This then leaves a small parcel of land adjacent to Duckmanton Road which is not within the application site but is within the allocation. The application is for up to 275 units which seeks the entirety of H34 allocation. Therefore, any further development on the additional land out of the application site but within the allocation would have to be carefully considered in terms of overdevelopment and character of the area should a planning application come forward for this site. In addition, the description of this application for 'up to 275' units for will ensure that under the reserved matters application in order to achieve an appropriately detailed scheme it will not be critical should a lesser number of units than the 275 be approved.
- 5.5.9 Overall in terms of numbers of dwellings proposed and the extent of land for development the proposal is considered to meet the requirements of policies CLP3 and RP1.

#### Commercial element

- 5.5.10 The application site is sustainably located with access to the local services and facilities provided in Duckmanton and that can be accessed via public transport. The proposal also includes proposed commercial and community uses under Use Classes E and F2 which would be a welcome addition to the local area in line with the regeneration aims of Policy RP1. In considering potential retail uses the impact of this upon the local centre has to be considered as set out in policy CLP9 which notes:  
"Across the borough, a sequential approach will be used to assess sites for retail and other town centre uses, to focus such development on town,

district, local service centres and local centres to meet the requirements of national planning policy.”

5.5.11 Whilst the submission refers to 300m<sup>2</sup> of Class E floorspace (Retail and office etc) and 300m<sup>2</sup> and Class F2 floorspace (community uses), these cover a wide range of uses that are accepted in residential locations. There are no details regarding the specific building or intended uses provided at this stage. It is important that these uses enhance rather than compete with the existing Local Centre in order to ensure their vitality and viability.

5.5.12 The Revised Planning Statement refers to the sequential test for new retail outside of a centre being met by virtue of the commercial element being ‘location specific’ and asserts that there are no vacant units within the Local Centre. Considering the scale of the proposed commercial element, the proximity to the Local Centre (which could be extended in future Local Plan reviews), and the specific requirement of RP1 to support or enhance services/facilities; it is considered that a strict application of the sequential test is not appropriate in this case. It is noted that Class E uses include a range of commercial uses which would be suitable in this location and would not necessarily result in undue competition with the nearby retail uses within the existing local centre. On this basis and given that the final details of this commercial element of the scheme are unknown at this point, it is considered that the broad Class E uses and the community use class F2 are appropriate in line with the aims of Policy RP1.

#### Affordable and accessible homes

5.5.13 Policy CLP4 states in part that: In order to increase local housing choice, respond to emerging needs and promote the creation of sustainable communities, in new housing developments the council will seek a range of dwelling types and sizes based on the council’s most up to date evidence of housing needs and the location and characteristics of the area. Policy CLP4 also requires that: On sites totalling 10 or more dwellings (including phases of those sites) 25% of dwellings should be built to building regulations standard M4(2) (where a site includes affordable housing this should normally be proportionately split between tenures). Where the council has identified evidence of a specific need for a wheelchair accessible standard M4(3) property (for which the council is responsible for allocating or nominating a person to live in that dwelling) that is relevant to a site, this will be negotiated with the developer and secured by planning obligation, subject to consideration of viability and suitability.

5.5.14 The application site is within the medium CIL charging zone where the affordable housing requirement in the Local Plan is 10% provision with a 90/10 percentage split of affordable rent and shared ownership. The revised planning statement notes the requirement for 10% affordable housing provision on site and for 25% of the units to be M4(2) compliant for adaptable and accessible homes. These matters can be secured via S106 and conditions respectively.

### Infrastructure

5.5.15 Whilst an up-to-date statement from DCC Policy in terms of the impact on school places has not been provided in this case, any shortfall in places is considered under the CIL payments which will be calculated at the reserved matters stage once the floorspace of the units is known. Concern has been raised from local residents that the area has insufficient early years childcare, such as a child minders. As this would be largely provided on a private basis, this provision is based on market forces and a contribution for this cannot be provided through the planning process.

5.5.16 The CCG have commented on the proposal requesting a contribution of £247,500 towards healthcare at one or more of the following GP Practices: Castle Street Medical Centre (Bolsover), Family Friendly Surgery (Bolsover), Royal Primary Care – Rectory Road Medical Centre (Chesterfield). This will be secured via S106. As hospitals and dentists are funded in a different way the planning process cannot seek contributions for these matters.

### Climate

5.5.17 The Council's Climate Officer commented that:

While it is important to address the environmental impact of all human activity, the long life expectancy of domestic dwellings means that it is particularly important to address climate change in this context.

It is difficult to assess the mitigations proposed by the applicant at this stage without detailed specifications for building works proposed, but I recommend that the applicant be asked to provide evidence that they are taking steps to reduce the emissions of building works and end use of the proposed development. Particularly in terms of walking / cycling / public transport access, renewable energy generation, sustainable water management, air quality and green infrastructure. Including: Carbon in building materials, insulation, low carbon heating, energy and water efficiency, renewables, EV Charging, footpaths and cycleways, justification for mains gas, no installation of log/coal burning devices.



I recommend that the applicant be asked to provide evidence that they are taking steps to reduce the vulnerability of site users to the effects of climate change over the projected lifetime of the dwellings. Including: Permeable surfaces, SUDS, rainwater collection, tree planting, insulation.

In terms of adapting to climate change I would expect to see reference to a healthy local environment, local green infrastructure, net biodiversity gain, and support for sustainable transport. In particular: a modal shift to more sustainable travel, less intrusive forms of transport.

The principle of net biodiversity gain suggests that the biodiversity value of the site should increase post development. Provision of detailed landscaping with tree planting and other biodiversity improvement measures.

5.5.18 In terms of Climate impacts a sustainability statement has been submitted which notes:

- The Applicant is not a developer or builder, the Applicant is the land owner and will not be developing the site or preparing reserved matters application. The Applicant's intention is to establish the principle of developing the site, determine what is achievable on the land and to sell the land to a developer. Given that the developer has not yet been determined, the Applicant cannot reasonably propose a package of sustainability measures. Instead, the Applicant is willing to:
- Accept a condition requiring the submission of a further, more detailed sustainability statement.
- Undertake to encourage the successful bidder to engage positively and proactively with the Local Authority in preparing a Sustainability Statement.
- The Applicant would accept a condition requiring the provision of a sustainability statement to incorporate provisions to address the following three core principles: 1. The direct impact of the development on the climate in terms of emissions, and the mitigation actions that could be put in place to reduce this impact. 2. The direct effects of a changing climate on the users of the development, and adaptations that could be put in place to reduce them. 3. The indirect impact of the development on the emissions and capacity of others in the local area to adapt to climate change (including natural ecosystems). All as set out in the comments of the Council's Climate Officer.

5.5.19 As the construction of the buildings is a matter for Building Regulations, the main way in which the Local Plan considers climate matters is through the consideration of the location of development to ensure that there are

public transport, walking and cycling routes to serve the development as set out in policies CLP1 and 2. As this is an allocated site it is considered to be sustainable in terms of its location. The provision of the commercial elements along with walking and cycling routes through the site, to be considered at the reserved matters stage along with the recommended connectivity noted by the Highway Authority in their comments and conditions, all help toward providing a sustainable neighbourhood.

5.5.20 It is noted that in this case the applicant is not a developer and therefore there is limited detail as to the proposed layout and design of the development, however only the principle of the development and its access is being considered and therefore the best way to consider the climate matters raised is by the imposition of conditions in line with the Climate Officer's recommendation.

#### Settlement coalescence

5.5.21 This area has what are considered to be two distinct areas, Duckmanton and Long Duckmanton. Modern development has resulted in the separation between these two areas being diminished somewhat. The allocation does not include a separation. The application site if allowed to build to the very edge of the boundary with Cherry Tree Drive would assimilate the two areas together. By securing the parcel of land to provide for the farm bird mitigation area, this field separation between the two areas is appropriately maintained and settlement coalescence prevented whilst also allowing growth and regeneration in the area.

#### Conclusion

5.5.22 Considering these principle matters it is important to again consider the policy requirements of the allocation:

CLP3 allocates the site for 275 homes.

Policy RP1 requires: Within the Duckmanton Regeneration Priority Area, development is expected to:

- i. deliver a minimum of 310 new homes on sites H26 and H34; and
- ii. provide safe and convenient walking and cycling access to job opportunities at Markham Vale; and
- iii. provide safe and convenient walking and cycling connections to Poolsbrook and Poolsbrook Country Park; and
- iv. promote design that positively contributes to the surrounding area, and conserves or enhances the significance of heritage assets including Poplar Farmhouse, Duckmanton Model Village and Long Duckmanton; and

v. deliver highway and pedestrian improvements at Tom Lane and Duckmanton Road.

In response:

i. as set out in para 5.5.5 above; Housing allocation H26 has been completed and is now known as Poplar Heights. There are 33 residential units on the development in line with the allocation and as approved under CHE/15/00085/OUT and CHE/18/00768/REM. This leaves 277 units to be accommodated within the RP1 policy area. The application is for up to 275 units with an area of the allocation outside of the application site which can then make up the slight shortfall.

ii, iii and v. it is intended that the reserved matters application will include cycle and walking routes within and to the edge of the site. The Highway Authority in their comments below have conditioned the need for; the provision of pedestrian crossing facilities on Tom Lane and 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 along with a new bus stop on Tom Lane and improvements to bus stops on Rectory Road near Robertson's Avenue which links into the route to Markham Vale. On this basis this element of the policy has been met.

iv. the impact on heritage assets is considered below, with the conclusion that the impacts are acceptable. In terms of the visual impact on Duckmanton Model Village and Long Duckmanton this is considered in the Design and Appearance section below.

5.5.22 Given the allocation of the site within the local plan, subject to considering the detail of the development and conditions noted above, it is considered that the proposal is acceptable in principle and meets the requirements of policies CLP3 and RP1 of the Adopted Local Plan.

## **5.6 Heritage Impacts**

5.6.1 Policy CLP21 of the Adopted Local Plan states that; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. The Policy goes on to note in part that: In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will: b) protect the significance of designated heritage assets and their settings including Listed Buildings.

Where a development is likely to result in harm to, or a degree of loss of significance of designated heritage assets and/or their setting, planning applications should be accompanied by evidence that sets out:

1. a description of the significance of the affected assets and their setting and an assessment of the nature and degree of impact on this;
2. an evaluation of how harm or loss would be avoided, minimised or mitigated; and
3. a clear and convincing justification for the development and the resulting harm or loss.

5.6.2 This policy is in line with the requirements of Part 16 of the NPPF which states in part that; in Para 199; When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In Para 194; In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. In Para 202; Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.6.3 The setting of a listed building can be a wide-ranging area not just the curtilage of the building itself. The listed building here is the original farmhouse and would have been surrounded by its operational farmland this along with the siting of the building at the crest of the hill is fundamental to its setting.

Listed farmhouse, and shown in its context:



XX

5.6.4 In this case the submitted application includes minimal information in terms of the heritage asset and the impact of the development upon its setting. The Heritage and Archaeology report notes: “The proposed development is unlikely to have an impact on the setting of the 19th century Poplar Farmhouse (listed building, Grade II (DDR1096), situated immediately to the east. This is already within an existing residential setting. Whilst there is likely to be an adverse impact on the setting of the listed building, this would potentially be outweighed by the public benefits arising from the housing development, including the supply of homes, the economic benefits derived from this and the regeneration priorities of the local plan. However, this is on the basis that the scheme is acceptable in all other matters.”

5.6.5 The Council's Conservation Officer noted:

"Poplar farm is a 2-storey former farmhouse, constructed circa late-C18 and is primarily characterised by coursed stone rubble, sash windows, and a slate roof. It is a fairly typical historic farmhouse of the period. It is set back from Rectory Road and is partly screened by associated stone outbuildings, a hedgerow, two mature trees, and Rectory Road (which would act as something of a buffer between the development and setting of the listed building). As such, any impact on the setting of the listed building caused by the development would in my view be fairly insignificant, given this screening. Moreover, the proposed development would not extend fully eastwards of the fields where a large area of land would, I presume, remain undeveloped (Masterplan, ref: 1505-01(20)M401). I am basing these comments on the assumption that the proposed house types and housing layout would represent fairly typical suburban residential development, the type that would blend in reasonably well with the existing built environment of Duckmanton."

5.6.6 The County Archaeologist has commented that:

"Most of the site, except for the eastern boundary, has been subject to open cast coal extraction during the 20<sup>th</sup> century and has no archaeological potential. The eastern edge of the site, however where it adjoins Duckmanton Road, appears to be relatively undisturbed based on the abandonment plans in the coal mining report. There is the potential therefore for archaeological deposits and/or features, relating to the medieval core of Middle Duckmanton, to be present on this part of the site. Given this potential I advise that under the provisions of the National Planning Policy Framework, archaeological prospection, survey and recording of the relevant areas at the site's eastern edge be undertaken. This will comprise geophysical survey followed by archaeological evaluation through trial trenching and/or Strip, Map and Record excavation of any significant areas. A condition is recommended."

5.6.7 A Heritage and Archaeological Assessment was submitted with the application and considered by the County Archaeologist who recommended a watching brief condition. Therefore, in terms of the potential below ground archaeology as a non-designated heritage asset it is considered that the proposal is acceptable subject to the recommended condition in line with policy CLP21 and part 16 of the NPPF where para 203 notes that; The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage

asset. Para 205 notes: Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

5.6.8 Whilst limited information has been provided we can understand at this point the heritage matters pertaining to the development of the site. The potential archaeology can be considered via a condition to ensure the site is suitably investigated and recorded. In terms of setting; whilst the setting of Poplar Farmhouse has already been diluted by surrounding development nevertheless to the west of Rectory Road that rural character remains and contributes to the significance of the listed building through an understanding and appreciation of its setting. The loss of that setting as a result of the housing development will result in harm to the significance of the heritage asset. That harm is considered to be less than substantial harm. Similarly, there will be very low level harm to nearby assets in terms of setting. Given the extent of development it is also considered that the economic and social benefits arising from the additional housing will outweigh that harm. However, any reserved matters scheme will need to consider how development in close proximity to the listed building can minimise the adverse impacts. The reserved matters should include an appropriate planted buffer to the edge of Rectory Road and include planting throughout the site to soften the appearance of the site in the wider landscape.

## **5.7 Design and Appearance**

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

5.7.2 The allocated development is in outline only and matters of appearance and layout are therefore reserved for subsequent approval. In terms of the visual impacts of the development, the site is on rising land within a very open landscape with far reaching views. Therefore, the development of the site will have harmful visual impacts. This can be mitigated to some degree by the form and layout of the development and planned areas of open



space and landscaping, all of which should utilise the contours of the land to soften the visual impact of the development. The site is not a specified sensitive landscape. However, the scale of the development in this open landscape will result in change, as the site is allocated that change is considered to be acceptable.

5.7.3 The Council's Urban Design Officer has noted the need for a condition for the submission of a comprehensive Design Framework for the site, this would need to include how landscape impacts will be minimised. The masterplan which has not been submitted by the applicant but devised by the Council's Strategic planning team and Derbyshire County Council to help move the application forward; considers this visual impact and breaks up the development with landscaped parcels. However, this work is not comprehensive enough to determine whether the contours and landscaped areas will work practically for such a large scale development and therefore can only be considered as very indicative and of limited weight. The design framework condition will therefore need to provide a strategy for street design/hierarchy and street trees and for the landscaping of the site to visually soften the development from the west and to provide appropriate planted buffers to the east for the listed building and to the south for the farm bird mitigation area. In design terms it is considered that an appropriate scheme for the site can be achieved through the condition and reserved matters.

5.7.4 Duckmanton was largely developed at a single point in time where the designed layout and appearance of the housing was considered a model of its time as referred to in policy RP1. That character of two storey red bricked properties can be appropriately reflected on in the detailed design stage of this development. However, this will have to be considered at the reserved matters stage, as only the principle of the development and access is being considered through this application. The same applies to reflecting on the character of Long Duckmanton which has a more varied design approach with both modern and inter war development.

5.7.5 As far as can be ascertained at this stage of the application process the proposal is considered to be able to meet the requirements of Policy CLP20.

## **5.8 Residential Amenity**

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



- 5.8.2 This is an outline application where matters of amenity in terms of overlooking, overshadowing and outlook issues are not considered until the detailed design stage as part of the reserved matters. It is noted that any detailed scheme will be considered against the Residential SPD in terms of separation distances to ensure any impacts to neighbouring residents are within acceptable limits.
- 5.8.3 In terms of the consideration of noise from the scheme the Council's Environmental Health Officer noted that:  
"Recommend that the hours of construction are limited to mitigate noise impact on nearby residential properties.  
As this application is an outline I am unable to fully assess the impact that the commercial units could have on the occupiers of the residential properties. The noise report states "As the end user of the commercial area is unknown, it is not possible to undertake an assessment of fixed plant. However, the rating noise level of any plant must be no more than 5dB(A) above the existing background noise level."  
Questions were raised regarding this relate to who will measure noise level and is existing background noise with or without the development?  
Should planning consent be granted, further details will be required regarding - all lighting to be installed on site, location and sound output of fixed plant, kitchen extraction to be installed at hot food takeaways, no roller shutter doors, deliveries to the commercial units shall only take place between 7:30am and 5:00pm Monday to Friday and 8:30am to 5:00pm Saturday. Deliveries shall not take place on a Sunday or Public Holiday, opening hours of the commercial units to be restricted."
- 5.8.4 Since these comments were made the Use Classes have been amended to Class E and F2 which are uses that are generally considered suitable in a residential area. Hot food takeaways and other noise or odour related uses would require a further change of use. However, E b) which could include a restaurant use and E d) which could include indoor fitness/gym may be more problematic in terms of noise. A condition is therefore considered reasonable in regard to these specific uses in terms of noise along with a condition relating to proposed operating hours for all of the uses. On this basis it is considered that subject to conditions the use classes proposed are acceptable without further restriction in line with policy CLP14.
- 5.8.5 In terms of open space Policy CLP17 notes: Where proposed development would result in a need for new open space and outdoor sports facilities and/or exacerbate existing deficiencies in provision, development must contribute to public open space, sports facilities and play provision in

accordance with the council's adopted standards as set out in Appendix B of the Local Plan.

5.8.6 The Council's Forward Planning team have commented that:

"When considering the requirements of the allocation (3.42 hectares of open space), existing deficiencies and the regeneration needs of the settlement, the following mix was recommended and incorporated into the indicative masterplan:

- A multifunctional open space that fits within the typology of Parks and Gardens but also contains quality Natural/Semi-Natural Open Space, with play provision including provision for the older age groups of children;
- The multifunctional space should be at least 2 hectares (the threshold for on-site Park provision);
- The space should be located and designed in such a way as to serve both the new development and the existing community;
- An additional 1ha of Accessible Natural/Semi-Natural Open Space within the site provided in a manner that provides a net gain in biodiversity and is well connected to existing and proposed new habitats – for example in the form of linked corridors;
- An allotment site of 0.4ha accessible to the new and existing community;
- Permeability within the site that allows new residents to access existing open space provision (in particular play and amenity greenspace) in the locality. The indicative masterplan shows 3.89 hectares of public open space (including SuDS) and includes the recommended typologies. It is noted that as a development under 300 dwellings it is not necessary to consult Sport England and that any need for new/improved off-site sports and playing pitches resulting from the development will be covered by CIL."

5.8.6 As noted above the master planned layout was not undertaken by the applicant but by Derbyshire County Council Urban Design and Landscape Officers in order to aid moving the application forward given the long time it has been under consideration. Therefore, the masterplan cannot be given significant weight as there has been no background work to ascertain the full constraints of the site including below ground matters and viability. Therefore, whilst the requirements for open space are noted these will not be considered in detail until the reserved matters stage. However, the comments above provide the developer with a clear understanding of the needs in terms of open space. In addition, as the biodiversity net gain will be on site there may need to be compromise between the extent and type of public open space and the creation of habitat. On the basis of later consideration it is considered that the development of this site can bring forward suitable public open space in line with policy CLP17.

## **5.9 Highway Safety**

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

5.9.2 Through early discussions on the application and from comments of the Highway Authority it is clear that there was substantial concern at the highway impacts of the development, particularly in terms of the junctions onto the A632 but also noting other local junction issues. This was in reaction to a planning appeal decision in North East Derbyshire which noted that one of these junctions of particular concern in terms of existing traffic flow and could not accommodate additional traffic without improvement. It was noted that the junction improvements would be made in line with the development of the Coalite site in the adjacent Authority area (Bolsover) but that as the improvements were secured against certain development triggers it would be difficult to define exactly when these would occur. It is also clear that much of the submission had changed over time including a reduction in the quantum of development and that all submitted highway information needed to be updated.

5.9.3 In view of this a transport assessment by Bancroft Consulting was submitted in July 2022 with a further addendum in August 2022 to address the highway concerns and update the traffic assessments, the reports made the following key points:

The addendum has been carried out specifically in connection with the extent of development described in the application.

The initial TA was submitted to support a larger scheme of 400 dwellings and retail development, which was clearly out of date and needed to be reconsidered.

National highways had already confirmed that no further assessment of impacts to the M1 Junction 29a were required.

The main concern remaining from DCC Highways was the passage of time since the original traffic counts, clarity of the extent of development, updated assessment of the completed and committed developments including Coalite and Markham Vale (including the recently agreed expansion), traffic growth factors to be reassessed, visibility splays, bus stop improvements, accident reports and junction capacity assessments.

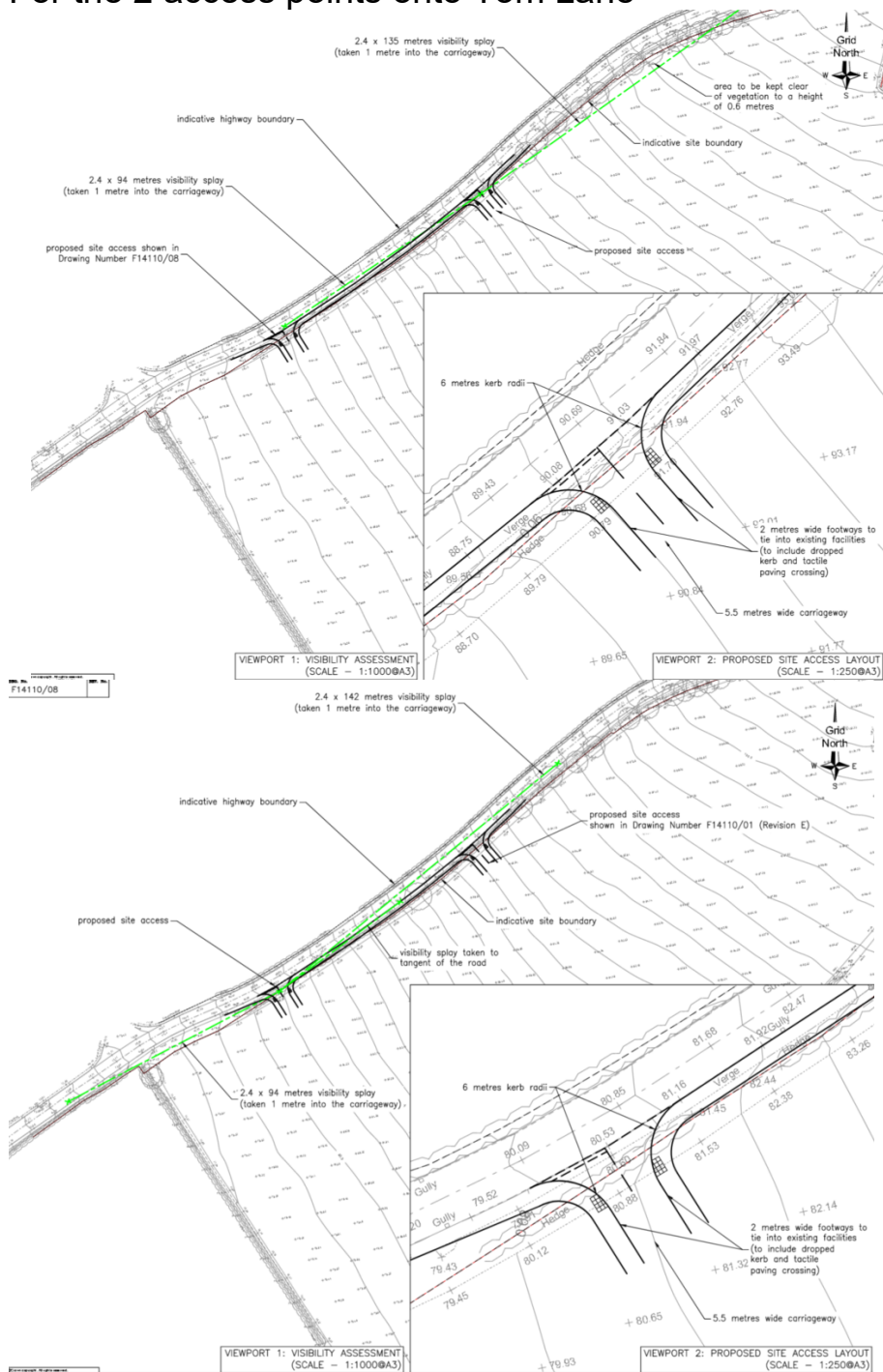
This addendum is to provide DCC with the additional information requested and demonstrate that the proposed development would not generate a severe residual cumulative impact on the surrounding highway network, to enable DCC to support the scheme.

Bus stop improvements would be:

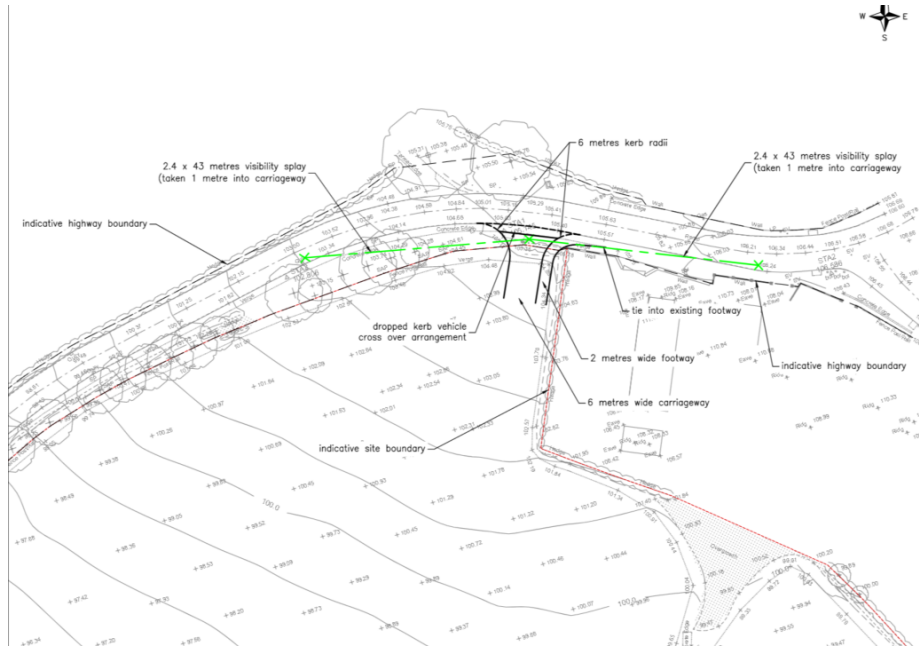
New sheltered stop on Tom Lane near the site frontage with tactile paving for crossing and real time information, all to be agreed under S278 works. Improvements to the Robertsons Avenue stops to better connect to the development again with shelter and real time information.

5.9.4 The assessment sets out that access to the residential development would be via 2 access points onto Tom Lane with 5.5m wide carriageway and 6m radii with 2m paths either side. With a further access proposed for the commercial element as set out below:

For the 2 access points onto Tom Lane -



For the access to the commercial area via Tom Lane / Duckmanton Road corner -



5.9.5 The junction assessment within the Transport Assessment confirmed that all junctions (Tom Lane, J2 Markham Road/North Crescent/South Crescent, J3 Markham Road/Tom Lane, Duckmanton Road, J5 South Crescent/Rectory Road/Duckmanton Road, J6 Chesterfield Road(A632)/Rectory Road, would operate within junction capacity on year 2031 in a 'with development' scenario.

5.9.6 From the assessment J7 Chesterfield Road (A632)/Staveley Road, was considered likely to have a degree of congestion. Due to this maximum queue lengths were considered which demonstrated negligible impacts on the mean maximum queue length. This found the proposal would not result in a severe impact on the highway network as referenced in the NPPF. It was suggested that a contribution, bearing in mind the reduction in the quantum of development and the nearby Coalite development; could be agreed towards junction improvements, this has been recommended by the Highway Authority.



5.9.7 Following the submission of the above updated assessment and addendum submitted in August 2022, the Highway Authority have now confirmed: The Addendum Transport Assessment dated August 2022 has been submitted to address outstanding highways matters. Accordingly, there are no highway objections to the above proposal, subject to conditions, S106 contributions and notes being appended to any consent in the interest of highway safety, these are included within the recommendation. The following should be considered by the applicant in any reserved matters application; on site traffic free links should be provided at a 3 metre width to allow simultaneous use by pedestrians, cyclists, push chairs and mobility scooters, all on site connections to off-site paths and facilities should also be provided at a 3 metre width and the extension of the designed strategic cycle path along the boundary of Tom Lane to the western boundary of the site where the existing drop kerb would allow reconnection to the highway and future onward route development.

5.9.8 The recommendation includes a series of conditions and the provision of S106 matters:

- 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.

5.9.9 The conditions include; highway construction management, provision of the accesses as proposed, solid surface adjacent to main highway, no occupation until parking is provided, road layout to be agreed under the Reserved Matters, Travel plan and highway improvements which are noted to be: a bus stop on the northern side of Tom Lane, improvements of the bus stops on Rectory Road, pedestrian crossing facilities on Tom Lane, 30m of footway on the north side of Tom Lane between access to the Poolsbrook Country Park and the Duckmanton Arms PH. All of these works

are within highway controlled land and therefore suitably controlled via condition.

5.9.10 In line with these recommendations; subject to the required contributions to be secured via S106, conditions and details to be agreed through the Reserved Matters, the scheme in terms of highway safety and connectivity is considered to be acceptable in line with policies CLP20 and 22 of the Adopted Local Plan.

## **5.10 Biodiversity including trees and landscaping**

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

6.6.2 Whilst landscaping is a reserved matter it is fundamental to the acceptability of the scheme to know at the outline stage whether a biodiversity net gain can be achieved at the site post development. Given the site is agricultural fields which are of low biodiversity value a gain should be achievable. As the secondary legislation to the Environment Act is not due until November at this time the net gain should ideally be 10% but this cannot be secured at this time as this is not stipulated in Policy CLP16.

6.6.3 Given the passage of time since the original submission updated biodiversity information has been provided. Derbyshire Wildlife Trust were consulted on this and commented;

“We have reviewed the ecological appraisal prepared by FPCR June 2021 which is accompanied by a Biodiversity Metric assessment and calculation. The ecological appraisal and the metric assessment have been undertaken to an acceptable standard. The appraisal builds upon two earlier assessments of the same site in 2016 and 2014. The updated assessment does not include a breeding bird survey so conclusions reached on birds are based on casual observations and some information collected in earlier reports as well as the desktop survey.

The site is primarily comprised of arable land that is used to grow crops. There are internal and boundary hedgerows present.

The site does not have any statutory or non-statutory nature conservation designations and apart from the hedgerows it does not support any habitats of high nature conservation value.

#### Species issues:

There are likely to be foraging and commuting bats using the hedgerows and the site does contribute to the support of farmland birds in this area. The appraisal states that the arable fields are suitable for ground nesting birds such as skylark and lapwing. Skylark have been observed using the field by local people and there are records for this species from nearby fields as well. The ecological appraisal also refers to linnet, grey partridge and reed bunting. Whilst use of the site by skylark may vary depending upon crop type and their chances of successful breeding will also be affected by crop type it seems reasonable to assume that the fields are used by skylark.

#### Habitats:

The development will result in the loss of c.16 ha of arable land including small areas of sparsely vegetated ephemeral habitat. All hedgerows will be retained according to the Biodiversity Metric. However, the appraisal does refer to minor losses for access, roads etc.

#### Birds:

There will be an impact on the following Species of Principal Importance; linnet, skylark, reed bunting and possibly grey partridge.

#### Mitigation and compensation proposals:

The proposed mitigation is set out in the ecological appraisal, the biodiversity metric and on Figure 1 Habitat Proposals plan. The proposals are considered to be broadly acceptable with regard to the impacts on habitats. There are some discrepancies between the appraisal and the biodiversity metric. In the appraisal there is reference under para 4.9 to minor loss and replacement of hedgerow as well as a reference to strengthening hedgerows. There is also a reference to a new hedgerow network para 4.9 and 4.10. None of this is referred to in the metric. In terms of losses and gains the additional hedgerow planting as well as the retention of most of the existing hedgerows will probably be an overall increase in hedgerows in the metric. To this extent it is not a major concern that it is omitted, but it does need to be clearly set out in any enhancement plan.

#### Impacts on farmland birds:



Additional bespoke measures are required to address the impact on the priority bird species namely, skylark, reed bunting, linnet and grey partridge.

Though the impacts on these bird species may appear to be relatively minor there is a cumulative impact from development across this part of the north-east of Derbyshire that is reducing the extent of suitable habitat for farmland birds.

It is recommended that the applicant agrees to provide a bespoke mitigation plan for farmland birds and that this is secured by condition if the application is approved. Mitigation should include measures to increase the availability of suitable foraging and nesting habitat and/or the chances of nesting birds being successful in fledging chicks. For similar developments this has included provision of skylark plots within cultivated fields, sowing of spring crops, wild bird crops for foraging, leaving arable margins fallow and weedy stubbles overwinter. The applicant may have to approach neighbouring landowners to reach a suitable agreement. Conditions recommended.”

6.6.4 The submitted biodiversity metric notes only a 0.6% net gain to be provided on site. However, it appears from the comments of the Trust that it may be possible to increase this. In addition, in response to the concerns regarding farmland birds a section of the allocated land owned by the applicant, measuring approximately 2.69 hectares, will be set aside to provide this habitat over the long term. The Trust have noted that this land will also require:

- 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.

This will need to be secured via condition and S106 to appropriately address the mitigation needed for farmland birds.

6.6.5 The intention to provide only 0.6% net gain on site is disappointing however it is policy compliant. Following further detailed consideration under reserved matters applications it may be that this figure could be increased based on a detailed landscaping scheme particularly given that the full number of 275 units is not critical. In order to prevent any loss on site or gain below the 0.6% it is considered reasonable to seek off site contribution to CBC at £20,000 per habitat unit, should the on-site net gain fall below 0.6% provision.

- 6.6.6 Subject to conditions as recommended by the Trust and a S106 agreement to secure the farmland bird mitigation and potential off-site contribution as set out above, the proposal is considered to meet the requirements of Policy CLP16 in terms of ecology and biodiversity matters.
- 6.6.7 In terms of trees on site these are limited. The Tree Officer has confirmed that none of the hedgerows are classed as ‘important’ hedgerows. The Tree Officer notes that:  
“It is inevitable that there will be some loss of hedgerow and trees mainly for the access and road network but the proposed new planting and other features will overall have a positive impact on the site with the creation of water features, green corridors and wildlife buffer zones. I therefore have no objections to the proposed development but recommend conditions.”
- 6.6.8 As noted above the site is relatively lacking in biodiversity features. Therefore, retention and enhancement of hedgerows where possible and proposed landscaping will benefit the site overall. There are no concerns with regard to hedges and trees subject to conditions.

## **6.7 Ground conditions and contamination including air quality**

- 6.7.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 6.7.2 The application is accompanied by a Coal Mining Risk Assessment which recommends:  
“In summary, based on the findings of the coal mining risk assessment research undertaken to date, there is considered to be a high risk given the extensive historical opencast workings and subsequent backfilling within the proposed development area; and relatively low risk associated with the presence of former coal mine workings at shallow depth beneath the study site.  
The main requirement for any conventional geotechnical site investigation will be primarily for foundation design i.e. spread or piled foundations, floor slab and road pavement design together with environmental issues including contamination assessment and ground gas monitoring. Dependent upon the findings of the intrusive site investigation, shallow underground mineworkings investigations may also be required in certain areas.  
It is, therefore, recommended that intrusive investigation works should be carried out in order to establish the ground conditions and bedrock profile

and including confirmation of the bearing properties of any fill materials. The intrusive works should determine the soil profiles and the depth to and quality of the underlying Coal Measures bedrock (including the locations of buried highwalls) and subsequently determine the presence or absence of any unrecorded coal workings by rotary drilling techniques.

In summary, it is considered that despite the former mining activities at the site, appropriate solutions and mitigation measures are likely to be technically achievable to enable the construction of the proposed development. It is anticipated at this stage that this report shall be submitted to the Local Authority as part of an outline planning application and the Phase 2 intrusive investigations carried out after outline planning approval has been granted.”

#### 6.7.4 The Coal Authority have commented on the application:

“The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Appropriate mining information for the proposed development site has been obtained on behalf of the applicant and has been used to inform the Coal Mining Risk Assessment Report (May 2016, prepared by Opus International Consultants Ltd), of which considers ground conditions and coal mining related issues.

The Coal Mining Risk Assessment Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the mining of 8 deep coal seams, The Coal Authority records indicate that thick coal seams are likely to outcrop at or close to the surface of the site and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. One mine entry (shaft, CA ref. 443372-004) is located within the site and the site has also been subject to past surface mining activities.

The Coal Mining Risk Assessment Report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, published geological maps, OS historic mapping, coal mine abandonment plans, borehole records and mining memoirs. Based on a review of these sources of geological and mining information, Section 3.2.3 of the Coal Mining Risk Assessment confirms; that due to previous opencast operations, the Clowne seam is likely to have been removed in its entirety, along with shaft 443372-004).

Notwithstanding the above, and whilst the Report considers that subsequent risks posed by these features are considered to be low, the Report does confirm that unrecorded underground coal mining within the Foxearth seam and high walls pose risks to development at the site. Accordingly, Section 5.2 makes appropriate recommendations for the carrying out of further intrusive ground investigations in order to ascertain the ground conditions and to establish the presence or otherwise of shallow mine workings and to delineate high walls within the site.

The applicant should ensure that the exact form of any intrusive site investigation is agreed with The Coal Authority's Licensing and Permitting Department as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures, such as the drilling and grouting of shallow mine workings and the capping of any shaft, if identified, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority would therefore expect any subsequent reserved matters submission relating to the site layout to adhere to the above policy and avoid the siting of buildings over high walls or within influencing distance of any recorded mine entry on or off site. Conditions recommended.”

6.7.4 It is clear from the ground conditions and former mine working on the site that further investigations are required, these will be secured via condition. Whilst Environmental Health have not requested contamination investigations a condition requiring this is considered reasonable given the known ground conditions to ensure compliance with policy CLP14 of the Local Plan.

## **6.8 Flooding and drainage**

6.8.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.

6.8.2 The Council's Design Services commented on the proposal as follows: *The EA maps show that part of the site may be at risk of surface water flooding in what appears to be a low spot on the site which then forms into a watercourse as it leaves the site. The supplied Flood Risk Assessment*

*does not describe the risk formed by this and any mitigation against this hazard. We would like to see this risk discussed at full planning stage.*

*The site is located upstream of the Pools Brook, which is known to flood where it passes through the culvert under Tom Lane. The site must therefore not increase the flood risk to this watercourse or anywhere else downstream. We would therefore require full details of the proposed drainage from the site, including details of existing greenfield runoff rates, proposed flow controls and proposed attenuation features in accordance with CBC's minimum development control standards and DEFRA's Technical Standards for SuDS. The use of sustainable drainage systems should be explored for the site. The watercourse mentioned above may provide a suitable discharge point for surface water and will require approval from Derbyshire County Council. We would also request that infiltration tests are carried out to the sub-soils to determine if it may be feasible to discharge water via infiltration techniques.*

*Regarding the foul drainage, there are no public foul sewers in the direct proximity of the site. With the site being located on a slope, it is therefore likely that pumping may be required. The nearest public foul sewers are only 150mm diameter and may not have sufficient capacity to accept effluent from the proposed 400 dwellings. It therefore may be necessary to pump further afield to a suitable discharge point. Yorkshire Water should be consulted on this application for their advice on the discharge of foul water.*

*We would therefore require full details of the proposed drainage details for the site before full planning permission is granted. We would also require an updated FRA to discuss the above issues and the risk of surface water flooding to the site and the downstream effects. Derbyshire County Council and Yorkshire Water should also be consulted on these issues.*

6.8.3 The Lead local Flood Authority were consulted and commented that; *It is noted from the Flood Risk Assessment (FRA) supplied with the application that the recommendations are to dispose of surface water from the site at a rate of up to 83 l/s in up to and including the 1 in 100 year rainfall event. This will be facilitated by a recommended attenuation volume of up to 8852 m<sup>3</sup>.*

*The FRA makes reference to Tom Lane being closed due to flooding; once in 2007. To date the County Council have 51 historical records regarding flooding on Tom Lane including road closure due to flooding. The proposed development should take into account this historical flooding information and ensure that any proposals do not cause or exacerbate local flood risk. Ways to help reduce the flood risk for the local community should also be explored.*

*The nature of Pools Brook's long profile in the locality ensures that it is likely to overtop its banks during periods of high rainfall, therefore, there should be no increase in surface water runoff rates (should development progress) from current conditions. Furthermore, to reduce the risk of flooding of Tom Lane a reduction from the current greenfield rate is desirable given the expected increase in heavy rainfall events.*

*Whilst the FRA gives the indication that SuDS will be utilised within the proposed development it does not specify in what manner they will be used and makes no reference to treatment stages to improve water quality.*

*The applicant should be aware that the revised Environment Agency Climate Change Allowances should be taken into account.*

*With the above comments in mind the County Council Flood Risk Management (FRM) team recommend conditions.*

6.8.4 Yorkshire Water recently made comment referring back to their 2016 comment which noted recommend conditions and support for the flow of surface water to SuDs and watercourse but it was noted that YW cannot confirm as to whether these would be adoptable by Yorkshire Water. In terms of foul water, comments note that; *It should be noted that the YW public sewer network directly adjacent to the site does NOT currently have adequate capacity available to accommodate the anticipated foul water discharge from this proposal and a feasibility study will be required to determine suitable foul connection points, any available capacity in the public sewer network, together with any likely costs and timescales for any potential upgrading works required.*

*Whilst the site appears in the 2013 issues and Options document, it is not an allocated site. The developer has not made any pre-application enquiries to Yorkshire Water although I note that the submitted Planning and Regeneration Statement states that "The proposed system would be adopted by the Water Authority (sic), which would also be obliged to provide the necessary capacity within the receiving infrastructure as required by the Water Industry Act 1991".*

*Planning Policy guidance notes that "The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to public sewage treatment works have been carried out." The application does not give any clear idea of timing of development, build out rates, phasing etc and as noted the site is not currently allocated in a local plan. If the developer wishes to expedite the necessary foul water infrastructure they may have to fund the required investigative work and additional infrastructure as noted above.*

- 6.8.5 Whilst concern has been raised regarding the capacity of the network in this area the site is now allocated for development and the potential for this application has been considered for some time. On this basis given that the Yorkshire Water have raised phasing as a matter, this is to be conditioned as recommended by YW as set out within the recommendation.
- 6.8.6 From comments raised the private foul water provision for the adjacent Church appears to be within the application site and there is a request that if the existing on site sewerage provision for the Church is to be amended for the development to take place then connection into the proposed development is sought. Whilst this is a private matter between land owners, for clarity a condition is recommended to set out the intentions with regard to this private drainage matter.
- 6.8.7 On this basis the proposal in this outline form and subject to reserved matters submission and conditions is considered to be acceptable in terms of potential drainage impacts in line with policy CLP13 of the Adopted Local Plan.

## **6.9 CIL Liability**

- 6.9.1 The proposed development will be liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the medium (£50) CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](https://www.chesterfield.gov.uk)). The CIL charge will be calculated in detail at the point of the reserved matters submission based on the floor space of each retail and residential unit.

## **7.0 REPRESENTATIONS**

- 7.1 It should be noted that concerns had been raised through the lengthy application process that not all residents had been consulted about the application including those within NE Derbyshire, therefore a bespoke letter to all neighbouring residents was sent in June 2023. Around 152 comments have been received with some parties commenting more than once. The comments include those from a local Councillor in NE Derbyshire, the main points raised by all of the comments are summarised as follows:

1. This application will contribute to major over-development outside the existing built-up area.

2. This proposed development is that it appears to assume that vehicular access via Tom Lane or Rectory Road would be suitable. Over the last decade or so, Tom Lane has been closed on account of flooding for an average of more than ten days per year. Someone (environment Agency?) has been doing some work on Pools Brook adjacent to Tom Lane but there have been more flooding incidents since that was done. I suspect a complete cure to Tom Lane flooding would necessitate dredging the complete length of Pools Brook and maybe even continuing into the Doe Lea. Tom Lane cannot therefore be regarded as a satisfactory route for traffic to and from the proposed development.
3. Rectory Road also floods.
4. Tom Lane is not suitable for this additional traffic, it is a narrow country lane.
5. There are already speeding issues in the area.
6. Children will not be able to get to school safely.
7. This will adversely impact horse riders in the area.
8. Large potholes in the area are a problem and will get worse.
9. Once on Rectory Road, access to 'the rest of the world' is restricted to three routes : Tom Lane (see above), Markham Road (a very congested residential street which invariably has parked cars on both sides and a lot of pedestrian traffic to local shops and a primary school) or its junction with Bolsover Road (the A632) which in a previous Public Planning Enquiry the presiding inspector noted that; turning out of Rectory Road was potentially hazardous, adding to traffic negotiating this junction would be contrary to local policy (NE Derbyshire). There should be a new link road between Rectory Road and Markham Lane.
10. Existing services such as schools, GP surgeries and dentists are overcrowded.
11. There are limited services and facilities in the area.
12. Insufficient early years and child care providers in the area.
13. The existing roads and sidewalks are not satisfactory to handle this amount of increased traffic. In some locations along the listed roads, sidewalks are not even complete or are in a state of disrepair, not to mention not accessible for wheelchairs to travel on. The roads and paths should be upgraded by the developer.
14. This will increase vehicles by 800 (2 per house) the increase in traffic in the village will be huge, this will impact on the safety of children.
15. Too many other developments (over 1000 homes) have been approved close by, the area cannot cope with this growth.
16. This will take away the picturesque scenery in the area and harm local wildlife.



17. The fields should be used for growing food.
18. There have been accidents at the Tom Lane, Staveley Road junction as visibility to see cars coming from the right is limited.
19. Road junctions in the area are already dangerous, this number of vehicles will worsen this.
20. The area is already used as a rat run for the M1.
21. For Staveley Road/Tom Lane junction – The assessment states only an additional 6 peak hour movements from the development, this is unrealistically low.
22. For the A632/Rectory Road junction – this has already been found to be dangerous in an appeal at NE Derbyshire.
23. For Staveley Road and the A632 - The developers own survey notes a significant increase in queues would be anticipated if the new houses are built.
24. For Markham Road to the M1 – increased traffic from the new M1 junction has already caused problems, traffic here would be vastly increased there have been 4 accidents here, 2 with pedestrians within the past few years.
25. There will be increased traffic and use of nearby petrol stations worsening impacts on residents quality of life.
26. Subsidence is a problem in this area, there is a large and growing crack in my patio from prior mine workings, building may impact existing housing which has often needed repairs along the fault line.
27. The development will detrimentally affect the health and quality of life of existing residents with increased noise and pollution.
28. This will result in dust impacting our homes.
29. Building on green field land should be a last resort.
30. This will double the size of the existing village damaging the rural nature of the community.
31. The field is used by ground nesting sky larks.
32. Green fields are beneficial for people and wildlife, once gone they are gone forever, we should preserve them.
33. In terms of a commercial use, the M1 commerce park is on the doorstep, this therefore seems unnecessary.
34. Will the houses be affordable family homes or more luxurious homes?
35. These fields have provided a breath of countryside which has made the impacts of local industry in the area bearable.
36. Since the motorway junction (29A) was opened Markham Road has become a race track with many HGV's using the road, the speed limit of the road should therefore be reduced to 20mph, parking restrictions should apply allowing only residents to park and the

- weight limit should be reduced to 3.5 tonnes. This is a major problem now and will only be worsened by the development.
37. We have regular flooding at the bottom of Tom Lane, such a large development will affect drainage, making this problem worse.
  38. Surface water run off will worsen resulting in more flooding.
  39. The weight limit on the road will be breached.
  40. There is a known fault line running across the site indicating the ground is not stable.
  41. It is known there are Bats in the area despite the comments in the submitted report.
  42. Horse riders use Tom Lane and Rectory Road and this development would be harmful to them.
  43. Drainage problems will be made worse, tree removal in the area will also add to the problem.
  44. The development would cause disruption in the area for a long period of time.
  45. Commercial operations are likely to be late into the night making the lives of residents unbearable.
  46. The fields are a view for the tourists of the caravan park.
  47. Many houses on Duckmanton Road are not connected to the mains sewage and the soakaway goes into these fields – what is proposed to resolve this?
  48. There are brownfield sites needing to be developed nearby.
  49. Parked cars can often cause problems with traffic trying to get through.
  50. This will ruin our view and the natural beauty of the area.
  51. It will increase the risk of flooding.
  52. People with mental health issues need to look at these green spaces to relax. There is a link between mental health and air pollution.
  53. Increased air pollution will impact on children with Asthma.
  54. Increased environmental pollution.
  55. Flooding issues have increased since the solar farm, this will add to the issue.
  56. When Tom Lane is flooded traffic builds up elsewhere.
  57. As the population grows more land will be needed to grow food, we shouldn't lose this farm land.
  58. The area is congested, already ambulances can struggle to get through.
  59. Overdevelopment of the area has led to congestion.
  60. Given the extent of development in the area the need for homes must be met by now.
  61. Development should be an enhancement – this will be the opposite.

62. The Inspector for the NE Derbyshire scheme considered there would be an increase in flooding, near the Arkwright Arms pub in heavy rain the pumping station as to be switched off as it cannot cope with the extra water, if it stays on water back fills the pipes and the residents have raw sewage in their gardens. Yorkshire Water have noted that they do not have adequate capacity to accommodate foul water discharge from this development.
63. We have counted that between 8 am and 9 am there are 115 vehicle movements on Tom Lane. If the motorway or Bolsover Road is blocked the traffic increases significantly.
64. Would question the sense of an access next to the bend at the top of Tom Lane.
65. The area is too steep for cycling.
66. Increase in social housing increasing the risk of crime.
67. We moved here for the view which is being gradually eroded and our property devalued.
68. The character of the area is being diminished.
69. I want to live in the countryside not in an urban built up area.
70. This is a quiet village and does not need this extent of development.
71. Disturbance from building has already harmed wildlife in the area as well as the mental health of residents, please stop building here.
72. Adverse impacts on wildlife through loss of hedges.
73. The small shop will not be able to serve all of these people.
74. Soil stability will be impacted by the loss of hedges.
75. Significant landscape harm.
76. Local residents should be notified of the proposals whether in CBC or NEDDC areas.
77. Shouldn't build on greenbelt land.
78. People moving in are unlikely to be local workers who can walk or cycle to work.
79. The topography carries noise into the village.
80. The council should refuse the application to protect vulnerable residents, prevent flooding, safeguard travel choices, protect local economy, protect local aspirations, have proof this will improve the local highway.
81. The steep topography will isolate the less mobile, failing under RP1 a).
82. There should be a wide belt of trees along the eastern boundary.
83. Adverse impact on heritage assets.
84. I have come to this quiet area to retire – there will now be a long period of horrendous disturbance which will ruin my retirement.

85. The Church have no problem with removing the cess pit in the field behind the Church but will want to ensure the Church has drains connected to the new development.
86. What will happen to the septic tank run off into the fields.
87. There is already a litter problem in the area which will become worse.
88. There are diggers on the land- assume this has been approved.
  
89. Comment from Sutton-come-Duckmanton Parish Council:  
This will increase surface water run-off the Pools Brook already floods. Houses on Staveley Road have been flooded.  
The road system in Duckmanton is stretched in terms of capacity, there are bottlenecks and have been accidents.  
There are insufficient facilities to serve the needs of the development.  
The recent refusal in NE Derbyshire is relevant, why should there be approval for a larger scheme here.  
This would take away a valuable green space when brownfield land is available to build on.  
There is little demand for commercial development.

xxx

Officer response:

These matters are considered in the content of the report above.

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
  - Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
  
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
  
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

## **8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 in respect of decision making in line with paragraph 38 of 2021 National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

## **9.0 CONCLUSION**

- 9.1 The development of such a large greenfield site for housing will bring change to the local area, which is an understandable concern for local residents given the growth proposed for the village. However, planning decisions must be based on the development plan unless material considerations indicate otherwise. The site is allocated for 275 homes, which this application seeks permission for. In addition, the application includes a commercial area with community use, which is of further benefit to the local area. Walking and cycling routes as well as landscaping and biodiversity gains are to be provided as part of the detailed scheme which will be subject to a further planning application.
- 9.2 Whilst there is minimal information about the future development at this outline stage it is considered that the principle matters have been addressed to ensure compliance with local plan policies CLP3 and RP1. It is considered that the concerns raised have been considered fully and whilst they no doubt remain, these have been addressed within the remit of the application and the planning system.

9.3 The proposal is considered to meet the expectation of the allocation and the requirements of Policies CLP3 and RP1 subject to conditions and matters to be tied into a S106 legal agreement. On this basis the proposal is recommended for approval.

## **10.0 RECOMMENDATIONS**

10.1 It is therefore recommended that the application be **GRANTED** subject to the following S106 matters being concluded as set out in 10.2 and conditions as set out in 10.3:

### **10.2 S106 matters:**

1. CCG contribution for GP provision - £247,500 (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)
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.

### **10.3 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.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

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.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

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)

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

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

Reason: To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CLP16, 20 and 21 of the Adopted Local Plan and the 'Successful Places' SPD.

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.

Reason: For clarification and to secure appropriate phasing of the development in accordance with policy SS6 of the Adopted Local Plan.

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.

Reason: For clarification and to ensure appropriate control over the whole development in accordance with CLP3 and RP1 of the Adopted Local Plan.

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.

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

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.

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

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.

Reason: In the interests of preserving and/or recording historical information in accordance with Policy CLP21 of the Adopted Local Plan.

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

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

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.

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

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).

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

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.

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

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.

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

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.

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

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.

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

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.

Reason: In order to ensure the site is appropriately remediated in the interests of safety in accordance with Policy CLP14 of the Adopted Local Plan.

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.

Reason: In order to ensure the site is appropriately remediated in the interests of safety in accordance with Policy CLP14 of the Adopted Local Plan.

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.

Reason: In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

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.

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

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.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

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.

Reason: To ensure appropriate consideration of the requirements set out in policy CLP4 of the Adopted Local Plan.

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.

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

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.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with Policy CLP13 of the Adopted Local Plan.

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.

Reason: In order to ensure that provision of waste water infrastructure is provided such that the development does not adversely impact on the local aquatic environment or increase flood risk on or off site and to ensure the needs of the development with respect to drainage are properly addressed in a timely manner, in accordance with Policy CLP13 of the Adopted Local Plan.

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.

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

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.

Reason: For clarification.

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.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted in accordance with policy CLP13 of the Adopted Local Plan.

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.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy: 1. into the ground (infiltration); 2. to a surface water body; 3. to a surface water sewer, highway drain, or another drainage system; 4. to a combined sewer; in accordance with policy CLP13 of the Adopted Local Plan.

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.

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

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.

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

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.

Reason: To protect nesting birds in accordance with policy CLP16 of the Adopted Local Plan.

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.

Reason: In the interests of ecology and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

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.

Reason: To ensure biodiversity enhancement in accordance with policy CLP16 of the Adopted Local Plan.

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.

Reason: To ensure appropriate and necessary farm bird mitigation in accordance with policy CLP16 of the Adopted Local Plan.

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.

Reason: In order to ensure biodiversity net gain in accordance with Policy CLP16 of the Adopted Local Plan.

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.

Reason: In order to ensure biodiversity enhancement in accordance with Policy CLP16 of the Adopted Local Plan.

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.

Reason: For the protection of habitat and species in accordance with policy CLP16 of the Adopted Local Plan.

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.

Reason: In the interest of residential amenity in accordance with policy CLP14 of the Adopted Local Plan.

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

Reason - In the interests of residential amenity of the occupants in accordance with policies CLP14 and CLP20.

#### **10.4 Informative Notes**

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

#### **Highway Informatives**

- Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice



regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk) in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

- Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 580000) or email to [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk)
- Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
- The cost required for the improvements to bus stops for the proposal be discussed with Derbyshire County Council's Public Transport Unit, County Hall, Matlock, DE4 3AG or tel: 01629 536748 for advice.
- Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).
- Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Place department at County Hall, Matlock regarding access works within the

highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transportroads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs.aspx> E-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or Telephone Call Derbyshire on 01629 533190

Yorkshire Water informative:

In line with conditions 24 – 26 above:

Surface water – the developer has produced a brief flood risk assessment which suggests that surface water from this greenfield development will drain to SuDs and water course. Yorkshire water supports this approach as it follows the surface water hierarchy and will not impact and will not impact on the local sewer network (which in any case has no capacity for surface water from the development). We are unable to make any comment at this stage as to whether any SuDs features would be adoptable by YW although I note the planning and regeneration statement suggests that the developer would seek to have them adopted by the relevant Authority.

Foul water – it should be noted that the YW public sewer network directly adjacent to the site does NOT currently have adequate capacity available to accommodate the anticipated foul water discharge from this proposal and the feasibility study will be required to determine suitable foul connection points, any available capacity in the public sewer network, together with any likely costs and timescales for any potential upgrading works required.

Whilst the site appears in the 2013 issues and Options document, it is not an allocated site. The developer has not made any pre-application enquiries to Yorkshire Water although I note that the submitted Planning and Regeneration Statement states that “The proposed system would be adopted by the Water Authority (*sic*), which would also be obliged to provide the necessary capacity within the receiving infrastructure as required by the Water Industry Act 1991”.

Planning Policy guidance notes that “The time scales for works to be carried out by the sewerage company do not always fit with the development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to public sewage treatment works have been carried out.” The application does not give any clear idea of timing development, build out rates, phasing etc and as noted the site is not currently allocated in any local plan. If the developer

wishes to expedite the necessary foul water infrastructure they may have to fund the required investigative work and addition infrastructure as noted above.

For further information, the developer should contact our Developer Services Team – 08451208482

In line with conditions 28 and 29 above from the Lead Local Flood Authority:

Advisory Notes (Non Conditions):

The Local Planning Authority should be mindful to obtain all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant, which is fundamental to allow the drainage of the proposed development site. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed. Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.

The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. We would recommend an easement of approximately 3m if a swale is less than 2m in width and 4.5m for swales over 2m in width. Whilst this is not stipulated within any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

#### OVERCOMING OBJECTIONS AND DISCHARGING CONDITIONS:

To discharge the conditions the applicant should ensure all of the below parameters have been satisfied:

Condition 1

The production and submission of a scheme design demonstrating full compliance with DEFRA's Non-statutory technical standards for sustainable drainage systems:

- Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.
- Where reasonably practicable demonstrate that the runoff volume of the site reflects the requirements of S4.

## Condition 2

Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with Approved Document H of the Building Regulations 2000. In particular, the following information should be provided to the Local Planning Authority for review:

- Soakaway/ground investigation conducted in compliance BRE Digest 365 methodology or similar submitted to demonstrate the feasibility of infiltration alone to manage surface water on the site.
- If infiltration is found not to be feasible, an alternative option for surface water disposal should be proposed. In order of preference this should be to: i. an adjacent watercourse with detailed evidence of the feasibility of this option given the existing site constraints, ii. a surface water public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable, or iii. a combined public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable

**ITEM 2**

**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.**

Local Plan: Housing site 21

Ward: Lowgates and Woodthorpe

**1.0 CONSULTATIONS**

Ward Members	No comments received.
Staveley Town Council	No comments received
Local Highways Authority	Comment received - No objections – see report.
The Coal Authority	No objection.
Derbyshire Wildlife Trust	Comments received – see report.
Lead Local Flood Authority	Comments received – see report.
Yorkshire Water	Comment received – no objection and conditions recommended
Environment Agency	No comments received
Derbyshire Constabulary	No objection to make.
Economic Development Unit	Comments received – see report

CBC Design Services	Comments received – see report.
CBC Leisure Services	No comments received
DCC Strategic Planning	Comments received – see report.
CBC Environmental Health	No comments received.
Climate Change Officer	No comments received
Chesterfield Cycle Campaign	No comments received
Trans Pennine Trail Officer	Comments received – see report
British Horse Society	Comment received – see report
DCC Rights of Way Officer	Comments received – see report
Chesterfield Canal Trust	Welcomes application – see report
Chesterfield Civic Society	No comments received
Conservation Officer	No comments received
County Archaeologist	Comments received – no objection
Representations/ Site Notice/ Advert	1 representation received – see report.

## 2.0

### **THE SITE**

#### 2.1

The site extends to a total of 2.4233 hectares in area and comprises the Staveley Town Basin development area. The Basin has been created as a hub on the Chesterfield Canal adjacent to Staveley Town Centre and includes a new lock which will provide ongoing

canal boat access to the future restored canal length to the north of the town. Permission has recently been granted for the ongoing restoration of the canal through to the CBC Borough Boundary towards Renishaw to the north.

- 2.2 The basin area is located just to the north west of Staveley Town Centre on Hall Lane and is situated between the properties on Eckington Road and the new Ireland Close slip road which links through to Markham Vale and the M1 junction 29a. A vehicle access route is provided to the Basin area from Eckington Road.
- 2.3 The route of Staveley Footpath 1 runs alongside the canal route and the Trans Pennine Trail walking, cycling and horse riding route which is also National Cycle Route (NCN) 67 run around the perimeter of the Basin area alongside Ireland Close and Hall Lane.
- 2.4 The site was previously the subject of opencast coal workings and has been formed as a result of the works to link Markham Vale to Chesterfield.
- 2.5 Apart from the Canal and Basin the land within the application site is generally unused. The Canal Festival in June was the last time the land was used.











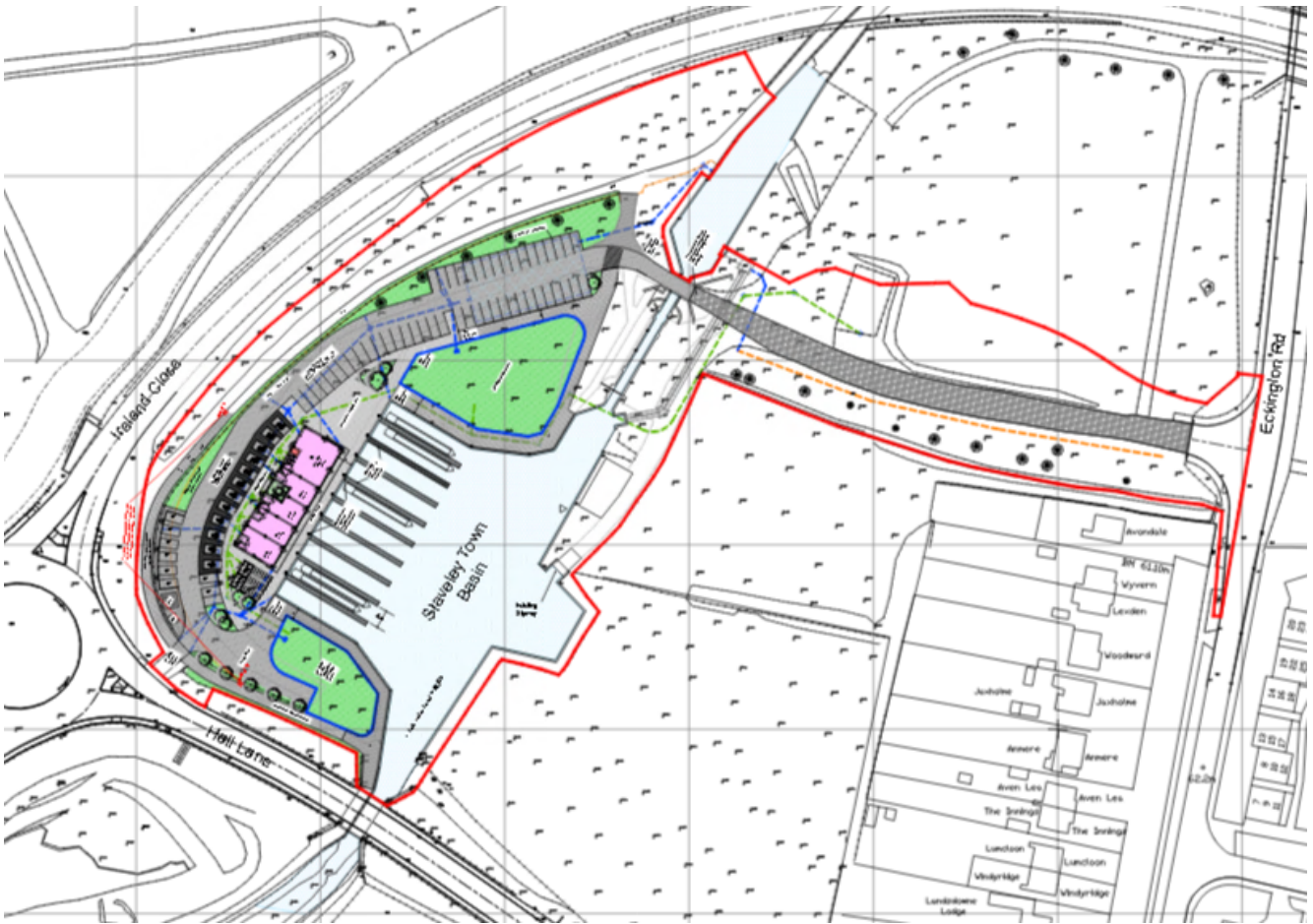
### **3.0 SITE HISTORY**

- 3.1 CHE/09/00769/FUL – Construction of canal basin and associated infra structure including access road, slipway, canal lock and accommodation bridge for DCC – Approved 24/02/2010
- 3.2 CHE/11/00077/DOC – Discharge of Conditions Nos. 2, 3, 11 and 12 - Planning Application CHE/09/00769/FUL – Approved 07/04/2011
- 3.3 CHE/20/00420/FUL – Restoration of Canal from Eckington Road to Hague Lane – Approved 20/04/2021

### **4.0 THE PROPOSAL**

- 4.1 The full application proposes the development of a two storey building comprising of a mix of flexible office, workshop and commercial units for small business and restaurant/café unit totalling 855 square metres. A total of 11 units are proposed each with kitchen and toilet facilities. The proposed uses are:
- E(a) retail sale of goods to visiting members of public,
  - E(b) sale of food and drink to visiting members of the public where mostly consumed on the premises,
  - E (g)(i) office.

- 4.2 The building includes 5 No units at ground floor including a designated café unit which is dual aspect and which benefits from an outdoor seating area to the north elevation and the side between the building and the basin.
- 4.3 The building has a white/grey brick base with black metal vertical and horizontal cladding above and which is to be punctuated with windows on all sides. A projecting stepped canopy is proposed on the side of the building fronting the basin and above the entrance area on the opposite side of the building.
- 4.4 A new section of footway 40 metres in length is proposed alongside Hall Lane to provide connectivity of the site to the existing pedestrian pavement on Hall Lane.
- 4.5 The scheme proposes a car park area over the canal lock bridge and which would accommodate 50 spaces. There would be an additional 6 parent and child spaces, 6 disabled spaces and 8 EV Charging spaces. 36 covered cycle racks are also proposed to the south side of the proposed building. Access would be from Eckington Road over the lock bridge. The existing rolled stone surfaced access track is shown to be widened to between 7 and 8 metres and finished with a two layer tarmac surface from the Eckington Road gates to the canal lock bridge where it becomes single width.
- 4.6 The scheme necessitates a minor diversion of the Trans Pennine Trail towards the Hall Lane roundabout to be able to accommodate the parking and vehicle access proposals.
- 4.7 The scheme also proposes the installation of 9 no mooring walkways in front of the building set 5 metres apart and which each have water and electricity supply hook up points.







4.4

The application is accompanied by the following supporting documents:

- Design and Access Statement by Jefferson Sheard Architects dated Feb 23
- Air Quality Assessment by BWB Consulting dated Jan 23
- Arboricultural Impact Assessment by BWB Consulting dated Feb 23
- Arboricultural Survey by BWB Consulting dated Feb 23
- BREEAM Framework Travel Plan by BWB Consulting dated Jan 23

- Ecological Impact Assessment by BWB Consulting dated Feb 23
- Flood Risk Assessment by BWB Consulting dated Jan 23
- Heritage Assessment by BWB Consulting dated Jan 23
- Noise Assessment by BWB Consulting dated Jan 23
- Surface Water Drainage Statement by BWB Consulting dated Jan 23
- Sustainable Drainage Statement by BWB Consulting dated Jan 23
- Transport Statement by BWB Consulting dated Jan 23
- Utilities Statement by BWB Consulting dated Jan 23
- Coal Mining Risk Assessment by BWB Consulting dated Feb 23
- Phase 1 Geo-Environmental Assessment by BWB Consulting dated Feb 23
- Phase 2 Geo-Environmental Assessment by BWB Consulting dated Feb 23

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy**

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

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

- CLP1 Spatial Strategy (Strategic Policy)
- CLP6 Economic Growth
- CLP7 Tourism and Visitor Economy
- CLP9 Retail
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network

- CLP18 Chesterfield Canal
- CLP20 Design
- CLP21 Heritage
- CLP22 Influencing the Demand for Travel

### 5.3 **National Planning Policy Framework**

- Part 2. Achieving sustainable development
- Part 6. Building a strong, competitive economy
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting Sustainable Transport
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and Enhancing the historic environment.

### 5.4 **Principle of Development**

#### **Relevant Policies**

5.4.1 The main policies referred to under paragraph 5.2 above are CLP1 and CLP18 which relates directly to the Chesterfield Canal environment.

5.4.2 Policy CLP1 states that *'The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'* Under Regeneration Priority Areas the policy states that *'The council will maximise regeneration benefits to existing communities offered by development opportunities in the following areas:*

- *Staveley and Rother Valley Corridor'*

The policy also states under Economic Growth that *'To maintain economic growth and quality of provision, the council will make provision for 50 hectares of new employment land (B1, B2 and B8 uses) over the period 2018 to 2035. The key areas for employment*

*land are at the already committed Markham Vale development, and at Staveley and Rother Valley Corridor.'*

- 5.4.3 Policy CLP18 in relation to the Chesterfield Canal covers the application site and states that:  
*“On land at Staveley Basin, as shown on the Policies Map, and subject to an approved masterplan for the whole site, the council will support planning applications that assist in the delivery of:*
- an events area adjacent to the canal; and*
  - moorings and facilities for visiting boats; and*
  - a mix of uses including residential (C3) (as set out in policy CLP3, site H21), food and drink uses (A3 and A5), and/or business and light industrial use (B1(a) and B1(b)).”*

### **Considerations**

- 5.4.4 The principle of the development is assessed through consideration of Local Plan Policies CLP1 and CLP18 (see extracts above) which broadly supports this proposal.
- 5.4.5 Policy CLP18 referred to above was written in the context of the Use Classes Order that existed at the time. Use classes A3, A5 and B1 have subsequently been subsumed into Use Class E. Use Class E includes a wide range of other uses to those being sought and to which a change could be made without the need for planning permission and so it is necessary to consider a restriction by condition on any planning permission to only the uses applied for.
- 5.4.6 Assuming that this is done, Uses E(b) and Eg(i) are covered under the range of uses referred to in policy CLP18. In addition, the policy specifically references light industrial use – therefore it would be appropriate for such a condition to also allow for uses within class E (ii) and (iii), even though these are not referenced in the application description.
- 5.4.7 Use Class E includes a range of other use that would be described as ‘Main Town Centre Uses’. The location of the site would be considered ‘Out of Centre’ and therefore such uses would normally be subject to the need for a sequential assessment and potentially

an impact assessment. As food and drink (E(b)) and office use (Eg(i)) are specifically referenced in policy CLP18 there is no need however for these to be assessed. Similarly, if other main town centre uses are to be excluded by condition these can also be excluded from the need to test, and this would be a justification for such a condition (as they would otherwise need to be assessed in order to accord with the requirements of the NPPF and policy CLP9). However, this leaves the proposed retail uses (use class E(a)) which are not covered by policy CLP18. This aspect of the proposal therefore requires the submission of a sequential test by the applicant, as required by paragraph 87 of the NPPF as this location is considered 'out of centre'. Failure to meet the sequential test requirement (including not submitting one) can be a reason for refusal of an application itself (NPPF para 91).

5.4.8 Policy CLP9 of the Local Plan however allows an exception for small shops serving day to day needs (ie, convenience retail) of up to 280 sqm in this location. In addition, it requires that retail development over this floorspace threshold should be accompanied by an impact assessment. As the application is for 855sqm in total it exceeds this threshold. The primary consideration would be the impact on Staveley Town Centre in terms of trade diversion.

5.4.9 The application does not have either assessment and the principle of this part of the proposed use is therefore in conflict with national and local planning policy. The Basin location is unlikely to serve the needs in the foreseeable future of any specific residential community. However, it is expected to be a hub of activity for user of Chesterfield Canal and the Trans Pennine Trail/Cuckoo Way, including boat users once the canal is restored to full use. It would therefore be appropriate for some greater flexibility to be allowed to reflect the use of the basin as a destination in itself and apply a looser definition of 'day to day needs' than would normally be the case. On this basis it is considered that a limitation on the total floorspace used for retail (280m<sup>2</sup>) (to keep it under the local impact test threshold), would be sufficient in this case to satisfy the requirements of policy CLP9. This issue can be resolved through imposition of a condition limiting the maximum extent of floorspace under class E(a) to 280 square metres.



- 5.4.10 Policy CLP18 also requires that development be “*subject to an approved masterplan for the whole site*”. The applicant’s Design and Access Statement refers to a “*Master plan dated March 2020 ref 007 previously submitted to and discussed with Chesterfield Borough Councils Planning Officers*” and reproduces part of this masterplan on page 20-22 of the DAS. This masterplan has not been the subject of any wider consultation, either individually or as part of a planning application and therefore does not meet the requirement of policy CLP18 to have an ‘approved masterplan’.
- 5.4.11 However this application has been submitted in connection with a project to be funded from the Staveley Town Deal, which is a time limited funding opportunity. Furthermore, the particular application site is on the west side of the basin, which is isolated from the majority of the site, and the access arrangements are of a ‘temporary’ form that would not appear to restrict the ability to masterplan the larger area to the east of the basin. It is also correct that the broad location of the building and uses is in accordance with the emerging masterplan. Policy CLP18 requires development to assist in the delivery of an ‘events area adjacent to the canal’ – although this is not included in the application there is no reason to consider that it would prevent the delivery of this in a later phase, as it has been assumed that this would be on the other side of the basin from the application site. For this reason, it is considered that in this particular case, if permission is granted for this application in advance of an approved masterplan being in place, the benefit of securing regeneration funded through the Town Deal, combined with the minimal impact on future master planning, means that an exception would be appropriate in this case.
- 5.4.12 The scheme includes provision of mooring walkways and associated water and electricity points, which would meet the requirement of policy CLP18 to include ‘moorings and facilities for visiting boats’ however these are not explicitly referred to in the application description and a condition to secure their delivery is therefore considered necessary. This point is also made by Chesterfield Canal Trust.

- 5.4.13 The proposed development will be liable for the Community Infrastructure Levy (CIL) due to the inclusion of uses previously falling in to Use Classes A1 to A5, subject to any exemptions that may be applied for.
- 5.4.14 The County Council Policy team confirm that the development accords with the aims and objectives of the local plan and its long term vision to improve the local landscape by removing derelict industrial features, creating employment generating uses and green infrastructure. They also make reference to the central government funding which has been provided as part of the Staveley Town Deal programme and the compliance with the Preliminary Masterplan for the site.
- 5.4.15 The Economic Development Unit has commented that given the nature of the proposal there will be significant employment, training and supply chain opportunities created during the construction of the development. It is recommended that a local labour/ supply chain clause is negotiated and secured via a planning condition which would encourage local employment, training and supply chain opportunities during the construction phase to promote these opportunities to local businesses and local people. In particular, it is recommended that consideration is given to how skills and employment opportunities levered will align with other Staveley Town Deal Projects including the Construction Skills Hub project. The procedure of securing such benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and Local Plan policy CLP6.
- 5.4.16 Overall with the conditions referred to above the proposal is considered to respond in a positive way to the requirements of policy CLP18 and would not be inappropriate in its context in policy terms.

## **5.5 Design and Appearance of the Proposal**

### **Relevant Policies**

- 5.5.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character,*

*form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*

## **Considerations**

- 5.5.2 The building is to have a high quality, contemporary feel with durable materials which are suitable for the intended use. The materials add a contrast which help break the mass and height of the building. There are generous areas of glazing which are aligned to provide symmetry and flexibility and which can be adapted for future tenants.
- 5.5.3 The scale and appearance of the building is appropriate for the context and which accords with the aspirations of the masterplan.
- 5.5.4 The applicant indicates that the development will be sustainable and low carbon based on a fabric first approach combined with innovative technologies and renewables to reduce energy and carbon emissions. The scheme includes:
- Good building thermal performance and low air permeability;
  - Thermal and acoustically efficient glazing, cladding and insulation;
  - Underground SUDs drainage attenuation to car park
  - PV panels to roof
  - Energy efficient lighting with PIR sensors
  - Car charging points
- 5.5.5 The Chesterfield Canal Trust welcomes this application and is very pleased that the development of the basin will shortly begin. Whilst the proposed building is distinctly modern and functional in style, it will be appropriate in a newly created waterway setting. We have no concerns about the design of the building.
- 5.5.6 Derbyshire Constabulary comment that they are represented on the Staveley Town Deal project board and they have had broad input on all of the various strands. In respect of this application, they have met with the project team to talk over the crime and disorder implications of the proposal and as a result there are no objections

to the principle of development, and no comments which need to be made at this stage in respect of the detail.

- 5.5.3 It is considered that the scheme is appropriately designed and would not cause adverse impacts on the visual amenity and character of the area and the proposal will therefore accord with the provisions of policy Local Plan policy CLP20.

## **5.6 Impact on Neighbouring Residential Amenity**

### **Relevant Policies**

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

### **Considerations**

- 5.6.3 The nearest dwellings to the site are on Eckington Road and which back onto the basin area. No representations have been received from these residents as a result of consultation and publicity and it is considered that the proposal does not have an adverse impact on the amenity of any residential neighbours due to the significant separation and does not therefore conflict with the provisions of policies CLP14 and CLP20 of the Local Plan.

## **5.7 Highways Safety, Parking Provision and Air Quality**

### **Relevant Policies**

- 5.7.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking*'

### **Considerations**

5.7.2 The Highway Authority confirms that there are no major highway concerns commenting that the previously approved application for this site under ref: CHE/09/00769/FUL was assessed by the County Council and no information related to trip generation associated with the site was provided, but the County Council agreed that the access was considered to be acceptable based on the levels of emerging visibility being commensurate with the speed of the road (30mph). The County Highway Officer considers the trip numbers demonstrated in peak times for this current application for the restaurants, café and office seem reasonable, so based on the access being of acceptable geometry and emerging visibility, there are no objections as the existing access appears to be in accordance with that approved as part of the previous application.

5.7.3 The County Highway Authority does refer to the following three issues:

1. The extent of Highway Maintainable at Public Expense does not include the access bellmouth so:
  - a) How is the applicant proposing to catch the highway surface water from the gullies to the gate?
  - b) Is the applicant prepared to dedicate the rest of the access (up to the gates) to demonstrate all aspects of discharging the surface water? The applicant must indicate the extent of the land that is currently under the developer's ownership and control or if they are prepared to dedicate their land for highway purposes under a Highways Act 1980 Section 38 or 72 agreement, prior to the commencement of any works?
2. The proposed plan shows pedestrian/cycle access from Eckington Road (footway and Cycle Gate), but this is where it stops on the proposed plan, so as Sustainable Transport modes are mentioned in the NPPF (No's 92, 104 and 106) as well in the Local Transport Note 1/20, the Council and Highway Authority should be pursuing an efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling should be provided.
3. The proposed plan (01202 P2) shows the new access road is only being improved by providing a 'Two-layer basic temp Tarmac Road', so what does the applicant mean by 'temp'?

#### 5.7.4

In response the applicant confirms:

1. The application site includes within the red line area land up to the existing adopted public highway and this includes the bell mouth area. The applicant also intends on no changes in this area which remains as existing but comments that they have no objection to dedicating the land between the access gate and the adopted highway area as additional highway controlled land. This is not considered necessary as part of the current development and could be pursued at any time between the applicant (County Council) and the Highways arm of the County Council.



2. There will be access to the site from the Eckington Road access by foot and cycle as existing. It is accepted that the drawing does not show how cyclists and pedestrians would link from Eckington Road to the basin area and suggests there would be a shared surface route using the widened access. The Cycle Campaign has not commented however, it is considered appropriate to include in the scheme a marked out route for pedestrians and cyclists linking the Eckington Road access with the walking and cycling routes which pass through the site along the canal corridor and it is considered that this can be secured via a condition of any approval granted.

3. The applicant comments that the use of the word 'temporary' was an error and that the proposed works shown on the drawing are not intended to be changed as part of this development.

5.7.5 The scheme proposes to connect the current Hall Lane pavement along the north side of Hall Lane towards the Staveley library building. There is currently no footpath on this side as shown in the image below which shows the current situation where the pavement stops and reverts to a grass verge. This work is all within highway limits and would be secured under a s278 agreement with the Highway Authority. The provision of the path will assist in the integration of the site into the Staveley centre.



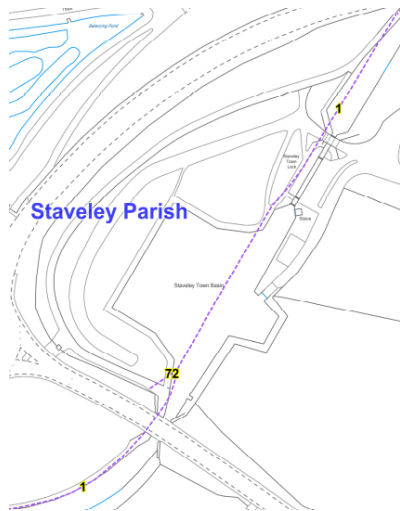
5.7.6 The Councils spatial strategy as expressed in policies CLP1 and CLP2 and policy CLP22 on transport emphasis maximising walking and cycling opportunities as part of any development. The application site is located close to Staveley Town Centre but also on a key part of the Strategic Walking and Cycling network through the Borough. This is to the benefit of the application and the applicant accepts the need to deliver a significant number (38) covered cycle parking spaces in the scheme which can be accessed without the need for cyclists to cross the car parking or dismount short of their destination. Whilst this will cater for the walking and cycling use along the canal corridor and is considered to be acceptable, this is subject to a condition which details how the walking and cycling routes will be connected back to Eckington Road via the site access.

5.7.7 The scheme includes a Travel Plan and reference has been made by DCC Travel Plan team to the principle advocated by the applicant that it does not apply unless the respective unit employs more than 10 staff. This requires amendment such that the target audience will be all staff on site in addition to site visitors. This can be covered by a condition on any approval granted.

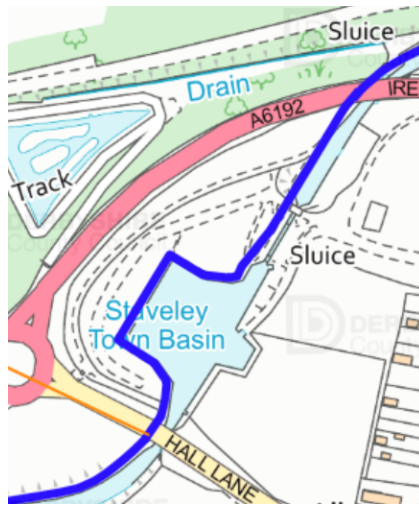


## 5.7.8

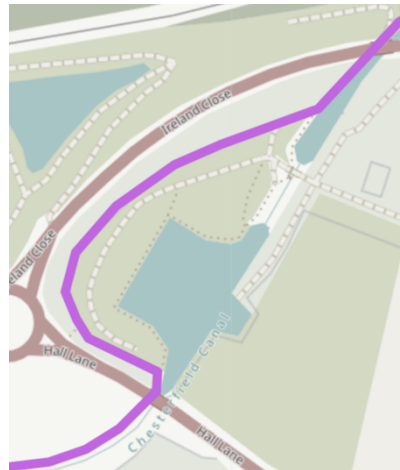
It is the case however that a number of comments have been received regarding the walking, cycling and horse riding routes as follows.



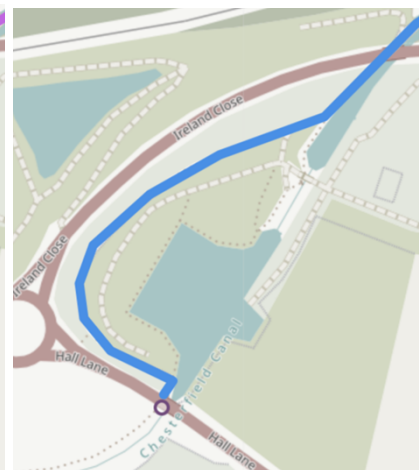
Walking routes



Cycle route NCN67



TPT Walking / cycle



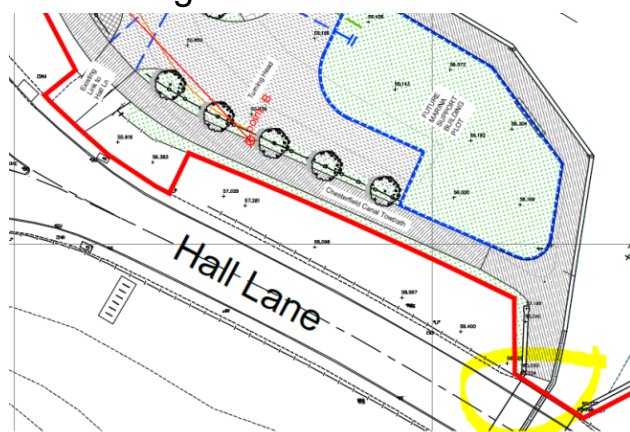
TPT Horse riding

### 5.7.8.1 Trans Pennine Trail Office

They consider it would have been advisable for colleagues within Derbyshire to have held meetings with the TPT national office, Sustrans and Chesterfield colleagues prior to the submission of this application to enable some of the issues to have been resolved during design. They comment that it is disappointing that there is little reference to the Trans Pennine Trail and its national context in relation to Chesterfield within the Transport Statement. There is no reference to equestrians which must be provided for. From Staveley the TPT route splits into two, forming the 'Chesterfield loop'. The northern section is also part of the National Cycle Network (NCN 67) with equestrian access to the roundabout at the junction of Ireland Close and Hall Lane. It is



an aspiration of the TPT partnership to extend the equestrian access along the northern loop and the image below highlights the current alignment at Hall Lane to continue along the TPT/NCN:



The alignment travels under Hall Road. The access control on the Trail at the location should be upgraded to enable equestrian access and the revised design should be LTN1/20 compliant.

The drawing also shows an existing link to Hall Lane. This crossing point enables vehicles accessing / egressing the site to cross over the TPT/NCN to get to Hall Lane. What facilities are planned to ensure that TPT users have priority over vehicles to continue their journey? Whilst this is not the main TPT/NCN crossing point, the crossing facility should be safe for all uses and LTN1/20 compliant. Current Google images indicate a central refuge point with a surfaced route along Hall Lane less than 3m, with an A frame access control back onto the TPT/NCN.

It noted the intention to realign the TPT/NCN from the brown line to the dashed area. Improvements should include improving the quality both in terms of quality of route and quality of the visitor experience. At present TPT/NCN users enjoy uninterrupted views of Staveley Basin. Design should be LTN1/20 compliant with a minimum of 5m and refer to access for all users of all abilities. For TPT/NCN users, this is the only access to the site via the southern TPT entrance. Will access be provided at the northern section?

It is noted that cycle provision is accommodated – this should be useable for all cycle types.

Horse hitching rails/corral should be provided to enable horse riders to use the facilities as easily as walkers and cyclists. This will enable

these users to also contribute to the economic impact of the development.

Regarding locations indicated for electric charging points in relation to the TPT, there are concerns over interactions between vehicles and horses and the risk of spooking the horses. The separation between the recharging bays and the Trail is only a knee high fence and due to the location of the bays it may appear to a horse that a car is driving at it. The area provided for the Trail needs to be re-visited in close detail to ensure we have as much width as possible to accommodate all users safely.

Hall Lane bridge will need mounting blocks providing at either side to enable riders to dismount and lead their horse, should they so wish. It is suggested that a corral area could be provided with mounting blocks within to ensure there is space to either turn round or dismount safely.

The comments of the DCC Sustainable Travel Project Officer support the TPT comments suggesting that if it is the ambition to extend the horse riding offer on the western side of the Chesterfield Loop then it seems logical to design in the capability at the Staveley Basin destination in advance.

#### 5.7.8.2 DCC Rights of Way Officer

Comments that Staveley Public Footpaths No. 1 and No. 72 run through the application site.

The County RoW Officer asks that the applicant be advised as follows: -

- The footpaths must remain open, unobstructed and on their legal alignments.
- There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the paths during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the paths, and no fencing should be installed without consulting the Rights of Way Section.

### 5.7.8.3

#### British Horse Society

Equestrians should be equally represented, particularly in relation to the multi-user Trans Pennine Trail/National Cycle Network, yet there is no reference within the document about access for Trail users. This is very disappointing, especially as horse riding is recognised by DCC as Active Travel and provides exercise and mental/physical well-being for many older (mainly) female riders with mobility issues who wouldn't otherwise partake in other forms of exercise.

From the design document, it is also surprising that there is seemingly no provision being made to accommodate horses throughout the Staveley Waterside site when DCC made specific attempts to include and facilitate their access by the design of the box culvert, canal and lock where it intersects with the HS2 (now shelved) alignments.

In image 10 of the Walking Audit photographs, a 'horse hop' is clearly seen alongside a motorbike barrier, at the access point to Staveley Waterside from Hall Lane, showing DCC's intention to include horse riders in the scheme.

1. **Hall Lane bridge** – The canopy is too low (2.65 metres) for the safe passage of ridden horses (the BHS recommends a minimum height of 3.4 metres) and mounting blocks together with signage advising dismounting will need to be sited either side of the bridge where space allows.
2. **Electric vehicles charging/parking area** - These parking bays are very close to the TPT and horses may be spooked as it might appear that parking vehicles are driving directly at them. The knee high rail fence should be replaced with post and rail fencing at 1.25 metres height (BHS recommendation) with infill at the electric charging bays. If underground electric cables are to pass beneath the Trail surface, the minimum depth required where shod horses are passing is; 500mm for low voltage cables < 10 kV and 900 mm for high voltage cables, > 10 kV.
3. **Horse corral and hitching rail** – In order for riders to be able to use the proposed café and other facilities, a corral should be sited where there is 'green space' shown on the plan, with a bridleway gate giving direct access to the Trail. The dimensions should measure approximately 14 metres by 5 metres in order to accommodate up to four horses at any one time. As well as the

provision of a hitching rail, a mounting block will be needed too. A watering point would also be a good consideration.

#### 5.7.8.4 Chesterfield Canal Trust

It is always awkward when a mooring basin (especially an open basin like this one) is located on the towpath side of a canal, and the original towpath route beside the water is lost. That issue is inherent in the design of the new basin at Staveley. The trust's concern now is that the pedestrian route through the site will not be along the front of the building, alongside the moorings, but around the back, via the car park and access road. Casual towpath walkers (the majority of towpath users) who are directed that way are likely to feel excluded from the basin. That impression is reinforced by the proposals for the area in front of the building, which is described as "waterfront outdoor seating and amenity". Obviously, boaters using the mooring berths will have access to this area, but the implication is that others will not be welcome. We regard this as unsatisfactory. In particular, crews of boats leaving and approaching Town Lock should be able to pass freely on foot through this waterside area, rather than having to walk around the back of the building. This is important for the efficient working of the lock, as is the provision of a direct footpath from this area to the lock which is not shown on the submitted plans. These are basic requirements for a properly functioning canal.

Overall, we feel that the scheme is designed around the needs of the businesses that will occupy the building, and that the needs of boaters and the general public will be secondary. Clearly, the project has to work in economic terms, but it must also pay proper heed to the practicalities of a working waterway and a visitor attraction.

#### 5.7.8.5 DCC Countryside Service

Ask 3 questions as follows:

- What is the long term vision for the site and will it be functional to moor boats?
- Management of the site on completion of the development?
- There needs to be further consultation with stakeholders to ensure route safety on site for all users and the interaction between horses and vehicles.

- 5.7.9 There is no intention to deter those wishing to visit the facility, or pass through, either on foot, cycle or horse. Indeed, the attraction of visitors to the facility is part of the applicants economic plan. Apart from the minor diversion of the TPT route around the outer edge of the site there is no intention to change any of the routes which are shown above. Notwithstanding the comments of the DCC Right of Way Officer, the definitive route of FP1 is already no longer possible to walk as its route is across the basin water however this proposed development does not impact on this route in any way and does not change the current ability for walkers to use the alternative route around the basin edge or along the TPT. Diversion of FP1 from its current route across the water does not arise as a result of this proposal and could not therefore be pursued under s257 of the Planning Act. This is a separate matter which would need to be dealt with by the County Council under the Highway Act.
- 5.7.10 The applicant confirms that no one will be deterred from using the facility and with this in mind accepts that a hitching rail and mounting block can be provided. This would need to be dealt with by condition on any permission granted. Furthermore, the applicant accepts that the knee high rail should be 1.2 metres high and which can also be supplemented by a new hedge which will provide the necessary and appropriate segregation between horse use of the TPT and the vehicle parking areas as well as the visual improvements. The applicant also confirms that they will comply with the necessary requirements regarding coverage of any electric cables beneath the TPT however this goes beyond planning control.
- 5.7.11 The minor realignment of the TPT would be necessary to achieve the access road and EV charging points in the scheme. It deflects the existing route by a maximum of approximately 6 metres towards the Ireland Close/Hall Lane boundary and affects a length of approximately 75 metres and this would be pursued separately should planning consent be granted. As the TPT is an unrecorded route it appears there would be no formal diversion order required.
- 5.7.12 The realignment of the TPT and the access road and parking area on site will impact on the existing link to Hall Lane where there is

currently a 5 bar gate, horse hop and cycle restrictor as shown below. The applicant confirms that there is no intention to change this arrangement which provides the link to the site from Hall Lane for pedestrian, cyclists and horse riders.



5.7.13 The TPT Office and BHS may have an aspiration to extend the horse riding route along the north link along the canal route south of Hall Lane however this is not affected in any way by the current planning application. The Hall Lane bridge is too low for passage and requires dismount and this is where the legitimate horse riding opportunity currently ends. It is considered appropriate to add a horse dismount sign and mounting block at this point but only on the north Staveley Basin side of the bridge as horse riding is not currently permitted on the south of Hall Lane. On the basis that the development has the potential to increase activity at the site, including those with horses, the applicant accepts that it is reasonable to require the addition of a dismount sign and mounting block at the Hall Lane bridge and this can be secured by condition.

5.7.14 The applicant confirms that there will be no residential moorings at Staveley Basin and whilst the plans show 9 No pontoons the intention will be to start by providing one with the remainder being provided as and when demand and finances allow. The development would not provide direct facilities for boaters and the applicant indicates that this would be provided in a separate Marina support building which could be provided in the future on the plot to the south side of the basin area. Future Management of the site will be a matter for DCC to consider and make arrangements for.

5.7.15 On the basis of the above considerations it is considered that the proposal satisfies the requirements of policy CLP20 of the Local Plan.

## 5.8 **Heritage**

### **Relevant Policies**

5.8.1 Policy CLP21 states “In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.”

5.8.2 The development will enhance the current visual outlook for the canal basin and provide both social and working environments in keeping with the historical land use of the site as a working canal. There are limited views of any listed buildings within Staveley Conservation Area from the site however glimpses of Staveley Hall and its walls, the stables and the Church are available. The enhancements and public benefits delivered as part of the proposal are considered to be beneficial with a neutral impact on the significance on the setting of the listed buildings referred to or the conservation area.

5.8.3 From an archaeology perspective the applicant’s heritage statement indicates that the entire site has been subject to opencast coal extraction during the 1980s. The County Council records for opencast for consent and extraction confirm the claim. The site, including the line of the historic Chesterfield Canal subsequently reconstructed across the site, therefore retains no archaeological potential and no objection is therefore raised regarding the proposals.

5.8.4 The proposal the subject of the planning application does not therefore conflict with the provisions of policies CLP21 of the Local Plan.

## 5.9 **Flood Risk, Drainage and Water Efficiency**

## Relevant Policies

- 5.9.1 Local Plan policy CLP13 states that *‘The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.*
- Development proposals and site allocations will:*
- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
  - b) be directed to locations with the lowest impact on water resources;*
  - c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*

## Considerations

- 5.9.2 The Flood Risk assessment demonstrates that the proposal is at an acceptable level of flood.
- 5.9.3 The River Rother is located to the west and the Environment Agency flood map suggests the site is within flood zones 2 and 3 however this appears to be based on data from before the new Ireland Close was constructed which is situated between the site and river and which raised the site above the 1 in 1000 year flood level. The EA flood mapping is therefore out of date and the fluvial sources (River Rother) is therefore considered to pose a low level of risk of flooding the site.
- 5.9.4 Flood risk from the canal is concluded as being minimal to the development and the development will not increase the risk of flooding to the wider catchment area subject to suitable management of surface water run off discharges being dealt with as proposed.
- 5.9.5 Yorkshire Water sewer records show a 450-525mm foul sewer with 6 metre easement within the site however this is on the opposite side of the basin area to the proposed building and will not therefore be affected by the proposal.



- 5.9.6 The drainage design will comply with relevant local and national design standards and will include a 535m<sup>3</sup> storage volume beneath the car park to ensure that surface water run off/discharge is accommodated for including for an additional 40% volume to take account of climate change. The surface water out fall into the canal previously constructed and currently not in use is to be utilised for this development.
- 5.9.7 The Councils Design Services Engineer confirms that the finished floor levels of the office units are at suitable level to mitigate possible flooding and that the on-site surface water design along with fuel separator and the attenuation tank are acceptable.
- 5.9.8 Yorkshire Water Services comment that if planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:
1. The development shall be carried out in accordance with the details shown on the submitted plan, "Proposed Drainage Layout' SCB-BWB-DDG-XX-DR-D-0500 (revision P01) dated 03/02/23 that has been prepared by BWB", unless otherwise agreed in writing with the Local Planning Authority.
- Yorkshire Water also confirm that they have no objection in principle to the drainage details submitted on drawing 'Proposed Drainage Layout' SCB-BWB-DDG-XX-DR-D-0500 (revision P01) dated 03/02/23 that has been prepared by BWB. namely: -
- a.) The proposed separate systems of drainage on site and off site
  - b.) The proposed amount of domestic foul water to be discharged to the public combined water sewer
  - c.) The proposed amount of curtilage surface water to be discharged to watercourse
  - d.) The proposed point(s) of discharge of foul and surface water to the respective public sewers and watercourse.
- 5.9.9 The Lead Local Flood Authority (LLFA) confirms they have no objection subject to the conditions below.

1. 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.
  
2. 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.
  
3. 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.
  
4. 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).

5.9.11 Subject to these conditions it is considered that the development complies with the requirements of policy CLP13 and the wider NPPF.

## **5.10 Ground Conditions, Land contamination and Land Stability**

### **Relevant Policies**

5.10.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
- c) a strategy for any necessary mitigation and/or remediation and final validation.*

*A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.*

5.10.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

## Considerations

- 5.10.3 The Coal Authority has confirmed that no objections arise to the proposal. They confirm that the application site falls within the defined Development High Risk Area and their records indicate that within the application site there is a mine entry, shallow coal workings and extraction of coal by surface mining methods. The application is supported by a Phase 1 Geo-Environmental Assessment and Coal Mining Risk Assessment, dated February 2023 and prepared by BWB. This report concludes that further investigatory works are required to ascertain if voids are present within the shallow ironstone workings beneath the site. The report also notes that the foundations of the buildings will need to be designed to take account of the risks posed by past surface mining activity. The report acknowledges the recorded mine entry within the site noting that it is mapped under the existing canal alignment and that it will have been partially removed as part of the surface mining. They conclude this feature poses a low risk to the development. In respect of the shallow mine workings the report authors conclude that the shallowest coal seams will have been removed by the surface mining activity.
- 5.10.4 The submission is also supported by a Phase 2 Geo-Environmental Assessment, dated February 2023 and prepared by BWB. This report sets out details of the site investigations carried out on site and the findings. The report notes that boreholes have been drilled on site and that the maximum depths of reworked material is 12.45m, however they note that the base was not confirmed. The report states that considering the scale, low rise nature and lightweight construction of the buildings a raft foundation is likely to be appropriate, with piles as a potential alternative. The report does however recommend that a further detailed geotechnical assessment is undertaken to confirm the position of the surface mining highwall to ascertain if the building is close to this in order to further inform foundation design.
- 5.10.5 The Coal Authority would generally expect the surface mining highwall to have been established and its location used to inform the development layout, in order to avoid buildings straddling this feature.

However, in this case they note that the location of the building is dictated by the canal basin and infrastructure already present on the site. On this basis subject to the works recommended within the report, to assess the relationships between the highwall and the buildings, being carried out on site and the design of the foundations taking account of the findings of these works the Coal Authority confirms that they have no objections to the layout of the development.

- 5.10.6 The applicant has taken suitable precautions/mitigation necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and in accordance with Local Plan policy CLP14.

## **5.11 Biodiversity including Landscaping**

### **Relevant Policies**

- 5.11.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
  - *provide a net measurable gain in biodiversity'*

- 5.11.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

- 5.11.3 Policy CLP15 of the Local Plan as referred to above is also of relevance to this section of the report.

### **Considerations**

- 5.11.4 The applicants ecology / biodiversity report indicates that the current grassland area of the site will be lost however species rich grassland will be created on site and any losses will be compensated for. Invertebrate provision can be provided in the form of bug hotels and bee bricks for example. No specific species is identified as being present on the site. The canal is adjacent to the site but is not

impacted by the scheme. A Construction Environmental Management Plan (CEMP) will be used to ensure that there are no construction phase impacts especially given the proximity of the site to the water environment.

- 5.11.5 A Biodiversity Enhancement Mitigation Plan (BEMP) is proposed to detail measures by which to enhance and create local habitats and the scheme proposes 3 bat boxes and 3 bird boxes. The BNG assessment under DEFRA metric 3.1 confirms a 2.61 unit loss in habitat and off site compensatory habitat is likely therefore to be required.
- 5.11.6 The applicant accepts that a net gain may not be possible within the red line boundary however with a preference to see compensatory measures on site or adjacent to the site, it has been suggested that this can be secured on the remainder of the Staveley Basin site which is in the applicants ownership and control (blue land) and which can therefore be secured by condition and avoid the need for a commuted sum to be paid for compensatory provision elsewhere. It is the case that adequate and appropriate land within the control of the applicant exists at Staveley Basin to be able to secure the objective of achieving a Biodiversity Net Gain.
- 5.11.7 The submitted Arboricultural report indicates that 5 low value young willow trees are to be removed to allow for construction of the surface water attenuation tank and car park but which can be replaced by replacement tree planting as part of the scheme.
- 5.11.8 Derbyshire Wildlife Trust has reviewed the Ecological Impact Assessment (EclA) by BWB Consulting and confirm that a reasonable level of survey effort has been employed at the site and they agree with the conclusions in terms of protected species constraints. Relevant safeguarding measures for wildlife can be secured via a condition for a Construction and Environmental Management Plan (CEMP: Biodiversity) which should include sympathetic vegetation clearance to safeguard common amphibians, best practice measures regarding vegetation removal and nesting birds (including waterfowl) and precautionary safeguarding measures for otter and water vole. Measures to protect

the open water habitats on site and any nearby designated sites should also be included. DWT also comment that a sensitive lighting plan should also be secured to avoid excessive lightspill to habitats of value to foraging bats, such as open water and scrub.

- 5.11.9 DWT comment that the main habitat to be lost appears to be reasonably diverse grassland. Given the invertebrate species of interest recorded on the site, it will be important to recreate diverse grassland habitats onsite to maintain a stepping-stone in the local area, along with insect bricks in the buildings and structures. Enhancements including bat and bird boxes are also recommended in the EclA.
- 5.11.10 DWT comment that the report indicates that there may be some level of offsite compensation required to fully offset the habitats lost. Currently, only a summary of the BNG assessment is available in the Design and Access Statement, which indicates a loss of - 25.65% (-2.61 units). The full metric should be submitted for review and a strategy developed to deliver a net gain. This can be secured by condition of any permission.
- 5.11.11 Subject to conditions requiring biodiversity enhancements be installed through agreeing a Management Plan for the site CEMP and BEMP and dealing with BNG, the development would accord with the requirements of CLP16 and the NPPF.

## **6.0 REPRESENTATIONS**

- 6.1 The application has been publicised by neighbour notification letters site notice and press advert and the single representation received is summarized as follows:
- 6.1.1 While the bringing of any vitality to the currently sterile Staveley Town Basin is strongly welcomed, the proposals show a clear lack of waterway knowledge in their formulation. Addressing the following points would provide a better fit for the development to this unique and sensitive location.

1). A towpath, while rarely now used for the towing of boats, has a special character resulting from its close paralleling of the water's edge. The current proposal unacceptably puts buildings between towpath and canal, divorcing these two elements of the waterway scene from one another, and placing the "towpath" into a highway setting, trapped between car park and road. The scheme also introduces conflict between towpath users and vehicles, which is not only poor design, but also goes against the principles of a traffic-free Trans Pennine Trail (which shares the towpath at this location). The orientation of the towpath in the current proposals even segregates it completely from Staveley Town Lock, the wrong side of the proposed access road: it should not be forgotten that the towpath has a function in allowing boat crews to access the lock on foot to prepare it well in advance of the arrival of their vessel, yet the current design does not facilitate this. Relocating the towpath to its rightful location around the edge of the basin would bring greater vitality and footfall to these areas. It would also guarantee an ongoing public right of way along the waterside, safeguarding against any potential future moves to fence and segregate the waterside area from the general public.

***Comments – The scheme does not affect the alignment of any routes through the site other than the minor deviation to the TPT. There was always an intention for there to be development to the west of the basin area which would be situated between the TPT and the waters edge. There will however be no conflict between the access and parking areas and the TPT as they will be separated in the main by a fence and proposed hedge. There will be nothing to prevent the user from walking along the waters edge through this site. There is clearly no intention for the County Council to segregate the waterside area from the general public as suggested.***

2). The sustainable drainage system proposed discharges surface water run-off below the deep and water-hungry Staveley Town Lock, despite, rather ironically, requiring a pump to do so. Seeing as a pump is required, discharging in to the basin above Staveley Town Lock is entirely feasible, and not only accords with the fundamental canal water management principle of obtaining and retaining one's water sources at the highest possible level for as long as possible,



but would make a significant contribution to addressing the discrepancy in water usage of Staveley Town Lock with the lock above and the potential shallower fall lock that may be required below to obtain navigational headroom under the railway. Discharging into the longer canal pound above Staveley Town Lock than the very short weired pound below affords further opportunity for attenuation of discharge flows.

***Comments – The drainage solution proposes a discharge from the attenuation tank into the canal below the Staveley Town Lock. This is recommended by a competent Drainage Engineer and has been accepted as appropriate subject to conditions by the Lead Local Flood Authority. The applicants solution who also own the canal is considered appropriate.***

3). No detail is provided within the application on the intended use of the mooring pontoons; it is not clear whether these are for transient visiting boats (whether charged or not), residential moorings (subject to Council Tax), as non-residential long term leisure moorings, as a home mooring of holiday hire boats, or for trip boats, to give just some possible scenarios. Without having any knowledge of the intended usage, and any restrictions on the usage of these moorings, it is not possible to understand the suitability of the provisions made within the proposal, or the potential adverse impacts such usage could have on neighbouring properties, for example through air pollution (e.g. burning of solid fuels aboard vessels, which are not covered by any "clean air" regulations, or running of diesel engines), noise pollution (e.g. from running of engines or generators, operation of late night trip or party boats), and generation of both traffic volumes and parking volumes that would have significantly different profiles for each type of mooring usage.

***Comments – The applicant has confirmed that there will be no residential moorings and the pontoons will be provided on a phased basis as demand and finances allow. At least one of the pontoons with water and electric supply will be provided as part of the development.***

4). No provision exists within the proposals for the disposal of waste (both domestic and toilet waste) from boats using the moorings. No

publicly accessible facilities exist for the disposal of boaters' toilet waste on the land-locked DCC controlled section of the Chesterfield Canal, raising the concern that providing moorings may lead to inappropriate, illegal or environmentally risky disposal to occur. Addressing this deficiency could also address the lack of public toilet provision at a location the proposer wishes to promote as a honeypot site.

***Comments – The County Council as applicant and owner of the canal will have a management plan which will need to address the issues connected with the operation of any moorings at the basin site.***

5). While it is recognised that the proposal covers only part of the land surrounding Staveley Town Basin, it must be recognised that the Basin currently provides an excellent and safe location for the craning of boats in to and out of the water and is the only practical location for this on the landlocked DCC controlled section of the Chesterfield Canal. It is vital that an area for craning is protected within the development of the basin if boats are ever to be able to be launched or maintained.

***Comments – Agreed however this is a matter for the County Council as owner of the canal. There is currently a boat launch ramp on the opposite side of the basin to the development which is not affected and there are opportunities to crane boats into the canal at this point.***

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom

- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation

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

## **8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

## **9.0 CONCLUSION**

9.1 The proposal to develop a facility adjacent to the basin has the potential to attract visitors who can then use the canal corridor whether that be on foot, cycle, horse or boat. This has significant health and well being opportunities. The proposed building will provide a complementary community use in a café and associated facilities so as not to discourage any particular user. There will be no negative impacts on the various routes which pass through the site.

9.2 The proposed building is appropriately designed in its setting and subject to conditions the scheme satisfies all the technical requirements which have been made by statutory consultees. The proposal is not considered to be in conflict with the requirements of any Local Plan policies.

## **10.0 RECOMMENDATION**

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

## Conditions

### Time

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

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

### Approved plans and documents

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

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

### Landscaping and biodiversity

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.

Reason - To ensure a suitable programme for implementation of the landscaping scheme for the development to enhance its setting in accord with policy CLP15 and CLP20 and NPPF para 130b.

### Retention of soft landscaping

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.

Reason - To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

### Drainage

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.

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

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.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

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.

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

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).

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

#### Highways

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.

Reason – To ensure a suitable highway arrangements through the construction phase in the interests of highway safety and which accords with policy CLP22 and NPPF para 110b.

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.

Reason – To ensure that travel plan measures are implemented as proposed to secure active travel options and a sustainable development and which accords with policy CLP22 and NPPF para 113.

Use of Commercial Units

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.

Reason – To limit any retail uses proposed as part of the scheme in order to prevent potential harm to the Staveley Town Centre in accordance with Policy CLP9 and NPPF paras 87-90.

Ground Conditions – Coal Authority

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.

Reason – To enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site and which will ensure the safety and stability of the development, in accordance with policy CLP14 and NPPF paragraphs 183 and 184.

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.

Reason – The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial



and mitigatory measures to be identified and carried out before building works commence on site and which will ensure the safety and stability of the development, in accordance with policy CLP14 and NPPF paragraphs 183 and 184.

#### Biodiversity - CEMP

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.

Reason – To ensure appropriate consideration of habitat and species and a Biodiversity net gain in accord with policy CLP16 and NPPF para 179b.

#### Biodiversity – LBEMP

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.

Reason – To ensure appropriate consideration of habitat and species and a Biodiversity net gain in accord with policy CLP16 and NPPF para 179b.

#### Biodiversity - Lighting Strategy

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)

Reason – To ensure appropriate consideration of habitat and species in accord with policy CLP16 and NPPF para 179b

Biodiversity Net Gain

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.

Reason – In order to ensure biodiversity net gain is achieved in accordance with Policy CLP16

Design – Materials

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.

Reason – To ensure a satisfactory external appearance of the development in accord with policy CLP20.

Local Labour / Supply Chain

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.

Reason – To secure opportunities for local employment, training and procurement through the development to benefit the local economy and supply chain in accord with policy CLP6.

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.

Reason – To ensure an appropriate link to the site is provided for walkers and cyclists in accordance with Policy CLP20.

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.

Reason – To ensure an appropriate link between the site and Staveley Town Centre is provided for pedestrians in accordance with Policy CLP20.

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.

Reason – To safeguard the safety of users of the Trans Pennine Trail and in the interest of amenity in accordance with policy CLP18.

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.

Reason – To facilitate access to the facilities by horse riders.

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.

Reason – To facilitate access to the facilities by horse riders.

**Informative Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

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**ITEM 3**

**1 X HOARDING SIGN AT LAND ADJACENT SEDGEMOOR CLOSE AND WEST OF LOUNDSLEY GREEN ROAD, CHESTERFIELD, DERBYSHIRE FOR STRATA HOMES**

Local Plan: Unallocated

Ward: Linacre

Committee Date: 21<sup>st</sup> August 2023

**1.0 CONSULTATION RESPONSES**

Ward Members: Comments received from Councillors Baldauf-Good, Staton and Brock – see report.

Local Highways Authority: No highway safety objections.

Tree Officer: Welcomes the amendment as this will not affect the woodland edge of Ashgate Plantation.

Representations: None received.

**2.0 THE SITE**

2.1 The site subject of this application has planning permission for 15 dwellings however construction has yet to start. It is adjacent to Loundsley Green Road. The site is fenced off to the frontage with Herras fencing with hedging and trees along the northern boundary of the field adjacent to a public footpath. Ashgate plantation lies to the south and west.

Photographs of the site:



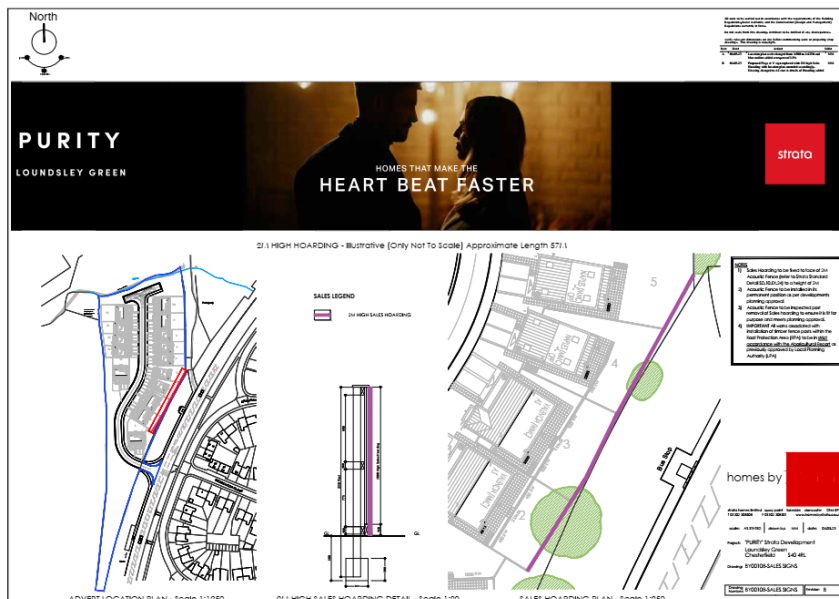


### 3.0 SITE HISTORY

- 3.1 CHE/22/00101/ADV – Free standing advertisement sign – Approved 21.04.2022.
- 3.2 CHE/21/00879/FUL - Residential development of 15 dwellings with access, landscaping and associated works – Approved 16.06.2023.

### 4.0 THE PROPOSAL

- 4.1 Advertisement consent is sought for a hoarding sign to be positioned on the 2m high acoustic fence which has been approved as part of the housing planning permission. It would be constructed from plastic and chipboard with dimensions of 2m high, 57m wide and 0.3m in depth. It would have a black background with white Strata logo and informative imagery.





4.2 The application was originally submitted proposing a 3m x 3m sign board with 3 flag poles further to the south adjacent to the Ashgate Plantation, which was in close proximity to protected trees. For this reason the applicant amended the application to the current proposal

## **5.0 PLANNING POLICY**

5.1.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are the relevant powers under which the Local Planning Authority must determine applications for Advertising Consent. Section 3 of the regulations requires that a local planning authority shall exercise its powers in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.

5.1.2 Having regard to the nature of the application proposals, advice contained in paragraph 136 of the National Planning Policy Framework (2021) applies which states that, 'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

## **5.2 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF) 2021
- Supplementary Planning Document "Advertisement" (adopted May 2007)

## **6.0 CONSIDERATIONS**

6.1 Advertisements are considered in relation to amenity (including the visual appearance and the amenity of neighbours) and public safety only.

## **6.2 Amenity**

6.2.1 The site has planning permission for 15 dwellings and the proposed signage directly relates to that development. A 2-metre-high acoustic fence is part of the planning permission which would form the rear boundary of several properties facing toward Loundsley Green Road. The proposed sign would be attached to this fence. Although the length of the proposed hoarding sign would be 57 metres, it would be set back from Loundsley Green Road due

to the wide highway verge. The nearest dwellings who could see the sign would be in Grampian Close, which is separated from Loundsley Green Road by the highway verge, which contains several trees and then the width of Grampian Close. Given this separation it is not considered that there would be sufficient grounds to refuse consent on the grounds of harm to the visual amenity of the area. On this basis the signage for the temporary 5-year consent period is considered to be acceptable in amenity terms.

### **6.3 Public Safety**

6.3.1 The Local Highway Authority have been consulted on the scheme and have raised no objection to the signage. Thus, despite the length of the proposed sign, which would be clearly visible to drivers, the Highway Authority have not raised any issues that it would be a distraction to drivers and as such there are no public safety concerns arising from the proposal.

### **7.0 REPRESENTATIONS**

7.1 The standard period of consultation has been carried out for this application and representations have been received from Councillors Baldauf-Good, Staton and Brock.

7.2 Councillor Baldauf-Good objects on the following grounds:

1. Unsightly to the environment. At a length of 57 metres it will have a detrimental impact on the landscape and will be within clear view of the passing, adjacent flats and other nearby dwellings for a considerable length of time.
2. For a development of only 15 new houses, a sign running the whole length of the housing development, along Loundsley Green Road, is disproportionate to the size of that development.
3. Believe should go back to the developers for a rethink on more appropriate signage.

7.3 Councillor Staton objects on the same grounds as Councillor Baldauf-Good.

7.4 Councillor Brock (adjacent Ward Member) also agrees with Councillor Baldauf-Good's objection.

#### ***Comments***

7.5 ***The comments received are noted however the impact of the proposal in amenity and safety terms is considered in the report not to be so harmful that a justification for refusal of permission is warranted.***

## **8.0 HUMAN RIGHTS ACT 1998**

- 8.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

## **9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

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

## **10.0 CONCLUSION**

- 10.1 For the reasons set out above the proposal is considered to accord with paragraph 136 of the NPPF.

## **11.0 RECOMMENDATION**

- 11.1 It is therefore recommended that the application for advertisement consent 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.

Reason - In accordance with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. The advertisement hereby approved shall be installed in full accordance with the approved plans:

Reason - For clarification of the consent.

## **11.2 Informative Notes**

1. The applicant's attention is drawn to the Standard Conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007:
  - No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
  - No advertisement shall be sited or displayed so as to:
    - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
    - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  - Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

- Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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**ITEM 4****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.**

Local Plan: H35 and RP1

Ward: Staveley North

Plot No:

Committee Date: 21.08.2023

**CONSULTATIONS**

Bolsover District Council	No comment
Environment Agency	No comment
Ramblers Association	We can see no reason why this proposal would adversely impact any PROW.
National Highways	No objection. Note standing advice to consider modes of sustainable travel including walking and cycling.
Derbyshire Constabulary	Comment in regard to provision of restrictive measures for vehicles at various gateway locations due to potential misuse by motorbikes etc of the long peripheral pathway around the site. Recommend K-frame barriers with side railing at the 4 road entrances and key gateways.
CBC Tree Officer	Comments made – no objection
Sport England	Note comments on the outline in terms of CIL provision for sports. Active travel is recommended, some routes may include unadopted road, the routes need to be fully accessible for all pedestrians. Consider creating pocket areas of play along the routes to encourage users to be more active.
Coal Authority	No objection – note conditions on the outline permission
DCC Policy	No objection but note the Cllr comment that: emphasise the importance that residents benefit from access to green space, particularly as public access to the space outside Norbriggs Primary School has been recently and drastically reduced.

CBC Design Services Drainage	We have no objections in principle to the enabling works initial connection to the nearby watercourse via an existing manhole with subsequent phasing it being diverted into the SuDS system. It is noted that this manhole does not appear to be a Yorkshire Water public sewer and is most likely a Derbyshire County Council highway drain. Permission to connect to this manhole would need to be confirmed by the LLFA.
Yorkshire Water	No objection
Highway Authority	Comments made see report
Lead Local Flood Authority	After an initial query on the consistency between plans and greenfield run off rates, amended plans submitted to which the LLFA raised no objection
Derbyshire Wildlife Trust	No objection – comments made, note the need to increase the area of mixed scrub in line with the DOC application.
CBC Urban Design	Information needed on the design of the substation, need a condition regarding the drystone wall detail.
CBC Economic Development	Requested local labour condition or clause – this is already in place via the Outline permission.
Active Travel England	Comments made see report
Representations	9 representations which are summarised in section 6.0.

## 2.0 **THE SITE**

- 2.1 The application relates to the green infrastructure areas surrounding the housing plots which are in part being considered under a separate reserved matters submission (CHE/23/00370/REM). Also of relevance is the recently submitted discharge of condition application referred to at paragraph 3.4 below which is being processed but which ties into the whole development.
- 2.2 The site is currently green fields with perimeter hedgerows. Bolsover Road lies to the west of the site and Worksop Road to the north. There are open fields to the south and a small cluster of housing to the east. The site generally includes to the Worksop Road.
- 2.3 Photographs of the site:





2.4 Google image of the site and location plan:

This Reserved Matters application relates to only part of the eastern side of the site shown in the red edge below.

3.0 **SITE HISTORY**

- 3.1 An outline planning application for 650 dwellings and other development was submitted in June 2017 prior to the Adopted of the Local Plan. The application was refused by the Council's Planning Committee in October 2019 which was allowed on appeal in October 2020.
- 3.2 CHE/17/00469/OUT - Residential development of up to 650 dwellings (including elderly care and specialist accommodation), a Local Centre (including local retail, health facilities, other local facilities and services), open space, community garden extension (including community building and parking) and associated infrastructure – Refused - Appeal Allowed 15.10.2020
- 3.3 CHE/20/00700/OUT Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks. Conditional permission 20.02.2023
- 3.4 CHE/23/00197/DOC Discharge of conditions 5 (Phasing scheme), 6 (Delivery of Local Centre),7 (Delivery strategy),11 (Design Code/Framework),16 (Scheme to improve pedestrian connectivity with Bolsover Road),17 (Construction Management Plan), 18 (Construction details of estate roads), 20 (Highways details),23 (Disposal of highway surface water),25 (Management of streets) ,31 (Outfall of surface water), 32 (Disposal of on and off site foul surface water sewerage),33 (Drainage investigations),34 (Drainage hierarchy),35 (Avoidance of additional surface water run-off),36 (Attenuation ponds),38 (Site investigations) ,39 (Findings of site investigations),40 (Desktop study and remedial works),41 (Habitat metric),44 (Badger survey),45 (Construction Environmental Management Plan),46 (Badger protection measures),47 (Landscape and ecological management plan),49 (Tree protection plan and arboricultural method statement),51 (Management of public areas),52 (Written Scheme of Investigation),53 (Employment and Training Scheme),55 (Materials),56 (Land levels),57 (In accordance with noise and vibration assessment) and 58 (Sustainability statement) of application CHE/20/00700/OUT- Residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks – Pending consideration.

- 3.5 CHE/23/00370/REM Reserved Matters application for CHE/20/00700/OUT - Erection of 143 residential units, associated parking, secondary roads and landscaping, Phase 1 – Pending consideration.

As can be seen from the location plan for this proposal the red edge is opposite to that proposed by the infrastructure submission being considered.



#### 4.0 **THE PROPOSAL**

- 4.1 This is a reserved matters application for the enabling and infrastructure works across Phases 1 and 2 in terms of layout, scale, appearance, landscaping and access. The submission relates to phases on the eastern side of Bolsover Road only. Phases 3 and 4 are to the west of Bolsover Road and are not being considered under this application. Each phase will have, at least, a separate reserved matters submission for the landscaped (green) area and for the housing parcels.
- 4.2 The application notes that within these phases Devonshire property (MM) Ltd (DPL) who are the applicant, will undertake the enabling works and the delivery of primary infrastructure to provide serviced development parcels which will then be brought forward by other developers for example the Phase 1 housing detail is being proposed by Harron Homes (CHE/23/00370/REM). The primary infrastructure will include the main estate roads, surface and foul water drainage pipes, pumping systems and attenuation basins all within the landscaped (green) areas.

The landscape masterplan:





4.3 The submission includes a detailed landscaping scheme for the perimeter of phases 1 and 2, including orchard planting, trees and woodland, bulb planting, species rich grass seed and incorporating integrated biodiversity element such as bat and bird boxes and log piles along. There are beneficial perimeter walking routes, play areas and informal elements such as benches, rocks and log play.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy**

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

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

of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP6 Economic Growth (Strategic Policy)

CLP9 Retail

CLP10 Social Infrastructure

CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

RP1 Regeneration Priority Areas (Strategic Policy)

## **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)
- Designing Out Crime
- Successful Places' Residential Design Guide
- Historic Environment

## **5.4 Key Issues**

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

## **5.5 Principle of Development**

- 5.5.1 Legislation requires that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035, Adopted July 2020.
- 5.5.2 The application site as proposed is an allocated Housing Site noted as H35 defined in table 4 to Policy CLP3 as set out in the Adopted Local Plan. Table 4 to Policy CLP3 allocates the site for 650 dwellings. The site is also designated under Policy RP1 where it requires that; the council will grant planning permission for development which supports regeneration where it would, amongst other matters, a) extend the type, tenure and quality of housing.
- 5.5.3 In line with policies CLP1, 2, 3 and policy RP1 the principle of the development is established by the granting of the outline permission which was subject to a raft of conditions and S106 matters to include:
- Affordable housing contribution (inc. viability review and escalator clause)
  - £247,260 towards GP facilities / upgrade
  - Appointment of a management company to maintain any communal / green open spaces; including any drainage infrastructure not formally adopted by the Water Authority
  - Funding for upgrading of existing bus stops
  - Funding for investigation into, and any implementation of, revisions to the speed limits on the B6419 Bolsover Road
  - Funding for the provision of a multi user link with Seymour Link Road
  - Funding for investigation into, and any implementation of, revisions to traffic lights at Norbriggs Road / A619 to enable multi usage
  - Travel Plan monitoring contribution sum of £1,500 per annum for 5 years minimum, longer if dictated by build out rate
- 5.5.4 This application seeks permission for the enabling and infrastructure works in connection with the green areas of Phases 1 and 2. The consideration is to assess whether the submission meets the requirements of planning policy and the outline permission.

## **5.6 Design and Appearance and Heritage matters**

- 5.6.1 Policy CLP21 advises that in respect of heritage assets; “In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the

conservation of designated heritage assets and their setting and seek to enhance them wherever possible”.

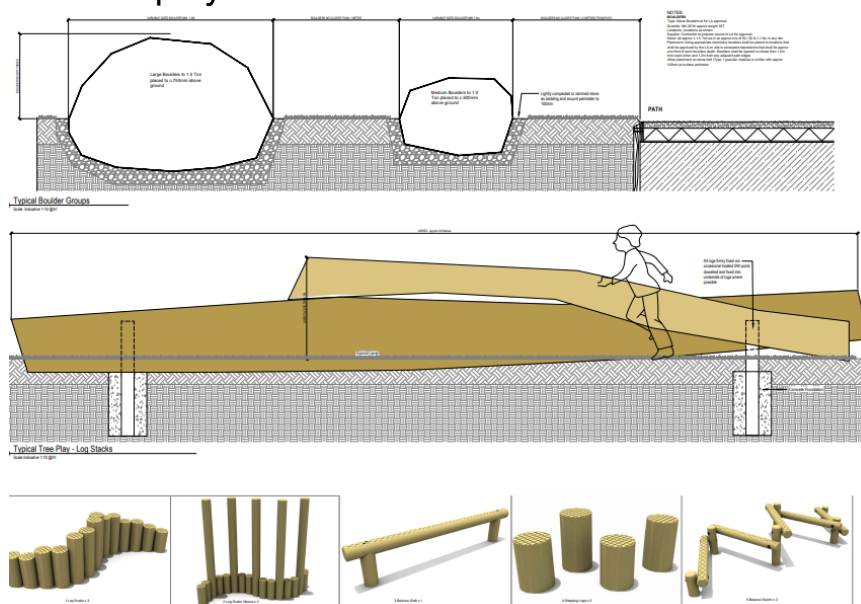
- 5.6.2 Paragraph 196 of the NPPF requires that; “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.
- 5.6.3 In terms of heritage assets, the outline notes:  
A total of six designated heritage assets located within the 1 km study area, all of which are listed buildings, one of which is Grade II\* listed with the other five Grade II listed. Of these six, two Grade II listed buildings (Norbriggs House and the Church of St Peter) as well as the cluster of listed buildings at Bolsover Castle have been scoped into further setting assessment, on the basis of the potential for harm to their significance from a change within their setting arising from development within the Site. The outline permission noted that the substantial benefits arising from the development outweighed any lower level less than substantial harm to heritage assets.
- 5.6.4 In this case the matter is considering the landform and planting as well as minor structures. It is not considered that the impacts in considering the design of the scheme result in a differing response to the outline permission. Therefore, the impact on heritage matters is acceptable in line with policy CLP21 and para 196 of the NPPF. Matters of archaeology were considered and conditioned under the outline permission.
- 5.6.5 Policy CLP20 requires in part that; “All development should respond positively to the character of the site and surroundings and respect the local distinctiveness of its context.” The issue to consider in this case is that in accepting development on the site is the design of the proposed open space appropriate to that context.
- 5.6.6 Through the application process additional and amended information has been sought regarding the design of the substations and detail of the landscaping in terms of footpaths and boundary treatments.
- 5.6.7 Overall the layout and detail of the open space is considered to be well conceived and will result in a high quality scheme. The landscaping is detailed and will ensure an appropriate setting to the housing development plots. The scheme includes areas of community orchard and edible/wild edge planting along with areas of woodland, individual

trees, bulb planting, structural mounding and a variety of grassland and meadow planting.

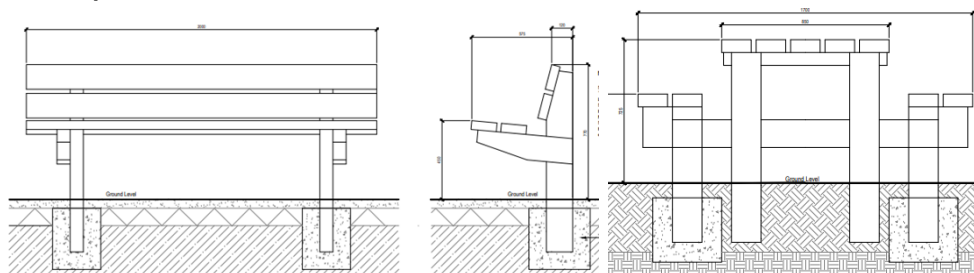
5.6.8

Whilst details of the informal play features such as log and boulder play elements have been provided and considered to be appropriate, details of the formal play equipment have not yet been submitted, these can be agreed via condition. Other street furniture details including signage, handrails and step design, bins, benches and bicycle stands, all of which have a similar timber theme are considered appropriate to enable the creation of a suitable open space and landscaped area to the perimeter of the site.

Informal play features:



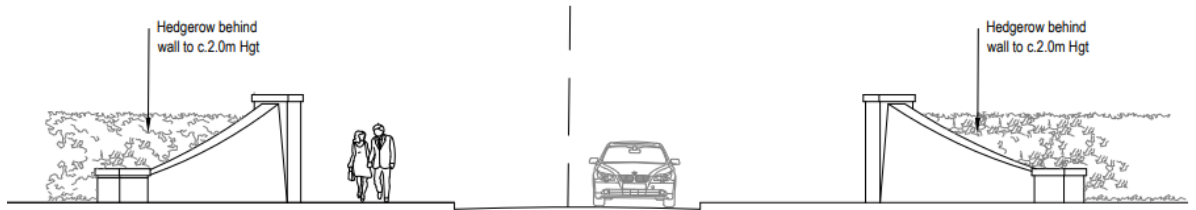
Examples of street furniture:



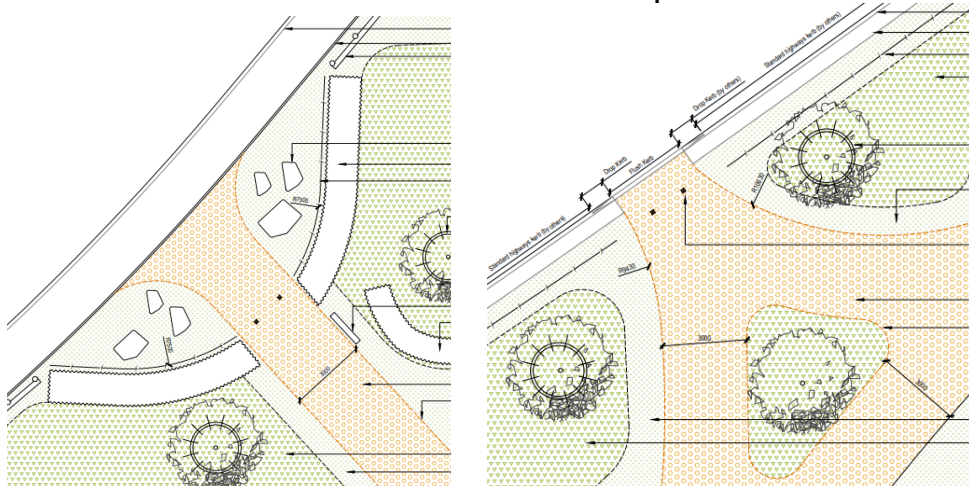
5.6.9

To delineate the main entrance into the site there will be a curved and sloping dry stone wall with hedge behind, this is considered to be an appropriate treatment. The selection of the walling material needs to be agreed via condition. Steel lettering of the site name is intended to be inserted into the walling:

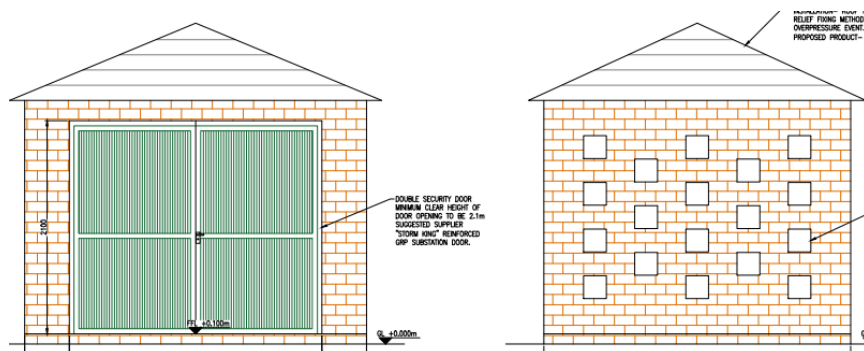




There are various treatments for access points into the open space including elements of estate railings and timber bollards, again these are considered to create an attractive space.



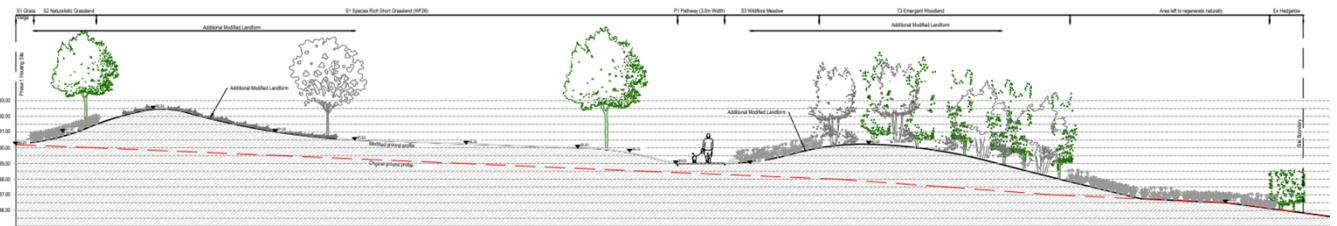
5.6.10 The substation buildings are of a standard design throughout the site and will be constructed of brick to match the adjacent housing in each case:



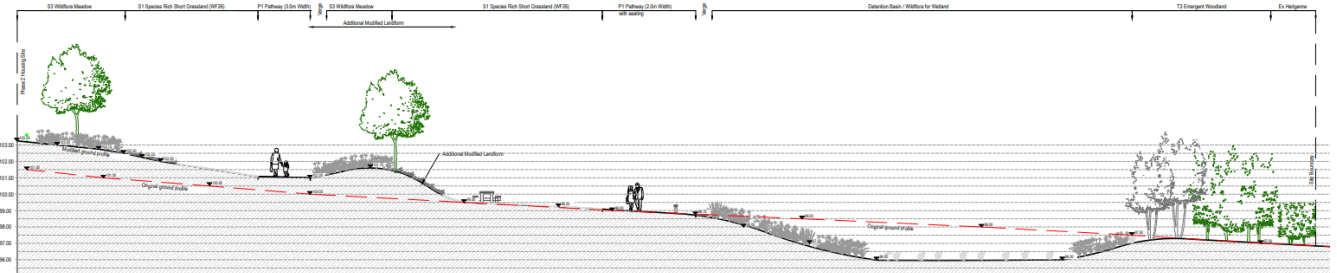
5.6.11 Further information has been requested regarding the separation of public and private spaces which is needed in parts of the site where the private drives meet the public open space and could be provided by planting or boundary such as a knee rail or railing. In some areas of the site appropriate details have been shown but this required more extensively throughout the site. Such details can be agreed via condition.

5.6.12

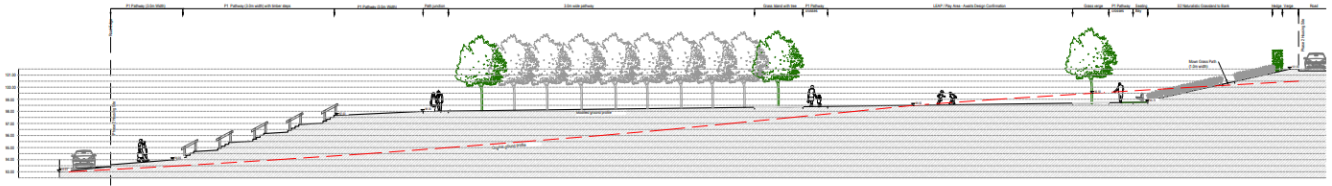
The topography of the site is relatively steeply sloping, it is intended that the development platforms for the housing will be relatively level and the land reformed to enable this, albeit these details are not provided and will be considered under the housing phases. As the slope will make steps necessary within the open space, alternative no-stepped routes are provided albeit these may be longer routes. The land inclines towards the Worksop Road and therefore the drainage ponds are intended to be to the lower slope of the land. Site sections have been provided to show how the open space will be mounded and re-formed to provide interest for routes around the site and for the pond arrangement, as set out below. These sections and the re-grading of the land in this way is considered to be appropriately considered creating an attractive area of open space. However, a section through one of the ponds in the south western corner has not been provided and therefore will be sought via condition. However, the approach provided so far is acceptable.



Section A



Section B



5.6.13 Overall subject to conditions as explained above, the landscaping of the site is considered acceptable in design and appearance in line with policy CLP20 of the Adopted Local Plan.

**5.7 Impact on Residential Amenity**

5.7.1 Policy CLP14 of the Adopted Local plan requires that; “The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers.”

5.7.2 The noise and other impacts of construction work are covered by conditions on the outline permission and therefore do not need to be further considered at this stage where the works being considered are the infrastructure and landscaping elements only.

5.7.3 Local residents have raised concerns in relation to the boundary to the adjacent field, noting: *The nearby field boundary the only protection being the planting of hedges. This will not be a safe and secure boundary. A 6-foot fence would be better to prevent access into the field so that we have the same level of security we have had for years.*  
 There is an existing hedge to the boundary of this field which is intended to be supplementary planted with mixed native hedgerow as part of the landscaping proposals. Such native hedgerow provides a suitable and resilient boundary which is also good for security. There will also be a small area of verge and then the roadway to serve the housing which will separate the private field and the housing. It is not considered that a solid 6 foot high fence in this location would be acceptable in landscape terms. However, it is reasonable for a post and rail or post and wire fence to be located between the site and the field to ensure appropriate security whilst the hedge grows. A further condition will be added for this.

5.7.4 Concern has also been raised that the details of the planting on the opposite side of Bolsover Road has not been provided, this will be considered under a later phase of the reserved matters and is not part of this application. Comments also note the lack of substation details and the visual impact of this, the elevations have now been provided and are a standard detail. It is likely that the substation will be visible in part above the hedge, but as necessary infrastructure for such a large development this is considered reasonable.

5.7.5 Concern has been raised about water pressure in the area, this is not a matter that can be resolved through the planning application as it is for the statutory undertakers to ensure appropriate water connections and supply. Queries regarding the wider highway layout and impacts have also been received, however these matters were determined under the outline application. There are also concerns raised regarding principle matters which again were considered under the outline application.

5.7.6 This application also includes temporary and longer term construction compounds for these first two phases of the development. The impacts of construction works are controlled by the outline conditions. The siting of the two compound areas adjacent to the access and into the site area away from neighbouring residents is considered to be acceptable.



The compounds will also link into the required scheme for local training and employment.

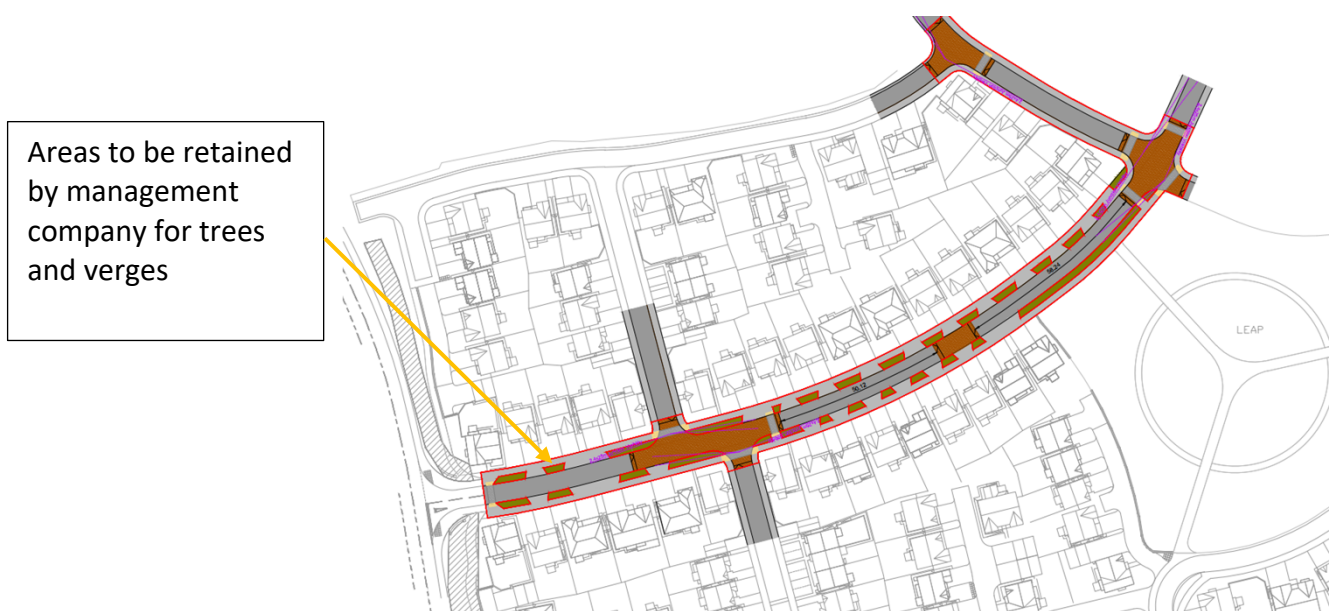
5.7.7 The scheme is considered to be appropriate in terms of residential amenity impacts in line with policy CLP14 of the Adopted Local Plan.

## 5.8 Highways Safety and Parking Provision



5.8.1 Policy CLP22 requires that; To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices. This will be done by seeking ways in which to reduce travel by private car and seeking enhancements of and incentives for walking, cycling and use of public transport. Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.8.2 It should be noted that access to the site was considered under the outline permission and accordingly was conditioned. This application seeks permission for the main road into Phase 1 and the shorter roads leading from this. The Highway Authority initially objected to the scheme, which has now been amended to ensure appropriate siting of street trees to the edge of the pavement along the main access and to ensure the road is designed for a maximum 20mph speed limit. The Highway Authority has therefore agreed the following road layout:



5.8.3 The applicant intends that the patches of verge and trees within the road layout will be retained under the control of the management company. The Highway Authority have responded to this noting:  
*The position of DCC in terms of the suitability of the layout, with numerous private 'islands', is that the layout would not be suitable for adoption as publicly maintainable highway. This which would further result in all other roads within this section of the development also not*

*being adopted. Essentially, the highway authority would have no control of the private areas, of which will there be many, which include visibility splays from side road junctions and private accesses. There are no guarantees that the appointed management company will exist in the future or that maintenance work required to the verges and/or trees will be carried out. In reality it is highly likely that there would be an expectation by future residents that the highway authority will be responsible for maintenance of the verges and trees and will be the first point of contact if and when issues arise with DCC being expected to carry out necessary works. Ultimately based on the revised plan P4 being submitted as the final layout for the spine road, it is confirmed that there are now no highway authority objections to the 'spine road' layout and consequentially there are no objections to the application. The Highway Authority also noted the lack of street trees on minor roads within the scheme.*

- 5.8.4 In response the applicant has made it clear that they consider the main road into the site should be adopted and wish to discuss this further with the Highway Authority. Condition 25 of the outline permission requires consideration of road management. As the proposed main road into the site is considered safe in terms of highway safety, whether or not the road is adopted is for the applicant and highway authority to further discuss in the hope that agreement on adoption is reached. Ultimately if the road is not adopted, whilst not ideal it does not mean the road is unsafe or unacceptable. In such circumstances the management of this would be considered under condition 25 of the outline permission. However, this is anticipated to be an unlikely worse case scenario.
- 5.8.5 In terms of street trees, whilst the Highway Authority are correct in that there are no street trees shown in the northern and north western routes of the highway, in line with the agent's suggestion, there is the potential to include street trees whether or not within the adopted highway within part of the Phase 2 housing area. On this basis it is considered that the consideration of street trees here can be considered under a further application. It would be appropriate for street trees to be within open space adjacent to the highway in line with para 131 of the NPPF.
- 5.8.6 The Highway Authority have requested a condition regarding the detail of the planting within the highway area which is included in the recommendation. On this basis the amended proposal is considered to be acceptable in terms of highway safety. It is noted that whilst a plan of the amended access has been received there is a need to update all other submitted plans to align with this, these are anticipated to be

received before the planning committee meeting. Therefore, the plan list condition 2, within the recommendation will be updated at the meeting.

5.8.7 Active Travel England are a new national body to be consulted on larger housing schemes. ATE have looked at the detail of this case and raised a number of concerns as follows:

*1. On-site walking, cycling and wheeling routes - All new walking and cycling routes within the site must be fully accessible. It is unclear how the proposed access road is intended to satisfy the criteria of LTN 1/20 and how it is aligned with the five Core Design Principles stated; clarification is required as to how it is intended to achieve this including proposed road and footway dimensions. It is assumed that the proposed perimeter path around the site and providing access to the Local Equipment Area for Play (LEAP) is intended to serve both walking and cycling; measurements for this path should be provided. There are steps on site that would reduce the ease of access for cycling or wheeling (contrary to LTN 1/20). While an alternative route is shown on the plans, the proposed gradient and surface of this route is unclear. In terms of lighting, streets, footways and cycle ways should be adequately lit to provide safety and security for all users. It is unclear whether the proposed cycling and walking route around the perimeter of the site is lit and clarity on this point is required.*

*2. Connections to future sites - The proposed connections to future sites are noted and welcomed however clarity around the proposed type of crossing to be provided at these connections is required. It is noted that £7,500 has been secured via S106 to be used by the Highway Authority towards the investigation and implementation of revised speed limits on the B6419 Bolsover Road.*

*3. Site access - In terms of access for motorised traffic, this is provided via one entry point off Bolsover Road. This main access road is relatively straight and it is noted that raised tables appear to be proposed within the site along this route. Clarification around how it is proposed to slow traffic entering the site from Bolsover Road is required as there does not appear to be any kind of raised table here. Please also confirm what type of crossings are proposed on this main access road; it is expected that the appropriate crossing type in line with LTN 1/20 is provided on appropriate desire lines. Through traffic It is not possible for private vehicle drivers to use the site as a shortcut as there is only one access point; this is welcomed.*

*4. Areas of Concern - It is noted that proposed bollards at various access points to the LEAP are 1.2m apart; it is recommended that these are at least 1.5m apart as per LTN 1/20 in order to accommodate accessible or adapted cycles and cargo bikes. The rationale behind the location of the walking and cycling access routes is unclear, particularly to the north where there is an opportunity to usefully connect these to an existing bus stop, thereby avoiding the need for residents to walk approximately 100m further down a relatively narrow footway alongside the busy Worksop Road in order to access this. It is also noted that self-binding gravel is proposed as a surfacing treatment; LTN 1/20 notes that gravel surfaces can be difficult or inaccessible for people in wheelchairs and some types of adapted cycle. The proposed parking strategy is unclear. The proposed street design should remove opportunities for indiscriminate and obstructive parking that would cause safety hazards and prevent access by active modes of travel by either designing in protected or marked parking bays and accompanying street furniture, planting or other features and restrictions that prevent footway parking, the mounting of kerbs, damage to green infrastructure and blockage of crossing points and sightlines. Should the proposed parking strategy involve the use of private driveways leading to multiple dropped kerbs, the impact of this on those wheeling along the footway must be considered.*

5.8.8 In response to no. 4 Areas of Concern, the agent has made the following points:

*Loose gravel is not intended to be used but self-binding gravel that is a solid surface suitable for all users.*

*Due to third party land it is not feasible to connect adjacent to the bus stop. It is not feasible to move the bus stop due to road safety matters and that this was not funded through the outline permission.*

*The bollard gap has been increased to 1.5m.*

*To prevent on street parking verge areas will site adjacent to the carriageway, some with trees planted. Managed either by the Highway Authority or the private management company.*

*Greater clarity is sought re: wider site connectivity but the comments do not state what additional information is required. This is considered under the outline and associated conditions.*



5.8.9 Further Active Travel England comments were received in response, summarised: This notes that they are not in a position to support the application and request further assessment, evidence, revisions and/ or dialogue.

*ATE is keen to engage with the applicant in order to ensure that walking and cycling is prioritised and committed to as part of this reserved matters application. As a statutory consultee to the planning process, sufficient weight is expected to be given to the points raised here and in previous formal correspondence.*

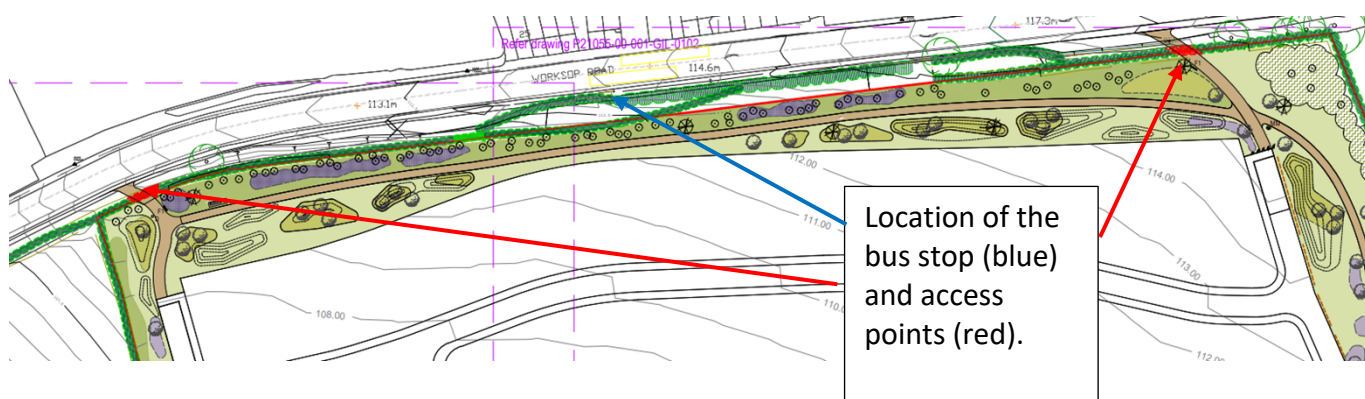
*Policy Considerations - The National Planning Policy Framework (NPPF) para's 88, 92, 104, 110 and 112 noted which relate to walking and cycling and use of public transport, active streets and achieving safe and suitable access for all. Local Transport Note 1/20 (LTN 1/20) provides guidance on delivering high quality cycle infrastructure. Gear change: a bold vision for cycling and walking is the Government's cycling and walking plan for England.*

*Areas of Concern:*

- The applicant has confirmed that self-binding gravel is proposed for the multi-user paths. This should be reconsidered as LTN 1/20 and Inclusive Mobility note that gravel surfaces can be difficult or inaccessible for people in wheelchairs and some types of adapted cycle.*
- Regarding the proposed footpath connections and their distance from the bus stop to the north of the site, the applicant has stated that this is due to third party land ownership and topographical issues. In this instance, given the size of this development, moving the bus stop to better connect with the footpath connections should be considered. As public transport has a strong link with active travel, and the TA in the outline application was clear that it had been designed to promote accessibility to public transport, pedestrian and cycle movements, Active Travel England would expect access to the bus stop to be made more convenient rather than involve an indirect walk, finishing on a narrow pavement alongside a busy A road with traffic speeds in excess of what would be considered comfortable or safe in an urban setting.*
- The applicant has confirmed that connections from the site have been fully designed to ensure integration with later phases, although greater detail is required to clearly demonstrate this to ATE's satisfaction.*
- The applicant has confirmed that all crossing points will have dropped kerbs. Please confirm that where dropped kerbs provide crossing points at junctions, tactile paving is also provided.*

- *The applicants' response regarding bollard spacing and Inclusive Mobility requirements is noted, however, given that the path in question is intended to serve multiple different types of user including cyclists (according to the TA submitted with the outline proposal) ATE would request that LTN 1/20 is the more appropriate guidance in this instance. The paths in question would appear well overlooked, which is welcomed and will also decrease the likelihood of misuse by motorised vehicles.*
- *The applicant confirms that all houses will have driveways with vehicular crossings, however it remains unclear how on-street parking will be controlled; clarification on this would be welcomed to avoid a situation where footways become obstructed as a result of the proposed 5.5m width, which can commonly result in footway parking on both sides of the street as motorists attempt to maintain 3m of clearance along the centre of the road. This is neither safe for pedestrians nor pushchairs / mobility scooters, nor is it conducive to a high quality street scene and can result in conflict within the carriageway.*

- 5.8.10 It is clear that Active Travel England continue to have concerns about the proposed development and the success of the proposed cycling and walking routes. It is important therefore to address their points of concern and determine whether the proposal is appropriate in terms of the aims of Active Travel, which is the basis of the Local Plan which seeks sustainable and accessible developments.
- 5.8.11 The use of self binding gravel is generally considered an appropriate surface for all users of paths and cycle ways. The concerns note the requirements of LTN 1/20, this document specifically refers to loose gravel being inappropriate, however that is not what is proposed in this case. Self-binding gravel as proposed does provide a solid surface and its use is not contrary to advice within LTN1/20. The Outdoor Accessibility Guidance which supports inclusive outdoor access notes that the use of self binding gravel provides a firm and stable surface if well constructed. It is the case that if water logged or with over use it may require more regular maintenance, but this is the responsibility of the applicant in this case who is choosing to use this surface. In addition, it is worth noting that the constructional detail for this includes a camber which should avoid water collection. Therefore, it is considered that the proposed surface is acceptable.
- 5.8.12 In terms of the connection to the bus stop, the links the public highway at the east and west of the northern boundary are considered to be appropriate desire lines as shown below:



The intention is to link to the bus stop and to the local centre to the west. Whilst the links are remote from the bus stop it is not considered that this is inappropriate in this case. The land between the bus stop and the site edge is within third party ownership and therefore the applicant has no right to cross this. In addition, if the link was provided further towards the bus stop it would not necessarily be a better route given the road access points are to the eastern and western edges therefore this is the best direction for most of the future residents. Whilst the relocation of the bus stop has been suggested, this was not accounted for in the contributions at the outline stage and it is noted that due to the topography, alignment and restrictions on the road in this location moving the bus stop to the west would be unlikely to be practical. On this basis the links to the east and west are considered appropriate.

5.8.13 The use of tactile paving at crossings is a standard highway requirement. In terms of the highway design seeking to restrict on street parking, it is noted that this application considers the main route into the site only, the remainder of the highway layout will be considered under the other reserved matters applications. It is noted that the intention is for all homes to have driveways for parking on this main street and therefore there should be minimal need for on street parking which is more likely to be an issue for housing with frontage or minimal parking. It is also noted that the need to provide parking well within the site is in conflict somewhat with the Active Travel aims. The main road into the site will have verges and trees which will deter parking in these areas and on this basis the highway design insofar as it relates to this proposal is considered to be acceptable.

5.8.14 On the basis of the above whilst there remain concerns from ATE it is not considered that the concerns raised should limit the grant of planning permission in this case.

## **5.9 Biodiversity, impact on protected species, enhancement and Trees**

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

The outline permission considered the need to enhance biodiversity and appropriate measures to mitigate harm to protected species, these matters were secured via condition. The discharge of those conditions is under consideration and it is important to ensure that each reserved matters application seeks to meet the outline requirements.

5.9.2 Derbyshire Wildlife Trust have commented on the submission: :  
The Masterplan appears largely in line with the layout put forward at the Outline stage. Landscaping will buffer the offsite woodland and stream to the south. The sizeable attenuation basins, surrounded by landscaping and connected to the wider area, may create new opportunities for the local grass snake population, as well as other wildlife. We welcome the proposed landscaping, with many native and beneficial species and mixes chosen. A variety of habitats will be created which, if well-managed, will maximise the biodiversity value of the new housing site. We note the proposed wildlife features, including bat boxes, bird boxes and habitat piles to be incorporated within the soft landscaping.

We have no major requests for amendments or alterations, however in a separate response to the discharge of conditions application, we have suggested that an increase in the area of mixed scrub could be considered to address the Trading Rules in the submitted biodiversity metric.

5.9.3 For clarity the outline permission set out the ecological issues:  
The site is considered to provide a resource of value to foraging and commuting bats at a site/local level only.

In terms of adverse effects construction of access routes through the stream corridor and hedgerows have the potential to result in fragmentation of foraging and commuting corridors. In general terms the development and associated lighting has the potential to disrupt roosting and feeding behaviour for some species. However, it is noted

that the creation of gardens and areas of public open space has the potential to increase the habitat resource for roosting and foraging bats compared with the intensively managed interiors of the existing arable fields.

- 5.9.4 For bats and birds it was therefore intended to:
- Retain trees T2 and T7
  - Have foraging along the river corridor
  - 10m buffer zone to the stream.
  - Retain hedgerows with 5m buffer
  - Have a lighting scheme to minimise adverse impacts particularly to stream corridor and south
  - Have some unmanaged grassland
  - Plant nectar rich shrubs
- 5.9.5 The proposed landscaping scheme as detailed in this application appropriately addresses the above requirements. However, the lighting scheme will be considered separately by condition and the retained trees noted as T2 and T7 are located to the west of Bolsover Road and therefore not part of the consideration of this case.
- 5.9.6 The outline report noted that to mitigate against the harm to badgers, buffer zone areas are required. Due to the changeable habits of badgers it was advised to re-survey for badger activity two months before works are due to commence. The following was recommended:
- To retain suitable badger foraging habitats and corridors and to minimise disturbance
  - Erection of boundary fencing along the eastern site boundary adjacent to the woodland.
  - Suitable badger runs/gaps should be incorporated to allow access by badger;
  - retain existing boundary hedgerows and internal hedgerows with suitable undisturbed buffer zones (3-5m) to maintain connectivity of badger foraging habitats.
  - retain a substantial buffer zone (8-10m) along the stream corridor
  - incorporate areas of grassland within the site layout, in particular amenity grassland
  - selected areas of the buffer/boundary habitats could be left as unmanaged grassland
  - plant areas of landscaping with native fruit and nut bearing shrubs to ensure a food supply over the autumn and winter period.

- consider inclusion of small-scale bunds to provide opportunities for badgers to excavate new setts.

- 5.9.7 It is considered that on the whole the proposed landscaping details satisfy these requirements. However, no fencing is detailed to the woodland edge and therefore this is required and can be secured via condition and should be a naturalised fencing feature which will assimilate well into the setting.
- 5.9.8 In terms of other conditional matters secured by the outline permission, condition 41 required the submission of a metric to measure biodiversity accord the site as a whole with the aim of delivering a net gain on site post development. This has been submitted and is being considered under the DOC application. Condition 44 required an updated badger survey. Condition 51 required details of maintenance and management of green areas, it is noted that these areas will be managed in the long term by a maintenance body in connection with the applicant as land owner.
- 5.9.9 In terms of the extent of mixed scrub which the Trust have noted could be increased in this application, under the associated DOC application they have noted that; *Condition 41 - We have reviewed the Biodiversity Net Gain Assessment and the accompanying metric. The documents are very detailed and provide sufficient information. The whole site (not just Phase 1 and 2) is predicted to achieve a net gain of +24.20 habitat units (+23.03%), +2.27 hedgerow units (+6.44%) and +0.65 river units (+13.86%). Whilst we do note that the Trading Rules are not fully satisfied, this is due to a minor deficit of -0.32 units of medium distinctiveness habitat. It would be possible to address this by increasing the area of mixed scrub slightly and this could be considered by the landscape architects. We have no further comments and the condition can be discharged.*
- 5.9.10 The agent for the case has confirmed that this will be dealt with under phases 3 and 4 to achieve the site wide biodiversity aims. On this basis the proposed landscaping is considered to be acceptable for these areas of phases 1 and 2.
- 5.9.11 The application, subject to a condition to secure a protective fence area is considered to be acceptable in terms of biodiversity enhancements and ecological impacts in line with policy CLP16 of the Adopted Local Plan.

5.9.12

The Tree officer has commented on the case noting:

*General habitat impacts and protection - A Tree Protection Plan (TPP) has been provided by Bowland Tree Consultancy Ltd and is contained in the 'Construction Environmental Management Plan – Biodiversity (CEMP-B)' by Penny Anderson Associates Limited reference 220439, December 2022 at appendix 2 'Arboricultural Constraints Appraisal' submitted for application CHE/23/00197/DOC to discharge condition 49. (Tree protection plan and arboricultural method statement of application CHE/20/00700/OUT).*

*The installation of habitat protective fencing for the protection zones as shown on the Tree Protection Plan (TPP) is designed to protect areas that may be used by/important for protected species and also protect features of intrinsic value (hedges, trees) from inadvertent damage during construction. These protection measures once installed to the boundaries of the site will ensure that all the retained habitats are protected throughout the development.*

*The main areas of enabling works and infrastructure across Phases 1 and 2 are within the site and outside the habitat protection zones so there should be no impacts on the retained habitat features. There are some impacts to the existing hedgerows to facilitate the site access points and drainage which are shown on drawing 'Existing Hedgerow Removal – Retention' P21055-00-001-GIL-0400 REV 02 which have been considered when assessing the habitat protection zones.*

*Landscaping - Details have been provided of the of the general landscaping layout which provides a mixture of new habitats, natural play areas, landscape features such as drystone walls and mounds, and includes a planting schedule with a variety of ornamental and native plants, shrubs and trees suitable for each habitat. Street trees are also included, as shown on the landscape masterplan drawing and landscape GA drawings which include Prunus and Sorbus species.*

*Ecological features which include bird and bat boxes and stacks have been included along with boundary, play and furniture features. Native hedgerows, grassland and bulb planting are provided with a suitable mixture of species to enhance the development and open spaces.*

*The overall landscape layout works well and integrates into the rural setting beyond to the south and east and provides landscape buffers adjacent to the road network and other boundaries. I have therefore no objection to the application.*

5.9.13 On the basis of these comments there is no concern in terms of tree matters.

## **5.10 Ground conditions**

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

5.10.2 In terms of former coal mining activity the Coal Authority have noted no further comment as these matters were covered under the outline conditions. Whilst the Council's Environmental Health team have not commented on this case matters of any below ground contamination were also considered under the outline application and appropriately conditioned. Therefore, in terms of the ground conditions there is no need to further consider these matters under the remit of this application.

## **5.11 Drainage**

5.11.1 Policy CLP13 Adopted Local Plan advises that; "The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere".

5.11.2 Yorkshire Water have raised no concerns in regard to this application. However, under the submission for the discharge of conditions Yorkshire Water have objected in part to the discharge of condition 32: *1.) The drainage details submitted on drawing 22188- IML - PH1- XX- DR- D- 0501 (revision T0) dated 02/02/2023 that has been prepared by IDOM require amendments. The following points should be addressed: a.) the submitted drawing should show the proposed rate of foul pumping attributable to the phases 1 & 2 development.* This matter will continue to be addressed under the DOC application in dialogue with Yorkshire Water. This does not adversely impact on this application as the matter is controlled by the existing imposed conditions.

5.11.3 After initially raising concerns the Lead Local Flood Authority now has no objection in view of revised plans:

- 22188-IML-PH1-XX-DR-D-0501 T06 Phase 1 Enabling Works Drainage



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

However, the LLFA have yet to respond to the DOC application and these plans are not, as yet, part of that submission, therefore the above plans will be included in the list of approved plans, however this condition is caveated in relation to the plan list as these matters are controlled under the DOC submission in line with the outline conditions.

- 5.11.4 Given the conditions on the outline permission it is considered that no further details regarding drainage matters are required at this stage.

**5.13 Development Contributions and CIL Liability.**

- 5.13.1 The need for CIL was noted in the outline permission and will be detailed as part of the submission of the housing element. Other S106 matters were secured as part of the outline considerations.

**6.0 REPRESENTATIONS**

- 6.1 Nine letters received which are summarised as follows:

- 6.2 S106 on health to be considered with modelling suggesting £739,000.

- 6.3 We enjoy wildlife in this area, this proposal would be devastating to wildlife species and the community.

- 6.4 Object due to the congestion which will be caused to the already busy area as well as removal of valuable agricultural land when the need for the UK to be self-reliant has ever been greater. There are plenty of brownfield sites which should be considered. Main concern is the nearby field boundary the only protection being the planting of hedges. This will not be a safe and secure boundary. A 6-foot fence would be better to prevent access. Please take these comments on board although we know it will be approved anyway.

- 6.5 The plans do not show the trees and hedges along the Bolsover Road where a 2m wide path is proposed at the entrance to the allotments. This vegetation covers the view of Cygnet Acer Clinic, if removed it will drastically alter the view and invite the adults with learning difficulties to look into properties opposite.

The plans do not show the substation to the top corner of the site, this will be seen along Bolsover Road, will it be screened by hedging?  
Where will water for the site come from?

Can there be drawings of the infrastructure on Bolsover Road, the current traffic light system will not be able to cope with the increase in traffic. What will the specification of the road be (thickness of bitumen) to cope with this.

- 6.6 Congestion in the area will be worse.  
Additional pressure on overstretched resources including doctors, schools, leisure etc.  
Valuable farming land will be destroyed forever.  
Wildlife habitat will be lost.  
Increase in air, noise and light pollution.  
Increase disruption on current footpaths.  
Increased flooding due to arable land being covered in concrete.
- 6.7 Traffic will be a major problem, there have been over 7 accidents on Woodthorpe road in the last few years including two severe accidents. Woodthorpe road would become like the M1. Parking for the schools creates blind spots for motorists. There have been accidents at the cross roads. Someone will be seriously injured due to this.  
The infrastructure cannot cope.  
Schools have too many in the class.

**6.8 Officer response:**

- This is land allocated for housing in the local plan, the loss therefore of farming land is approved through both the allocation and through the grant of the outline permission.
- Infrastructure provision to serve the development was considered under the outline permission.
- The issue of NHS contributions was considered under the outline permission and cannot be reconsidered at this stage. The funding sought is for the Hospital which serves a wide area for which there is no agreed method of funding from development. The CCG contribution was agreed under the outline permission.
- Under the outline permission it was agreed that a bio-diversity net gain would be achievable on the site with long term management for the benefit of local flora and fauna.

- Highway matters, including congestion impacts and the new road junctions and changes to existing junctions were considered under the outline permission.
- The impacts in terms of drainage and flooding were considered under the outline permission.

## **7.0 HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom

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

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

## **8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 in respect of decision making in line with paragraph 38 of 2021 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

## 9.0 **CONCLUSION**

9.1 The reserved matters submission for phases 1 and 2 infrastructure which includes the main street is considered to be acceptable in terms of creating an attractive area of open space with suitable planting proposal. It is in accordance with the outline permission for which outstanding conditions continue to be considered. The housing elements of the scheme will come forward in separate reserved matters applications which will have the detailed consideration. On this basis in line with the outline permission and allocation and subject to the additional conditions as set out above the application is acceptable and recommended for approval.

## 10.0 **RECOMMENDATION**

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

### **Conditions**

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.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

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).

NOTE: MOST OF THE PLANS IN THIS LIST WILL NEED TO BE UPDATED AT THE MEETING TO ACCOUNT FOR THE AMENDED HIGHWAY LAYOUT –

- Application boundary 22188-IML-PH1-XX-DR-D-0102 Rev P07
- Amended highway layout plan P4
- Landscape Master Plan P21055-00-001-GIL-0100 Rev 05
- Phase 1 enabling works drainage 2188-IML-PH1-XX-DR-D-0501 Rev T06
- Phase 2 enabling works drainage 2188-IML-PH1-XX-DR-D-0502 Rev T05
- 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 T02
- 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 T02
- 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 T01
- 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 T02
- S38 Drainage Plan 22188-IML-PH1-XX-DR-D-0550 Rev T0
- Proposed Contours PH1 Enabling Works and PH2 22188-IML-INF-DR-C-0671 Rev T0
- Isopachyte PH1 Enabling Works and PH2 22188-IML-OC-INF-DR-C-0672 Rev T0

- Landscape GA Plan Sheet 1 of 4 P21055-00-001-GIL-0101 REV 03
- Landscape GA Plan Sheet 2 of 4 P21055-00-001-GIL-0102 REV 03
- Landscape GA Plan Sheet 3 of 4 P21055-00-001-GIL-0103 REV 03
- Landscape GA Plan Sheet 4 of 4 P21055-00-001-GIL-0104 REV 03
- 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
- 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 01
- Typical Gateways - Feature Entrance Layouts 7-10 P21055-00-001-GIL-0312 REV 00
- Existing Hedgerow Removal – Retention P21055-00-001-GIL-0400 REV 02
- Landscape Softworks Sheet 1 of 4 P21055-00-001-GIL-0401 REV 01
- Landscape Softworks Sheet 2 of 4 P21055-00-001-GIL-0402 REV 01
- Landscape Softworks Sheet 3 of 4 P21055-00-001-GIL-0403 REV 01
- Landscape Softworks Sheet 4 of 4 P21055-00-001-GIL-0404 REV 01
- Typical Planting Details P21055-00-001-GIL-0405 REV 01
- Typical Landscape Mound Details P21055-00-001-GIL-0406 REV 00
- Main Contractors Compound Details 22188-IML-PH1-XX-DR-D-0163 REV T0

- S38 General Arrangement 22188-IML-PH1-XX-DR-D-0101 REV T0
- Phase 1, S38 Highway Long Sections Sheet 1 of 2 and 2 of 2 22188-IML-PH1-XX-DR-D-0704 REV T0 and 22188-IML-PH1-XX-DR-D-0705 REV T0
- S38 Kerbing and Surfacing 22188-IML-PH1-XX-DR-D-1101 REV T0
- Section 38 Details 22188-IML-PH1-XX-DR-D-1102 REV T0
- Lining GA 22188-IML-PH1-XX-DR-D-1201 REV T0
- Substation design NC1V-004 Rev 1.0
- Reserved Matters Statement

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

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.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality and for highway safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

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.

Reason: In the interest of visual amenity and local character in accordance with policy CLP20 of the Adopted Local Plan.

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.

Reason: In the interest of visual amenity and local character in accordance with policy CLP20 of the Adopted Local Plan.

6. Prior to any works commencing on site details of a naturalistic fencing detail along the eastern border of the site adjacent to the woodland shall be submitted to and agreed in writing by the Local Planning Authority. The agreed fencing detail shall be fully installed on site prior to any other works other than works to construct a temporary access and compound taking place.

Reason: In the interest of habitat and protected species in line with policy CLP16 of the Adopted Local Plan.

7. 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.

Reason: In the interest of visual amenity and local character in accordance with policy CLP20 of the Adopted Local Plan.

8. 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.

Reason: In the interest of visual amenity and local character in accordance with policy CLP20 of the Adopted Local Plan.

9. 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.

Reason: In the interests of residential amenity and delineation of public and private space in accordance with Policies CLP14 and 20 of the Adopted Local Plan.



Informative:

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

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**ITEM 5****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.****1.0 CONSULTATIONS**

Ward Members	No representations received
Strategic Planning	In principle the proposed development in this location is acceptable. The proposal accords with Policy CLP1 which seeks to concentrate new development to within walking distance of a range of Key Services and regeneration areas. The proposal would also accord with criteria a-h of CLP2 owing to the proposal's compliance with the spatial strategy, utilisation of previously developed land and accessibility to active transit routes / public transport. The ground floor town centre uses and additional floorspace would comply with Policy CLP8 and CLP9. Restrictions on scope of uses within the E Class may be necessary to protect the amenity of the occupants of the residential units. Further consideration is required with regards to policies CLP13, CLP14, CLP16, CLP20 and CLP22
Environmental Health	No objections, condition recommended covering hours of construction and electric vehicle charging
Design Services Drainage	The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. The site should be developed using separate systems for surface water and foul drainage. Both combined and surface water public sewers are shown to cross through the rear of the proposed site. Yorkshire Water must be consulted prior to full approval as to their exact location, as a Building Over Agreement or an

easement may be required. Any new connections to the public sewerage network will also require prior approval from Yorkshire Water. Any amendments to existing drainage may require prior consent from Building Control.

Yorkshire Water	No objection, conditions recommended covering separate foul/surface water drainage and details of surface water drainage to be agreed
The Coal Authority	No objection subject to pre-commencement condition requiring intrusive site investigation and submission of signed statement from suitably competent person prior to occupation
Derbyshire Wildlife Trust	Objection raised initially due to lack of a preliminary bat roost assessment. An assessment was submitted which indicated low potential for roosting bats. The DWT requested one nocturnal survey be undertaken prior to determination. A survey was undertaken and submitted in June 2023 and no bats were found to emerge from the property during the survey. The DWT confirmed that sufficient information had been submitted to enable the LPA to reach an informed decision and to discharge its duty in respect of protected species. Condition recommended covering biodiversity enhancements.
Local Highways Authority	No objections raised, comments made with respect to the size of the parking spaces and noting the location of the site in a sustainable location with extension on street parking restrictions on adjacent streets therefore an objection on the grounds of insufficient on site parking alone would be different to sustain. Conditions recommended covering widening the access, provision of parking spaces prior to occupation, bin storage and an informative note.
CIL Officer	No comments received
Conservation Officer	Site is not listed or within conservation area although is in close proximity to conservation area boundary and listed buildings. Proposal will have

a negligible impact on setting of heritage assets. The Victorian terrace is typical of type and individual properties subject to modern alterations although some elements of traditional shopfront design has been retained. The proposal will alter character of terrace as a whole these changes should be assessed in terms of design quality and policy CLP20.

Urban Design Officer Detailed comments provided – revised plans submitted by applicant

Representations 3 letters of representation received – see report for summary

## 2.0 THE SITE

2.1 The application site is located at the end of a terrace row fronting High Street adjacent to the junction with Station Lane. The building is within the defined Old Whittington local centre with a mix of retail/commercial premises on the High Street. The surrounding streetscene is varied in character with a range of residential and commercial premises.



Extract of submitted location plan ©



Aerial photo of site taken from google maps ©

2.2 The building currently comprises of two retail units at ground floor with a residential unit located centrally between the two and providing access to the first and second floor apartments. The residential accommodation across the building extends to 3 apartments in total. A car parking and service area is located to the rear of the building and accessed from Station Lane.



Terrace row fronting High Street and forming local centre



Side and rear elevations of application site

2.3

Old Whittington Conservation area is to the north of the site. Within the conservation area there are a number of listed buildings including Revolution House (Grade II\*), War memorial (Grade II) and The Old Mansion House (Grade II)





- 2.4 Consent was refused in 2021 for a larger scale scheme comprising of the complete demolition of the existing buildings, erection of contemporary building with 3 shop units and 11 one bedroom apartments (see site history below).

### 3.0 **SITE HISTORY**

- 3.1 CHE/21/00039/FUL - Demolition of the existing buildings and erection of 3 shop units with 11 one bedroom apartments above. Revised plan received 8 3 2021 – **REFUSED (07.05.2021)**

#### Reasons for refusal

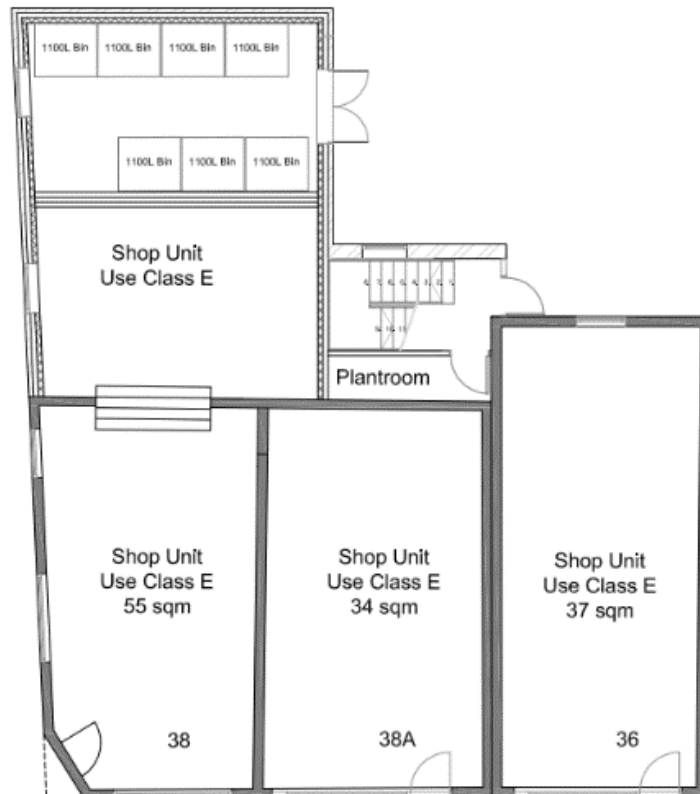
- 1. The demolition of the traditional unit at the end of the terraced row and its replacement with a contemporary flat roofed four storey building will result in a highly incongruous building which will dominate the terraced row and the surrounding area to the detriment of the character of the street scene, the setting of the conservation area and the setting of the listed buildings, in particular the Grade II\* Revolution House. This amounts to less than substantial harm to the setting of these heritage assets. The public benefits arising from the proposal do not amount to a public benefit that outweigh the harm identified in this case. The proposal fails to be acceptable in terms of policies CLP21 and CLP20 of the Local Plan and Part 16 of the NPPF.*
- 2. The small size of some of the residential units proposed being below the national space standards, the external steel stair access to the upper floor flats and minimal amount of communal amenity space; overall result in a poor level of accommodation for future occupants contrary to the requirements of Policy CLP14 of the Local Plan and paragraph 127 f) of the NPPF and the Council's Adopted Residential SPD.*
- 3. The application has failed to adequately address the potential impact on protected species and has failed to demonstrate a*

*biodiversity net gain. The proposal is therefore contrary to Policy CLP16 and paragraph 170 d) of the NPPF.*

#### 4.0 **THE PROPOSAL**

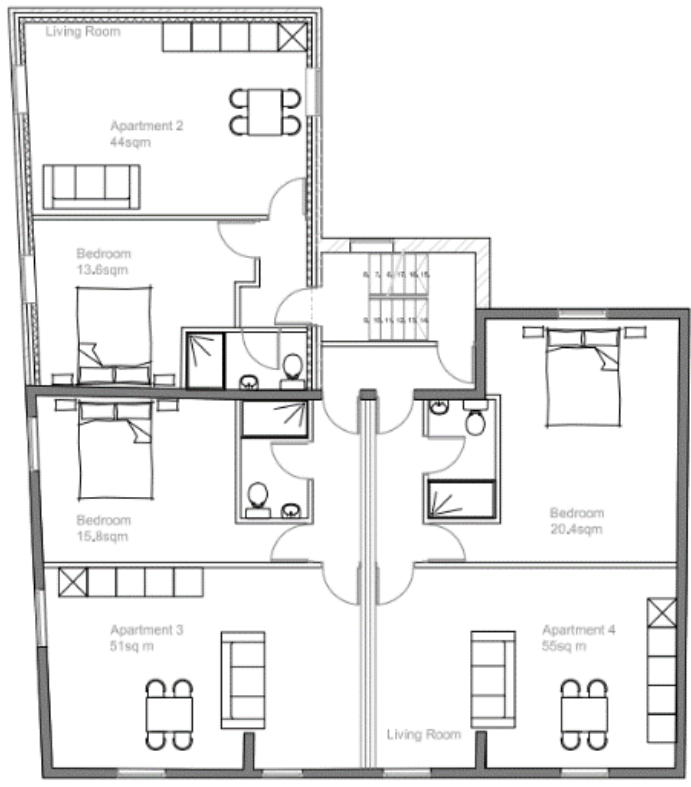
4.1 The proposal now comprises of 6 one bedroom apartments and 3 class E units at ground floor. The existing building will be retained with the roof and eaves raised to create more internal floorspace and a new 2.5 storey addition to the rear of the building and new dormer windows to the front and rear.

4.2 The scheme has been revised during the application process to address concerns raised by the Local Planning Authority. The original submission proposed seven flats, including one apartment at ground floor to the rear of the retail unit on the corner. Concerns were raised by the Local Planning Authority regarding this element of the scheme and the apartment was removed, creating a larger retail floorspace at ground floor and providing a space to safely store residential and commercial waste bins. The scheme will also include off-street parking for 5 vehicles, with a cycle shelter and small area of outdoor amenity space. The internal floorspace of the flats ranges from approximately 43.5sqm to 55sqm, each unit is served by an open plan living/kitchen space and one bedroom with separate bathroom.

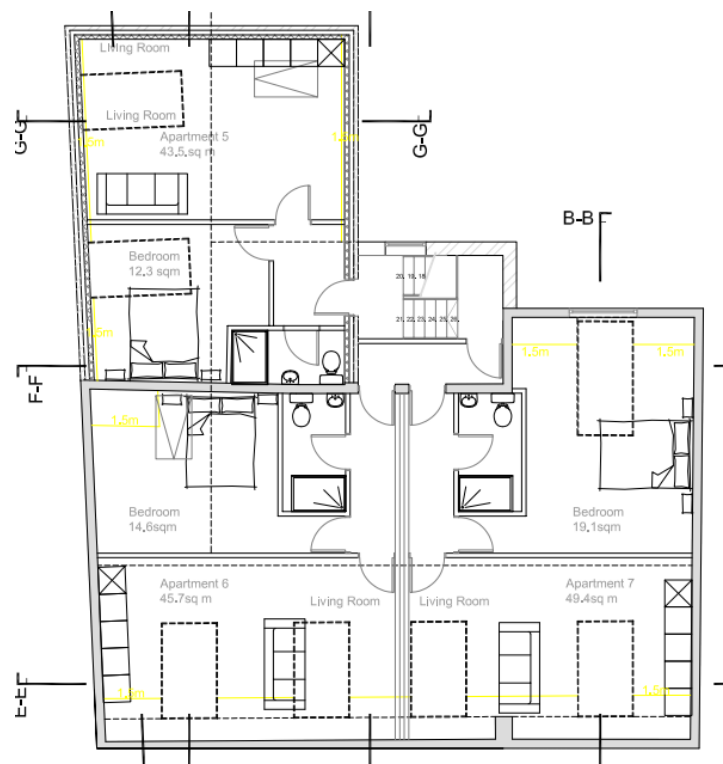


Proposed Ground floor plan ©





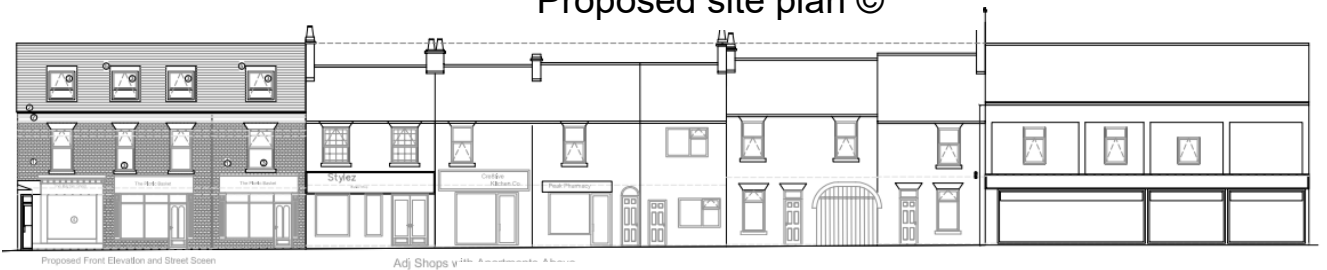
Proposed First floor plan ©



Proposed Second floor plan ©

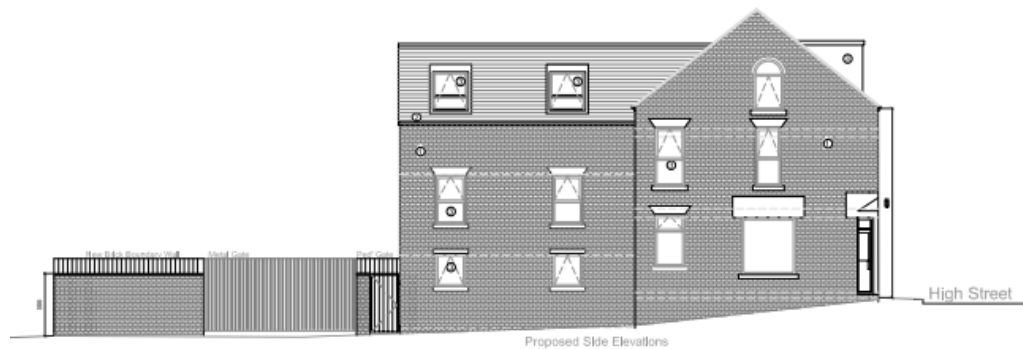
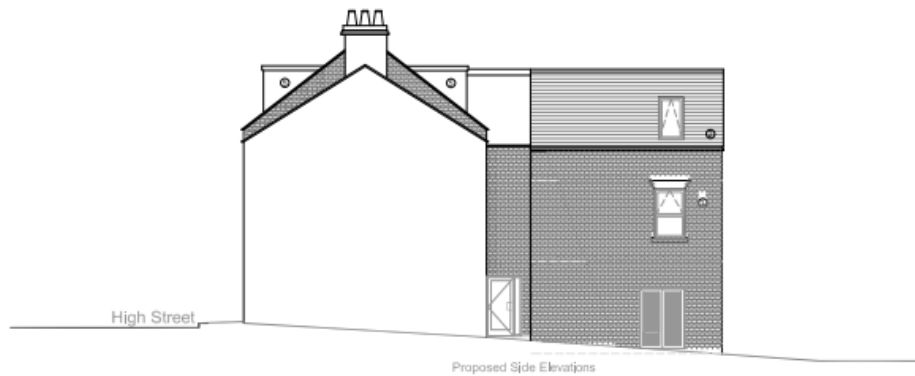
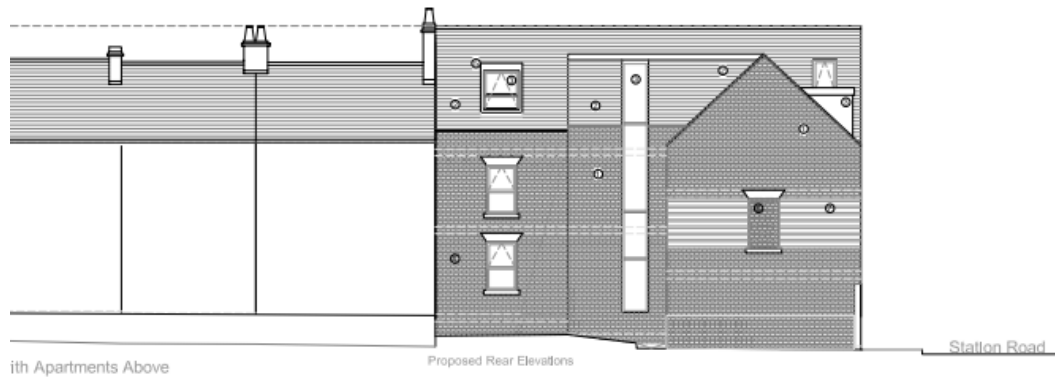


Proposed site plan ©



Proposed Streetscene ©





Proposed Elevations ©

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy**

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

5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its

setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.1.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development
- CLP3 Flexibility in Delivery of Housing
- CLP8 Vitality and Viability of centres
- CLP9 Retail
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

## **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF) 2021
  - 5. Delivering a sufficient supply of homes
  - 8. Promoting healthy and safe communities
  - 9. Promoting sustainable transport
  - 12. Achieving well-designed places
  - 15. Conserving and enhancing the natural Environment
  - 16. Conserving and enhancing the historic Environment
- ‘Successful Places’ Supplementary Planning Document

## **5.4 Principle of Development**

### **Relevant Policies**

- 5.4.1 The application site is located within the designated local centre of Old Whittington therefore policies CLP1, CLP2 and CLP8 are of relevance to the consideration of the principle of development.

- 5.4.2 Policy CLP1 states that *‘The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas.’*
- 5.4.3 Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council’s Spatial Strategy (policy CLP1);*
  - b) are on previously developed land that is not of high environmental value;*
  - c) deliver wider regeneration and sustainability benefits to the area;*
  - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
  - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
  - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
  - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
  - h) are not on the best and most versatile agricultural land;’*
- 5.4.4 Policy CLP8 states *‘The council will support the role of the town, district, local service centres and local centres in providing shops and local services in safe, accessible and sustainable locations. New development within centres shown on the Policies Map should make a positive contribution to the centre’s viability and vitality, and be of an appropriate scale’ and ‘Residential uses (C3) will be permitted at first floor level and above (with the exception of suitable provision for access) and on appropriate redevelopment sites where it would not undermine the vitality of the centre.’*

### **Considerations**

- 5.4.5 The application site positioned with the built up area of Old Whittington in the existing local centre. The proposal therefore accords with Policy CLP1 which seeks to concentrate new development to within walking distance of a range of facilities and services. The site is proximity to public transport links and the facilities within and around the local centre, including a pharmacy and a convenience store with post office, primary and secondary school and medical centre.

- 5.4.6 The proposal would also accord with criteria a-h of Local Plan policy CLP2 owing to the proposal's compliance with the spatial strategy, utilisation of previously developed land and accessibility to active transit routes and public transport.
- 5.4.7 The application seeks to retain the existing two retail units (class E) at ground floor and creating a third unit. The scheme therefore complies with the requires of Local Plan policy CLP8 contributing the viability and vitality of the local centre with residential use above. In addition local plan policy CLP9 seeks to focus new retail/commercial/business uses within centres therefore the creation of additional commercial E class floor space is acceptable.
- 5.4.8 The principle of development is therefore considered to be acceptable in accordance with Local Plan policies CLP1, CLP2, CLP8 and CLP9.

## **5.5 Design the Proposal and Heritage Impact**

### **Relevant Policies**

- 5.5.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 5.5.2 Local Plan Policy CLP21 sets out that in assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. This is in line with Part 16 of the NPPF where it states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (Para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 194). Paragraph 196 goes on to note that; where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

## Considerations

- 5.5.3 The application proposes the alteration and extension to the existing building comprising of a 2.5 storey extension to the rear, raising the existing roof and eaves height and the introduction of dormer windows.
- 5.5.4 The application site sits in a prominent corner position being the end of a row of Victorian/Edwardian range of buildings with typical sized window openings and traditional corner shop detailing and forms a strong character to this part of High Street. The building and row within which it sits is crucial to understanding of the evolution of the area as associated with the adjacent listed buildings, conservation area and the 20th century housing estate.
- 5.5.5 The application site is within the setting of a number of listed buildings, specifically Revolution House which is a Grade II\* listed building. These listed buildings are located within the Conservation Area, the boundary of which is located to the north of the site on the opposite side of North Street. There is a clear line of sight between Revolution House and the application site, where the impact on setting needs to be considered.
- 5.5.6 The host building is located at the end of a terrace row which form the local centre. At the opposite end of the row is No 20/22 High Street currently occupied by a convenience store 'One Stop'. The row is characterised by a staggered roof form with the elevated ridge and eaves at the opposite end of the row at No 20/22.







Existing streetscene – terrace row facing north east and south west



Proposed Streetscene ©

- 5.5.7 The revised scheme has been designed to reflect the height and scale of the building at the opposite end of the row, creating ‘bookends’ to visually terminate the terrace. The scheme will raise the eaves and ridge height of the building therefore careful consideration on the facing brick will be necessary and should be controlled by condition. All remaining materials need to reflect the site context and setting of listed buildings to the north, in particular the Grade II\* Revolution House. It is therefore recommended that the detail of all external materials should be controlled by condition for written agreement with the Local Planning Authority.
- 5.5.8 The proposed 2.5 storey extension is formed of two parts and adjoins the rear elevation of the existing building. The scheme has been amended during the application process and now comprises of 2.5 storey extension formed of a dual pitched roof form with gable end to the east with an adjoining smaller 2.5 storey flat roof structure located centrally at the rear of the building for the stairwell.
- 5.5.9 The proposed vertical window proportions responds to the character of existing building and elongated windows providing light to the stairwell at the rear. Dormer roof windows are proposed which introduces a new architectural feature to the roof form of the terrace. Single dormer windows are not atypical for buildings of this age and character. The dormers provide additional floorspace for the residential units within



the upper floor whilst keeping the overall increase in massing and scale to a minimum.

- 5.5.10 The two existing shopfronts will be retained, this approach is supported. The new shopfront in the centre of the existing units will reflect the existing arrangement as indicated on the submitted drawings.
- 5.5.11 The applicant/agent has worked proactively with the Local Planning Authority to overcome the concerns raised in the previous refusal and have substantially adapted the plans to find an appropriate solution. Overall the revised scheme is considered to be acceptable in design and appearance. The proposal will not have an adverse impact on the setting and character of the area. The scheme will result in less than substantial harm to and preserve the setting of the listed buildings. Subject to conditions the proposal will therefore accord with Local Plan policies CLP20 and CLP21.

## **5.6 Impact on Residential Amenity of Surrounding and Future Occupiers**

### **Relevant Policies**

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

### **Considerations**

- 5.6.3 The application site is bound by a mixture of residential and commercial premises. The site currently comprises of two class E commercial units at ground floor and 3 residential apartments. The application seeks to expand the current level of retail/commercial floorspace and also increase the number of dwelling units.
- 5.6.4 As the application seeks to retain and expand the Class E use at ground floor level, therefore it is necessary to consider the potential impacts on the amenity of the residents living above the commercial unit due to the range of permitted development rights under Class E. Class E includes the sale of food and drink (b) which could result in the requirement for expanded kitchen facilities with extraction

equipment, odours and noise considerations. Class E also covers indoor sport/fitness use (d) which could also lead to noise and disturbance for residents. It is therefore recommended that permitted development rights be controlled to enable further consideration of potential operations which may have an adverse impact on the amenity of residents, requiring the submission of extraction equipment and noise mitigation measures prior to any use falling with E b or d taking place.

- 5.6.5 The floorspace of the 6 residential unit varies from 43.5sqm to 55sqm, each unit is served by an open plan living/kitchen space and one bedroom with separate bathroom. The size of the units and level of accommodation is considered to be acceptable. A small amount of outdoor amenity space will be provided as part of the development, whilst the space is modest it is considered to be acceptable.
- 5.6.6 The Council's Environmental Health Officer reviewed the scheme and raised no objections with regarding to noise/fumes/odours or pollution and recommended that a construction hours condition be imposed on the decision and electric vehicle charging provision.
- 5.6.7 Subject to conditions covering the above the application is considered to accord with the requirements of policy CLP14 of the Adopted Local Plan.

## **5.7 Highways Safety, Vehicle and Cycle Provision and Air Quality**

### **Relevant Policies**

- 5.7.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking;*' and '*h) provide safe, convenient and attractive environment for pedestrians and cyclists*'.
- 5.7.2 Local Plan policy CLP22 details the requires '*To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision*' and seeks '*e) provision of opportunities for charging electric vehicles where appropriate.*'

### **Considerations**

- 5.7.3 The Local Highway Authority were consulted on the scheme and provided comments on the proposal. The Highways Officer confirmed that widening the access onto Station Road to 5m is acceptable and

noted that the parking spaces are indicated to be 4.8m x 2.4m. Larger parking spaces of 5m x 2.5m are recommended and reconfiguration of the layout to ensure all spaces are accessible. On the basis of the site being in a sustainable location, in a centre with extensive on street parking restrictions already in place on adjacent streets, it is considered an objection on the grounds of insufficient on site parking alone would be difficult to sustain. No highway objections subject to conditions covering the creation of the widened access, parking provision prior to occupation and bin/waste storage.

- 5.7.4 The revised scheme proposes off-street parking for 5 vehicles with a widened access to Station Road and separate pedestrian access. The size of 3 of the spaces has been increased to 2.4m x 5.5m with space for turning within the site. The remaining 2 spaces measures 2.4m x 4.8m which accords with the requirements of the adopted SPD Successful Places. The boundary wall has been reduced in height with open trellis/railings above to enable visibility for pedestrians and vehicles, full details to be controlled by landscaping condition.
- 5.7.5 A designated area for bike storage is proposed, further details of the storage area should be controlled and provided by condition.
- 5.7.6 The revised plans propose a dedicated internal bin store accessed from the car park. The bin storage area will provide space for approximately 8 commercial sized bins which will enable all waste to be appropriately stored for both the residential and commercial operations.
- 5.7.7 It is no longer necessary to control the provision of electric vehicle charging by condition as building regulations require the installation of electric charging points.
- 5.7.8 Subject to conditions as set out above the proposal will accord with the provisions of local Plan policy CLP20 and CLP22.

## **5.8 Flood risk, Drainage and Water Efficiency**

### **Relevant Policies**

- 5.8.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals and site allocations will:*
- a) *be directed to locations with the lowest probability of flooding as*

*required by the flood risk sequential test;*  
*b) be directed to locations with the lowest impact on water resources;*  
*c) be assessed for their contribution to reducing overall flood risk,*  
*taking into account climate change.*

- 5.8.2 Local Plan policy CLP13 states that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

### **Considerations**

- 5.8.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water
- 5.8.4 The Design Services (Drainage) Team reviewed the submission and confirmed that the site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. The site should be developed using separate systems for surface water and foul drainage and highlighted the presence of both combined and surface water public sewers are shown to cross through the rear of the proposed site.
- 5.8.5 Yorkshire Water reviewed the scheme and raised no objection subject to conditions covering separate foul and surface drainage and full detail of proposed surface water drainage to be submitted to the LPA for approval. The presence of combined and surface water sewer was noted by Yorkshire Water and clarified that this will be addressed through H4 Building regulations building over agreement.
- 5.8.5 It is recommended that a condition be imposed on the decision requiring the development to comply with water efficiency standards as set out in part G of Building Regulations.
- 5.8.6 Subject to the imposition of relevant conditions set out above the proposal will accord with the provisions of CLP13 and the wider NPPF.

### **5.9 Ground Conditions, Land contamination and Land Stability**

## Relevant Policies

- 5.9.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
  - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
  - c) a strategy for any necessary mitigation and/or remediation and final validation.*
- A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.*
- 5.9.2 Paragraph 183 of the NPPF states that *'Planning policies and decisions should ensure that:*
- Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

## Considerations

- 5.9.3 The application site is located in an area considered to be at 'high risk' of former Coal Mining Legacy. Having regards to the provisions of CLP14 and the NPPF the application was referred to The Coal Authority and the Council's Environmental Health Officer for comments.
- 5.9.4 The application is supported by a Coal Mining Risk Assessment (CMRA) which concluded that there is a potential risk posed to the

development by past coal mining activity and therefore recommends intrusive site investigations. The CMRA was reviewed by the Coal Authority who raised no objections subject to the inclusion of a pre-commencement condition covering intrusive site investigations and a further condition requiring a signed statement/declaration from a suitable competent person confirming the site is or has been made safe and stable for the approved development. The statement shall include details of the methods and findings of the investigations and completion of any remediation/mitigation works.

5.9.5 The Council's Environmental Health Officer reviewed the scheme and raised no concerns regarding land contamination.

5.9.6 Subject to conditions as recommended by the Coal Authority the proposal is considered to accord with the requirements of Local Plan policy CLP14.

## **5.10 Biodiversity including protected species and Landscaping**

### **Relevant Policies**

5.10.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*

- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
- *provide a net measurable gain in biodiversity'*

5.10.2 The NPPF also requires net gains in biodiversity (paragraph 180 d).

### **Considerations**

5.10.3 The application currently comprises of built form and hard landscaping. The proposal involves substantial works to the roof space and as such the Derbyshire Wildlife Trust (DWT) requested a preliminary bat roost assessment. A preliminary assessment was undertaken by ML-Ecology which found low potential for roosting bats. The DWT requested one nocturnal survey be completed prior to determination. A survey was conducted by ML-Ecology and submitted in June 2023, no bats were found to emerge from the property during the survey. The DWT confirmed that sufficient information had now been submitted to enable the LPA to reach an informed decision and to discharge its duty in respect of protected species.

- 5.10.4 To provide a net gain in biodiversity simple measures can be included within the development in the form of bird and bat boxes and soft landscaping.
- 5.10.5 A small area of landscaping is indicated on the submitted site plan surrounding the amenity space and it is recommended that full details should be controlled by condition.
- 5.10.6 Subject to conditions as recommended above the development accords with the requirements of CLP16 and the NPPF.

## 5.11 Developer Contributions and Community Infrastructure Levy

- 5.11.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwellings and retail floorspace and is therefore CIL Liable.
- 5.11.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	292.2 (include bin store 19.5 = 311.7)	220.6	71.6	£50 (Medium Zone)	355	288	£4412
Retail (E class)	131.9	70.1	61.8	£80 (retail)	388	288	£6094

Calculation:

CIL Charge (E) is calculated as outlined below:

$$\frac{\text{Net Area (A)} \times \text{CIL Rate} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of charging schedule) (D)}}$$

Therefore, the CIL charge liable for this application is as follows:

$$\frac{\text{Residential (C3)} \quad 71.6 \times \text{£}50 \times 355}{288} = \text{£}4412 \quad \text{Retail} \quad \frac{61.8 \times \text{£}80 \times 355}{288} = \text{£}6094$$

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters site notice, 3 letter of representation have been received from two local residents. A summary of the main points raised is set out below;

### **Highway safety/access/parking issues**

- development encroaches on the access road and right of way which runs between the proposed development and No 2 Station Lane. Access road is currently only wide enough for a single vehicle, serves multiple driveways and gardens therefore any reduction in width of this access would render the access road and driveway turning inaccessible
- if access width is reduced the ability for emergency vehicles to access the rear of High Street would be compromised, a fire engine would find it impossible to pass through
- restrictions of the driveways would impact occupiers and property values, leading to more parking on Station Lane and High Street causing further restrictions
- concerns regarding amount of parking not been addressed. Six apartments may well require six parking spaces let alone retail owners, staff and customers. Parking is already a major issue in the area. The development will add to this issue and force drivers to park on the very busy main road.
- Long term resident of Station Lane has witnessed accidents and near misses due to inappropriate parking
- Road is also very busy due to heavy goods vehicles accessing the industrial estates which can only be accessed via Station Lane. Further increase in parking in the area could cause a danger to drivers, pedestrians, cyclists and emergency services
- The access lane behind the properties is also in a poor state of repair and is constantly used as a dumping ground. The increased number of occupancy is not going to relieve this situation.

### **Fear of crime and anti-social behaviour**

- Fear of crime and anti-social behaviour. Small one bed apartments will add to this problem

### **Refuse and bin storage**

- The high number of flats in addition to the replaced 3 shop units will cause chaos and obstructions on Station Lane with the number of refuse and recycling bins. The existing arrangements on Station Lane allow the accumulation of these bins on the pavement.
- The lack of access of the shops to the rear space is only going to complicate the bin storage on Station lane on collection days and even on all days as they are usually left out all the time.



### **Coal mining risk/subsidence**

- Concerns raised regarding the coal report and the possibility of subsidence and release of gases whilst the foundations for the increased building size are being developed.

### **Impacts during construction**

- concern that access/right of way could be blocked during construction work
- wall separating the yard to 38 High Street is deteriorating and could be safety issue if building work commences on site
- concern regarding construction hours and noise/disturbance

## **6.2**

***Officer comments – the above comments have been noted***

- ***Highway safety/access/parking issues – The application includes the service yard to the rear of the building and does not extend to the private access/right of way. The Local Highways Authority Derbyshire County Council were consulted on the scheme and raise no objections. The number of residential units have been reduced overall and as the site is in a local centre with access to public transport and services it would not be reasonable for the LPA to require a high level of off-street parking.***
- ***Fear of crime and anti-social behaviour – noted it is unreasonable to suggest that the provision of one bedroom flats will result in anti-social behaviour and crime.***
- ***Refuse and bin storage – the application has been amended during the submission process to provide a large area for waste/refuse to be safely stored within the site with access taken from the service yard.***
- ***Coal mining risk/subsidence – The Coal Authority reviewed the scheme and raised no objections requiring conditions covering pre-commencement intrusive site investigations and declaration***
- ***Impacts during construction – disturbance arising during the construction period is a non-material planning consideration. A condition will be imposed on the decision restricting construction hours. The maintenance and safety of any structures would be a private matter.***

## **7.0**

### **HUMAN RIGHTS ACT 1998**

## **7.1**

Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

## 8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

8.2 The Local Planning Authority have worked with the applicant during the consideration of this application to amend the scheme through a positive and proactive dialogue in order to achieve a positive outcome for the application.

## 9.0 **CONCLUSION**

9.1 The proposal is considered to accord with the planning policies as set out in the report above.

## 10.0 **RECOMMENDATION**

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

### **Conditions**

#### Standard time frame

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

**Reason** - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

#### Approved plans and documents

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 2<sup>nd</sup> 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

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

Pre-commencement – intrusive site investigations

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.

**Reason** - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with the requirements of CLP14 and the NPPF.

Land stability – declaration

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.

**Reason** – In accordance with the requirements of CLP14 and the NPPF.

Highways –at commencement site storage/compound

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.

Highways - Creation of widened access prior to occupation

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.

**Reason** - To ensure that a suitable form of access is made available to serve the development in accordance with Policies CLP20 and 22 of the Adopted Local Plan.

Highways - Parking provision prior to occupation

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.

**Reason** - In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22.

Highways – Waste/refuse storage prior to occupation

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.

**Reason** - In the interests of residential amenity and highway safety, and policies CLP14 and CLP20.

Highways – cycle parking installed and agreed prior to occupation

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.

**Reason** - In the interests of providing adequate cycle parking provision in accordance with CLP20 and CLP22.

Hours of construction

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.

**Reason** - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

E Class Use

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

**Reason** - In the interests of residential amenity of the occupants in accordance with policies CLP14 and CLP20.

#### Drainage - surface water

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.

**Reason** - To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage in accordance with CLP13.

#### Drainage – separate foul and surface

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.

**Reason** - In the interest of satisfactory and sustainable drainage and in accordance with CLP13

#### Approval of Materials

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.

**Reason** - To ensure a satisfactory external appearance of the development in accordance with CLP20 and CLP22 of the Local Plan

#### Biodiversity

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.
- 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.

Reason: In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 190 of the National Planning Policy Framework.

#### Landscaping

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.

**Reason** - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Local Plan policies CLP20 and CLP16.

Retention of soft landscaping

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.

**Reason-** To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

Water efficiency

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.

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

**Informative Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.



2. 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.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Councils website <https://www.derbyshire.gov.uk/transportroads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossoversand-dropped-kerbs.aspx> e-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 5331
5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

8. To ensure that breeding birds are protected from harm we advise that a condition should be imposed requiring that “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. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest
9. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
10. In line with conditions requested by Yorkshire Water –
  1. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.
  2. On the Statutory Sewer Map, there is a small diameter public combined water sewer and a public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. In this instance, Yorkshire Water would look for this matter to be controlled under Requirement H4 of the Building Regulations 2010.
  3. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under

Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6<sup>th</sup> Edition as supplemented by Yorkshire Water's requirements.

11. In accordance with condition 15 above appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:

- Bird/owl/bat boxes
  - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
  - You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
  - The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
  - Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
  - (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as

protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

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

Species	Potential Enhancement Measure	Notes
<b>Wildflowers</b>	<p><b>Native wildflower meadow areas:</b> as an alternative to amenity grassland.</p> <p><b>Wildflower verges.</b></p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes. Advice for creating and maintaining a wild patch is available on the <a href="#">Wildlife Trust website</a> and through <a href="#">Flora Locale</a>.</p>
<b>Birds</b>	<p><b>Bird Boxes and other nesting features:</b> (such as stone ledges and wooden cladding).</p> <p><b>Native species planting and boundary features:</b> Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: <a href="https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box">https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</a></p> <p>Generally, boxes should be sheltered from</p>

	Rose Hawthorn and Spindle berry.	prevailing wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.
<b>Invertebrates</b>	<p><b>Bug hotels and log piles with stones:</b> particularly near ponds.</p> <p><b>South facing banks:</b> with some bare ground.</p> <p><b>Rough or natural stone walls with holes</b> for invertebrates to use.</p> <p><b>Brown roofs with a range of substrates</b> these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.</p>	<p>Examples of living roof projects are available on the Buglife web page: <a href="https://www.buglife.org.uk/our-work/living-roof-projects/">https://www.buglife.org.uk/our-work/living-roof-projects/</a></p>

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# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	21 <sup>st</sup> August 2023
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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**Delegated List**  
**Planning Applications**

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/20/00430/FUL	Staveley Central	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.	FDO	07/08/2023
CHE/21/00884/FUL	Spire	Two storey extension and internal alterations  At 29 Newbold Road Newbold S41 7PG  For Chesterfield Muslim Association	CP	17/07/2023
CHE/22/00172/FUL	Staveley North	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	CP	08/08/2023
CHE/22/00765/HH	Brampton West & Loundsley	High hedge complaint At  Longlands The Dell Ashgate Chesterfield S40 4DL  For Mr Luke Strong	CP	20/07/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00799/FUL	Spire	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	CP	03/08/2023
CHE/23/00108/FUL	Dunston	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	CP	14/07/2023
CHE/23/00136/FUL	Walton	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	CP	08/08/2023
CHE/23/00178/FUL	Staveley North	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	CP	08/08/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00207/DOC	Brimington South	Discharge of condition 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	DPC	01/08/2023
CHE/23/00227/LBC	Spire	Internal and external alterations At 39, 39A and 41 Holywell Street Chesterfield S41 7SH  For Voeberg Hospitality Ltd	CP	31/07/2023
CHE/23/00231/FUL	Spire	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	CP	31/07/2023
CHE/23/00268/FUL	Staveley North	Detached garage At Dreams View Eckington Road Staveley Chesterfield S43 3XZ  For Mr Simon Bannister	CP	09/08/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00278/DOC	Spire	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	DPC	25/07/2023
CHE/23/00279/FUL	Whittington	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	CP	27/07/2023
CHE/23/00281/DOC	Whittington	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	REF	27/07/2023
CHE/23/00286/FUL	Staveley North	Pitched roof garage At 17 Netherthorpe Close Staveley Chesterfield S43 3PX For Miss Rachel Roberts	CP	27/07/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00287/FUL	Staveley North	<p>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</p> <p>At Oak Tree Barn Bolsover Road Mastin Moor Chesterfield S43 3DB</p> <p>For Mr and Mrs Linathan</p>	REF	31/07/2023
CHE/23/00296/FUL	Brockwell	<p>Re-submission of CHE/22/00128/FUL to replace flat dormer roof with sloping roof</p> <p>At 7 Newbold Drive Newbold Chesterfield S41 7AP</p> <p>For Mr Martin Bruno</p>	CP	20/07/2023
CHE/23/00297/DOC	Spire	<p>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</p> <p>At Pine Bank Day Centre 9 Abercrombie Street Chesterfield S41 7LW</p> <p>For Godfrey Barnes Healthcare LLP</p>	DPC	25/07/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00299/NMA	Walton	<p>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</p> <p>At Arcot 51 Somersby Avenue Walton Chesterfield S42 7LY For CHAZCAD LTD</p>	CPNMAZ	26/07/2023
CHE/23/00301/LBC	Spire	<p>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</p> <p>At Winding Wheel 13 Holywell Street Chesterfield S41 7SA For Chesterfield Borough Council</p>	CP	24/07/2023
CHE/23/00303/RET	Whittington	<p>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</p> <p>At 179 Holland Road Old Whittington S41 9HD For Mr Christopher Daniels</p>	CP	01/08/2023
CHE/23/00306/FUL	Brockwell	<p>Single storey rear/side extension</p> <p>At 32 Aspley Close Chesterfield S40 4HG For David and Glenys Ashall</p>	CP	01/08/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00314/CLO	Spire	Certificate of lawfulness for a proposed single storey rear extension At 20 Avondale Road Chesterfield S40 4TF For Mrs G Scotford	WDN	12/07/2023
CHE/23/00320/LBC	Staveley North	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	CP	27/07/2023
CHE/23/00322/CLO	Staveley North	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	GR	12/07/2023
CHE/23/00333/FUL	Dunston	Detached outbuilding At 52 Lindale Road Newbold Chesterfield S41 8JH For Mr Melvyn Berry	CP	27/07/2023
CHE/23/00334/DOC	Walton	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	DPC	01/08/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00336/FUL	Staveley South	<p>Levelling of frontage to form driveway At 9 Sycamore Road Hollingwood S43 2HQ</p> <p>For Miss Victoria Zhang</p>	CP	27/07/2023
CHE/23/00343/REM	Whittington	<p>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.</p> <p>At Long Cottage 79 High Street Old Whittington Chesterfield S41 9LA</p> <p>For Mr Jon Carr</p>	CP	31/07/2023
CHE/23/00344/LBC	Whittington	<p>Works to dwelling, garage and boundary wall in conjunction with CHE/23/00343/REM1</p> <p>At Long Cottage 79 High Street Old Whittington Chesterfield S41 9LA</p> <p>For Mr Jon Carr</p>	CP	31/07/2023
CHE/23/00346/FUL	Dunston	<p>Installation of battery energy storage unit at construction back-up electricity generation facility</p> <p>At Unit 17A Dunston Trading Estate Foxwood Road Sheepbridge Chesterfield S41 9RF</p> <p>For Powertree (Foxwood) Ltd</p>	CP	27/07/2023



<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00347/CLO	Whittington	<p>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</p> <p>At Whittington Wastewater Treatment Works Station Lane Old Whittington Chesterfield S41 9EY</p> <p>For Downing LLP</p>	GR	12/07/2023
CHE/23/00354/FUL	Walton	<p>Two storey front and side extension and front car hardstanding</p> <p>At 2 Royston Close Walton Chesterfield S42 7NE</p> <p>For Mr S Beresford</p>	CP	08/08/2023
CHE/23/00356/FUL	Brampton West & Loundsley	<p>Demolition of conservatory and erection of single storey side/rear extension and provision of a raised decking area</p> <p>At 2 The Knoll Brookside Chesterfield S40 3PS</p> <p>For Mr Robert Bentley</p>	CP	09/08/2023
CHE/23/00359/PIP	Staveley Central	<p>Permission in Principle for 5-9 houses/bungalows</p> <p>At Troughbrook House Chesterfield Road Staveley Chesterfield S43 3RX</p> <p>For Pembrey Developments</p>	PIPRFZ	17/07/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00364/REM	Brampton West & Loundsley	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	CP	08/08/2023
CHE/23/00366/FUL	Whittington	Single storey rear extension and ground floor side WC window  At 42 Highland Road New Whittington Chesterfield S43 2EZ  For Mags Kay	CP	07/08/2023
CHE/23/00378/TPO	Hasland	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	CP	19/07/2023
CHE/23/00380/DOC	Dunston	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	DPC	27/07/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00382/FUL	Hasland	Off street car parking space At 130 Spital Lane Spital Chesterfield S41 0HN  For Mrs Gil Carter	CP	08/08/2023
CHE/23/00393/DOC	Staveley North	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	DPC	31/07/2023
CHE/23/00396/DOC	Staveley North	Discharge of condition 22 (Written Scheme of Investigation- archaeological) of CHE/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	DPC	31/07/2023
CHE/23/00397/TPD	Hasland	Single storey rear extension At 89 St Philips Drive Hasland Chesterfield S41 0RG  For Heather Haigh	PANR	19/07/2023

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/23/00401/DOC	Dunston	<p>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</p> <p>At Dunston Hall Dunston Road Chesterfield S41 9RL For Mr David Harrison</p>	DPC	07/08/2023
CHE/23/00408/NMA	Brockwell	<p>Non material amendment to CHE/22/00795/FUL to include roof lights to the front elevation</p> <p>At 6 Hartside Close Loundsley Green Chesterfield S40 4LB</p> <p>For Mr Paul Wilson</p>	CPNMAZ	08/08/2023
CHE/23/00418/NMA	Staveley Central	<p>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</p> <p>At Land To West Of Inkersall Road Staveley Chesterfield</p> <p>For Barratt David Wilson Homes</p>	CPNMAZ	27/07/2023
CHE/23/00425/CA	Spire	<p>Fell one dead Whitebeam tree to the frontage of the property</p> <p>At Central Methodist Church 38 Saltergate Chesterfield</p> <p>S40 1UH</p> <p>For Mr John French</p>	UP	19/07/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00432/DOC	Brampton West & Loundsley	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	DPC	19/07/2023
CHE/23/00433/CA	Spire	T1(cherry), T2(cherry), T4(Tulip Tree), T6(Lime), and T7(white beam): crown lif 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	UP	19/07/2023
CHE/23/00448/DOC	Brockwell	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	DPC	27/07/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00460/NMA	Brampton West & Loundsley	<p data-bbox="552 203 1114 645">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</p> <p data-bbox="552 667 823 902">At Upper Close 17 Somersall Lane Somersall Chesterfield S40 3LA For Mr Young</p>	CPNMAZ	02/08/2023

## *Delegated List - Planning Applications*

### Key to Decisions

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

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	21 <sup>st</sup> August 2023
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/23/00419/TPO TPO 4901.248  08/08/23	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	Consent is granted to the pruning of 2 trees at Hasland Junior School to removed dead wood from the crown and to crown lift the lower branches of one Lime tree which is low over the neighbouring garden.
CHE/23/00412/TPO TPO 4901.12  08/08/23	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	Consent is granted to fell one Lime tree T7 which is infected with bleeding canker with a condition to plant one Rowan tree as a replacement in the first available planting season after felling.  Consent is also granted to the reshaping of one Ash tree by reducing one protruding limb and the removal of one lower branch.
CHE/23/00420/TPO TPO 4901.81  08/08/23	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	Consent is granted to the crown lifting of the tree and the reduction of branches overhanging the neighbouring garden by a maximum of 2 metres.

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**SECTION 2****NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/23/00425/CA 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.	Agreement to the felling of the tree with a duty to plant a replacement tree in the first planting season after felling.	18/07/23
CHE/23/00433/CA The pruning of 7 trees to the east of 29 West Bars, Chesterfield. Page 265	The trees are within the Town Centre Conservation Area.	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.	19/07/23

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## APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 21<sup>st</sup> August 2023  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH**  
**DEVELOPMENT MANAGEMENT AND CONSERVATION**  
**MANAGER**

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

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**APPEALS**

<b><u>FILE NO.</u></b>	<b><u>WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/22/00250/TPO – Felling 2 Beech trees at 25a Storrs Road Refusal	Officer delegation	21/06/22	Hearing 23/08/23	
2/621	Barrow Hill and New Whittington ward	Mr P Rawson	CHE/22/00592/OUT 2 dwellings on land at 66 South Street North – None Determination	n/a	9/2/23	Written Reps	Allowed 03/08/23 see appendix B
2/2581	Middlecroft & Poolsbrook ward	Mr T Singh	CHE/21/00381/FUL Extension at 26A Circular Road – Refusal	Officer delegation	23/2/23	Written Reps	
2/705	Brockwell ward	Mr D Hopkinson	CHE/22/00276/RET Retention of fencing and retail sales at 194-196 Newbold Road - Refusal	Planning Committee against officer advice	28/02/23	Written Reps	Allowed 26/07/23 see appendix A
2/1257	Middlecroft & Poolsbrook ward	Mrs V Zheng	CHE/21/00778/FUL Change of Use and new build to create 20 apartments at Elm Tree Inn, High Street, Staveley – Refusal	Planning Committee against officer advice	28/04/23	Written Reps	
2/3583	St Helens ward	Woodall Homes Ltd	CHE/22/00604/FUL – Residential Development of land at Brimington Road, Waterside – 145 units – Non Determination	n/a	11/05/23	Public Inquiry	

2/1209	Moor ward	Plumco Ltd	CHE/23/00090/ADV – 48 sheet illuminated signage Refused	Officer delegation	23/05/23	Written Reps	
2/2150	Old Whittington Ward	Chris Eaton	CHE/23/00001/FUL Dwelling at 7 Ashcroft Drive, Old Whittington – Refusal	Officer delegation	9/6/23	Written Reps	
2/2403	Holmebrook ward	Mr Paul Servante	CHE/19/00534/RET – Play Equipment at 94 Chester Street – appeal against planning refusal dated 19/11/19 rather than Enforcement Notice	Committee authorised Enforcement Notice	9/6/23	Written Reps	
2/1118	Whittington ward	Mr Paul Hardy (Vivid Outdoor Media Ltd	CHE/23/00026/ADV – Illuminated 48 sheet hoarding at Station Road, Whittington Moor - Refusal	Officer delegation	19/07/23	Written Reps	

## Appendix A

### Appeal by Mr David Hopkinson

#### Land at 194-196 Newbold Road, Newbold, Chesterfield.

#### CHE/22/00276/RET

1. Planning permission was refused on 11<sup>th</sup> October 2022 by Planning Committee against the advice of officers for the retention of a fence and change of use of then frontage to sale of garden sundries and plant sales and display and sale of garden buildings together with cladding the building exterior at 194-196 Newbold Road. The reasons for refusal were:
  - The introduction of retail sales and fencing to the site frontage will result in harm to the character of the street scene detrimental to the visual amenity of the area contrary to Policy CLP20 of the Adopted Local Plan.
  - The introduction of a frontage sales area will result in a loss of off street parking provision for the premises resulting in indiscriminate parking along the street conflicting with the bus stop and cycle paths adversely impacting on the amenity of the area. As such the proposal is contrary to policies CPL20 and 22 of the Adopted Local Plan.
2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The main issues were
  - a. The effect of the proposal on the character and appearance of the area.
  - b. The effect of the proposal on parking and highway safety on Newbold Road.

#### *Character and appearance*

4. The appeal site occupies a sizeable area and comprises a building, partly occupied by a builder's merchant/landscaping business, and a large yard used for external storage to the rear. The garden centre that forms the appeal proposal occupies the front of the building and the forecourt. Parking space for at least 2 vehicles with direct access from the road is provided at the front of the building for use by garden centre customers only and plans submitted with the application

indicate that additional parking space is available for customers within the yard at the rear.

5. Newbold Road is predominantly residential in character although there are a number of non-conforming uses including a public house and petrol filling station, as well as the appeal site, in the vicinity. The road is wide, with cycle lanes on both sides and demarcated on-street parking lanes. The boundary treatments to residential properties comprise predominantly low walls and hedging and the street is lined with trees. Accordingly, whilst the road is busy with traffic, the area has an attractive character and appearance.
6. The fencing erected around the front of the site is of galvanised welded steel mesh, coloured pale grey. Such fencing would not normally be associated with a residential area given its stark appearance and commercial character. However, in the context of the wider site, which has a well-established commercial appearance, the inspector considered the fence does not appear incongruous. Moreover, given the open nature of its construction and its pale colour, the fence is both visually lightweight and transparent, such that the plants and goods behind it are visible. The inspector considered the plants soften and distract from the appearance of the fence and accordingly, the fence is not unduly prominent and, given its association with the business use of the premises, does not cause harm to the character or appearance of the wider area.
7. The site has a long history of use as a builder's yard which appears to pre-date planning control. Photographs indicated that the forecourt was previously an area of concrete used as a car park, unrelieved by screening or planting. There is no evidence before the inspector to demonstrate that there was a restriction on the storage of goods at the front of the premises. Even if that was the case, whilst the plants and goods for sale are readily apparent, the use of the forecourt in the manner proposed provides an active frontage and as such contributes to the vitality of the area. The plants are not in themselves unattractive, and the timber structures are sited to one side of the forecourt and as such are not intrusive. Accordingly, on that basis and given the width and busy character of the road the displayed goods are not visually overbearing.

8. Evidence before the inspector indicated that the building, a large mid-century building constructed in brown brick, was previously clad in red at ground floor level with red railings/gates and a substantial red and white sign at first floor level. That external finish may have been in place for a limited period but it seemed to the inspector that the alterations to the external appearance of the building, which include the removal of the red panelling and the installation of timber panels, softens the appearance of the brickwork and has made a significant improvement to the building.
9. Taking all these matters into account, the inspector concluded on this issue that the proposal does not cause significant harm to the character and appearance of the area. Moreover, the proposal is in accordance with Policy CLP20 of the Chesterfield Local Plan (the Local Plan) which requires that all development should respond positively to the character of the site and its surroundings and respect the local distinctiveness of its context.

*Highways safety and parking*

10. Following revisions to the proposal during the application process, the plans indicated provision of 10 parking spaces within the site, the majority of which are at the rear of the site with a further 2 for customers at the front. The inspector understood that 10 spaces were previously provided on the front.
11. The inspector took into account the concerns of the Council and local residents that the level of parking provision provided is insufficient and will result in indiscriminate parking. At the time of his visit, he noted customers using the parking spaces immediately outside the building although this area is limited in terms of its size. However, the site is located immediately adjacent to a bus stop and the inspector understood there are bus services from there to the wider Chesterfield area. In addition, the site is accessible to occupiers of the immediately surrounding residential area on foot. Moreover, alternative parking spaces are available at the rear and no objections have been raised by the Highway Authority in terms of either the overall parking provision or the effect of the proposal on highway safety.

12. Even if customers do not use the spaces at the rear it seemed to the inspector that there is ample available on-street parking space in the vicinity of the site, including in demarcated parking areas, without interfering with the free and safe flow of traffic on Newbold Lane or adversely affecting the living conditions of local residents in terms of available parking space. Whilst he acknowledged the concern that indiscriminate parking could interfere with the cycle lanes and use of the bus stop, he was unconvinced that drivers are likely to behave other than in accordance with the highway code, particularly given the available parking opportunities nearby. He also noted the concern that parked vehicles block visibility for drivers emerging from residential driveways. However, vehicles parked on public highways in residential areas are commonplace. There is no convincing evidence that in this instance, issues caused by parked cars are unduly detrimental to highway safety.
  
13. On the evidence before the inspector he concluded that the proposed level of offstreet parking provision, and the effect of the development on highway safety, is acceptable. Accordingly, in that respect the proposal is consistent with the requirements of Policy CLP20 of the Local Plan which requires that development should provide adequate and safe vehicle access and parking, and Policy CLP22 which requires that development proposals do not have an unacceptable impact on highway safety or create a severe residual cumulative impact on the road network.

## **Conditions**

1. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment or conditional requirement below. All external dimensions and elevational treatments shall be as shown on the approved plans :
  - Floor plans, elevations and site plan 22 878 Rev A received 13.09.22;
  - Fencing detail 1006600 received 01.06.2022;
  - Location plan received 01.06.2022;
  - Site plan received 25.04.2022.

2. The area of the premises to which this permission relates shall be open to customers only during the hours: 9am until 6pm Monday to Saturday and 10am until 4pm on Sundays and Bank Holidays.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the area of the premises to which this permission relates shall only be used for the retail sale of garden sundries ancillary to and in association with the main use of the site and for no other purpose.
4. Within 2 months of the date of this permission a scheme for biodiversity and ecological enhancement measures shall be installed/integrated into the development. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.
5. The onsite parking provision and manoeuvring areas shall be maintained and made available for their designated use throughout the lifetime of the development in accordance with revised application drawing – 22 878 REV A.

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## Appendix B

### Appeal by Mr Rawson

#### Land at 66 South Street north, New Whittington, Chesterfield.

#### CHE/22/00592/OUT

1. The appeal was made against the non-determination of the application by the Council however planning committee subsequently considered a report resolving that they would have refused permission if they had been able to make a determination.
2. The development was to develop two dwellings on land to the rear of 66 South Street North.
3. The main issues were determined to be on
  - the living conditions for occupiers of neighbouring properties and potential future occupiers, with specific regard to privacy, internal floorspace, and garden size; and
  - on the character and appearance of the area.

#### *Living Conditions*

4. The site is to the rear of No. 66 South Street North, with access only from a track at the end of Cross Wellington Street. It comprises part of the former garden of No. 66, which has been divided into 2 dwellings. The proposal is for 2 dwellings, which the indicative plans identify as a semi-detached 2-storey houses with rear gardens.
5. The Successful Places Supplementary Planning Document (SPD) (2013) identifies minimum recommended separation distances between windows of adjacent properties, to ensure a satisfactory level of privacy. It notes that these should be relaxed or increased having regard to the particular site conditions and context. Examples of such specific circumstances include the character of the area, topography, and appropriate screening.
6. On the basis of the indicative plans, the Council identified a 1.0m shortfall in this separation distance between the rear windows of the proposed dwellings and those of Nos. 66 and 68 South Street North. For the angled relationship with the windows of Nos. 52 and 54 South Street North, there would be a 1.00-1.5m shortfall. In conjunction with the slight slope

down to the appeal site, the inspector found that separation distances slightly longer than the minimums would be required, this would therefore create harm due to a lack of privacy.

7. Furthermore, the Local Highway Authority identifies that the dwellings would need to be set further back within the site in order to provide suitable parking spaces. This would further reduce these separation distances. It would not be acceptable to plan for cars to be part accommodated outside of the site.
8. While the appellant identifies that the obscure glazed bathroom windows at rear first floor would only allow for minimal overlooking, this does not take account that the existing dwellings have first floor windows. There would thus be a direct relationship between the different dwellings' windows. The SPD does not differentiate minimum distances based on a distinction between upper and ground floor windows. Based on the plans provided, harm would therefore be caused due to a lack of privacy for occupiers of neighbouring properties and potential future occupiers, giving rise to unacceptable living conditions.
9. However, the proposal is in outline with all matters reserved. In particular, the description of the development does not specify the height, size, or layout of the proposed dwellings. The inspector therefore found that the site is of a sufficient size that there is potential for the aspects leading to the lack of privacy to be altered through a different layout and/or a smaller design of dwelling. This would thus not result in any harm to living conditions.
10. With relation to internal floorspace, the indicative plans show the proposed dwellings to meet the requirements set by the Nationally Described Space Standard (NDSS), apart from the width of the larger bedroom. Again, this is a matter to be addressed at reserved matters stage. As the NDSS sets a 37sqm minimum gross internal floor area for a dwelling, the site is of a sufficient size overall that it is reasonable to expect that 2 dwellings would fit within it.
11. The Council also considered that the splitting of the site has resulted in the existing gardens serving Nos. 66 and 68 now

being below the 50sqm required by the SPD. The appellant specifies that these gardens have a combined area of 126 sqm. Based on the block plan and in the absence of detailed evidence to the contrary, the inspector found that they are reasonably sized gardens.

12. Any overshadowing to neighbouring properties would only affect a parking area, and therefore would not cause harm to living conditions.
13. In conclusion therefore, the proposed development would result in acceptable living conditions for occupiers of neighbouring properties and potential future occupiers, with specific regard to privacy, internal floorspace, and garden size. It would comply with Policies CLP 14 and CLP 20 of the Chesterfield Borough Local Plan ('the LP') (2020), and the Successful Places SPD, which together require development to have an acceptable impact on the amenity of neighbours and users, taking into account, amongst other things, overlooking, and that acceptable living conditions should always be provided for new and existing occupants. The proposal would also comply with the National Planning Policy Framework ('the Framework') (2021) paragraph 130, regarding the need to ensure that developments function well, and to create places which have a high standard of amenity for existing and future users.

#### *Character and appearance*

14. The main pattern of development in the surrounding streets is generally consistent, comprising a grid of traditional terraced and semi-detached dwellings. The properties include relatively long rear gardens and rear access lanes in between. This gives a strong urban character to the front streetscapes and a relatively open and leafy character to the rear. However, the part of Cross Wellington Street leading into the appeal site's access point has a row of dwellings crosswise to this main pattern. There is also a new building to the site's north in a similar alignment with that proposed. Together these give this small part of the rear area of the properties a distinctly different character and cluster of urban grain compared to the gardens to its south.

15. Based on the indicative plans, 2-storey dwellings would have such significant massing in comparison to the lower level dwellings on Cross Wellington Street and the open gardens to the site's south, that they would have too great an impact and be incongruous with the character of the transition to the openness of the rear gardens. This would be compounded by the size of the suggested footprint and the parking spaces such that it would also be an over-intensive development within the site itself.
16. However, all detailed matters relating to scale and layout are reserved for future consideration. As outlined above, the height of the dwellings is thus not yet confirmed. The introduction of some scale of built form on the site would not be so incongruous as to draw undue attention or detract from the overall character of this area. Therefore, all forms of achieving 2 dwellings on the site are not precluded in principle.
17. In conclusion, the development would not harmfully affect the character and appearance of the area, and so would comply with the LP Policy CLP20 and the Successful Places SPD. These require development to identify and respond positively to the character of the site and surroundings, and respect the local distinctiveness of its context, form, and setting by responding to prevailing characteristics in terms of street patterns, density, layout, built form, materials, and details. It would also comply with the need to achieve well-designed places under part 12 of the Framework.

### **Other Matters**

18. While the Council referenced the potential for setting a precedent for adjacent redevelopment, the inspector assessed the appeal on its own merits. Furthermore, the arrangement of the built form further along the access track does not have the same surrounding layout and character as that at the appeal site.
19. Third party concerns regarding rights of access and maintenance of the private track are a civil matter, and a loss of a view is not a material planning consideration. Objections relating to highways and access and waste disposal relate to the reserved matters stage. While objections were made on

the grounds of drainage, the site is at low risk of flooding, and Yorkshire Water provided no comments. Matters regarding surface water drainage and water efficiency would partly be controlled by conditions at this outline stage, and partly would be addressed at reserved matters stage in relation to levels and hard surfacing. The Derbyshire Wildlife Trust were consulted with relation to biodiversity and raised no concerns regarding impacts on protected species, with increasing the site's biodiversity also required through a condition.

### **Conclusion**

20. The scheme accords with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above, the inspector concluded that the appeal is allowed.

### **SCHEDULE OF CONDITIONS**

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan dated 22 November 2019.
- 5) No development other than site clearance and demolition works shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall include details of construction working hours, the parking of site operative and visitor vehicles, accommodation for site operatives, loading and unloading of plant and materials, and storage of plant and materials. The approved

Construction Method Statement shall be adhered to throughout the construction period for the development.

6) As part of the reserved matters, a scheme to demonstrate a net measurable gain in biodiversity through the development, including a programme of implementation and maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Measures to enhance biodiversity on site shall include:

- planting of native shrubs and trees and/or fruit trees;
- the incorporation of integrated swift bird boxes, sparrow terraces, and/or bat boxes into the new dwellings; and
- hedgehog highways linking to other sites.

The agreed net measurable gains shall be implemented in accordance with these approved details and retained as such thereafter.

7) As part of the reserved matters, a scheme to demonstrate details of the proposed means of disposal of surface water drainage, including any balancing works and off-site works, and separate systems of drainage for foul and surface water on and off site, shall be submitted to and approved in writing by the Local Planning Authority.

8) The development hereby permitted shall not be occupied until a signed statement of confirmation from a suitably qualified drainage engineer of implementation of the drainage works approved under condition 7 has been submitted to and approved in writing by the Local Planning Authority. The implemented drainage works shall be retained as such thereafter.

9) 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.

# FOR PUBLICATION Agenda Item 8

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 21<sup>ST</sup> AUGUST 2023  
**REPORT BY:** HEAD OF REGULATORY LAW  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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#### **1.0 PURPOSE OF REPORT**

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

#### **4.0 MORE INFORMATION ABOUT THE TABLE**

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
HEAD OF REGULATORY LAW

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law  
Tel 01246 936471 or email [gerard.rogers@chesterfield.gov.uk](mailto:gerard.rogers@chesterfield.gov.uk)

# ENFORCEMENT REPORT

Enforcements currently Authorised: 11

11 August 2023

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
<b>Breach of Condition Notice</b>		<i>Total currently Authorised: 2</i>		<i>Authorised to Issue Average: 540 days</i>					
Dunston Road	Dunston Hall 25/05/23 <small>78</small>	Loud music in marquee	23/00228/DOC				Authorised by Development Management and Conservation Manager	<input type="checkbox"/>	D
York Street	2 23/09/19 <small>1,418</small>	balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>878</small>	16/04/21 <small>847</small>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> <small>18/03/21</small>	Ha
<b>Enforcement Notice</b>		<i>Total currently Authorised: 6</i>		<i>Authorised to Issue Average: 65 days</i>					
Chelster Street	94 20/02/23 <small>172</small>	wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>43</small>	29/07/23 <small>13</small>	removal within 28 days. Issued 30/05/23. Owners seeking to appeal refusal of planning permission and may also appeal enforcement notice	<input type="checkbox"/> <small>10/07/23</small>	B

P 2023 4



Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Markham Road	Markham House 18/02/08 5,653	storage of commercial vehicles		20/03/08 31	18/04/08 5593	20/10/08 5408	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI
Newbold Road	194-196 - former Hardy's Site 30/01/23 193	frontage fencing and forecourt retail sales					Appeal against refusal of planning permission allowed 26/07/23 - see appeals report	<input checked="" type="checkbox"/> 09/08/23	N
Park Hall Avenue	2 12/12/22 242	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> 21/12/22	Wa
Pottery Lane West	10 18/07/22 389	Storage of vehicles					About to be issued.	<input type="checkbox"/> 20/10/22	Mo

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
York Street	2	09/10/17 <i>2,132</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha

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### Section 215 Amenity Notice

*Total currently Authorised: 3 Authorised to Issue Average: days*

Edinburgh Road	12	10/10/22 <i>305</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> <i>28/10/22</i>	SH
Highfield Road	80	05/10/20 <i>1,040</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SH

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Tapton Terrace	26	05/10/20 <i>1,040</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL

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

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

*SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court*

*CV-19 - coronavirus implications for enforcement or compliance*

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