



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

The Chair and Members of Planning Committee

Councillors J Innes, McLaren and Twigg – Site Visit 1

28 December 2023

Councillors Ogle and Wheeldon – Site Visit 2 and 3

Councillor Serjeant – Site Visit 4

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 8 JANUARY 2024 at 1.00 pm in Committee Room 1, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Reception at 10.55am. Ward members wishing to be present should attend on site as indicated below:-

1. 11.10am Plymouth Brethren Christian Church,
Littlemoor,
CHE/22/00268/REM1

2. 11.30am Pondhouse Farm, Troughbrook Road,
CHE/18/00688/OUT
3. Land to East of Troughbrook Road,
CHE/18/00491/OUT
4. 12.10pm Stanier Court, Hasland
CHE/22/00815/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.

A reasonable adjustment meeting will take place at 10.30am in Committee Room 1 for those not able to attend the site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday, 8 January 2024. 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 - 32)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 33 - 164)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 165 - 186)

6. Applications to Fell or Prune Trees (P620D) (Pages 187 - 194)
7. Appeals Report (P000) (Pages 195 - 198)
8. Enforcement Report (P410) (Pages 199 - 202)
9. Review of Process and Procedures at Planning Committee (Pages 203 - 224)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

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PLANNING COMMITTEE**Monday, 4th December, 2023**

Present:-

Councillor Brittain (Chair)

Councillors Caulfield
FalconerCouncillors Miles
Stone
Yates

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

CHE/23/00455/FUL - Construction of a two storey further education facility, including the demolition of the existing north block 1 building, new steel fire escape stair to the north block 4 building and landscaping at Chesterfield College, Infirmary Road for the Chesterfield College Group.

Councillors Brittain, Falconer, Miles, Stone and Yates.

CHE/23/00561/FUL - New single track agricultural access point off Troughbrook Road into paddock at land to the East of Troughbrook Road, Hollingwood, Chesterfield, Derbyshire for Chatsworth Settlement Trustees.

Councillors Brittain, Falconer, Miles, Stone and Yates.

CHE/22/00290/REM - Re-submission of CHE/21/00798/REM - proposed detached dwellinghouse, drainage plans submitted proposing connection to private drainage system serving Poplar Heights at land adjacent Four Poplars, Rectory Road, Duckmanton, Derbyshire, S44 5JS for Mrs M Wheelwright.

Councillors Brittain, Falconer, Miles, Stone and Yates.

CHE/23/00084/FUL - Erection of a pair of semi-detached dwellings with associated works and access from Central Avenue on land to rear of 5-6 Walton Walk, Boythorpe, Chesterfield for Mr Reece Smedley.

Councillors Brittain, Falconer, Miles, Stone and Yates.

Councillor Caulfield 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

83 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B Bingham, J Bingham, Callen, Davenport and Ridgway.

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

CHE/23/00455/FUL - Construction of a two storey further education facility, including the demolition of the existing north block 1 building, new steel fire escape stair to the north block 4 building and landscaping at Chesterfield College, Infirmary Road for the Chesterfield College Group.

Paul Staniforth, Development Management and Conservation Manager, declared an interest in this item due to a member of his family being employed by Chesterfield College.

85 **MINUTES OF PLANNING COMMITTEE**

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 13th November, 2023 be signed by the Chair as a true record.

86 **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:

Paul Staniforth declared an interest in this item and left the meeting at this point.

CHE/23/00455/FUL - CONSTRUCTION OF A TWO STOREY FURTHER EDUCATION FACILITY, INCLUDING THE DEMOLITION OF THE EXISTING NORTH BLOCK 1 BUILDING, NEW STEEL FIRE ESCAPE STAIR TO THE NORTH BLOCK 4 BUILDING AND LANDSCAPING AT CHESTERFIELD COLLEGE, INFIRMARY ROAD FOR THE CHESTERFIELD COLLEGE GROUP.

In accordance with Minute No. 299 (2001/2002) the Deputy Principal of Chesterfield Colleague (applicant) addressed the meeting.

***RESOLVED**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment or conditional requirement below.

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

Site location plan 1001 REV P03 received 02.08.23

Existing site plan 1003 REV P08 received 28.07.23

Proposed GA building sections 4501 REV P07 received 02.08.23

Proposed GA building sections 4501 REV P07 received 02.08.23

Proposed GA building sections 4501 REV P06 received 28.07.23

Proposed GA elevations 3201 REV P08 received 28.07.23

Sectional elevation 3201 REV P02 received 28.07.23

Landscape softworks layout 1012 REV P02 received 28.07.23

Proposed GA landscape layout 1010 REV P03 received 28.07.23

Demolition site plan 10005 REV P03 received 28.07.23

Proposed roof plan 2201 REV P14 received 28.07.23

Substation enclosure plans and elevations NC1V-004 REV 1.0 received 28.07.23

Proposed first floor GA floor plan 2201 REV P14 received 24.07.23
Proposed ground floor GA floor plan 2201 REV P14 received 24.07.23
Swept path analysis 0001 REV A01 received 24.07.23
General arrangement pavement and kerb details 9502 REV P01 received 24.07.23
General arrangement site levels 9501 REV P01 received 24.07.23
Drainage general arrangement 9201 REV P01 received 24.07.23
Revised Proposed landscape layout plan CCEL-BBA-A2-XX-DR-L-1010 Rev P04 received 19.09.23.

3. Prior to installation details of the proposed metal stair shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
4. Prior to installation details of all external facing materials, including samples where necessary, 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 the commencement of development a sustainability statement on how emissions will be reduced through the construction process, along with details of the energy efficiency and renewable energy use of the proposed building, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed statement.
6. The development shall operate in accordance with the detail of the submitted noise impact assessment 100956-R01v02.
7. For the construction period, there shall be 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.
8. 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.

9. Prior to works commencing on the existing ramp to be amended detailed plans of the proposed works shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
10. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
11. The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing CCEL-BBA-A2-XX-DR-L-1010_Proposed GA Landscape Layout.
12. The amended Employment Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of travel to and from the site. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details
13. The tree protection measures as detailed in the Arboricultural Survey, Impact Assessment (AIA) and Arboricultural Method Statement (AMS) at Appendix 3, Figure 5 by ECUS dated July 2023 in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, shall be implemented in full before any demolition and land clearance, and remain in situ until the development is completed unless otherwise agreed in writing by the Local Planning Authority.
14. The tree protection measures once installed shall be inspected by the project's Arboriculturalist. It should be confirmed by the project arboriculturist to the Local Planning Authority that the fencing has been

correctly set out on site, prior to the commencement of any development operations.

15. Any works that are proposed beneath the canopy or within the Root Protection Area of retained trees must be carried out as specified in the Arboricultural Method Statement. These works shall be supervised by the project arboriculturist so that any tree related issues that occur can be suitably dealt with.

16. The approved tree pruning works to T018 Ash and T028 Rowan as described at Table 3: Tree Survey Schedule of the Arboricultural Impact Assessment shall be carried out to BS3998 Tree Works 2010 standard.

17. The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment and Drainage Strategy' WIE19853-100-R-1-1- 3_FRA prepared by Waterman, dated 24/04/2023", unless otherwise agreed in writing with the Local Planning Authority.

18. Prior to first occupation details of a security barrier to the access shall be submitted to and agreed in writing by the Local Planning Authority, the barrier shall be installed in accordance with the agreed details.

19. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full. Any lighting scheme on site should avoid the introduction of light to the site boundaries including retained boundary trees, hedgerows and other adjacent offsite habitats. No light should be introduced within the vicinity of proposed bat and bird boxes which will be provided as biodiversity enhancement including the flight paths to these features.

20. The timing of demolition and vegetation clearance should avoid the bird breeding season. Therefore, no demolition or vegetation clearance work should be undertaken between 1st March and 31st August inclusive,

unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

21. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved, the details of which shall include:

- a) indications of all existing trees, hedgerows and other vegetation on the land;
- b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- c) measures for the protection of retained vegetation during the course of development;
- d) soil preparation, cultivation and improvement;
- e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- f) grass seed mixes and sowing rates;
- g) finished site levels and contours;
- h) means of enclosure;
- i) car park layouts;
- j) other vehicle and pedestrian access and circulation areas;
- k) hard surfacing materials;
- l) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- m) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- n) retained historic landscape features and proposed restoration, where relevant.

22. 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 provide details for the creation, enhancement and management of habitats as set out in the Bond Bryan 'Proposed GA Landscape Layout' drawing (Reference CCEL-BBA-A2- XX-DR-L-1010 S1 DRAFT), dated 25.05.2023. It should also provide details and locations of biodiversity enhancement features provided post development and retained and

created habitats in line with the submitted Biodiversity Net Gain Assessment – Feasibility Stage document dated September 2023 V2.0. 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.
- 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 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) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, including universal swift nest boxes in line with British Standard 42021:2022 on new structures, bird nest boxes, integrated or external bat boxes, fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs and insect bricks / towers.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.
- l) Submission of an updated metric based on the landscaping scheme as approved under condition 21.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LBEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

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. Flood Risk Assessment and Drainage Strategy, Reference: Wie19853-100-R-1-1-3- FRA, prepared by Waterman Dated 24th April 2023 and response from Waterman, reference: CC-LLFA Response, Dated 20th September 2023 and “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, 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.

25. Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls). Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

26. a) 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') as identified in the Geo-Environmental Assessment Report (Issue 01) dated August 2023, shall be submitted to and approved in writing by the Local Planning Authority;

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

- c) 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;
- d) 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';
- e) 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.

27. Prior to works progressing on site above slab level, details of cycle parking for no less than 10 cycles shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be fully installed on site prior to first occupation of the premises hereby approved and retained as such thereafter.

Paul Staniforth rejoined the meeting at this point.

CHE/23/00084/FUL - ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS WITH ASSOCIATED WORKS AND ACCESS FROM CENTRAL AVENUE ON LAND TO REAR OF 5-6 WALTON WALK, BOYTHORPE, CHESTERFIELD FOR MR REECE SMEDLEY.

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

In accordance with Minute No. 299 (2001/2002) Linda Trollope (on behalf of applicant) addressed the meeting.

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 6.8 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 and Layout Plan (drawing no. A1.1 Rev B submitted 24/03/23)
- Proposed Ground Floor plans (drawing no. A2.1 Rev A submitted 21/03/23)
- Roof Plan (drawing no. A2.3 Rev A submitted 21/03/23)
- Architectural Site Plan (drawing no. A1.2 Rev B submitted 24/03/23)
- Proposed First Floor Plan (drawing no. A2.2 Rev B submitted 18/05/23)
- Proposed elevations (drawings no's A3.1 Rev C, A3.2 Rev C, submitted 18/05/23)
- Landscape plan (drawing no. L2, submitted 20/04/23)
- Arboricultural Method Statement submitted 31/10/23.

3. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. (The agent for the scheme stated that 1 bat box and 2 bird boxes; this is not considered satisfactory for the scheme, with replacement tree and shrub planting required on site, additional details shall include:

- a) a scaled plan showing the trees and plants to be planted:
- b) a scaled plan showing the trees and plants to be removed:
- c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
- d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
- e) Sufficient specification to ensure successful establishment and survival of new planting.
- f) Details of the types of bird boxes, bat boxes and bee bricks that are proposed.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

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

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.

5. 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.

6. 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.

7. 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.

8. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of resident's vehicles (each space measuring a minimum of 2.4m x 5.5m), 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.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 2015 (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.

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

11. The development shall include a scheme for the provision of surface water run-off on site, either via the use of a SUDs channel or permeable block paving. If this is not possible the applicant is required to contact the Local Planning Authority to discuss alternative options; and then not complete works until an alternative solution has been agreed in writing by the LPA. The scheme shall incorporate sustainable drainage principles and shall be implemented in full. The submitted information shall include full details of the infiltration results and proposed location of the soakaway on site.

12. No development shall take place until a construction management plan or construction method statement has been submitted to and been 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 but not necessarily be restricted to the following as appropriate.

- 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
- Arrangements for turning vehicles

13. The proposed dwellings shall not be occupied until space has been laid out within the site for the parking of two vehicles per dwelling to the front of the premises, such space to measure a minimum of 5.0m width and 5.5m length per dwelling. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

14. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 2015 (as amended) there shall be no gates or other barriers on the access/driveway at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

15. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

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

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

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

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

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

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

17. 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.

18. 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.

19. 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, which shall be completed in accordance with BRE Digest 365, to ensure no flooding for a 1 in 30 year rainfall event and no flooding of properties for a 1 in 100 year event.

20. The development shall be completed in accordance with the conclusions of the submitted Arboricultural Method Statement (submitted 31/10/23) including the tree protection measures.

B. That a CIL liability notice be issued for £13,682 as per section 6.8 of the officer's report.

CHE/23/00561/FUL - NEW SINGLE TRACK AGRICULTURAL ACCESS POINT OFF TROUGH BROOK ROAD INTO Paddock AT LAND TO THE EAST OF TROUGH BROOK ROAD, HOLLINGWOOD, CHESTERFIELD, DERBYSHIRE FOR CHATSWORTH SETTLEMENT TRUSTEES.

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

That the officer recommendation not be upheld and the application be refused for the following reason:

That formation of the proposed agricultural access as an addition to the existing access through Pond House Farm is considered premature pending a redevelopment of Pond House Farm. The loss of part of the hedgerow, implicit in the scheme, results in a negative impact on biodiversity which is not necessary at this point in time or compensated for in the scheme which is considered to be contrary to the requirements of policy CLP16 of the Adopted Local Plan.

CHE/22/00290/REM - RE-SUBMISSION OF CHE/21/00798/REM - PROPOSED DETACHED DWELLINGHOUSE, DRAINAGE PLANS SUBMITTED PROPOSING CONNECTION TO PRIVATE DRAINAGE SYSTEM SERVING POPLAR HEIGHTS AT LAND ADJACENT FOUR POPLARS, RECTORY ROAD, DUCKMANTON, DERBYSHIRE, S44 5JS FOR MRS M WHEELWRIGHT.

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

In accordance with Minute No. 299 (2001/2002) Mr Stephen Haslam (agent on behalf of applicant) addressed the meeting.

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 approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Plans as Proposed, drawing number 22-875-01 Revision A

2. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Arrangements for turning vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

3. Prior to the development hereby permitted commencing above foundation level a landscaping scheme shall be submitted to the Local Planning Authority for the treatment of all parts on the site not covered by buildings to be 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. Details shall include:

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) a schedule detailing sizes and numbers of all proposed trees/plants, sufficient specification to ensure successful establishment and survival of new planting.

4. Prior to the occupation of the development the bird and bat boxes shown on the approved plans set out in condition 1 shall be installed on site, in addition with a scheme of ecologically beneficial landscaping to provide a biodiversity enhancement as required in condition 3. The enhancements shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

5. 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.

6. The development hereby approved shall only be undertaken in accordance with the submitted drainage details shown on the attached drawings

- DRAINAGE GENERAL ARRANGEMENT, drawing number MP-1693-01-DR-001
- CATCHMENT AREAS, drawing number MP-1693-01-DR-002
- PIPE CONSTRUCTION DETAILS, drawing number MP-1693-01-DR-003
- INSPECTION CHAMBER CONSTRUCTION DETAILS, drawing number MP-1693-01-DR-004

7. The dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

8. Prior to the development hereby permitted being occupied/brought into use the first floor window in the east (rear) elevation shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or reenacting that Order with or without modification) no buildings, structures, extensions or new window shall be installed or erected to the dwelling subject of this application without the prior written approval of the Local Planning Authority upon an application submitted to it

B. That a CIL liability notice be issued for £7,087 as per section 5.11 of the officer's report.

87 **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/22/00222/FUL	Removal of existing communal annexe to Aston Court revised plans for the erection of three dwellings at Aston Court, Hassop Road, Staveley, Chesterfield S43 3YW for Chesterfield Borough Council
CHE/23/00211/FUL	Erection of Detached Garage at Poppy Barn, Bridle Road, Woodthorpe S43 3BY for Mrs Amanda Linaker
CHE/23/00275/FUL	Demolish existing sunroom and rebuild new single-storey rear/side extension. Re-submission of CHE/22/00719/FUL at 16 Chestnut Drive, Hollingwood, Chesterfield S43 2LZ for Mr Lee Miller
CHE/23/00307/FUL	Single storey extension to provide welfare facilities at Scout Hut, Brookfield Avenue, Chesterfield S40 3NX for 2nd Brampton Scouts
CHE/23/00338/FUL	Single storey side/rear extension with first floor roof terrace, rear raised patio with swimming pool, provision of Juliet balcony on loft floor side elevation and side extension to existing garage - revised drawing showing proposed tree planting received 17.08.2023 - revised drawings showing raised balustrade on both sides of the terrace and taller planting received 18.10.2023 at 28 Gladstone Road, Chesterfield S40 4TE for Mr Brammer
CHE/23/00387/FUL	Single storey front porch extension, single storey rear extension, hip to gable attic conversion with new dormer extension to rear and demolition of existing garage and erection of new garage at 181 Whitecotes Lane, Walton, Chesterfield S40 3HJ for Mr and Mrs

Holland

- CHE/23/00407/RET Retrospective planning for open porch structure and decking at 170 Old Road, Chesterfield S40 3QP for Mr Geoff Parker
- CHE/23/00409/FUL Erection of 2 detached dwellings at St. Josephs RC Church, Chesterfield Road, Staveley, Chesterfield S43 3QF for Bellfield Construction Ltd
- CHE/23/00452/FUL Erection of front porch, conversion of existing garage, erection of new garage and relocation of entrance door (revised drawings received 25.10.23) at 26 Park Hall Gardens, Walton, Chesterfield S42 7NQ for Mr and Mrs Byfield
- CHE/23/00454/FUL Two storey rear extension at 179 Whitecotes Lane, Walton, Chesterfield S40 3HJ for Ms D Brewin
- CHE/23/00472/FUL Single storey side extension to replace existing conservatory at Beech Trees, 1 Westfield Close, Chesterfield S40 3RS for Mr T Vickerman
- CHE/23/00480/FUL Single storey front and rear extensions with two storey side extension at 8 The Grange, Holme Hall, Chesterfield S42 7PS for Mr S Higham
- CHE/23/00487/FUL Double hip-to-gable conversion, second floor rear balcony, alteration to front projecting hipped roof and single storey rear extension - revised drawings received 25.10.2023 showing the dormer cheeks stepped back from the gable walls and removal of balcony screen with door opening adjusted to form a Juliet balcony at 12 Bridle Road, Woodthorpe, Chesterfield S43 3BY for Mrs Jacqueline Hollinshead
- CHE/23/00541/FUL Extension to existing single garage to create new double garage at 58 Langer Lane, Birdholme, Chesterfield S40 2JG for Mr Alex Davies
- CHE/23/00555/FUL Single storey rear/side and single storey front/side extensions with cladding at 81 Langer Lane,

Birdholme, Chesterfield S40 2JP for Ms Lisa Walton

- CHE/23/00557/FUL Single storey front and side porch with front steps at 15 Thorndene Close, Newbold, Chesterfield S41 8SE for Mr Ian Green
- CHE/23/00573/FUL Single storey front extension at 6 Penmore Close, Hasland, Chesterfield S41 0SH for Mr John Lawty
- CHE/23/00657/TPO 1. Ash tree - Reduce tree by 30% + removing dead wood leaving well balanced crown throughout the tree. Crown Lift to three metres. Shading, keep the tree in proportion so not encroaching too close to the house at 29 Foxbrook Drive, Walton, Chesterfield S40 3JR for John Salway
- CHE/23/00660/TPO T3 and T4 - Cherry trees to SW of site - Crown lift to clear 4m over road. Prune to clear streetlight splay and road sign at Attlee Medical Centre, Attlee Road, Inkersall, Chesterfield S43 3ST for Derbyshire Support and Facilities Services Limited
- CHE/23/00668/TPO Oak tree- Reduce / remove the lower branches to a height (maybe to the start of the roof) that reduces the risk of branches hitting our house during high winds. Lifting the crown, the amount of acorns & leaves will reduce and so reduce the risk of falling at 1 School House Way, Newbold, Chesterfield S41 7QU for Suresh Panchal
- CHE/23/00681/TPO American Oak - Crown lift, crown reduction to 2-3 metres spread at 7 Wolfe Close, Walton, Chesterfield S40 2DF for Mrs Heather Shore
- CHE/23/00688/TPO T2- Oak- Prune or remove dead or overhanging branches and crown thin at West Lawn, 47 Newbold Road, Newbold, Chesterfield S41 7PG for Mr Martin Millott
- CHE/23/00689/TPO T3- London Plane- Prune and remove dead or overhanging branches and crown thin at 1 Abercrombie Street, Chesterfield S41 7LW for Mr

Lawrence Tighe

- CHE/23/00698/TPO G1 - x3 Maples - Crown lift to 6m roadside & 4m carpark side. Prune trees away from streetlights/furniture to give a 1m clearance pruned to suitable growth points). G2 - x4 Maples - Crown lift to 4m. T1 - Horse Chestnut - Reduce back from the driveway and ensure site sign is clear, to give a 1m clearance (pruned to suitable growth points) at Malthouse Court, Sheffield Road, Stonegravels, Chesterfield S41 7LL for Mr Matthew Watson
- CHE/23/00699/TPO Lime Tree Ref T1. To prune existing roots from Lime tree Ref T1 outside of the court area as detailed in the preapplication advice given so that the tennis court can be reinstated to a playable condition with less risk from future root ingress disturbing the surface at Chesterfield Lawn Tennis Club, Hawksley Avenue, Chesterfield S40 4TW for Oates
- (b) Refusals
- CHE/23/00325/OUT Outline application for the erection of residential flats with landscaping reserved at Car Park To The Rear Of Council House, Saltergate, Chesterfield for Mr James Holmes
- CHE/23/00528/NMA Non-material amendment to CHE/21/00636/FUL (Hip to gable conversion and rear dormer loft conversion) for masonry gable as opposed to the dormer cheek at 24 Ling Road, Walton, Chesterfield S40 3HS for Mrs Meg Fisher
- CHE/23/00590/NMA Non-material amendment to CHE/22/00511/FUL (Erection of a new 3 bedroom bungalow with attached garage and associated landscaping works) - To amend picture window on the western end of the living room to sliding doors at Land West Of Wash House Lane, Wash House Lane, Chesterfield for Mr Christopher Allenby

(c) Discharge of Planning Condition

CHE/23/00601/DOC Discharge of conditions 3 (Site Investigation), 4 (remediation works), 5 (site investigation/Phase 2 report) and 16 (archaeological report) of CHE/20/00420 - Restoration of the Chesterfield Canal between Eckington Road and Hague Lane, including lifting level of existing earth embankment, installation of aqueduct over river Doe Lea, construction of two vehicular access bridges, two pedestrian/cycle bridges, a new lock and associated infrastructure at Eckington Road To Hague Lane, Eckington Road, Staveley for Chesterfield Canal Trust Ltd

(d) Partial Discharge of Conditions

CHE/23/00414/DOC Discharge of conditions 3 (Construction management plan), 6 (Site investigations) and 7 (Declaration of site safety) of application 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

(e) Unconditional Permission

CHE/23/00671/CA T1- Sycamore, T2- Sycamore, T3- Oak, T15- Oak, T16- Chestnut, T17- Lime - Crown clean, crown lift up to 5m and prune back from war memorial streetlights, public footpath and roadside, to give 1-2m clearance, whilst maintaining a balanced crown at St Thomas' Church, Chatsworth Road, Chesterfield S40 3AW for Mr Liam Walker

CHE/23/00675/CA Tree works to 2 ash and 2 sycamore trees - crown lift to 5.2m and reduce branches overhanging above 5.2m by 2-3m, only pruning branches which overhang the car park. This work is required due to homeless gathering in the car park at 5 Market Place, Chesterfield S40 1TW for Outco Ltd

(f) Prior approval not required

CHE/23/00629/DEM Demolition of buildings on land to the north of Malkin Street and to the east of Brimington Road, Chesterfield at Rear Of Peel House, Brimington Road, Tapton, Chesterfield S41 7UG for Brimington Developments No.1 Ltd.

(g) Prior approval

CHE/23/00607/TPD Single storey rear extension with "flat warm roof" and glazed atrium roof light at 142 Hasland Road, Hasland S41 0AB for Ms Abi Stanley

88 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/23/00660/TPO Consent is granted to the pruning of two Cherry trees reference T3 & T4 on the Order Map and which are situated at the Attlee Medical Centre, Attlee Road, Inkersall

CHE/23/00699/TPO Consent is granted to the pruning of one Lime tree reference T1 on the Order Map and which is situated in the grounds of the Chesterfield Lawn Tennis Club, Hawksley Avenue

CHE/23/00681/TPO Consent is granted to the pruning of one Oak tree reference T17 on the Order Map and which is situated to the frontage of 7 Wolfe Close, Walton

CHE/23/00668/TPO Consent is granted to the pruning of one Oak tree reference T33 on the Order Map and which is situated on land off Newbold

Back Lane adjacent to 1 School House Way,
Newbold

CHE/23/00688/TPO Consent is granted to the pruning of one Oak tree reference T2 on the Order Map and which is situated at 47 Newbold Road

CHE/23/00689/TPO Consent is granted to the pruning of one London Plane tree reference T3 on the Order map at 1 Abercrombie Street

CHE/23/00698/TPO Consent is granted to the pruning of seven Maple trees reference T4–T10 and one Horsechestnut tree reference T12 on the Order Map and which are situated to the south of The Riverdale Care Home, Sheffield Road

CHE/23/00657/TPO Consent is granted to the pruning of one Ash tree reference T18 on the Order Map and which is situated in the rear garden of 29 Foxbrook Drive, Walton

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

CHE/23/00671/CA
The pruning of trees at St Thomas Church, Chatsworth Road.

Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be detrimental to the character of the conservation area

The trees are within the Chatsworth Road Conservation Area and the applicant wishes to prune 6 trees to remove the lower branches, dead wood and to clear the war memorial and footpaths for the Remembrance Service

CHE/23/00675/CA The pruning of trees at the Natwest overflow car park, Rose Hill to the west of

Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be

the Hidden Knight Public House

detrimental to the character of the conservation area

The trees are within the Town Centre Conservation Area and the applicant wishes to prune the trees due to homeless people gathering in the car park

CHE/23/00686/CA

The pruning of one hedgerow and one Ash tree located at 408 Chatsworth Road.

Agreement to the pruning of trees. The pruning of the trees will not result in any loss of amenity or be detrimental to the character of the conservation area

The trees are within the Chatsworth Road Conservation Area and the applicant wishes to prune the trees back to the boundary by 3 metres to clear the building structures at the neighbouring Orchard Nursing Home 410 Chatsworth Road

89 **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.

90 **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.

91 **PLANNING OBLIGATION RELATING TO THE WILD WHITTINGTON HABITAT SITE AT OLD WHITTINGTON, CHESTERFIELD**

Councillor Brittain abstained from this item as he holds a membership of Derbyshire Wildlife Trust.

Laura Kinley on behalf of the Development Management and Conservation Manager presented this item to seek authority for Chesterfield Borough Council to enter into a planning obligation by deed of agreement with Derbyshire Wildlife Trust (DWT) and the site leaseholder in relation to the Wild Whittington Habitat Site. The agreement would require DWT/the leaseholder to provide, manage and maintain biodiversity units on the Wild Whittington Habitat Site, having regard to the provisions of the Council's development plan, the NPPF and the Environment Act 2021. As part of the agreement, DWT/the leaseholder would commit to giving the Council fees to cover monitoring of delivery of biodiversity units and the Council would in turn commit to using the monitoring fees to ensure that biodiversity units are being created and maintained in line with the Habitat Management and Monitoring Plan submitted by DWT.

The report also informed the Committee of the wider context around Biodiversity Net Gain and highlighted the importance of securing off-site net gain opportunities within the borough.

***RESOLVED -**

That the report be approved and that the Council enters into a Section 106 agreement with DWT/the leaseholder of the relevant land to ensure the delivery of biodiversity units on the Wild Whittington site.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	8 th January 2024
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 8th JANUARY 2024**

ITEM 1	CHE/22/00815/FUL - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION AT 1 STANIER COURT, HASLAND, CHESTERFIELD FOR MR D OWEN.
ITEM 2	CHE/18/00491/OUT - RE-SUBMISSION OF CHE/17/00225/OUT - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 6 DWELLINGS WITH ALL MATTERS RESERVED AT LAND TO THE EAST OF TROUGH BROOK ROAD, HOLLINGWOOD FOR CHATSWORTH SETTLEMENT TRUSTEES.
ITEM 3	CHE/18/00688/OUT - RE-SUBMISSION OF CHE/17/00390/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 17 NEW BUILD DWELLINGS ALONG WITH THE RETENTION OF EXISTING FARMHOUSE, THE CONVERSION OF EXISTING STONE BARN TO RESIDENTIAL USE AND CONVERSION OF EXISTING CART SHED TO GARAGING (AMENDED DESCRIPTION 28.04.22) AT PONDHOUSE FARM, 2 TROUGH BROOK ROAD, HOLLINGWOOD FOR CHATSWORTH SETTLEMENT TRUSTEES.
ITEM 4	CHE/22/00268/REM1 - VARIATION OF CONDITION 2 (APPROVED DRAWINGS) AND CONDITION 17 (ELECTRIC VEHICLE CHARGING POINTS) OF APPLICATION CHE/19/00729/FUL AT PLYMOUTH BROTHERS CHRISTIAN CHURCH, 135 LITTLEMOOR, NEWBOLD, DERBYSHIRE, S41 8QP FOR PLYMOUTH BROTHERS CHRISTIAN CHURCH.

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ITEM 1

TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION AT 1 STANIER COURT, HASLAND, CHESTERFIELD FOR MR D OWEN

Local Plan: Unallocated

Ward: Hasland

Committee Date: 8th January 2024

1.0 CONSULTATION RESPONSES

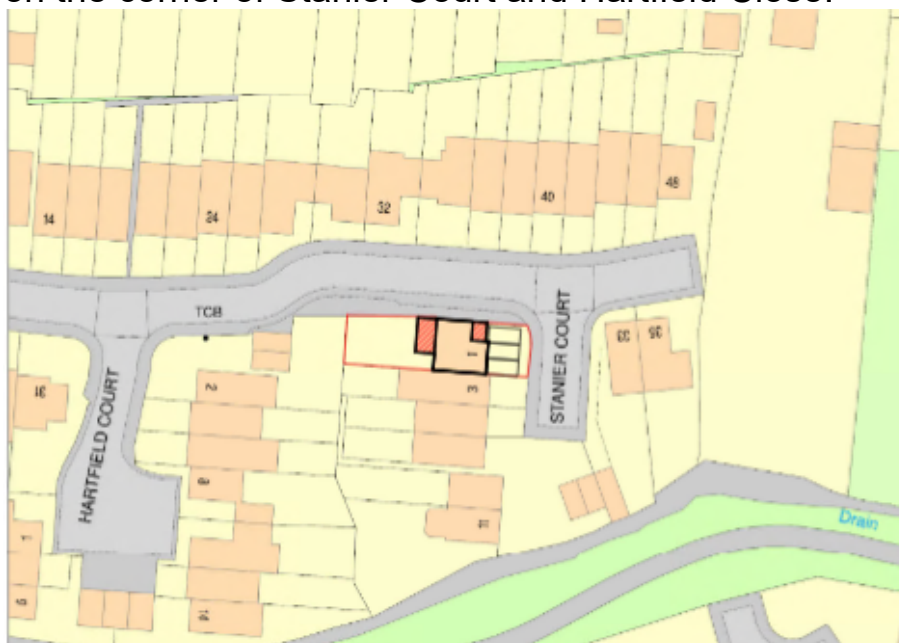
Ward Members: No comments received.

Local Highway Authority: The proposed front extension and alterations will remove the garage space; however, there will remain three parking spaces to the front of the dwelling all of a suitable size to accommodate a vehicle without overhanging the footway. No highway objections.

Representations: Received from twelve local residents – see report.

2.0 THE SITE

2.1 This application relates to a 3 bed, 2 ½ storey end of terrace house with dormer to the front elevation and a single storey attached garage, located on the corner of Stanier Court and Hartfield Close.





2.2 The site is within the built-up area boundary of the Local Plan and Flood Zone 1.

3.0 RELEVANT SITE HISTORY

3.1 None.

4.0 THE PROPOSAL

4.1 Planning approval is sought to extend the property with a two-storey extension to the side and a single storey flat roof extension with roof lantern to the rear. This would result in the loss of the garage, with an office and playroom to the ground floor with two bedrooms and shower room to the first floor. Three windows are proposed to the ground floor side elevation with a first-floor window to the shower room. The single storey extension would be used as a reception room. It would project 3.0m to the rear and be 2.7m in from the common boundary with No.3 Stanier Court.

Proposed Elevations



Proposed Floor Plans



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

- CLP2 Principles for Location of Development (Strategic Policy)
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design

5.3 National Planning Policy Framework

- Section 12. Achieving well-designed places

5.4 Supplementary Planning Documents

- Successful Places Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is within a residential area where works to a domestic property are considered to be generally acceptable subject to policies CLP1, CLP2 and CLP20 of the Local Plan, as well as the wider objectives of the NPPF.

6.1.2 The property is currently used to provide care for vulnerable children (one child at a time at present plus the couple that reside there). Carers and other staff do attend the property but the current level of use is not considered to constitute a material change of use from a dwellinghouse within the C3 class of the Use Classes Order. In many ways this is akin to fostering a child. Dwellinghouses are defined in Class C3 of the Use Classes Order:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents;

or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C3 (a) would include families, couples or individuals in a household. Classes C3 (b) concerns small care homes for adults.

Under Class C3(b) the dwelling house can include up to 6 residents living together as a household where care is provided.

This would cover supported living accommodation for people with learning disabilities or mental health conditions.

The one difficult area is whether it is in fact a single household with care being provided. This will depend on the individual circumstances of the use. Care homes where staff are either residents or will attend the premises would generally be included.

If there is no care provided such as for example in a hostel for the homeless this would not count as class C3. If the property is not used as one household, for example a Bail hostel or more secure accommodation, then that would not be C3. The individual arrangements can have a bearing on whether it is a C3 use class.

Care homes for children don't fall under this definition though. Class C3 (c) concerns other types of households and covers the use of dwelling by no more than six residents living together as a single household with no care. This might include a house occupied by a small religious community for example. The owners occupy the house with other members of the church who are not the relatives. They share amenities and do some cooking together and this type of arrangement would fall under class C3.

It could also cover homeowners living with lodgers where the lodger shares the house. The total number of residents must not exceed 6 so there can be several lodgers in one property

Small Care Homes for Children

Class C3 (b) only covers small care homes for up to 6 adults.

Care homes for children, of any number fall instead under Class C2:

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

- 6.1.3 The authority on whether small children's care homes are C3 or C2 comes from the High Court ruling in North Devon DC v FSS [2003] EWHC 157 (Admin). The judge concluded that children living in the property with no adult residing permanently was not a "household" for the purposes of Class C3. Also the definition of "care" used in the regulations does not apply to children under Class C3.
- 6.1.4 Changing the use of a house to a small care home for children is moving from Class C3 to C2. However, this only requires planning permission if there has been a "material change of use." In this case it is considered the use of the property does not currently constitute a material change of use.

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 proposed scheme would be built in matching materials. It is attached to taller three storey houses, which are typical of the streetscene. The two-storey side extension would be set back from the main front wall with a lower ridge so would appear as subservient to the original house. The flat roof single storey extension is typical of many such extensions and would not be out of keeping with the house or area in general. It is set in from the common boundary so the side window would not impact upon the neighbouring property to an unacceptable degree. As such the proposed extension is considered to be appropriate to the existing building and its surroundings and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of Local Plan policy CLP20.

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 The objections received are in the main related to the provision of care which takes place at the property, together with the disturbance which arises from staff changeovers and on-street parking from other visitors to the house. A number of the objections also relate to a lack of privacy from the extension, in particular from proposed window positions. The rear bedroom window to the extension would look over a pair of garages to the rear and be at an oblique angle to the houses on the north side of Hartfield Close, so this is considered to be an acceptable situation which would not result in an unacceptable degree of overlooking which would merit refusal of the application. The ground floor side windows proposed would face the road and with the nearest houses being on the opposite side of the road again would not have such an impact as to merit refusal.
- 6.3.3 As an extension to a residential house proposal is considered acceptable and to comply with Local Plan policy CLP14.

6.4 Highway Impacts

- 6.4.1 The proposal would result in the loss of the garage, but there would be 3 parking spaces still available and on this basis the Highways Authority does not raise any objections. This is a suitable level of parking provision for what would become a 5 bedroom house.
- 6.4.2 This is an area of concern for local residents, where due to the nature of the housing development, many properties do not have sufficient off street parking spaces for their cars and this leads to cars parking up on the footpath and on street, which is demonstrated in the following photographs submitted by some of the objectors. These photographs also show the number of visitor/staff cars which on occasion visit this property.



6.4.3 Whilst not ideal, this level of visitor parking already taking place and on an occasional basis with the absence of a highway objection, is not considered to be sufficient to justify refusal of the current application to extend the property.

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 proposal is considered to be a minor development and 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 the decision issued to ensure the application provides biodiversity net gain measures, as a result of the proposed development.

6.5.3. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

7.1 Twelve representations have been received from local residents. The points made are summarised as follows:

- Contrary to Local Plan Policy CLP20 (g) provide adequate and safe vehicle access and parking.
- Proposal involves loss of 2 parking spaces, the garage and one on the drive due to extending forwards. The property frequently has 4 vehicles parked on the driveway, one permanent vehicle and the addition of 2-3 carers vehicles who are employed at the property, which operates as a care home. On-street parking is already at dangerous and inconvenient levels, often blocking access for emergency and large vehicles. Would be an over development to include 5 bedrooms which will increase the number of residents and carers and their subsequent vehicles.
- Contrary to Local Plan Policy CLP 20 (k) have an unacceptable impact on the amenity of users and neighbours.
- Cul-de sac is often used by playing children, the increased development and vehicles will render this street even more unsafe. Current use has a detrimental impact on neighbours from distressing noise, witnessing the young occupants being restrained on the street. Increase in residents will increase the frequency of this occurring. Running of staff meetings also has a significant impact, affecting parking and safety due to the number of people at the property and their associated vehicles.
- The size of the development and the addition of full-size windows to the side elevation will result in additional noise coming into the street if open.
- Noise from staff change over times early in the mornings.

- The property has already removed all its green space to the frontage to accommodate parking, which resulted in an increase in tarmac areas, which this proposed development would further add to.
- Concerns that the height of the side extension may overshadow and reduce natural light to nearby house, plus office windows to side of the two-storey extension would have an impact upon privacy.

Officer response

It is correct that the garage would be lost and the front area of lawn has already been changed to a hardstanding area to be used for car parking. Even with the extension projecting forward of the current garage, the drive would remain of sufficient length to park a car. The Highway Authority has no objections as it would still be possible to park 3 cars on site. See para 6.4 above.

The current use does not constitute a material change of use requiring planning permission. It is clear that under planning law up to 6 unrelated people including carers can live at a dwelling without the need for a planning application. The extension may allow more children to be cared for at the property which depending on the level of activity and number of staff could result in planning permission for a change of use to a care home being required.

The extension is to a house on the corner of the cul-de-sac so the side windows would face the road. There are garages to the rear and the house adjoins the road so there would not be an unacceptable degree of overshadowing or overlooking from the proposed extension.

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 paragraph 38 of 2023 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.

10.0 CONCLUSION

10.1 The proposed development is considered to sufficiently reflect the architectural characteristics and form of the existing dwelling and surrounding development. Furthermore, it is considered that the development would not result in significant harm to the amenity of nearby residential properties. As such, this application is considered to comply with the requirements of the above-mentioned local plan policies and Section 12 of the National Planning Policy Framework, 2023.

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 (listed below) with the exception of any approved non-material amendment:

- 012 Site Location and Block Plans
- 002 Existing Ground Floor Plan
- 003 Existing First Floor Plan
- 004 Existing Loft Floor Plan
- 005 Existing Roof Plan

- 006 Existing Elevations
- 007 Proposed Ground Floor Plan
- 008 Proposed First Floor Plan
- 009 Proposed Loft Floor Plan
- 010 Proposed Roof Plan
- 0011 Proposed Elevations

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 completion of the development hereby approved, biodiversity enhancement measures shall be implemented on site. These measures shall be retained and maintained thereafter in accordance with the scheme so approved. The acceptable measures can be one or more of the options labelled in informative note 2, as shown below.

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.

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.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

3. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other

ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

ITEM 2

Re-submission of CHE/17/00225/OUT - Outline planning application for residential development of up to 6 dwellings with all matters reserved at Land to The East Of Troughbrook Road, Hollingwood for Chatsworth Settlement Trustees

Local Plan: Housing Site H5 (Part of)

Ward: Staveley South

Committee Date: 8th January 2024**CONSULTATIONS**

CBC Design Services	Comments from the previous scheme still apply, these were: no objection, the storage volume should be in accordance with the original FRA in attenuating up to 100 years plus climate change storm. A later consultation response notes the need to consult the LLFA – however this minor development does not meet their criteria for comment.
Highway Authority	No objection, comment made and conditions recommended see report
CBC Environmental Health	No objection, recommend construction hours and land contamination condition. A later comment recommends the above and a lighting conditions and EV charging point.
Yorkshire Water	Conditions recommended
Derbyshire Wildlife Trust	Following the submission of updated information including Biodiversity Metric 3.0 with off site provision proposed. Conditions recommended.
CBC Tree Officer	Following the submission of an updated Arboricultural Assessment, conditions recommended.
Archaeology	The comments on original application in 2017 still apply and therefore the same condition is recommended.
Cllr Bagshaw	Object, see detailed comments below.
Representations	Consultation and notification on the case including neighbour letters, site and press notices, has been undertaken twice, the last being in January 2022 due to the elongated time the application has been ongoing.

This resulted in 18 comments being received, these are summarised in the report below.

2.0 THE SITE

2.1 The application site is a green field area of land adjacent to Troughbrook Road. It is nestled between existing housing plots and is boarded by hedging. There are open fields to the east of the site. The area surrounding the site is largely residential. There is access to local services and facilities and bus routes nearby.

2.2 The application site slopes from the roadside down towards the Trough Brook to the east of the site. The application site lies entirely within flood zone 1 which has a low probability of flooding. The brook is prone to flooding at the bottom of the valley as can be seen from this flood map:





3.0 SITE HISTORY

- 3.1 CHE/17/00225/OUT Outline planning application for residential development of up to 6 dwellings with all matters reserved – Refused contrary to the officer recommendation 18.07.2017, for the following reason:

The application site is considered to be greenfield land which is protected from development by the allocation of policy EVR2 of 2006 Local Plan which was saved in the adoption of the 2013 Chesterfield Local Plan: Core Strategy 2011 - 2031.

In accordance with provisions of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 - 2031, the wider provisions of the National Planning Policy Framework and the fact the Local Planning Authority can currently demonstrate a 5 year supply of deliverable housing sites; the principle of residential development on this greenfield site is contrary to policy CS10 and is therefore considered to be unacceptable.

It was noted in the report to committee that the draft allocation (now adopted allocation H5) was in the early consultation stages and therefore carried little weight in the decision making process at that time.

4.0 THE PROPOSAL

- 4.1 This is an outline application for the erection of up to 6 dwellings with all matters; access, landscaping, layout, appearance and scale reserved for subsequent approval. An indicative plan has been submitted to support the application demonstrating that 6 units will fit on the site:



- 4.2 From the original submission in 2018 the application was updated in 2022 providing a new bat survey, biodiversity net gain assessment, habitat survey and planning statement.
- 4.3 The Bat survey identified constraints on the nearby site but not in regard to this application site. Hedges H1, 2 and 3 border the site and are noted as species poor un-managed hedgerows. The Habitat Survey identifies the site as species poor semi-improved grassland. The Badger report identifies the site as a possible foraging area.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

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

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP4 Range of Housing
CLP11 Infrastructure Delivery
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP17 Open Space, Play Provision, Sports Facilities and Allotments
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal;
- Heritage
- Impact on neighbouring residential amenity;
- Highway safety and parking provision;
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage
- CIL liability

5.5 Principle of Development

5.5.1 The application site is part of a larger site allocation H5 as defined by table 4 to Policy CLP3 of the Adopted Local Plan. The larger site allocation located to the south is pending consideration under application reference 18/00688/OUT. The allocation in total is for 23 dwellings to be sited on land of 1.06 Hectares. There are 6 dwellings proposed on this site which extends to 0.19 hectares. Therefore, the remaining 17 of the 23 are to come forward on the larger site located to the south considered under the remit of that application.

5.5.2 Policy CLP 3 states in part that; Planning permission will be granted for residential development on the sites allocation on the Policies map as set out in Table 4 provided they accord with other relevant policies of the Local Plan. Therefore, in principle the development of this site for

housing is acceptable. more detailed matters pertaining to the development are considered below.

5.5.3 Concern has been raised in many of the submitted comments that planning permission for housing on the site was previously refused, this is correct as can be seen by the planning history above. However, since that time the site has been allocated in the Adopted Local Plan for housing, allocation H5 under policy CLP3. As 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 change in the allocation of the site under the Adopted Local Plan is a significant change in circumstances since the previous refusal.

5.5.4 It has been noted by the Strategic Planning Policy team that as the site is part of a larger allocation the requirement for affordable housing should be combined with the larger site. The comments state: “As the same planning policies apply it is considered appropriate to consider the two applications as the same site and consider the cumulative effect of their development when applying planning policy. In coming to this judgement the principles of the tripartite test established in R (Westminster City Council) v First Secretary of State and Brandlord Ltd [2013] have been applied:

1. whether the sites are in the same ownership;
2. whether they constitute a single site for planning purposes; and
3. whether the proposals could be deemed to constitute a single development.

With regard to the first two tests, the application form confirms that they are in the same ownership, and they are allocated in the Local Plan as a single site. With regard to the third criteria, there is no reason to think that this could not be developed as a single site – both sites are being considered at the same time and both are available for development in the same timeframe, - the applications having been submitted in outline concurrently and for the same use. I would also note that during the consultation on and examination of the Local Plan the applicant submitted representations but raised no objection or concern to the site being allocated as Last Updated September 2021 a single site, and that a number of the reports supporting the application (such as the Net Gain assessment) have been prepared on the basis of assessing both sited jointly.”

5.5.5 In terms of the above tests, there is no doubt that the sites are currently within the same ownership and it is feasible that once outline planning permissions are granted the sites could be brought forward as one entity. There is no confirmation of the applicant's intentions in this regard and in this context it is not unreasonable to conclude that both sites could come together as a single scheme and therefore it is considered reasonable given the joint allocation to include affordable housing provision for the developments together. ie tied into the associated larger development being considered under CHE/18/00688/OUT.

5.6 Design and Appearance of the Proposal

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

5.6.2 Concern has been raised that this proposal will have a harmful impact on the character and appearance of the area. In principle the development of the site is accepted through the Local Plan allocation and therefore there will be a change in the character of the area arising from the development. However, this change is not in itself considered sufficient to warrant refusal of the application given the allocation in the Local Plan. This application is outline only and therefore is not considering the detailed design at this stage. However, it should be noted that through the reserved matters it is considered feasible to secure an appropriate finished design of scheme and layout which compliments the existing development in the area. The layout whilst indicative shows a housing form that sits well in these surroundings and is not dissimilar to development either side.

5.6.3 Subject to the reserved matters submission which via condition should include details as to how the slope of the land will be accommodated, it is considered that a scheme can be suitably designed to meet the requirements of Policy CLP20.

5.7 Heritage

5.7.1 Policy CLP21 states in part in regard to designated and non-designated heritage assets: In order to ensure that new development conserves or

enhances the significance of designated and non-designated heritage assets and their settings, the council will:

d) identify and, where appropriate, protect important archaeological sites and historic environment features;

5.7.2 The Archaeologist has commented on the application:
My colleague provided comments on the original application in 2017. A conditioned scheme of archaeological work was recommended based on the observation that the historic mapping showed a farmstead on the site possibly representing squatter encroachment onto the edge of Hollingwood Common in the early post-medieval period. This was to comprise evaluation trenches to test archaeological preservation and significance, followed as appropriate by a scheme of mitigation excavation under NPPF para 199 (now para 204).
I advise that the same considerations apply to the current application, and that the same conditions should be applied.

5.7.3 Subject to the recommended conditions the proposal is considered to be acceptable in terms of impacts on possible below ground archaeology in line with CLP21. There are no other heritage impacts arising from this proposal.

5.8 Impact on Neighbouring Residential Amenity

5.8.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.

5.8.2 The proposed development will impact on neighbouring residents through the loss of the open field and introduction of housing, the allocation of the land for housing accepts the principle of this change. However, the design of the finished development will be considered under the reserved matters and under consideration of that application details in terms of proximity of housing to existing boundaries, dwellings, and impacts such as overlooking and light will be considered. From consideration of the indicative plans it is considered feasible to consider a detailed scheme which results in acceptable impacts to accord with CLP14.

5.9 Highways Safety and Parking Provision

- 5.9.1 Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9.2 Concern has been raised through the application process that the proposal along with other planned development in the area will result in harm to highway safety. It should be noted that the Staveley Works development is reliant on significant new road infrastructure and therefore whilst it may result in additional traffic on Troughbrook Road, the new road infrastructure is intended to improved traffic impacts in the wider area. Such matters will be considered under the remit of the application for that site and therefore do not need to be considered in detail under this application.
- 5.9.3 The Highway Authority have commented on the scheme as follows:
As stated previously, Troughbrook Road is a Category III classified road subject to a 30 mph speed limit. It forms a part of a bus route and carries all manner of traffic (number highly likely to increase on redevelopment of the Staveley Works site). As an existing road, any new accesses should be provided with exit visibility splays commensurate with recorded 85th percentile vehicle approach speeds to the nearside carriageway channel in both directions. As a guide, based on the existing 30 mph speed limit and taking into consideration the nature of traffic on Troughbrook Road, it is suggested that sightlines in the region of 2.4m x 50m would be required. All areas in advance of the requisite sightlines should be over controlled land or existing highway and be secured to be maintained clear of any obstructions greater than 1.0m in height (0.6m in the case of vegetation) relative to the nearside carriageway channel level. It would appear that the proposed development site is afforded with adequate frontage to provided acceptable exit visibility.
Off-street parking should be provided on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling, each space being of 2.4m x 5.5m minimum dimensions (3.4m x 6.5m where located in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence etc. Given the classified nature of the fronting road, ideally, each dwelling should be provided with sufficient off-street manoeuvring space, clear of areas dedicated to parking, to enable all vehicles to enter and exit the site in a forward gear. However, when taking into consideration existing private driveway layouts in the vicinity, it is unlikely that an objection in this respect could be sustained.

A new 2.0m minimum width footway would be required across the entire site frontage linking with the existing facility to the north.

Areas clear of the highway for standing of waste bins on collection days should be identified and maintained clear of any obstruction.

From the information available on the Council's website, it would not appear that there is any additional information in terms of highway aspects. It would seem, therefore, that the previously recommended conditions and notes remain applicable.

- 5.9.4 Through the allocation of the site for housing consideration of the highway impacts were considered. The comments of the highway authority confirm that the proposed development subject to conditions to secure visibility splays and appropriate parking will be sufficient to ensure that the development does not result in severe harm to highway safety. Subject to conditions as recommended the proposal is considered to be acceptable in accordance with Policy CLP22.

5.10 Biodiversity and Impact on Protected Species

- 5.10.1 Policy CLP16 requires that; The council will expect development proposals to:

- protect, enhance and contribute to the management of the borough's ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
- avoid or minimise adverse impacts on biodiversity and geodiversity; and
- provide a net measurable gain in biodiversity.

- 5.10.2 The application includes ecological information to support the proposal. The Habitat Survey concludes:

The survey area supports a range of habitats of importance at the site to local level comprising traditional orchards, mature trees with potential for roosting bats and boundary hedgerows. The proposed development site comprises only the northern part of the wider survey area, i.e. a grass paddock located between existing housing developments. The only feature of ecological value that would be affected by the proposed development is hedgerow H1 located along the Troughbrook Road frontage.

To compensate for the loss of this hedgerow, new hedgerow planting would be provided along the front boundaries of future properties as well as within garden areas, to be agreed as part of reserved matters. It

is recommended that new hedgerow planting comprises a mix of native species including nectar and berry bearing species to benefit biodiversity.

Trough Brook is assessed as being of potential local value for otter and water vole particularly in the context of nearby records for both these species. Any works to the stream bank or within 10m of the stream should be reviewed by an Ecologist at the detailed design stage. An update survey of the stream is recommended before any such works occur.

There should be an avoidance of site clearance outside of the nesting bird season.

Site clearance should take account of the potential for grass snake and hedgehog to occasionally be present on site, and put in place suitable precautionary working method statements for site clearance where suitable habitat exists.

With the above recommendations in place, it is considered that the proposed development would not result in significant harm to ecology.

5.10.3 The Bat survey concludes:

The proposed development would not impact on any confirmed bat roosts associated with the farm buildings or trees T1, T3, T4, T11 and T12. The existing dwellings to the south of the proposed development site would provide an effective buffer against disturbance between the development site and the confirmed roost sites.

The proposed outfall to the Trough Brook is close to tree T10, classed as holding moderate potential for bat roosts. At present it appears that proposed works to the stream bank in this area would not directly impact upon T10 and that a suitable protection zone could be installed around the tree to avoid indirect impacts. This should be confirmed by a suitable qualified and experienced Ecologist as the detailed design develops. If impacts are identified at the detailed design stage, then additional surveys may be required. The hedgerow H1 running along the Troughbrook Road frontage would be lost, however, this is unlikely to be a particularly important bat commuting or foraging habitat given the availability of high quality foraging habitat elsewhere. Evidence from the bat survey suggests that bat foraging activity is focussed along the Troughbrook corridor to the east of the proposed development site and Trough Brook Wood LWS to the south. The loss of H1 is not, therefore, considered significant in terms of bat foraging/commuting and would, in any case, be compensated for through planting of new hedgerows along front boundaries of future properties as well as within garden areas, to be agreed as part of reserved matters. It is recommended that new hedgerow planting comprises a mix of native species including nectar

and berry bearing species to benefit biodiversity. With the above recommendations in place, it is considered that the proposed development would not result in significant harm to the local bat population.

5.10.4 The confidential Badger Report submitted to support the application concludes that the wider survey area is considered to provide foraging areas for badgers, the development site forms only a small part of this and is judged to be of low importance, mitigation will be required to maintain habitat connectivity.

The report advises mitigation measures:

- Retain boundary hedgerows with undisturbed zones (3-5m) to maintain connectivity for foraging.
- Incorporate area of grassland within the layout under a regular mowing regime to enhance earthwork population.
- All landscaping to comprise suitable native further and nut bearing shrubs to ensure a food supply over autumn and winter.

5.10.5 The submitted Biodiversity Net Gain Assessment notes a 22.41% (0.23 units on site and 0.31 off site) area unit gain in habitat from off-site habitat creation of 0.03ha of nature scrub planting. Along with an 85.34% (0.49 units on site) gain for hedgerows.



5.10.6

Derbyshire Wildlife Trust has commented on the application as follows: “The surveys and Biodiversity Metric assessment have been undertaken in accordance with best practice and represent updates from surveys carried out in 2015. Though the surveys were undertaken in 2020, they are considered to still be valid for the purposes of this application.

The development will result in the loss of 0.19 ha of species poor grassland currently and recently used as a horse paddock. A species poor hedgerow along the western edge of the development will also be impacted.

There are no statutory or non-statutory nature conservation designations directly associated with this plot of land. There are habitats of value close to the development site including trees, orchard, hedgerow, stream and further to the south an ancient semi-natural woodland. None of the habitats are considered likely to be directly impacted by the proposed development scheme.

Bats:

None of the bat roosts confirmed to be present in buildings (on the nearby site) or trees will be directly affected. There is a small possibility that tree T10 could be affected if drainage works were to affect the root system.

Other species:

Impacts on other protected species including mammals and reptiles are unlikely, but some precautionary works will be required. Breeding birds could be present, especially in hedgerows and trees.

The site has been assessed using Biodiversity Metric 3.0. This has been able to demonstrate a potential net gain for both habitats and hedgerows as part of the scheme. The proposed habitat creation is considered to be acceptable in principle. We note that the map included in the Biodiversity Net Gain Assessment shows a larger area of land to be used for mixed scrub and woodland creation. The area of land to be used needs to accord with the figures in the metric 0.03 ha of mixed scrub as well as the replacement hedgerows and this needs to be clearly presented on a new plan (via the condition for Biodiversity Enhancement).

There will need to be a precautionary working method for reptiles, mammals and birds. Tree T10 will need to be assessed and may require protective fencing to ensure it is not adversely impacted.

Badger:

The mitigation measures recommended in section 7.5 of the badger report are considered to be acceptable and provided the development proceeds in accordance with this mitigation impacts on badger are considered avoidable.

Conclusions / Recommendations:

The development will result in a small loss of habitat and hedgerow, but provided the off-site proposals are implemented there should be a net gain for biodiversity overall. Further details will need to be provided showing the location of the scrub and woodland habitat and hedgerows. If the LPA is minded to approve the application we recommend conditions are attached.”

- 5.10.7 With the above recommended conditions in place, it is considered that the proposed development would not result in significant harm to ecology and a gain in biodiversity is achievable within the site and on adjacent owned land.
- 5.10.8 The application is accompanied by a Stage 1 Tree Survey and indicative Arboricultural Impact Assessment. In summary, three individual trees (Cherry and 2 Hawthorne), one group of trees (comprising three ash trees) and one hedgerow are present on the site boundaries. The Council’s Tree Officer has commented that; “the cherry was classified as a Category C2 tree, and all other trees and the hedgerow as Category C3. Whilst Category C2 and C3 trees do not merit retention, the scheme would retain the individual Cherry (T1) in the south east corner and an individual hawthorn (T3) in the north east corner of the site. The other individual trees and the hedgerow (T2, G1 and H1) are proposed for removal. To compensate for the loss of these, new hedgerow planting would be provided along the front boundaries of future properties as well as within garden areas, to be agreed as part of reserved matters. It is recommended that new hedgerow planting comprises a mix of native species including nectar and berry bearing species to benefit biodiversity. A Root Protection Area for the trees to be retained (T1 and T3) is defined in the Indicative Arboricultural Impact Assessment presented in Appendix 1. With the above measures in place, it is considered that the proposed development would not result in significant harm to arboricultural interests.”
- 5.10.9 Subject to conditions relating to the protection of the retained trees and appropriate Biodiversity planting on and off site, it is considered that the scheme is acceptable in terms of ecological and tree impacts.

5.11 Ground Conditions

- 5.11.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 5.11.2 The submitted Coal Mining Risk Assessment proposes the following mitigation strategy:
The information available to date indicates that there is a negligible risk to the site from unrecorded or recorded shallow coal workings at the site. Therefore, it is considered that no specific mitigation strategy is required for potential shallow coal workings.
Notwithstanding the above due to the conjectured presence of the 2nd Ell seam in close proximity to the site, it is considered that there is a low risk to the site from shallow crop workings within this seam.
There is also a residual risk to the proposed development from unrecorded mine entries at the site.
Therefore, it is considered that to mitigate the risks of unrecorded crop workings or unrecorded mine entries, that all foundation excavations during development works are inspected for evidence of mine entries and or deeper areas of made ground. If a mine entry/crop working is suspected, then works within the area should cease immediately and the area should be made safe. Further advice should be sought from a suitably experienced engineer.
- 5.11.3 The assessment concludes that; The risk assessment has identified that the risk to the site from the underlying Chavery and Sitwell coal seams is negligible. However, there is a low risk to the proposed development from crop workings in the 2nd Ell seam that is conjectured to be present 40m to the east of the site boundary. This low risk can be suitably mitigated via inspection of foundation excavations in the east of the site, for evidences of crop workings.
- 5.11.4 Despite this information the site is outside of the high risk area for former coal mining activity and therefore the Coal Authority have referred to standing advice for an informative to be added to any decision notice.
- 5.11.5 The Council's Environmental Health Officer has requested a series of conditions relating to working hours, lighting, EV charging and ground contamination. Other than the EV charging which would be provided under the Building Regulations and lighting which is not considered necessary for the scale of development, these conditions are included

within the recommendation and will appropriately secure mitigation of any ground condition matters.

5.12 Flood risk and drainage

- 5.12.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development shall meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.
- 5.12.2 The application site is within flood zone 1 with an annual probability of fluvial flooding of less than 1 in 1000 (0.1%). The EA surface water flood maps show no surface water accumulations within the sites boundaries. Given the topography of the site overland flow within the site will always be directed downhill to the east towards Trough Brook. The report concludes: The site is located in Flood Zone 1. It is therefore not subject to an elevated risk of flooding and is a sequentially acceptable location for residential development. Foul drainage can be achieved by gravity connection to the existing public foul sewer located within Troughbrook Road. Surface water drainage can be provided by discharge to Trough Brook to the east, via a HydroBrake or similar device to attenuate peak flows. Development of the site would not lead to an increased risk of flooding off-site.
- 5.12.3 Yorkshire Water have recommended conditions and note that:
- 1) The flood risk and drainage statement (prepared by Consulting Development Engineers – Report 21730/01-17/4671 Rev A dated March 2018) is acceptable. In summary it states that the foul water will discharge to public foul sewer and as sub-soil conditions unlikely to support the use of soakaways, surface water will discharge to Trough Brook, via storage, with restricted discharge of 5 litres a second. As surface water from the site is not proposed to discharge to the public sewer, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.
 - 2) From the information supplied it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site or part of it will not drain by gravity then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer

network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 litres per second.

5.12.4 The Council's Design Services Drainage team have commented that the Lead Local Flood Authority should be consulted, however the LLFA will only make comment on major development schemes and therefore such a consultation is not appropriate in this case.

5.12.5 Ultimately the drainage matters will be considered by both the statutory undertaker Yorkshire Water and Building Regulations for this minor scale of development. Therefore, subject to the conditions recommended by Yorkshire Water and a condition relating to water efficiency, the proposal is considered to be appropriate in terms of drainage matters in line with policy CLP13.

5.13 Community Infrastructure Levy

5.13.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located part within the medium (£50) CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge will be calculated on the reserved matters submission.

6.0 REPRESENTATIONS

6.1 18 comments received from 13 households over the time of the application process and comments from former Cllr M Bagshaw as follows:

6.2 Highways:

- The proposal shows 6 houses fronting the road, with each household having two cars each this would lead to vehicles having to park on the road. Troughbrook Road cannot accommodate any more parking.
- The plans show garages but in reality very few people park in garages.
- This is a dangerous road without any traffic calming measures.
- Add this to the Staveley Works development and there will be traffic chaos on Troughbrook Road.
- Traversing to and from driveways is becoming very dangerous.
- The Road is already damaged in part due to sinking, this will worsen matters.

- This will result in disruption and inconvenience to residents which seems to have been overlooked. Where will construction traffic park?
- The development of this site and other areas will lead to traffic chaos on the area.
- Due to the lack of traffic calming measures the road a race track.
- Troughbrook Road is busy and narrow more dwellings will result in safety issues.
- Parking here is a safety issue for families.
- Troughbrook Road is a major road artery and is essential for emergency services.
- Troughbrook Road is without any traffic calming measures, will the speed bumps be removed from Private Drive to re-route emergency vehicles to compensate for the traffic impacts.
- A traffic speed analysis should be undertaken before any further housing is allowed.
- School buses often find the road difficult to navigate.
- Parked cars are often damaged by passing vehicles.
- The road is rarely gritted.
- Traffic would increase by 35% on an already busy road.
- This will result in a death trap junction.
- Traffic regularly queues due to congestion, this will get worse.
- Risk to children and adults trying to cross the road.
- Congestion will result in delays to emergency vehicles and their response times.

For highway matters please see section 5.9 above

6.3

Principle:

- No need for yet more housing.
- Hollingwood School cannot take more development.
- The application states the development will make efficient use of under utilised low quality pasture land, however the land has been used for horse grazing.
- No changes have been made to address the previous concerns raised.
- There is plenty of other 'waste' land that could be utilised for homes.
- This goes against the policy of not building on green field sites.
- Planning permission should only be given in exceptional circumstances.
- The development further along the road was a brownfield site.
- This land is paddock used for the centuries old farm adjacent.

- The submission notes the lack of housing being built in the Borough, large amounts of housing are proposed within half a mile.
- The existing rural enterprise will be lost, such rural heritage is increasingly threatened by these immensely lucrative green field sites acquisitions.
- This development through loss of land would pressurise the tenants to quit which would enable Chatsworth Settlement trustees to continue to develop farmland unopposed.

For the principle of development please see section 5.5 above

6.4 Affordable housing:

- The submission notes that there is not enough affordable housing being built – to who is this development affordable?
- There is no provision for social housing.

For the principle of development please see section 5.5 above

6.5 Flooding and drainage:

- The land becomes a lake during wet weather.
- The flood area on plan should be looked at in more detail. The flood plain here is more substantial than the plans indicate.
- Flooding will worsen with climate change.
- Existing sewers are already at capacity and subject to frequent blockages.
- There is a proposed pumping station so flooding must be a concern.
- Home owners would be mortgage prisoners unable to house insurance in a flooding area.
- Attenuation basin indicates flooding concerns.

For the drainage and flooding please see section 5.12 above

6.6 Appearance:

- We will lose our view.
- Views like this should be preserved.
- Loss of the green fields which I look over, these are the reason I chose to live here.
- Living opposite the farm is ideal as it feels like being in the countryside.
- This development will change the rural character of the road to continued urban sprawl.

- Removal of green spaces will adversely impact the residential amenity of the area.
- This land was previously a strategic gap, what has changed.
- The site has had a green field designation for 30 years.

For visual impact please see section 5.6 above

6.7 Disruption from other developments:

- We believe the HS2 line will also be near our homes which will cause disruption to the area without the added problem of additional housing, when several hundred houses are to be built down the road.

For impacts please see sections 5.5, 5.8 and 5.9 above

6.8 Wildlife and habitat:

- Harm to wildlife as their feeding areas will be restricted.
- There is a variety of wildlife present at this site.
- We should be protecting wildlife.
- The plan to lose the verge does not fit with the climate emergency.
- Destruction of trees and hedges.
- This is clearly money making what about the loss of green space, wildlife and woodland?

For ecological matters please see section 5.10 above.

6.9 Nuisance:

- Previous development which disturbed farm land resulted in an influx of mice and rats, this will get worse if the development goes ahead.

Officer response –

Unfortunately, there is little that can be done to mitigate against unexpected impacts from development such as mice and rats. Should such matters arise again I would advise speaking to the Council's Environmental Health Officers.

6.10 Comments from former Cllr M Bagshaw:

- This is green belt land
- Applications have been refused here before on several occasions
- Troughbrook Road is busy, fast and narrow and is already pushed to the limit with the adjacent Staveley Works proposal, which altogether would increase traffic movement by a minimum of 2500.

- Concerns about flooding
- Parking on this road is already stretched and additional parking and traffic could seriously delay our emergency services attending calls.
- There should be a site visit to consider these issues.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).

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

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of

the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The application site is allocated in the Adopted Local Plan for the development of a minimum of 6 dwellings, this proposal aligns with that allocation and is therefore acceptable in principle. Having considered all material considerations relating to the case the proposal is considered to be acceptable subject to conditions as set out below.

10.0 RECOMMENDATION

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

S106 agreement

To secure 10% affordable housing at a split of 90/10 social rented and shared ownership in line with policy CLP4 and joined together with application CHE/18/00688/OUT. This can include an off site contribution for part of the provision.

Conditions

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

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

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
- a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - d) details of access arrangements;
 - e) the landscaping of the site.

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

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

3. The development hereby approved shall only be carried out in accordance with the following approved plan:

Site location plan 15.060/09 received 16.07.2018

The following plans are illustrative or informative only and should be taken into consideration in any reserved matters application:

Illustrative layout plan 15.060/11 received 16.07.2018

Illustrative block plan 15.060/12 received 16.07.2018

Opportunities and constraints plan 15.060/10 received 16.07.2018

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

4. 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.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

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

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

6. The reserved matters submission shall include existing and proposed site levels demonstrated through sectional plans.

Reason: To ensure that the development appropriately responds to the site topography in line with policy CLP20 of the Adopted Local Plan.

7.
 - a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
 - b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
 - c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
 - d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
 - e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
 - f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

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

8.
 - a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

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

c) The development shall not be occupied until the site investigation and post investigation 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.

Reason: To ensure appropriate provision for potential below ground archaeology in line with policy CLP21 of the Adopted local Plan.

9. No removal of hedgerow, scrub or trees shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason: In order to ensure appropriate consideration of nesting birds in line with policy CLP16 of the Adopted Local Plan.

10. A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken prior to the commencement of any groundworks on the site. The survey shall then be submitted to and agreed in writing by the Local Planning Authority with any necessary mitigation measures all of which shall be undertaken in line with the agreed works and before the commencement of works on site.

Reason: To ensure appropriate consideration of badgers in accordance with policy CLP16 of the Adopted Local Plan.

11. Construction Environmental Management Plan (Biodiversity):
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 badger and reptiles).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure appropriate consideration of ecology in line with policy CLP16 of the Adopted Local Plan.

12. The reserved matters submission shall include:
- details of 6 integrated swift bricks bird boxes will be clearly shown on a plan (positions/specification/numbers).
 - hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows.
- These shall be installed prior to final occupation.

Reason: To further enhance biodiversity on site focussing on specific species matters in line with policy CLP16 of the Adopted Local Plan.

13. The reserved matters submission for landscaping shall include:
- 1) location, type and materials to be used for hard landscaping including specifications,

2) a schedule detailing sizes and numbers/densities of all proposed trees/plants, to include fruit trees to encourage foraging, all with the aim of enhancing biodiversity;

3) specifications for operations associated with plant establishment and maintenance that are compliant with best practise,

All in line with the Biodiversity Net Gain Assessment by Penny Anderson Assoc. Ltd dated May 2021 and the net gains identified therein.

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.

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

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in line with Policies CLP16 and 20 of the Adopted Local Plan.

14. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats within the red and blue edged land, as identified in the Biodiversity Net Gain Assessment by Penny Anderson Assoc. Ltd dated May 2021 to meet the percentage and numerical unit habitat gains set out therein and the landscaping of the site agreed under condition 13 as part of the reserved matters submission for landscaping.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures,

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

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

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

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

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

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

17. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved, in writing, by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed, in writing, by the Local Planning Authority, free from any impediment to its designated use.

18. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 15 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: To avoid impact on the public highway in the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

19. The reserved matters submission shall include a detailed scheme of highway improvement works for the provision of vehicular access(es) with visibility splays of 2.4m x 50m and a footway across the entire site frontage with Troughbrook Road, together with a programme for the implementation and completion of the works, to be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the required highway improvement works have been constructed in accordance with the approved details.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

20. The land in advance of the approved exit visibility sightlines from the new vehicular access(es) with Troughbrook Road, the subject of Condition 3 above, 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 nearside carriageway channel level.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

21. No dwelling shall be occupied until space has been laid out within the site curtilage for the parking/manoeuvring of residents/visitors vehicles, located, designed, laid out and constructed all as agreed with the Local Planning Authority through the reserved matters submission, and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

22. 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), there shall be no gates or other barriers within 6.0m of the nearside highway boundary.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

23. The proposed access(es)/driveway(s) to Troughbrook Road shall be no steeper than 1 in 14 for the first 6.0m from the nearside highway boundary and 1 in 10 thereafter.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

Informative Notes

1. The decision notice shall be read in conjunction with the signed S106 agreement dated....

2. Highways:
For the avoidance of doubt, the developer will be required to enter into an Agreement under Section 278 of the Highways Act 1980 with the Highway Authority in order to comply with the requirements of condition 19.

1.The Highway Authority recommends that the first 6m of the proposed access(es)/driveway(s) shall 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.

2.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.

3.Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director, Economy, Transport and Environment Department, County Hall, Matlock (Mr K Barton – telephone 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

4. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure a minimum 2.4m x 5.5m (with an additional 0.5m of width to any side adjacent to a physical barrier) with adequate space behind each space for manoeuvring.

5. Under the provisions of the New Roads and Streetworks Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and/or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Streetworks. Works that involve road closures and/or are for a duration of more than 11 days require a three month notice. Developer's works will generally require a three months' notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the co-ordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's highways hub at the earliest stage possible and this includes prior to final planning consents.

2. 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).
3. 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.

4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on

0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

5. Appropriate ecological/biodiversity enhancement measures shall include (but not limited to) the following;
 - bird/owl/bat boxes and details submitted shall include the number of units proposed, the location proposed, and a timescale for implementation
 - biodiverse planting and landscaping including trees, hedges and native species and a programme of implementation and maintenance
 - wildflower planting and nectar rich planting for bees and night scented flowers for bats including a programme of implementation and maintenance
 - measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
 - holes in fences and boundary treatment to allow species to move across the site
 - bee brick
6. The buildings have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
7. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
8. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

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ITEM 3

Re-submission of CHE/17/00390/OUT - Outline application for residential development of up to 17 new build dwellings along with the retention of existing farmhouse, the conversion of existing stone barn to residential use and conversion of existing cart shed to garaging (Amended description 28.04.22) at Pondhouse Farm, 2 Troughbrook Road, Hollingwood for Chatsworth Settlement Trustees

Local Plan: Housing Site H5 (Part of)

Ward: Staveley South

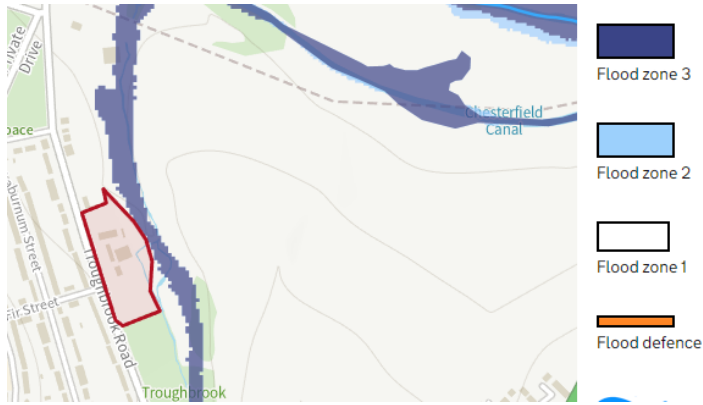
Committee Date: 8th January 2024**CONSULTATIONS**

CBC Design Services	Comments made under initial application- re-referred to. See report.
LLFA	Comments made see report.
Environment Agency	No comments to make as no environmental constraints associated with the site which fall within our remit.
CBC Forward Strategic Planning	A sustainability statement is outstanding.
Coal Authority	Outside of the high risk area therefore standing advice applies.
Highway Authority	No objection, comment made and conditions recommended see report
CBC Conservation Officer	Comments made see report
CBC Environmental Health	No objection, recommend construction hours, lighting, EV charging and land contamination condition.
Yorkshire Water	Conditions recommended
Derbyshire Wildlife Trust	Comments made see report
CBC Tree Officer	Requested additional information - The proposed illustrative layout and woodland buffer zone are acceptable, however no Arboricultural Impact Assessment has been provided to assess the impacts of the proposed access/visibility splay. Following the

	submission of additional information, the Tree Officer noted no objection subject to conditions.
Archaeology (commented on the adjacent site but not the application site)	The comments on original application still apply and therefore the same condition is recommended.
DCC Policy	There would be capacity at the primary school for an additional 4 no. pupils. There would not be sufficient capacity at secondary (Springwell) which will need to be mitigated via CIL. Welcome M4(2) properties. NGA Broadband should be provided (footnote) There may need to be expansion of waste recycling in Derbyshire considered via CIL.
Former Cllr Bagshaw	Object, see detailed comments below.
Representations	Consultation and notification on the case including neighbour letters, site and press notices, has been undertaken twice, the last being in January 2022 due to the elongated time the application has been ongoing. This resulted in 19 comments being received, these are summarised in the report below.

2.0 **THE SITE**

- 2.1 The application site is a largely green field area of land adjacent to Troughbrook Road currently used in part as the functional yard to the farming operation which is long standing at the site. The site contains both historic and modern farm buildings associated with this use. The existing farm house is to the north with woodland to the south. The area to the west is largely residential and to the east is rural with the Brook running through the land. There is access to local services and facilities and bus routes nearby.
- 2.2 The application site slopes from the roadside down towards the Trough Brook to the east of the site. The application site lies entirely within flood zone 1 which has a low probability of flooding. The brook is prone to flooding at the bottom of the valley as can be seen from the flood map:



3.0 **SITE HISTORY**

3.1 CHE/17/00390/OUT Outline planning application for residential development with all matters reserved except access for up to 17 dwellings (in addition to retention of existing farmhouse and conversion of existing cart shed to garaging) including associated infrastructure works – Refused contrary to officer recommendation 09.10.2017, for the following reason:

The application site is considered to be (in part) greenfield land which is protected from development by the allocation of policy EVR2 of 2006 Local Plan which was saved in the adoption of the 2013 Chesterfield Local Plan: Core Strategy 2011 - 2031.

In accordance with provisions of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 - 2031, the wider provisions of the National Planning Policy Framework and the fact the Local Planning Authority can currently demonstrate a 5 year supply of deliverable housing sites; the principle of residential development on this part greenfield site is contrary to policy CS10 and is therefore considered to be unacceptable.

It was noted in the report to committee that the draft allocation (now adopted allocation H5) was in the early consultation stages at that time and therefore carried little weight in the decision making process at that time.

4.0 THE PROPOSAL

4.1 This is an outline application for the erection of up to 17 dwellings, retention of the farmhouse and conversion of the existing barn to residential, with all matters except access reserved for subsequent approval. It is assumed that the barn would be converted to no more than 2 dwellings given its footprint, this would make 20 units on the site altogether, including the existing farmhouse. An indicative plan has been submitted to support the application demonstrating that 17 new units will fit on the site:

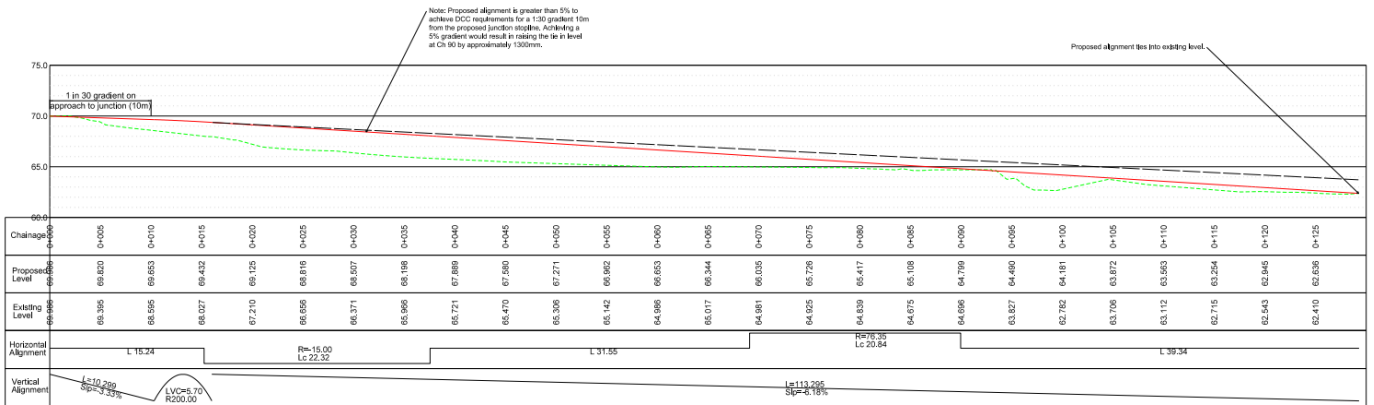
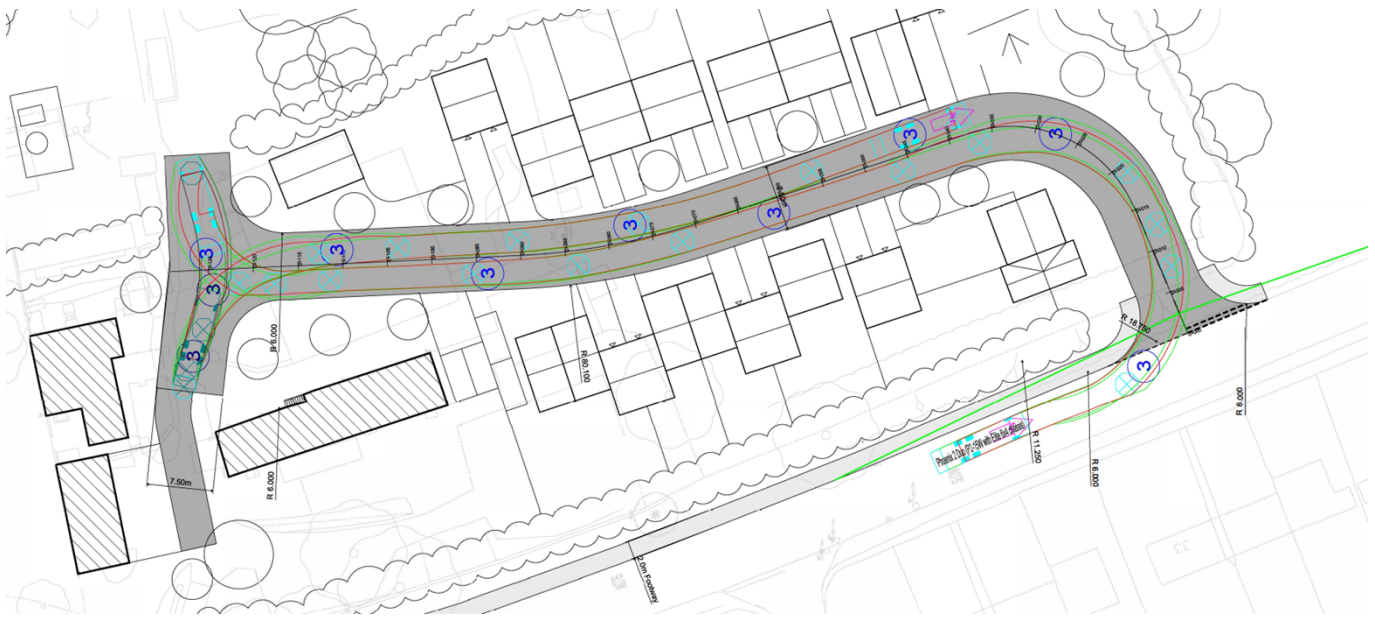
Proposed indicative layout:



4.2

The access, which will form a cul-de-sac into the site, is being considered at this point in the application process. Most of the dwellings would be served via a new road into the site to be formed with the access point adjacent to the woodland. The existing access currently used to serve the farm yard would be closed off.

Proposed access:



Access Road Profile

4.3

The intention is then for 2 of the new units to be served directly from Troughbrook Road:



4.2 From the original submission in 2018 the application was updated in 2022 providing a new survey information, biodiversity net gain assessment, and planning statement.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

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

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal;
- Heritage
- Impact on neighbouring residential amenity;
- Highway safety and parking provision;
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage
- CIL liability

5.5 Principle of Development

5.5.1 The application site is part of a wider site allocation H5 as defined by table 4 to Policy CLP3 of the Adopted Local Plan. The allocation in total is for 23 dwellings with 6 dwellings proposed on the adjacent site under ref CHE/18/00491/OUT. Therefore, the remaining 17 of the 23 are to come forward on this application site in line with the description of development. The site itself extends to 1.2 hectares.

5.5.2 Policy CLP 3 states in part that; Planning permission will be granted for residential development on the sites allocated on the Policies map as set out in Table 4 provided they accord with other relevant policies of the Local Plan. Therefore, in principle the development of this site for housing is acceptable, more detailed matters pertaining to the development are considered below.

5.5.3 Concern has been raised that planning permission for housing on the site was previously refused, this is correct as can be seen by the planning history above. However, since that time the site has been allocated in the Adopted Local Plan for housing, allocation H5 under policy CLP3. As 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 change in the allocation of the

site under the Adopted Local Plan is a significant change in circumstances since the previous refusal.

5.5.4 It has been noted by the Strategic Planning Policy team that as the site is part of a larger allocation the requirement for affordable housing should be combined with the larger site. The comments state: “As the same planning policies apply it is considered appropriate to consider the two applications as the same site and consider the cumulative effect of their development when applying planning policy. In coming to this judgement the principles of the tripartite test established in R (Westminster City Council) v First Secretary of State and Brandlord Ltd [2013] have been applied:

1. whether the sites are in the same ownership;
2. whether they constitute a single site for planning purposes; and
3. whether the proposals could be deemed to constitute a single development.

With regard to the first two tests, the application form confirms that they are in the same ownership, and they are allocated in the Local Plan as a single site. With regard to the third criteria, there is no reason to think that this could not be developed as a single site – both sites are being considered at the same time and both are available for development in the same timeframe, - the applications having been submitted in outline concurrently and for the same use. I would also note that during the consultation on and examination of the Local Plan the applicant submitted representations but raised no objection or concern to the site being allocated as Last Updated September 2021 a single site, and that a number of the reports supporting the application (such as the Net Gain assessment) have been prepared on the basis of assessing both sited jointly.”

5.5.5 In terms of the above tests, there is no doubt that the sites are currently within the same ownership and it is feasible that once outline planning permissions are granted the sites could be brought forward as one entity. There is no confirmation of the applicant’s intentions in this regard and in this context it is not unreasonable to conclude that both sites could come together as a single scheme and therefore it is considered reasonable given the joint allocation to include affordable housing provision for the developments together. ie tied into the associated larger development being considered under CHE/18/00491/OUT.

5.5.6 Infrastructure:

Concern has been raised by local residents that the development will impact on existing services and facilities such as schools and GP practices.

- 5.5.7 Through the provisions of the Community Infrastructure Levy monies are collected from developments such as this and are coordinated into spending on matters such as school expansion. There is also the ability to secure other matters via legal agreement and direct contributions. In this case the NHS CCG have not requested funding from the development which is at a level below the threshold at which they request contributions. An employment and skills condition shall also be included to secure, where possible, local gains from the development.
- 5.5.8 Affordable housing:
In line with Policy CLP4 the normal requirements for affordable housing apply which in this location is:
The site is within a medium charging zone for Community Infrastructure Levy. The Local Plan policy CLP4 therefore requires 10% affordable housing to be split between affordable rent (90%) and affordable home ownership (10%).
- 5.5.9 In order to secure this policy level affordable provision a legal agreement will be needed to ensure the proposal secures as a minimum the 10% affordable housing requirement across the site. On this basis the proposal meets the requirements of Policy CLP4 of the Adopted Local Plan.
- 5.5.10 Adaptable and accessible housing:
Policy CLP4 requires that 25% of the units proposed are to the higher level building regulations for adaptable and accessible homes known as M4(2) standard. The proposal is in outline only and therefore no details are set out regarding the housing. However, this policy requirement can be secured via a planning condition.
- 5.5.11 Climate:
The main way in which the Local Plan seeks to tackle climate change is to ensure sustainable development in locations where access to services can be via walking, cycling or via public transport.
Strategic objective 1 of the Local Plan is to 'Minimise greenhouse gas emissions in line with Government targets, increase the use of renewable energy and help the borough adapt to the effects of climate change.'

This is a sustainable site with services and facilities within walking distance along with access to a bus route and is therefore considered to be sustainable development.

5.5.12 *Local Plan policy CLP20 requires major development to minimise CO2 emissions during construction and occupation as far as is feasible and financially viable.*

As the application is in outline only, limited information has been submitted to address how the development construction will mitigate for climate change. It is therefore reasonable for this to be submitted as part of the reserved matters application where the detail of the housing will be considered, this is secured via a planning condition.

5.5.13 Open space:

In terms of open space the strategic planning team have confirmed that; The proposed development would not generate a need for on-site public open space when applying the standards set out in the Local Plan, or a surplus in wider provision resulting directly from the development. Any adverse impact on provision cumulatively with other developments that may occur would need to be addressed via the CIL mechanisms.

5.5.14 To conclude, in considering matters of planning policy including; the sustainability of the site, affordable housing, accessible and adaptable homes, impacts of climate change and infrastructure capacity, the proposal meets the policy requirements. These matters which can be considered at the outline stage have been found to be acceptable subject to conditions, CIL provision and the signing of a S106 agreement. On this basis the principle of the development is acceptable in line with local and national planning policy and there are no material considerations which indicate any deviation from this.

5.6 Design and Appearance of the Proposal

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

5.6.2 Concern has been raised that this proposal will have a harmful impact on the character and appearance of the area. In principle the development of the site is accepted through the Local Plan allocation

and as such there will be a change in the character of the area arising from the development. However, this change is not in itself considered sufficient to warrant refusal of the application given the allocation in the Local Plan.

- 5.6.3 Through the application process the retention of the farm house, cart shed and stone barn have been secured and in this regard the appearance of the site will retain some of its historic character. A planning condition to set out what works are necessary to be undertaken to the barn for the conversion works will be necessary. Additional planting to the site frontage as set out in the ecological enhancement will provide a visual screen to the development which will be on lower land. A planning condition should also include details as to how the slope of the land will be accommodated as part of the reserved matters. On this basis and subject to more detailed scrutiny at the reserved matters stage the proposal is considered to be acceptable in terms of visual impact in line with policy CLP20.

5.7 Heritage

- 5.7.1 Policy CLP21 states in part in regard to designated and non-designated heritage assets: In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:
- d) identify and, where appropriate, protect important archaeological sites and historic environment features;

- 5.7.2 The Council's Conservation Officer has noted that:
"Conservation comments were made on the application 22/12/20 which highlighted that Pondhouse Farm is included on the Council's Local List of Heritage Assets. I would refer to those comments regarding the status of the farm and why it is included on the list, but to reiterate: the farmstead is a good local example of a traditional agricultural farmstead on the rural/urban fringe which has retained much of its layout and is relatively unspoilt. As such the farmstead makes a positive contribution to both the wider countryside setting and local street scene. A revised plan has been submitted (ref: 15/.60/07e) which shows the farmhouse and associated historic farm buildings being retained as part of the proposed development. I very much support the retention of, and appropriate conversion of these historic farm buildings. Clearly the aim should be a sympathetic conversion which respects the character, appearance and layout of the buildings. I would be happy to make

further comments on any revised matters application should one be submitted.”

5.7.3 The Archaeologist has commented on the adjacent application site, which are also considered relevant to this case:
“My colleague provided comments on the original application in 2017. A conditioned scheme of archaeological work was recommended based on the observation that the historic mapping showed a farmstead on the site possibly representing squatter encroachment onto the edge of Hollingwood Common in the early post-medieval period. This was to comprise evaluation trenches to test archaeological preservation and significance, followed as appropriate by a scheme of mitigation excavation under NPPF para 199 (now para 204).
I advise that the same considerations apply to the current application, and that the same conditions should be applied.”

5.7.3 In line with these comments and subject to recommended conditions in terms of archaeology and the barn conversion, the proposal is considered to be acceptable in terms of the retention of existing historic buildings on the local list and impacts on possible below ground archaeology in line with CLP21. There are no other heritage impacts arising from this proposal.

5.8 Impact on Neighbouring Residential Amenity

5.8.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.

5.8.2 The proposed development will impact on neighbouring residents through the loss of the open field and introduction of housing, the allocation of the land for housing accepts the principle of this change. However, the design of the finished development will be considered under the reserved matters albeit informed by the indicative layout. Under the consideration of that reserved matters application details in terms of proximity of housing to existing boundaries, dwellings, and impacts such as overlooking and light will be considered. From consideration of the indicative plans it is considered feasible to consider a detailed scheme for the development which results in acceptable impacts to accord with CLP14.

5.9 Highways Safety and Parking Provision

5.9.1 Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.8.2 Concern has been raised through the application process that the proposal along with other planned development in the area will result in harm to highway safety. It should be noted that the Staveley Works development is reliant on significant new road infrastructure and therefore whilst it may result in additional traffic on Troughbrook Road, the new road infrastructure is intended to improved traffic impacts in the wider area. Such matters will be considered under the remit of the application for that site and therefore will not be considered in detail under this application.

5.8.3 The Highway Authority have commented on the scheme as follows:
“This is an application that apparently remains undetermined pending progress with the Local Plan, a situation that has now been reached.

There are no objections in principle to residential development given that the site has been the subject of a previous application to which the Highway Authority raised no objections. It is noted that an illustrative layout has been submitted. As this is a reserved matter it should be noted that only brief comments in respect of this have been provided.

It would appear that some direct frontage access is proposed as well as a new estate street.

It is suggested that the applicant is in control of sufficient frontage to create an access/junction to meet current layout guidance. Visibility should be provided commensurate with recorded 85th percentile wet weather speeds. As a guide, where vehicle speeds are 30 mph visibility splays should be 2.4m x 50m in both directions. The latest layout, however, would relocate the proposed access to the site towards the southern boundary. Visibility from this access is not demonstrated, it is suggested, however, that in view of the wide verge fronting the site appropriate visibility will be achievable.

It is noted that vehicular swept paths, presumably for the largest vehicle likely to regularly enter the site, are only provided for one direction and

further swept paths should be submitted for right turn in and left turn out. It is also noted that the swept paths are tight.

The layout for the proposed new road should comply with Delivering Streets and Places to be considered for future adoption as part of the publicly maintainable highway which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control

The Highway Authority would also expect the provision of adequate off-street parking based on two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling, ideally turning should be provided in all instances to enable vehicles to enter and exit Troughbrook Road in a forward gear.

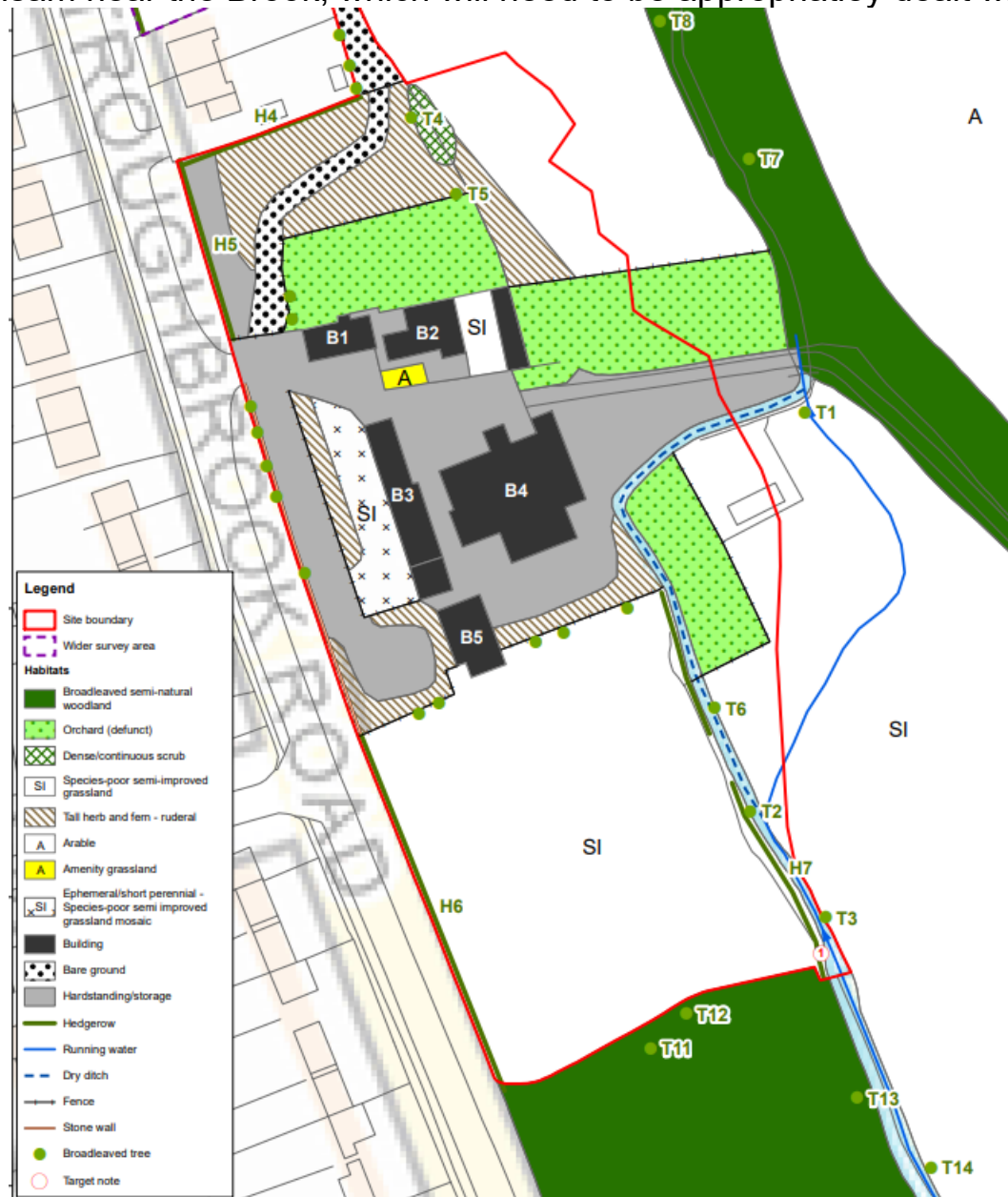
Subject to the above and additional swept paths being acceptable, it is recommended that the following conditions are included in any consent.”

- 5.8.4 Through the allocation of the site for housing consideration of the highway impacts of development in the area were considered. The comments of the highway authority confirm that the proposed development, subject to conditions to secure visibility splays and appropriate parking, will be sufficient to ensure that the development does not result in severe harm to highway safety. Subject to conditions as recommended, the proposal is considered to be acceptable in accordance with Policy CLP22.

5.9 Biodiversity and Impact on Protected Species

- 5.9.1 Policy CLP16 requires that; The council will expect development proposals to:
- protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and
 - avoid or minimise adverse impacts on biodiversity and geodiversity; and
 - provide a net measurable gain in biodiversity.
- 5.9.2 The application includes ecological information to support the proposal. The Habitat Survey concludes - There is no evidence of water vole and

otter in the survey area, but notes the site is part of a wider corridor. The survey notes that with the exception of the loss of a short length of species poor hedgerow (H5) along the road frontage, no features of ecological interest would be lost as a result of the proposed development. All mature trees with bat roosts or potential for this are to be retained. A buffer area will be retained between the development and the woodland. There is some Japanese Knotweed on site and Himalayan Balsam near the Brook, which will need to be appropriately dealt with.



5.9.3

The Bat survey concludes that the site has optimal potential for bats. Building B1 (Cart Shed) was found to have a bat roost with continued use from 2015.

Buildings B2 (house) and B3 (Stone barn) have high potential for roosting bats. The other buildings have negligible potential.

Some trees were identified to have potential to support roosting bats T1, T2 to T5, with T1 being optimal. There are retained trees in the wider area which also have potential for bats. It is likely the bats using the site are Whiskered Bats and Common Pipistrelle.

5.9.4 The Badger survey concludes that; There are badgers in the area and the Brook is a key corridor for their movements. The site is considered to provide foraging areas and habitat connectivity for a single badger clan. The proposed development forms only a small part of this context and is judged to be of low importance for badgers with mitigation required to maintain habitat connectivity.

5.9.5 The submitted Biodiversity Net Gain Assessment notes a 70.89% (2.98 units on site and 1.59 off site) gain in habitat units. 230.81% (2.16 units on site only) gains in hedgerow unit and 205.11% gains in river units (0.32 on site and 0.50 off site). This will be from on-site planting, and off-site habitat creation of 0.56 ha of native broadleaved woodland planting and a change in the management of the river corridor.



5.9.6

Derbyshire Wildlife Trust have commented on the application as follows: We have reviewed the Extended Phase I Survey report, the bat and badger reports (November 2020) and the Biodiversity Net Gain Assessment (May 2021) prepared by Penny Anderson Ass. The surveys and Biodiversity Metric assessment have been undertaken in accordance with best practice and represent updates from surveys carried out in 2015. We do note, however, that some bat roost data is based only on 2015 data rather than 2020 surveys. This is considered further below:

There are no statutory or non-statutory nature conservation designations directly associated with this plot of land. There are habitats of value within and close to the development site including trees, orchard, hedgerow and stream and further to the south an ancient semi-natural woodland.

The site has been assessed using Biodiversity Metric 2.0. This has provided a baseline for the habitats at the site. The baseline indicates that there will be an impact and loss of the following habitats; modified grassland, orchard, mixed scrub, amenity grassland, ditch and ruderal / ephemeral vegetation. The impact on modified grassland is the most significant in terms of area (0.65 ha) followed by the loss of orchard (0.14 ha). Orchards can be of high nature conservation value, but the condition of the orchards is poor with few trees and some of the trees suffering damage from livestock. The overall description of the orchard makes it unlikely that they would qualify for designation under the Local Wildlife Site selection guidelines.

A small area (0.006 ha) of mixed scrub will also be lost. This habitat is of greater value, but clearly, this is a very small area. There will also be a small loss of hedgerow (H5) amounting to 0.03 km (30m). The hedgerow is species poor and comprised of ash and hawthorn.

Habitat creation and enhancement

Habitat creation on site includes 0.25 ha of 'other neutral grassland' and an attenuation pond and gardens of the new dwellings. Hedgerow creation comprises seven hedges totalling 0.25km (250m). There is a proposal to enhance the stream through the removal of the horse grazing and the subsequent recovery of riparian vegetation by the stream. There is also a proposal within the biodiversity metric to create 0.56 ha of new woodland off-site (but very close to the development).

The proposals if implemented in full and successful should result in a net gain for habitats, hedgerows and rivers/streams. However, please see further comments below under conclusions / recommendations.

Species impacts and proposed mitigation

Bats - We advise that the survey work undertaken in relation to bats has confirmed that there are Myotis, soprano and common pipistrelle bat roosts present in buildings and associated with several of the trees in and around the site. Roosts are confirmed in building B1 and B2. Whilst neither of these buildings will be demolished proposed changes to the buildings could result in temporary disturbance to roosts or modifications to roosts. With regard to trees, whilst none of the trees with confirmed roosts is likely to be directly affected, there could be indirect disturbance to some trees on the edge of the development.

From the information submitted, we advise that the proposed development is likely to affect bats through disturbance of a European Protected Species and / or the damage or destruction of a roost and, as such, we concur that a licence from Natural England will be required in order for the development to proceed without committing an offence.

Although some of the survey data was not updated in 2020 we consider that provided further surveys are undertaken to inform the licence submission to Natural England and the recommended mitigation set out in section 6.24 of the Bat Survey Report is followed in full impacts on bats can be mitigated or avoided.

As the works will need to be undertaken under a Natural England licence to derogate from the offence of destruction of a bat roost, we advise the Council that in reaching a decision the Council should demonstrate how the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2017 have been considered, and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

In reaching a decision, it is important that the local planning authority demonstrates how they have fully considered the three tests set out at Regulation 53 of the Conservation of Habitats and Species Regulations 2010 and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 53 are as follows:

(i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 53(2)(e)

(ii) That there is no satisfactory alternative (Regulation 53(9)(a); and

(iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 53(9))(b)

While we are unable to advise on the first two “non-ecology” tests, we would advise that on the basis of the proposed mitigation and compensation measures recommended in section 6.24 of the Bat Survey Report prepared by Penny Anderson Associates November 2020 it is likely that the favourable conservation status of the local bat population will be maintained and, as such, test (iii) will be met.

Breeding birds - Breeding birds are likely to be present, especially in hedgerows and trees. A suitable condition will be required.

Reptiles - There will need to be a precautionary working method for reptiles, which can be secured as part of a condition for a Construction Environmental Management Plan (Biodiversity).

Badger – There is a potential impact on badgers including the possible need to close a subsidiary sett. However, it should be possible to protect this sett through the creation of a buffer to the sett and to the ancient woodland. The mitigation measures recommended in section 7.6 – 7.12 of the badger report are considered acceptable and provided the development proceeds in accordance with this mitigation it should be possible to minimise impacts and disturbance to badgers. We support the recommendation for a survey 2 months before the development starts to re-assess the situation. The full mitigation details can be secured as part of the Construction Environmental Management Plan (Biodiversity) through production of a precautionary working method statement for badgers.

Conclusions - Overall the biodiversity metric calculations and proposals are considered to be acceptable and the habitat creation and enhancement should result in a net gain for habitats, hedgerows and rivers/streams. There are indirect or temporary impacts on bats and badger and potentially breeding birds and reptile. The proposed mitigation measures to avoid and/or minimise these impacts are considered acceptable.

5.9.7

As set out by the Trust the three tests to be met have to be assessed for the development. The third already being met as confirmed in the comments through enhancement. *The first two tests set out within Regulation 53 are as follows:*

(i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 53(2)(e)

(ii) That there is no satisfactory alternative (Regulation 53(9)(a));

It is considered that the tests are met as housing to meet the needs of the borough and that given the site is allocated there is no reasonable alternative. The scheme now includes the retention of the barn which is considered to assist with mitigation and Biodiversity net gain will be provided.

It is therefore considered that the tests set out by the Trust are met.

The trust also go on to note that:

“• There is no specific mitigation for the loss of the orchard. We would recommend that fruit trees are planted close to the attenuation pond and/or as part of the woodland planting to help restore and enhance this habitat.

• The location for the creation of ‘other neutral grassland’ is not included on the habitat map. There is a comment in the metric that it is assumes the creation of neutral grassland around the attenuation pond. The extent of the area to be used for the creation of neutral grassland should be shown on the plan.”

These matters will be clarified via condition and through the landscaping of the site.

The Trust also note:

“• Natural England’s Standing Advice (January, 2022) for ancient woodland recommends that as a minimum there is a 15m buffer between the edge of the development and the ancient woodland that borders the site in the south. This buffer should consist of soft landscaping or created habitats or be retained in its current form. The proposed layout does not clearly identify a buffer for the ancient woodland, but the Extended Phase I survey refers to a buffer (section 8.5) between the development and Trough Wood. The width of this buffer needs to be clearly understood and agreed between the LPA and the applicant prior to determination.”

5.9.8

The buffer area required was amended to improve the needed gap between the development and the woodland which is now acceptable.

With appropriate conditions in place, it is considered that the proposed development would not result in significant harm to ecology and a gain in biodiversity is achievable within the site and on adjacent owned land sufficient to more than meet the requirements of Policy CLP16.

5.9.9 The application is accompanied by a Stage 1 Tree Survey and indicative Arboricultural Impact Assessment. In summary; to accommodate the proposed development it will be necessary to remove tree number 10 and group 9 as indicated on the AIA plan. Tree number 10 is a small insignificant scrub Hawthorn of no amenity or landscape value to the site or wider locale. Group 9 are four small Ash trees all of which have reduced vigour due to the spread of Chalara Ash Dieback and will likely be dead within the next 5 years.



5.9.10 In terms of the trees nearest to the access; Tree numbers 1-5 are on the northern edge of the ancient woodland that extends south. The trees within this wooded area are predominantly semi-mature naturally colonised Ash & Sycamore with a stem diameter no greater than 250mm. They are all narrow-drawn specimens due to lack of any formal management. Whilst Natural England Guidelines suggest a buffer of 15m to any development we do not envisage that the proposed vehicular access road that encroaches within this buffer would have any adverse impact to the health and vitality of these trees as it is located well outside their designated RPA and clear of all canopies such that pruning is and will not be required in the future.

5.9.11 The Council's Tree Officer has commented that;
"Further my previous comments, a review of the potential impacts of the alterations to the proposed access route at the Pondhouse development scheme, Troughbrook Road adjacent to Troughbrook Wood Local Wildlife site has now been submitted which includes an updated Arboricultural Impact Assessment (AIA) undertaken by Tree Solutions Ltd dated January 2023.

A new access to the southern edge of the development site is proposed adjacent to Troughbrook Wood Local Wildlife Site hence the repeated requests for a new AIA to assess any potential impacts to the woodland edge from the new location of proposed access and visibility splay.

The new access road lies within approximately 8m of the section of Troughbrook Wood. The review and AIA confirm that the new access road is outside the designated root protection areas (RPA) and canopies of the adjacent trees in the woodland. No significant adverse impacts have been identified for the construction of the new access road and visibility splay.

There are therefore no objections to the application, recommend conditions. "

5.9.12 Subject to conditions relating to the protection of the retained trees and appropriate Biodiversity planting on and off site, it is considered that the scheme is acceptable in terms of ecological and tree impacts in line with policy CLP16.

5.10 **Ground Conditions**

- 5.10.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 5.10.2 The submitted Coal Mining Risk Assessment proposes the following mitigation strategy:
The information available to date indicates that there is a negligible risk to the site from unrecorded or recorded shallow coal workings at the site. Therefore, it is considered that no specific mitigation strategy is required for potential shallow coal workings. Notwithstanding the above due to the conjectured presence of the 2nd Ell seam in close proximity to the site, it is considered that there is a low risk to the site from shallow crop workings within this seam. There is also a residual risk to the proposed development from unrecorded mine entries at the site. Therefore, it is considered that to mitigate the risks of unrecorded crop workings or unrecorded mine entries, that all foundation excavations during development works are inspected for evidence of mine entries and or deeper areas of made ground. If a mine entry/crop working is suspected, then works within the area should cease immediately and the area should be made safe. Further advice should be sought from a suitably experienced engineer.
- 5.10.3 The assessment concludes that; A coal mining risk assessment has been undertaken on behalf of Chatsworth Settlement Trustees for the site. This assessment has been carried out in accordance with The Coal Authority guidance notes and model report template. The risk assessment has identified that the risk to the site from the underlying Chavery and Sitwell coal seams is negligible. However, there is a low risk to the proposed development from crop workings in the 2nd Ell seam that is conjectured to be present 40m to the east of the site boundary. This low risk can be suitably mitigated via inspection of foundation excavations in the east of the site, for evidences of crop workings.
- 5.10.4 Despite this information the site is noted to be outside of the high risk area for former coal mining activity and therefore the Coal Authority have referred to standing advice for an informative to be added to any decision notice.
- 5.10.5 The Council's Environmental Health Officer has requested a series of conditions relating to working hours, lighting, EV charging and ground contamination. Other than the EV charging which would be provided

under the Building Regulations, these conditions are included within the recommendation and will appropriately secure mitigation of any ground condition matters.

5.11 Flood risk and drainage

5.11.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development shall meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

5.11.2 The application site is within flood zone 1 with an annual probability of fluvial flooding of less than 1 in 1000 (0.1%). The EA surface water flooding maps show a small surface water accumulation running down Fir Street and across Troughbrook Road and into the central area of the site. The entire eastern boundary (the lowest lying areas of the site) lies within High Surface water risk areas, a result of flooding from Trough Brook. Any proposed development must not be constructed with this high risk area.

5.11.3 The report concludes: The site is located in Flood Zone 1. It is therefore not subject to an elevated risk of flooding and is a sequentially acceptable location for residential development. Foul drainage can be achieved by pumped connection to the existing public foul sewer located within Troughbrook Road. Surface water drainage can be provided by discharge to Trough Brook to the east, via an attenuation pond and HydroBrake or similar device to attenuate peak flows. Development of the site would not lead to an increased risk of flooding off-site.

5.11.4 The LLFA have commented that:
The applicant has proposed an attenuation pond before discharging to the ordinary watercourse/ditch. Firstly the applicant has proposed a 5l/s discharge rate which does not meet DEFRA technical standards for sustainable drainage. This is the maximum allowable discharge the LLFA is willing to accept for all storms up to 100yr+40%cc. This is to ensure the site does not increase the current runoff rate for the smaller storms of 1 in 1 yr and 1 in 5yr storm pre development runoff rates.

Secondly the applicant has only proposed a pond but not highlighted how the surface water will be conveyed to the pond and or to the brook.

The LLFA expect the applicant to have considered above surface conveyance systems such as a swale to increase water quality potential and increasing the efficiency for maintaining and managing the proposed surface water drainage system.

Can the applicant resubmit the proposed discharge calculations and consider a SUDs train for incorporation which can be easier to maintain and provide biodiversity benefits.

- 5.11.5 Updated calculations or further SUDs information have not been submitted at this outline stage. However, it is noted that in earlier correspondence the LLFA raised no concerns and recommended conditions.

They advised that:

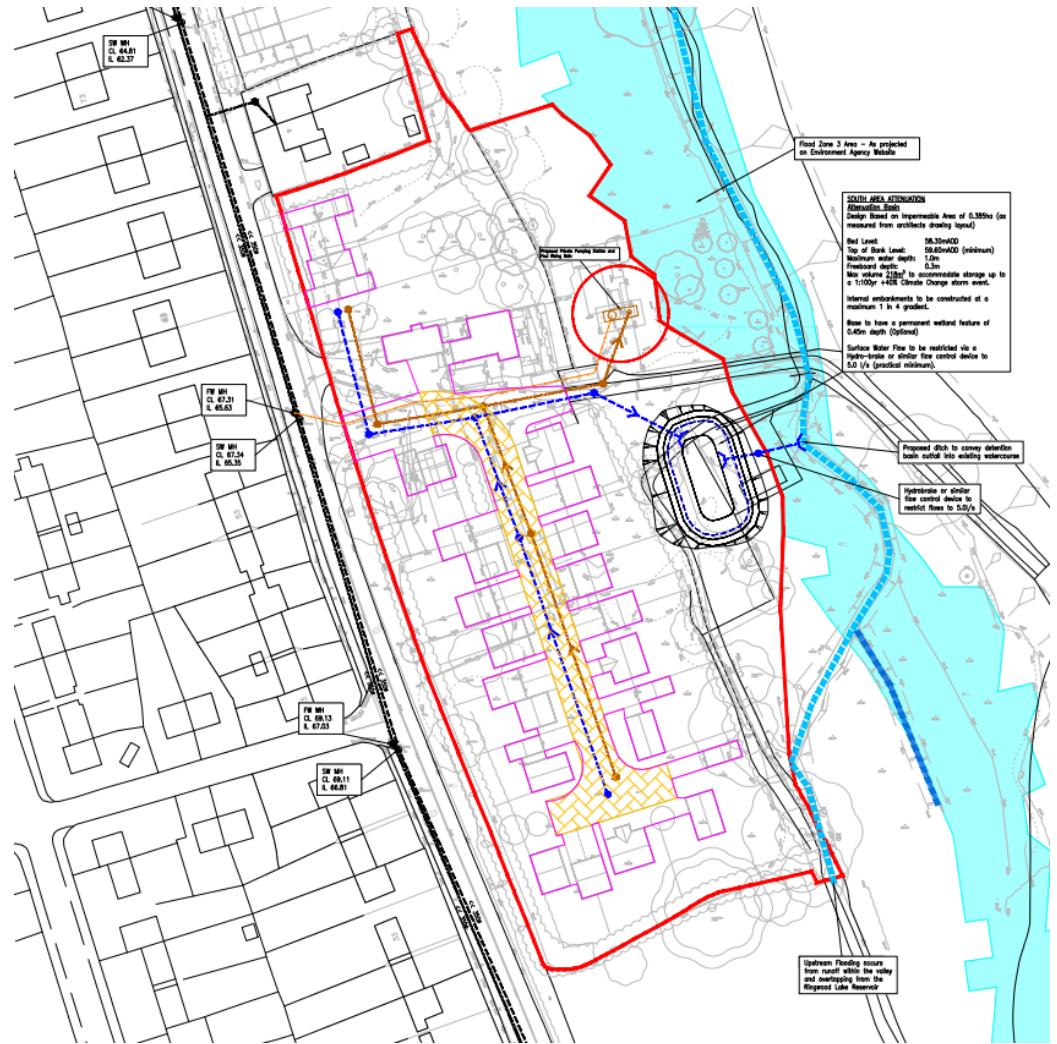
“The application proposed to discharge surface water from the site into a attenuation basin, before discharging into the Trough Brook (Ordinary Watercourse) at a restricted discharge of 5l/s. the LLDA will require the applicant to demonstrate at detailed design stage that the proposed destination for surface water accords with the hierarchy in para 80 of the NPPG as it appears that the applicant has not undertaken an appropriate ground investigation to support and inform the application. The attenuation of surface water up to the 1 in 100 year event is proposed to be managed by an attenuation basin prior to the discharge to the water course. The LLFA requires at detailed design stage that the drainage network and the proposed attenuation features are sized appropriately to manage surface water on site.

The LLFA welcomes the use of a 40% rainfall intensity allowance, as a sensitivity test to climate change for the lifetime of the development. A 10% urban creep allowance will also be expected at the detailed design stage.

The LLFA will require a management and maintenance plan at the detailed design stage demonstrating the maintenance requirement for drainage infrastructure on site, detailed the party to be appointed to be responsible to manage and maintain the infrastructure for the lifetime of the development.”

- 5.11.6 The conditions as recommended by the LLFA are included within the recommendation below. It is considered that given outline nature of the case conditions as originally recommended are appropriate.

- 5.11.7 Yorkshire Water have recommended conditions and note that:
- 1) The Flood Risk and Drainage Statement 21730/05-17/4902 (prepared by - Report dated May 2017) is acceptable. In summary, it states that foul water will discharge to public foul sewer and as sub-soil conditions are unlikely to support the use of soakaways, surface water will discharge to Trough Brook crossing the site via storage with a restricted discharge. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.
 - 2) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.
- 5.11.8 The Council's Design Services Drainage team have commented that:
"We have no objection to the above application in principle but would like to see some further design detail and also some maintenance proposals prior to full approval. The site is shown to be in close proximity to Flood Zone 3 adjacent the Trough Brook. However, the flood risk assessment identifies that the proposed properties are away from this potential flooding and are not put at risk with the development. The surface water drainage is shown to be discharged into the Trough Brook at a controlled rate of 5 l/s via a detention basin. We have no objection to this method but would like to see construction details of the proposed basin and the full drainage details. The outline design shows that this will be designed to accommodate a 100year + climate change design storm. The construction of the outfall to Trough Brook will require Derbyshire County Council approval. We would also like to see any management and maintenance proposals for the detention basin. The foul drainage is shown to discharge to the public sewer system in Troughbrook Road via a pumping station. This connection will require approval from Yorkshire Water."
- 5.11.9 All of these matters would be covered by the recommended conditions. The applicant's intention in regard to drainage can be seen on the following plan:



5.11.10 Allowing the surface water to first drain to an attenuation pond will minimise the flow of water to the Brook to alleviate potential for flooding. A pumping station is needed for the foul water due to the gradient of the land from the mains. On the basis of the above and the recommended conditions the proposal is considered to be appropriate in terms of drainage matters in line with policy CLP13.

5.12 Community Infrastructure Levy

5.12.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located part within the medium (£50) CIL charging Zone as set out in the Council's Charging Schedule (Community Infrastructure Levy (CIL) (chesterfield.gov.uk)). The CIL charge will be calculated on the reserved matters submission.

6.0 REPRESENTATIONS

6.1 25 comments received from 18 households over the time of the application process and comments from former Cllr M Bagshaw as follows:

6.2 Highways:

- Could road widening be looked at? Or speed bumps? I assume the road has been assessed.
- Troughbrook road is extremely busy, additional dwellings raises serious safety issues.
- Access visibility will be limited.
- This is not a bus route and therefore is not gritted.
- There is often flooding of the road at Barrowhill, making it impassable.
- Parking on the road is difficult.
- Drivers are impatient when trying to park or pull out.
- The road is used at excess speed.
- We don't want a busier road.
- Cannot see the sense in moving the access for the existing location, it will be closer to the junction and destroy trees and hedges.
- Vehicles often travel at over 50mph.
- Traffic would increase by 35% on an already busy road.
- The road will be a death trap.
- There will be increased traffic pressure on the junction where traffic is already stood queuing.
- Risk to children and adults trying to cross the road.
- The growth of the adjacent hedge and woodland will limit visibility.
- There is a blind summit where there have been accidents.
- The existing access is already restricted in terms of visibility.
- Additional 2500 extra vehicle movements will impact on the emergency services response times.

Refer to section 5.9 above

6.3 Principle:

- The owner should invest in the existing farm, fields and residents. The site has been gradually falling into disrepair. This seems financially driven.
- Lack of school places and GP places.
- How will our children get the best education when classes are over capacity.
- This along with other development will saturate our infrastructure.

- Commend the council for having rejected this before. If anything has changed it will be a compromising arrangement between the Council and Chatsworth Estate which will all come out in the end. Dark moves and agreements will have been made below the surface.
- Loss of green fields.
- The nearby site developed was previously developed land of the former Social Club so should not be used to justify this.
- There is a climate emergency, loss of such sites will not help.
- There is no need for this housing there is a large brownfield site down the road.
- Why was this a strategic gap and is now allocated for development?
- How did the protection of the site get revoked?
- Please put our environment first.
- How could a responsible and ethical Authority even consider allowing development on a longstanding family homes managed and cherished by hard working farming business who continue to maintain this historic, agricultural field and farm.
- Loss of a local business. Railroading another farming enterprise appears to be the agenda of the applicant.
- Has the protection been overturned for money?
- This is green belt land which should not be developed.

Refer to section 5.5 above

6.4

Flooding and drainage:

- The land becomes flooded during wet weather.
- Sewers are at capacity already.
- There is a proposed pumping station so they know there will be difficulties.
- Home owners would be mortgage prisoners unable to house insurance in a flooding area.
- The attenuation basin raises safety concerns.

Refer to section 5.11 above

6.5

Appearance:

- This is the edge of the countryside being a buffer between Hollingwood and Staveley.
- The street has a non urban feel which will be harmed.
- This will contribute to urban sprawl.

- This will negatively change the character of the area.
- We will lose our outlook over fields and woodland.
- Support the retention of the period farm buildings. I like the artists impression of the proposed development.

Refer to section 5.6 and 5.7 above

- 6.6 Disruption from other developments:
- We believe the HS2 line will also be near our homes which will cause disruption to the area without the added problem of additional housing, when several hundred houses are to be built down the road.

Refer to sections 5.5 and 5.8 above

- 6.7 Wildlife and habitat:
- Removal of trees and hedges is not acceptable.
 - Re-planting takes time, hedges etc should not be removed.
 - The plan to lose the verge does not fit with the climate emergency.
 - This is clearly money making what about the loss of green space, wildlife and woodland?
 - The bluebell wood is protected under legislation.

Refer to section 5.9 above

- 6.8 Nuisance:
- Previous development which disturbed farm land resulted in an influx of mice and rats, this will get worse if the development goes ahead.
 - Additional noise.

Officer response –

Unfortunately, there is little that can be done to mitigate against unexpected impacts from development such as mice and rats. Should such matters arise again I would advise speaking to the Council's Environmental Health Officers.

- 6.9 Comments from former Cllr M Bagshaw:
- This is green belt land
 - Applications have been refused here before on several occasions

- Troughbrook Road is busy, fast and narrow and is already pushed to the limit with the adjacent Staveley Works proposal, which altogether would increase traffic movement by a minimum of 2500.
- Concerns about flooding
- Parking on this road is already stretched and additional parking and traffic could seriously delay our emergency services attending calls.
- There should be a site visit to consider these issues.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 in respect of decision making in line with paragraph 38 of 2023 National Planning Policy Framework (NPPF).

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

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

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

9.0 **CONCLUSION**

- 9.1 The application site is allocated in the Adopted Local Plan for the development of 23 dwellings in association with the adjacent site considered under reference CHE/18/00491/OUT. The proposal, subject to conditions and a S106 agreement in relation to affordable housing, is considered to meet the policy requirements of the allocation under CLP3 and other relevant policies of the local plan as set out above and subject to further detailed consideration at the reserved matters stage.

10.0 **RECOMMENDATION**

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

S106 agreement

To secure 10% affordable housing at a split of 90/10 social rented and shared ownership in line with policy CLP4 and joined together with application CHE/18/00491/OUT. This can include an off site contribution for part of the provision.

Conditions

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

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

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing

by the Local Planning Authority before the commencement of any works:-

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

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

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

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

- Site location plan 15.060/13 received 08.10.2018
- Topographical Survey 21496_06_170_01.1 to 01.4 received 08.10.2018
- Driveway visibility splays 245165-01 Rev P01 received 07.01.2022
- Site entrance general arrangement PHF-004 Rev C received 05.07.2022
- Vertical Profiles PHF-006 Rev B received 07.01.2022

The following plan is illustrative only and should be taken into consideration in any reserved matters application:

- Illustrative Layout Plan 15.060/07h received 05.09.2022

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

4. 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.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

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

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

6. The reserved matters submission shall include existing and proposed site levels demonstrated through sectional plans..

Reason: To ensure that the development appropriately responds to the site topography in line with policy CLP20 of the Adopted Local Plan.

7. The reserved matters submission in relation to the conversion of the barn shall set out in detail a schedule of required works to be undertaken to secure the conversion of the building.

Reason: In order to secure the retention of the building on the local list through conversion in line with Policy CLP21 of the Adopted Local Plan.

8. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

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

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

9. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation 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.

Reason: To ensure appropriate provision for potential below ground archaeology in line with policy CLP21 of the Adopted local Plan.

10. The development shall include at least a 15m buffer area of landscaping to the woodland located to the south of the site and this shall be as

detailed on the Illustrative Layout Plan 15.060/07h received 05.09.2022 or as otherwise to be demonstrated on a revised layout plan to be submitted as part of the reserved matters.

Reason: To ensure appropriate buffer to the adjacent woodland habitat in line with Policy CLP16 of the Adopted Local Plan.

11. The reserved matters submission shall demonstrate at least 25% of the dwellings on site to be M4(2) accessible and adaptable homes.

Reason: To accord with Policy CLP4 of the Adopted Local Plan.

12. No removal of hedgerow, scrub or trees shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason: To protect nesting birds in line with Policy CLP16 of the Adopted Local Plan.

13. A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken prior to the commencement of any groundworks on the site. The survey shall then be submitted to and agreed in writing by the Local Planning Authority with any necessary mitigation measures all of which shall be undertaken in line with the agreed works and before the commencement of works on site.

Reason: To ensure appropriate consideration of badgers in accordance with policy CLP16 of the Adopted Local Plan.

14. Construction environmental management plans (Biodiversity):
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 badger and reptiles).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure appropriate consideration of ecology in line with policy CLP16 of the Adopted Local Plan.

15. The reserved matters submission shall include:
- details of 6 integrated swift bricks bird boxes will be clearly shown on a plan (positions/specification/numbers).
 - hedgehog connectivity measures will be clearly shown on a plan, such as small fencing gaps (130 mm x 130 mm), railings or hedgerows. These shall be installed prior to final occupation.

Reason: To further enhance biodiversity on site focussing on specific species matters in line with policy CLP16 of the Adopted Local Plan.

16. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: To protect habitats from light spill in line with policy CLP16 of the Adopted Local Plan.

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

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in line with Policies CLP16 and 20 of the Adopted Local Plan.

18. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats within the red and blue edged land, as

identified in the Biodiversity Net Gain Assessment by Penny Anderson Assoc. Ltd dated May 2021 to meet the percentage and numerical unit habitat gains set out therein and the landscaping of the site agreed under condition 17 as part of the reserved matters submission for landscaping.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures,

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

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

19. Prior to the commencement of the development hereby approved (including land clearance, demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) Location and installation of services/ utilities/ drainage.
- b) 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.
- g) A specification for protective fencing to safeguard trees during both 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
- p) Ancient woodland protection and management

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance

the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990.

20. The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

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

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

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

22. No development shall take place until a detailed design and associated management and maintenance plans of the surface water drainage for the site, in accordance with the principles outlined within:

- a. 'PROPOSED RESIDENTIAL DEVELOPMENT, PONDHOUSE FARM, HOLLINGWOOD, CHESTERFIELD FLOOD RISK AND DRAINAGE STATEMENT' May 2017, report ref 21730/05-17/4902, including any subsequent amendment 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. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

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

23. 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 para 80 of the Planning Practice Guidance.

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

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

24. Prior to commencement of 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 applicants 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 the site during the construction phase.

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

25. New vehicular and pedestrian accesses in connection with properties with direct access to Troughbrook Road shall be formed prior to occupation of dwellings and provided with visibility sightlines extending from a point 2.4 metres back from the carriageway edge, measured along the centreline of the access, for a distance of 50 metres in both directions measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved, in writing, by the Local Planning Authority. 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 adjoining nearside carriageway channel level.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

26. Before any other operations are commenced in respect of dwellings to be served via a new road, a new vehicular and pedestrian junction shall be formed to Troughbrook Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 50 metres in both directions measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. 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) above ground level.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

27. Before any other operations are commenced (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, laid out, constructed and maintained throughout the contract period free from any impediment to its designated use.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

28. The premises, the subject of the application, shall not be occupied until the proposed new estate street within the application site has been designed and laid out in accordance with the latest design guidance from DCC Highways, and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

29. The premises, the subject of the application shall not be occupied until a minimum 2.0m wide footway has been provided across the site frontage in accordance with details first to be submitted and agreed, in

writing, by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

30. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and where appropriate manoeuvring of 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.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

31. The proposed access(es)/driveway(s) to Troughbrook Road shall be no steeper than 1 in 14 for the first 6.0m from the nearside highway boundary and 1 in 10 thereafter.

Reason: In the interests of highway safety in line with policy CLP22 of the Adopted Local Plan.

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

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

33. The reserved matters submission shall be accompanied by a statement to set out how the development will mitigate climate change and seek to reduce emissions both through construction and post occupation.

Reason: To accord with the climate aims of policy CLP20 of the Adopted Local Plan.

Informative Notes

1. The decision notice shall be read in conjunction with the signed S106 agreement dated....

2. Highways:

In addition, the following notes shall be included for the benefit of the applicant.

1.The Highway Authority recommends that the first 5m of the proposed driveways to individual properties should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

2.Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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 affect by the development works.

Advice regarding technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (telephone 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

4.Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure a minimum 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) although the length should be a minimum 6.5m where it is in front of a garage. Single garages should have minimum internal dimensions of 3m x 6m and double garages 6m x 6m with adequate space behind each for manoeuvring

3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. 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.
5. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

6. Appropriate ecological/biodiversity enhancement measures shall include (but not limited to) the following;
 - bird/owl/bat boxes and details submitted shall include the number of units proposed, the location proposed, and a timescale for implementation
 - biodiverse planting and landscaping including trees, hedges and native species and a programme of implementation and maintenance
 - wildflower planting and nectar rich planting for bees and night scented flowers for bats including a programme of implementation and maintenance
 - measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
 - holes in fences and boundary treatment to allow species to move across the site
 - bee brick

7. The buildings have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August

inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered, then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

8. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

9. LLFA:

Advisory/Informative Notes (It should be noted that the information detailed below

(where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

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

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

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

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

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the

resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

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

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

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

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep

throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).

–Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.

–A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

–For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

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

Volume Control

–For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.

–For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event. Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of

2 l/s could be used (subject to approval from the LLFA).

–Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

–Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning

signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance).
- Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

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

ITEM 4**VARIATION OF CONDITION 2 (APPROVED DRAWINGS) AND CONDITION 17 (ELECTRIC VEHICLE CHARGING POINTS) OF APPLICATION CHE/19/00729/FUL AT PLYMOUTH BRETHREN CHRISTIAN CHURCH, 135 LITTLEMOOR, NEWBOLD, DERBYSHIRE, S41 8QP FOR PLYMOUTH BRETHREN CHRISTIAN CHURCH.****1.0 CONSULTATION RESPONSES**

Environmental Health	Comments received – see report
Local Highways Authority	No comments received
Ward Members	No comments received
Neighbours	5 letters of objection received – see report

2.0 THE SITE

- 2.1 The site subject of this application is located on the east side of Littlemoor highway and extends to the junction of Dukes Drive. The site comprises of a single storey detached building formerly known as St Hugh's Church now owned by Plymouth Brethren Christian Church. Consent was granted in 2020 under application CHE/19/00729/FUL for works to the building and for the creation of a car park and associated works following an earlier refusal (CHE/19/00073/FUL).
- 2.2 The site fronts onto Littlemoor highway to the west and is bound by residential dwellings to the north, east and south. Vehicular access to the site is gained from Littlemoor highway in the north western corner. The existing driveway access is flanked by two protected Sycamore trees (T2 and T3). The site contains a number of trees protected by Preservation Order No 4901.241 consisting of 3 individual trees T1 (Silver Birch) and T2 and T3 (Sycamores) and a group of trees G1 situated along the southern and western boundary of the site.
- 2.3 Development has commenced on site implementing application CHE/19/00729/FUL including the demolition of the former presbytery. Works have been undertaken to the building and to create the car park.



Aerial photo of site taken from Google maps © and site photos



3.0 RELEVANT SITE HISTORY

- 3.1 CHE/21/00207/TEWH - Application under Section 74B for a temporary amendment to the construction working hours condition of application CHE/19/00729/FUL – **CONDITIONAL PERMISSION (16.03.2021)**
- 3.2 CHE/21/00044/DOC - Discharge of planning conditions 5 (surface water), 9 (landscaping), 13 (method statement re parking bays), 15 (hard landscaping), 16 (cycle stands) and 18 (screen fencing) of CHE/19/00729 - **CONDITIONS 5, 13, 15, 16 AND 18 DISCHARGED (13.05.2021)**
- 3.3 CHE/19/00729/FUL - Demolition of existing presbytery, alterations to the existing church building to create a new entrance and new entrance canopy, over cladding of existing windows on the south west elevation and creation of a new hard surfaced car park area for approximately 95 cars (revised pre-development arboricultural report, amended design and access statement, drainage layout plan, illumination layout plan and proposed layout & surfacing plan/section received 23.01.2020, bat & bird survey preliminary roost assessment and revised exterior car park lighting plan received 30.01.2020) – **CONDITIONAL PERMISSION (18.02.2020)**
- 3.4 CHE/19/00073/FUL - Hard surfacing with drainage and street lighting to provide an additional 2165 sq.m of car parking area. revised plans received 26.03.2019 with amended layout and surfacing plan, amended drainage and tree protection layout and statement regarding usage and traffic patterns, alterations proposed to the main building, including an entrance canopy, two new entrance doors and cladding to the south west elevation. revised lighting plan received 24.04.2019 and 23.05.2019, revised layout and surfacing plan 29.05.2019 and proposed drainage layout 24.05.2019 and arboricultural report revision A 28.05.2019 – **REFUSED (11.06.2019)**

The reason for refusal is listed below;

'In the opinion of the local planning authority the proposed car parking area to the rear of the building is not sympathetic to the surrounding local residents. The parking spaces are too close to the boundary and will result in lights shining through the hedges, air pollution issues and general noise and disturbance issues to the neighbours amenity. The pole mounted lights would also be a nuisance to the neighbouring properties. The proposal is

considered to be in conflict with the requirements of policy CS2 and CS18 of the Core Strategy 2011-2031 and the guidance as set out in the 2019 National Planning Policy Framework Chapter 12.'

- 3.5 CHE/0598/0270 - Brick built bin store with flat roof to the north – **CONDITIONAL PERMISSION (10.06.1998)**
- 3.6 CHE/1197/0600 - New metal church tower and metal crosses on west windows - **CONDITIONAL PERMISSION (24.12.1997)**
- 3.7 CHE/1196/0611 - Re-glazing of church/church hall to the south east elevation with new curtain walling - **CONDITIONAL PERMISSION (23.12.1996)**

Tree Preservation Order

- 3.8 4901.241 - Chesterfield Borough Council (St Hugh's Church Littlemoor/Dukes Drive) Tree Preservation Order No 241 2004

Application to Fell or Prune Protected Trees

- 3.9 CHE/18/00693/TPO - crown lift and crown clean T1 Silver Birch, T2 & T3 Sycamore and trees within G1. Also the felling of two dead Rowans and one leaning Silver Birch within G1 of TPO 241 at St Hughs Church 135 Littlemoor – **CONDITIONAL PERMISSION (13.11.2018)**

4.0 THE PROPOSAL

- 4.1 The application is made under Section 73 of the Town and Country Planning Act 1990 (As Amended) for the variation of condition 2 to change the approved plans and amendments to condition 17 covering electric vehicle charging points of application CHE/19/00729/FUL. The original wording of conditions 2 and 17 are copied below;

4.2 Condition 2

- The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below). All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below) with the exception of any approved non material amendment*
- *Design and access statement produced by Andrews Allen Associates 580-1622 Revision B (dated 11.01.2020, received 22.11.2020)*

- *Bird & Bat Survey - Preliminary Roost Assessment produced by Midland Ecology (dated 16.01.2020, received 23.01.2020)*
- *Pre-Development Arboricultural Report 590-1622 revision A (dated 19.01.2020, received 23.01.2020)*

SITE PLANS

- *Site location plan, drawing number 1622-540 (dated Nov 2019, received 22.11.2019)*
- *Proposed plan (church layout), drawing number 560 -1622 (dated 15.11.2019, received 22.11.2019)*
- *Proposed elevations drawing number 1622 -570 revision A (dated 14.11.2019, received 22.11.2019)*
- *Proposed layout & surfacing plan/sections, drawing number 1622-500 revision F (dated 19.01.2020, received 23.01.2020)*

DRAINAGE

- *Proposed drainage layout plan, drawing number 1622 - 520 Revision A (dated 13.01.2020, received 23.01.2020)*

LIGHTING

- *Exterior lighting car park lighting, drawing number ASD-DN-13936-DWG-SHEET 1 of 1 Revision 05 (dated 27.01.2020 received 30.01.2020)*
- *Proposed illumination layout plan, drawing number 1622 - 510 revision B (dated 13.01.2019, received 23.01.2020)*

4.3 **Condition 17**

Electric Vehicle charging points (EVCPs) shall be provided in accordance with the approved site layout for at least 5 no car parking spaces. The Charging points shall be available for use concurrent with the first use of the car park hereby approved. Thereafter the EVCPs shall be retained and maintained operational for the lifetime of the development.

4.4 The main changes to the approved scheme are set out in the submitted covering letter and are summarised below;

Lighting

Proposed lighting	Previously approved lighting
15x H2 column lights proposed in amended locations. ASD Micro Highway Diamond Elite Black IP66 4000k LED and rear shield, 2m mounting height	14 x H2 column lights previously approved. ASD Highway Diamond Elite Black IP66 with rear shield unit on 2m lamp post
2x H3 column lights in largely the same location. ASD Highway Diamond Elite Black IP66 4000K LED and rear shield, 4m mounting height	2x H3 column lights previously approved. ASD Highway Double Diamond Elite Black IP66 unit on 5m lamp post

11x C wall lights in amended locations. Red arrow LED diecast eyelid bulkheads 4000k IP65, 2m mounting height

10x C wall lights previously approved. ASD Horizontal Louvre Black Opal Wall light 2m mounting height

Gate to rear carpark

- Previously approved plans proposed two control gates to restrict access to the rear car park. Revised proposal seeks to utilise a chain as opposed to a gate. To be opened and closed by members of the Church when required.

Cycle parking

- Amended location for cycle parking situated in front of the plant enclosure.

Air conditioning unit (HVAC)

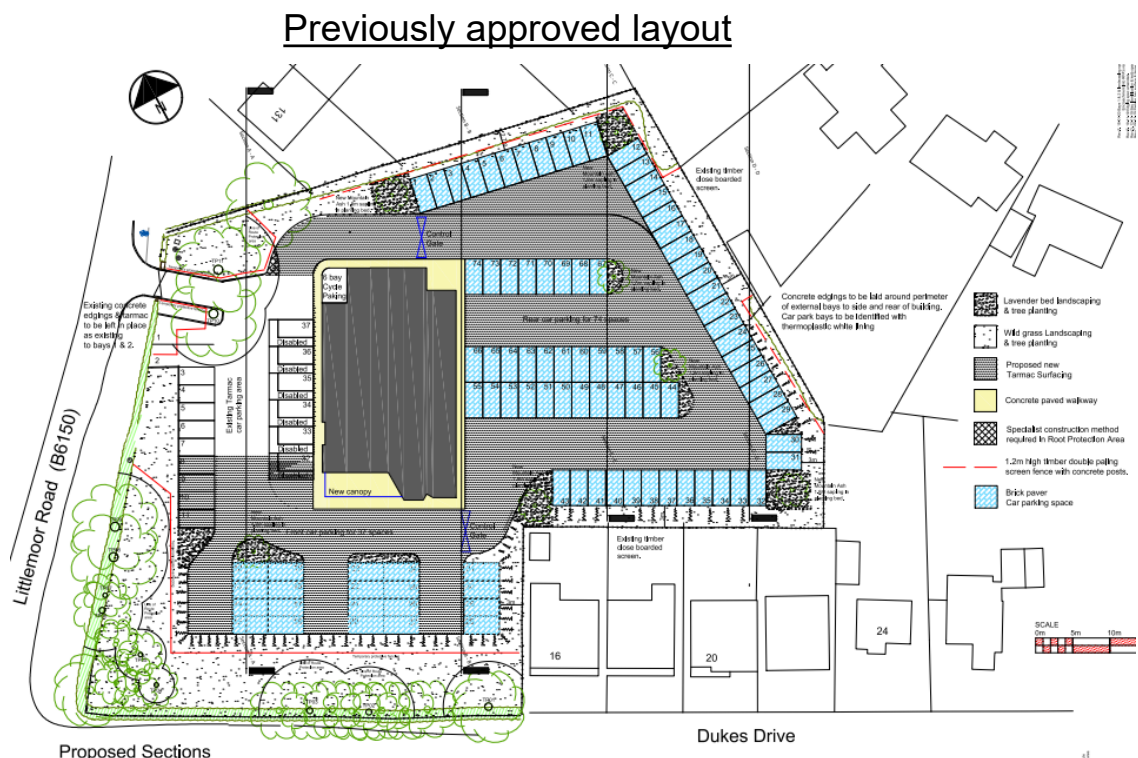
- The revised proposal includes new plant and HVAC equipment to the north of the building comprising of a VECTIOS™ Reversible heat pump model IPJ-0360. Enclosed by a timber boarded fence.

Electric vehicle charging

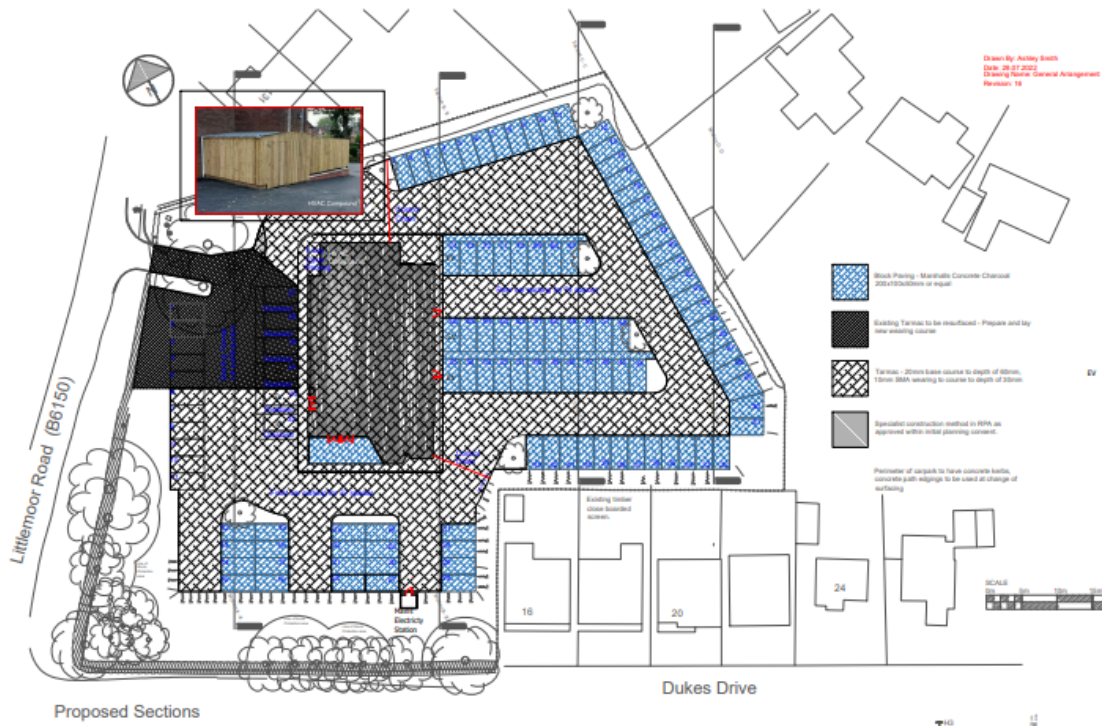
- The number of spaces of electric vehicle charging is proposed to be reduced to 3 spaces located at the rear of the building. Charging to be provided through external plugs sockets.

Layout

- The revised plans include alterations to the general layout of the car park, including the provision of two pedestrian walkway areas, small changes to the shape of landscaping beds including removal of one planting bed between parking spaces 29 and 30, increasing the size of the two spaces and installation of one new planting bed. See comparative drawings below;



Proposed layout (as installed on site)



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.

5.4 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP10 Social infrastructure
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.5 National Planning Policy Framework (2023)

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The principle of development was established by the earlier permission, which concluded that the development was acceptable. In considering a Section 73 submission, the Planning Act only allows the Local Planning Authority to consider the issue of the condition. It cannot re-open the principle of the development, i.e. the previously approved works to the building and for the creation of a car park. The sole issue in relation to this application is therefore to consider the implications of the alterations to the previously approved plans and electric charging provision and to assess the impact of the changes. A Section 73 application will however result in the requirement to issue a new planning permission.

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 proposed alterations to the previously approved scheme are considered to be acceptable in design and appearance. The changes to the layout including the provision of pedestrian walkways and alterations to landscaping bed are considered to be minor amendment to the previously approved scheme. The works as completed on site do 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.

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.

6.3.2 The alterations to the church building and works to create a carpark were previously determined to be acceptable under application CHE/19/00729/FUL. The amendments proposed under this application which require consideration in relation to residential amenity are changes to lighting and the installation of a HVAC plant equipment.

- 6.3.3 The Planning team undertook a site visit with the Council's Environmental Health Officer to assess the changes to the scheme. In respect of lighting it was noted that four wall mounted lights had been installed on the rear (east) elevation of the building instead of three as approved and one additional light had been installed on the south elevation of the building. The lighting and associated hours of operation of the lighting were subject to complaints regarding disturbance. A condition was imposed on the original decision requiring the lighting to be switched off between the hours of 22:00 and 07:00 to mitigate adverse impacts on the surrounding residential properties. It was agreed that a timer would be installed on the external lighting circuit to ensure that lighting would be turned off at the required times.
- 6.3.4 Since the submission of this S73 application there has been ongoing discussion regarding the HVAC unit with noise readings (Decibels) provided to demonstrate the level of noise from the equipment during operation. The Council's Environmental Health Officer confirmed that no noise complaints have been received regarding the plant equipment which has been installed and has been operational for over two years.
- 6.3.5 It is necessary to also consider the changes proposed to the control chain as opposed to a control gate. There were no restrictions on the use of the car park at the rear other than members of the church would aim to use the smaller carparking area at the front and south side of the church during small services and meetings. The Church confirmed that all users of the carpark would be made aware of the requirements with a member of the congregation/and or trustee responsible for each gathering to ensure the control areas are used as required. As the church has a large congregation the rationale for a large car park was to accommodate vehicles on site to limit on street parking in the surrounding area. The use of the rear car park was previously deemed to be acceptable under application CHE/19/00729/FUL. A chain managed by the church provides a restriction/limitation to using the car park to the rear and is equally as effective as a control mechanism compared with a gate.
- 6.3.6 On balance the proposal will not adversely impact on the neighbouring residents such that refusal of the case is warranted. The proposal accords with the provisions of policies CLP14 and CLP20 of the Local Plan.

6.4 Highway Safety

- 6.4.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 6.4.2 The variation of condition application does not include alterations to existing vehicular access. The access gates to the rear car park were not installed however a chain is now used by the Church to control the flow of vehicles into the car park and ensure safe access/egress to the site and which is managed/monitored by a designated person during meetings.
- 6.4.3 The Local Highways Authority were consulted on the S73 application and no comments were provided. The site has been operational for over two years and no specific highways complaints have been raised during this period.
- 6.4.4 The proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5 Biodiversity, Impact on protected trees

- 6.5.1 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.”
- 6.5.2 As part of the original application a condition was imposed requiring details of soft landscaping. A landscaping plan was provided under discharge of condition application CHE/21/00044/DOC and further detail requested. The landscaping as installed on site is considered to be acceptable.
- 6.5.3 The original consent included tree protection conditions and conditions requiring the submission of further details (conditions 13 and 15). The necessary information was provided under application discharge of condition application CHE/21/00044/DOC and the conditions discharged.
- 6.5.4 On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.6 Flood risk and drainage

- 6.6.1 Policy CLP13 requires flood risk to be managed for all development commensurate with the scale and impact of the proposed development.
- 6.6.2 The proposed variation of condition application does not impact previously agreed drainage plans/details which were dealt with through discharge of condition application CHE/21/00044/DOC. The development was required to be undertaken in accordance with the approved details. The proposal therefore complies with Local Plan policy CLP13.

7.0 REPRESENTATIONS

- 7.1 At the time of writing this report 5 letters of representation have been received objecting to the development. A brief summary of the main concerns raised is set out below.

- Lighting
 - lighting causing a nuisance to residential property impacting home/work life, sleep and health. 4 lights have been installed instead of the 3 permitted plus 2 emergency light which have been left on for months. 4 lights installed should no be allowed to remain and the 3 remaining lights previously granted should be adjusted to include the luminaires of the 2 emergency lights. If the 4 lights remain plus 2 emergency lights then the overall luminaires should be no more than originally granted for 3 lights.
 - The lighting should not be switched on prior to 7am and switched off at 10pm. Incidents occurring of the lights being left on all night
 - Do the lights need to left on from 7am when the car park is not in use?
 - Lighting has an adverse impact on the neighbouring properties, does not fit in with the residential area and is not environmentally friendly
 - Since planning was granted we have had to endure noise, dust and fumes from machinery and heavy plant vehicles. On completion we have been in contact with the Environmental Health Officer regarding lights on the rear of the building being switched on every night even when the building in unoccupied
 - The lights shining into the rear bedrooms of our property which affects our sleep and health. Yes they are on a timer going off at 10pm but this is not acceptable as we go to bed

early due to work commitments and it impacts visitors who are unable to sleep.

- The Environmental Health Officer has taken photographs and classed it as a statutory nuisance. We are being denied the enjoyment of our property and it is affecting our health.
- Post lights around the car park have been installed in different locations than agreed which when used in darker evenings and morning will shine into our property resulting in more light pollution and affect the wildlife

- Security Gates

- Consent was granted on the basis of a gate to be installed to the rear car park, instead a plastic chain has been fitted. This does not accord with the original proposal and we have experienced anti-social behaviour as a result.
- The security gates were an important part of our initial acceptance to prevent access to restricted/unauthorised vehicles to the back of our property
- Direct access to out gardens is also possible and presents a security issue
- Security gates not installed, chain and hook put up which is unmanaged. As the car park is so well lit at night time this has led to anti-social behaviour on the site such as skateboarding and there is nothing to stop unwanted entry
- The security gates are definitely needed as with the rear car park being illuminated and not secure it is an open invitation for intruders as was proven by the previous church and a full set of steel gates was erected. Unfortunately we have already had to observe trespassers and the noise they create

- Layout of the car park/number of vehicles

- Whilst permission was granted for additional car parking spaces when the church building has a large congregation vehicles are allowed to double park at the rear of the car park. This results in more people, additional noise and exhaust fumes. It is unhealth and unfair for residents as well as a potential safety issue with any emergency service vehicles not being able to access the site
- If an additional 95 car parking spaces were approved then that is what residents expect not a further 20 cars with around 4 people per car. This gives rise to the occupancy of the building itself and if the car park will indeed ever be large enough.
- The applicant states that the overall area of hardsurfacing has not changed unauthorised changes including a footpath have in fact resulted in changes to the car parking spaces

as they have been moved outwards and closer to the residents with the road around the site being reduced.

- Number of cars arriving far exceeds the original declaration with nowhere enough parking bays. Most are very large polluting vehicles and during the hot weather people have pre-started their vehicles to cool them down with air conditioning before leaving all the while exhaust fumes are entering garden and property
- Noise and disturbance from use of car park – shouting, doors slamming, vehicle horns, car alarms whilst we try to enjoy our garden on a Sunday
- over subscribed amount of vehicles are arriving on Sundays so making excessive noise and disturbance so we are unable to enjoy our property. Do we have to repeatedly mention that this is a residential area and the borough councils first loyalty should be to the residents
- Enforcement matters
 - The applicants have been advised regarding various issues since 2019 yet this is ongoing. They have failed to comply with lighting, site layout, gates, cycle parking, electric vehicle charging and installed an air conditioning unit without permission.
- Parking on Dukes Drive
 - Do the revised plans involve a new access to Dukes Drive which is a very narrow residential road. There is considerable parking along Dukes Drive with the nursing home at the end. There is no room for further movement of traffic in this area
- Electric charging provision
 - The charging points are insignificant compared to exiting the hall on mass onto a very small residential road.
 - Car charging units not as stated
- Air conditioning unit
 - Oversized air conditioning unit has been installed and vent ducting fitted which was granted on the original plans, this has been in use and left on all night when the building has been unoccupied making excessive noise
- Bats
 - The bats habitat was removed as we were informed no bats present but since then a neighbour has had a bat in their bedroom
- Landscaping
 - Landscaping around the border has been allowed to grow into weeds which is unsightly and results in dust blowing into our garden

- Other matters
 - Application should not have been granted without restrictions on numbers and operating times, as when do you allow this many vehicles to park in an area surrounded by houses in the middle of a residential area. No thought has been given to the effect this having on our lives and nothing has been done regarding out complaints or sided with residents. We have the right by law to enjoy our properties and shouldn't have to keep contacting the environmental department
 - When the plan was passed the planning officer had gone to great lengths to promote site security, muted lighting and other supposed merits to get the plans passed by the planning board but then the applications are simply it seems, allowed to ignore the plans past and to do whatever they please, this effects people's lives

7.2

Officer comments

- Lighting – Complaints have been received regarding the lighting and ongoing discussions have taken place between the Planning team and Environmental Health team. A joint site visit was undertaken with the Environmental Health Officer and it was agreed that all lighting on site should be turned off at 22:00 to prevent undue disturbance to the residential neighbours. The Church have installed a timer for the lighting system which is now set to turn off at 22:00 and turn on at 07:00. This approach was considered to be acceptable.
- Security gates – It is accepted that gates have not been installed on site, instead a small chain is utilised. Incidents of access to the rear of the church and anti-social behaviour would not be restricted by gates. The gates were initially proposed to control the flow of vehicles which is managed by the congregation.
- Layout of the car park/number of vehicles – the alterations to the car park are considered to be minor in respect of the original permission. The church have a large congregation and therefore require a large number of parking space on site to limit parking on the surrounding streets.
- Enforcement matters – there has been ongoing discussion with the applicants to resolve issues raised. This application seeks to regularise the works undertaken on site and resolve outstanding matters.
- Parking on Dukes Drive – the scheme does not propose a new access to Dukes Drive, parking for the congregation focuses on the car park.

- Electric charging provision – noted. Three charging points have been provided which although minimal is acceptable.
- Air conditioning unit – noted. The Council’s Environmental Health Officer confirmed that no specific complaints have been made regarding noise disturbance from the plant equipment which has been in operation for around two years.
- Bats – a bat roost assessment was undertaken as part of the original application relating to the demolition of the presbytery building. The report found no presence of bats and the building was demolished in accordance with the approved timescales.
- Landscaping – the landscaping works to the site are considered to be acceptable. The maintenance of the planting is to be managed by the church.
- Other matters – noted.

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 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2023 National Planning Policy Framework (NPPF).
- 9.2 The Local Planning Authority has during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application

10.0 **CONCLUSION**

10.1 The principle of the development was established by the earlier permission, which concluded that the development was acceptable. The submitted revised drawings do not result in adverse impacts on the amenity of surrounding occupiers or users. Matters covering biodiversity, drainage have already been resolved.

11.0 **RECOMMENDATION**

10.1 That the application be **GRANTED** subject to the following conditions / notes:

Conditions list includes previous wording of conditions imposed on CHE/19/00729/FUL and proposed amendments

Condition number	Condition wording and reason
4	<p><u>Time limit</u> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><i>Reason – The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004.</i></p> <p>Deleted – development has already commenced on site</p>
Condition 2	<p><u>Approved plans</u> The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below). All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below) with the exception of any approved non material amendment</p> <ul style="list-style-type: none">- Design and access statement produced by Andrews Allen Associates 580-1622 Revision B (dated 11.01.2020, received 22.11.2020)- Bird & Bat Survey – Preliminary Roost Assessment produced by Midland Ecology (dated 16.01.2020, received 23.01.2020)

- Pre-Development Arboricultural Report 590-1622 revision A (dated 19.01.2020, received 23.01.2020)

SITE PLANS

- Site location plan, drawing number 1622-540 (dated Nov 2019, received 22.11.2019)
- Proposed plan (church layout), drawing number 560 -1622 (dated 15.11.2019, received 22.11.2019)
- Proposed elevations drawing number 1622 -570 revision A (dated 14.11.2019, received 22.11.2019)
- Proposed layout & surfacing plan/sections, drawing number 1622-500 revision F (dated 19.01.2020, received 23.01.2020)

DRAINAGE

- Proposed drainage layout plan, drawing number 1622 – 520 Revision A (dated 13.01.2020, received 23.01.2020)

LIGHTING

- Exterior lighting car park lighting, drawing number ASD-DN-13936-DWG-SHEET 1 of 1 Revision 05 (dated 27.01.2020 received 30.01.2020)
- Proposed illumination layout plan, drawing number 1622 – 510 revision B (dated 13.01.2019, received 23.01.2020)

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.

Condition amended to reflect revised plans and works already undertaken on site

1

The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below). All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below) with the exception of any approved non material amendment

- Site location plan, drawing number 1622-540 (dated Nov 2019, received 22.11.2019)

	<ul style="list-style-type: none"> - Proposed plan (church layout), drawing number 560 -1622 (dated 15.11.2019, received 22.11.2019) - Proposed elevations drawing number 1622 -570 revision A (dated 14.11.2019, received 22.11.2019) - Proposed layout & surfacing plan/sections, drawing number 1622-500 revision F (dated 19.01.2020, received 23.01.2020) - Hard surfacing & Levels, Revision 11 (dated 23.03.2021) - External Drainage Plan, Revision 10 (received 25.01.2021) - Soakaway calculations produced by Onn-Point Engineering Job number OP1116, C/01, C/02, C/03, C/04, C/05, C/06, C/07 (Dated 27.10.2020) - Drainage maintenance strategy, produced by Onn Point Engineering, reference 20-OP-1116 (dated November 2020) - Soft Landscaping Schedule, reference Littlemoor version 3 – 201018 - General arrangement, revision 16 - EXTERIOR LIGHTING CAR PARK LIGHTING, ASD-DN-13936-DWG-SHEET 1 of 1, revision R07 - Littlemoor Planning Conditions Detail - Levels, Revision 11 (dated 23.03.2021) <p><i>Reason - In order to clarify the extent of the planning permission</i></p>
3	<p><u>Construction hours</u> 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</p> <p><i>Reason – In the interests of residential amenities.</i></p> <p>Deleted – development has already commenced on site and is complete</p>

4	<p><u>Condition regarding timescale for demolition and bats</u></p> <p>The demolition of the presbytery shall be completed by 16.01.2022, unless otherwise agreed in writing by the Local Planning Authority and supported by a revised up to date 'Bird and Bat Survey – Preliminary Roost Assessment' submitted for considered by the Local Planning Authority and formal written approval.</p> <p><i>Reason – to ensure the demolition does not harm protected species and in accordance with the requirements of CS9.</i></p> <p>Deleted – development has already commenced on site and presbytery has been demolished</p>
5	<p><u>Surface water drainage</u></p> <p>Prior to the installation of surface water drainage infrastructure, full details, including design calculations and construction details, for the disposal of surface water which shall include the provision and implementation of a surface water regulation system and storage facility shall be submitted to and been approved by the Local Planning Authority in writing. The implementation of such details as approved shall be subject to soil/porosity tests for all soakaways, as deemed necessary by the Local Planning Authority and the development shall not be occupied or used until written confirmation has been received from the Local Planning Authority confirming approval of both the porosity tests and the completed surface water drainage measures.</p> <p><i>Reason – To ensure that no drainage discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.</i></p> <p>Condition amended to reflect agreed drainage details agreed as part of discharge of condition application CHE/21/00044/DOC</p>
2	<p>The development shall be carried out in full accordance with the approved plans and documents</p>

	<p>for the means of disposal of foul and surface water drainage (listed below).</p> <ul style="list-style-type: none"> - External Drainage Plan, Revision 10 (received 25.01.2021) - Soakaway calculations produced by Onn-Point Engineering Job number OP1116, C/01, C/02, C/03, C/04, C/05, C/06, C/07 (Dated 27.10.2020) - Drainage maintenance strategy, produced by Onn Point Engineering, reference 20-OP-1116 (dated November 2020) <p><i>Reason - To ensure that drainage provision has been made in the interest of sustainable drainage.</i></p>
6 3	<p><u>Lighting shroud</u></p> <p>All the lighting units shall be appropriately shrouded to prevent glare or dazzle to adjacent residential properties.</p> <p><i>Reason - In the interests of residential amenities</i></p> <p>Condition retained</p>
7 4	<p><u>Lighting hours restriction</u></p> <p>The lighting hereby agreed shall not be used between the hours of 22:00 and 07:00 on any day. Other than security lighting the car parking lighting scheme shall not be used when the premises is not in use.</p> <p><i>Reason - In the interests of residential amenities</i></p> <p>Wording of condition amended in the interests of clarity</p> <p>The lighting hereby agreed shall not be used between the hours of 22:00 and 07:00 on any day.</p> <p><i>Reason - In the interests of residential amenities in accordance with Local Plan policies CLP14 and CLP20.</i></p>
8	<p><u>Lighting column further away from RPA of T3 (TP10)</u></p>

	<p>Notwithstanding the details shown on the approved lighting plan 'Exterior lighting car park lighting, drawing number ASD-DN-13936-DWG-SHEET 1 of 1 Revision 05' (dated 27.01.2020 received 30.01.2020), the single 2m lighting column located to the south east of protected sycamore tree T3 (detailed as T10) shall be located 10m from the stem of the protected sycamore.</p> <p><i>Reason – To preserve the tree T3 protected by Tree Preservation Order 4901.241 St Hugh's Church, Littlemoor/Dukes Drive (2004).</i></p> <p>Condition deleted, lighting installed on site in accordance with condition requirements, see revised plans</p>
9	<p><u>Soft landscaping</u> Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. The required soft landscaping scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, and an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.</p> <p><i>Reason – The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole</i></p> <p>Condition deleted – landscaping installed on site is considered to be acceptable</p>
10	<p><u>Tree protection measures</u></p>

	<p>Prior to the commencement of any demolition or development, protective fencing conforming to BS 5837 'Trees in Relation to Design, demolition and construction – Recommendations' 2012 should be erected in the location as shown on drawing 1622-500 to provide a construction exclusion zone. The protective fencing as described in the tree report appendix 1 shall be retained intact for the full duration of the development and should not be repositioned or removed without prior written approval from the Local Planning Authority. There shall be no storage of materials within the root protection area unless otherwise agreed in writing by the Local Planning Authority and the tree protection measures outlined in the Pre-Development Arboricultural Report 590-1622 revision A (dated 19.01.2020, received 23.01.2020) produced by Andrews Allen Associates shall be adhered to at all times.</p> <p>Condition deleted – works already completed on site</p>
<p>41 5</p>	<p><u>Tree protection</u></p> <p>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.</p> <p><i>Reason - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</i></p> <p>Condition retained</p>
<p>12</p>	<p>The removal of the existing hard surface beneath the tree canopy of T3 (TP10)/ T2 (TP11) should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools only should be used to remove the existing surface unless otherwise agreed in writing by the Local Planning Authority. There shall be no excavations deeper than</p>

	<p>the existing tarmac and sub-base and any roots exposed, should be wrapped in dry, clean hessian sacking to prevent desiccation and to protect from rapid temperature changes. Any wrapping should be removed before back filling which should take place as soon as possible. Roots smaller than 25mm diameter may be pruned back, preferably to a side branch, using a proprietary cutting tool such as secateurs or hand saws. Roots larger than 25mm should only be severed following consultation with the Council's Tree Officer, as they may be essential to the tree's health and stability. Prior to back filling, any hessian wrapping should be removed and retained roots should be surrounded with sharp sand (builders sand should not be used because of its high salt content which is harmful to tree roots) or other loose granular fill, before the soil is replaced.</p> <p><i>Reason – Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</i></p> <p>Condition deleted – works already completed on site</p>
13	<p>Details should be submitted of the construction activities around parking bays 1 & 2. The details should be provided in a method statement and drawing to demonstrate how any existing edgings and hard surface will be removed and how the new edgings and hard surface will be installed where they encroaches into the designated root protection area of T3 Sycamore.</p> <p><i>Reason – Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.</i></p>

	<p>Condition deleted – works already completed on site</p>
14 6	<p><u>Replacement planting within 5 years</u> If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.</p> <p><i>Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.</i></p> <p>Condition retained</p>
15	<p><u>Hard landscaping</u> Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of enclosure and surfacing finishes. These works shall be carried out as approved prior to the use of the car park.</p> <p><i>Reason – to ensure protect the amenity of the surrounding occupiers, in accordance with Core Strategy CS2 and CS18.</i></p> <p>Condition deleted – works already completed on site and resolved through DOC application CHE/21/00044/DOC</p>
16	<p><u>Cycle Stands</u> Before installation of the 6 Cycle stands hereby agreed full details shall be submitted to local planning authority for consideration. The details agreed in writing shall be implemented on site and shall be</p>

7	<p>available concurrent with the use of the new car park and shall be retained as such thereafter.</p> <p><i>Reason – to provide alteration modes of transport</i></p> <p>Condition amended to reflect amended location and altered to ensure retention for life of development</p> <p>6 Cycle stands shall be retained on site for the life of the new car park in accordance with approved plan General Arrangement, Revision 16.</p> <p><i>Reason – in accordance with Local Plan policy CLP20 and CLP22</i></p>
17	<p><u>Electric charging provision condition</u></p> <p>Electric Vehicle charging points (EVCPs) shall be provided in accordance with the approved site layout for at least 5 no car parking spaces. The Charging points shall be available for use concurrent with the first use of the car park hereby approved. Thereafter the EVCPs shall be retained and maintained operational for the lifetime of the development.</p> <p><i>Reason – In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.</i></p> <hr/> <p>Condition amended to reflect revised plans</p> <p>8</p> <p>Electric charging points shall be provided in accordance with the approved site layout plan ‘General Arrangement, Revision 16’ for at least 3 no car parking spaces. The Charging points shall be available for use concurrent with the first use of the car park hereby approved. Thereafter the EVCPs shall be retained and maintained operational for the lifetime of the development.</p> <p><i>Reason – In the interests of reducing emissions in line with policies CLP20 and CLP22 of the Local Plan.</i></p>
18	<p><u>Fencing</u></p> <p><i>Prior to the construction of the screen fencing in the position shown on drawing 1622-500 rev F, full details</i></p>

<p>9</p>	<p>of the construction shall be submitted to the local planning authority for consideration. The fencing shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be carried out in full prior to the first use of the rear car park. The fencing shall be retained thereafter.</p> <p>Reason - to ensure protect the amenity of the surrounding occupiers, in accordance with Core Strategy CS2 and CS18</p> <p>Condition wording amended to reflect works agreed through DOC CHE/21/00044/DOC and as installed on site</p> <p>The fencing installed in accordance with drawing 'General Arrangement, Revision 10 (dated 23.01.2021)' and document 'Littlemoor Planning Conditions Detail' shall be retained for the life of the development.</p> <p><i>Reason - to protect the amenity of the surrounding occupiers, in accordance with Local Plan policies CLP14 and CLP20.</i></p>
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Notes

01. 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.

03. 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/government/organisations/the-coal-authority

08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	8 th January 2024
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00684/RET	Dunston	Retention of decking built in the corner of garden with a summer house on top, and a canopy across the rear of the house. (revised description 26.10.23 - additional trellis fencing placed on top of fencing in corner of garden) At 8 Ullswater Place Newbold Chesterfield S41 8ER For Mrs Susan Hinde	CP	23/11/2023
CHE/21/00857/DOC	Brimington South	Discharge of planning conditions 13 (S28 works) and 14 (highway layout) of CHE/20/00869/REM At Land To The North Of Northmoor View Brimington For Vistry (Yorkshire) Ltd	PDOC	15/12/2023
CHE/22/00376/DOC	Brimington South	Discharge of conditions 6 (water consumption), 11 (affordable housing) and 18 (bin and waste storage) of CHE/20/00869/REM - Approval of reserved matters for 150 dwellings of CHE/18/00532/OUT At Land To The North Of Northmoor View Brimington Chesterfield For Vistry Yorkshire Ltd	DPC	15/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00487/DOC	Brimington South	Discharge of conditions 7 (northern boundary treatment) and 8 (landscaping, levels, hard and soft surface treatments & boundary treatments) relating to application CHE/20/00869/REM - Approval of reserved matters for 150 dwellings. (Re-submission of CHE/22/00310/DOC) At Land To The North Of Northmoor View Brimington For Vistry (Yorkshire)	DPC	15/12/2023
CHE/22/00655/ADV	Spire	Erection of illuminated and non-illuminated signs to the exterior of the building At County Hotel 83 Saltergate Chesterfield S40 1JS For Admiral Taverns	CP	07/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00706/DOC	Linacre	<p>Discharge of conditions: 3 (Highway improvement works), 4 (Development program), 6 (Highway Construction Management Statement/Plan), 7 (Vehicular access junctions), 8 (Construction details of the estate streets and footways), 11 (Travel plan), 12 (Junction visibility sightlines), 17 (Employment and Training Scheme), 19 (Implementation of coal mining remediation work), 21 (Construction Environmental Management Plan), 22 (Scheme for the investigation and recording of contamination), 25 (Ecological Enhancement Plan), 31 (Tree protection plan and arboricultural method statement), 36 (Proposed street scene), 37 (Contour and attenuation pond details), 38 (Detailed design and associated management and maintenance plan of the surface water for the site), 39 (Assessment to demonstrate that the proposed destination for surface water accords with the drainage hierarchy) and 40 (Additional surface water run-off during construction phase), 41 (Associated management and maintenance plan in line with CIRIA SuDS Manual C753) and 46 (Carbon release reduction scheme) of application</p> <p>CHE/21/00707/FUL- Erection of 301 dwellings including the provision of public open space, landscaping and associated infrastructure and works</p>	PDOC	06/12/2023

At Land To The East Of
Linacre Road
Holme Hall
Chesterfield

For Tilia Homes LTD

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00133/DOC	Spire	<p>Discharge of planning conditions 4 (Biodiversity Enhancement), 7 (materials), 8 (Sustainability Statement), 9 (Highway construction Management Plan) and 10 (Employment and Training scheme) of CHE/22/00195/FUL - Erection of third storey to create 13 residential apartments</p> <p>At Burlington House Burlington Street Chesterfield S40 1RX</p> <p>For G.A.P.E Equity Limited</p>	DPC	28/11/2023
CHE/23/00169/DOC	Spire	<p>Discharge of conditions 4 (Biodiversity enhancement plan), 5 (Installation of lift), 8 (Details of materials), 9 (Sustainability statement), 10 (Highway construction management statement) and 11 (Employment and training scheme) of application CHE/22/00194/FUL- Change of use of existing building to create 42 residential apartments (Use Class C3) and associated external alterations</p> <p>At Burlington House Burlington Street Chesterfield S40 1RX</p> <p>For G.A.P.E Equity Limited</p>	DPC	28/11/2023
CHE/23/00277/DOC	Brampton West & Loundsley	<p>Discharge of condition 3 (Employment and Training Scheme) of application CHE/22/00813/FUL- External alterations, changes to frontage parking layout, relocated fence and gates and change of use of workshop to showroom</p> <p>At 464 Chatsworth Road Chesterfield S40 3BD</p> <p>For Bristol Street Motors</p>	DPC	01/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00357/FUL	Walton	Alterations to existing conservatory roof. Detached garage to front drive including associated alterations to levels At 15 Sandiway Walton Chesterfield S40 3HG For Mr & Mrs Chris Armstrong	CP	28/11/2023
CHE/23/00441/DOC	Spire	Discharge of conditions 6 (Communal door specification, CCTV and cycle storage details), 7 (Tenure and property management and maintenance plan), 12 (Housing Certification Table) and 15 (Scheme for outdoor amenity space) of application CHE/22/00194/FUL- Change of use of existing building to create 42 residential apartments (Use Class C3) and associated external alterations At Burlington House Burlington Street Chesterfield S40 1RX For Swish Architecture	PDOC	28/11/2023
CHE/23/00447/DOC	Spire	Discharge of conditions 5 (Communal door specification, CCTV and cycle storage details) and 6 (Tenure and property management and maintenance plan) and of application CHE/22/00195/FUL- Erection of third storey to create 13 no. residential apartments (Use Class C3) At Burlington House Burlington Street Chesterfield S40 1RX For Swish Architecture	DPC	28/11/2023

FileNo	Code No	Ward	Proposal	Decision	Decision Date
CHE/23/00459/FUL	Rother		Replace existing fence and wall with a new fence and gate At 24 Healaugh Way Chesterfield S40 2UU For Mr Andrew Bonar	CP	06/12/2023
CHE/23/00463/FUL	Whittington Moor		Single storey concrete block shed At 110 Tapton View Road Newbold Chesterfield S41 7LA For Mr Michael Bend	CP	01/12/2023
CHE/23/00502/DOC	Brampton West & Loundsley		Discharge of conditions 16 (Highway Construction Management Statement/Plan), 24 (Construction Environment Management Plan) and 25b (Contamination proposals) of application CHE/22/00109/OUT- Outline application for the demolition of existing office premises and erection of residential dwellings, with all matters reserved except access At Manor Offices Old Road Chesterfield S40 3QT For Balfour Beatty Homes	REF	15/12/2023
CHE/23/00517/FUL	Brimington North		Rear extension At 14 Dorset Drive Brimington Chesterfield S43 1DS For Mr and Mrs Boice	CP	13/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00535/FUL	Staveley North	Erection of a two storey side extension, CP one/two storey rear extension, front entrance porch, alteration to playroom front roof and porch canopy to proposed garage- Resubmission of CHE/22/00643/FUL At 18 Bridle Road Woodthorpe Chesterfield S43 3BY For Mr Nathan Townsley and Mrs Charlotte Townsley		06/12/2023
CHE/23/00537/FUL	Staveley South	First floor side extension in cladding CP and extension to existing front canopy - revised drawings received 04.12.23 At 30 Hillman Drive Inkersall Chesterfield S43 3SJ For Mr and Mrs Partridge		08/12/2023
CHE/23/00538/TEL	Linacre	15m high slim-line monopole, supporting 6 no. antennas, 3 no. equipment cabinets and ancillary development thereto At Verge On Newbold Road North West Of Junction With Ladywood Drive Upper Newbold Chesterfield For CK Hutchinson Networks (UK) Ltd	WDN	06/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00582/DOC	Spire	<p>Discharge of conditions 3 (Landscaping) and 4 (Cycle parking) of application CHE/22/00555/FUL- Installation of new external prefabricated electricity substation and generator units for critical infrastructure upgrades and associated works to existing adjacent building At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road</p> <p>Chesterfield S44 5BL For DSFS Ltd On Behalf Of Chesterfield Royal Hospital NHS Fou...</p>	DPC	14/12/2023
CHE/23/00587/FUL	Staveley Central	<p>Change of use from HGV depot with office and maintenance garage to mixed use (HGV depot, HGV truckstop with office and maintenance garage) including construction of facilities block and associated works including alteration to site levels and installation of retaining walls</p> <p>At Richard Lester Transport Fan Road Staveley Chesterfield S43 3PT For Richard Lester Transport</p>	CP	28/11/2023
CHE/23/00597/DOC	Whittington	<p>Discharge of condition 10 (Landscaping) of CHE/22/00413/REM1- Variation of condition 30 (external dimensions and elevational treatments) of application CHE/12/00028/FUL- Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property. (Amended plan 08.09.22 removing upper floor rear window from plot 4)</p> <p>At Manor Syck Farm 132 Church Street North Old Whittington Chesterfield S41 9QP</p> <p>For D J Atkinson Construction Ltd</p>	DPC	15/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00599/FUL	Hasland	New boundary fence At 89 St Philips Drive Hasland Chesterfield S41 0RG For Heather Haigh	REF	28/11/2023
CHE/23/00604/FUL	Whittington Moor	Erection of a garden tool and garden furniture storage shed At 1 Bank Road Stonegravels Chesterfield S41 7JT For Ms Lesley Newborough	CP	01/12/2023
CHE/23/00606/REM	Staveley North	Variation of condition wording of conditions 12, 14 and 15 of CHE/20/00420/FUL - Restoration of the Chesterfield Canal between Eckington Road and Hague Lane, including lifting level of existing earth embankment, installation of aqueduct over river Doe Lea, construction of two vehicular access bridges, two pedestrian/cycle bridges, a new lock and associated infrastructure At Eckington Road To Hague Lane Eckington Road Staveley For Chesterfield Canal Trust Ltd	CP	12/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00621/DOC	Whittington Moor	Discharge of conditions 4 (Construction Management Plan), 5 (Site investigations), 6 (Declaration of site safety), 7 (Biodiversity) and 8 (Contamination) of application CHE/20/00601/FUL- Extension to existing residential care home for the elderly to include an extended dining/lounge and 3 extra bedrooms At Langdale Lodge 56 Selhurst Road Newbold Chesterfield S41 7HR For Mr Nadeem Sadiq	PDOC	06/12/2023
CHE/23/00628/DOC	Brampton West & Loundsley	Discharge of conditions 10 (drainage discharge) and 11 (surface water drainage) of CHE/22/00607/FUL - Demolition of 20 and 22 Somersall Lane and erection of three replacement dwellings with associated parking and turning areas (existing accesses retained) At 20 Somersall Lane Somersall Chesterfield S40 3LA For Rutland UK Property Ltd	REF	15/12/2023
CHE/23/00630/FUL	Brampton West & Loundsley	Re-submission of application CHE/23/00309/FUL with revised plans At 392 Ashgate Road Chesterfield S40 4DD For Richard Crampton	CP	06/12/2023
CHE/23/00632/PRE	Brampton East & Boythorpe	Mixed use development 4 B2 and B8 units, 5 apartments At Land At Goyt Side Road Chesterfield S40 2AR For Taylor Holmwood Ltd	PRASUP	30/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00633/TPO	Whittington	<p>T71 - Beech - Crown lift and crown reduction</p> <p>T72 - oak - Crown lift and removal of dead or damaged branches</p> <p>T73,74,76 - in The Rookery Removal of dead and damaged branches</p> <p>T1 Coppice one Goat Willow</p> <p>T2 Reduction of lateral branches of one Oak</p> <p>T3 Crown reduce one dead Ash</p> <p>T4 Fell one Oak in the group of 3 Oaks</p> <p>T5 Fell one leaning Oak tree to the rear of group of 3 Oaks</p> <p>At 51 Woodmere Drive Old Whittington Chesterfield</p> <p>S41 9TE For Ms Victoria Southgate</p>	CP	14/12/2023
CHE/23/00634/FUL	Dunston	<p>Single storey flat roofed rear extension to existing dwelling</p> <p>At 63 Ulverston Road Newbold Chesterfield S41 8ED</p> <p>For Mr Adam Cocker</p>	CP	06/12/2023
CHE/23/00642/FUL	Dunston	<p>Replacement and raising of existing rear extension roof</p> <p>At 25 Ringwood Avenue Newbold Chesterfield S41 8RA</p> <p>For Mr and Mrs Hall</p>	CP	06/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00643/REM	Staveley South	Variation of condition 8 (occupation of dwellings) of CHE/22/00669/FUL - Demolition of existing church hall and toilet block, erection of replacement church and erection of 9 new dwellings with associated car parking, landscaping, boundary treatments and external lighting At Former Inkersall Methodist Church Summerskill Green Inkersall Chesterfield S43 3SR For OSCO Homes Ltd	CP	06/12/2023
CHE/23/00644/TPO	Whittington	T1 to T52, all trees within property curtilage - general trunk clean, crown lift and pruning At West Garth 27 Church Street North Old Whittington Chesterfield S41 9QN For Mrs Fleurdeliza Wisternoff	CP	29/11/2023
CHE/23/00645/NMA	Walton	Non-material Amendment of CHE/22/00434/FUL (First floor extension and two storey side and front extension with double pitched dormer. Rendering to front and side elevations) to render the rear elevation of the extension At 16 Selby Close Walton Chesterfield S40 3HA For Mr Gavin Atkin	UP	18/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00646/DOC	Walton	Discharge of condition 4 (materials) of CHE/22/00434/FUL (First floor extension and two storey side and front extension with double pitched dormer. Rendering to front and side elevations) At 16 Selby Close Walton Chesterfield S40 3HA For Mr Gavin Atkin	DPC	19/12/2023
CHE/23/00647/TPD	Dunston	Single storey with mono pitched roof At 76 Highfield Lane Newbold Chesterfield S41 8AY For Mr B. Brace	PANR	30/11/2023
CHE/23/00651/CLO	Brockwell	Certificate of Lawfulness for a proposed loft conversion with dormer boxing to rear At 101 Brockwell Lane Brockwell Chesterfield S40 4EG For Mr & Mrs Gunn	GR	30/11/2023
CHE/23/00659/TPD	Staveley Central	Conservatory At 33 Bond Street Staveley Chesterfield S43 3QR For Mrs Helen Corfield	PANR	30/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00676/TPO	Walton	Removal an ash tree located in a drainage ditch between 38 Foxbrook Drive (my house) and 15 Sandstone Avenue due to ash die back At 38 Foxbrook Drive Walton Chesterfield S40 3JR For Mrs Sarah Walker	REF	13/12/2023
CHE/23/00682/CPO	Spire	Construction of the initial approximately 160 m stretch of link road from the junction of Hollis Lane and Spa Lane, the works will include; the realignment of the Spa Lane/Hollis Lane junction, new pedestrian crossings and a shared foot/cycleway along the eastern boundary of the carriageway, demolition of the buildings associated with the former Jewson's builders merchants and associated works At Hollis Lane and Spa Lane Chesterfield For Derbyshire County Council	OC	28/11/2023
CHE/23/00691/DOC	Spire	Discharge of planning conditions 3 (biodiversity), 4 (water consumption) and 5 (shop front details) of CHE/22/00248/FUL - Conversion and refurbishment of first and second floors to create four residential units with associated access At 43 Knifesmithgate Chesterfield S40 1RL For Mr Adeal Ali	DPC	12/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00696/DOC	Whittington	<p>Discharge of Condition 3 (Door and window specifications) of application CHE/23/00343/REM1- Variation of condition 2 (approved plans) of CHE/21/00338/FUL - Demolition of garage and porch; erection of side extension containing; glazed link and double garage; erection of a single-storey extension attached to the rear of the garage (providing utility, WC and garden room), and alterations to front wall</p> <p>At Long Cottage 79 High Street Old Whittington Chesterfield S41 9LA</p> <p>For Lomas and Mitchell Architects</p>	DPC	30/11/2023
CHE/23/00697/DOC	Whittington	<p>Discharge of Condition 3 (Window and doors specifications) of application CHE/23/00344/LBC- Works to dwelling, garage and boundary wall in conjunction with CHE/23/00343/REM1</p> <p>At Long Cottage 79 High Street Old Whittington Chesterfield S41 9LA</p> <p>For Mr Richard Carr</p>	DPC	30/11/2023
CHE/23/00703/TPO	Brockwell	<p>Lime Tree Ref T1 - Additional root pruning and root barrier installation.</p> <p>At Chesterfield Lawn Tennis Club Hawksley Avenue Chesterfield S40 4TW</p> <p>For Robert Swatton</p>	CP	28/11/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00705/DOC	Brampton West & Loundsley	Discharge of condition 3 (Bat Licence) of CHE/22/00607/FUL - Demolition of 20 and 22 Somersall Lane and erection of three replacement dwellings with associated parking and turning areas (existing accesses retained) At 20 Somersall Lane Somersall Chesterfield S40 3LA For Rutland UK Property Ltd	DPC	18/12/2023
<i>20 Decem</i> street lighting	CHE/23/00706/TPO CP	Whittington 29/11/2023 on T118 Sycamore of TPO 149 and crown lift and reduce lower branches on T2 Cherry of TPO 325 At Tesco Express High Street Old Whittington Chesterfield S41 9LQ For Tesco	Reduce branches around	
CHE/23/00732/NMA	Staveley South	Non material amendment to conditions 2 (approved drawings), 10 (soft landscaping) 15 (lighting) and 16 (materials) of CHE/22/00272/FUL- Erection of electric vehicle charging station with ancillary uses including retail and food and drink with associated electrical infrastructure, car parking and landscaping to facilitate changes to layout of the scheme At Land At Enterprise Way Enterprise Way Duckmanton Chesterfield S44 5FD For GRIDSRVE Sustainable Energy Ltd	CPNMAZ	13/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00733/TPO	Brampton West & Loundsley	Deodor Ceder overextending garden and neighbouring Property- Crown reduce by 1-2m leaving a crown of approximately 18m At 3 Pine View Ashgate Chesterfield S40 4DN For Spencer Hoskin	CP	05/12/2023
CHE/23/00756/TPO	Brampton West & Loundsley	4 Cedar trees - crown lift over highway by 5m, clean out dead/broken branches At 1 Treeneuk Gardens Chesterfield S40 3FH For Mr John Monk	CP	13/12/2023
CHE/23/00760/CA	Spire	Removal of three oak trees in car park At 40 Clarence Road Chesterfield S40 1LQ For John Pope	UP	11/12/2023
CHE/23/00761/CA	Spire	Works to T1- T9 Hornbeam - Crown Thin T10- Ash - Reduction At Stirling Court Lister Close Chesterfield S41 7NZ For Mr Sharpe	UP	19/12/2023
CHE/23/00762/TPO	Brockwell	Fell storm damaged Sycamore T1 of TPO 165 At Ashgate Court Mews Fairfield Road Brockwell Chesterfield S40 4TU For COUNTY ESTATES (BAKEWELL) LIMITED	CP	13/12/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00776/TPO	Brampton West & Loundsley	Tree preservation order 161, T19 Maple - Requires felling due to dangerous storm damage At Land At Cuttholme Road To Rear Of 37 Greenbank Drive Loundsley Green Chesterfield For J Frederick and L Taaffe	CP	18/12/2023

Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	8 th January 2024
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
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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

Page 189

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/23/00703/TPO TPO 4901.179 28/11/23	The pruning of one Lime tree reference T1 on the Order Map and which is situated in the grounds of the Chesterfield Lawn Tennis Club, Hawksley Avenue.	Consent is granted to the root pruning of roots growing towards the Tennis court, pruning the roots at the edge of the tennis court and placing a root barrier along the length of the court to stop any further root encroachment. To compensate for the loss of roots consent is also granted to a crown reduction by 25% pruning back to suitable replacement branches and leaving a well-balanced crown.
CHE/23/00644/TPO TPO 4901.187 29/11/23	The pruning of 48 trees reference T1-T8, T10 & T13 Sycamore, T9, T14 & T41 Horsechestnut, T11, T12, T15-T40 & T43-T48 Lime and T42 Beech on the Order Map and which are situated in the garden of 27 Church Street North, Old Whittington.	Consent is granted to the crown thinning of the trees by 20% and the crown lifting by 5.2 metres over the public highway and 3 metres within the garden area. To include the reduction of branches to give a 2 metre clearance from any structures, pruning back to suitable replacement branches.

<p>CHE/23/00706/TPO TPO 4901.149 & 325 29/11/23</p>	<p>The pruning of one Maple reference T2 and one Ash reference T3 of TPO 325 and one Sycamore tree reference T118 of TPO 149 on the Order Map and which are situated in the grounds of Tesco Express, High Street, Old Whittington</p>	<p>Consent is granted to crown lift T2 Maple and T3 Ash to clear the lower branches over the access road and car park and the reduction of branches around the street lighting head of T118 Sycamore to give a 1.5 metre clearance pruning back to suitable replacement branches.</p>
<p>CHE/23/00733/TPO TPO 4901.7 04/12/23</p>	<p>The pruning of one Cedar tree reference T20 on the Order Map and which is situated in the rear garden of 3 Pine View, Ashgate.</p>	<p>Consent is granted to the removal of dead wood and the crown reduction by a maximum of 2 metres pruning back to suitable replacement branches and leaving a well-balanced crown.</p>
<p>CHE/23/00676/TPO TPO 4901.174 13/12/23</p>	<p>The felling of one Ash tree reference T7 on the Order Map and which is situated in the garden of 38 Foxbrook Drive, Walton.</p>	<p>Consent is refused to the felling of one Ash tree because no detailed tree report has been submitted with the application. An inspection of the tree was carried out on the Ash tree and no evidence of dieback, stem or bark lesions or other pests or pathogens affecting the tree were found.</p> <p>It is, however recommended that the tree is monitored, and an aerial inspection carried out and if required a further application submitted with a detailed tree report.</p>

<p>CHE/23/00756/TPO</p> <p>TPO 4901.20</p> <p>13/12/23</p>	<p>The pruning of 4 Cedar trees within G1 on the Order Map which are situated to the frontage of 1 Treeneuk Gardens.</p>	<p>Consent is granted to the crown lifting by 5 metres to clear the highway and the removal of dead and damaged branches within the crown.</p>
<p>CHE/23/00762/TPOEXP</p> <p>TPO 4901.165</p> <p>13/12/23</p>	<p>The felling of one Sycamore reference T1 on the Order map at Ashgate Court, Ashgate Road. The tree has recently lost two large limbs in the storms which has left the tree unbalanced and one large limb overhanging the highway.</p>	<p>Consent is granted to the felling of one Sycamore tree with a duty to plant one new Small Leaved Lime tree as a replacement this planting season.</p>
<p>CHE/23/00633/TPO</p> <p>TPO 4901.175</p> <p>14/12/23</p>	<p>The pruning of 5 trees reference T71 & T76 Beech, T72 & T73 Oak and T74 Sycamore on the Order Map and which are situated to the rear of 51 Woodmere Drive, Old Whittington.</p>	<p>Consent is granted to the crown lifting and crown reduction of T71 Beech, the crown lifting and removal of dead wood to T72 Oak and the removal of dead wood to T73 Oak, T74 Sycamore & T76 Beech. Consent is also granted to the felling of two leaning Oak trees, the coppicing of one Goat Willow and the reduction of branches growing over the driveway and property at 51 Woodmere Drive of 3 Oak trees pruning back to suitable replacement branches.</p>

<p>CHE/23/00776/TPOEXP TPO 4901.161 18/12/23</p>	<p>The felling of one Maple tree reference T19 on the Order map at land off Cuttholme Road and to the rear of 37 Greenbank Drive, Ashgate. The tree has lost one large limb in the recent storm leave a split in the main stem.</p>	<p>Consent is granted to the felling of one Maple tree with a duty to plant one new Small Leaved Lime tree as a replacement this planting season.</p>

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/23/00760/CA The felling of two Oak trees and the removal of one failed Oak which is blocking the rear car park at 40 Clarence Road, Chesterfield. Page 3	The trees are within the Town Centre Conservation Area and the applicant wishes to remove one Oak tree which has failed in the recent storms and damaged and compromised the safety of the two trees which remain. The trees are of poor condition and poor amenity value.	Agreement to the removal of 3 Oak trees. The felling of the trees will have no adverse effect on the character and amenity of the area due to their location in the rear car park.	11/12/23
CHE/23/00761/CA The pruning of 10 trees (9 Hornbeam & 1 Ash) at Stirling Court, Lister Close, Chesterfield.	The trees are within the Abercrombie Street Conservation Area and the applicant wishes to prune to trees by crown lifting and crown thinning due to dense shade and to clear the adjacent property by 2 metres and clear street furniture.	Agreement to the pruning of 10 trees. The pruning of the trees will have no adverse effect on the character and amenity of the area.	19/12/23

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APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 8th January 2024

REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/1257	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	
2/1209	Moor ward	Plumco Ltd	CHE/23/00090/ADV – 48 sheet illuminated signage Refused	Officer delegation	23/05/23	Written Reps	
2/1118	Whittington ward	Mr Paul Hardy (Vivid Outdoor Media Ltd	CHE/23/00026/ADV – Illuminated 48 sheet hoarding at Station Road, Whittington Moor - Refusal	Officer delegation	19/07/23	Written Reps	
2/6155	Staveley North	Mr and Mrs Linathon	CHE/23/00287/FUL – extension of Oak Tree Barn, Bolsover Road - Refusal	Officer delegation	26/9/23	Written Reps	
2/5580	Walton ward	Mr A Aldred	CHE/23/00375/FUL – Extension at 4 Stanford Way, Walton - Refusal	Officer delegation	18/10/23	Written Reps (HAS) Seeking full costs against Council	
2/	Whittington ward	Mr G Wolstenholme	CHE/22/00568/HH – Remedial Notice served in respect of hedges at 279 Handley Road	Officer delegation	8/11/23	Written Reps	

2/4071	Whittington Moor ward	Mr D A Revitt	Enforcement Notice at 10 Pottery Lane West – Vehicle Storage	Planning Committee	06/12/23	Public Inquiry	
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FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 8TH JANUARY 2024
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

Enforcements currently Authorised: 10

ENFORCEMENT REPORT

21 December 2023

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>			<i>Authorised to Issue Average: 540 days</i>				
York Street	2 <small>1,550</small>	23/09/19 <small>1,550</small> balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>1010</small>	16/04/21 <small>979</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: 198.7 days</i>				
Chester Street	94 <small>304</small>	20/02/23 <small>304</small> wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>175</small>	29/07/23 <small>145</small>	removal within 28 days. Issued 30/05/23. No appeal. Not complied. Prosecute.	<input checked="" type="checkbox"/> <small>12/12/23</small>	B
Markham Road	Markham House <small>5,785</small>	18/02/08 <small>5,785</small> storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5725</small>	20/10/08 <small>5540</small>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>14/11/19</small>	HI
Park Hall Avenue	2 <small>374</small>	12/12/22 <small>374</small> timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> <small>21/12/22</small>	Wa

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
Pottery Lane West	10	18/07/22 521	Storage of vehicles		27/10/23 466	11/12/23 10	08/01/24 -18	Issued. Appealing to Planning Inspectorate, requesting public inquiry.	<input checked="" type="checkbox"/> 12/12/23	Mo
York Street	2	09/10/17 2,264	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> 19/12/18	Ha
Enforcement Notice (Listed Building)		<i>Total currently Authorised: 1 Authorised to Issue Average: days</i>								
Old Hall Road	Brampton House	02/10/23 80						various unauthorised alterations. Instructed, notice to be issued.	<input type="checkbox"/> 03/11/23	Bro
Section 215 Amenity Notice		<i>Total currently Authorised: 3 Authorised to Issue Average: days</i>								

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Edinburgh Road	12	10/10/22 <i>437</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>1,172</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>1,172</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL

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

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI 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

Agenda Item 9

Planning Committee 8th January 2024

Review of Process and Procedures at Planning Committee

For Publication

1.0 Purpose of Report

1.1 To consider a review and amendment of the processes and procedures applicable to planning committee meetings in the light of safety risks and concerns.

2.0 Background

2.1 The Council has an agreed process and procedure guidance note relating to the conducting of planning committee. This was agreed at Planning Committee on 5th January 2009. It was reviewed and updated on 9th October 2017.

2.2 A separate guidance note was agreed by Planning Committee in November 2019 which considered good practice and procedure when the committee decided applications against officer advice.

2.3 There is also an agreed protocol for speaking at planning committee supported by a leaflet "Your View Your Voice." This was reviewed and updated in April 2010. The protocols were temporarily suspended as a result of the Covid 19 pandemic but have now returned to pre covid arrangements.

2.4 The Councils Health, Safety and Risk team has recently introduced a "Personal safety for Councillors" document in November 2023.

2.5 Following planning committee meetings on 24th July and 21st August 2023 when major controversial applications were determined in respect of land at Dunston Road and Tom Lane, it has been

necessary to consider a review of process and procedures to ensure that the optimum safety measures for both Members, officers and those visiting the Council premise are in place for subsequent meetings.

3.0 The Need for Review

3.1 At the two meetings referred to above different issues were raised.

3.1.1 At the Dunston meeting the main issue concerned the suitability and capacity of the room resulting from about 150 people attending the meeting. It resulted in the public standing around the whole room, including directly behind members and officers. In this case the public were against the recommendation. As a result they were annoyed and potentially aggressive. A number interjected and disrupted the meeting. This raised issues concerning the safety of members and officers in continuing with the meeting and the safety of all present in terms of fire and evacuation.

3.1.2 At the Tom Lane meeting the main issue did not arise until after the committee had decided the application when one particular member of public became abusive, threatening and was reluctant to leave. Photos were taken of some members in an intimidating way.

3.2 This report considers the changes necessary to ensure the safety of Members, officers and the public without reducing the ability of the committee to consider applications in public with the public able to make representations at the appropriate stage. It includes a risk assessment and update of the various guidance notes and procedures referred to above.

4.0 Room Capacity/Suitability

4.1 The Council has a number of committee rooms which can accommodate planning committee and different numbers of attendees as follows:

- Committee room 1 - 40 seated at tables, 70 cinema style and 145 standing capacity
 - Committee room 2 – 30 seated at tables, 40 cinema style and 80 standing capacity
 - Council Chamber – 110 seated / 225 standing capacity
- 4.2 There have been occasions where meetings have been held at other venues such as the Winding Wheel and the Market Hall Assembly Room when it has been known that large numbers of interested parties were to attend the planning meeting. The use of such venues has a cost to the Council but the option of arranging a meeting in such a larger venue remains available in appropriate cases.
- 4.3 For the vast majority of meetings committee room 1 will be more than adequate with the opportunity to increase the space by opening up into committee room 2.
- 4.4 The key issue here is with the safety of those attending the meeting - members, officers or members of the public (MOTP). Committee room 1 or with 2 provides the best opportunity to distance members and officers from the public since there are two / three doorways. This gives the opportunity for alternative routes of escape. Such segregation is also possible in the Council Chamber. There is an anteroom and there are public gallery areas above the main room and segregated.
- 4.5 To avoid overcrowding arising at a particular meeting it is appropriate to horizon scan for controversial cases or issues to be considered by planning committee. This will enable appropriately sized rooms to be selected in advance and to enable any additional safety measures and briefings to take place before the meeting. RAG rating meetings with anticipated attendees and a collaborative officer/chairperson decision taken on room choice is considered necessary to ensure health and safety risks are properly taken into account.
- 4.6 Planning meetings are meetings held in public rather than public meetings, but are a key part of the transparent democratic process of

deciding on development proposals. The correct balance of allowing a continuation of public access at the same time as operating a safe process should also consider ways in which the public can still participate.

- 4.7 The government decided that from 7 May, 2021 the opportunity to hold virtual planning committees under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came to an end, not to be extended. As a result, all active participants in meetings under the Local Government Act 1972 must now attend in person. This includes councillors who are members of Planning Committee but also those registered to speak (members of the public, applicants or agents).
- 4.8 One key way of potentially reducing the risk of many members of the public from attending the meeting room would be to re-introduce live streaming of meetings (as was operated through part of the Covid 19 pandemic). This would provide an opportunity for those wishing to just observe the meeting to do so remotely, and may well increase public attendance, albeit virtually. This service would introduce a cost and may have technical limitations. If commenced a decision would be needed on how long recordings of such meetings should be retained. It is not considered necessary at this stage to re-introduce live streaming of meetings, however this could be considered further in the future.
- 4.9 The letters sent out to potential interested parties on an item to be considered at planning committee should seek information about proposed attendance, taking account of the capacity of the available meeting rooms. A system whereby entry may be prevented should the limit on room capacity be reached should be introduced. With the recent Dunston application it was estimated that between 130-150 persons were present across committee rooms 1 and 2. While this number is not much over the limits referred to above (40 seated in committee room 1 and 80 standing in committee room 2 = 120) it was considered too congested given the nature of the matter being

discussed and was regarded by attendees as overcrowded. It is considered necessary therefore to encourage interested parties to confirm proposed attendance at planning meetings in advance. Democratic Services will also need to monitor attendance at the entrance to the meeting room and to prevent further entry once the limit has been reached. Social media communications can also be used to build awareness of potential risks on such controversial cases and so there is an opportunity to discuss in advance with Comms any potential controversial application which is to be included on a meeting agenda.

5.0 Aggressive Customers/Safety

- 5.1 Planning applications considered at Planning Committee meetings can generate strong feelings by applicants/their representatives or those objecting to the proposals. All parties have vested interests in the decisions made by the committee. As there is public speaking for and against an application this can often bring people in the meeting into conflict.
- 5.2 Whilst there are at least two means of access/doors to committee rooms 1/2 and the Council Chamber which will undoubtedly assist in separate exit by officers/Members and the public, they are accessed via a single enclosed corridor which is used by all parties attending the meetings. There remains potential for Members and officers to be confronted by disgruntled third parties in the corridor or other areas of the building. By virtue of the layout and size of the room and nature of the corridor access such confrontations are likely to take place outside of the scope of vision of other officers who are attending the meeting thereby posing a risk.
- 5.3 Democratic Services officers administer the meeting and are generally the first point of contact for third parties attending a meeting and they have provided support/help at times of difficulty. It is important that Members and officers attending a meeting are clear about the escape route plans should the meeting become

disruptive or threatening to their safety. The ability of the chair to adjourn the meeting if necessary should be one of the tools to ensure safety. Where appropriate in known sensitive or controversial cases to use security staff or request the Police to also attend the town hall.

- 5.4 Officers who are presenting controversial or sensitive cases should not attempt to leave the committee room until such time that the third parties who have attended the meeting for that item have left the room and had time to leave the building. This approach should also be taken by Members.
- 5.5 Again it is important to focus on horizon scanning for controversial cases to be considered by planning committee to enable appropriate measures and briefings to be put in place in advance of the meeting. A process of RAG rating meetings with anticipated attendees is considered necessary to benefit from any intelligence available.
- 5.6 As a matter of standard practice, as part of the chair's introductions at the committee meeting it would be appropriate to not only refer to the Fire Evacuation procedure but also to read out a statement setting out how the meeting will be run and the role of Members and officers in the decision making process and that they should not be approached by members of the public, applicants or agents after the conclusion of items. The statement should also make it clear that the meeting is one being run in public rather than a public meeting, and the opportunity for public to participate is limited by set public speaking procedures. For health and safety reasons any persons leaving the meeting should not congregate in the corridors but should proceed to leave the building without delay. This requires the amendment of the current guidance and protocol leaflets as well as the opportunity to include appropriate references to guidance in the letters which are sent out to potential interested parties of an item to be considered at committee meetings.

5.7 Where a meeting agenda contains an item which includes a controversial item it is necessary to ensure all officers and Members attending are aware of this in advance of the meeting and are familiar with exit routes and the procedure to follow in the event of an safety incident. This is likely to involve a pre-committee briefing. On the rare occasion that it may be determined that assistance is required from security and/or the police then the Democratic Services officer present in the meeting should send a Teams or email message to main reception to call the police. If it is known that an item to be considered has the potential to be disruptive through the process of horizon scanning and shared intelligence information then advance warning should be given to the police.

6.0 General

6.1 It is considered necessary to provide on-going training for members on meeting etiquette so that any Member comments made are not likely to inflame the situation, particularly if the subject under discussion is sensitive or controversial. This will involve an on-going process of keeping members up to date over matters such as local plan review updates, 5 year housing supply position and other matters which are of relevance and material to planning decision making.

6.2 Benchmarking with other local authorities should also be an on-going process through which the Councils process and procedures can be refined and updated to reduce risks.

7.0 Recommendations

7.1 That the updated guidance and leaflets attached as appendix A and B be agreed and used immediately.

- A - Planning Committee process and procedure guidance note
- B - “Your View Your Voice” leaflet

- 7.2 That invitation letters sent to potential attendees of planning committee be amended in line with appendix C
- 7.3 That the Risk Assessment matrix attached as appendix D be accepted.

Appendix A

Planning Committee Process and Procedure

1. Introduction

This guide is intended to assist members of the public in understanding the Planning Committee processes and procedures.

Under the Local Government Act 2000 the Council is required to establish committees to undertake non-executive functions. Most planning matters are not executive functions and under the law they cannot be discharged by Cabinet. The Planning Committee deals with any planning and listed building applications and enforcement cases which fall outside of the agreed officer delegation scheme. Such applications generally are the more major and controversial schemes where consideration by committee is necessary.

2. Composition of the Committee

The committee comprises a total of 12 elected Chesterfield Borough councillors. Membership is split to reflect the political division of the Council. The quorum of the committee is three members. All members and officers present will display a name plaque directed toward the public gallery. All members of the committee will have received training on planning matters and on the Planning Code of Conduct. Training for committee members is ongoing and a record of member training is kept.

3. Committee Meetings – When and Where?

Planning Committee meets every three weeks on a Monday afternoon starting at 13:00. The meetings take place in the Town Hall and are preceded by site visits where appropriate. On some occasions it is necessary to hold the committee meeting in a larger venue. Planning Committee agendas will be published and available on the Council's website five clear working days prior to the meeting. This is in line with legal requirements. The dates of Planning Committee meetings together with past agendas and minutes are available on the Council's website at www.chesterfield.gov.uk The agenda can be found under Council Services tab – Your Council – Committees, meetings and decisions.

The Council has a number of rooms of different capacities which can be made available for planning committee. In order to ensure the correct sized room is allocated the letters sent out to interested parties advising of the planning committee date will seek confirmation of those who wish to attend to speak under the "My view, my voice" procedure or just to observe. This is to avoid a situation where people attending cannot access the room due to the limits on capacity.

4. How the committee Meeting is conducted

Who chairs the meeting?

The meeting will be chaired by the Chair of Planning Committee unless they have declared an interest in an item or are absent. In those cases the

appointed Vice Chair will preside (and if the Vice-Chair is absent the Committee can select a chair for the duration of the meeting). The order of business for the meeting may be changed at the discretion of the Chair for the convenience of the applicant / public in attendance or who wish to participate. At the start of each meeting and through the Chair, each member and officer present will introduce themselves to those members of the public in attendance. The chairperson will read out information concerning fire evacuation and alarms and a pre-prepared statement regarding meeting etiquette as follows:

“This meeting of planning committee is being held in public but is not a public meeting. Whilst some present will only be attending to observe, arrangements have been made in advance for individual objectors, applicants or agents to attend to address the meeting and you will be led through this process by me during the relevant item. Proposals being considered at planning committee can generate strong feelings by applicants and objectors and I request that all involved act in a professional, respectful and courteous manner. I would ask that at the end of the item you have attended for that you do not attempt to discuss matters with Members or Council Officers and that you leave the building as swiftly as possible. Can all present please ensure your phones are either turned off or placed on silent mode.”

Who may attend?

Planning committee is a meeting taking place in public rather than a public meeting. The public may therefore attend all meetings of the committee. The public are allowed to listen to the debate about each application and hear the decision that is made. In certain circumstances the public can speak at the committee meeting for a specified period, however they must have arranged this first with the planning and/or Democratic Services officers before the meeting. More information on speaking at planning committee is included in a separate guidance leaflet, “my view, my voice”. Apart from this the public are not permitted to take part in the meeting.

Since there are limits to the capacity of rooms where the meetings are held the letters which are sent out to interested parties will ask for confirmation of an intention to attend the meeting.

In some circumstances exempt or confidential information is considered. In those cases the press and public are excluded and a resolution is passed for this purpose.

What does the Committee do?

The meeting will usually comprise the following agenda items:

- Declarations of personal or prejudicial interest – Members and Officers
- A note taken of any apologies from members unable to attend
- Consideration of the minutes of the previous meeting
- Considering and deciding planning applications
- An appeals report
- The delegation report
- An enforcement report

- Consideration of any further matters within the committees Terms of Reference
- Any Late items
- Any exempt or confidential matters

How is Business Dealt With?

The Chair will announce each item. The Chair can vary the order of items on the agenda at their discretion.

There is normally a comprehensive written report for the item. This is available on the Council website five working days before the meeting. Members of the committee will have read each report before the meeting takes place and they will have had the opportunity to look at the case file, information and the plans and supporting information during the preceding week. Relevant drawings and photographs are displayed on the large screen in the committee room during the consideration of each item. The committee will have visited some of the sites. The planning officer will present a brief summary of the report, which is followed by any public speaking, which has been prearranged, and questions by members to those addressing the meeting in accordance with the separate public speaking protocol. The applicant will usually speak last in the order of speakers. The Chair will then ask committee members for any questions for officers, which is followed by a debate on the item by councillors and a decision resulting in a mover and seconder for a particular recommendation. Any councillors not present for the complete presentation and debate or have not attended the site visit will not be able to vote on the recommendation.

Committee members will ensure that they do not disrupt the decision process through discussion between themselves and by ensuring mobile phones are turned off. This will ensure that the committee process is viewed as a professional and transparent service. Members should also avoid eating snacks during the meeting.

It is usual practice for the committee to bring forward to an earlier part of the meeting those applications where notice has been given that applicants and objectors wish to speak or where members of the public have come to hear the debate. Prior to the start of the meeting the Democratic Services Officer attending will ask all those present which item they are attending for.

Although the committee will try and deal with applications which the public are interested in as soon as possible, often the agendas can be quite long and the committee may want to enter into detailed discussion and debate over particular cases. This means that the public may have to wait for some time however in notifying interested parties of the intention to report applications to particular committees, estimated times of consideration of the proposal will be given where possible so that delayed attendance for later items can be arranged where appropriate.

Where appropriate a comfort break will be taken generally after 2 hours at the discretion of the Chair.

Speaking at Committee

Addressing the committee by applicants and members of the public will be permitted in line with the separate speaking at committee protocol.

What is the basis for a decision?

Decisions must be based on material planning considerations, for example:

- Central Government, Regional or Local Plan Policy
- Highway safety
- Landscape Impact
- Local amenity, noise, privacy
- Case law and previous planning decisions
- Conservation of buildings, trees etc
- Appearance

The following are examples of matters not normally material planning issues:

- Affect on Property Values
- Ownership disputes
- Business Competition
- Moral considerations
- Restrictive covenants
- Personal circumstances
- Matters controlled by other legislation (eg licensing)

Even if many objections are received to an application, permission cannot be refused without good planning reasons. A retrospective application submitted after work has been carried out has to be determined like any other application on its own individual planning merits.

5. Voting

All members of committee are entitled to vote and the chair of the meeting has a second casting vote should the voting be equal. Decisions are made on the basis of a simple majority of votes cast. Voting will be by show of hands following a mover and seconder of a recommendation.

What decisions can the Committee make?

- *Approve the application*: Usually this will be subject to planning conditions, which must be reasonable and relate to the development proposed. Sometimes planning policy or other reasons to resolve issues with the application mean that a legal agreement will be required. These are called 'Section 106 Agreements', 'Planning Agreements' or 'Planning Obligations' and are made under Section 106 of the Town and Country Planning Act 1990 and will be required when a developer is required, for example, to pay a contribution towards healthcare facilities or affordable housing provision. These agreements are made separate from the meeting and any decision will be subject to satisfactory completion of the agreement.
- *Refuse the application*: Sound planning reasons must be given which the authority have to substantiate if the decision is challenged on

appeal. The applicant has a period of 6 months to lodge any appeal with the Planning Inspectorate (8 weeks for signage, householder and minor commercial).

- *Defer consideration of the application:* If members feel that they do not have enough information before them to make a decision or they consider a site visit is required, they may defer the application to a subsequent meeting. At the subsequent meeting only those members who have participated to the point of deferral should take part.

The agenda for the meeting consists of reports written by Council Planning Officers recommending a particular decision. Planning Committee members may vary or overturn the recommendations against the planning officer advice, however sound planning reasons must be given at the meeting for a decision different to the report recommendations. A separate guidance note deals with decisions taken against the advice of officers.

If a proposal which goes against the officer recommendation is moved and seconded this becomes an alternative proposal and the alternative proposal is always voted on first. If the alternative proposal is carried, the decision of the committee has been made. If however the alternative proposal is defeated, a vote must then be taken on the original recommendation. A decision must always be made on the item.

6. Recording of Decisions

Minutes of the meeting will be taken. These will also indicate any reasoning and changes to the recommendations. The minutes will be posted on the Council's website within 7 working days of the meeting.

7. What if you don't like the decision?

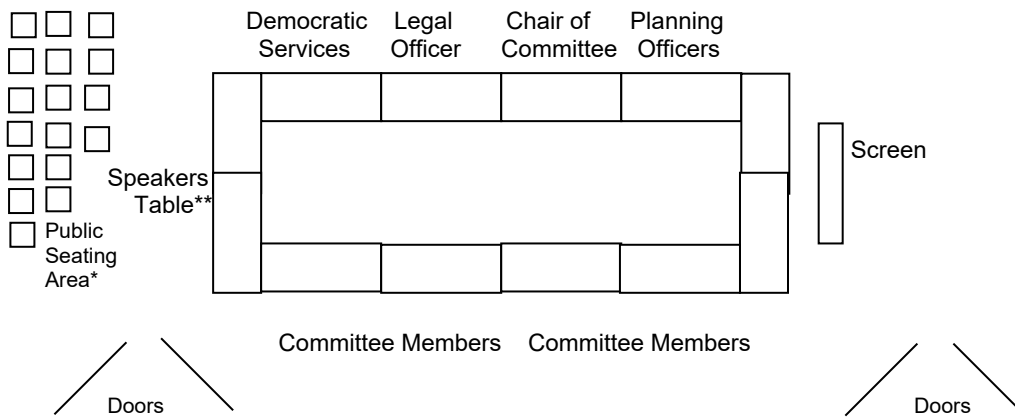
The Council will not tolerate abuse or threatening behaviour and may call for security or the police if necessary. The Chair has the right to request that disruptive individuals leave the meeting and/or to adjourn the meeting.

The applicant may appeal to the Planning Inspectorate against a refusal or the imposition of a condition.

A third party (e.g. an objector to or supporter of the application) has no right of appeal but the following actions are possible:

- Complaint under the Council's two stage complaints procedure;
- Complaint to the Local Government and Social Care Ombudsman about the way the application has been handled but not about the decision taken. This is not usually possible until the Council's complaints process has been exhausted;
- Seeking a legal challenge to the decision ('judicial review') in the High Court. This is lengthy and can be costly and independent legal advice should be taken before taking such action.

Typical Layout of Committee Room 1



* Seats are taken on a first come first served basis and availability cannot be guaranteed however sufficient chairs will be provided where possible.

** If you are going to address the committee, the chairperson will call your name at the appropriate time and invite you to sit at the speakers' table. You may sit or stand when addressing the committee.

This leaflet is provided by the Planning Service to help members of the public understand the workings of Planning Committee. It is not an authoritative statement of the law. Any further questions should be put to staff in attendance at the meeting before the meeting begins.

INTRODUCTION

Chesterfield Borough Council is committed to public involvement in the planning process. The Council currently consults local residents and businesses on planning applications by individual consultation letter, site notices and by advertising the application in the press. Any comments received are then taken into account when dealing with planning and other applications.

Planning Committee decides the more complex, controversial and major applications. Members of the public and applicants are allowed to address the Committee on applications being considered by it.

This leaflet explains the issues and procedures which you need to be aware of if you wish to speak at Planning Committee.

Can I speak to the Committee?

When an application is being reported to Planning Committee you can speak at the meeting if you have written to the Council objecting to or supporting the application. To do so you must make your request to speak in writing or by email received by Planning Services before 17:00 hours, two working days before the meeting. You can nominate someone to speak on your behalf. There is a limit on the number of objectors or supporters (including the applicant) who can speak at Planning Committee and this is normally restricted to two from each side. If you are one of a number of people who have requested the opportunity to speak at committee you will be informed of details of the others where appropriate so that you can, between yourselves, decide on spokespersons.

A decision on an application will not be held up if any person who had given notice to speak is

unable to attend the meeting or is not present when the application is dealt with.

What can I speak about

The Planning Committee can only take account of "material considerations" when deciding planning applications. Examples of these are the planning policies in the Chesterfield Borough Local Plan, government planning advice and policy, the impact on residential amenity, highway safety and traffic, noise and disturbance, smell, design and external appearance, layout, the impact on Listed Buildings, Conservation Areas and trees etc. The Committee cannot take into account non-planning issues such as private property rights, covenants, disagreements between neighbours, competition, moral issues and effect on property value.

If you need advice on which issues are relevant in deciding planning applications then please contact one of the Planning Officers in the Council's Development Management Section (see list on back page).

Speakers may make oral comments only since provision exists for submitting written comments prior to the meeting. Whether as objector or applicant you should not hand out any documents such as plans or photographs at the meeting as you will have been given the chance to do this during the application consultation period. You will not be allowed to display models.

How do I arrange to speak?

As an objector or a supporter you will be informed of the Committee date and time and the arrangements for the meeting and public speaking as soon as they are known. The letter will ask you to confirm whether you intend to attend the meeting to speak or just observe so that officers

can ensure the room is of adequate size to accommodate all parties.

If you are one of a number of people who have made representations and requested to speak, you will only be informed of the names and addresses of the others so that you can, between yourselves, appoint a spokesperson if appropriate.

If you are an applicant you will be informed of the Committee date and time together with any request from objectors or supporters to speak at Committee so that you can decide whether or not to reply.

When agendas include a number of items which can be expected to take time to consider, invitations to attend the meeting after the start will be given to avoid unnecessary waiting.

Planning Committee meets on a 3 weekly cycle, normally on a Monday at 13.00 in Committee Room One, at the Town Hall. You should normally arrive by 12.55 p.m. and contact the Committee Clerk who will be present and who will advise you of the arrangements.

How long will I be able to speak for?

Each speaker will normally be allowed a maximum of 3 minutes and this will be controlled by the chair of the committee. If you take longer than 3 minutes then you will be asked to draw your comments to an end. There will be occasions however when longer than 3 minutes is deemed necessary, however this will have been agreed by the chair before the meeting.

When Can I Speak?

Planning Applications are considered just after the meeting commences. The Chair will have informed the meeting regarding protocols which

need to be observed and will introduce each planning application. A planning officer will summarise the key issues and advise Committee of any late information. You will then be invited to speak to the Committee by the chairperson. You will not be able to ask Councillors any questions or join in the discussion after you have spoken. You may be asked questions by the Committee or an Officer to clarify any matters you have raised. An objector cannot ask questions of the applicant nor vice versa. Applicants, objectors/supporters will not be allowed to cross-examine or negotiate with each other at the Committee meeting. When all of the speakers have been heard, the Committee will debate the application and make a decision. The public cannot take part in the discussion. The Committee's decision is final (subject to an applicant's right of appeal).

Applications where public speaking has been arranged are normally brought forward in the agenda and considered before those where no speaking has been arranged.

The order of speaking is at the Chair's discretion but will usually be objectors followed by supporters followed by the applicant or agent.

Disability Access to Committee

The Town Hall is accessible to wheelchair users. There is a ramped access at the east entrance on Rose Hill from where a lift can be taken to the first floor where the Committee rooms are located. The room where the meeting will be held has a fitted induction loop. There is also a lift if the meeting is held in the Council chamber.

Access to the English Language

Where English is not your first language you may arrange for a representative to speak for you or

you may request an interpreter (including sign language). Please contact the officer referred to in the correspondence about speaking at Committee in advance of the Planning Committee meeting to make the necessary arrangements.

Understanding the Planning System

If you would like the Planning System explained to you more fully we are happy to arrange this. Please contact the officer referred to in the correspondence about speaking at Committee in advance to arrange an appointment.

Feedback

The council wants to find out whether this procedure works for you and would be grateful for your feedback. Please let us have your comments on your experience of speaking at committee.

Development Management Staff

P. Staniforth 01246 959669
Paul.staniforth@chesterfield.gov.uk

H Frith 01246 959699
Helen.frith@chesterfield.gov.uk

R Fidler 01246 345277
Richard.fidler@chesterfield.gov.uk

Are we accessible to you? If not, ask us

zy latwo jest skontaktowac sie z nami?
 Jezeli nie, powiedz nam o tym!
 Siamo accessibili nei vostri riguardi?
 In caso contrario rivolgetevi a noi

کیا ہم تک آپ کی رسائی ہے؟
 اگر نہیں تو ہمیں بتائیے!

你可覺得易於與我們接觸？
 若不能的話，請提出要求

PLANNING APPLICATIONS



**YOUR VIEW
 YOUR
 VOICE**

**SPEAKING AT PLANNING
 COMMITTEE**

Planning Service
Development Management
Economic Growth
Chesterfield Borough Council
Town Hall
Rose Hill
Chesterfield, S40 1LP

e-mail paul.staniforth@chesterfield.gov.uk
Direct Line - 01246 959669

Our ref: CHE/xx/xxxxx/xxx

Date: xx xx xxxx

Name – xxxxx
Address – xxxxx
E mail – xxxxx

Dear xxxxxxx

CHE/xx/xxxxx/xxx – TITLE of PROPOSAL, ADDRESS and APPLICANT.

I refer to your representations concerning the above application. The application will be considered at the meeting of Planning Committee on xxxxxxxx at 13:00.

On 7 May, 2021 the opportunity to hold virtual planning committees under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came to an end. As a result, all participants in meetings held under the Local Government Act 1972 must now attend in person. This includes councillors who are members of Planning Committee and those registered to speak (members of the public, applicants or agents).

The procedures for Planning Committee are set out in a guidance notice available on the Councils website. Planning Committee is a meeting held in public rather than a public meeting. The committee visits sites where necessary. The intention is to visit this site at xxxx hrs on xx/xx/xxxx. I would be grateful if you would confirm that access to your property will be made available should the committee see it necessary to see the site from your property.

The opportunity for public speaking at Planning Committee is also available. You are strongly advised to read the attached leaflet. This is also available on the Council website.

I would be grateful if you could confirm to me whether you intend to attend the committee meeting, whether as a speaker or as observer. We ask this as there are limitations on room capacity to ensure compliance with safety and risk assessment measures.

The report considering the application is available to view on the Councils website at www.chesterfield.gov.uk. The report can be found under Council Services tab – Your Council – Council and Democracy - Committee details - meetings. The report recommends that the Council should **xxxxx** the application.

If you have any comments to make on the report you will need to send them by post or email to reach me before the meeting. Any comments you make will be taken into consideration when the decision on the application is made.

If you wish to address the committee under the speaking at committee procedures then you need to inform either me or Democratic Services by 17:00 on Thursday **xxxxxxx**. This is so that the necessary arrangements can be made. It is also recommended that you provide a copy of your representations before 10:30am on the day of the meeting in case you cannot attend the meeting due to any unforeseen reason.

You will need to check with the planning department or the Councils website after **xxxxxxx** to find out the decision which has been taken by the local planning authority on this application.

If you have any questions on this matter do not hesitate to contact me.

Yours sincerely



Paul Staniforth
Development Management & Conservation Manager

Enclosure – Public Speaking at Planning Committee Meetings “My View, My Voice”

GENERAL RISK ASSESSMENT



ASSESSMENT TITLE:	Committee meetings attended by Members of the public.	SERVICE AREA:	
ASSESSMENT DATE:		ASSESSED BY:	
DATE ALL ADDITIONAL CONTROLS IMPLEMENTED		SIGNATURE:	
REVIEW DATE:		SERVICE MANAGER:	
SERVICE:		SIGNATURE:	

RISK RATING & RESIDUAL RISK

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LIKELIHOOD (PROBABILITY)	5. Almost Certain	5.	10.	15	20	25.
	4. Probable	4.	8.	12.	16.	20.
	3. Possible	3.	6.	9.	12.	15.
	2. Possible (Under unfortunate circumstances)	2.	4.	6.	8.	10.
	1. Rare	1.	2.	3.	4.	5.
	1. Minor Injury (No 1st Aid required)	2. Minor Injury (1st Aid required)	3. Injury Requires Hospital Treatment	4. Major Injury resulting in Disability	5. Fatality	

CONSEQUENCES (IMPACT)

Risk Rating is calculated by multiplying the likelihood against the consequences, e.g. taking a likelihood of 4, which is classified as Probable, and multiplying this against a consequence of 2, which is classified as a Minor Injury 1st aid required, would give you an overall risk rating of 8, which would be risk rated as a medium risk. Residual risk is the risk left after adding additional control measures.

High risk equals 16 to 25.

High Risks activities should cease immediately until further control measures to mitigate the risk are introduced.

Medium risk equals 8 to 15.

Medium Risks should only be tolerated for the short-term and then only whilst further control measures to mitigate the risk are being planned and introduced, within a defined time period. Note: Medium risks can be an organisations greatest risk, it's Achilles heel, this due to the fact that they can be tolerated in the short-term.

Low risk equals 1 to 6.

Low Risks are largely acceptable, subject to reviews periodically, or after significant change etc.

HAZARDS IDENTIFIED	CONSEQUENCES	WHO IS AT RISK?	EXISTING CONTROL MEASURES	RISK RAT. (1 - 25)	ADDITIONAL CONTROL MEASURES	RES. RISK (1-25)
<p>Aggression towards staff and members from disgruntled members of the public or applicants and/or their representatives.</p>	<ul style="list-style-type: none"> ● Verbal abuse aimed at Council Officers and Members. ● Physical violence towards Council Officers and Members. ● Threats and intimidation towards Council Officers, Members, and other members of the public. ● Verbal abuse and physical violence between opposing members of the public. ● Demonstrations and aggressive actions at meetings by members of the public that could result in significant damage to the meeting venue or injury to those attending. 	<ul style="list-style-type: none"> ● Council Officers ● Members ● MOTP 	<ul style="list-style-type: none"> ● Committee chairs and lead officers / advisors to assess up and coming meetings to identify meeting that may have controversial agendas that could result in disruption at the meeting. This enables a suitable venue to be chosen for the meeting. ● When advertising meetings that are open to members of the public, provide suitable and sufficient information on the topics under discussion well before the meeting is held. Encourage members of the public to confirm attendance if possible. ● Chair's introduction at the committee to include a guide to how the meeting will be run i.e. a meeting in public rather than a public meeting, confirm who can speak, arrangements for questions etc. where appropriate. For Planning Committee this could include information about the Local Plan, role of decision makers and the role of applicants and agents. ● When setting up the venue for the meeting ensure a clear demarcation line between Council Officers and Members and MOTP is maintained throughout the meeting. ● Identify an alternative route out of the meeting room that will allow safe egress for Council Officers and Members if meetings become disruptive and threaten their safety. ● Chair to be supported by lead officers / advisors if meeting become so disruptive a decision is made to adjourn the meeting. ● Council Officers who are presenting controversial or sensitive items at a meeting should not leave the venue until such a time that third parties who have attended the meeting have had sufficient time to leave the venue first. ● ● For particularly sensitive items where there is a known threat to Member, officer or public safety, security guards or the Police will be requested to attend the meeting or to attend in the vicinity of the meeting room. ● Provide training for members on meeting etiquette so that any Member comments made are not likely to inflame the situation, particularly if the subject under discussion is sensitive or controversial. 	6	<ul style="list-style-type: none"> ● Sustained focus on horizon scanning for controversial issues to enable additional safety measures and briefings etc. where appropriate. ● Continue to adjust processes and learn from other authorities to minimise risk ● Continue to review the Member Development Programme with the Member Development Group to ensure members have relevant training to enable safe and sound decision making ● Utilise Member E-bulletin to provide key messages including reminders about meeting etiquette and health and safety 	

<p>Venue overcrowded by members of the public.</p>	<ul style="list-style-type: none"> • Intimidation of Council Officers and Members. • Disruption of meeting. • Obstruction of safe evacuation in the event of an emergency. • Risk of spread of viral infections. 	<ul style="list-style-type: none"> • Council Officers • Members • MOTP 	<ul style="list-style-type: none"> • Review the meeting agenda and assess if any controversial or sensitive items are likely to attract large numbers of MOTP. If yes take the following precautions: <ul style="list-style-type: none"> - Chose a venue that can easily accommodate large numbers of MOTP. - When advertising the meeting state that the number of MOTP in attendance will be limited in the interests of health and safety. - Monitor attendance at the entrance to the venue and prevent further entry once the limited number has been reached. - Ensure the venue is well ventilated throughout the meeting. - Ensure walkways and emergency exit routes in and around the venue are identifiable, remain unobstructed, and are at least 1 metre wide. 	<p>6</p>	<ul style="list-style-type: none"> • Sustained focus on horizon scanning for controversial issues to enable additional safety measures and briefings etc. where appropriate. • Continue to adjust processes and learn from other authorities to minimise risk • For controversial issues request a media / social media review by Communications to build awareness of potential risks 	
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