



Please ask for Liz Athorn
Direct Line: 01246 959612
Email democratic.services@chesterfield.gov.uk

The Chair and Members of Planning Committee

Councillor Gilby – Site Visit 1

1 September 2023

Councillor Serjeant – Site Visit 2

Councillors Kelman, Redihough and Snowdon – Site Visit 3

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 11 SEPTEMBER 2023 at 1.00 pm in the Council Chamber 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 11:05 am. Ward members wishing to be present should attend on site as indicated below:-

1. 11.20am 366 Brimington Road, Tapton, Chesterfield, CHE/22/00852/FUL
2. 11.45am Hasland Medical Centre, 1 Jepson Road, Hasland, Chesterfield, CHE/23/00097/FUL

3. 12.10pm Land to rear of 82 Walton Road, Walton,
Chesterfield, S40 3BY, CHE/22/00617/FUL

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

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday 11th September 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 - 86)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 87 - 160)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 161 - 174)
6. Applications to Fell or Prune Trees (P620D) (Pages 175 - 182)
7. Appeals Report (P000) (Pages 183 - 186)
8. Enforcement Report (P410) (Pages 187 - 190)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

This page is intentionally left blank

PLANNING COMMITTEE**Monday, 21st August, 2023**

Present:-

Councillor (Chair)

Councillors B Bingham
Caulfield
DavenportCouncillors Falconer
Ridgway
Yates

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

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

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

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

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

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

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

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

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

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

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

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

*Matters dealt with under the Delegation Scheme

36 **APOLOGIES FOR ABSENCE**

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

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

No declarations of interest were received.

38 **MINUTES OF PLANNING COMMITTEE**

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

39 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE**

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

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

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

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

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

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

***RESOLVED**

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

S106 Terms

1. CCG contribution for GP provision - £247,500 (index Linked) to be paid on the occupation of the 10th Unit. (Dialogue with the CCG is continuing regarding the potential project/s).
2. Affordable housing provision of 10% provision within each phase with a 90/10 percentage split (or as otherwise agreed) of affordable rent and shared ownership.

3. Highways:

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

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

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

5. Should the extent of habitat creation fall below 0.6%, as to be assessed through the submission of each reserved matters application; then an off-site biodiversity contribution of £20,000 per habitat unit or part thereof in order to achieve the gain (index linked) payable to CBC for the off-site gain to be provided elsewhere within the borough, shall be provided to meet a minimum 0.6% gain overall. A report to assess progress shall be submitted bi-annually from commencement of development to the end of a 6-year period with payments to address the shortfall to be made within 3 months of a submitted report advising that the habitat creation will fall short of the required amount. At the end of the 6 year period then if no off-site contribution is required no further assessments beyond this time period will be required.

Conditions

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

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

- a) the scale of the development;
- b) the layout of the development;
- c) the external appearance of the development;
- d) the landscaping of the site.

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

3. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of the indicative masterplan framework 2021 which is informative only and any approved non-material amendment or conditional requirement. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

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

Indicative Masterplan Framework March 2021

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

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

Proposed retail access F14110/03 Rev D (within the Transport Assessment Addendum August 2022).

4. Prior to the submission of the first reserved matters application for the site the subject of this permission, a supplementary Development Framework Masterplan shall be submitted to the Local Planning Authority for approval in writing. The Framework shall seek to establish the overarching design approach for the entire site to inform any phased reserved matters proposals. The Framework should be compatible with and expand upon the Masterplan and those of the adopted Supplementary Planning Document 'Successful Places: Housing Layout and Design', it shall include;

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

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

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

- Setting out the maximum housing numbers within each phase,

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

A phasing scheme for the delivery of structured landscape planting;
The sequence of development across the whole site; such as strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths, and the associated access arrangements and timescales for implementation of the off-site highway improvements.

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

6. No development shall commence until the site wide phasing programme required by condition 5 has been approved in writing by the local planning authority. Thereafter each subsequent reserved matters application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance for approval by the local planning authority. Thereafter the development shall be carried out in accordance with the phasing programme as approved and/or updated. The development shall be completed in line with the agreed details.

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

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

A strategy to reduce carbon emissions through construction,

A justification for any mains gas connection,

Works shall be completed in accordance with the agreed details.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no chimneys or flues shall be installed in any housing without the prior written approval of the Local Planning Authority upon an application submitted to it.

9. Prior to works commencing in connection with each identified phase:

a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to, and approved by, the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person, persons or organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

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

- Construction access
- Storage of plant and materials
- Site accommodation, loading, unloading and manoeuvring of goods vehicles
- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Information about wheel washing facilities

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

with the application drawings No F14110/01 Revision E, F14110/08 and F14110/03 Revision D provided with visibility sightlines as shown on the plans extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

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

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

14. Before any other operations are commenced, within any identified phase, the internal layout/ internal design of the roads needs to be agreed as part of a subsequent Reserved Matters applications. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage proposal, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross-corner visibility, forward visibility, pedestrian visibility etc. should be provided, all in accordance with current guidance in a manner be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

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

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

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

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

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

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

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

The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and

The undertaking of both of those schemes of intrusive site investigations.

18. As part of the reserved matters application, to be submitted for any phase (as may be agreed under condition 5 above), there shall be:

The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;

The submission of a layout plan which identifies the opencast high walls and the definition of suitable 'no-build' zones;

The submission of a scheme of remedial works for the shallow coal workings for approval.

The remedial works shall be implemented prior to the construction of any other works on site.

19. Prior to development commencing within any phase, an Employment and Training Scheme shall be submitted to and be approved in writing by the local planning authority. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and the scheme.

Development shall be carried out in accordance with the approved scheme.

20. Prior to any construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:

a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other

Monday to Friday: 08:00 – 18:00

Saturday: 08:00 – 13:00

Sundays and bank Holidays - No working

b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;

c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;

d) Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;

e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times.

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

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

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

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

a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;

b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;

c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;

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

e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

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

25. Prior to submission of the first reserved matters application(s) for development of the site, a site wide phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the proposed sequence of development across the entire site, the extent of the phases/plots, including reference to the type

and extent of development envisaged and include timing information (by reference to any date, the commencement or completion of development of any phase or provision of any element or to any other applicable trigger point) for:

a) Strategic foul water drainage features including but not exclusive to the points of connection to the public sewer, sewerage, the pumped rate of discharge if appropriate, pumping stations and any other necessary infrastructure.

b) Surface water drainage features including SuDs, sewerage and outfalls plus any other necessary infrastructure identified as part of a surface/storm water management plan. The details shall include:

i. information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site, the point(s) and rate(s) of discharge and the measures taken to prevent pollution of surface waters;

ii. a timetable for its implementation;

iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

28. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage

for the site, in accordance with DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

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

30. Prior to the commencement of the development within each phase or sub-phase as approved under condition 5 above, (including land stripping and all preparatory work), a scheme for the protection of the retained trees/hedgerows, in accordance with BS 5837:2012, including a tree/hedgerow protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees/hedgerows.
- c) a full specification for the installation of boundary treatment works.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees/hedgerows during both preparation works and construction phases and a plan indicating the alignment of the protective fencing.
- g) Tree/hedgerow protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- h) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

i) Boundary treatments within the RPA

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

31. As part of each reserved matter to include landscaping, in a phased approach as required; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

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

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

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

and approved in writing by the local planning authority and then implemented as approved.

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

- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for species and other sensitive features).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

34. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. The plan should be in accordance with the measures set out in the Ecological Appraisal, Figure 1 Habitat Proposals and the Biodiversity Metric prepared by FPCR June 2021 in order to achieve a minimum 1% net gain. It shall be suitable to provide to the management body responsible for the site and shall include the following: -

- a) Description and location of features to be retained, created, enhanced and managed.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.

- e) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the enhancement measures
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Details of habitat enhancements for roosting bats and nesting birds to include provision of integrated swift bricks within 50% of dwellings.
- j) Details, including a plan, for provision of gaps for hedgehogs between the gardens within the development.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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

The Plan should also ensure:

The mitigation area should not be accessible to people and dogs
The boundaries should be hedgerows or walls, well maintained and not easily accessed by dogs.

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

36. Prior to the commencement (Or each phase of development where necessary) an updated biodiversity metric for the whole site shall be submitted to the Local Planning Authority for approval. This shall reflect

the final layout and landscaping for that phase and ensure the development is on track to deliver a minimum of 1% biodiversity net gain. If this cannot be achieved on site then appropriate provision shall be provided off site in line with the S106 agreement.

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

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

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

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

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

40. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications), the ground floor premises shall not be used for Classes E b and d until details

as set out below are first submitted to and agreed in writing by the local planning authority and those agreed details are fully installed on site;

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

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

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

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

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

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued as per section 5.13 of the Officer's report:-

1. The development to which this permission relates shall be commenced not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

22188-IML-PH1-XX-DR-D-0102 Application Boundary P07
22188-IML-PH1-XX-DR-D-0104 P1 Highway General Arrangement
Landscape Master Plan P21055-00-001-GIL-0100-09

Access general arrangement and indicative drainage layout, MMR-ARP-00-XX-DR-CH-01000 REV A
Civil Highways Standard Details MMR-ARP-00-XX-DR-CH-01001 REV A
Civil Highways S2, MMR-ARP-00-XX-DR-CH-01003 REV A
Proposed Contours and Proposed profile, MMR-ARP-00-XX-DR-CH-01004 REV A
Infrastructure PH1 Manhole Schedule 22188-IML-PH1-XX-DR-D-0503 Rev T04
Infrastructure PH1 Drainage Long sections 22188-IML-PH1-XX-DR-D-0504 Rev T01
Infrastructure PH1 Drainage Long sections 22188-IML-PH1-XX-DR-D-0505 Rev T01
Infrastructure PH1 Drainage Long sections 22188-IML-PH1-XX-DR-D-0506 Rev T01
Infrastructure PH1 Drainage Long sections 22188-IML-PH1-XX-DR-D-0507 Rev T04
Infrastructure Drainage Details 22188-IML-PH1-XX-DR-D-0510 Rev T0
Infrastructure Drainage Details 22188-IML-PH1-XX-DR-D-0511 Rev T0
Infrastructure Drainage Details 22188-IML-PH1-XX-DR-D-0512 Rev T02
Infrastructure Drainage Details Phase 1 22188-IML-PH1-XX-DR-D-0513 Rev T0
Infrastructure PH2 Long section and manhole schedule 22188-IML-PH1-XX-DR-D-0541 Rev T03
S38 Drainage Plan 22188-IML-PH1-XX-DR-D-0550 Rev T2
Proposed Contours PH1 Enabling Works and PH2 22188-IML-INF-DR-C-0671 Rev T04
Isopachyte PH1 Enabling Works and PH2 22188-IML-OC-INF-DR-C-0672 Rev T01
Landscape GA Plan Sheet 1 of 4 P21055-00-001-GIL-0101 REV 07
Landscape GA Plan Sheet 2 of 4 P21055-00-001-GIL-0102 REV 07
Landscape GA Plan Sheet 3 of 4 P21055-00-001-GIL-0103 REV 07
Landscape GA Plan Sheet 4 of 4 P21055-00-001-GIL-0104 REV 07
Typical site sections P21055-00-001-GIL-0200 Rev 00
Typical hard surfaces and edges P21055-00-001-GIL-0300 Rev 01
Typical boundary treatments P21055-00-001-GIL-0301 Rev 01
Typical furniture details sheet 1 of 2 and 2 of 2 P21055-00-001-GIL-0302 Rev 01 and P21055-00-001-GIL-0303 Rev 01
Typical signage details P21055-00-001-GIL-0304 Rev 01
Typical steps and handrail sheet 1 of 2 and 2 of 2 P21055-00-001-GIL-0305 Rev 01 and P21055-00-001-GIL-0306 Rev 01
Typical Informal Play Features P21055-00-001-GIL-0307 REV 01
Path Mound Interface P P21055-00-001-GIL-0308 REV 01

Typical Gateway – Drystone Wall Detail P21055-00-001-GIL-0310 REV 01
 Typical Gateways - Feature Entrance Layouts 1-6 P21055-00-001-GIL-0311 REV 03
 Typical Gateways - Feature Entrance Layouts 7-10 P21055-00-001-GIL-0312 REV 01
 Existing Hedgerow Removal – Retention P21055-00-001-GIL-0400 REV 02
 Landscape Softworks Sheet 1 of 4 P21055-00-001-GIL-0401 REV 04
 Landscape Softworks Sheet 2 of 4 P21055-00-001-GIL-0402 REV 04
 Landscape Softworks Sheet 3 of 4 P21055-00-001-GIL-0403 REV 04
 Landscape Softworks Sheet 4 of 4 P21055-00-001-GIL-0404 REV 04
 Typical Planting Details P21055-00-001-GIL-0405 REV 02
 Typical Landscape Mound Details P21055-00-001-GIL-0406 REV 00
 Planting Schedule P21055-00-001-GIL-0500 REV 03
 Main Contractors Compound Details 22188-IML-PH1-XX-DR-D-0163 REV T1
 S38 General Arrangement 22188-IML-PH1-XX-DR-D-0101 REV T5
 S38 Highway Long Sections sheet 1 of 2 22188-IML-PH1-XX-DR-D-0704 REV T3
 S38 Highway Long Sections sheet 2 of 2 22188-IML-PH1-XX-DR-D-0705 REV T2
 S38 Kerbing and Surfacing 22188-IML-PH1-XX-DR-D-1101 REV T3
 Section 38 Details 22188-IML-PH1-XX-DR-D-1102 REV T4
 22188-IML-00-INF-DR-C-0687 Earthworks Proposed Site Sections Sheet 1
 22188-IML-00-INF-DR-C-0688 Earthworks Proposed Site Sections Sheet 2
 22188-IML-PH1-XX-DR-D-0501 T07 Phase 1 Enabling Works Drainage
 22188-IML-PH1-XX-DR-D-0502 T05 Phase 2 Enabling Works Drainage
 Substation design NC1V-004 Rev 1.0
 LA Specification P21055-00-001-GIL-0501 REV 02
 MM LMP P21055-00-001-GIL-0700 REV 04
 Reserved Matters Statement.

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

4. Prior to works commencing on the dry-stone wall entrance feature details of the geological source of the stone shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
 5. Prior to its installation details of all formal play equipment and any boundaries to the play areas shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
 6. Prior to first construction above the slab level of the first dwelling unit, and notwithstanding the approved plans in condition 2, details of a method of boundary treatment to ensure separation of public and private spaces at the point where private drives and public open space adjoin one another, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
 7. Prior to commencement, other than works to construct a temporary access and compound taking place, detailed sections through the site east west from the site boundary to the substation and to the north south from site boundary to site boundary in relation to the south western drainage pond shall be submitted to and agreed in writing by the Local Planning Authority. The development levels shall be completed in accordance with the agreed details.
 8. Prior to commencement, other than works to construct a temporary access and compound taking place, a post and rail or post and wire fence shall be installed to the application side of the hedge to north western field boundary, to a minimum height of 1.5m and shall be retained thereafter.
- B. That a CIL liability notice be issued as per section 5.13 of the Officer's report.

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

***RESOLVED**

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

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

B Y00108-Sales Signs Revision B

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

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued as per section 5.4.13 of the Officer's report:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s
 - 1928-JSA-XX-XX-DR-A-00001-rev P1-Location Plan
 - 1928-JSA-XX-XX-DR-A-01001-rev P1-Existing Site Plan
 - 1928-JSA-XX-XX-DR-A-01202-rev P2-Proposed Site Plan
 - 1928-JSA-XX-XX-DR-A-02201-rev P2-Proposed Ground and First Floor Plans
 - 1928-JSA-XX-XX-DR-A-02204-rev P2-Proposed Roof Plan
 - 1928-JSA-XX-XX-DR-A-03200-rev P2-Existing and Proposed Site Section
 - 1928-JSA-XX-XX-DR-A-03201-rev P2-Proposed Sections
 - 1928-JSA-XX-XX-DR-A-04201-rev P2-Proposed Elevations
 - SCB-BWB-DGT-XX-DR-C 0100-rev P01-Vehicle Tracking sheet 1

- 1928-JSA-XX-XX-DR-A-0500-rev P01-Proposed Drainage layout
- SCB-BWB-DGT-XX-DR-C -0530-rev P01-Drainage Catchment Plan
- SCB-BWB-DGT-XX-DR-C-0600-rev P01-Proposed Finished Levels
- SCB-BWB-DGT-XX-DR-C-0630-rev P01-Proposed Earthworks

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

4. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within the agreed maintenance period under condition 3 above, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All landscaping shall also be carried out in accordance with the details approved under condition 3 above.

5. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
a. BWB, (6/2/23), Sustainable Drainage Statement, ref: SCB-BWB-ZZ-XX-RP-CD-0001_SDS, rev-P02; BWB, (30/1/23), Flood Risk Assessment, ref: SCB-BWB-ZZ-XXRP-YE-0001_FRA, rev-P03, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team;
b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015);
have been submitted to and approved in writing by the Local Planning Authority.

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

7. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water

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

8. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

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

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

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

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

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

- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.

- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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

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

18. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only

those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

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

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

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

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

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

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

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

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

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and a CIL liability notice issued as per section 5.11 of the Officer's Report:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Proposed ground and first floor layout plans, drawing number 02 Revision B
 - Proposed 2nd floor layout plans and sections, drawing number 03 Revision D
 - Check heights, elevations and streetscene, drawing number 04 Revision B
 - Proposed front, side and rear elevations, drawing number 05 Revision B
 - Proposed site plan with ground floor shops, drawing number 06 Revision B
 - Additional sections through buildings, drawing number 07
3. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have

been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

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

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

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

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

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

8. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the for the storage and collection of waste and refuse within the curtilage of the site and shall thereafter be maintained throughout the life of the development free from any impediment to its designated use.

9. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance for the storage bicycles, details of which shall be submitted to the Local Planning Authority for written agreement prior to installation and thereafter maintained throughout the life of the development free from any impediment to its designated use.

10. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1700 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

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

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

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

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

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

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

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

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

14. Precise specifications or samples of all materials to be used in the construction of the development including walling materials, roofing, windows and doors shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

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

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

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

16. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a) location, type and materials to be used for hard landscaping
- b) boundary treatments
- c) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

d) specifications for operations associated with plant establishment and maintenance that are compliant with best practise;

The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

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

17. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

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

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

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

(a) Approvals

CHE/21/00884/FUL Two storey extension and internal alterations at

29 Newbold Road, Newbold S41 7PG for
Chesterfield Muslim Association

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

- CHE/23/00227/LBC Internal and external alterations at 39, 39A and 41 Holywell Street, Chesterfield S41 7SH for Voeberg Hospitality Ltd
- CHE/23/00231/FUL Change of use from Class E to 9 units of serviced accommodation and external alterations at 39, 39A and 41 Holywell Street, Chesterfield S41 7SH for Voeberg Hospitality Ltd
- CHE/23/00268/FUL Detached garage at Dreams View, Eckington Road, Staveley, Chesterfield S43 3XZ for Mr Simon Bannister
- CHE/23/00279/FUL Single storey rear extension and raised patio area with storage room below at 240 Handley Road, New Whittington, Chesterfield S43 2ET for Mr Luke Oldfield
- CHE/23/00286/FUL Pitched roof garage at 17 Netherthorpe Close, Staveley, Chesterfield S43 3PX for Miss Rachel Roberts
- CHE/23/00296/FUL Re-submission of CHE/22/00128/FUL to replace flat dormer roof with sloping roof at 7 Newbold Drive, Newbold, Chesterfield S41 7AP for Mr Martin Bruno
- CHE/23/00301/LBC Listed Building Consent for replacement of 5 timber windows on the side and rear elevations of the building. Re-decoration of external structural steelwork, external doors including roller shutter doors and louvers (changing the colour from red to black) and timber windows (to remain white) on the side and rear elevations at Winding Wheel, 13 Holywell Street, Chesterfield S41 7SA for Chesterfield Borough Council
- CHE/23/00303/RET Retention of white render applied to exterior of property, fencing to perimeter of property with gates to side perimeter and construction of hard

	standing for car at 179 Holland Road, Old Whittington S41 9HD for Mr Christopher Daniels
CHE/23/00306/FUL	Single storey rear/side extension at 32 Aspley Close, Chesterfield S40 4HG for David and Glenys Ashall
CHE/23/00320/LBC	Works to floors, walls, roof for ventilation and door heads at Barrow Hill Primary School, Station Road, Barrow Hill, Chesterfield S43 2PG for Cavendish Learning Trust
CHE/23/00333/FUL	Detached outbuilding at 52 Lindale Road, Newbold, Chesterfield S41 8JH for Mr Melvyn Berry
CHE/23/00336/FUL	Levelling of frontage to form driveway at 9 Sycamore Road, Hollingwood S43 2HQ for Miss Victoria Zhang
CHE/23/00343/REM	Variation of condition 2 (approved plans) of CHE/21/00338/FUL - Demolition of garage and porch; erection of side extension containing; glazed link and double garage; erection of a single-storey extension attached to the rear of the garage (providing utility, WC and garden room), and alterations to front wall at Long Cottage, 79 High Street, Old Whittington, Chesterfield S41 9LA for Mr Jon Carr
CHE/23/00344/LBC	Works to dwelling, garage and boundary wall in conjunction with CHE/23/00343/REM1 at Long Cottage, 79 High Street, Old Whittington, Chesterfield S41 9LA for Mr Jon Carr
CHE/23/00346/FUL	Installation of battery energy storage unit at construction back-up electricity generation facility at Unit 17A Dunston Trading Estate, Foxwood Road, Sheepbridge, Chesterfield S41 9RF for Powertree (Foxwood Road) Ltd

CHE/23/00354/FUL	Two storey front and side extension and front car hardstanding at 2 Royston Close, Walton, Chesterfield S42 7NE for Mr S Beresford
CHE/23/00356/FUL	Demolition of conservatory and erection of single storey side/rear extension and provision of a raised decking area at 2 The Knoll, Brookside, Chesterfield S40 3PS for Mr Robert Bentley
CHE/23/00364/REM	Variation of condition 2 (Approved drawings) and removal of condition 3 (Methodology of works) of CHE/21/00824/FUL- Second storey rear extension to create flat above shop and new shopfront on side elevation- To include rear external steps/wall to the extension at Only The Vape, 396 Chatsworth Road, Chesterfield S40 3BQ for Mr Amardeep Sandhu
CHE/23/00366/FUL	Single storey rear extension and ground floor side WC window at 42 Highland Road, New Whittington, Chesterfield S43 2EZ for Mags Kay
CHE/23/00378/TPO	Crown lift T71 Oak by 5m to allow access of a vehicle and container at Hasland Support Centre, 38 The Green, Hasland, Chesterfield S41 0LN for Mr Mick Stevens
CHE/23/00382/FUL	Off street car parking space at 130 Spital Lane, Spital, Chesterfield S41 0HN for Mrs Gil Carter
(b) Refusals	
CHE/23/00281/DOC	Discharge of condition 20 (Materials) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens at Adjacent 929 Sheffield Road, Sheepbridge, Chesterfield S41 9EJ for Vistry Partnership Yorkshire
CHE/23/00287/FUL	Extension to existing dwelling to form dwelling

and annexe with conservatory link. Retention of alterations to doors/windows layout on east-facing elevation of existing dwelling at Oak Tree Barn, Bolsover Road, Mastin Moor, Chesterfield S43 3DB for Mr and Mrs Linathan

(c) Discharge of Planning Condition

- CHE/23/00207/DOC Discharge of condition 2 (biodiversity measures) of application CHE/22/00165/RET- Conversion of front garden into driveway. Removal of land, retaining walls built, soakaways installed, concrete finish and parking for two cars at 25 Swaddale Avenue, Tapton, Chesterfield S41 0SX for Mr Adam Betts
- CHE/23/00278/DOC Discharge of planning conditions 3 (window and door schedule) and 4 (materials) of CHE/22/00845/LBC (Listed building consent for the removal and incorporation of external windows and doors and render) at Pine Bank Day Centre, 9 Abercrombie Street, Chesterfield S41 7LW for Godfrey Barnes Healthcare LLP
- CHE/23/00297/DOC Discharge of conditions 3 (Window/door schedule), 4 (Schedule of external materials), 6 (Waste arrangements), 8 (Cycle storage), 9 (Biodiversity compliance) and 10 (EV charging point) of application CHE/22/00844/FUL- Change of use from Class E(f) Day Centre to Residential Home for Adults with Learning Disabilities (Class C2), including the removal and incorporation of external windows and doors, provision of access steps to south elevation and render at Pine Bank Day Centre, 9 Abercrombie Street, Chesterfield S41 7LW for Godfrey Barnes Healthcare LLP
- CHE/23/00334/DOC Discharge of condition 5 (Noise mitigation for gates) of application CHE/23/00024/RET- Retention of fencing/gating of land at The Old Crane Hire Yard (Walton Fields Farm), Walgrove

Road, Walton, Chesterfield for P Turner
Erections Ltd

- CHE/23/00380/DOC Discharge of condition 5 (Roof slate) of CHE/22/00112/LBC- Listed Building Consent for alteration and conversion of existing outbuilding to create a new ancillary Function Room associated with the use of Dunston Hall as a holiday let and wedding venue at Dunston Hall, Dunston Road, Chesterfield S41 9RL for Mr David Harrison
- CHE/23/00393/DOC Discharge of conditions 5 (Landscaping), 18 (Materials), 19 (Written Scheme of Investigation- archaeology), 20 (Written Scheme of Investigation- historic building recording) and 21 (Salvage statement) of CHE/22/00749/FUL- Demolition of derelict cottage and erection of one dwelling with associated infrastructure, access, parking and gardens at 1 Ralph Road, Staveley, Chesterfield S43 3PY for Mr and Mrs Easson
- CHE/23/00396/DOC Discharge of condition 22 (Written Scheme of Investigation- archaeological) of E/22/00748/OUT-Outline planning application (means of access submitted) for the erection of two dwellings with associated infrastructure, access, parking and Gardens at 1 Ralph Road, Staveley, Chesterfield S43 3PY for Mr and Mrs Easson
- CHE/23/00401/DOC Discharge of condition 4 (Details of window and door design) of application CHE/22/00112/LBC- Listed Building Consent for alteration and conversion of existing outbuilding to create a new ancillary Function Room associated with the use of Dunston Hall as a holiday let and wedding venue at Dunston Hall, Dunston Road, Chesterfield S41 9RLfor Mr David Harrison
- CHE/23/00432/DOC Discharge of condition 13 parts B and C (Remediation and verification report) of

	CHE/16/00216/FUL- Residential development of 7 units and associated ancillary works at Jacksons Bakery, New Hall Road, Chesterfield S40 1HE for Blackburn Developments Ltd
CHE/23/00448/DOC	Discharge of condition 27 (Validation report) of application CHE/16/00518/FUL- Erection of residential development comprising 55 dwellings, access, landscaping and associated works at Site Of Former Newbold Community School, Newbold Road, Newbold, Chesterfield for Miller Homes
(d) CLOPUD granted	
CHE/23/00322/CLO	Certificate of Lawfulness for a proposed ground mounted solar array on operational land at Sewage Farm, Unnamed Track From Hague Lane To Sewage Works, Mastin Moor, Chesterfield for Downing LLP
CHE/23/00347/CLO	Certificate of Lawfulness for a ground mounted solar array with a generating capacity of up to 250 kW connected to the WWTW via underground cables at Whittington Wastewater Treatment Works, Station Lane, Old Whittington, Chesterfield S41 9EY for Downing LLP
(e) Permission in Principle - Refusal	
CHE/23/00359/PIP	Permission in Principle for 5-9 houses/bungalows at Troughbrook House, Chesterfield Road, Staveley, Chesterfield S43 3RX for Pemberly Developments
(f) Conditional Consent for Non-material Amendment	
CHE/23/00299/NMA	Non-material amendment to application CHE/23/00031/FUL- Single storey side extension and conversion of garage to habitable room -

- resubmission of CHE/22/00554/FUL- To demolish conservatory and keep rear elevation window layout the same at Arcot, 51 Somersby Avenue, Walton, Chesterfield S42 7LY for CHAZCAD LTD
- CHE/23/00408/NMA Non-material amendment to CHE/22/00795/FUL to include roof lights to the front elevation at 6 Hartside Close, Loundsley Green, Chesterfield S40 4LB for Mr Paul Wilson
- CHE/23/00418/NMA Non-material amendment to application CHE/21/00567/REM (Residential development of 400 dwellings, public open space and associated infrastructure)- To amend the approved planning layout at Land To West Of Inkersall Road, Staveley, Chesterfield for Barratt David Wilson Homes
- CHE/23/00460/NMA Non-material amendment to CHE/22/00562/FUL (Demolition of the existing conservatory and erection of a replacement single storey side extension and a single storey east front/side extension. Timber fencing, raised terracing and associated landscaping works)- To move the proposed window to kitchen extension away from the existing house. Repositioning of proposed rooflight and external south side wall at Upper Close, 17 Somersall Lane, Somersall, Chesterfield S40 3LA for Mr Young
- (g) Prior approval not required
- CHE/23/00397/TPD Single storey rear extension at 89 St Philips Drive, Hasland, Chesterfield S41 0RG for Heather Haigh
- (h) Finally Disposed Of
- CHE/20/00430/FUL Second floor extension over existing flat roof to provide additional flat and the raising of the

existing stairwell at 12 Church Street, Staveley,
S43 3TL for Spire Funeral Services Ltd

(i) Unconditional Permission

CHE/23/00425/CA Fell one dead Whitebeam tree to the frontage of the property at Central Methodist Church, 38 Saltergate, Chesterfield S40 1UH for Mr John French

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

(j) Withdrawn

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

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

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

(a) The felling and pruning of trees:-

CHE/23/00419/TPO Consent is granted to the pruning of two trees reference T2 Lime & T5 Beech on the Order Map and which are situated in the grounds of Hasland

Junior School, Hasland

CHE/23/00412/TPO Consent is granted to the felling of 1 Lime tree reference T7 and the pruning of 1 Ash tree reference T4 on the Order Map and which are situated at 15 South Lodge Court, Brampton with a condition to plant one Rowan tree as a replacement in the first available planning season after felling.

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

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

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

The tree is within the Town Centre Conservation Area.

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

The trees are within the Town Centre Conservation Area.

42 **APPEALS REPORT (P000)**

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

***RESOLVED -**

That the report be noted.

43 **ENFORCEMENT REPORT (P410)**

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

***RESOLVED -**

That the report be noted.

44 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

This page is intentionally left blank

PLANNING COMMITTEE

Monday, 24th July, 2023

Present:-

Councillor Brittain (Chair)

Councillors	B Bingham	Councillors	Falconer
	J Bingham		Miles
	Caulfield		Stone
	Davenport		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 ACCESSSES INTO THE SITE TO SERVE THE

RESIDENTIAL DEVELOPMENT FROM DUNSTON ROAD AND DUNSTON LANE VIA THE SKYLARKS RES.DEVPT, TOGETHER WITH ASSOC. PROVISION OF LANDSCAPING, PUBLIC OPEN SPACE, WALKING AND CYCLING LINKS AND THE REINSTATEMENT OF THE FORMER CRICKET PITCH AND ASSOC. FACILITIES WITH VEHICULAR ACCESS FROM DUNSTON ROAD ON LAND OFF DUNSTON ROAD, CHESTERFIELD FOR WILLIAM DAVIS HOMES.

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

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

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

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

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

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

***RESOLVED**

Recommendation 1

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

S106 matters:

1. William Davis Homes will provide Cutthorpe Cricket Club with the following:
 - Freehold of 2.81ha of land for a nominal (£1) fee.Planning Obligations totalling up to £887k (index linked) towards the provision of:

- Delivery of or a financial contribution towards the provision of a 'cricket pitch' including a cricket square (6 pitch square – 458m²) and outfield (11,925m²), 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 10th 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 & 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 & 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	11 th September 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.

This page is intentionally left blank

**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 11th September 2023**

ITEM 1	CHE/22/00617/FUL - NEW DWELLING TO REAR OF EXISTING DWELLING - REVISED DRAWINGS AND DOCUMENTS RECEIVED 20.10.2022, 02.11.2022, 13.12.22, 13.02.23, 12.05.23, 30.05.23, 30.06.23 and 21.07.23 – LAND TO REAR OF 82 WALTON ROAD, WALTON, CHESTERFIELD, S40 3BY FOR MS ANDREA COLLINS.
ITEM 2	CHE/22/00852/FUL - ERECTION OF A DETACHED DWELLING WITH INTEGRAL GARAGE AT 366 BRIMINGTON ROAD, TAPTON, CHESTERFIELD FOR MR PETER LYTHGOE.
ITEM 3	CHE/23/00097/FUL - PROPOSAL: TWO-STOREY EXTENSION (AMENDED SCHEME SUBMITTED 31.07.2023) AT HASLAND MEDICAL CENTRE, 1 JEPSON ROAD, HASLAND, CHESTERFIELD FOR INSPIRE HEALTH.

This page is intentionally left blank

ITEM 1

Case Officer: CW

File No: CHE/22/00617/FUL

**PROPOSAL: NEW DWELLING TO REAR OF EXISTING DWELLING -
REVISED DRAWINGS AND DOCUMENTS RECEIVED
20.10.2022, 02.11.2022, 13.12.22, 13.02.23, 12.05.23, 30.05.23,
30.06.23 and 21.07.23**

**LOCATION: 82 WALTON ROAD, WALTON, CHESTERFIELD.
DERBYSHIRE, S40 3BY FOR Ms ANDREA COLLINS**

Local Plan: Unallocated

Ward: Walton

1.0 **CONSULTATIONS**

Local Highways Authority	No objection
Ward Members	1 comment received from 3 Ward Councillors, who object to the scheme.
Coal Authority	Material consideration, subject to conditions
Strategic Planning	No objection subject to conditions for water, biodiversity and EV charging
Derbyshire Wildlife Trust	No objections (to a previously submitted landscape plan)
Environment Health	No objection subject to conditions on noise, lighting, air quality and land contamination
Design Services	No objection, further information required regarding an easement and further information required on surface water drainage
Site Notice / Neighbours	15 objections received from the residents of 10 local dwellings.

2.0 **THE SITE**

2.1 The site the subject of the application currently forms part of the rear garden of No 82 Walton Road in Walton. The property is a detached two storey dwelling constructed of rendered brickwork and plain tiles with white windows. The property sits on the

southern corner plot with its northern boundary shared with Delves Close.

- 2.2 The site extent is approximately 12.5m deep, but this varies from 12.3m to 13m from one side of the site to the other. It sits adjacent to the neighbours' detached garage which is accessed off Delves Close. There was a mature boundary hedge growing along the length of the Delves Close which has been removed as shown in the photograph below and the other common boundaries (with No 84 Walton Road and No 1 Delves Close) comprise of a concrete post and timber panel fence with pockets of shrubbery planted intermittently. The site slopes gently down from west to east in accord with the general topography of the local area and as also shown in the photograph below.



Rear garden area after hedge removed.



Garage and rear garden of no.72 opposite.



Remaining hedge and pavement to side of site.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/20/00162/DOC - Discharge of condition 5 (site investigation) of CHE/17/00459/FUL - new dwelling on land adjacent to 82 Walton Road, including reconfiguring of boundary between 82 Walton Road and new dwelling along with new site crossover onto Delves Close – refused – 14/04/20

- 3.2 CHE/20/00020/MA - Material amendment to CHE/17/00459/FUL (Erection of a dwelling on land adjacent to 82 Walton Road including reconfigure boundary – Conditional permission – 30/03/20 - now lapsed.

The application sought a material amendment to the planning permission for the following changes to the previously approved scheme:

- a) increase glazed element of dormer windows
- b) increase size of ground floor windows facing Delves Close
- c) replace central ground floor window to Delves Close with door
- d) include chimney to north east elevation
- e) increase size of doors from kitchen to garden
- f) additional window to bathroom on first floor on south-east elevation (to be obscure glazing and fixed shut)
- g) upvc window / door frames to be grey colour
- i) replace facing brickwork with render finish
- j) raise height of side fence from 2.8m to 3.3m.
- k) add additional window to eastern elevation

- 3.3 CHE/17/00459/FUL – Re-submission of CHE/17/00135/FUL – New dwelling on land adjacent to 82 Walton Road including reconfiguring of boundary between no 82 and the new dwelling along with a new site crossover – Condition Approved - 08/08/17 but lapsed.

Planning permission was granted for a detached two bedroomed dormer bungalow with a new dropped crossing formed to Delves Close to provide driveway parking for 2 no. vehicles, with a 35 sqm sized rear garden.

- 3.4 CHE/17/00135/FUL - Erection of a single storey dwelling including reconfigure boundary between No.82 and new dwelling along with new site crossover onto Delves Close - Refused - 26/04/17.

Reasons for refusal:

1. The resulting relationship between the neighbouring properties of the site at No 82 and 84 Walton Road and the development proposals is not acceptable. Under the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted Supplementary Planning Document 'Successful Place' -

Housing Layout and Design and the wider National Planning Policy Framework the development will result in an intrusion of privacy and loss of amenity to the neighbours (particularly No 84 Walton Road) which is contrary to the aims and objectives of these policies. Furthermore the elevated position of these neighbouring properties will in turn result in an unacceptable overlooking intrusion to the development proposals, its private amenity space and windows which would harm the amenity of future occupants; contrary also to policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted Supplementary Planning Document 'Successful Place' - Housing Layout and Design and the wider National Planning Policy Framework.

2. It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the Local Planning Authority that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guide section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment. It is therefore concluded that insufficient information has been provided to properly assess any potential risk posed by unrecorded coal mining legacy at the development site and therefore the proposed development does not accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS8 of the Chesterfield Local Plan: Core Strategy 2011-2031.

3.5 72 Walton Road (opposite the site)
CHE/20/00760/FUL - Conversion and extension of existing garage to form new dwelling – Condition Permission – 15/02/21. Works completed.

4.0 **THE PROPOSAL**

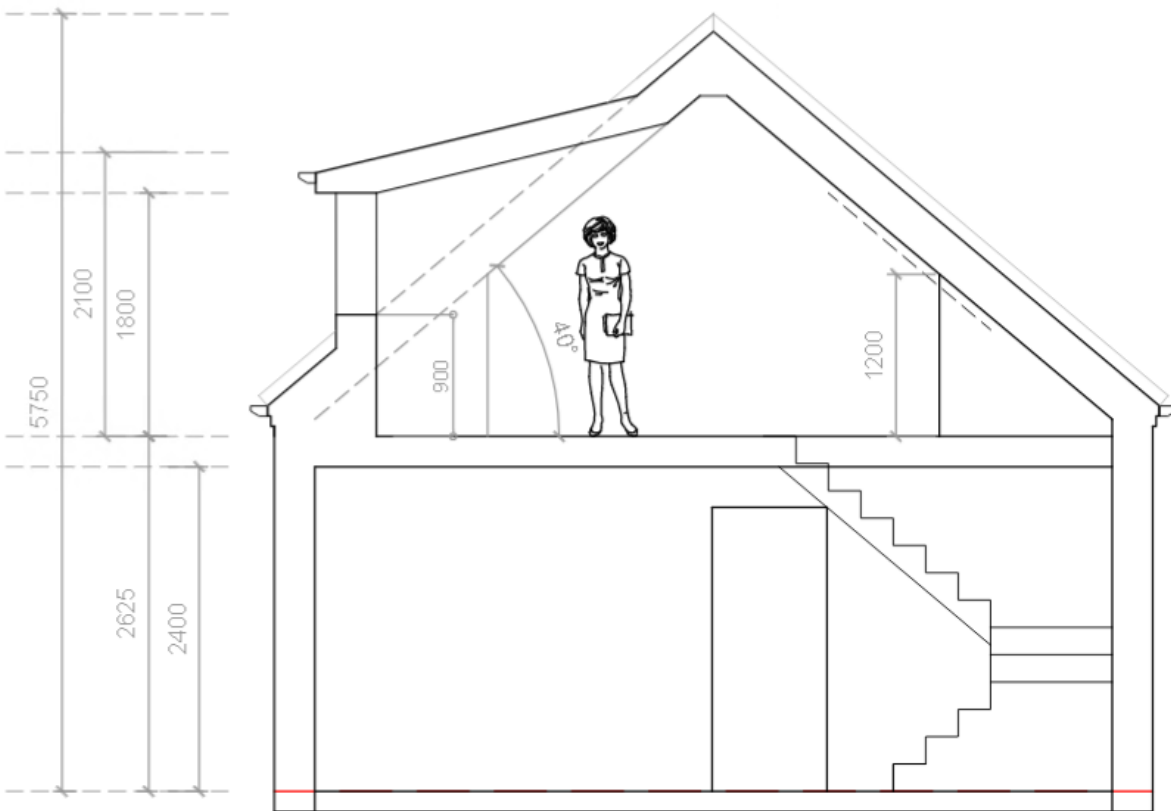
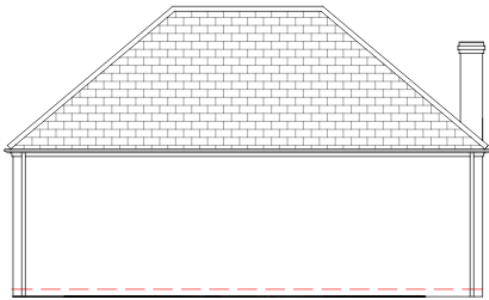
4.1 The proposal is for a dormer bungalow. The scheme has been amended through the application process on several occasions and is now proposed as follows. The dwelling would be 5.5m in height, 8.9m wide and 6m deep. It would be finished in red brick

and would have a grey concrete tiled roof. It would have a lounge/kitchen/diner in approximately half of the ground floor and a bedroom and bathroom within the remaining ground floor area. To the first floor is a bedroom and bathroom. To the front (northern side) the dwelling has a dormer window with a sloping roof. The scheme includes two sets of windows to the front, a window to the eastern side, an entrance door and side window to the western side and velux windows in either sides of the and eastern and western roof planes.

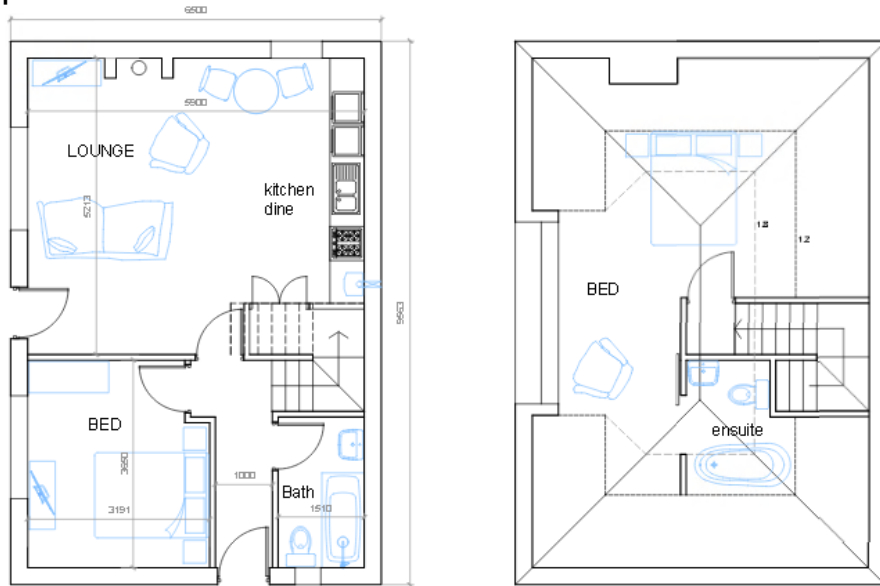
4.2 The area surrounding the dwelling includes hedges to all sides, with a mix of privet, hawthorn and lavender shrubs/hedges proposed and six crab apple trees in the rear garden. The private garden space is approximately 48 sqm in size, but when the proposed surrounding hedges are included this has the potential to drop to 38 sqm. The strip of land to the rear is 4.2m wide (from dwelling wall to fence) and 12.5m long.



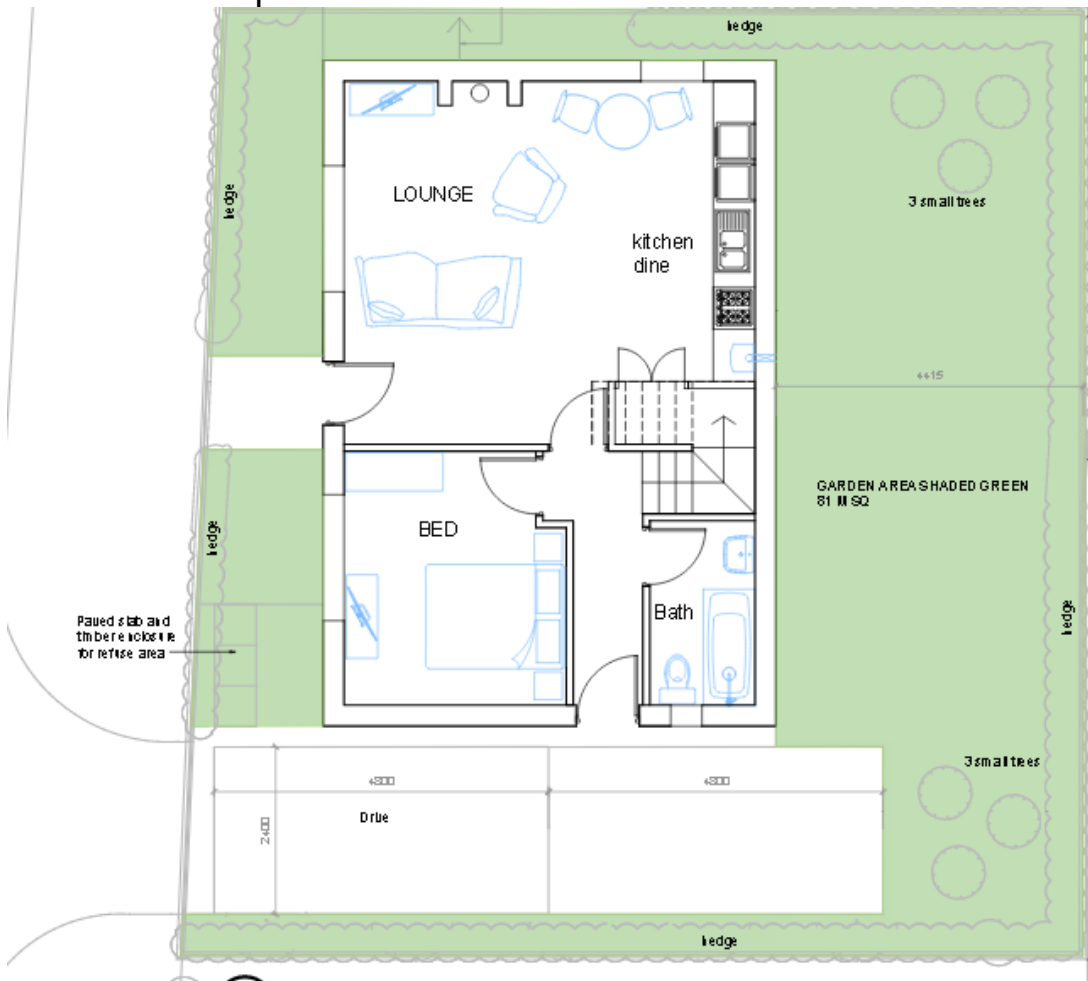
Proposed Elevations



Proposed Floor plans



Proposed Site Plan



- 4.3 The proposed western side boundary treatment would be no more than 1.8m in height in comparison to the altered ground level for the new dwelling. The existing boundary treatments on the southern and eastern boundaries are 1.8m high close boarded wooden fences. The boundary treatment in-between the new and existing dwelling at no.82 will appear as 1.4m high from the garden of the existing dwelling.
- 4.4 The alterations to the scheme include a re-configuration of the dwelling, reduction in height, width and depth, change to the roof design and the creation of a deeper garden space.

5.0 **CONSIDERATIONS**

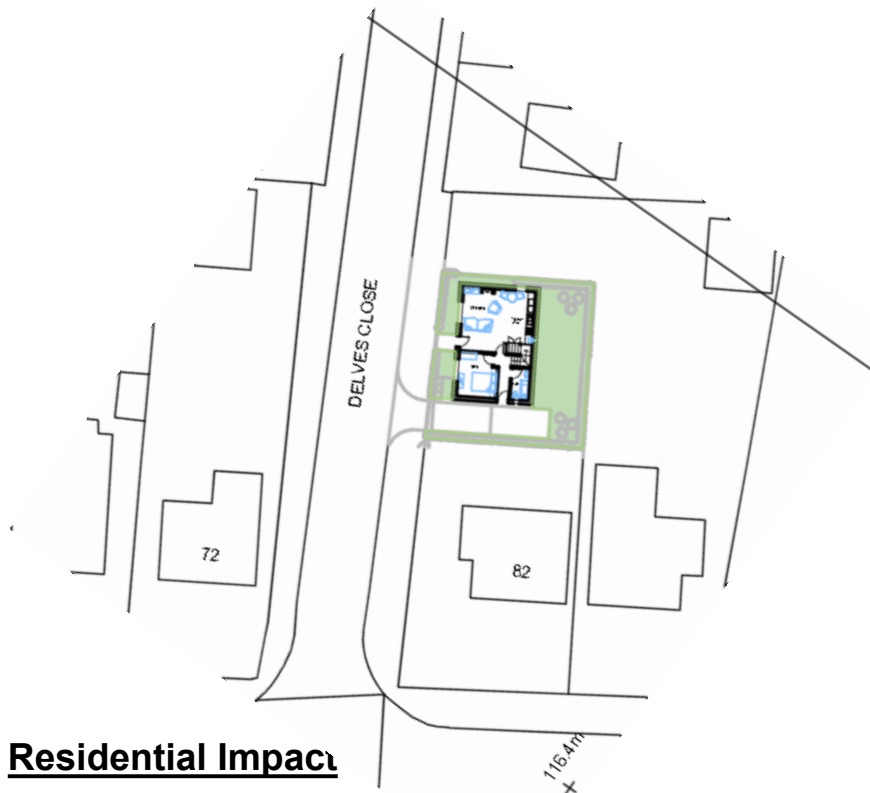
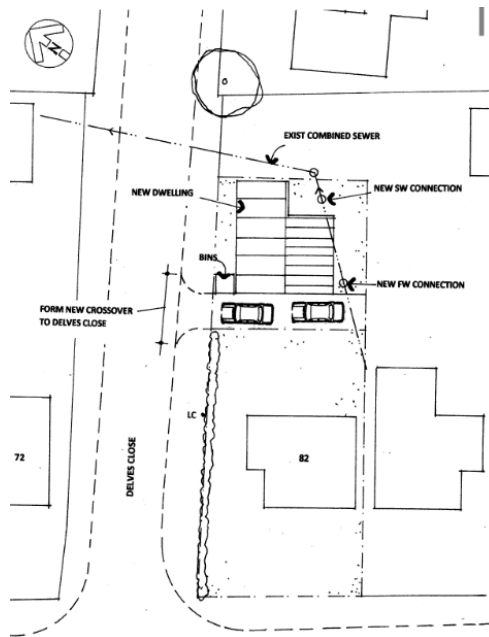
5.1 **Local Plan Issues**

- 5.1.1 Since the previous permission, now expired, was granted (CHE/17/00459/FUL), the council has adopted a new Local Plan. The site is within the built up area of Chesterfield. The key policies in determining the principle of development are policies CLP1 and CLP2.
- 5.1.2 Policies CLP1 and CLP2 emphasise the aim of locating new development where it is within walking distance of a range of key facilities. The location of the site is sustainable with access to public transport routes and nearby local centre. Therefore, the principle of the development in locational terms is acceptable in line with CLP1 and 2.

5.2 **Design and Appearance Considerations**

- 5.2.1 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.
- 5.2.2 The scheme is for a dormer bungalow with red brick finish, a hipped roof and a monopitch roof-style dormer to the front of the dwelling, as set out above.

- 5.2.3 The character of the area in the location of Delves Close is dominated by a mix of two storey detached dwellings of around the 1970's era, with a mix of pitched and hipped roofs. The character of housing along Walton Road is more varied with those immediately adjacent to the site being of an arts and crafts form of architecture possibly from around the 1930's era. Dwellings in the area (other than no. 72) typically have standard sized suburban gardens with those along Walton Road often having larger than average sized garden areas.
- 5.2.4 As part of the previous applications it was concluded that a dwelling was acceptable on the proposed site and that principle, as set out above, remains. However the previous permission for development of the site has lapsed and a new local plan and NPPF has been adopted since, which is of relevance in terms of decision making.
- 5.2.5 As noted above, the submitted drawings for the application have undergone numerous changes, clarifications and revisions. The general design of the scheme was very similar to the previously submitted scheme however the most recent set of drawings are significantly different, with a smaller dwelling now proposed. The difference between the 2017 and current applications is shown in the comparison of the site plans below.
- 5.2.6 It is considered that the design of the dwelling is now acceptable in isolation. In the streetscene the reduced sized scheme is considered to be more sympathetic to the site's context than the previous iterations, and to appear more subservient to the existing dwelling. The hipped roof and reduced width and height have reduced the mass of the building and its impact on the wider area.
- 5.2.7 The proposed dwelling will add to the mix of dwelling types and styles in the area and does not lead to a significant negative impact on the wider area. Furthermore it reflects the dwelling agreed opposite to the rear of 72 Walton Road which is also of relevance to the character and appearance of the local area. It is therefore considered that the proposal would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20, subject to condition regarding materials and boundary treatments.



5.3 **Residential Impact**

5.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

5.3.2 Overlooking - On the western side of the dwelling there would be obscure glazed windows for the bathrooms, there are no windows to the rear, and to the eastern side there is a small window in the

ground floor. To the front of the site there would be two windows to the front and the dormer window, with approximate 19m gap between this dwelling and the one opposite to the rear of no.72, 2A Delves Close. This dwelling includes a 1.8m high fence to the front of the site but is an open parking area in front of what is the entrance door and living room. Within the Council's Design SPD (2013) it states on page 76 that it is good practice to allow a 12m gap between the fronts of the dwellings and 21m to the rear. The new dwellings to the rear of no's 72 and 82 would both be fronting the highway. The dormer roof on the dwelling would be a 90-degree angle to the windows of no.72, which ensures that it would be difficult for residents in the dwellings to easily see into each other's properties. This ensures that this development is policy compliant in this regard.

- 5.3.3 Overshadowing and loss of daylight/sunlight – The scheme would be sited to the north-east of no's 82 and 84, and there is a driveway and road separating the dwellings to the north and east. The scheme is not considered to lead to material overshadowing or a loss of daylight/sunlight to neighbours.
- 5.3.4 Massing - The dwelling would be sited to the rear of no's 82 and 84, and it is considered to be a reasonably large building for its location, as it will be highly visible from the rear of both dwellings. The reduction in height and width and changed roof design have reduced its impact to surrounding residents in terms of massing. In this case it isn't considered to lead a significant negative impacts and is policy compliant in this regard.
- 5.3.5 Private amenity space – the existing dwelling would be left with a 78 sqm rear private garden as well as the side and front garden space.
- 5.3.6 The new dwelling's garden space is approximately 48 sqm in size, but will include proposed hedges which has the potential to drop the space to 38 sqm. The strip of land to the rear is 4.2m wide (from dwelling wall to fence) and 12.5m long, and will include 6 trees. The frontage, driveway and eastern side are not included as part of any calculations for useable private amenity space. The introduction of hedges to satisfy biodiversity leads to a development that will have a garden that will be below the recommended 50 sqm of private amenity space. The amended scheme has seen this space altered so it is now more useable,

with one 4.2m by 12.5m space. This garden is considered to be a much more acceptable layout than the previous iterations, and due to the size of the dwelling and site it is considered that this is an acceptable compromise for the site.

- 5.3.7 On the basis of the above, the erection of the proposed dwelling would be acceptable with the requirements of Policies CLP14 and CLP20 of the Local Plan and the advice contained within the 2021 NPPF (paragraph 127) which states that planning decisions should ensure that developments have a “high standard of amenity for all existing and future users” and chapter 3.11 (Amenity) of the Council’s SPD ‘Successful Places’.

5.4 **Highways Issues**

- 5.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. The Highways Authority has commented to the scheme:

The proposal seeks the construction of a 2no bedroom dwelling with associated off-street parking and the creation of a new vehicular access to Delves Close.

The application site is located on Delves Close which is an unclassified road subject to a 30mph speed limit. The proposed vehicular access is in close proximity to the junction onto Walton Road likely resulting in suppressed vehicle speeds in the vicinity of the site, nonetheless, it is recommended that the proposed vehicular access is provided with maximum achievable visibility sightlines in either direction as measured from a point located centrally and set back 2.4m into the access.

The Proposed Site Plan demonstrates off-street parking for 2.no vehicles which is sufficient to serve the proposed dwelling. Whilst off-street parking bays should be demonstrated by dimensions, the proposed driveway is adequate for the parking of 2no vehicles subject to an increase in width to any side of the driveway bound by a physical barrier i.e., Each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. No details have been submitted regarding the storage of bins and collection of waste, an area for standing of waste bins on refuse collection days should be provided adjacent to, but not within, the public highway to serve the dwelling.

The Highway Authority has no objections to the proposal.

- 5.4.2 The previous approved applications for the site included a similar layout as the one proposed here. Under the provisions of the former planning permission a driveway and 2 no. parking spaces are proposed.
- 5.4.3 In respect of the proposed development it is considered that the creation of a new dropped crossing to Delves Close to serve the development would be acceptable in principle, albeit that the applicant will have to cover the expense of relocating the grit bin to facilitate this. The driveway shown to serve the development would provide off road parking for two vehicles, which is an acceptable level of provision although its use would be reliant upon vehicles either reversing into or out of the driveway onto the public highway. Notwithstanding this, Delves Close is a quiet residential cul-de sac and this operation would not be considered harmful to highway safety given the geometry of the road and likely vehicle speeds.
- 5.4.4 It is noted that the LHA previously suggested that the driveway be served by visibility splays measuring 2.4m x 43m in both directions, but it is not clear if they have measured these splays either on site or on the submitted site layout plan to confirm they are achievable. Based upon the site layout plan submitted and from measuring on site the footway measures 2.8m in width such that all the required visibility would be within highway limits. They have also previously commented that the grit bin should not impede visibility.
- 5.4.5 The other conditions previously requested by the LHA would appear reasonable and achievable. Gates would obstruct the use of the driveway given its limited dimensions and bins could be stored safely on site.
- 5.4.6 Overall therefore it is considered that the development proposed details an appropriate level of off-road parking provision (which would need to be conditioned for retention if approved) and the development can be served by the creation of a suitable driveway access. Accordingly in respect of highway safety the relative provisions of policies CLP20 and CLP22 of the Local Plan and the SPD are met.

5.5 **Biodiversity Net Gain**

- 5.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 5.5.2 The site is a residential garden for no.82 and the area was grassed with a mature hedge along the northern boundary. This hedge was removed prior to the submission of this application.
- 5.5.3 The proposed scheme includes hedges to all sides, with a mix of privet, hawthorn and lavender shrubs/hedges proposed and six crab apple trees in the south-eastern and south-western corners of the site, as well as grassed areas surrounding the dwelling.
- 5.5.4 The Council has consulted with Derbyshire Wildlife Trust, who comment on biodiversity issues and they have reviewed the scheme and do not object to the scheme. They have requested further information regarding the implementing and maintaining of the soft landscaping.
- 5.5.5 The scheme is a minor development and the owners of no.82 could remove the hedge on site at any time, without the need for planning permission (as they have done). The hedge was previously a well maintained and mature boundary treatment, and its removal is regrettable, but on smaller sites like this the LPA cannot seek a full review into biodiversity net gain. The submitted drawings propose the planting of hedges, trees and grass on site, which is considered to be sufficient for a site of this size, but it is also unclear how realistic the planting is (in comparison the restricted size of the site) over the longer term, in particular the location and number of trees planted on site. In this case it is not considered that the scheme could be refused on the grounds of any biodiversity net loss, and the proposed landscaping scheme is considered to be reasonable/adequate for a scheme of this scale.

5.6 Coal mining and land contamination

- 5.6.1 The application site is within the High Risk Area in respect of former coal mining activity. The application is supported by a Coal Mining Risk Assessment which has been considered by the Coal Authority. The Coal Authority did not object to the scheme subject to conditions and notes.
- 5.6.2 The Council's Environmental Health team has been consulted on the proposal and they have concluded that the site is within an area of potential land contamination, and they require a condition to be included to consider this further.
- 5.6.3 On this basis the proposal is considered to meet the requirements of policy CLP14, subject to condition.

5.7 Flood Risk and Drainage

- 5.7.1 The site is in a low risk area in relation to risk of flooding. CBC's drainage team has been consulted on the scheme, and they have requested that the proposed dwelling would be constructed over a public combined sewer, and that the developer may need to liaise with Yorkshire Water to discuss a Building Over Agreement or easement.
- 5.7.2 Further information is also required regarding soakaways, as this is a preferred method for route for surface water, this would be dealt with via condition. Due to the small size of the site and limitations regarding the location of soakaways from dwellings it is unclear where this could be positioned on site.
- 5.7.3 There is a public combined sewer crossing the site, and a building over agreement or easement would be required with Yorkshire Water to deal with this issue satisfactorily. This issue would have been dealt with via a note, as this would be dealt with via building regulations.
- 5.7.4 Conditions will be included in a condition to ensure these issues are considered further prior to any future works. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

5.8 Lighting, noise and air pollution issues

5.8.1 The Council’s environmental health team has commented that several conditions are required to ensure that the proposal doesn’t lead to a negative impact in terms of an increase in lighting, noise pollution from construction and air pollution from increased traffic. They have requested a restriction on unacceptable lighting to surrounding areas, the workings hours for construction and the inclusion of electric charging points into the scheme.

5.8.2 The requested conditions would have all been included to ensure that it is compliant with CLP14 of the Local Plan.

5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable.

5.9.2 The site the subject of the application lies within the high CIL zone and therefore the CIL Liability will be calculated (using calculations of gross internal floor space and be index linked).

	A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
68	68	£80 (High Zone)	355	288	£6,705

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

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters.

6.2 As a result of the applications publicity there have been 15 representations received from the residents of 10 local dwellings; all of the comments are objections. A joint objection has also been

received from 3 local councillors. Their reasons for objecting include:

- Impact on local wildlife and biodiversity,
- Questioned what the parking arrangements are for future residents of the existing dwelling and new dwelling,
- Privacy,
- Residential amenity,
- Overlooking/separation distances,
- Highway safety from increased parking in area caused by new dwelling.
- Drainage/easement on site.
- Poor design, not in keeping with local area.
- Loss of amenity and privacy for no.84 Walton Road.
- Unauthorised works on site.
- Previous incorrect answers on application form.
- Overdevelopment of Delves Close.
- Impact/loss of Local wildlife,
- Impact of construction on local area from deliveries and machinery,
- Highways impact will impact commercial delivery and emergency vehicles.
- Location of grit bin on street.
- The use of soakaways when this goes against the conclusions of their own report.
- No site notice displayed locally.
- Negative impact on visual amenity of area
- Future maintenance of proposed BNG/landscaping on site
- no information about bin storage
- boundary information not accurate
- further information requested about drainage on site
- Overlooking into rear gardens of no's 72 and 2a Delves Close and into dwelling of no.72.

6.3 The response received from local councillors Kellman, Redihough and Snowdon objected on the grounds of:

- Hedge removed on site in bird nesting season,
- loss of garden space which should be protected to safeguard biodiversity and climate change issues,
- application form incorrect, as it states that work has not commenced,
- presence of coal mining in the area,
- size of property is excessive for the plot,
- residential impact to neighbouring dwelling at 84,

- increased negative highways impact with additional parking on the cul de sac.
- Overdevelopment of the site.

6.4 ***Officer response: The above issues are considered within this report.***

7.0 **HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

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 the 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

9.0 **CONCLUSION**

9.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan, subject to relevant conditions.

10.0 **RECOMMENDATION**

10.1 That the application be **APPROVED** on the basis of the following reasons:

Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans:

- Site Location Plan,
- Site plan, Floor plans, elevations (as provided 21st July 2023)
- Notwithstanding the dwelling elevations and footprint, the site section and boundary treatment details. (as provided 30th June 2023)

with the exception of any approved non-material amendment.

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

3. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out 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 - *In the interests of residential amenities.*

4. Prior to 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 and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason - In the interests of highway safety and CLP22

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

Reason - In the interests of reducing emissions in line with policies CLP14.

6. No development above floor-slab/D.P.C level shall take place until 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 scaled plan showing plants and trees to be planted:
 - proposed hardstanding and boundary treatment:
 - a schedule detailing sizes and numbers of all proposed plants and trees:
 - Sufficient specification to ensure successful establishment and survival of new planting.

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

Replacement planting shall be in accordance with the approved details.

Reason – In the interests of biodiversity and ecology, and relevant to policies CLP16 and CLP20.

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

Reason - *In the interest of satisfactory and sustainable drainage and inline with CLP13.*

8. 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 maximum rate of 3.5 litres per second.

Reason - *To ensure that no surface water discharges take place until proper provision has been made for its disposal.*

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

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

10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site generally in accordance with the application drawings for the parking of resident's vehicles, laid out, surfaced and

maintained throughout the life of the development free from any impediment to its designated use.

Reason - *In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan*

11. The scheme shall be laid out as presented in the revised site plan including the arrangements for storage of bins and collection of waste. The facilities shall be retained for their designated purposes at all times thereafter.

Reason: *In the interests of residential amenity and highway safety in regards CLP14 and CLP20.*

12. Before any other operations are commenced (excluding Condition 4 above), a new vehicular access shall be formed to Delves Close in accordance with the application drawings and provided with maximum visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, in either direction. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway level.

Reason - *In the interests of highway safety and CLP22*

13. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason - *In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20*

14. Obscure glazing to a Pilkington Scale level 4 shall be utilised in the eastern and western side velux windows of the proposed dwelling. These windows, shall be installed and retained obscurely glazed thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20

15. Before the 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 - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality, and policy CLP20.

16. The development shall not commence above floor-slab/D.P.C level until details of a sustainable drainage scheme 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. This shall any include the calculations of soakaway rates on site, and it should be designed to be in accordance with BRE Digest 365 and to not flood during a 1 in 30 year rainfall event or allow flooding of properties during a 1 in 100 year rainfall event, including an allowance for climate change.

Reason – To ensure that the proposed drainage method is realistic on site and acceptable in relation to CLP13.

17. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only on site hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of highway safety and CLP22

18. No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site and policy CLP14.

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

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site and policy CLP14.

20. To ensure the site is 'suitable for use' the below is required:-
- a) a Phase 1/desk study, and then, if necessary,
 - b) a Phase 2/intrusive site investigation, and then, if necessary,
 - c) a Remediation Strategy and the, if necessary,
 - d) a Validation report.

All the reports a) to d) shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the development commencing.

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.

21. 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 to the Council and approved in writing by the Local Planning Authority prior to the occupation of the dwelling.

Reason – In regards the residential amenity of surrounding residents and policy CLP14.

Informatives

1. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.

2. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

3. 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.

4. The Highway Authority recommends that the first 5m of the modified 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 landowner.

5. 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).

6. It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

7. It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

8. A public combined sewer is shown to cross part of the development site. The applicant should liaise with Yorkshire

Water as to its proximity as a Building Over Agreement or easement may be required.

Item 2

Case Officer: CW

File No: CHE/22/00852/FUL

PROPOSAL: ERECTION OF A DETACHED DWELLING WITH INTEGRAL GARAGE AT 366 BRIMINGTON ROAD, TAPTON, CHESTERFIELD FOR MR PETER LYTHGOE

1.0 **CONSULTATIONS**

Ward Members:	No comments received.
Local Highway Authority:	No objection, subject to condition
Chesterfield Design Services:	The site is at risk of surface water flooding and more information required about the use of soakaways, but no objection. Mitigation may be required.
Yorkshire Water Services:	No comment
Environmental Health:	No objection subject to conditions related working hours and air quality.
Derbyshire Wildlife Trust:	No objection subject to condition
Coal Authority:	Material Consideration, in low risk coal mining area.
Forward Planning:	No objection subject to condition in regards biodiversity, electric charging points and water standards.
Representations:	6 objections received from 4 local residents.

2.0 **THE SITE**

- 2.1 The application site presently forms part of the rear garden curtilage of no.366 Brimington Road, which is to the west side of the dwelling. The plot at No 366 is 58m long and 27m wide and includes a dormer bungalow to the front of the site and a detached single garage to the side/rear. There are a significant amount of mature trees, shrubs and landscaping to the site.
- 2.2 The site is in a residential area and has housing to all sides. There is an existing driveway and entrance to the southern side of the site. The land falls away slightly from east to west.



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/22/00581/OUT - Outline Application for Demolition of Existing Detached Garage and Erection of a 3/4 Bedroom Chalet Bungalow (1.5) Storey with Separate Detached Garage with All Matters Reserved – Conditional Permission – 31/10/22

3.2 CHE/23/00106/FUL - Two storey rear extension and erection of a single storey detached garage (description amended and revised drawings received 13/07/23) - Pending

4.0 **THE PROPOSAL**

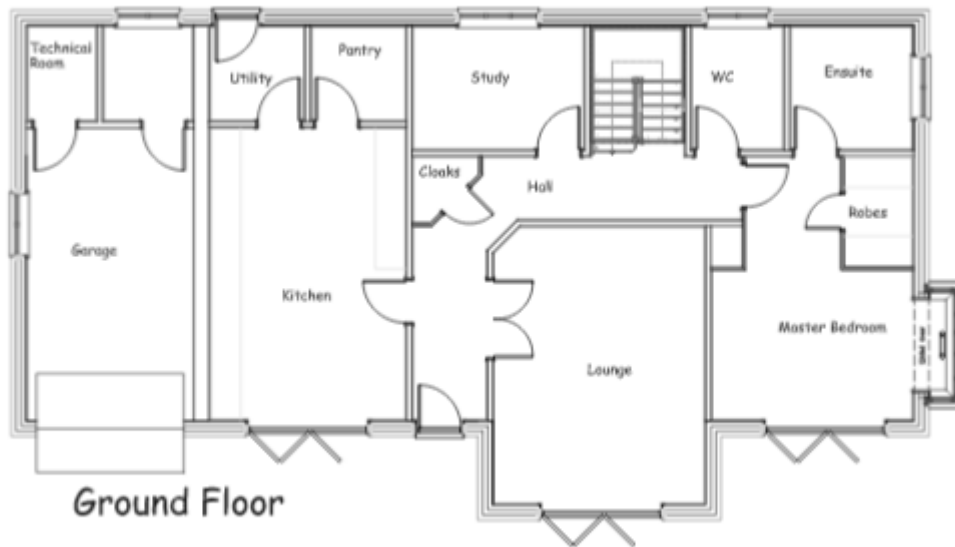
4.1 Full planning approval is sought to erect a detached dormer bungalow with an integral garage to the rear of the site. The dwelling would be 18.5m wide, 8.3m deep and 6.5m high to the ridge, with a 10m depth when including the lounge gable fronted section. It would be a 3 bed dwelling, with 2 bedrooms, en-suite bathrooms and other storage rooms in the 1st floor and a kitchen/diner, study, bedroom, lounge, bathrooms and storage in the dwelling and an integral garage to the side. It would have a pitched roof with a projecting glazed gable to the centre front and two dormers either side of this. The building would have a brick plinth, with render above this and a slate roof.

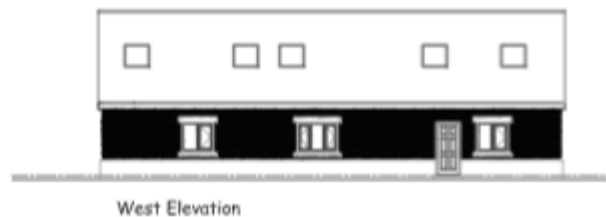
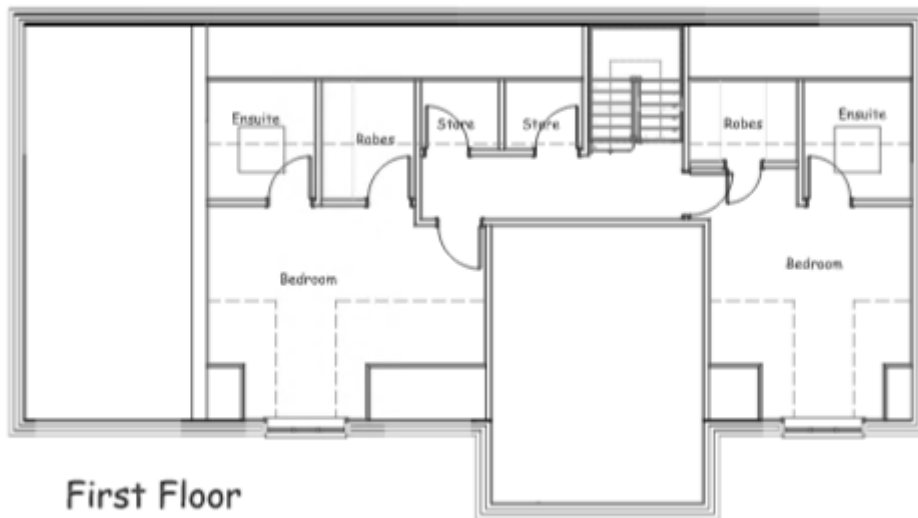
4.2 It is proposed to use the existing access for no.366, but to widen the driveway to facilitate parking for the residents of the existing dwelling. The existing garage would be demolished and a driveway created along the southern side of the site as well as hardstanding an area near the dwelling for manoeuvring.

4.3 It is proposed to alter the existing boundaries on site also, with a 2.5m high fence along the southern boundary, 3m high boundary along the western boundary, a 2.4m high fence on the northern boundary and a 1.8 high fence on the eastern boundary.

4.4 The scheme is on a site with significant levels of vegetation including mature trees. The scheme includes the loss 3 Scots Pine and 2 apple trees as well as the relocation of several other trees/shrubs on site. It is proposed to plant several apple, cherry and other trees on site, although the exact number and type is unclear.

4.5 The original scheme at the outline stage included the dwelling to be sited close to the northern boundary, with the front of the dwelling facing the south and the garage to the east of the dwelling. The scheme was handed, with the garage on the other side and the dwelling's front to be east facing. It was also to have a hipped roof which has now been lowered in height and depth.





5.0 **CONSIDERATION**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant

Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

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

CLP1	Spatial Strategy (Strategic Policy)
CLP2	Principles for Location of Development (Strategic Policy)
CLP3	Flexibility in Delivery of Housing (Strategic Policy)
CLP13	Managing the Water Cycle
CLP14	A Healthy Environment
CLP16	Biodiversity, Geodiversity and the Ecological Network
CLP20	Design
CLP22	Influencing the Demand for Travel

5.3 **National Planning Policy Framework (2021)**

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 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

5.4 **Supplementary Planning Documents**

- Successful Places' Residential Design Guide

5.5 **Principle of Development**

5.5.1 The Council recently gave permission in outline for a dwelling to the rear garden area as referred to at paragraph 3.1 and this permission remains valid. Notwithstanding this the applicant has made a full application rather than reserved matters and so the principle of the proposed development has to be considered.

5.5.2 The comments of the Planning Policy Officer have been sought and which confirm that the principle of development should primarily be assessed through the application of policies CLP1 and CLP2. Primary amongst these considerations is that new

development should be directed to regeneration areas and those within walking distance of a range of key services. The council's Residential Design SPD sets out (on page 41) that a walkable neighbourhood is one with a local centre/shop within 600-800m and a primary school within 800-1000m, depending on the safety and convenience of the route.

- 5.5.3 The location of the proposed development is not fully compliant with policies CLP1 and CLP2. There is no GP within walking distance and the closest primary school (Christ Church) is 1.7 km away. The Sheffield Road Local Centre is the closest centre to the application site (at approximately 1.2 km), however there is a supermarket (with pharmacy) around 900m away via a safe pedestrian route. The Lockoford Amenity Greenspace and Play Area are located within 300m and there is a pub and bus stop within the indicated walkable catchments.
- 5.5.4 Policy CLP2 states that planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which they meet criteria a-h. The proposal would not be located on Previously Developed Land (criterion b), offers no wider regeneration or sustainability benefit of any significance (criterion c) and the site only performs moderately well against criterion (d), as services within a convenient walking distance are limited.
- 5.5.5 The site is however located within the built-up area (as defined on the Local Plan Policies Map – CLP3) and whilst it is not within walking distance of the full range of key services, the cycle and public transit links on Brimington Road would support access to a range of key services within the town centre (CLP2 criterion e). The route to the supermarket (with pharmacy) exceeds the walkable threshold by only a short distance and the route is considered to be of good quality. The proposal is for a single dwelling and so is unlikely to prejudice the Local Plan's aim to deliver development of housing on primarily brownfield sites.
- 5.5.6 The proposed development site is situated within walking distance from some key services and is located on land that is currently utilised as residential curtilage. The site is located within a built-up area (settlement boundary) where new housing development would be considered appropriate in principle. This was the conclusion reached by planning committee in October 2022 when

outline permission was granted for the development of the site. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and generally adheres to the policies CLP1 and CLP2.

5.6 **Residential Impact**

- 5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.6.2 The scheme has been altered since the original drawings were submitted as part of this application. Initially several objections were received to the first plans, with several residential amenity concerns raised such as - loss of privacy from overlooking windows into gardens and dwellings, increased overshadowing into neighbouring gardens, overbearing impact into rear gardens and loss of view/outlook.
- 5.6.3 As part of the amended scheme the drawings have been clarified or have amended what is proposed in regards the boundary treatments, positioning of windows and the position of the dwelling in general.
- 5.6.4 The site currently includes significant levels of trees/shrubs that restrict overlooking into/out of it. The neighbouring dwelling at no.360 has mature coniferous trees on the adjoining northern side boundary and along the western boundary are numerous mature trees/shrubs (which adjoins the dwellings of 46-52 Malia Road). This ensures that these residents enjoy a reasonable level of privacy which remains in their control even though the northern side boundary with no.368 is more open.
- 5.6.5 There is a fall of levels along the street from south to north of approximately 0.5m per garden and the gardens for the adjoining dwellings on Malia Road are raised up over 1m above the height of the ground level of the site. As part of the amended scheme it is proposed to include boundary treatments to the south and west, which would be approximately 1.8-2m in height when viewed from the neighbouring gardens, but which would be higher on the site side.

- 5.6.6 In terms of overlooking the separation from rear of the new house to the rear no's 46, 48 and 52 Malia Road is 20m, with no.50 approximately 16.5m. The separation distance between the rear of the existing dwelling and the front of the new house is 21-22m when including the proposed rear extension. The windows for the proposed dwelling are:
- To the front/east – bi-folding windows into the lounge and kitchen, a full length glazed section in the projecting gable for the lounge and two dormer windows in the roof for bedrooms,
 - To the rear/west – a triple paned window for the study and 2 double paned windows for a W.C and utility room next to the garage and five velux windows for bathrooms, the garage and hallway on the first floor,
 - To the northern side – a bay window from a bedroom and window for a W.C.
 - To the southern side – a small window for the garage.
- 5.6.7 The amended scheme is not considered to lead to a significant impact in terms of overlooking to the residents of Brimington Road, due to the location and height of the boundary treatments, the use of velux windows in the roof and the distance from the dwellings at no's 360, 366 and 368. In terms of its relationship with dwellings on Malia Road it is proposed to add a new boundary treatment to the rear of the site, which would be 3m in height from the ground level at no.366 and approximately 2m to the rear of Malia Road (with a 1m difference in heights). There are no windows in the rear of the roof which are primary windows and the proposed boundary treatment ensures that there is no overlooking between the new dwelling and the residents on Malia Road, even though the separation distance is less than the recommended 21m. The rear velux windows would also be obscure glazed.
- 5.6.8 In terms of overshadowing, the dwelling is not sited close to other dwellings, such that it will not lead to any material increased levels of overshadowing or loss of light. The siting of fences on the boundaries are not in sensitive locations, due to the size of the gardens, and will not lead to significant loss of light/overshadowing.
- 5.6.9 In terms of massing, the dwelling has been moved on the site. It is now moved further away from the boundary of no.368 and is sited to the rear of the site (as viewed from the dwellings fronting

Brimington Road). In terms of massing, it is not considered to lead to any significant impact to surrounding residents. The loss of outlook/view from surrounding residents (in terms of the loss of the replacement of trees, shrubs and open garden with a dwelling) is not considered to be a planning matter, as the residents could alter their gardens at any time without the need for planning permission. Furthermore the granting of an outline permission for development of the site accepted that there would be changes including a change from landscaping to built form.

5.6.10 Both of the dwellings (existing and proposed) would have over 100 sqm of garden space to the rear and side of the dwellings.

5.6.11 The proposal includes reasonable levels of outlook and acceptable sized amenity spaces for the dwellings. A condition should be included to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

5.7 **Design and Visual Impact**

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 proposed dwelling will be to the rear of the existing dwelling, and it is unlikely to be highly visible from the streetscene. The dwelling would be rendered with a slate roof.

5.7.3 It has been amended from the original scheme, with a change in the roof design, height and orientation on site. It is accepted that it would change the large open landscaped garden into a more urban feel but this has already been accepted. The dwelling would be visible from the rear and side of the surrounding dwellings, with several neighbour comments on the original scheme and the revised scheme, which commented that the proposal would be out of keeping with the character of the area, with an overbearing impact/massing into rear gardens, and a loss of view/outlook and design, with the proposal being out of scale for area.

- 5.7.4 The character of dwellings in the surrounding area is mixed, with a dominance of two storey detached dwellings on Brimington Road and semi-detached two storey dwellings on Malia Road; the two detached bungalows at no's 360 and 366 are outliers in this regard and are both on large sites with deep gardens. The design of the amended dwelling is considered to be more appropriate in terms of roof design and height, but it will still introduce a large structure into an existing non-built garden. It will be an anomaly in some respects but it is not considered to be designed in a manner that has a significant negative impact on the surrounding area in regard of what is reasonably expected on modern housing estates.
- 5.7.5 The proposed house will not be highly visible from Brimington Road and will add to the mix of dwelling types and styles in the area. It is therefore considered that the proposal would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20, subject to condition regarding materials and boundary treatments.

5.8 **Highways Issues**

- 5.8.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.8.2 The proposal would include access from Brimington Road and would provide parking and manoeuvring for over 2 vehicles on site.
- 5.8.3 In response to the revised drawing the Highways Authority commented that *"It is now considered that adequate manoeuvring space is available adjacent to the proposed dwelling allowing vehicles to enter and exit the site in forward gear. Also, the applicant has made it clear that there is no intention to segregate the proposed and existing accesses for the most part, therefore, it is considered that there will be adequate space available behind the proposed parking spaces fronting the existing dwelling to allow access to and from those spaces. Based on the above comments, there are no highway objections to the application subject to the following conditions being included in any consent granted"* (conditions not shown here).

- 5.8.4 The comments include conditions regarding an unsegregated driveway, provision of spaces and storage of bins. In regard bins, the site is over 45m from the roadside and it is unclear at present where bins would be located on bin collection days without impacting the access for the two dwellings; this detail could be conditioned. The retention of the driveway to remain open would ensure that parking and manoeuvring is more realistic for the existing dwelling also.
- 5.8.5 The proposed parking provision for the existing and proposed dwelling are considered to be acceptable for the scale of the scheme. The proposal is therefore acceptable within the requirements of Policy CLP20 of the Local Plan which seeks the provision of adequate and safe vehicle access and parking (criteria g) and a safe, convenient and attractive environment for pedestrians and cyclists (criteria h), as well as CLP22.
- 5.8.6 The Planning Policy Officer refers to the need for any off-street parking spaces to incorporate at least one Electric Vehicle Charging point to meet the requirements of policy CLP22 and this can be secured as part of any consent granted.

5.9 **Biodiversity**

- 5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF (para. 170) requires plans and planning decisions to contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.9.2 Derbyshire Wildlife Trust has commented on the scheme:
We have checked our Biological Records Database and can confirm the following:
- No notable habitats have been recorded to date on or adjacent to site
- The site is not covered by a statutory or non-statutory nature conservation designation

- No records of protected species on or adjacent to site, with the exception of a song thrush record adjacent (active nests protected under The Wildlife and Countryside Act, 1981).

The application is currently not accompanied by any ecological information. Satellite imagery of the site evidences that the development will result in the loss of amenity grassland within an existing garden, as well as some potential impacts to trees and shrubbery. We suggest that an Arboricultural Impact Assessment may be required prior to determination of this application and efforts should be made to retain established trees and shrubs, where practicable, or else provide replacement planting.

Recommendations

Biodiversity Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2021. Measures shall include (but are not limited to) the following:

- 1x General Purpose Nest Box*
- 1x Integrated Bat Brick*
- Hedgehog gaps in fencing (130 mm x 130 mm).*
- Native and wildlife attracting planting i.e., shrubs and / or herbaceous perennials.*

Such approved measures shall be implemented in full and maintained thereafter.

Breeding Birds

No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

5.9.3

No small sites biodiversity survey has been completed of the site. On site the existing rear garden included a mix of mature trees and shrubs of varying quality. It has 21 trees as well as groupings of shrubs, unidentified trees and other plants. The tree types include Scots pine, apple, pear, cherry, cedar, birch, holly, plum and oak. It is proposed to remove 3 mature Scots Pine trees and 2 mature apples trees, to relocate a pear tree and the hydrangeas and to plant 10 apple, cherry and other trees on site. A biodiversity

statement has also been submitted as part of the application and this also included additional biodiversity measures such as bird boxes, bug hotels, hedgehog holes and other shrubs. No details have been provided about tree planting methods, tree sizes etc; this can be conditioned.

5.9.4 The biodiversity features such as trees, shrubs and other plants are not protected, and these could all be completely removed at any time without the need for planning permission. The positive role that these features play in local wildlife is also not protected in anyway, and it is entirely voluntary for residents to maintain and retain their private gardens how they choose.

5.9.5 The site is heavily landscaped at present, and the majority of the features on site will be retained. It is considered that sufficient effort has been made to retain the existing trees and shrubs, and that the additional planting and other biodiversity features on site will provide an acceptable level of biodiversity gain on site. A condition should be required to seek further details of these.

5.9.6 The proposed development is considered to retain the majority of the existing biodiversity features on site and offers a reasonable landscaping proposal in the future. The development is not objected to by the consultees. This ensures that the proposal is acceptable in relation to policy CLP16 of the Local Plan and the NPPF, subject to condition.

5.10 **Developer Contributions**

5.10.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

5.10.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

			A	B	C	D	E
--	--	--	----------	----------	----------	----------	----------

Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Plot 1	215 (officer)	0	215	£50	355	288	£13,251

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index = CIL Charge (E)

BCIS Tender Price Index (at date of Charging Schedule) (D)

$$\frac{145 \times 50 \times 355}{288} = \text{£13,251}$$

288

5.11 Coal mining risk and ground contamination

- 5.11.1 The application site is within a Low Risk Area in respect of former coal mining activity and on this basis the Coal Authority has recommended informative notes to be included in a decision.
- 5.11.2 The Council's Environmental Health team has been consulted on the proposal and they have concluded that the site is not within an area of potential land contamination and they have no objections.
- 5.11.3 On this basis the proposal is considered to meet the requirements of policy CLP14.

5.12 Flood Risk

- 5.12.1 The site is shown to be at risk of surface water flooding but in a low/medium area in relation to risk of flooding. CBC's drainage team have been consulted on the scheme. CBC's drainage team requested that the applicant is made aware of the surface water flooding issue and that this should be considered in the design of the dwelling through a further application.
- 5.12.2 Conditions can be included in a permission to ensure these issues are considered further prior to any future works. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

5.13 Lighting, noise and air pollution issues

5.13.1 The Council's Environmental Health team has commented that several conditions are required to ensure that the proposal doesn't lead a negative impact in terms of an increase in noise pollution from construction and air pollution from increased traffic. They have requested a restriction on workings hours for construction and the inclusion of electric charging points into the scheme.

5.13.2 The requested conditions have all been included in this decision, to ensure that it is compliant with CLP14 of the Local Plan.

6.0 REPRESENTATIONS

6.1 The application has been advertised via letters sent to surrounding local residents and 6 comments have been received from 4 neighbours regarding the proposal. The local residents have objected on the grounds of:

- Out of keeping with the character of the area,
- Loss of privacy from overlooking windows into gardens and dwellings,
- Loss of vegetation including mature trees,
- Impacting wildlife in local area,
- Increased overshadowing into neighbouring gardens,
- Overbearing impact into rear gardens,
- Loss of view/outlook,
- Design – out of scale for area,
- Construction impacting foundations to existing boundary wall,
- Impacting a freshwater culvert.

6.2 **Comment**

The majority of the above issues are considered in the above report. In regard the construction impacting an existing wall, the amended scheme is considered to be far enough away from the surrounding walls to ensure it won't impact the wall's foundations. The freshwater culvert on site could be impacted by the development, but as this is not a manmade drain on site and surface water drainage is considered as part of this application.

7.0 HUMAN RIGHTS ACT 1998

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

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

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 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 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.

9.0 **CONCLUSION**

- 9.1 The proposed development is considered to sufficiently reflect the architectural characteristics and form of the existing site and surrounding area. Furthermore, it is not considered that the development would result in significant injury to the amenity of nearby residents. It is not considered to lead to a negative impact upon highway safety of the local area. As such, this application is

considered to comply with the requirements of policies CLP2, CLP14, CLP16, CLP20 and CLP22 of the Chesterfield Borough Local Plan 2018-2035 and Chapter 12 of the revised National Planning Policy Framework, subject to condition.

10.0 **RECOMMENDATION**

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

Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans:
 - Site Location Plan,
 - Proposed Site Plan (submitted 13/07/23),
 - Proposed Ground Floor Plan (submitted 13/07/23),
 - Proposed First Floor Plan (submitted 13/07/23),
 - Proposed Elevations (submitted 14/07/23),
 - Existing Tree and Vegetation plan (submitted 29/03/23);with the exception of any approved non-material amendment.

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

3. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out 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 - *In the interests of residential amenities.*

4. Prior to 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 and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason - In the interests of highway safety and CLP22

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

Reason - In the interests of reducing emissions in line with policies CLP14.

6. No development above floor-slab/D.P.C level shall take place until 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 scaled plan showing plants and trees to be planted:
 - proposed hardstanding and boundary treatment:
 - a schedule detailing sizes and numbers of all proposed plants and trees:
 - Sufficient specification to ensure successful establishment and survival of new planting.
 - Details of bird boxes, bug hotels, hedgehog holes and other planting as detailed in the biodiversity statement, including the relocating of plant on site.

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

Reason – In the interests of biodiversity and ecology, and relevant to policies CLP16 and CLP20.

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

Reason - *In the interest of satisfactory and sustainable drainage and inline with CLP13.*

8. 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 maximum rate of 3.5 litres per second.

Reason - *To ensure that no surface water discharges take place until proper provision has been made for its disposal.*

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

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

10. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. Existing off-street parking levels for No 366 Brimington Road shall be maintained, any displaced off-street parking shall be replaced accordingly.

Reason - In the interests of highway safety in accordance with policy CLP22 of the Adopted Local Plan

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

Reason: In the interests of residential amenity and highway safety in regards CLP14 and CLP20.

12. The proposed and existing drives serving the proposed and existing dwellings shall remain unsegregated for at least the first 20m into the site measured from the highway boundary.

Reason - In the interests of highway safety and CLP22

13. Before any other operations are commenced a new vehicular access shall be created to Brimington Road in accordance with the application drawings and shall be laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

Reason - In the interests of highway safety and CLP22

14. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored

until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason - In regard policy CLP16 and the protection of biodiversity on site.

15. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20

16. Obscure glazing to a Pilkington Scale level 4 shall be utilised in the rear velux windows of the proposed dwelling. These windows, shall be installed and retained obscurely glazed thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20

17. Before the 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 - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality, and policy CLP20.

18. The development shall not commence above floor-slab/D.P.C level until details of a sustainable drainage scheme 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. This shall any include the calculations of soakaway rates on site, and it should be designed to be in accordance with BRE Digest 365 and to not flood during a 1 in 30 year rainfall event or allow flooding of properties during a 1 in 100 year rainfall event, including an allowance for climate change.

Reason – To ensure that the proposed drainage method is realistic on site and acceptable in relation to CLP13.

Informatives

1. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.

2. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

3. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.

4. 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.

5. The Highway Authority recommends that the first 5m of the modified 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 landowner.

6. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority

7. 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).

ITEM 3

Case Officer: CW

Application No: CHE/23/00097/FUL

PROPOSAL: TWO-STOREY EXTENSION (AMENDED SCHEME SUBMITTED 31.07.2023) AT HASLAND MEDICAL CENTRE, 1 JEPSON ROAD, HASLAND, CHESTERFIELD FOR INSPIRE HEALTH

1.0 CONSULTATION RESPONSES

Ward Members:	No comments received.
Highways Authority:	No objection, subject to condition.
Strategic planning:	No objection, subject to condition.
Environmental Health:	No objection, subject to condition for working hours.
Coal Authority:	No objection, subject to condition.
Urban Design Officer:	Objection (to previous iteration of the scheme).
Representations:	5 comments received, with issues of car parking capacity and how it would impact surrounding area, highway safety, construction traffic, projecting forwards of the building line raised.

2.0 THE SITE

- 2.1 The property concerned is the Hasland Medical Centre, located at 1 Jepson Road in the Hasland area of Chesterfield. The property is brick-built, with a catslide slate roof and UPVC windows and doors. The property is part single storey and part two storey, with a gable end to the Western frontage. A 1st floor extension has been previously constructed to the rear of the building.
- 2.2 The site is in a residential area, surrounded by housing on all sides. It is situated across the corner of Storforth Lane, Jepson Road and Beacon Hill Way. Grassed areas are situated to the North and East of the site and a car park is situated to the South. Access to the car park is from Beacon

Hill Way to the South of the site, and the boundaries to the site are largely open.

- 2.3 The surgery currently has 7 consulting rooms, 2 councillor rooms, 1 treatment room and 1 health visitor room. It has 16 parking spaces and 2 disabled parking spaces. Several of these spaces are designated for staff parking.



3.0 SITE HISTORY

- 3.1 CHE/0596/0238 - Outline application for residential development – Conditional Permission – 14/09/98
- 3.2 CHE/17/00146/FUL - First floor extension for alterations to existing building to provide 4 additional GP consultation rooms and wheel chair

hoist lift. Alterations to car park to provide 4 additional car parking spaces – Conditional Permission – 19/04/17

3.3 CHE/18/00188/DOC - Discharge of Condition No. 4 - Planning Application No. CHE/17/00146/FUL – Discharge of Planning Conditions – 15/05/18

3.4 CHE/18/00503/DOC - Discharge of Condition 3 (revised parking plan) of CHE/17/00146/FUL - Discharge of Planning Conditions – 10/09/18

4.0 THE PROPOSAL

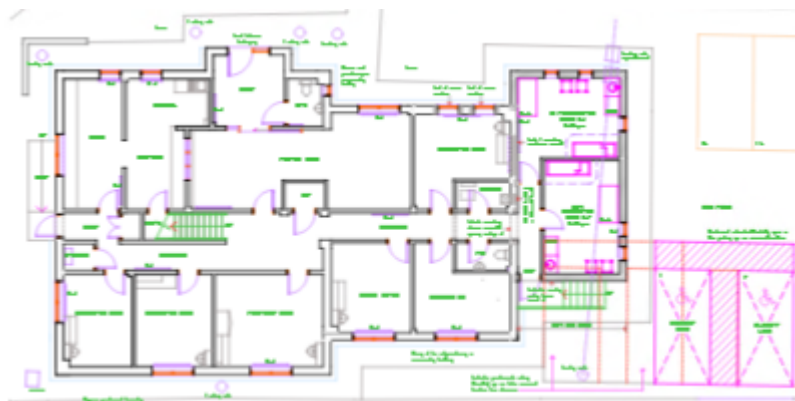
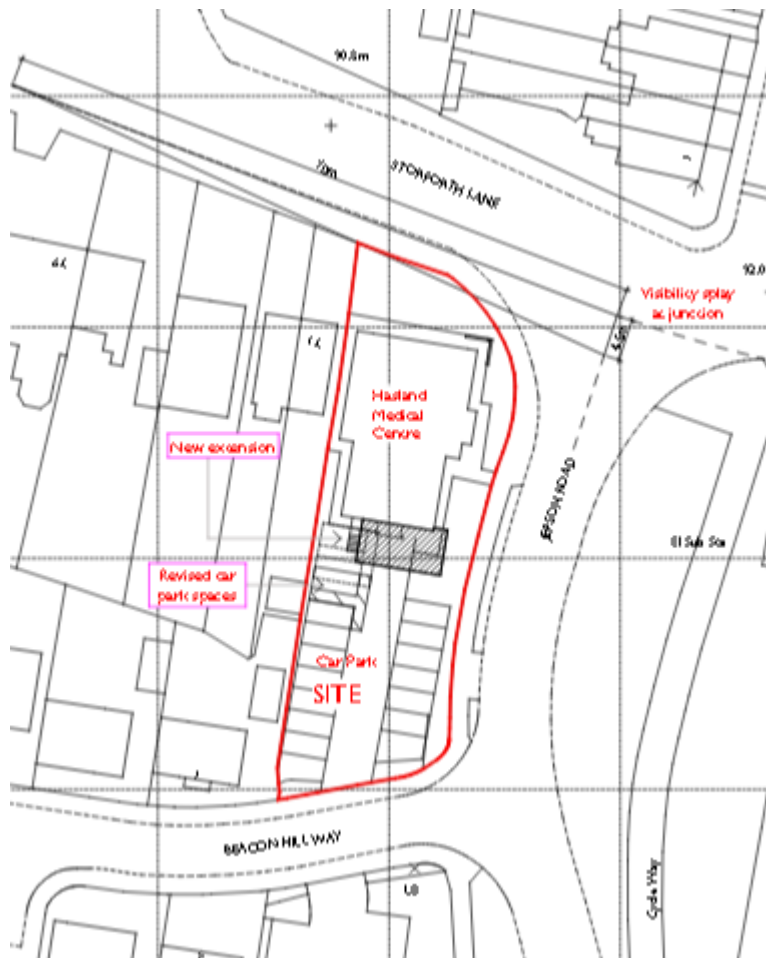
4.1 Planning approval is sought for a two storey rear extension and a 1st floor side extension. This would provide the surgery with 13 consulting rooms, which would be an increase of 6 consulting rooms. The scheme would reduce parking at the site to 14 parking spaces and 2 disabled spaces.

4.2 The 1st floor extension would include two hipped roofs, with the ridges aligning with the height of the central roof ridge. This would be on the existing footprint of the rear half of the western side elevation.

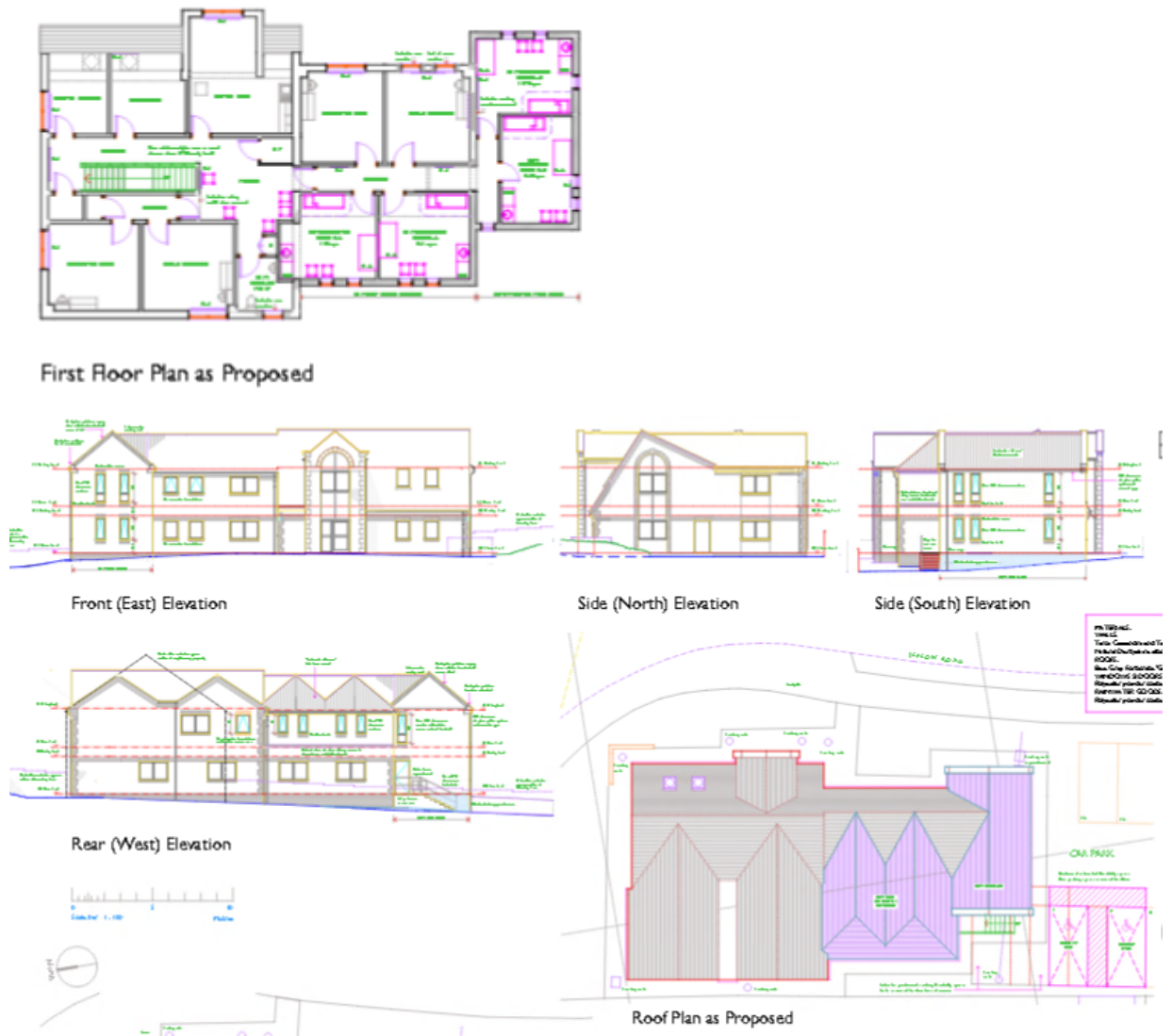
4.3 The two storey rear elevation would have a pitched roof and would have a step forwards from the front elevation. It would project out of the side by 4.5m and be a 9.3m length. It would use mixed red brick with stone detailing.

4.4 On the two storey extension there are 6 slim line windows on the southern side, 4 slim line windows on the eastern side and 1 window on the western side. The first floor extension would have 4 slim line windows. On the eastern side there would be 4 new windows introduced on the existing wall.

4.5 The scheme has been amended, with the original scheme including a front/side extension and additional car parking.



Ground Floor Plan as Proposed



5.0 PLANNING POLICY

5.1 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
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment

- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Chapter 2 Achieving sustainable development
- Chapter 6: Building a strong, competitive economy
- Chapter 8 Promoting healthy and safe communities
- Chapter 12 Achieving well-designed places

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The proposal for the extension to the existing surgery is considered acceptable in principle as it is located within the urban area and is part of the existing surgery.

6.2 Design and Appearance of the Proposal

- 6.2.1 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.
- 6.2.2 The existing built form consists of a brown/red brick two storey construction with fenestration details of a blue upvc frames, with the exception of two windows on the top, which are grey. The built form has a distinctive slightly off-centred single gable with decorative quoins to accentuate the brickwork's corners and edges.
- 6.2.3 The scheme has been amended from the original scheme, with several drafts in-between, with the bulk of the scheme moved from the northern front/side to the southern rear/side.
- 6.2.4 The proposed scheme copies the existing massing and scale of the building, with the same eaves and ridge height on the two storey element and first floor section. It would also introduce new matching windows in the existing building and several slim line windows to the front, side and

rear elevations. These windows are considered to be acceptable for the building.

- 6.2.5 The proposed materials are considered to be broadly acceptable, but further consideration is required to ensure that the brick and tile types are an acceptable choice for the highly prominent location. This can be considered via condition.
- 6.2.6 The development is considered to be sympathetic to the existing building and character of the surrounding area. In this regard, the proposal is not considered to be detrimental to the character or appearance of the area. Accordingly, this application is considered to comply with the design objectives of policy CLP20 of the Chesterfield Borough Local Plan and Chapter 12 of the revised NPPF.

6.3 Residential Amenity

- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 6.3.2 Overlooking – The scheme includes several new windows on all sides, but all of these windows are obscure glazed and of a slim line design. The presence of the windows is not considered to lead to any overlooking issues however it will be necessary to ensure the obscure glazing is retained in perpetuity via a condition.
- 6.3.3 Overshadowing and loss of daylight/sunlight – The agent for the scheme has submitted a sun path study of the existing and proposed impacts on site, which assesses the impacts at different times of the year and the day. This has shown some minor impacts during the earlier morning hours in autumn/winter however it is considered that the detailed analysis confirms that the scheme does not lead to a significant impact to the neighbouring dwelling to the west.
- 6.3.4 The development would introduce a larger mass of building close by to the neighbouring dwelling and the main impact would be the 1st floor extension which would produce a negative impact to the rear windows of the neighbours however due to hipped roofs and the separation between the two buildings this is not considered to lead to a significant negative impact such that refusal of permission can be justified.

6.3.5 In this regard it is considered to be acceptable in terms of amenity and is in line with policy CLP14, as well as the revised NPPF, subject to condition.

6.4 Highways Safety

6.4.1 Local Plan policies CLP20 and CLP22 require consideration of parking provision and highway safety. The Highways Authority was consulted on the proposal as originally submitted and they confirmed they had no objection commenting that the proposal would most likely result in a slight intensification in use of the existing vehicular access to Beacon Hill Way, however, a small increase in traffic associated with the site is considered to be negligible and is unlikely to result in any highways safety issues.

6.4.2 The Highway Authority has however not responded to the re-consultation on the revised scheme. The revised scheme has moved the extension to the rear of the site, has increased the number of consulting rooms by 6 from 4 and has reduced parking spaces on site by 2 to accommodate the development.

6.4.3 The previous application (CHE/17/00146/FUL) which was implemented was for an increase in consulting rooms and included an increase in car parking spaces by 4 and which has been provided on site.

6.4.4 The objections from local residents have commented that the existing surgery site already has insufficient parking numbers to accommodate patients and staff numbers such that vehicles are parked in the surrounding area on Jepson Road in front of the site and on Beacon Hill Way. There is also a comment that the construction phase during the previous works in 2018 led to the temporary loss of the car park.

6.4.5 This is undoubtedly the main issue as the surgery capacity is increased with the prospect of an increase in vehicular traffic arising from increased consultation rooms at the same time as a reduction in the number of off street parking spaces from 18 to 16. There is some capacity for on-street parking availability on surrounding streets including on Storforth Lane, Jepson Road and Eyre Street East. Beacon Hill Way is however a densely built street with few spaces to safely park vehicles on-street whilst allowing access for residents into their driveways and leaving space around corners.

- 6.4.6 The Local Planning Authority does not have parking standards included in its Local Plan, such that each case has to be considered on its own merits. Due to the expansion of the practice the proposal will clearly lead to an increase in demand for parking on site and in the local area. It is accepted that the Beacon Hill Way and Jepson Road (in front of the site) has limited capacity for safe on-street parking, but within the wider area there is capacity for safe on-street parking however it is possible that those visiting the site may wish to park as close as possible in the event that no spaces remain on site. This may result in indiscriminate parking in positions not conducive to highway safety.
- 6.4.7 The previous development on site included the use of the car park as a construction compound, which impacted the surrounding area, as staff and patients were forced to park in the local area and whilst a construction management plan can be sought as part of any approval it is the case that there are no real onsite opportunities from which to construct such a development other than from the car park area. It is accepted that this would be a temporary inconvenience.
- 6.4.8 On the basis that it is appropriate to encourage expansion of such crucial infrastructure where possible and the obvious public benefits which will inevitably arise as a result of increasing health care facilities locally, it is clear in this case that the argument is finely balanced. An argument can be made to refuse the development based on increased demand for parking at the same time as reducing provision in the context of there already being a shortfall of onsite spaces. However in such balanced situations it would be appropriate to consider the opportunity for on street parking and as there appears to be capacity on neighbouring streets given the lack of parking restrictions on the south side of Storforth Lane and on Jepson Road and good road widths, then the balance should be tipped toward the development.





On this basis the proposal is recommended for approval.

6.5 Biodiversity

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s 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”.
- 6.5.2 The existing site offers includes grass and some shrubs surrounding the site. No additional biodiversity information provided for the existing or proposed situation on site. It is considered that the inclusion of bird boxes or bad boxes on site would be acceptable in regards the biodiversity net gain policy. Any additional work would be completed after construction finishes on site.
- 6.5.3 The proposed development does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will be attached to any decision issued to ensure the application provides the agreed biodiversity net gain measures, as a result of the proposed development. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.6 Environmental Health

6.6.1 The Council's Environmental Health Team was asked to comment on the proposal, they requested that construction work hours should be limited to ensure it is policy compliant in regards environmental health and policy CLP14. As the site is in a residential area it has the potential to impact neighbouring dwellings if the scheme is developed inconsiderately and a restriction on the proposed working hours is therefore considered necessary.

6.7 Flooding

6.7.1 The site is within flood zone 1 and the development is a low risk development. This ensures that the proposal is acceptable in relation to policy CLP13.

6.8 Coal Mining

6.8.1 The proposal is in a high risk coal mining area and a coal mining risk assessment has been submitted as part of the application. The Coal Authority was consulted on the proposal and did not object subject to conditions. This ensures that the proposal is acceptable in regards its impact on coal measures in the area and policy CLP14 in this regard.

6.9 Community Infrastructure Levy

6.9.1 Having regards to the nature of the application the development proposes to reconfigure an existing and in-use community building, and to continue to utilise the facility for this purpose. It is considered the scheme is not CIL Liable.

7.0 REPRESENTATIONS

7.1 5 comments have been received from residents of Beacon Hill Way, with issues raised regarding car parking capacity and how it would impact the surrounding area and highway safety, construction traffic, noise and the projecting forwards of the building line.

7.2 Officer comment – these issues have been addressed in the above report.

8.0 HUMAN RIGHTS ACT 1998

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken

- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF and 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.

10.0 CONCLUSION

10.1 The proposed development is considered to be an acceptable design for its location. Furthermore, it is not considered that the development would result in significant injury to the amenity of the local residents. On the balance between the public benefit of increasing healthcare facilities in the local area and the likely increase in on street parking, it is concluded that the benefit should be provided to the developer. As such, this application is considered to comply with the requirements of policies CLP11, CLP14, CLP16, CLP20, and CLP22 of the Chesterfield Borough Local Plan 2018-2035 and Chapter 12 of the revised National Planning Policy Framework.

11.0 RECOMMENDATION

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

11.2 Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans: Site Location plan and block plan, Existing Elevations and Floor plans, Proposed floor plans and Elevations (revised 31/07/23); with the exception of any approved non-material amendment.

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

3. Within 2 months of the commencement of the development hereby approved, a scheme for biodiversity enhancement shall be installed on site. The enhancement measures shall thereafter be retained and maintained throughout the life of the development. With informative note 2 providing options.

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

4. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of residential amenity and CLP14

5. No development shall start until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:
 - parking for vehicles of site personnel, operatives and visitors
 - site accommodation
 - storage of plant and materials
 - routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
 - provision of roadside boundary hoarding behind any visibility zones

- any proposed temporary traffic management.
 - Dust suppression to neighbouring residents.
- Only the approved details shall be implemented, which shall be maintained throughout the construction period.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents.

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

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site and policy CLP14.

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

Reason - To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site and policy CLP14.

8. Before the 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 - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality, and policy CLP20.

9. Obscure glazing to a Pilkington Scale level 4 shall be utilised in the additional windows on the western and southern elevations of the proposed development. These windows, shall be installed and retained obscurely glazed thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings, CLP14 and CLP20

10. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications), the premises shall be used as a doctors surgery only and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason – In order to avoid CIL liability, and given the overall use falls into Use Class E, it is necessary to restrict the use of the building.

11.3 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. In accordance with condition 3, 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

3. 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 ETE.DevControl@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

4. It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.
5. It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.

This page is intentionally left blank

Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	11 th September 2023
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
-----------------------	-----------------	--------

This page is intentionally left blank

Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00706/REM	Spire	Variation of approved Plans (Condition 1) of application CHE/17/00375/REM for retrospective re-siting of units 1 and 2 on the site frontage; revise siting of units 3, 4 & 5 and widening of access to unit 6 At Hady Miners Welfare Club Houldsworth Drive Hady S41 0BS For Mr Mark Noakes	CP	29/08/2023
CHE/23/00078/FUL	Rother	Change of use of restaurant unit to a Sui Generis use consisting of a coffee shop / restaurant for consumption on and off the premises. Installation of a drive-thru lane, partial demolition and reconfiguration of unit), provision of new bin store, and other external works. At Alma Leisure Park, Unit 1 Derby Road Chesterfield S40 2EZ For TH UK & Ireland/Canada Life Ltd	CP	10/08/2023
CHE/23/00144/ADV	Linacre	"V-Stack" signage (description revised 19.07.23) At Land To The East Of Linacre Road Holme Hall Chesterfield S40 4WA For Tilia Homes Ltd	CP	15/08/2023
CHE/23/00152/RET	Linacre	Erection of a detached garage At 16 Parwich Close Holme Hall Chesterfield S40 4XG For Mr Benjamin Hille	CP	23/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00212/DOC	Spire	<p>Discharge of conditions 8 (Partial-Cleaning methodology), 9 (Partial-Specification of works), 12 (Means of surface water disposal from roof), 13 (Cross section showing relationship between extension and four gables), 20 (Specifications for doorways and openings), 21 (Details of new doors and screens) and 22 (Reuse of original library racks within building) of application CHE/21/00802/LBC- Refurbishment of the Grade II Listed Stephenson Memorial Hall - a theatre, museum and art gallery in Chesterfield town centre. The proposal offers a transformative vision to create an integrated cultural centre through the intergration of the existing auditorium and museum spaces. The key alterations include: the reallocation of the original historic building entrance, the development of accessible routes and lifts servicing all floors, improved capacity and comfort to auditorium, new bar and cafe spaces, improved staff and performer facilities within Station Back Lane extension and the creation of a 'sense of arrival' to chesterfield through the creation of a Corporation St Link Gallery extension</p> <p>At Pomegranate Theatre Corporation Street Chesterfield S41 7TX For Mr Anthony Radford</p>	DPC	23/08/2023
CHE/23/00248/FUL	Staveley North	<p>revised scheme three roof lights to north elevation roof plane for loft conversion</p> <p>At Ponds Yard Farm Renishaw Road Mastin Moor Chesterfield S43 3DW For Mr & Mrs Lee</p>	CP	14/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00251/DOC	Brimington South	Submission of further details to discharge condition 6 (Landscaping) of application CHE/17/00685/REM- Application for approval of reserved matters of CHE/14/00404/OUT for residential development of 120 dwellings At Land North-East Of Sainsburys Roundabout Rother Way Chesterfield For Mr Simon Dunne	DPC	30/08/2023
CHE/23/00258/FUL	Brimington South	Demolition of existing garage and covered area and construction of single storey extension to create bedrooms and shower/WC At 5 Southmoor Close Brimington Chesterfield S43 1PY For Ms Nicola Brown	CP	23/08/2023
CHE/23/00264/ADV	Brimington North	Totem Sign At Petrol Filling Station And Premises High Street Brimington S43 1DE For Motor Fuel Group Ltd	CP	23/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00269/DOC	Spire	<p>Discharge of conditions 3 (Site investigations) ,4 (Declaration of site safety) , 5 (Partial- Site investigation/Phase 2 report) , 6 (Location and depth of tunnel on site), 7 (Employment and Training Scheme), 12 (Prevention of discharge of water onto highway), 13 (Construction Method Statement), 17 (Surface water disposal from roof extension) and 18 (Relationship between extension and retained gables) of application CHE/21/00801/FUL- The proposed development includes the refurbishment of the Grade II Listed Stephenson Memorial Hall - a theatre, museum & art gallery in Chesterfield town centre. The proposal offers a transformative vision to create an integrated cultural centre through the intergration of the existing auditorium and museum spaces. The key alterations include: the reallocation of the original historic building entrance, the development of accessible routes and lifts servicing all floors, improved capacity and comfort to auditorium, new bar and cafe spaces, improved staff and performer facilities within Station Back Lane extension and the creation of a 'sense of arrival' to chesterfield through the creation of a Corporation St Link Gallery extension</p> <p>At Pomegranate Theatre Corporation Street Chesterfield S41 7TX</p> <p>For Chesterfield Borough Council</p>	DPC	23/08/2023
CHE/23/00274/FUL	Rother	<p>Demolition of detached garage and erection of replacement garage and single storey rear/side extension</p> <p>At 70 Whitecotes Lane Walton Chesterfield S40 3HL</p> <p>For Mr Martin Burns</p>	CP	18/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00308/FUL	Brockwell	Two storey side extension and single storey rear extension At 33 Peak View Road Brockwell Chesterfield S40 4NN For Mr Pendleton	CP	15/08/2023
CHE/23/00309/FUL	Brampton West & Loundsley	Partial demolition of the existing property due to subsidence, creation of a double storey side/rear extension At 392 Ashgate Road Chesterfield S40 4DD For Richard Crampton	CP	23/08/2023
CHE/23/00310/FUL	Walton	Hip-to-Gable roof extension to dwelling, and associated installation of bedroom window to gable wall facing 57 Yew Tree Drive At 59 Yew Tree Drive Somersall Chesterfield S40 3NB For Mr Wayne Hedley	CP	14/08/2023
CHE/23/00317/FUL	Dunston	Single storey front porch and two storey side extension At 14 Whinfell Road Newbold Chesterfield S41 8BF For Mr and Mrs Gibbs	CP	14/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00328/DOC	Brampton West & Loundsley	Discharge of condtions 10 (Biodiversity), 12 (Surface water drainage works), 13 (Sustainable drainage scheme), 16 (Partial- Tree protection plan and arboricultural method statement) and 22 (Materials) of application CHE/21/00303/FUL- Demolition of existing residential annex and construction of new 4-bedroom house At The Oaks 534 Chatsworth Road Chesterfield S40 3AY For A-Rock Construction	PDOC	16/08/2023
CHE/23/00329/REM	Brampton West & Loundsley	Variation of condition 16 (Retention of T3 Sycamore of TPO 73) of application CHE/21/00303/FUL- Demolition of existing residential annex and construction of new 4-bedroom house- To remove T3 Sycamore and replace it with a Dawyck's beech tree At The Oaks 534 Chatsworth Road Chesterfield S40 3AY For A-Rock Construction	CP	16/08/2023
CHE/23/00341/FUL	Walton	Single storey side extension and new bi-fold doors to the rear elevation. At 11 Somersby Avenue Walton Chesterfield S42 7LY For Mr David Meech and Mrs Deborah Lesko	CP	17/08/2023
CHE/23/00372/FUL	Brampton West & Loundsley	Front extension and increase in roof height to facilitate first floor internal alterations and render and timber cladding to walls on front elevation. At Oakdale 10 Oakfield Avenue Chesterfield S40 3LE For Mr & Mrs Maclean	CP	18/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00386/FUL	Staveley Central	Change of use from cadet centre to Use Class B8 (storage or distribution) with ancillary offices At Cadet Centre Inkersall Road Staveley Chesterfield S43 3JL For Mrs Claire Fletcher	CP	30/08/2023
CHE/23/00389/FUL	Brimington North	Front porch and single storey rear extension At 7 Newbridge Drive Brimington Chesterfield S43 1LF For Mr and Mrs Patterson	CP	18/08/2023
CHE/23/00391/FUL	Staveley North	Erection of a 2.4m weldmesh fence- resubmission of CHE/23/00033/FUL At Netherthorpe School Ralph Road Staveley Chesterfield S43 3PY For Mr David Williams	CP	23/08/2023
CHE/23/00394/FUL	Walton	Single storey rear and side extension At 14 Medlock Road Walton Chesterfield S40 3NH For Mr Ian Young	CP	18/08/2023
CHE/23/00402/FUL	Hasland	Garage conversion (Restricted by condition 4 of CHE/1100/622) At 35 Redbrook Avenue Hasland Chesterfield S41 0RL For Mr Kris Wigfield	CP	18/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00406/FUL	Brimington North	Demolition of existing lean to & erection CP of single storey rear extension At 133 Station Road Brimington Chesterfield S43 1LJ For Mr and Mrs Gascoigne		30/08/2023
CHE/23/00424/CA	Brimington South	To be removed 3 Silver Birch Trees - causing damage to number 1 and 2 properties Grove Farm Close. Not intending to replant as too close to houses At 2 Grove Farm Close Brimington Chesterfield S43 1QA For Mrs Pauline Millership	UP	16/08/2023
CHE/23/00426/TPO	Spire	Fell T7 Sycamore as it is too close to the house and of low amenity value and shades the garden, and plant suitable replacement At 7 Abercrombie Street Chesterfield S41 7LW For Mrs Carole Joynes	REF	31/08/2023
CHE/23/00431/TPO	Brockwell	Oak Tree raise to 3m, plum tree to trim back from the house by 1m. Lime to remove dead wood raise to 3m. Cherry to reduce previous cuts. All trees to remove dead wood At 41 Brockwell Lane Brockwell Chesterfield S40 4EA For Mrs Liz Watkins	CP	15/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00438/TPO	Brimington South	Four ash trees to be felled in G1 (ash die back). One sycamore in G1 to be felled for safety. Two Ash trees to be felled in G3 (ash die back). Replant with alder and rowan trees At Brookside Farm Chesterfield Road Brimington For Mr Simon Parker	CP	15/08/2023
CHE/23/00442/TPO	Staveley North	T22- Sycamore- fell or reduce tree by 50% At Norbriggs Primary School Norbriggs Road Woodthorpe Chesterfield S43 3BW For Mr Paul Scragg	SC	16/08/2023
CHE/23/00443/PA	Spire	Change of use of existing commercial unit into a mixed use commercial unit with two flats At 31 West Bars Chesterfield S40 1AG For Mr James Steers	PPR	17/08/2023
CHE/23/00444/REM	Spire	Removal of condition 6 (Restriction to respite care use) of application CHE/0997/0473 (Erection of respite care unit)- To allow for use as a residential care home (Use Class C2) for children with disabilities At Action For Children 45 Queen Street Chesterfield S40 4SF For Action For Children	CP	18/08/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00457/TPO	Spire	<p>Cut a clearance of 5m from the property shown on the first photograph with T1 (Lime). Crown lift on both T1 (Lime) and T2 (Lime) to the heights indicated as well as cleaning the stem of the small epicormic growth that has occurred</p> <p>At 27 Gladstone Road Chesterfield S40 4TE For Chatsworth Settlement Trustees</p>	CP	31/08/2023
CHE/23/00477/TPD	Whittington	<p>Single storey rear extension At 7 Danby Avenue Old Whittington Chesterfield S41 9NH</p> <p>For J Fish</p>	PANR	24/08/2023
CHE/23/00492/TPO	Staveley Central	<p>T63 Ash- Significant evidence of Inonotus hispidus brackets throughout the canopy. Crown reduce by 25%. Remove dead wood. Cut back from the highway to suitable growing points T61 Ash- Remove major deadwood and shorten by 25% those limbs with evidence of Inonotus hispidus brackets to suitable growing points T62 Ash- Remove major deadwood and shorten by 25% those limbs with evidence of Inonotus hispidus brackets to suitable growing points</p> <p>At Victoria Park, War Memorial Duke Street Staveley Chesterfield S43 3PD For Mr Gary McCarthy</p>	CP	15/08/2023
CHE/23/00503/TPO	Rother	<p>Reduction of one Lime tree within G1 of TPO 212 At Land Adjacent Harehill Road Grangewood</p> <p>For Vistry Partnership</p>	CP	17/08/2023

Delegated List - Planning Applications

Key to Decisions

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

This page is intentionally left blank

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	11 th September 2023
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Applications to Fell or Prune Trees	Steve Perry	345791
-------------------------------------	-------------	--------

This page is intentionally left blank

SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/23/00431/TPO TPO 4901.126 & 313 15/08/23	The pruning of two trees of TPO 126 reference T1 Lime and T3 Cherry and the pruning of one Oak tree reference T1 of TPO 313 on the Order maps at 41 Brockwell Lane.	Consent is granted to the pruning of trees by crown lifting T1 Lime and T1 Oak by 3 metres and a crown reduction to previous reduction point of one Cherry T3. All trees to be crown cleaned to remove dead wood.
CHE/23/00438/TPO TPO 4901.48 15/08/23	The felling of seven trees (x4 Ash & x1 Sycamore within G1 and x2 Ash within G3) on the Order Map and which are situated in the field off Chesterfield Road, adjacent to the crematorium, Brimington. The trees have suffered dieback of the crown due to Ash dieback and waterlogging of the field from a water mains which has now been repaired.	Consent is granted to the felling of 7 trees due to a high risk of failure over the public highway with a condition to plant x2 Oaks, x2 Rowan, and x3 Alder as replacement trees in the same location.
CHE/23/00492/TPO TPO 4901.152 15/08/23	The pruning of 3 Ash trees reference T61, T62 & T63 on the Order map for Chesterfield Borough Council at Staveley Memorial Gardens, Duke Street, Staveley. The trees have Inonotus fungus brackets on the main branch framework.	Consent is granted to the crown reduction of the 3 Ash trees to suitable replacement branches.

<p>CHE/23/00442/TPO</p> <p>TPO 4901.244</p> <p>16/08/23</p>	<p>The felling or crown reduction of one Sycamore tree reference T22 on the Order map at Norbriggs Primary School, Norbriggs Road, Mastin Moor.</p>	<p>Consent is refused to the felling of the tree because no tree report has been submitted to support the application. The tree does have minor dieback of the crown and does lean towards the east but there is no evidence that the tree will fail and no indication that the rooting environment has been compromised or any evidence that the tree is unstable.</p> <p>Consent is granted to a 25% crown reduction to reduce the load on the upper and outer branches and remove any dead wood with an advice note that the tree should be monitored for any further decline or risk once the approved works have been carried out.</p>
<p>CHE/23/00503/TPOEXP</p> <p>TPO 4901.212</p> <p>17/08/23</p>	<p>The crown reduction of one Lime tree within G1 on the Order map at land to the south of Walton Hospital adjacent to Harehill Road. Urgent works are required to make safe one dangerous tree which has cracks on the main stem.</p>	<p>Consent is granted to crown reduce one Lime tree to create a pollard at approximately 4-5 metres in height by virtue of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 section 14 (c) which has provisions for the cutting down, uprooting, topping or lopping of a tree, to the extent that such works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the authority prior to</p>

		the works being undertaken.
CHE/23/00426/TPO TPO 4901.19 31/08/23	The felling of T7 Sycamore on the Order Map and which is situated in the grounds of 7 Abercrombie Street.	<p>Consent is refused to the felling of one Sycamore tree because this is considered to be neither necessary nor justified.</p> <p>The removal of the tree would reduce the amenity of the streetscene and general environment within the Abercrombie Street Conservation Area.</p> <p>It is accepted that the tree is close to 7 Abercrombie Street, but the outer crown is currently clear of the property and neighbouring flats at St Helens Close.</p> <p>It is considered that felling is an excessive action in order to overcome the perceived problems and it is further considered that a degree of pruning to crown reduce the tree as previously granted consent on planning application code CHE/20/00795/TPO which was issued on the 3rd December 2020 is more acceptable. A new application to prune the tree has therefore been invited.</p>
CHE/23/00457/TPO TPO 4901.229	The pruning of two Lime trees reference T1 & T2 on the Order Map and which are situated in the grounds	Consent is granted to the pruning of two Lime trees by crown lifting to 3 metres, crown clean to remove dead wood and

31/08/23	of 27 Gladstone Road	epicormic growth on the main stem and the reduction of branches growing towards the property to clear the structure.
----------	----------------------	--

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

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/23/00424/CA The felling of 3 Silver Birch trees in the rear garden of 2 Grove Farm Close, Brimington. Page 181	The trees are within the Brimington Conservation Area and the applicant wishes to fell the trees as the roots are lifting the neighbour's paving slabs, causing light issues and dropping debris.	Agreement to the felling of 3 Birch trees. The felling of the trees will have some adverse effect on the character and amenity of the area, but it is clear after an inspection of the trees and properties that the roots are clearly lifting the paved area and there is evidence of cracking in the garage floor. The trees are also only 5 metres from the properties casting shade and causing other nuisance problems within the small garden areas.	16/08/23

This page is intentionally left blank

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 11th September 2023
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

This page is intentionally left blank

APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/22/00250/TPO – Felling 2 Beech trees at 25a Storrs Road Refusal	Officer delegation	21/06/22	Hearing 23/08/23	
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	
2/1257	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	Committee authorised	9/6/23	Written Reps	

			Chester Street – appeal against planning refusal dated 19/11/19 rather than Enforcement Notice	Enforcement Notice			
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	
2/	Brampton West and Loundsley Green	Mr Richard Ogle at	CHE/23/00167/FUL – Vehicle access at 192 Old Road. - Refusal	Officer delegation	29/8/23	Written Reps	

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 11TH SEPTEMBER 2023
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

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

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

ENFORCEMENT REPORT

Enforcements currently Authorised: 10

30 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	update <small>last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 2</i>		<i>Authorised to Issue Average: 540 days</i>					
Dunston Road	Dunston Hall 25/05/23 <small>98</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>1,438</small>	balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>898</small>	16/04/21 <small>867</small>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> <small>18/03/21</small>	Ha
Enforcement Notice		<i>Total currently Authorised: 5</i>		<i>Authorised to Issue Average: 65 days</i>					
Chesster Street	94 20/02/23 <small>192</small>	wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>63</small>	29/07/23 <small>33</small>	removal within 28 days. Issued 30/05/23. Owners indicated they would appeal refusal of planning permission and might also appeal enforcement notice. However no appeals registered before notice took effect.	<input checked="" type="checkbox"/> <small>30/08/23</small>	B

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 <i>5,673</i>	storage of commercial vehicles		20/03/08 <i>31</i>	18/04/08 <i>5613</i>	20/10/08 <i>5428</i>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <i>14/11/19</i>	HI
Park Hall Avenue	2	12/12/22 <i>262</i>	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> <i>21/12/22</i>	Wa
Pottery Lane West	10	18/07/22 <i>409</i>	Storage of vehicles					About to be issued.	<input type="checkbox"/> <i>20/10/22</i>	Mo
York Street	2	09/10/17 <i>2,152</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha

Section 215 Amenity Notice

Total currently Authorised: 3 Authorised to Issue Average: days

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
Edinburgh Road	12	10/10/22 <i>325</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>1,060</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
Tapton Terrace	26	05/10/20 <i>1,060</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

Page 190

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 Hollingwood 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