



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

Councillor Davies – Site Visit 1

9 February 2024

Councillors Blakemore and Flood –
Site Visit 2

Councillor Serjeant – Site Visit 3

Councillors Ogle and Wheeldon –
Site Visit 4

Councillor Jacobs – Site Visit 5

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 19 FEBRUARY 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 10.10 am. Ward members wishing to be present should attend on site as indicated below:-

1. 10.20am 27 Old Road Brampton
CHE/23/00786/FUL
2. 10.35am 5 King Street South, Birdholme
CHE/23/00619/FUL
3. 10.50am Hartfield Close, Hasland
CHE/23/00731/FUL
4. 11.30am 1 Smith Avenue, Inkersall
CHE/23/00658/RET
5. 11.50am Miller Avenue, Mastin Moor
CHE/23/00353/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 9.45am in Committee Room 1.

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 19 February 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 - 20)

4. Applications for Planning Permission - Plans Determined by the Committee (Pages 21 - 138)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 139 - 156)
6. Applications to Fell or Prune Trees (P620D) (Pages 157 - 160)
7. Appeals Report (P000) (Pages 161 - 168)
8. Enforcement Report (P410) (Pages 169 - 174)

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, 29th January, 2024**

Present:-

Councillor Callan (Chair)

Councillors B Bingham
Brittain
Caulfield
MilesCouncillors Ridgway
Stone
Yates

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

CHE/23/00650/FUL - Erection of a Rail-Related Research, Development, Innovation and Training Centre including Associated Infrastructure, Ancillary Works and Electricity Sub Station at Barrow Hill Railway Centre, Campbell Drive, Barrow Hill for Chesterfield Borough Council.

Councillors Brittain, Callan, Caulfield, Miles, Ridgway, Stone and Yates.

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

*Matters dealt with under the Delegation Scheme

101 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Bingham, Brady, Davenport and Falconer.

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

No declarations of interest were received.

103 MINUTES OF PLANNING COMMITTEE

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 8th January, 2024 be signed by the Chair as a true record.

104 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

CHE/23/00650/FUL - ERECTION OF A RAIL-RELATED RESEARCH, DEVELOPMENT, INNOVATION AND TRAINING CENTRE INCLUDING ASSOCIATED INFRASTRUCTURE, ANCILLARY WORKS AND ELECTRICITY SUB STATION AT BARROW HILL RAILWAY CENTRE, CAMPBELL DRIVE, BARROW HILL FOR CHESTERFIELD BOROUGH COUNCIL.

In accordance with Minute No. 299 (2001/2002) Mr Peck (applicant's agent) 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. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed roof plan 22048-FSA-XX-00-DR-A-1802 received 24.10.2023
 Existing location plan 22048-FSA-XX-XX-DR-A-0800 received 24.10.2023
 Existing site plan 22048-FSA-XX-XX-DR-A-0801 received 24.10.2023
 Proposed location plan 22048-FSA-XX-XX-DR-A-0802 received 24.10.2023
 Proposed site plan 22048-FSA-XX-XX-DR-A-0803 received 24.10.2023
 Existing elevations 22048-FSA-XX-XX-DR-A-2800 received 24.10.2023

Proposed elevations 22048-FSA-XX-XX-DR-A-2801 received 24.10.2023

Proposed typical sections 22048-FSA-XX-XX-DR-A-3800 received
24.10.2023

Proposed site isometric 22048-FSA-XX-XX-DR-A-7800 received
24.10.2023

Finished levels plan 22214-RLL-23-XX-DR-C-2001 REV P02 received
24.10.2023

Proposed ground floor plan 22048-FSA-XX-00-DR-A-1800-P01 received
26.10.2023

Proposed first floor plan 22048-FSA-XX-01-DR-A-1801-P01 received
26.10.2023

3. 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; and

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

4. No development shall commence until:

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

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

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

5. 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.

6. Prior to the development commencing above slab level, details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the local planning authority. The agreed cycle parking shall be installed on site prior to the building being brought into use.

7. The proposed development work shall be undertaken in accordance with good working practice for ecology, including the covering overnight of any holes or trenches during construction works to prevent mammals, such as hedgehogs, from falling in and being unable to escape.

8. Prior to first occupation of the development hereby approved; details of treatment of soft landscaping within the red and blue edged area, which will achieve a net gain (ideally as close to 10% as is possible) in biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Details shall include:

- 1) an updated metric to align with the proposed soft landscaping and/or enhancement measures.
- 2) a scheme of biodiversity enhancement measures (other than soft landscaping)
- 3) a scaled plan showing all soft landscaping proposed; detailing sizes and numbers/densities of all planting, all with the aim of enhancing biodiversity;

9. 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, based on the updated Biodiversity metric calculation and landscaping of the site to be agreed under condition 8 above.

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,
- i) Details of the company to be set up to manage the any private highways areas and the landscaped areas of the site in perpetuity,

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.

10. Prior to the commencement of development potential ground condition matters shall be further investigated in line with the recommendations of the Phase II Interpretive Ground Investigation report dated May 2023 ref: P22-214 Rev P_02 22214-RL-23-00-RP-O-4002, which recommended:

- submission of an Earthworks Specification
 - a bore hole shall be drilled in the south eastern most site extents for confirmation that the Second Ell coal seam is absent in this locality, the results of which shall be submitted
 - A CL:AIRE approved Materials Management Plan (MMP) shall be submitted for the re-use of soils on Site
- All to be submitted to and agreed in writing by the Local Planning Authority and any further mitigations measures implemented in full.

11. Prior to the external cladding being affixed to the building details of the cladding material and its junctions to openings and eaves shall be submitted to and approved in writing. The agreed details shall be installed on the building prior to it being brought into use.

12. The development shall be carried out in accordance with the details shown on the submitted report, "'Drainage Strategy' 22214-RLL-23-XX-RP-C-0001 (rev P02) prepared by RLRE, dated 14/09/2023", unless otherwise agreed in writing with the Local Planning Authority.

13. Prior to the installation of services and lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats, badgers and other nocturnal wildlife. The Strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan will be required to demonstrate acceptable levels of lightspill to 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.

14. 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.

15. Prior to the development being brought into use details of the Electric Vehicle Charging to be provided on site shall be submitted to and agreed in writing by the Local Planning Authority and installed as agreed.

16. Prior to works commencing on the proposed substation details of this structure shall be submitted to and agreed in writing by the Local Planning Authority, the substation shall be installed as agreed.

17. Prior to the commencement of development a statement to set out how the development will mitigate climate change and seek to reduce emissions both through construction and post occupation shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

105 **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/23/00326/FUL	1 three storey apartment block containing 9 one bedroom flats and associated communal areas, and 3 one bedroom bungalows plus car parking, pedestrian and cycle access and landscaped garden areas at former Site of Avenue House, Avenue Road, Whittington Moor, Chesterfield for Dignus Healthcare
CHE/23/00327/FUL	Installation of 2.4m fencing/gating and replacement of external steps and doors as amended by drawings received 6th December 2023 at Ks2 Support Centre, Station Road, Barrow Hill, Chesterfield S43 2PG for Esteem Multi-Academy Trust
CHE/23/00500/ADV	2 no. projecting signs and 2 no. fascia signs at Unit 25 Vicar Lane, Chesterfield S40 1PY for Coffee#1 Limited
CHE/23/00571/RET	Retrospective change of use of un-used agricultural land into caravan storage at Middle Farm, Rectory Road, Duckmanton S44 5JW for

Mr John Cantrill

- CHE/23/00574/FUL Demolition of existing outbuilding and provision of new generator and transformer and relocation of the electrical connection point for the mobile CT and MRI vehicles at Walton Hospital, Whitecotes Lane, Walton, Chesterfield, Derbyshire S40 3HW
For Derbyshire Community Health Services NHS Foundation Trust
- CHE/23/00580/FUL Two storey rear and side extension, two storey front extension and garden remodelling, including alterations to levels and extension of existing garage to form garden room
at 189 Handley Road
New Whittington, Chesterfield S43 2ES for Mr Mark Rogers
- CHE/23/00605/FUL Demolition of existing rear conservatory, erection of a single storey rear extension and first floor side extension at 8 Welwyn Close, Chesterfield S40 1HH for Mr Darren Bradshaw
- CHE/23/00609/ADV Replacement illuminated and non-illuminated signage at 32-38 Rose Hill, Chesterfield S40 1LR
for Nationwide Building Society
- CHE/23/00616/FUL Installation of a steel container for the use of MMGA members and the provision of a part time café at Mastin Moor Gardens and Allotments, Bolsover Road, Mastin Moor, Chesterfield for Mr John Hempshall
- CHE/23/00631/FUL Erection of a garage - re-submission of CHE/23/00319/FUL at 6 Hartside Close, Loundsley Green, Chesterfield S40 4LB for Mr Paul Wilson
- CHE/23/00640/FUL Residential development of 3 detached bungalows

	At 3 Water Meadow Lane, Upper Newbold, Chesterfield S41 8XP for Mr J L Wilson
CHE/23/00655/FUL	Installation of new bin store, AC plant equipment and general plant equipment at Spire House, Spire Walk, Chesterfield S40 2WG for Fisher German
CHE/23/00656/FUL	Garage conversion and replacing flat roof with a pitched roof at 10 Spencer Avenue, Woodthorpe, Chesterfield S43 3BX for Mr Jamie Metcalfe
CHE/23/00664/FUL	Single storey rear extension at 43 Broomfield Avenue, Hasland, Chesterfield S41 0LU for Mr Stephen Turner
CHE/23/00667/FUL	Single storey front extension at 26A Victoria Street North, Old Whittington, Chesterfield S41 9DW for Audrey Maris
CHE/23/00673/ADV	1 externally illuminated fascia, 1 non-illuminated projecting sign and 2 non-illuminated wall mounted signs at 276 Newbold Road, Newbold, Chesterfield S41 7AJ for Co-op Funeralcare.
CHE/23/00678/FUL	Single storey rear extension and front entrance porch at 33 Miriam Avenue, Somersall, Chesterfield S40 3NF for Mr Ian Ridley
CHE/23/00695/FUL	Detached garage at Woodward, Eckington Road, Staveley, Chesterfield S43 3XZ for Mr Christian Greaves
CHE/23/00713/FUL	Two storey side extension and hardstanding at 6 Delves Close, Walton, Chesterfield S40 2BU for Mr and Mrs Nash
CHE/23/00716/FUL	Warehouse extension to the south east at P A R Insulations and Wires Ltd, Foxwood Close, Sheepbridge, Chesterfield S41 9RB for P A R Insulations and Wires Ltd

- CHE/23/00774/TPO 4 London Plane Trees - crown raise all up to 6m, remove ivy from trunks, light prune any branches that are encroaching on the building. Crown raise and shape weeping ash at Durrant House, 47 Holywell Street, Chesterfield S41 7SJ for Mr Scott Booker
- CHE/23/00779/TPO Crown lifting of one lime tree to the rear at 2 Hazlehurst Avenue, Stonegravels, Chesterfield S41 7LZ for Mr Andrew Shore
- CHE/23/00785/TPO Removal of one windblown Lombardy Poplar tree within G1 of TPO 281 at Rear Of 23 Pomegranate Road, Newbold S41 7BL for property owner/occupier
- CHE/23/00790/TPO Removal of T175 Beech and T205 Sycamore and removal of hanging branches of T206 Ash at St Peter and St Paul School, Hady Hill, Hady, Chesterfield S41 0EF for Sally Moorwood
- CHE/24/00009/TPO TPO 112, T66 Monkey Puzzle - Tree has died and requires felling in stages due to size and position, replacement tree to be planted at 92 Littlemoor, Newbold, Chesterfield S41 8QQ for Mrs Cheryl Mee

(b) Refusals

- CHE/23/00509/FUL Erection of wall and gate to front boundary - revised drawing received 27.10.23 at 37 Walton Road, Walton, Chesterfield S40 3DN for Mr S Keca

(c) Discharge of Planning Condition

- CHE/21/00846/DOC Discharge of condition 5 (surface and foul drainage proposals) of planning application CHE/18/00532/OUT at Land To The North Of Northmoor View, Brimington for Vistry (Yorkshire) Ltd

CHE/23/00337/DOC Discharge of conditions 3 (Land contamination), 4 (Coal mining), 5 (Declaration of site safety), 7(Surface water drainage), 8 (Compliance with separate systems for foul and surface water on site) ,9 (Biodiversity Enhancement Plan), 10 (Landscaping), 12 (Boundary treatment to northern boundary) and 13 (Compliance with closing off of access from Sheffield Road) of application CHE/21/00926/FUL- Erection of a new care home facility with separate detached day units and creation of new access and auxiliary car parking areas at former Site of Avenue Villa, Avenue Road, Whittington Moor, Chesterfield for Dignus

(d) Prior notification is required

CHE/23/00680/SOL Installation of photovoltaic array consisting of 366 panels across two split level roof surfaces in four arrays at The Surgery At Wheatbridge, 30 Wheatbridge Road, Chesterfield S40 2AB for Assura plc

(e) Unconditional permission

CHE/23/00775/CA Remove self set and mature Ash trees, prune and shape Rowan and smaller Birch at Durrant House, 47 Holywell Street, Chesterfield S41 7SJ for Mr Scott Booker

CHE/23/00784/TPO Tree Preservation Order 90 Alder tree within G1 Storm damaged and removed at Morrisons, Chatsworth Road, Chesterfield S40 3BQ for Ground Control LTD

(f) Conditional consent for non-material amendment

CHE/23/00781/NMA Non-material amendment to CHE/22/00068/FUL - Temporary car park on former chesterfield hotel site at Former Chesterfield Hotel, Malkin

Street, Chesterfield S41 7UA for Chesterfield
Borough Council

(g) Withdrawn

CHE/23/00626/FUL Extension, alterations and change of use to existing garage from B8 - storage/ garage to Class E - beauty studio - revised drawings received 31.10.23 and 01.11.23 at 9 Woodthorpe Road, Woodthorpe, Chesterfield S43 3BZ for Green

CHE/23/00627/ADV Non-illuminated signage to the front elevation on 2 external walls at 9 Woodthorpe Road, Woodthorpe, Chesterfield S43 3BZ for Green

106 **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/23/00774/TPO Consent is granted to the pruning of one Weeping Ash tree reference T1 and four London Plane trees reference T2 -T5 on the Order Map and which are situated in the grounds of Durrant House, Holywell Street, Chesterfield.

CHE/23/00779/TPO Consent is granted to the pruning of one Lime tree within G1 on the Order Map and which is situated in the grounds of 2 Hazelhurst Avenue, Stonegravels

CHE/23/00784/TPOEXP Consent is granted to the removal of one storm damaged Alder tree within G1 on the Order map at land adjacent to Morrisons, Bobbin Mill Lane, Brampton

CHE/23/00785/TPOEXP Consent is granted to the removal of one

storm damaged Lombardy Poplar tree within G1 on the Order map to the rear of 23 Pomegranate Road, Pomegranate Park off Newbold Road with a condition attached to plant a Field Maple as a replacement in the first available planting season 2023-2024

CHE/23/00790/TPOEXP Consent is granted to the felling of two storm damaged trees reference T175 Beech and T205 Sycamore on the Order map at St Peter St Paul School, Hady Hill, Hady with a duty to plant two Oak trees in the first available planting season.

CHE/24/00009/TPO Consent is granted to the felling of one dead Monkey Puzzle tree reference T66 on the Order Map and which is situated to the frontage of 92 Littlemoor with a condition to plant a replacement tree in the first available planting season after felling

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

CHE/23/00775/CA The Agreement to the felling and pruning of trees. The felling and pruning of the trees will have no adverse effect on the character and amenity of the area.

The felling of one individual Ash tree to allow a more significant tree to grow without restrictions and the removal of small self-set Ash trees. Also, the crown lifting of all trees throughout the car park which are located in the rear car park at Durrant House, Holywell Street, Chesterfield.

The trees are within the Town Centre Conservation Area and the applicant wishes to fell and prune the trees as part of a general maintenance schedule.

107 **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.

108 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.

109 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC***RESOLVED –**

That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act.

110 ENFORCEMENT NOTICE REGARDING UNAUTHORISED DEVELOPMENT AT 10 POTTERY LANE WEST, CHESTERFIELD

The Development Management and Conservation Manager gave an update on the enforcement notice served in respect of vehicle storage use at 10 Pottery Lane West, the appropriateness of withdrawing the notice and issuing a slightly amended enforcement notice.

***RESOLVED -**

That the existing Enforcement Notice be withdrawn.

That an updated and amended Enforcement Notice be served requiring removal of stored vehicles not incidental to the residential use and to require the mixed use of residential and vehicle storage to cease at 10 Pottery Lane West. The Enforcement Notice should include a compliance period of 28 days.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	19 th February 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 19th FEBRUARY 2024**

ITEM 1	CHE/23/00353/FUL - CONSTRUCTION OF 13 DWELLINGS WITH ASSOCIATED LANDSCAPING, A NEW PRIVATE HIGHWAY, AND ASSOCIATED WORKS AT GARAGES, MILLER AVENUE, MASTIN MOOR, CHESTERFIELD FOR CHESTERFIELD BOROUGH COUNCIL.
ITEM 2	CHE/23/00619/FUL - CONSTRUCTION OF 1 PAIR OF SEMI-DETACHED HOUSES ON LAND ADJACENT TO 5 KING STREET SOUTH, CHESTERFIELD FOR MRS JUNE HIBBERT.
ITEM 3	CHE/23/00731/FUL - SPECIALIST CARE HOME WITH ASSOCIATED ACCESS, LANDSCAPING, PARKING AND ASSOCIATED WORKS ON LAND OFF HARTFIELD CLOSE, HASLAND, CHESTERFIELD FOR CAIRNWELL DEVELOPMENTS.
ITEM 4	CHE/23/00786/FUL - RENOVATION AND EXTENSION TO 25 OLD ROAD AND DEMOLITION OF 27 OLD ROAD AT 25-27 OLD ROAD, CHESTERFIELD FOR HERRING INVESTMENT LTD.
ITEM 5	CHE/23/00658/RET - RETENTION OF TIMBER OUTBUILDING IN REAR GARDEN AND WOODEN TRELIS TO BE MOUNTED ON TOP OF THE WALL AT THE SIDE OF THE PROPERTY AT 1 SMITH AVENUE, INKERSALL, CHESTERFIELD, S43 3SL FOR MR JACK PRIDEAUX.

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ITEM 1**Construction of 13 dwellings with associated landscaping, a new private highway, and associated works at Garages site, Miller Avenue, Mastin Moor, Chesterfield for Chesterfield Borough Council**

Local Plan: Housing Site H6

Ward: Staveley North

Committee Date: 19th February 2024**CONSULTATIONS**

Ward Members	No comments received
Staveley Town Council	No comments received
Strategic Policy	In principle the proposed development in this location is acceptable, subject to the receipt of further information – see report
CBC Design Services	Concur with the comments of Yorkshire Water. Doesn't appear to be any information to show that the hierarchy of surface water disposal has been followed to exclude a watercourse or soakaways as options for surface water disposal
Highway Authority	No objections subject to conditions – see report
CBC Environmental Health	Confirm that in agreement with the recommendations of the submitted Phase II Site Investigation Report that: -a remediation statement will need to be prepared and -a standalone detailed gas protection design, installation and verification plan will be required to accompany the remediation statement
Yorkshire Water	Recommends conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure – see report
Lead Local Flood Authority	Ask for further explanation as to the consideration of SuDs and for a topographical survey
Derbyshire Wildlife Trust	Proposals in the submitted Biodiversity Net Gain Assessment are predicted to result in a net gain of +0.29 habitat units (+31.91%) and a net gain +0.12 hedgerow units (+20.33%). Request a post-development habitat map to enable full review of the calculations and proposals.

	Gain relies on the creation of 'other neutral grassland' in area of Public Open Space which appears reasonable. Details of habitat enhancement and creation should be incorporated fully into landscape plans. A condition is required for the submission of a Habitat Management and Monitoring Plan. Conditions are also recommended for sensitive site clearance to safeguard nesting birds, amphibians and hedgehogs and a Species Enhancement Plan to include boxes, hedgehog gaps etc.
CBC Tree Officer	No objections subject to tree protection and landscaping conditions – see report
Coal Authority	Ask for clarification/further information that the information from the two boreholes is sufficient to demonstrate that unrecorded shallow mine workings are not present beneath the site and do not pose a risk to the development and the Phase II report does not provide any conclusion, following the completion of the investigation works, as to whether or not the possible unrecorded opencast mining activity identified in the original Phase I report is considered to pose a risk to the proposed development
Derbyshire Swift Conservation Project	Request that the development is built with up to 13 internal nest bricks (i.e. 1 brick per dwelling) for swifts
Chesterfield Royal Hospital	S.106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £33K
NHS Derby & Derbyshire ICB	The development falls below the threshold for requesting a capital contribution.
Derbyshire Constabulary	No reasons why principle of residential development would not be acceptable. Makes comments regarding site access, boundary treatments, constrained public access link from Rose Crescent and road lighting scheme – see report
DCC Planning Policy	Education – there would be no need to mitigate the impact of the proposed development on school places. Broadband – advisory not should be attached to request developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. Waste – based on the capacity at Bolsover HWRC, a contribution from CIL may be requested to enable additional measures to increase capacity.

	<p>Adult Social Care & Health – appreciate general design principles being considered to create safe, inclusive and accessible places which promote health and well-being.</p> <p>Employment & Skills – DCC wishes to help facilitate stronger partnership working and driving more cohesive action on skills and employment across the county.</p>
Representations	Objections received from 4 local residents – see report

2.0 THE SITE

- 2.1 The application site is a disused garage site on a relatively narrow strip of land situated on the northern edge of Mastin Moor, bounded by open countryside to the north with predominantly two storey, semi-detached properties towards the south.
- 2.2 The application site is at a lower level than Miller Avenue with the existing access having a steep gradient. There is also a footpath link with steps from Rose Crescent.
- 2.3 The application site is located within the built-up area of the Local Plan and lies entirely within Flood Zone 1 which has a low probability of flooding.



Site Photographs



View A - Looking up the path to Rose Cres.



View B - Looking at land off Rose Cres.



View C - Looking East down the site



View D - Looking East from the entrance off Miller

3.0 **SITE HISTORY**

3.1 The only planning history relates to the erection of garages on the site.

4.0 **THE PROPOSAL**

4.1 This is a full application for the erection of 13 dwellings comprising 7 x 2 and 6 x 4 bed houses all for affordable rent, with associated landscaping, a new private highway and associated works. The proposed materials are a varied buff brick with dark grey tiles. The site would be accessed off Miller Road by a private road and footpath. The footpath to the west of the site connecting to Rose Crescent would be retained. A pumping station and attenuation tank would be sited on land at the northern end of Rose Crescent.

Proposed Block Plan



Proposed 4 bed semi-detached house



Proposed 2 bed semi-detached house



Front Elevation 01



Side Elevation 03



Section AA



Rear Elevation 02



Side Elevation 04



Section BB

Proposed 2 bed detached house



Front Elevation 01



Side Elevation 03



Section AA



Rear Elevation 02



Side Elevation 04



Section BB

5.0 PLANNING POLICY

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP6 Economic Growth

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

CLP22 Influencing the Demand for Travel

RP1 Regeneration Priority Areas

5.3 National Planning Policy Framework

Part 2. Achieving sustainable development

Part 4. Decision-making

Part 5. Delivering a sufficient supply of homes

Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport

Part 11. Making effective use of land

Part 12. Achieving well-designed places

Part 14. Meeting the challenge of climate change, flooding and coastal change

Part 15. Conserving and enhancing the natural environment

5.4 Supplementary Planning Documents

Successful Places’ Residential Design Guide

6.0 CONSIDERATION

Key Issues

- Principle of development

- Design and appearance of the proposal
- Residential amenity
- Highway safety and parking provision
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage
- CIL liability

6.1 Principle of Development

6.1.1 The principle of residential development has been established through the allocation of Site H6 under Policy CLP3 of the Chesterfield Borough Local Plan 2018-2035. Policy CLP3 (Flexibility in the Delivery of Housing) indicates that planning permission will be granted for residential development on allocated sites, “*provided they accord with other relevant policies of the Local Plan*”. Whilst Policy RP1 i) sets ambitions for the delivery of up to 670 new homes within the Mastin Moor RPA, the number of homes proposed for this site corresponds roughly with the anticipated capacity for the allocation (14 dwellings) and is considered to be appropriate providing other criteria and policies are satisfied. More detailed matters pertaining to the development are considered below.

6.2 Range of Housing

6.2.1 Thirteen affordable homes are to be provided via a mix of two, and four bedroom dwellings through the scheme. The site falls within the low CIL charging zone for the purposes of determining the level of affordable housing to be provided which in this location is 5% of all new dwellings to normally be provided as affordable housing.

6.2.2 Policy CLP4 (Range of Housing) requires that the affordable provision is required on all majors over 10 units and should be split between 90% affordable rent and 10% affordable home ownership, secured through a Section 106 Planning Obligation. Local Plan Policy RP1 supports proposals that would extend the “*type, tenure and quality of housing*” (RP1a) within RPAs and where local evidence suggests a need for an alternate split affordable housing split, this would be supported.

6.2.3 The proposed split between affordable rent (100%) and affordable home ownership (0%) does not accord with the split set out within Policy CLP4, however, the Housing Delivery Manager has confirmed that the split would be appropriate as it would diversify the tenures available within the local area. The actual planning requirement for affordable housing is 5% of 13 units which equates to a total of 0.65 of a unit which is not capable of being delivered on site. In normal circumstances the Council would be securing the policy compliant part (0.65 of a unit) as a commuted sum through a s106 agreement however as the applicant is the Council it is not possible to have such an agreement with ourselves. The proposed 100% affordable housing scheme is considered to be appropriate as being delivered by the Council. There is no risk that the Council could decide to sell the site with the benefit of a planning permission because the appropriate Regulation procedures and process to allow such has not been followed. In the event that the permission is implemented it will need to be carried out as proposed by the Council.

6.3 Walking, Cycling and Public Transport Accessibility

- 6.3.1 Policies CLP1 and CLP2 of the Local Plan require that new development be directed to regeneration areas and those within walking distance of a range of key services. There is no local centre within Mastin Moor but the site is within close walking distance of the Premier convenience store on Renishaw Road and the Miner's Welfare bus stop on Edale Road. Other key services including GP's and schools which are within a 15-30 minute walk and would be more convenient by bus or via cycling.
- 6.3.2 The site is appropriate for residential development despite there being no local centre nearby and limited accessibility to services and facilities given that it is within a regeneration priority area and can deliver regeneration benefits through the re-use of underused land to enhance the range of homes to meet housing need in the Borough.
- 6.3.3 Local Plan policy CLP22 specifically requires improvements to walking and cycling facilities and public transport services that are sufficient to encourage sustainable modes of transport. Policy RP1 (Mastin Moor ii & iv) also require safe and convenient walking and cycling access to nearby services, employment opportunities and public rights of way.
- 6.3.4 The site does not adjoin any public rights of way as shown on the Derbyshire County Council Mapping Portal however there is an

existing footpath connecting the west of the site to Rose Crescent. The Proposed Site Plan (Highways) shows the retention of the footpath plus extension of the existing footway from Miller Avenue into the site. The provision of cycle storage within the rear gardens of the proposed houses can be secured through condition.

6.4 Design and Appearance of the Proposal

6.4.1 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.

6.4.2 The design of the units reflects the semi-detached character of most of the housing within the vicinity of the site albeit with gable roof design rather than the prevailing nature of hipped roofs on the adjacent streets. Brick is proposed as opposed to rendered/pebble dashed properties in Miller Avenue and Rose Crescent but is considered to be an appropriate material. Final finished materials will be subject to a condition. The size and shape of the site plus constraints including levels, sewer positions and need for retaining structures largely dictates the proposed linear form of the development. Garden sizes are smaller than existing. However, it is considered that the proposed scheme would successfully relate the height, massing and scale of development to that nearby to create an appropriate relationship with adjoining areas.

6.4.3 Subject to conditions the proposal is considered to accord with policy CLP20.

6.5 Residential Amenity

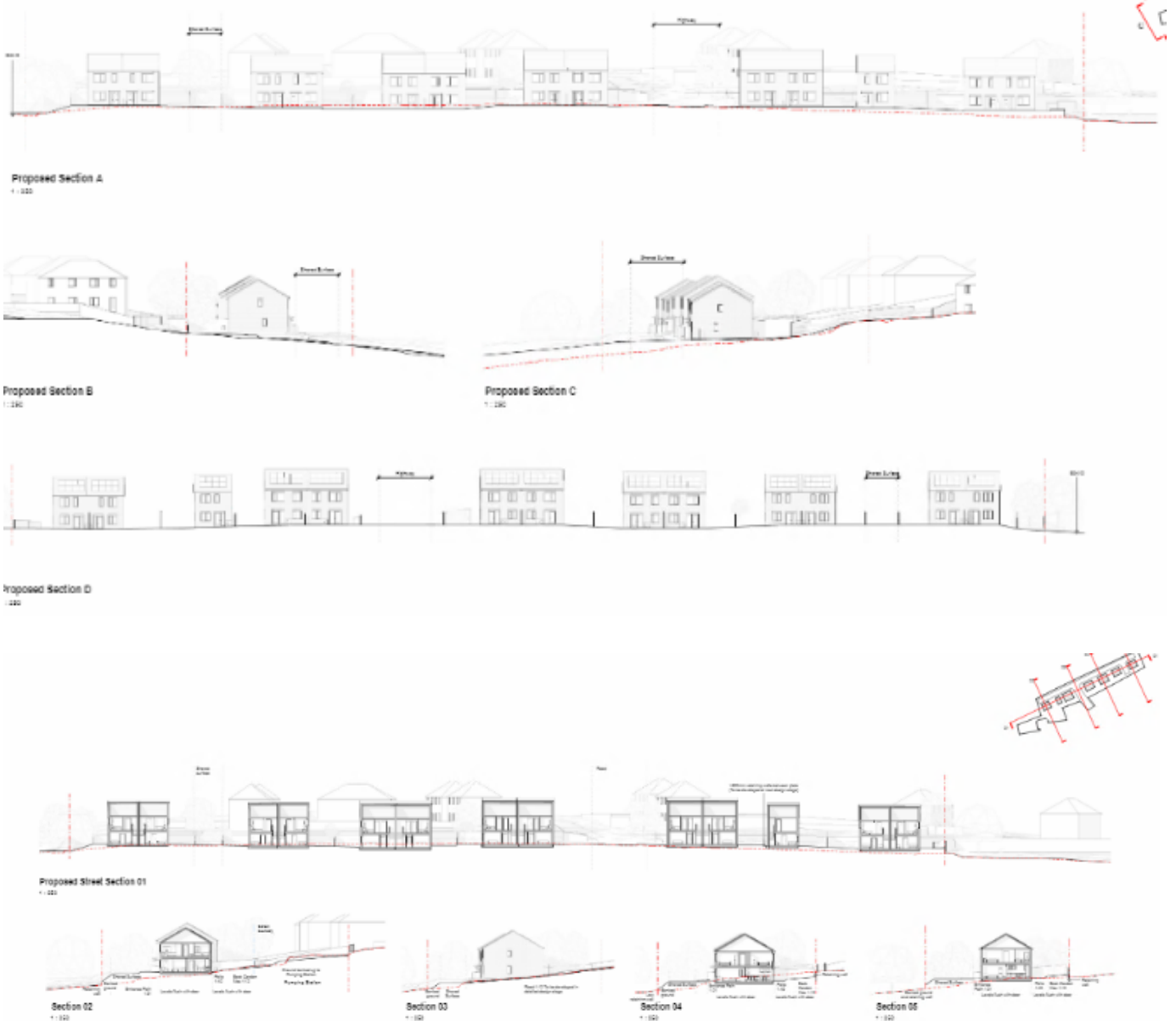
6.5.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental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

6.5.2 Although the Council does not have adopted floorspace standards, the Nationally Described Space Standards are a material consideration, which can be given more weight following the amendment to the [Town and Country Planning \(General Permitted Development\) \(England\)](#)

[\(Amendment\) Regulations 2020](#) which require that all new homes in England delivered through permitted development rights will have to meet the Nationally Described Space Standard.

- 6.5.3 In addition, paragraph 130 f) of the NPPF states that planning decisions should “*create places that... promote health and well-being, with a high standard of amenity for existing and future users*”, and policies CLP14 and CLP20 require all developments to have an acceptable impact on the amenity of users. It is therefore important for any future occupiers that the overall internal space and size of rooms are of a suitable standard.
- 6.5.4 The two bed units are 79.2sqm and the four beds approximately 109.2sqm. The two bed units meet the minimum standard for a two storey 4 person dwelling (79sqm) however the four bed units would fall short of the minimum standard for a two storey 7 person dwelling (115sqm). Given the relatively small shortfall (5.8 sqm) in terms of the size of the 4 bed dwellings this is not considered to represent a material deficiency against the standard and in relation to criteria k of Policy CLP20, which would merit refusal of the application.
- 6.5.5 The Councils adopted Successful Places SPD (Table 4) recommends that the following minimum outdoor amenity spaces are met:
-59sqm for 1 or 2 bed house;
-90sqm for 4+ bed house.
- 6.5.6 The proposed garden spaces for the 2 bed units at 50sqm is below the guidance but is considered acceptable, however the 70sqm proposed for the 4 bed units (as stated in the DAS) is some way below the recommended 90sqm. This limitation on outdoor amenity space is not ideal but the site is constrained and has the benefit of providing much needed affordable rented housing. Given this, the shortfall is not considered to be so significant so as to have such a detrimental impact on the amenity and wellbeing of occupiers as to merit refusal.
- 6.5.7 With regard to the relationship with existing residential development, the site would be accessed via Miller Avenue, a short residential street which currently contains dwellings (all semi-detached houses). The site sits at a lower level with the existing houses end on to the application site. The rear garden depths of the proposed houses would be in the region of 8m. With the difference in levels and set back of the existing dwellings from the boundary, this is considered an acceptable relationship and to accord generally with the guidance within the

sustainable places SPD. The relationship and difference in levels is demonstrated in the following sections through the site.



6.6 Sustainable Design

6.6.1 Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Applications for major development schemes are required to submit an energy statement setting out how they would achieve this in terms of the following:

- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of

renewable energy before efficiently using fossil fuels from clean technologies:

- ii. optimising the efficient use of natural resources;
- iii. reducing emissions through orientation and design

6.6.2 The Design and Access Statement describes measures to improve the sustainability of the development, including roof orientation, a fabric first approach to reduce heating load alongside photovoltaics and air source heat pumps to provide renewable alternatives. These measures are welcomed and should be secured via condition.

6.7 Public Open Space

6.7.1 National planning policy (NPPF paragraphs 98 and 99) and local plan policy (Policy CLP17) require adequate public open space provision for new development. The relevant calculations to demonstrate the minimum for new provision are set out in Table 1. These are based on the adopted Local Plan’s Quantitative Standards (Appendix B) and the 2018 Open Space evidence which uses local analysis areas as a geography for assessing quantitative provision.

Table 1: Open Space requirement generated by development
(based on adopted local standards and an average occupancy rate of 2.3 persons per dwelling).

Site name	Total housing capacity	Population	Open Space Requirement (ha) per 1000 population				
			Parks 1.06	NSN 3.00	AGS 0.68	Allotment 0.39	Play 0.27
Miller Avenue	13	30	0.03	0.09	0.02	0.01	0.01

6.7.2 The open space requirement generated from the scheme does not exceed any of the thresholds for on-site provision in the recommended local standards for all typologies. The site layout contains incidental areas shown as open space however these are unlikely to be of a sufficient size to meet one of the typologies (e.g., amenity space) as set out in the Public Open Space Assessment and would not qualify for inclusion in a revised open space assessment.

6.7.3 It is necessary to look at how much of the open space requirement will be accommodated by any surplus of existing provision and also what

shortfalls will remain in the locality. Table 2 sets out the existing position for the Mastin Moor analysis area and remaining shortfalls when the proposal is taken into account:

Table 2: Requirements of growth against existing provision

	Parks	NSN	AGS	Allotment	Play
Current sufficiency/deficiency	-0.31	-3.00	-0.53	+0.38	-0.22
+ site requirement	-0.03	-0.09	-0.02	-0.01	-0.01
Surplus / shortfall	-0.34	-3.09	-0.55	+0.37	-0.23

- 6.7.4 The proposal would appear to exacerbate existing deficiencies in publicly accessible open space in the typologies of parks, natural and semi-natural open space, amenity greenspace and play provision.
- 6.7.5 In all but the case of Parks & Gardens and allotments there is already an evidenced deficiency above the trigger thresholds set out in Appendix B of the Local Plan. The development would increase the need for publicly accessible open space in quantitative terms and would also place increased demand on sites which have scope for improvements in quality.
- 6.7.6 The current approach of the Local Planning Authority is reliant on the CIL and not contributions in lieu secured by S106, to meet the requirements of housing growth and so should permission be granted there would be a case for CIL being allocated to nearby open space to enhance the quality of nearby open space and increase the quantity where possible (particularly in respect of natural and semi natural provision) to meet the development's needs.
- 6.8 Highways Safety and Parking Provision**
- 6.8.1 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.
- 6.8.2 Concern has been raised through the application process that the proposal will result in harm to highway safety through accessing the site from Miller Avenue.

6.8.3

The Highway Authority has commented on the scheme as follows:
“The revised proposed site plan demonstrates the provision of tactile crossing points at the junction into the development, and a tactile crossing facility at the point where the proposed footway connects with the existing on Miller Avenue which is an improvement on the original site plan, providing betterment for pedestrian accessibility.

The distance between the junction and parking bays for plots 5 & 6 has been increased slightly with a clearance in the region of 6.5m – 7m, on the basis that the development will remain private this is acceptable.

The Refuse Collection Swept Path Analysis confirms that the proposed layout is adequate for a standard refuse vehicle to enter, manoeuvre and exit the site in a forward gear. A bin store has been provided for Plots 1, 2 & 3 adjacent to Plot 3 in line with previous comments, which will minimise the distance a refuse vehicle is required to reverse when collecting refuse for Plots 1,2 and 3.

The proposal includes the provision of a pump station / attenuation tank located off the cul-de-sac of Rose Crescent, due to the pump station location being segregated from the proposed dwellings the applicant should be aware that a separate construction compound will likely be required.

On the basis of the pump station’s location on a cul-de-sac (Rose Crescent) and the likely sporadic nature of vehicles visiting the site, the proposed vehicular access is considered to be acceptable. The formation of an access in this location will require a section 184 licence. Additionally, It is recommended a temporary construction access is provided for the construction phase of the pump station in order to mitigate any potential damage to the associated kerbs / footways.

It is recommended the site frontage of Plot 5 to the development access road is clear of any obstruction exceeding 1m in height (0.6m in the case of vegetation) in order to maximise visibility for drivers emerging onto the highway.

As the footway fronting plot 6 will be the main route for pedestrians to the development, the vehicular access to Plot 6 should be provided with pedestrian visibility splays of 2m x 2m measured perpendicularly

back, from the back of the fronting footway at both sides of the access, in the interests of pedestrian safety.

The proposed level of off-street parking provision is adequate to serve each dwelling, and there is space within the site for manoeuvring so that resident's vehicles can both enter and exit in a forward gear.

The applicant should be aware any street lighting columns affected by the proposal may require relocation and any costs incurred in this will be at the applicant's expense.

Based on the scale of the development it is not considered that the level of traffic generated by the site would result in an unacceptable impact on highway safety, furthermore, the scale of the development is in line with your own Authorities Local Planning Housing Allocation for the development site (Reference: H6).

Therefore, the Highway Authority has no objections to the proposal" subject to conditions.

6.8.4 Off-street parking is proposed with 2 spaces for the two bed units and 3 for the four beds. Due to the constraints of the site this would be tandem parking for 4 of the four bed units. Whilst not ideal this is not considered sufficient a reason to reject the application.

6.8.5 Through the allocation of the site for housing the highway impacts were considered. The comments of the highway authority confirm that the proposed development subject to conditions to secure visibility splays, appropriate parking, gradient of access road, construction management plan, access to pumping station and bin storage 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.

6.9 Biodiversity Net Gain, Trees and Landscaping

6.9.1 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.

6.9.2 The submitted Biodiversity Net Gain Assessment notes there would be a 31.91% increase in habitat units and 20.33% increase in hedgerow units and trading rules are satisfied. A post-development habitat plan has not been submitted, however it is considered that this matter could be dealt with by the imposition of an appropriately worded condition.

6.9.3 Derbyshire Wildlife Trust has commented that the submitted metric appears acceptable and detailed landscape specifications should be provided on the landscape plans to achieve the desired habitats specified in the metric, either at this stage or required as a condition.

6.9.4 Derbyshire Swift Conservation Project have request that the development is built with up to 13 internal nest bricks (i.e. 1 brick per dwelling) for swifts. A condition is recommended to this effect.

6.9.4 With the above recommended conditions in place, it is considered that the proposed development would not result in significant harm to ecology and would secure a gain in biodiversity is achievable within the site.

6.9.5 Policy RP1 e) specifies a requirement to increase trees and tree groups to enhance landscape character and Policy CLP15 also requires an increase in tree cover in suitable locations.

6.9.6 The application is accompanied by an Arboricultural Report, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). The Council's Tree Officer has commented that; *"The survey recorded 20 individual trees, 9 tree groups, 1 woodland and 4 hedgerows of predominantly semi native mixed deciduous species in overall fair condition. No trees within the site boundary are protected by a Tree Preservation Order (TPO) and the site is not located within a Conservation Area.*

The proposal will require the removal of 9 trees, 5 groups and 2 hedges to facilitate the development and may also have an impact on the roots, stems and canopies of retained trees unless suitable

protection measures are put in place as shown on the Tree Impacts Plan at appendix 3, figure 4 of the report.

The report identifies at Section 3.2.3 the most significant trees recorded within the main area of the site which are to be retained in the scheme and were the category 'B' semi mature woodland group W034 situated in neighbouring land to the north-east corner of the site along with early mature sycamore T033 which is to be removed to facilitate the new roadway situated just outside the southern woodland edge. Overall, they provided a visual contribution to the wider locality, and it is recommended that they would provide significant contribution to any new development. The Sycamore, a multi stemmed tree which is covered in Ivy does provide some visual amenity, but its retention is not possible due to the location of the proposed new roadway. In mitigation for its removal new tree planting along the boundary edge adjacent to the new roadway would be required.

Other significant trees which are to be retained were identified at sections 3.2.4 & 3.2.5 consisting of Purple Plum T001, Field Maple T006 and Lawson Cypress T007 situated along the southeast corner of the site providing a partial visual buffer to and from the neighbouring properties to the south and an early mature Hornbeam T016 and semi mature Hornbeam group G018 situated in the smaller parcel of land, off Rose Crescent to the west providing some visual contribution to the site whilst forming a naturalised field line boundary edge.

The remaining majority of the trees were of low value, retention category C, as stated at section 3.2.6 of the report and should not pose a significant constraint on the development potential of the site. However, these trees provide some moderate collective amenity value. Large scale tree removals should therefore be avoided where trees are not in conflict with design proposals.

Notable amongst these are a mixed species group G002 along with early mature common ash trees T004 and T005 situated along the eastern boundary of the site and adjacent to Renishaw Road (B6419) These trees provide a beneficial visual buffer to and from the site whilst being part of a larger connected network of hedge, shrub and tree line extending north. Their removals should be avoided due to their material conservation they provide to the site and wider locality and protected throughout the development as shown on the Tree Protection Plan at appendix 3, figure 5.

Tree protection measures

The retained trees will need protecting from development operations to ensure that they are not negatively impacted by development operations. Details of the tree protection measures are provided as part of the Arboricultural Method Statement (AMS) at Appendix 3 figure 5.

These measures aim to prevent accidental damage and other adverse effects on the health of retained trees and are in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Landscaping

No details of the proposed landscaping on the site have been provided and planting opportunities are limited due to the number of dwellings and drainage works and sewer easement. A detailed landscaping scheme should be provided and conditioned if consent is granted to the application. The planting should include a native hedgerow which could be planted along the north boundary with the field to provide a natural field boundary and increase biodiversity on the site. Individual trees should also be planted within the hedgerow with species such as crab apple, hawthorn, Oak and Rowan.

Recommendations

There are no objections to the scheme and if consent is granted to the application” subject to tree protection and landscaping conditions.

6.9.7 Subject to conditions relating to the protection of the retained trees and appropriate Biodiversity planting onsite, it is considered that the scheme is acceptable in terms of ecological and tree impact terms.

6.10 Ground Conditions

6.10.1 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.

6.10.2 The submitted Phase II Site Investigation Report recommends that:
-a remediation statement will need to be prepared and

-a standalone detailed gas protection design, installation and verification plan will be required to accompany the remediation statement.

The Environmental Health Officer agrees with these findings and a condition to this effect is recommended.

- 6.10.3 The submitted Coal Mining Risk Assessment notes that there are probable unrecorded shallow coal workings across the site. Based on this, it is determined that the risk posed to the site as a result of migration of crown holes towards the surface due to shallow depth coal mining is high and an intrusive coal mining investigation is required prior to development commencing.
- 6.10.4 The Coal Authority has asked for clarification/further information that the information from the two boreholes is sufficient to demonstrate that unrecorded shallow mine workings are not present beneath the site and do not pose a risk to the development and the Phase II report does not provide any conclusion, following the completion of the investigation works, as to whether or not the possible unrecorded opencast mining activity identified in the original Phase I report is considered to pose a risk to the proposed development.
- 6.10.5 Given this is an allocated housing site it is considered that the concerns of the Coal Authority may be dealt with through the imposition of a pre-commencement condition.

6.11 Flood risk and drainage

- 6.11.1 The 'Flood Map for Planning; shows the site to be located in Flood Zone 1 with 'very low' risk of surface water flooding. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) and Policy CLP13 requires that SuDS and clear arrangements for their ongoing maintenance over the lifetime of the development are incorporated into major development schemes unless it can be demonstrated through submitted evidence that this is not appropriate in a specific location. Further information regarding drainage has been submitted and this demonstrates that the ground conditions are such that SuDs are not an appropriate solution for this site, despite the comments of the Lead Local Flood Authority.
- 6.11.2 Yorkshire Water recommend conditions including that the means of draining surface water from the development be restricted to not exceed a maximum of 3.5 litres per second.

6.11.3 Policy CLP13 also requires development proposals to demonstrate that water is available to support the proposed development and that it will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day. The usual practice is to impose a condition to this effect.

6.13 Local Labour Agreement

6.13.1 Policy CLP6 requires a Local Labour Agreement for major development schemes in order to contribute to the sustainability of the borough and the surrounding area, both during construction and on a long-term basis. Being located within the Mastin Moor Regeneration Priority Area, the applicant will need to give priority to training and employment opportunities for existing residents of the Mastin Moor RPA (as per Policy RP1: d).

6.13.2 The Local Labour Agreement condition will need to specify the requirement to provide opportunities for existing RPA residents. This may be secured through the imposition of a planning condition.

6.14 Social Infrastructure

6.14.1 Policy RP1 requires applications in the Mastin Moor RPA to provide a new Local Centre with additional community facilities and the opportunity for provision of health facilities (RP1 c). This development is not of sufficient size to provide on-site facilities. Any requirement should be linked to a specific infrastructure project which is designed to expand capacity to accommodate new patients generated by the development proposal, at identified practices. Education infrastructure should be addressed through Community Infrastructure Levy.

6.15 Community Infrastructure Levy

6.15.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the low CIL charging Zone as set out in the Council’s [CIL Charging Schedule](#). This is currently charged at a rate of £26.46 per square metre of gross internal floorspace.

			A	B	C	D	E
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Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
2 bed	79.2	0	X7= 554.4	£20	381	288	£14,668.50
4 bed	109.2	0	X6= 655.2	£20	381	288	£17,335.50
Total							£32,004.00

$$\frac{\text{Net Area (A)} \times \text{CIL Rate (B)} \times \text{BCIS Tender Price Index}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

$$\frac{1209.68 \times 20 \times 381}{288} = \text{£32,004.00}$$

7.0 REPRESENTATIONS

- 7.1 Objections received from 4 local residents summarised as follows:
- Access road, Miller Avenue, has a gradient on 12% which is why there is a salt/grit box there, because access in winter is difficult due to snow and ice and becomes impassable;
 - Residents park on Miller Avenue on either side of the road causing narrow access for new traffic and requiring cars to enter the garage site to turn;
 - There are bat roosts in existing garages and trees, and therefore a survey is needed to establish whether the development will adversely affect the bat roosts;
 - There has been a history of land slippage and subsidence on the proposed site;
 - Would not be safe for children to play if small cul de sac became a through road;

7.1.2 ***Officer response – there are no highway objections to the proposal and ground conditions have been addressed in the***

report. The Preliminary Ecological Appraisal noted there was moderate suitability for bat species more tolerant of artificial lighting to use the site for foraging and commuting, however, the site was considered negligible value for roosting bats. Recommended bat roosting boxes be included.

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 It is considered that the recommendation is objective and in accordance with clearly established law.
- 8.3 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.

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 2015 in respect of decision making in line with paragraph 38 of 2023 National Planning Policy Framework (NPPF).
- 9.2 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.

9.3 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.

10.0 CONCLUSION

10.1 The application site is allocated in the Adopted Local Plan for the development of 14 dwellings, this proposal generally 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.

11.0 RECOMMENDATION

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

Conditions

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

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

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

- MMHD01-PKA-MA-XX-DR-A-PL01 REV P2 Site Location Plan
- MMHD01-PKA-MA-XX-DR-A-PL02 REV P2 Existing Site Plan
- MMHD01-PKA-MA-XX-DR-A-PL03 REV P2 Existing Sections
- MMHD01-PKA-MA-XX-DR-A-PL12 REV P2 Proposed Site Plan – Levels
- MMHD01-PKA-MA-XX-DR-A-PL13 REV P2 Proposed Site Sections 01
- MMHD01-PKA-MA-XX-DR-A-PL14 REV P2 Proposed Site Sections 02
- Attenuation Tank Indicative Sections

- MMHD01-PKA-MA-XX-DR-A-PL20 REV P2 Proposed House Type - 2B4P Detached
- MMHD01-PKA-MA-XX-DR-A-PL21 REV P2 Proposed House Type - 2B4P Semi detached
- MMHD01-PKA-MA-XX-DR-A-PL22 REV P2 Proposed House Type – 4B7P
- YWS-DS-SD-WW-003 YW Standard Pump Station GA Plan
- MMHD01-DCA-MA-XX-DR-C-190-P01 Refuse Collection Vehicle Swept Path Analysis
- MMHD01-PKA-MA-XX-DR-A_9000 REV P3 Proposed Site Plan
- Aboricultural Report, Impact Assessment and Method Statement prepared by Ecus dated January 2023
- Phase I Desk Study Report Ref: P22-00751-Met-RP-GE-001 Rev 1 prepared by Met Engineers dated 02.12.2022
- Phase II Site Investigation Report Ref: P22-00751-Met-RP-GE-003 Rev 2 prepared by Met Engineers dated 14.04.2023
- Preliminary Ecological Appraisal prepared by Ecus dated January 2023
- Biodiversity Net Gain Assessment prepared by Ecus dated November 2023
- BNG Calculation dated January 2024
- MMHD01-DCE-MA-XX-DR-C-100 -P01 Drainage Strategy
- Drainage Strategy & Calculations Report Ref: CALC01(-) prepared by Dudleys Consulting Engineers dated October 2023

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

3. 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.

4. 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 neighboring properties during construction).
- Locations for loading/unloading and storage of plant, waste and construction materials.
- Method of preventing mud and dust being carried onto the highway.
- Arrangements for turning vehicles.
- Methods of communicating the Construction Management Plan to staff, visitors and neighboring residents and businesses.

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

5. The Development hereby approved shall not be occupied until the works comprising - The private road / shared access driveway, associated footways and tactile crossing points shown on drawing: MMHD01-PKA-MA-XX-DR-A-9000 have been constructed and completed.

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

6. No development of the pump station shall commence 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 free from any impediment to its designated use.

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

7. Prior to the pump station being taken into use, a new vehicular access shall be formed to Rose Crescent in accordance with the application drawing: MMHD01-DCE-MA-XX-DR-C-100 -P01.

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

8. Plot 5 and 6's frontage to the development access road (Miller Avenue) shall be clear of any obstruction exceeding 1m in height (0.6m in the case of vegetation) for a distance of 2m into the site from

the carriageway edge, in order to maximise visibility for drivers emerging onto the highway.

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

9. The vehicular access to Plot 6 shall be provided with pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 1m (0.6m in the case of vegetation) in height above the adjoining ground level.

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

10. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing: MMHD01-PKA-MA-XX-DR-A-9000 Rev P3.

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

11. The gradient of the private access road shall not exceed 1:12 for its entire length.

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

12. 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.

13. 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 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 K guidance.

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

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

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

15. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted:
- b) a schedule detailing sizes and numbers of all proposed trees/plants
- c) Sufficient specification to ensure successful establishment and survival of new planting.

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 within five years of planting 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).

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with policy CLP15 and to accord with the NPPF.

16. 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 edged land, as identified in the Biodiversity Net Gain Assessment by Ecus to meet the percentage and numerical unit habitat gains set out therein and the landscaping of the site agreed under condition 15.

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 organisation 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.

17. Before the ordering of external materials takes place, a schedule of external materials of construction of buildings and hard surfaced

areas shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

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

18. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. 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 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2023). Such approved measures will be implemented in full. The lighting design should avoid introduced lighting to boundary and adjacent habitats and any new bat/bird enhancement features provided as part of the enhancement of the site.

Reason: To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of residential amenity in accordance with Policy CLP14 of the Chesterfield Local Plan and to protect nocturnal wildlife in accordance with Policy CLP16 of the adopted Chesterfield Borough Local Plan

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

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

20. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details

and the facilities retained for the designated purposes at all times thereafter.

Reason: In order to ensure adequate bin storage for the new and existing dwelling in accordance with CLP20.

21. No development above floor-slab/D.P.C level shall take place until a species enhancement plan has been submitted to and agreed in writing by the Local Planning Authority. It is advised the submitted plan includes:

- 1 x integral Universal Bird Brick to each dwelling at eaves level (avoiding southern elevations)
- a minimum of 4 bat boxes or bricks
- the inclusion of hedgehog gaps in boundary fencing.

The development shall be carried out in accordance with the agreed species enhancement plan.

Reason: In the interests of ecology and biodiversity in accordance with policy CLP16 and the NPPF.

22. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times. In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

23. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to not exceed 3.5 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal. In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

24. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 (four point seven five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal. In the interest of satisfactory and sustainable drainage in line with policy CLP13 of the Adopted Local Plan.

25. No dwelling shall be occupied until provision for a secure, covered, convenient space to store at least two bicycles has been provided in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority. The approved bicycle storage shall thereafter be retained.

Reason: To ensure that adequate secure facilities are provided for cyclists. This condition is imposed in accordance with policy CLP22 of the Adopted Local Plan.

26. The development hereby permitted shall not be commenced until a Phase III remediation statement detailing all remedial measures for the site as well as detailed guidance on the verification of the measures employed, and a standalone detailed gas protection design, installation and verification plan shall be submitted to and approved in writing by the local Planning Authority.

No deviation shall be made from the approved details without the express written agreement of the Local Planning Authority. If during development contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work should be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To address any pollution to ensure a satisfactory development. This condition is imposed in accordance with policy CLP14 of the Adopted Local Plan.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
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. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.

6. 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.

7. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

8. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at Development.Implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- Drafting the Agreement
- A Monitoring Fee
- Approving the highway details
- Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

9. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access

works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.

10. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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

Item 2

Case Officer: C Wright

Application No: CHE/23/00619/FUL

CONSTRUCTION OF 1 PAIR OF SEMI-DETACHED HOUSES ON LAND ADJACENT TO 5 KING STREET SOUTH, CHESTERFIELD FOR MRS JUNE HIBBERT.

Committee Date: 19.02.2024

1.0 CONSULTATION RESPONSES

Ward Members	No representations received
Design Services Drainage	No objections, subject to conditions regarding soakaways, drainage and surface water drainage.
Strategic Planning	No objection to principle, but request inclusion of conditions
Local Highways Authority	No objection, subject to condition.
Urban Design Officer	Amendments requested.
Derbyshire Wildlife Trust	No objection, subject to condition.
Environmental Health	No objection, subject to conditions regarding hours of construction.
Representations	2 objection letters received – see report.

2.0 THE SITE

2.1 The site subject of this application is situated on land adjacent to no.5 King Street South. The land is currently overgrown with no buildings on it, but it previously had a wooden shed on it. The site is in a residential area and is surrounded by housing on all sides.

2.2 The area is dominated by red brick two storey houses designed with terraced-style proportions, although there is some variation on the street including render on some of the dwellings. The dwellings

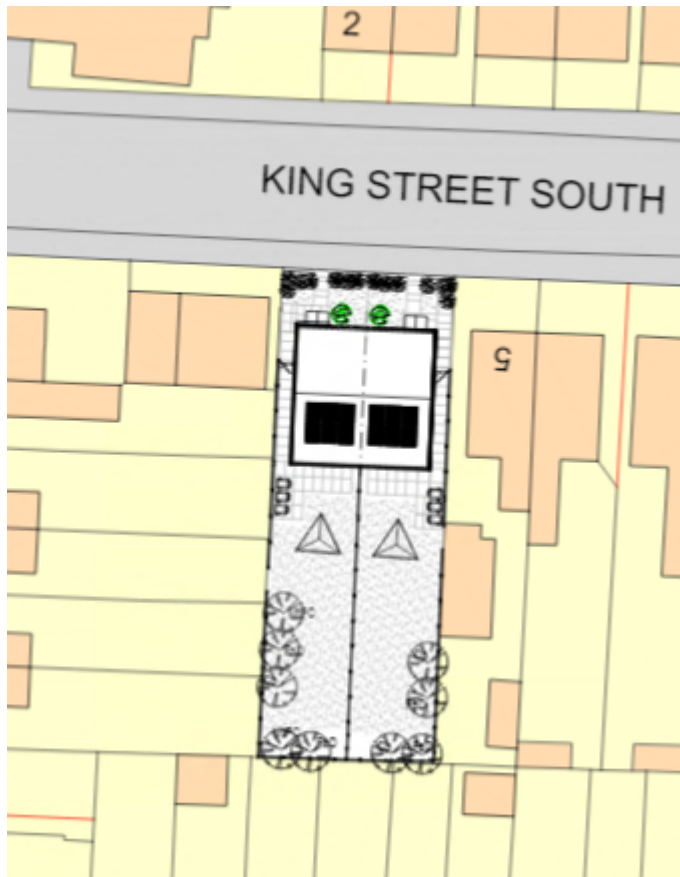
have small front gardens with stone or brick walls to the front and the area is dominated by on-street parking.

3.0 SITE HISTORY

3.1 No relevant applications.

4.0 THE PROPOSAL

4.1 The application seeks consent for the erection of two semi-detached dwellings. The dwellings would include a pitched roof with a canopy over the front door. They would have a kitchen/diner/lounge at ground floor and two bedrooms at first floor. The building would be 8.8m deep, 8.8m wide and 7.2m in height and would be built out of mixed red brick and grey concrete tiles. The dwellings would have rear gardens that are over 80sqm in size.



- 4.2 The houses also have bin stores to the rear, solar panels on the rear roofs and soft landscaping to the front and rear of the site as well as 1.8m high wooden fences surrounding the rear garden.
- 4.3 The scheme has been amended during the application process to bring the dwellings forward, so they are in-line with the no.5. This has led to the removal of a proposed parking space.

5.0 PLANNING POLICY

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

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

5.3 National Planning Policy Framework 2023

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 Supplementary Planning Documents

- Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

- 6.1.1 The application site is within the built-up area and within walking distance of a good range of key facilities along Derby Road. Although technically not previously developed land according to the NPPF definition (which excludes 'land in built-up areas such as residential gardens') the principle of residential development on this site would accord with policies CLP1 and CLP2.
- 6.1.2 Overall, the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up area, therefore broadly accords with the strategy of 'concentration'. The proposal would be broadly consistent with the requirements of the NPPF. On this basis there is no objection in principle to this proposal, subject to conditions.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 6.2.2 The existing site is vacant and overgrown. The surrounding area is a densely built street with semi detached dwellings set on a uniform building line and front walls. The proposed houses would be comparable to the neighbouring dwellings, but with a slight step down in height from neighbouring dwellings to the east. The front windows have been altered during the application to make them bigger, which ensures that they're more in-keeping with the surrounding style of windows.
- 6.2.3 The houses have been moved forwards during the application to ensure they are inline with the neighbouring houses to the east and this also removes a proposed parking space, which was considered to be out of character. The choice of brick and tile are considered to be generally in-keeping with style of the predominant local character.
- 6.2.4 The proposal is considered to respect the character and setting of the site. In this regard it is considered to have an acceptable impact on the character of the surrounding area. The proposal

therefore does accord with the provisions of policy Local Plan policy CLP20 and should be approved in this regard, subject to condition.

6.3 Residential Amenity

- 6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 In regard overshadowing the dwelling would not lead to a significant impact to the dwellings to the north, south or east. It has been moved forwards, which has reduced the potential for overshadowing to the neighbouring dwelling to the east at no.5, with its yard and windows potentially impacted by the scheme.
- 6.3.3 In terms of massing the dwelling is comparable to those around it, in a densely built residential street, and this is acceptable.
- 6.3.4 In terms of overlooking the dwelling does not have any windows that significantly overlook the neighbouring dwellings, in comparison to the existing character of the surrounding units.
- 6.3.5 The units will have gardens that are over 80 sqm in size, which is acceptable for a 2 bedroom dwelling.
- 6.3.6 Due to the densely built nature of the area, a condition is required to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents.
- 6.3.7 The proposal includes reasonable levels of outlook and an acceptable sized amenity space for dwellings of this size. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Flood Risk, Drainage and Stability of River Bank

- 6.4.1 The site is in a low risk area in relation to risk of flooding. CBC's drainage team have been consulted on the scheme however any new connection will require prior approval from Yorkshire Water. The site should utilise separate systems of foul and surface water and further information is required in regards the proposed use of soakaways. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

6.5 Highways Safety

6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The highways authority has been consulted and did not object to the scheme, subject to condition. Their comments were provided under the previous iteration of the development, which included a car parking space to the front. Their comments stated that:

The application proposes two semi-detached dwellings served via an existing vehicular access off King Street South. The proposed development includes the provision of two appropriately sized on site parking spaces which is in accordance with parking guidance for the scale of development. Should the development lead to an increase in on street parking it is considered that this would potentially be inconvenient but not necessarily a highway safety issue which would warrant an objection.

6.5.2 The scheme has been altered to remove the parking spaces, which would then mean that any vehicles would be added to the street for on-street parking. The existing situation in the area is dominated by street parking and the addition of a couple more vehicles onto the street may add pressure onto the local roads, but this wouldn't be a highway safety issue as it would be up to local residents to park safely and local highway services to deal with inconsiderate parking.

6.5.3 It is acknowledged that the construction phase of the development could cause some level of inconvenience and a construction management plan has been requested to help control issues such as construction worker parking and deliveries, as well as requesting details about materials' storage and facilities on site.

6.5.4 The application will include no off-street parking spaces, which is considered to be in line with the local character, therefore on this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan, subject to condition.

6.6 Biodiversity including trees and landscaping

6.6.1 Local Plan policy CLP16 states that all development will "protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity." The NPPF in paragraph 180 requires decisions to protect and

enhance sites of biodiversity and paragraph 186 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

6.6.2 Derbyshire Wildlife Trust was consulted on the proposal and provided these comments:

We have checked our Biological Records Database and can confirm the following:

- Hedgehogs and sparrows are recorded locally*
- No notable habitats have been recorded to date on or adjacent to site*
- The site is not covered by a statutory or non-statutory nature conservation designation.*

Based on the proposals and the information submitted, we advise that the application is considered low impact and unlikely to have a substantive adverse effect on biodiversity. We do not consider ecological surveys or a biodiversity metric necessary or proportionate in this instance. This advice is based on current biodiversity net gain guidelines, with additional clarity regarding the statutory requirements for small sites to be released in April 2024.

The existing habitat has the potential to support small mammals, such as hedgehogs, and nesting birds. We consider the following conditions suitable to safeguard these species. We welcome the proposed tree planting, and proposed further biodiversity enhancements below.

Nesting Birds

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

Hedgehog Precautionary Measures

Site clearance shall be undertaken in a manner by which to safeguard hedgehogs. All leaf piles, dense vegetation and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering

site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes. A short statement of compliance shall be submitted to the LPA upon completion of clearance works to discharge this condition.

Biodiversity Enhancement

Prior to the completion of development, the following biodiversity enhancement measures shall be implemented:

- 1x Integral bat box at eaves level (Favouring southern elevations)*
- 1x Integral universal bird brick at eaves level (Avoiding southern elevations)*
- Native and wildlife attracting planting, where applicable*

Evidence that these measures have been implemented should be submitted to the Local Planning Authority for approval within one month of completion of development.

- 6.6.3 The site is an overgrown vacant piece of land which is covered by dense bramble and scrub, as well as an area of hardstanding from a small building previously positioned on site.
- 6.6.4 A biodiversity impact assessment has been completed of the site and an assessment of the proposed landscaping post development, which included nine small trees to the rear and ornamental shrubs to the front. This was able to show a biodiversity net gain on site of 0.0297 biodiversity units.
- 6.6.5 Limited details have been provided of the shrubs, trees and planting methods, so it is therefore considered reasonable and necessary to impose a condition for measures to secure further information on the biodiversity net gain and landscaping details for the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 Environmental Health - Land Condition / Contamination

- 6.7.1 Land condition and contamination need to be considered having regard to policy CLP14 of the Core Strategy.
- 6.7.2 The Council's Environmental Health team has reviewed the proposals and commented that they have no objections to the plans. It has been considered that conditions should be imposed placing restrictions on the hours of construction in the interests of

protecting the amenity of neighbouring properties; the workers on site would be restricted with the working hours to be 8am-6pm Monday to Friday, 9am-1pm on Saturdays and no work on Sundays or Bank holidays. These restrictions will assist in limiting the noise from the site to normal working hours and reduce impacts in the interests of the amenity of local residents.

6.7.4 In respect of potential Coal Mining Risk, the site the subject of the application is situated within a low risk area and an informative will be added to the decision.

6.8 Community Infrastructure Levy

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

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

			A	B	C	D	E
Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Plot 1/2	128	0	128	£50	381	288	£8,467

$$\frac{\text{Net Area (A) x CIL Rate (B) x BCIS Tender Price Index}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

$$\frac{128 \times 50 \times 381}{288} = \mathbf{£8,467.00}$$

7.0 REPRESENTATIONS

7.1 2 objection letters received in regards design, massing, construction traffic. With further comments regarding the potential

disruption caused by the installing of services on site, the protection of the existing boundaries on site and a query regarding proposed biodiversity on site. Reference is also made to the set back of the houses imposing on the properties to the rear.

7.2 Officer comment – The issues such as construction traffic and biodiversity have been considered in the above report and are dealt with by condition. The issue of the existing rear boundaries is a matter between residents, as changes are likely to be permitted development, as long as they don't build these above 2m in height (to the rear). The installation of the services is not specifically a planning matter, as this is a densely built area with existing drainage, water, gas, electricity, internet and phone infrastructure and whilst there may be some disruption it is a temporary situation. The issue referred to regarding the impact on residents to the rear has been helped by moving the dwellings further forwards on the plot.

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 2012 and the 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.

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

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 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 (Rev B)
 - Proposed Floor plans (Rev C)
 - Fencing/bin store details (Rev A)
 - Proposed elevations (Rev C)
 - Materials specification document

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. 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 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.
- g) Planting method of the trees and shrubs.

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.

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

4. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of residential amenity and CLP14

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

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

6. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the

site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason: In regards highway safety and policies CLP20 and CLP22.

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

Reason: In the interests of the amenity of occupants of adjoining dwellings, CLP14 and CLP20

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

Reason - In the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

9. 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.

Reason: To prevent the increased risk of flooding, in relation to policy CLP13.

10. 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

Reason: in the interests of highway safety and policies CLP20 and CLP22

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. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
3. 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

4. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs.aspx>
E-mail highways.hub@derbyshire.gov.uk or
Telephone Call Derbyshire on 01629 533190.

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ITEM 3**SPECIALIST CARE HOME WITH ASSOCIATED ACCESS, LANDSCAPING, PARKING AND ASSOCIATED WORKS ON LAND OFF HARTFIELD CLOSE, HASLAND, CHESTERFIELD FOR CAIRNWELL DEVELOPMENTS**

Local Plan: Unallocated, within the built up area.

Ward: Hasland

1.0 CONSULTATIONS

Ward Members	No comments received.
Local Highways Authority	No highway objections subject to conditions regarding parking provision, construction management plan and Travel Plan– see report
Strategic Planning	The location is suitable in principle for the proposed use - see report.
Yorkshire Water	Comments received – recommend condition that the development be carried out in accordance with the submitted Drainage Strategy.
Environment Agency	Within flood zone 1 therefore have no fluvial flood risk concerns. No other environmental constraints which fall within the remit of the EA.
Design Services Drainage	Comments received – see report.
Environmental Health	No adverse comments. Condition recommended restricting working hours.
Economic Development	Recommend that a local labour/supply chain clause is negotiated and secured.
County Archaeology	Comments made – see report – recommends imposition of a

	condition for an archaeological Written Scheme of Investigation.
Derbyshire Wildlife Trust	Raised several queries and concerns regarding the submitted Preliminary Ecological Appraisal and an Assessment of Biodiversity Report. Satisfied with the updated Appraisal and Metric subject to conditions and a financial contribution – see report.
Derbyshire Constabulary	No objections from a crime and disorder perspective.
DCC Adult Social Care	No specific objection – note that Chesterfield already has sufficient nursing provision – will be discussing more specific levels of need with the applicant directly.
Representations	31 objections received from local residents plus one from a planning consultant on behalf of 25 residents. – see report

2.0

THE SITE

- 2.1 The site subject of this application is approximately 0.33 hectares in area. It was formerly the rear part of the gardens of properties on Storforth Lane. The land comprises a large grass area, trees and several small domestic outbuildings. The surrounding area is primarily residential in character. Hartfield Close is a residential street which terminates at the western boundary of the site.
- 2.2 The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035.
- 2.3 The site is within Flood Zone 1.



Extract from Google Maps

Site Photographs



3.0

SITE HISTORY

3.1

No relevant planning history.

4.0

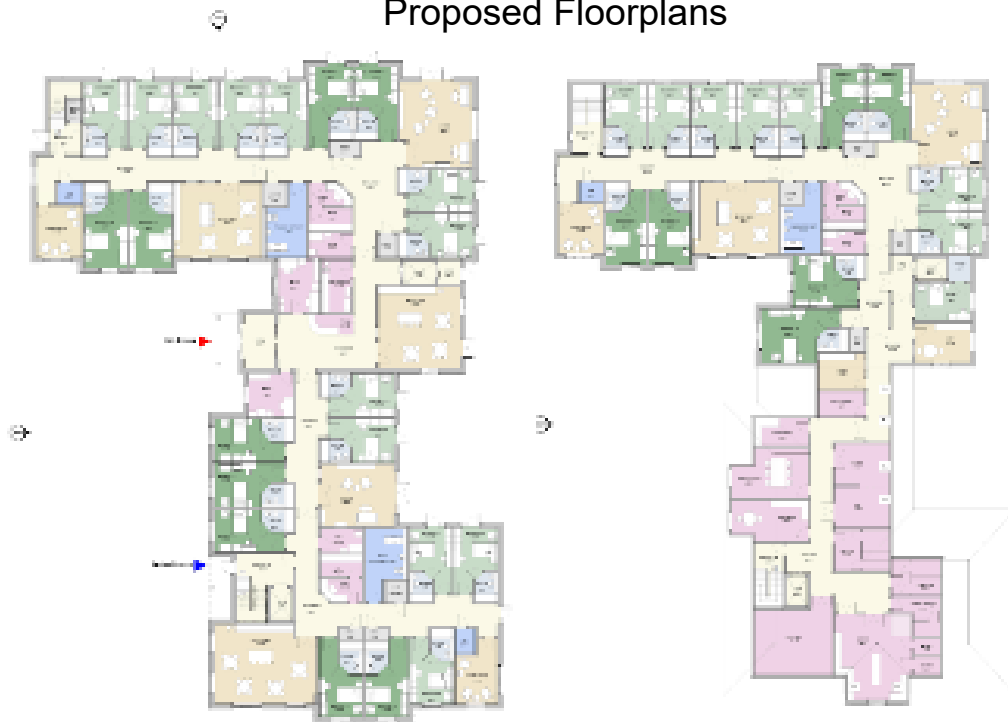
THE PROPOSAL

- 4.1 The application proposes a 34-bed specialist facility care home with accommodation over two floors. The footprint of the proposed building would be 1336sqm, with the overall floor area of the scheme being 2470sqm. The proposed building would be two storeys with vehicular and pedestrian access via Hartfield Close. There would be a car park with 17 parking spaces with two electric vehicle charging spaces and 2 wheelchair accessible spaces forward of the proposed building, plus outdoor amenity space.
- 4.2 Due to a difference in land levels a retaining wall would be required to the north of the proposed building.

Proposed Block Plan



Proposed Floorplans



Proposed Elevations





4.3 The operator of the proposed care home would be Exemplar Health Care (EHC) who specialise in providing specialist nursing care for adults with complex needs. They currently have over 35 specialist care homes across the UK and employ nurses and support workers who are experienced in caring for people with a wide range of needs such as Parkinson's, Huntington Disease, Complex Dementia, Acquired Brain Injury, Spinal Injury, Mental Health Conditions and Rehabilitation. Assuming all 34 beds are occupied there would be 34-38 members of staff present on site during the day. Staff would work 12 hours shifts 8am to 8pm and 8pm to 8am.

4.4 In addition to the submitted plans the following documents have been submitted with the application:

- Planning Statement;
- Design and Access Statement;
- Drainage Strategy;
- Flood Risk Assessment;
- Transport Statement;
- Travel Plan;
- FAQs for commissioners;
- Energy Statement;
- Extended Phase One Habitat Survey (Preliminary Ecological Appraisal);
- Tree Survey and Constraints Report
- Assessment of Biodiversity;
- Biodiversity Metric;
- Noise Impact Assessment;
- Phase 1 – Desk Top Study

5.0 PLANNING POLICY

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP4 Range of Housing
- CLP6 Economic Growth
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

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

5.4 Supplementary Planning Documents

- Successful Places Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The site is not allocated for any specific use in the adopted Local Plan but is within the built-up area. The key policies relevant to the principle of development are CLP1 and CLP2. These direct

development to locations that can be served by a range of facilities within walking and cycling distance.

- 6.1.2 CLP4 is also relevant in that it sets out that the Council will seek a range of dwelling types and sizes and sets criteria for considering special needs housing.
- 6.1.3 Hasland Local Centre is within a 15-minute walk for those residents (and staff) who are able to make use of the available facilities. Given this it is considered the location is suitable in principle for the proposed use.
- 6.1.5 There is no policy requirement for the developer to prove a need for the development, although the level of provision would mean that no special additional weight would be given to the provision of this specialist form of accommodation vs other policy issues and other material considerations.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 6.2.2 The proposed building is split into two wings; the northern wing is two storeys in height with the southern wing 1 ½ storeys reducing the height towards the southern boundary. Proposed materials are primarily red brick walls with a brick plinth details and some areas of render with further interest from the use of brick surrounds around the windows in the rendered sections and brick stacked bond between ground and first floor windows on the front elevation. Grey plain effect roof tiles are proposed with upvc windows and doors with the main entrance and service doors in aluminium. The size of the opening and location of fenestration is considered to be proportional to the massing and scale of the building, as well as the local context.
- 6.2.3 The proposed car park has been well- designed, attractive, and well positioned. When looking into the site from Hartfield Close, the view will be orientated towards the main entrance, rather than the car park which has been sensitively integrated into the built form and does not create the illusion of a car dominated development.

6.2.4 Consideration has been given to the scale, massing, and height of proposed development in relation to that of adjoining buildings. How a development will be seen from around the area has been carefully considered to avoid a negative impact on the surroundings. For example, breaking a large building up into several visual parts can help to minimise the impact of scale. This has been done within the proposal by indenting sections along the front elevation, creating the appearance of a few separate buildings rather than one long one.

6.2.5 Policy CLP20 requires the submission of a statement which sets out how the development would reduce CO2 emissions during construction and occupation and also maximise both the use and generation of renewable energy.

The submitted Energy/Sustainability Statement contains an energy strategy which may be summarised as follows:

- A fabric first strategy which aims to achieve long term reductions in CO2 emissions and climate change;
- Heating will be provided by high efficiency air-source heat pumps;
- Hot water will be provided via high efficiency gas fire water heaters;
- PV will be provided on the south facing roof;
- All lighting will be LED
- The emission rates are lower than that required by the current building regulations;
- Glazing areas are lowered to reduce heat loss and possible overheating issues.

6.2.6 The proposal is considered to be of a scale that is not out of keeping with the wider residential context of the site. It is set in from the boundaries and would provide an appropriate level of outdoor amenity space for the residents. The design is considered to be acceptable and as such would comply with the requirements of Local Plan policy CLP20.

6.3 Impact on Neighbouring Residential Amenity

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

6.3.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*'

6.3.3 The proposed building would be 4m from the boundary with 48 Hartfield Close. That property is a 2 ½ storey house with drive and garage to the side. The only windows/door to the west elevation of

the projecting wing would be to a corridor and stairwell. A pedestrian path leads to a secure cycle store and to the north of the building.

- 6.3.4 The car park would be adjacent to the boundary with 35 Hartfield Close. There would be 8 spaces separated by a landscaping strip which links to a larger landscaped area to the south and which surrounds the bin store which is set in 6.5m from the western boundary.
- 6.3.5 With the set back into the site the distance from the two first floor windows (training room and staff room) in the western elevation of the southern wing to the boundary with 35 Hartfield Close would be 18m over the car park area. This is a three storey house with drive and attached garage to the side and which has no windows in the side elevation.
- 6.3.6 The bungalow to the south at 5 Wiston Way is separated from the site by a cycle path plus substantial tree cover and vegetation. The closest first floor window in the proposed care home would be 19m from the northern boundary of the bungalow. There is only one first floor window in the south elevation of the southern wing and that is to the kitchen.
- 6.3.7 In so far as the relationship of the proposal to the extensive garden areas to the north and east no objections arise in terms of impact on amenity.
- 6.3.8 The Council's Environmental Health Officer reviewed the scheme and raised no objections in principle. As the application site is surrounded by residential dwellings it is recommended that a condition be imposed controlling the hours of construction works in the interests of neighbouring amenity.
- 6.3.9 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

6.4 Highways Safety

- 6.4.1 Local Plan policy CLP20 expects development to 'g) *provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*
- 6.4.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.

6.4.3 The Local Highways Authority has reviewed the scheme and provided the following comments:

“ The application includes the submission of a transport statement which assesses the potential impact of the development on the highway network.

Hartfield Close has a width of between 6m and 5.5m for most of its length which is suitable to accommodate the likely additional vehicular traffic generated by the development; the TRICS analysis included in the transport statement is accepted and predicts a low increase in peak hour movements on the network.

The proposed site access, at 6m in width, is considered suitable to allow two way traffic movements at the access. The indicated internal layout includes appropriately dimensioned parking spaces and the proposed 17 spaces is generally in accordance with recommended guidance for C2 use classification development.

The internal layout indicates bin storage located at the far south of the site some 30m from the site access and the turning facility. Swept path details included in the transport statement indicate that a refuse collection vehicle can manoeuvre to allow the vehicle to enter and exit the site in a forward gear.

The provision of on site cycle storage is welcomed and the number of cycle stands is considered acceptable.

The application does include a Travel Plan; however, this does require some revisions to be acceptable to the highway authority. The following general comments have been provided about the submitted Travel Plan; however please see more specific comments in the attached document which the applicant will need to address:

“The document is essentially sound, although it needs some clarification around targets as per the comments. This needs to be addressed before the condition can be considered discharged. In the event of a S106, the Monitoring fee is £1,265.00 pa x five years, total £6,325.00.

The new access to serve the site will require a legal agreement with Derbyshire County Council under S278 of the Highways Act 1980. The access works will also require the relocation of a street lighting column.

Based on the submitted details, there are no highway authority objections to the application.”

6.4.5 The Travel Plan comments include a requirement for improvements to bus stops on Storforth Lane to be secured by Section 106

agreement. These improvements would be in accordance with Local Plan policy CLP22 and would meet the tests of the CIL regulations.

- 6.4.6 Following these comments an updated Travel Plan was submitted. The applicant's agent has also indicated that they would be willing to enter into a Section 106 agreement for the bus stop improvements and monitoring of the Travel Plan.
- 6.4.7 The majority of the objections received from local residents raise concerns regarding the use of Hartfield Close to access the site, given that parking occurs on both sides of the road with vehicles parking on the pavement which narrows the width of the road making it difficult for the refuse lorry and other larger vehicles to get through and this would be made worse by the proposed development, and question whether adequate parking spaces are proposed. The care home would be a relatively low user in terms of vehicle movements as residents would not have vehicles and travel plan measures would be in place for staff. The 17 parking spaces proposed is considered sufficient for this type of use. The road is wide enough for two-way traffic and there is sufficient space within the site to enable a refuse vehicle to enter and exit in forward gear. The existing parking on the road which on occasions leads to obstruction of the highway is ultimately a matter for the Police and Highway Authority to enforce. It is not reasonable grounds to refuse the application for highway safety reasons.
- 6.4.8 Subject to conditions and a Section 106 agreement to secure improvements to bus stops and monitoring of the Travel Plan as detailed above the development complies with the requirements of CLP20 and CLP22.

6.5 Flood risk, Drainage and Water Efficiency

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

development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.'

6.5.3 The application site is located in 'Flood Zone 1' as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council's Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water.

6.5.4 The Design Services (Drainage) Team reviewed the application and noted that the site is located in Floodzone 1 and the EA Surface Water flooding data shows that the land could be affected by surface water flow from Storforth Lane and possible surface water flooding from the unnamed watercourse that runs east to west along the southern boundary of the Storforth Lane properties. The unnamed watercourse is maintained by Chesterfield Borough Council along with the trash screen at the entrance to the Yorkshire Water owned surface water public sewer. Any connections to the foul sewer system should be approved by Yorkshire Water. There have been several instances of sewage escapes to the manholes at the rear of 5 Hartfield Close. Any connection to the watercourse would require the consent of the LLFA and Yorkshire Water.

6.5.5 Yorkshire Water comment that the submitted drainage strategy is acceptable. In summary this states that

- a) Foul water will discharge to public foul water sewer
- b) Surface water will discharge to land drain

Recommend imposition of a condition that the development be carried out in accordance with the submitted drainage strategy.

6.5.6 Subject to the imposition of conditions covering provision of drainage in accordance with the submitted Drainage Strategy and water efficiency standards the proposal will accord with the provisions of CLP13 and the wider NPPF.

6.6 Biodiversity, Landscaping and Trees

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

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

6.6.2 The NPPF also requires net gains in biodiversity.

- 6.6.3 Following the initial comments of the Derbyshire Wildlife Trust an updated Biodiversity assessment and metric was submitted. This concludes, in accordance with the habitats present within the site and the proposals for the site's redevelopment the BNG Assessment predicts a change of -26.32% and in a loss of 1.31 habitat units. The trading rules cannot be satisfied as the grassland cannot be replaced due to the extent of urban sealed development proposals. Given there is a loss of biodiversity across the site client will want to enter into a S106 agreement to manage the shortfall. DEFRA guidance is between £12-23k per unit loss.
- 6.6.4 Derbyshire Wildlife Trust have made the following comments on the updated Biodiversity assessment and metric:
"We are pleased to see that Metric 4.0 has been used and the calculations resubmitted. A loss of -1.31 habitat units is predicted and trading rules are not satisfied due to the overall loss of grassland (we note that this is low value grassland however). The applicant proposes to offset these losses with a monetary contribution – an approach that the Trust are satisfied with, however it is at the discretion of the LPA whether this can be accepted. It should be confirmed whether this would be paid to the LPA and whether it can be allocated to a specific biodiversity project or site. In terms of price per unit, we have historically advised 20K per unit, however it is apparent that this is slightly lower than emerging habitat bank prices. Again the price is at the discretion of the LPA, if they will receive the money.

The habitat proposals and management and monitoring prescriptions provided in the updated BNG Report are acceptable and compliance with this document should be secured via condition. Any detailed landscape plans must reflect these proposals. We also advise that bat and bird boxes are either added to proposals or secured via condition for a Species Enhancement Plan. For a site such as this, two integral bat boxes and 10 x integral universal nest bricks would be reasonable."
- 6.6.5 In response to the above comments the applicant's ecology consultant has advised that the main habitat being lost is rated by DEFRA at £12k per unit replacement, so based on a loss in overall biodiversity of 1.31 habitat units the applicant would accept a S106 contribution of about £16k.
- 6.6.6 There are a number of existing trees on site. The main arboricultural impacts are of the proposed development are:
• New footway surfacing in the vicinity of retained trees

- Installation of proposed development infrastructure requiring tree removal.

These include a footway in the Root Protection Area of T7 Populus serotina where a cellular confinement system is proposed and the removal of ten individual trees, and five Groups of trees consisting of Cupressus, Holly and Goat Willow. The submitted Arboricultural Impact Assessment classes these as garden trees of low arboricultural significance.

- 6.6.7 It is unfortunate that a Cedar would have to be removed which is clearly one of the most significant trees on the site, but the tree is located directly in the path of the new access. Other trees within the rear gardens which are proposed for removal have limited visual amenity due to their location and other trees off site which screen the proposed development site. There is, however, an opportunity with a good landscaping scheme to replace some of the lost trees which would enhance and provide an amenity for the site which should be conditioned as part of a wider landscaping scheme.
- 6.6.8 A proposed landscaping scheme has been submitted. This proposes a tobermore path which will circulate the care home, with garden seats located to the north east and east of the building. Timber boundary fences are proposed with the northern, eastern and southern boundaries being at a height of 2.1 metres with controlled access points on either side of the car park to the remaining external area of the site. The western boundary fence would be 1.8 metres high.
- 6.6.9 The existing trees on the northern and southern boundaries will be retained together with the existing hedge to the east. Additional trees are proposed on the eastern and western boundaries with multi-stem shrubs throughout plus wildflower areas and climbers against internal security fences.
- 6.6.10 The submitted Preliminary Ecological Appraisal found no evidence of protected species on the site.
- 6.6.11 Subject to conditions as recommended above plus the completion of a S106 agreement to secure a financial contribution to offset the loss of habitat units the development is considered to accord with the requirements of CLP16 and the NPPF.

6.7 Archaeology

- 6.7.1 As a major application County Archaeology were consulted and made the following comments:

“The site is 60m or so east of the course of the Rykniel Street Roman road as shown on Derbyshire Historic Environment Record (HER). The road is almost wholly conjectural on its southern approach to Chesterfield, with no known points north of the scheduled section at Redleadmill Brook, Wingerworth, some 3km south of the current proposal site. Some tentative suggestions have been raised regarding a possible ford point across the Rother (1km south) and a ‘rock surface’ interpreted as possible buried road surface was identified in allotments 600m south of the current site (though this record seems unconvincing).

There is consequently a degree of uncertainty over the route of Rykniel Street into Chesterfield through Hasland. That shown on Derbyshire HER is a best guess although a degree of variability to either side of this line is possible, which could bring the current proposal site into play, particularly as it does not appear to have been substantially developed before.

This archaeological interest is best addressed through a planning condition in line with NPPF para 205, to allow the potential for the Roman road in the site to be tested in advance of development, whether through monitoring of stripping or through a programme of evaluation trenching in the first instance.”

6.8 Developer Contributions and Community Infrastructure Levy

- 6.8.1 The proposed development is within the C2 residential institutions use class. This is not CIL liable development. However, a Section 106 agreement will be required to secure financial contributions to offset the loss of onsite habitat units, improvements to bus stops on Storforth Lane and monitoring of the Travel Plan.

7.0 REPRESENTATIONS

- 7.1 The application has been publicised by neighbour notification letters, site notices and advert in the local press and 32 objections have been received from local residents and a planning consultant acting for 25 residents.

The points made in the planning consultant’s letter are set out below:

“Loss of amenity and privacy for neighbouring land users

The application site is bounded by several residential properties including nos 35 and 48 Hartfield Close to the west, 5 Wiston Way to the south, 99, 105, 105a and 107 Storforth Lane to the north and 97 Storforth Lane to the east. 44 other residential properties lie to the west of the application site along Hartfield Close, Hartfield Court and Stainer Court.

The immediate context is relatively low density housing comprising of 2, 3 and 4 storey detached, semi-detached and terrace properties. The relationship between existing residential uses must be carefully considered.

The application proposes the erection of a 34 bed specialist care home totalling 2,470sqm of internal floorspace. Local residents have significant concerns with the size, scale and location of the building within this residential area.

Policy CLP14 'A Healthy Environment' states:

"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."

The plot size is uncharacteristic of the surrounding area due to being residential backland which results in a scheme which has a cramped and unsympathetic relationship to the site boundaries, specifically the north boundary, which further reinforces the overdeveloped nature of the proposal. The siting of the building toward the eastern edge of the site merely reinforces the uncharacteristically shaped plot and inadequate nature of the site.

Given the scale of the building and its distances between existing neighbouring properties and the proposed care home it is considered that the building would have an overbearing impact on the occupants of the closest neighbouring dwellings, namely nos 35 and 48 Hartfield Close to the east, 5 Wiston Way to the south, 99, 105, 105a and 107 Storforth Lane. Furthermore, the development will result in direct overlooking of adjoining residential gardens of aforementioned properties given the proximity of the building to their boundaries.

The proposed development by reason of its site, scale and position would have an overbearing impact on immediate neighbours and would afford direct views into the rear gardens of neighbouring properties resulting in a significant loss of amenity and privacy, contrary to policies CLP14 and CLP20 of the Adopted Chesterfield Borough Local Plan (2020) and the guidance contained with the National Planning Policy Framework (2023).

Impact on highway and pedestrian safety

The proposed development would be accessed directly off Hartfield Close which is a quiet, internal, residential estate road which serves the residents of Hartfield Close, Hartfield Court and Stanier Court.

Hartfield Close has a width of between 6m and 5.5m for most of its length which the accompanying Transport Statement concludes is suitable to accommodate the likely additional vehicular traffic generated by the development. However, no consideration has been given to the current constraints of the internal estate road, which is already heavily congested with existing resident's vehicles, some of which are parked on the highway. The proposed development will put further pressure on the existing highway network as a result of the scale of the development, particularly during peak hour movements.

Policy CLP22 'Influencing the Demand for Travel' states:

"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."

It is considered that the proposed development of a 34 bed specialist care home would significantly increase the traffic generation, not only associated within the site, but on Hartfield Close and Storforth Lane to the detriment of the residents in the local area. Further concerns are raised with the lack of parking provision on site for residents and their associated visitors. It is considered that the proposal would significantly inconvenience existing highway users and pedestrians within the immediate area as a result of the development, contrary to policy CLP22 of the Adopted Chesterfield Borough Local Plan (2020) and the guidance contained with the National Planning Policy Framework (2023).

Impact on the character and appearance of the area

The application site occupies a relatively quiet position within Hartfield Close. The wider more immediate context is a relatively medium density housing comprising of 2, 3 and 4 storey suburban development. It is recognised that the granting of housing on what was formally residential backland has changed the character of this part of the settlement, although in the form of medium density housing.

Policy CLP20 'Design' states:

"All development will be expected to (amongst other things) 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;"

The applicant argues that the mass of the building has been broken up through the use of differing facing materials. However, the footprint of the building entirely dominates the site. Whilst a number of amendments have been made to the scheme following the applicant's initial pre-application discussions with the Local Planning Authority (CHE/23/00560/PRE) the nature of the changes are such that they have not resulted in a less incongruous building when viewed within its immediate context, particularly along Hartfield Close.

It is considered that a building of the height proposed, scale and 'wharf like' design suited in a residential area would, in this context, appear as an incongruous and monolithic lump on the area that would not respect or respond positively to the character and context of this part of the settlement. It is considered that the harm to the settlement, when having regard to the size and scale of the proposal, would not be outweighed by the benefit of securing a specialist care home in this location.

The proposed development would result in overdevelopment of the site and the inclusion of a specialist care home is not considered to be an appropriate response for the suburban location which comprise mainly 2 and 3 storey detached, semi-detached and terrace properties.

The proposed development, by reason of its siting, size and scale, would introduce an incongruous form of development on this visually prominent site that does not respect the character, form or setting of the site and surrounding area. As such it would represent an intrusive and uncharacteristic form of development, contrary to policy CLP20 Adopted Chesterfield Borough Local Plan (2020) and the guidance contained with the National Planning Policy Framework (2023).

CONCLUSION

When all of the main issues identified above are weighed in the balance and having due regard to all the elements of local and national planning policies it is considered that the social and environmental disbenefits identified above would significantly and demonstrably outweigh the benefits associated with the delivery of 34 bed specialist care home, in this case.

Notwithstanding the above, given the level of public interest associated with the application it is respectfully requested that the application be presented to the Members of the Planning Committee for final determination."

7.2 The points made in the other representations largely mirror those stated above. Points not covered relate to the loss of trees and vegetation and harm to ecology including wildlife in particular newts, which are found in an adjacent garden.

7.3 ***Officer comments – It is considered the points raised have been addressed in the report.***

7.0 HUMAN RIGHTS ACT 1998

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015 and paragraph 38 of 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.

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

9.0 CONCLUSION

9.1 The application site is located within the built-up area in a location which is within walking and cycling distances of key services and facilities, therefore the proposal is considered to be acceptable in principle. The building is considered to be of an acceptable design which would not have detrimental impact on the amenities of local residents. There are no highway objections to the proposal and other matters may be dealt with by means of condition or within a Section

s106 agreement. The planning balance is therefore considered to be in favour of the proposals.

10.0 RECOMMENDATION

10.1 It is therefore recommended that a s106 agreement be negotiated concerning:

- financial contributions to offset the loss of onsite habitat units,
- improvements to bus stops on Storforth Lane
- fee for Monitoring of the Travel Plan.

10.2 That on completion of the s106 agreement that planning permission be issued subject to the following conditions

Conditions

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

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

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).

- 3521-HIA-01-XX-DR-A-0101 REV P6 Proposed Site Plan with GF Plan
- 3521-HIA-01-XX-DR-A-0102 REV P2 Existing Site Plan
- 3521-HIA-01-XX-DR-A-0103 REV P2 Site Location Plan
- 3521-HIA-01-00-DR-A-0201 REV P3 Proposed Ground Floor Plan
- 3521-HIA-01-01-DR-A-0211 REV P3 Proposed First Floor Plan
- 3521-HIA-01-XX-DR-A-0301 REV P3 Proposed Elevations – Sheet 1 of 2
- 3521-HIA-01-XX-DR-A-0311 REV P3 Proposed Elevations – Sheet 2 of 2
- AT.23.1256.100 REV R.02 Hardworks and Boundary Treatments
- AT.23.1256.101 REV R.02 Softworks – Planting Plan
- Drainage Strategy Report Reference: JCC23-130-C-02-02 Rev 02 by JC Consulting dated 24.11.2023
- Energy/Sustainability Statement by Iles Consulting Ltd dated 21.11.2023
- Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) Version One by Amenity Tree Environmental Planning Consultants dated 05.07.2023

- Flood Risk Assessment Report Reference: JCC23-130-C-01-00 Rev 02 by JC Consulting dated 24.11.2023
- Noise Impact Assessment Ref: NIA-11000-23-11310-v1 Chesterfield.docx by Environmental Noise Solutions Ltd dated 22.09.2023
- Phase 1 Desk Top Study Report Ref: JCCGEO23-028-01-DTS by JC Consulting dated July 2023
- Transport Statement Project Ref: 332610166 Rev A by Stantec UK Ltd dated November 2023
- Tree Survey and Constraints Report by Amenity Tree Environmental Planning Consultants
- Assessment of Biodiversity Version 2 by Amenity Tree Environmental Planning Consultants dated 17.01.2024
- Biodiversity Metric 4.0
- Travel Plan Project Ref: 332610166 Rev A by Stantec UK Ltd dated January 2024

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

3. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

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

4. 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"

Reason – To ensure the preparation and implementation of an appropriate scheme or archaeological mitigation in accordance with the NPPF.

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

Reason – To ensure that satisfactory arrangements are made for the recording of any possible archaeological remains on the site in accordance with the NPPF.

6. 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 4 and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason – To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the NPPF.

7. The development hereby approved shall not be brought into use until the access, parking (including cycle parking) and turning facilities have been provided as shown on the submitted drawings.

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

8. 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);
- Advisory routes for construction traffic;
- Any temporary access to the site;

- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development. To safeguard the amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

9. The Development hereby approved shall not be brought into use until the applicant has submitted a Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. 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.

Reason: To reduce vehicle movements and promote sustainable access.

10. Prior to installation of any external lighting scheme for the site, a detailed scheme shall be submitted to the Local Planning Authority for consideration. The lighting scheme agreed in writing shall be fully implemented in accordance with the approved scheme before the use commences and retained as such thereafter.

Reason - To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of residential amenity in accordance with Policy CLP14 of the Chesterfield Local Plan.

11. The site shall be landscaped strictly in accordance with the submitted scheme shown on AT.23.1256.101 REV R.02 Softworks – Planting Plan and shall thereafter be retained and maintained as follows:
- a) 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;

- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) 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.
- d) All hard landscaping and boundary treatments shall also be carried out in accordance with the submitted details shown on AT.23.1256.100 REV R.02 Hardworks and Boundary Treatments prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason - To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy CLP20 of the Chesterfield Local Plan.

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

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

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

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

- 14. Before any construction occurs above floor-slab/D.P.C level precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

Reason – In order to ensure the material used as appropriate for the site context in accordance with CLP20 and CLP21 of the Local Plan and national guidance contained in Section 16 of the NPPF.

- 15, The development shall be carried out in accordance with the habitat proposals, management and monitoring prescriptions provided in the submitted Assessment of Biodiversity Version 2 by Amenity Tree Environmental Planning Consultants dated 17.01.2024

Reason - In the interests of ecology and biodiversity in accordance with policy CLP16 and the NPPF.

16. Prior to the completion of development, the following biodiversity enhancement measures shall be implemented:
- 10 x integral Universal Bird Bricks at eaves level (avoiding southern elevations)
- 2 x Integral Bat Boxes at eaves level (favouring southern elevations)
Evidence that these measures have been implemented should be submitted to the Local Planning Authority for approval within one month of completion of development.

Reason - In the interests of ecology and biodiversity in accordance with policy CLP16 and the NPPF.

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. 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

3. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
4. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient

time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement

A Monitoring Fee

Approving the highway details

Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

5. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. The buildings and landscaping 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 which would be an offence under relevant regulations. 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.
9. Foul water from kitchens must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

10. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oils, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

ITEM 4**Renovation and extension to 25 Old Road and demolition of 27 Old Road at 25-27 Old Road, Chesterfield for Herring Investment Ltd.**

Local Plan: Adjacent to the Local Centre and SS2 allocation
Ward: Brampton East and Boythorpe

Committee Date: 19th February 2024

CONSULTATIONS

CBC Environmental Health	Recommend standard restrictions on the hours of work.
Yorkshire Water	Comment made see report
CBC Design Services Drainage	The site is not shown to be at risk of flooding according to the Environment Agency Flood Maps. As mentioned in Yorkshire Water's response, there is a 100mm dia public combined sewer shown to be crossing the site and their comments must be adhered to. Care should also be taken during demolition not to damage the drainage below ground and protect it from debris contamination. Sustainable drainage principles should always be the first option in the hierarchy of surface water disposal. Any amendments to existing drainage may require Building Control consent. Any new connections to the public sewerage system will require prior approval from Yorkshire Water.
Highway Authority	Comments made see report
Archaeology	The proposed development area lies within the Chatsworth Road Conservation Area, consult with your conservation officer. There will be no archaeological impact and we have no objection.
Representations	From County Councillor Milhaly: These properties are in the Conservation Area and are 200 year old labourers cottages. I strongly disagree with this application. The property has been left to depreciate and it would be better to renovate these and bring them back to their former glory. The business has thrived without the need to demolish the building, they should both be renovated.

2.0 THE SITE

- 2.1 The application site is located within the Chatsworth Road Conservation Area and consists of two traditional dwellings forming the end of a terraced row. The properties are rendered with slate to the roof, chimney detailing and a dormer window. To the frontage there is a brick wall coped with stone and stone gate piers to the pedestrian access. To the western side of the dwelling is the access to the commercial truck yard which is located to the north. To the eastern side of the site is the adjoining property which is commercial on the ground floor. There is an arched opening giving access to the rear.



3.0 SITE HISTORY

- 3.1 CHE/21/00092/FUL Demolition of 25 and 27 Old Road and erection of a new building with a commercial unit on the ground floor and two flats above. (Revised elevation and ground floor dated 01.07.21 and

revised first floor dated 10.05.21, Bat survey 13.08.2021) – Conditional permission 22.09.2021.

4.0 THE PROPOSAL

- 4.1 The submitted Planning Statement sets out the proposed works as follows:
The proposed scheme seeks to preserve the adjoining arch between No. 23 and No. 25 which is considered to be a key feature of the street scene. The extension to No. 25 will provide additional invaluable floor space and create a light and airy family living room. The yard to the rear will be enclosed by a 2m high wall ensuring there is no boundary conflict with the commercial truck yard. The re-roofing of the property will not only enable the building fabric to be enhanced, but allow for the dormer window to be centralised on the roof, improving the street scene. The new gable wall to No. 25 will be finished with K-Rend, colour to be approved. Access to the property is as existing and internally the new stairs will be altered to comply with the building regulations improving access within the property.
- 4.2 There is a long standing issue at the site where due to the narrow access being used by large vehicles there is often damage caused to the adjacent properties, the intention is to resolve this by widening the access through demolition of the adjacent dwelling. Following the grant of planning permission it was discovered that the original demolition proposed could not be undertaken without causing structural issues with the adjacent property. Therefore to resolve the matter it is now proposed to demolish the end property only, make good the side elevation and erect a wall to the front and rear gardens to provide a division between the dwelling and the yard. It is also proposed to erect a single storey extension to the rear of what will become the end dwelling. The dormer to the roof will be amended and the chimney stack will be retained. The access to the commercial yard to the rear will then be widened with corresponding changes to the highway layout to denote the access and provide crossing details.
- 4.3 The proposal is demonstrated on plan as follows:



- 4.4 In terms of sustainability the submission notes:
- The location of the site is sustainable due to its close proximity to the town centre. The site is well served by a range of facilities including public transportation links, shops etc.
 - Whilst the form of the building and its orientation is as existing, light and airy habitable rooms have been created with the extension to the rear No. 25.
 - New glazing will improve the thermal efficiency of the property, and the building fabric will be improved through enhanced insulation.
 - Renovating the property will allow for additional sockets and data points maximising the flexibility in the use of the rooms.
 - Energy efficient lighting will be provided throughout.
 - Installation of heating controls.
 - Providing waste facility for recyclable waste.
 - Providing Eco labelled white goods.
 - Rainwater harvesting
 - providing water butts to down pipes where feasible.
 - Space for cycle storage on site

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

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

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

desirability of preserving or enhancing the character or appearance of that area.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP8 Vitality and Viability of Centres (Strategic Policy)
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel
SS2 Chatsworth Road Corridor (Strategic Policy)

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

Part 2. Achieving sustainable development
Part 4. Decision-making
Part 5. Delivering a sufficient supply of homes
Part 6. Building a strong, competitive economy
Part 8. Promoting healthy and safe communities
Part 9. Promoting sustainable transport
Part 12. Achieving well-designed places
Part 16. Conserving and enhancing the historic environment
- Shopfront Design
- Successful Places' Residential Design Guide
- Historic Environment

5.4 Key Issues

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

5.5 Principle of Development

- 5.5.1 The application site is within the built up area and immediately adjacent to the District Centre of Chatsworth Road and the defined SS2 Strategic Site area which sets out that;
Development proposals will be supported where they contribute towards:
a) the vitality and viability of Chatsworth Road district centre;
d) providing a new variety of uses that will create a mixed, sustainable community;
e) the improvement of identified transport and highway issues;
Outside the district centre development will be focussed on new housing and compatible uses.
- 5.5.2 Policies CLP1 and 2 seek to located new development on sustainable locations. As the site is on the edge of a local centre and close to a mix of existing uses it is considered that the principle of development in this location is appropriate. Policy CLP8 supports the role of local centres looking for development to contribute to their viability and vitality.
- 5.5.4 The proposal here is for demolition of an existing dwelling in order to improve the access arrangements to the existing long standing commercial use to the north of the access. This will support the continued operation of the commercial use which is welcomed in an area where there is a mix of uses all supporting the vitality of the area.
- 5.5.5 The proposed extension to the existing dwelling following demolition of the end property is considered appropriate in this location subject to consideration in terms of heritage matters and residential amenity impacts, which are considered below.

5.6 Impact on Heritage and Design and Appearance

- 5.6.1 Policy CLP21 sets out that; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. This is in line with Part 16 of the NPPF which seeks to conserve assets or where harm is identified justify this and weigh the public benefits against the harm.

- 5.6.2 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.
- 5.6.3 The submitted heritage information notes:
- The preservation of the existing arch between no. 23 and 25 has been enabled through no longer demolishing No. 25
 - The existing chimney stack to No. 25 is also to be retained.
 - The brick boundary wall to the front of No. 25 is to be retained along with the existing stone copings.
 - The traditional alignment of the windows is retained along with the stone heads and cills. The windows will be enhanced by the proposed fully operational sash windows set 100mm off the face of the brickwork.
 - The existing roof is to be re-roofed in natural slate.
 - The proposed dormer window is to be aligned centrally.
- Overall, the above proposals preserve and enhance the character and appearance of the Conservation Area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.6.4 Concern has been raised by a Councillor that the demolition of one of the historic dwellings is harmful to the Conservation Area and the buildings should be retained and restored. Ideally it would be the case that buildings within the Conservation Area, and which contribute to the character of the street scene should be retained. However, it is also important to consider the safety issues that are being addressed as part of this proposal.
- 5.6.5 The demolition is considered to result in less than substantial harm to the character and appearance of the street scene and therefore the significance of the Conservation Area. However, this is considered to be outweighed by the public benefits arising from the improved safety in use of the access as a result of the demolition. Furthermore, the harm is minimised by the remedial works to the adjacent dwelling and the retention of the feature boundary wall to the frontage, chimney stack and improved dormer. On this basis the proposal is considered to meet the requirements of Policy CLP21 and Part 16 of the NPPF. Conditions will be required to secure appropriate materials and detailed works.

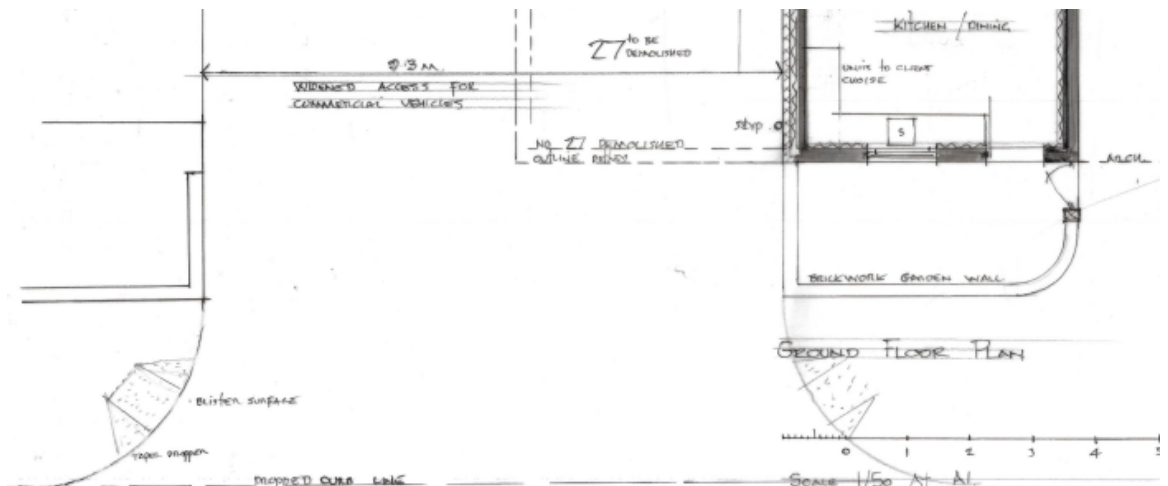
5.7 Impact on Residential Amenity

- 5.7.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 5.7.2 The widening of the access, along with the construction of a boundary wall to define the garden area of the adjacent dwelling is considered to result in a suitable relationship between the commercial yard and the adjacent dwelling. The requested working hours condition is included in the recommendation. In this regard the requirements of policy CLP14 are met.

5.8 Highways Safety and Parking Provision

- 5.8.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.8.2 The Highway Authority have noted:
As the alterations to the adjacent access are included in the consent for a previous application (CHE/21/00092/FUL) and as this application does not include any alterations to existing or proposed access(es), this application is considered to have no impact on the highway network. However, if consent is granted for this application and the previous application is not implemented, the space left following the demolition of no.27 will be uncontrolled. Therefore, it is considered that this application should include proposed alterations i.e. widening of the adjacent access to allow any consent to require that the existing footway crossing to be widened as per the details included in the previous application or at least fenced off until approval is granted by Derbyshire County Council to widen the access and footway crossing under a S184 application. It is requested that the applicant revise the application to include alterations to existing access and submit a plan indicating the widened access. On receipt of the revised application form, further comments will be provided. Despite further consultation no further comments have been received from the Highway Authority.
- 5.8.3 Following these comments, a swept path analysis was submitted and amended plan showing detailed changes to the highway including appropriate crossing/blister surfacing for pedestrians. At present the access is merely a dipped area of pavement area with no crossing detail. The inclusion of the crossing points and curved kerb edging is considered to ensure the widened access is safer for pedestrians. The widened access is also safer for residents of the adjacent properties

and larger vehicles as the wider access will reduce the potential of vehicles hitting the buildings or boundary walls.



5.9 Biodiversity, impact on protected species, enhancement and Trees

- 5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.”

- 5.9.2 The supporting Planning Statement notes the provision of bee bricks and a swift block to enhance biodiversity, these measures are considered to be appropriate and are recommended to be secured via condition.
- 5.9.3 Whilst a bat survey has not been submitted in regard to this application we know from the previous application which had a submitted bat survey, that the buildings have limited potential for bats such that no further action or conditions were required. A standard footnote regarding the need to comply with the Wildlife and Countryside Act will be added as a footnote.
- 5.9.4 On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

5.10 Ground conditions

- 5.10.1 Policy CLP14 requires appropriate impacts in terms of noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts; and in addition, requires appropriate mitigation for unstable or contaminated land.
- 5.10.2 The previous application required a Coal Mining Risk Assessment which has been updated for this submission. The Assessment concludes the need for further investigative works, which can be conditioned as on the previous application. Ordinarily extensions to dwellings and demolition work would not require a submission of the CMRA as part of the planning application. However, as it has been submitted and the findings are that further assessment is needed, without comments from the Coal Authority to indicate otherwise, the conditions are included in this recommendation.
- 5.10.3 On this basis the proposal meets the requirements of Policy CLP14.

5.11 Drainage

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

5.11.2 The alteration and extension to the dwelling to be retained will consider drainage matters under Building Regulations. The demolition works are not considered to impact on local drainage or potential flooding. However, Yorkshire Water whilst not raising an objection have noted:

1.) On the Statutory Sewer Map, there is a 100mm diameter public combined water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010). c.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

This information will be added as a footnote within the recommendation, but is ultimately a matter to be considered by the Statutory Undertaker.

5.12 Development Contributions and CIL Liability.

5.12.1 As there is no increase in floorspace, the development is not liable for CIL.

6.0 REPRESENTATIONS

6.1 One received from a Councillor noting:
These properties are in the Conservation Area and are 200 year old labourers cottages. I strongly disagree with this application. The property has been left to depreciate and it would be better to renovate these and bring them back to their former glory. The business has thrived without the need to demolish the building, they should both be renovated.

6.2 The concerns are addressed in section 5.6 above.

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 proposed development will improve access to the commercial yard to the north of the site whilst also improving pedestrian safety in line with policy CLP22. These highway enhancements are considered to outweigh the low level less than substantial harm arising from the development in accordance with Policy CLP21 and Part 16 of the

NPPF. Matters of ground conditions, residential amenity, biodiversity and drainage are all considered to be acceptable. The proposal is considered to be acceptable subject to conditions.

10.0 **RECOMMENDATION**

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

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

Proposed plan 23 939 3 Rev A received 25.01.2024
Swept Path Analysis 23 939 4 received 25.01.2024
Supporting Planning Statement received 21.12.2023
Coal Mining Risk Assessment received 21.12.2023
Site location plan received 21.12.2023

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

3. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term construction work shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason: To minimise any disruption to neighbouring residents in accordance with Policy CLP14 of the Adopted Local Plan.

4. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure appropriate mitigation of former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

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

Reason: To ensure appropriate mitigation of former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

- 6. Before any other operations are commenced, within the blue edged land of the commercial truck yard to the north of the site, appropriate 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. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted local Plan.

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) There shall be no gates or other barriers on the access unless set back sufficiently such that the largest vehicle to enter the site can be clear of the highway whilst gates are

open/closed. Any such gates/barrier shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies CLP20 and 22 of the Adopted local Plan.

8. Notwithstanding the submitted information details of all materials to be used in the construction of the external surfaces of the proposed development, including the boundary walls, roofing slates, chimney (where needed), dormer and window details, shall be submitted to and approved in writing by the Local Planning Authority before any work commences on the renovation of the dwelling. The development shall be completed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development in accordance with Policies CLP20 and 21 of the Adopted Local Plan.

9. The biodiversity measures within the submitted Planning Statement shall be installed on site and retained and maintained thereafter throughout the life of the development.

Reason - To ensure a satisfactory biodiversity enhancement in accordance with Policy CLP16 of the Adopted Local Plan.

10. The full width of the access road created by the demolition works shall not be brought into use but shall be temporarily fenced off, until the highway improvement works shown on plan 23 939 3 Rev A received 25.01.2024 have been completed.

Reason – To ensure the highway safety improvements arising from the proposed development are secured in accordance with Policy CLP21 and 22 of the Adopted Local Plan.

Informative Notes

1. The Local Planning Authority have during consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning

permission. Any proposed amendments to that which is approved will require the submission of a further application.

3. 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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine 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, excavations for 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.

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

4. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs>.
E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.
5. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
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.

ITEM 5

Case Officer A Hayes

CHE/23/00658/RET

RETENTION OF TIMBER OUTBUILDING IN REAR GARDEN, WOODEN TRELLIS TO BE MOUNTED ON TOP OF THE WALL AT THE SIDE OF THE PROPERTY AT 1 SMITH AVENUE, INKERSALL, CHESTERFIELD, S43 3SL FOR MR JACK PRIDEAUX

Planning Committee 19th February 2024

Ward: Staveley South

Local Plan: Unallocated

1.0 CONSULTATION RESPONSES

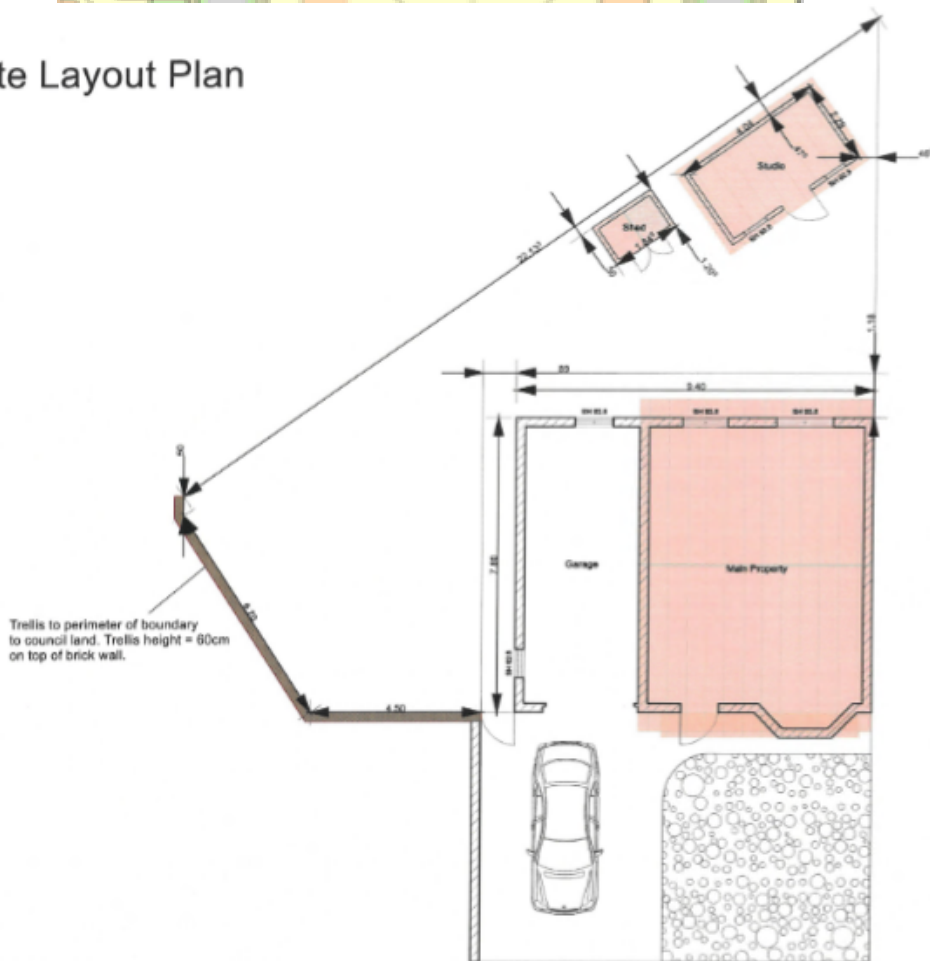
Ward Members	1 x comments received – Cllr Rhodes (Parish) objects for visual reasons, impact of shadowing and noise impacts.
Staveley Town Council	No representations received
Environmental Health	No complaints received in respect of this dwelling – see Section 6.3 of this report
Representations	No. 5 representations received from 3 different people raising concerns for the shed being less than 1 metre away from the neighbour's boundary, noise issues, loss of sunlight and creation of shadows, and removal of cherry tree branches.

2.0 THE SITE

- 2.1 The property, subject of the application, is a two storey semi detached dwelling finished in a red brick with a dual pitched roof. The dwelling has white upvc windows and doors. The property is located on a corner plot between Smith Avenue and Stanley Avenue.
- 2.2 The boundary between no. 1 Smith Avenue and no. 31 Stanley Avenue cuts through the corner plots at an angle from the north east through to the south west. This results in both of these properties having triangle shaped rear gardens. Number 21 Stanley Avenue is located to the north west of the application site.



Site Layout Plan



3.0 SITE HISTORY

3.1 CHE/0689/0488 – Permission for the erection of a garage and porch.
Conditional permission granted 21/08/1989

4.0 THE PROPOSAL

4.1 The application seeks retrospective planning permission for a timber outbuilding in the rear garden, as well as the proposed addition of wooden trellis to be mounted on top of the wall at the side of the property.



4.2 The timber outbuilding to be retained has a monopitched roof with a maximum height of 2.57 metres however it is placed on a raised base that has a height of 0.19 metres. The overall height of the outbuilding is therefore 2.76 metres. The outbuilding's monopitched roof slightly slopes down to the north of the site and results in a height of 2.66 metres.

- 4.3 The timber outbuilding has a footprint of 4.04 metres by 2.29 metres. Windows are included in the south facing elevation, as well as a door. No other windows or doors are proposed.
- 4.4 The timber outbuilding is finished in shiplap wooden weather board and will be retained in natural appearance. The roof will have a rubber coating on it.
- 4.5 The proposed trellis will be added to the wall around the front west corner of the application site, adjacent to the corner of Smith Avenue and Stanley Avenue. The existing wall is detailed to have a maximum height of 2.5 metres when measured from inside the garden of the application site. The minimum height of the existing boundary wall is 2.15 metres, when measured from inside the application site. The trellis is proposed to have a height of 0.6 metres on top of this wall height.

5.0 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)
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- Part 9. Promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

5.4 Supplementary Planning Documents

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.

6.2 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 outbuilding is finished in a timber cladding and is considered to be typical for a garden outbuilding and can therefore be considered acceptable in appearance for the context of the application site.

6.2.3 It is noted that the height of the outbuilding is 2.57 metres however it is located on a base which results in an overall maximum height of 2.76 metres. This exceeds permitted development height by 0.26 metres. The LPA must therefore consider the harm of the additional 0.26 metres above the 2.5 metres allowed under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is acknowledged that the outbuilding is visually dominant at the application site however this is somewhat as a result of the boundary treatment at the application site and overall it is not considered the appearance of the outbuilding is harmful for the context of the application site.

6.2.4 The proposed trellis fencing detailed to be added to the perimeter wall around the south west corner of the application site is considered to be acceptable in design and appearance. The proposed trellis will result in the boundary wall having a maximum height of 3.1 metres when measured from inside the application site. Land levels are higher immediately adjacent to the application site which means that the wall has a maximum height of approximately 1.2 metres when viewed from the public highway. The land levels within the application site are below land levels on the

public highway side with a difference of approximately 1.8 (+/-) metres. At the time of the case officer's site visit, there were bushes that have been planted on the public highway side of the wall however these are deciduous and therefore screening to the private amenity space is lost during the winter months, as shown in the image below.



6.2.5 The trellis is proposed to be close boarded and therefore is considered to provide privacy when the vegetation screening does not. Overall, it is considered that the proposed trellis is acceptable in design and appearance. The trellis will have a limited impact on the character of the area and will provide privacy to the private amenity space of the residential property.

6.2.6 The colour of the trellis has been specified to be "chartwell green". It is not considered the colour is most appropriate for the proposed trellis given it will be adjacent to a brick wall and vegetation that is brown during the winter months – when the trellis will be most visible. It is considered a shade of brown (e.g walnut brown / harvest gold) or red shade (e.g. mahogany / cedar) would have been more befitting for the context of the trellis. Notwithstanding this however, given the trellis fencing will be obscured from public view when the shrubbery is in full foliage it is not considered the colour will be significantly harmful such that a refusal would be warranted. The shrubbery is on highway land and therefore owned by the Council and could not be removed by the applicant.

6.2.7 It is therefore considered that the proposal is 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 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 outbuilding is located adjacent to the north of the application site and therefore it is acknowledged that some impact on the neighbouring dwelling located to the north will be experienced. Owing to the size and location of the outbuilding however this overshadowing impact is not considered to be harmful such that a refusal is considered necessary. Any overshadowing will typically impact a small area of the lawned area of the neighbouring dwelling and will not cause shadowing on the patio area which is adjacent to the rear elevation of no. 31 Stanley Avenue. It is also considered that shadowing will most likely be an issue during the months when the sun is lower in the sky.

6.3.3 The outbuilding is sited adjacent to the boundary that runs from north east to south west, separating the application site with no. 31 Stanley Avenue. This boundary is currently defined by a low height picket fence (approximately 1 metre in height). It is accepted that the outbuilding appears as a tall feature adjacent to the boundary however it is not considered that this is significantly harmful to warrant a refusal of the application. It is highlighted that occupiers of residential dwellings are (in most cases) permitted to erect a 2 metre high boundary treatment to enclose land. (This is different when land is adjacent to a public highway or if the land is subject to an Article 4 Directive, Conservation Area or has a planning condition restricting such development). None of these apply in this case and therefore a boundary treatment could be erected with a height of 2 metres. This would result in the outbuilding having less visual impact for the neighbouring dwellings.

6.3.4 Representations have been received which indicate the outbuilding is used as a music studio and as a result neighbouring dwellings can hear music coming from the outbuilding. This disturbance is noted however, the use of the outbuilding as a music studio is considered to be within the suitable use as an ancillary outbuilding to serve a residential dwelling. The **Environmental Health Officer** was approached to provide comments in respect of this proposal and requested to provide any information in

respect of noise complaints relating to this address. The EHO reported that there were no complaints received in respect of this property.

6.3.4 If the outbuilding is granted permission, the matter of noise and disturbance that arises from the use of the outbuilding will be a matter for consideration by the Environmental Health department under the Environmental Protection Act. Concerns would therefore need to be directed to the Environmental Health department.

6.3.5 On this basis the proposal is considered to accord with the provisions of policy CLP14 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 proposed development does not impact the existing off street parking at the application site and the proposal does not increase the demand for off street parking. It is therefore considered that the proposed parking provision is acceptable.

6.4.3 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.5 Biodiversity

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.” 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 application site is considered to be of low biodiversity value and therefore the impact on the biodiversity is considered to be limited. The application site is considered to be able to demonstrate a biodiversity net gain in the form of; landscaping, a bat or bird roosting box located on an appropriate elevation of the dwellinghouse, or the inclusion of bee / insect bricks within the proposed extension elevation. A condition will secure a suitable gain in biodiversity.

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 The standard period of consultation has been carried out for this application and 5no. representations have been received as a result. The representations are received from three different people and one Parish Councillor raising concerns for the shed being less than 1 metre away from the neighbour's boundary, overall location of the outbuilding, noise issues, loss of sunlight and creation of shadows, and removal of cherry tree branches.
- 7.2 It is considered the concerns regarding the location of the shed, loss of sunlight and creation of shadows has been addressed in Section 6.2 and 6.3 of this report. The concerns regarding noise matters have been addressed in Section 6.3 of this report.
- 7.3 In terms of the concerns regarding removal of the cherry tree branches, the cherry trees are not subject of a Tree Preservation Order and therefore there is no control over their pruning, this issue is therefore a civil matter between the owner of the trees and the person who removed/worked on them.

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

10.0 CONCLUSION

- 10.1 Overall the proposal is considered to be acceptable in accordance with the above outlined policies of the Local Plan. The development proposed to be retained has been assessed on its planning merits and it is considered that the impact that arises as a result of the proposed development is not harmful to such an extent that a refusal is warranted. It is accepted that the proposal results in some shadowing on the neighbouring dwelling's lawn area however as this is not the immediate private amenity space and it is not considered significantly harmful. Furthermore, the development is considered to be exacerbated in appearance due to the existing low boundary treatment at the application site. The LPA is mindful that a 2 metre high boundary treatment could be erected under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) at the application site which would screen much of the development from neighbouring views. Overall, the development is considered to be acceptable and within the realm of what is expected at a residential dwelling.

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 approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and

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

- Proposed front and left studio elevation – scale 1:20 @ A4 – Dated 24/10/2023
- Proposed rear and right studio elevation – scale 1:20 @ A4 – Dated 24/10/2023
- Proposed trellis elevation and site plan – scale 1:50 @ A4 – Dated 24/10/2023

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

2. Within 2 months of the planning permission date, a scheme for biodiversity and ecological enhancement measures shall be installed/integrated into the development site in accordance with a scheme previously agreed in writing by the local planning authority. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

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. The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. 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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine 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, excavations for 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.

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

4. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. 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.

6. 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

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	19 th February 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/22/00548/DOC	Staveley Central	<p>Discharge of planning conditions 6 (phasing programme), 8 (street junctions), 9 (construction method statement), 10 (highway improvements), 11 (pedestrian/cycle crossing), 12 (street lighting), 13 (closing pedestrian/vehicle accesses), 14 (discharge of water), 16 (street maintenance), 17 (diversion/closure public sewers), 19 20 and 21 (surface water), 22 (site investigation), 23 (coal workings), 26 (CEMP), 27 (Landscape/ecological management, 30 (tree/hedgerow protection), 32 (archaeological investigation), 33 (employment and training), 36 (materials) and 37 (land levels) of CHE/19/00131/OUT - Outline planning permission for up to 400 dwellings and provision of an area of public open space, with associated landscaping and access from Inkersall Road and Inkersall Green Road</p> <p>At Land To West Of Inkersall Road Staveley</p> <p>For Barratt David Wilson Homes</p>	PDOC	19/01/2024
CHE/23/00034/FUL	Staveley Central	<p>Creation of a vehicular entranceway from Porter Street, with adjustments to the street facing brick boundary wall to accommodate a new timber gateway and erection of a bin store and shed. Revised drawings showing revised entranceway position with steel gate and half height side railings received 03.01.2024.</p> <p>At 25 Porter Street Staveley Chesterfield S43 3UY</p> <p>For Mr and Mrs David and Hilary Mateer</p>	CP	23/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00073/DOC	Linacre	<p>Discharge of conditions 23 (Construction Environmental Management Plan), 26 (Depositing of archaeological findings), 29 (Details of facing materials), 34 (Landscaping) and 35 (Landscape and Ecological Management Plan) of application CHE/21/00707/FUL- Erection of 301 dwellings including the provision of public open space, landscaping and associated infrastructure and works</p> <p>At Land To The East Of Linacre Road Holme Hall Chesterfield For Tilia Homes Ltd</p>	DPC	05/02/2024
CHE/23/00092/DOC	Whittington	<p>Discharge of condition 24 (Details of highway improvement works and footway link) of application CHE/21/00800/FUL- Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens</p> <p>At Adjacent 929 Sheffield Road Sheepbridge Chesterfield S41 9EJ</p> <p>For Vistry Partnership Yorkshire</p>	DPC	22/01/2024
CHE/23/00323/FUL	Staveley Central	<p>New shop fronts, replacement of first floor front windows</p> <p>At 47-49 Duke Street Staveley S43 3PD</p> <p>For Mr Alwyn Morris</p>	CP	29/01/2024
CHE/23/00324/ADV	Staveley Central	<p>Illuminated fascia signs</p> <p>At 47-49 Duke Street Staveley S43 3PD For Mr Alwyn Morris</p>	CP	29/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00440/FUL	Brampton East & Boythorpe	fibre exchange telecommunications infrastructure and associated works At Land At Dock Walk Chesterfield For CityFibre	CP	26/01/2024
CHE/23/00536/FUL	Staveley Central	Detached house with detached garage and associated landscaping work At 25 Porter Street Staveley Chesterfield S43 3UY For Mr & Mrs David & Hilary Mateer	CP	30/01/2024
CHE/23/00554/FUL	Whittington	Retention of existing change of use from industrial unit to martial arts academy At Unit 1 Cavendish Business Park Whitting Valley Road Old Whittington Chesterfield S41 9EY For Squad Jiu Jitsu	CP	31/01/2024
CHE/23/00589/FUL	Brockwell	Two storey side extension At 10 Larch Way Brockwell Chesterfield S40 4ET For Mr and Mrs Clegg	CP	19/01/2024
CHE/23/00594/FUL	Brampton East & Boythorpe	Two storey rear extension and stepped access to rear garden At 5 Walgrove Avenue Boythorpe Chesterfield S40 2PX For Mrs Hayley Spencer	CP	25/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00641/RET	Whittington	Retrospective application for provision of a vehicular access and fencing panels with a gate At 9 High Street New Whittington Chesterfield S43 2DX For Mark Lyne	CP	19/01/2024
CHE/23/00672/FUL	Dunston	Single storey side extension to form ancillary living accommodation At 6 Grasmere Close Newbold Chesterfield S41 8EG For Helen Neale	CP	18/01/2024
CHE/23/00685/FUL	Dunston	Single storey rear flat roof extension At 81 Windermere Road Newbold Chesterfield S41 8DT For Mr Josh Clarke	CP	19/01/2024
CHE/23/00687/FUL	Rother	Replace existing garage and rear extension/conservatory with new 2-storey side extension and new single storey conservatory rear extension At 16 Langer Lane Birdholme Chesterfield S40 2JG For Mr Ian Roberts	CP	06/02/2024
CHE/23/00692/FUL	Staveley Central	Side and rear "infill" extensions At 19 Mill Green Staveley S43 3XB For L Gorner	CP	30/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00700/FUL	Staveley North	Detached garage At 23 Bridle Road Woodthorpe Chesterfield S43 3BY For Mr Shane Weatherall	CP	02/02/2024
CHE/23/00702/FUL	Brampton West & Loundsley	Demolition of an existing front porch and canopy, and erection of a single storey porch extension. At 2 Somersall Park Road Chesterfield S40 3LD For Mr L Crofts	CP	23/01/2024
CHE/23/00704/DOC	Whittington Moor	Discharge of conditions 5A (Location of services/drainage which may affect trees), 8 (Construction Management Plan), 11 (Site investigations and remediation works), 13 (Separate systems of drainage), 14 (Oil interceptor), 15 (Surface water drainage works), 19 (Employment and Training Scheme) and 24 (Addressing of climate change) of application CHE/23/00365/REM1- Variation of condition 2 (Approved plans) of application CHE/22/00680/FUL- Demolition of existing buildings and erection of a self storage facility (Unit 1) including office use (Class E(g)(i)) of 186 sqm and two employment units comprising Unit 2 Class E (g)(ii)/E (g)(iii) & B8 and Unit 3 Class E(g) & B8 and associated parking, servicing areas and landscaping At Former Simply Gym Sheffield Road Whittington Moor Chesterfield S41 8LF For McCarthys Storage World (Chesterfield) Ltd	PDOC	19/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00708/FUL	Brampton West & Loundsley	Single storey rear extension At 594 Chatsworth Road Chesterfield S40 3JX For Mr Dale Robinson	CP	02/02/2024
CHE/23/00709/FUL	Brampton West & Loundsley	Car port with first floor side extension over At 40 Cleveland Way Loundsley Green Chesterfield S40 4QJ For Mr Garry Lowe	CP	25/01/2024
CHE/23/00710/FUL	Brampton West & Loundsley	Single storey rear extension At Holly House 682 Chatsworth Road Chesterfield S40 3NU For Mr Chris Cuckson	CP	02/02/2024
CHE/23/00713/FUL	Walton	Two storey side extension and hardstanding At 6 Delves Close Walton Chesterfield S40 2BU For Mr and Mrs Nash	CP	18/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00718/DOC	Staveley North	<p>Partial discharge of conditions 6 (Construction Environmental Management Plan) and 19 (Construction Method Statement) of application 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</p> <p>At Eckington Road To Hague Lane Eckington Road Staveley Chesterfield</p> <p>For Chesterfield Canal Trust Ltd</p>	DPC	26/01/2024
CHE/23/00719/DOC	Staveley South	<p>Compliance with conditions 1 (Commencement), 2 (Built in accordance with submitted plans), 3 (Driveway surface), 4 (Biodiversity) of CHE/23/00076/FUL- Alteration to land levels of frontage to allow for two proposed parking bays and dropped kerb for access</p> <p>At 27 Oak Street Hollingwood Chesterfield S43 2HL</p> <p>For Mr Stephen Easto</p>	CONCO M	06/02/2024
CHE/23/00723/OUT	Staveley South	<p>Erection of a dwelling and double garage</p> <p>At Land Adjacent Four Poplars Rectory Road Duckmanton Chesterfield S44 5JS</p> <p>For Mrs M Wheelwright</p>	CP	23/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00724/FUL	Rother	<p>Minor alterations to elevations including CP installation of new access door, removal of a doorway and new glazing, changes to hardstanding areas - paving, tarmac and dropped kerbs and associated site works</p> <p>At Alma Leisure Park, Unit 5 Derby Road Chesterfield S40 2EZ</p> <p>For McDonald's Restaurants Limited</p>	CP	22/01/2024
CHE/23/00726/PRE	Staveley South	<p>Residential development queries (Letter and meeting)</p> <p>At Land To The West Of Bevan Drive Inkersall Chesterfield</p> <p>For Longrose Greentown Inkersall LLP</p>	PRNSUP	02/02/2024
CHE/23/00727/DOC	Brimington North	<p>Discharge of conditions 3 (Water consumption), 4 (Biodiversity), 5 (Contamination reports), 7 (Drainage) and 10 (Materials) of application CHE/23/00273/FUL- Construction of 1 dwellinghouse</p> <p>At 15 Newbridge Lane Brimington Chesterfield S43 1LX</p> <p>For Martin & Walker Construction Ltd</p>	DPC	19/01/2024
CHE/23/00729/FUL	Whittington Moor	<p>Single storey rear extension</p> <p>At 23 Selhurst Road Newbold Chesterfield S41 7HR</p> <p>For Mr A Pickering</p>	CP	19/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00736/CLO	Walton	Single storey extension to rear of property extending 4 metres off the back wall of the original house wall, and no more than 4 metres in height. At 63 Foxbrook Drive Walton Chesterfield S40 3JR For Mr & Mrs Lynch	GR	22/01/2024
CHE/23/00739/FUL	Brockwell	Two storey front extension to provide disabled lift access with room in the roof space and new render external wall finish to the existing house. At 101 Brockwell Lane Brockwell Chesterfield S40 4EG For Mr Martin Gunn	CP	31/01/2024
CHE/23/00741/FUL	Brockwell	Two storey side extension, single storey rendered rear extension, and covered canopy to front entrance. At 31 Peak View Road Brockwell Chesterfield S40 4NW For Mr & Mrs Bailey	CP	02/02/2024
CHE/23/00743/FUL	Hasland	Replacement conservatory frames and roof to create a sunroom At 119 Spital Lane Spital Chesterfield S41 0HL For Mr and Mrs Smedley	CP	31/01/2024
CHE/23/00746/RET	Staveley Central	Creation of a driveway and access with associated retaining walls At 63 Circular Road Staveley Chesterfield S43 3QU For Mr and Mrs Bushe	CP	02/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00747/FUL	Brampton West & Loundsley	Demolition of existing garage and first floor above and proposed two storey side extension with single storey rear extension, including first floor balcony and front porch At 754 Chatsworth Road Chesterfield S40 3PN For Mr & Mrs Revell	CP	06/02/2024
CHE/23/00749/ADV	Spire	Signage At 26 Knifesmithgate Chesterfield S40 1RF For Leinster Enterprises Limited	CP	05/02/2024
CHE/23/00753/REM	Staveley Central	Variation of conditions 2 (Approved drawings) and 16 (External facing materials) of application CHE/21/00135/FUL- Erection of 2 two bedroom dwellings At Former 9 and 11 Paisley Close Staveley Chesterfield S43 3NS For Chesterfield Borough Council	CP	07/02/2024
CHE/23/00754/DOC	Whittington	Discharge of conditions 25 (Details of residential estate road) and 30 (Discharge of water from the development to the highway) of CHE/21/00800/FUL- Demolition of 1 existing dwellinghouse and outbuildings, and construction of 3 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens At Adjacent 929 Sheffield Road Sheepbridge Chesterfield S41 9EJ For Vistry Partnership Yorkshire	DPC	22/01/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00759/PRE	Spire	<p>Convert the first, second and small space on third floor into self contained mixture of one- and two-bedroom residential apartments totalling 16 units. converting the ground floor furniture showroom into 8 smaller retail units, basement to remain as storage (Letter and meeting)</p> <p>At Eyres Of Chesterfield Ltd 2 - 14 Holywell Street Chesterfield S41 7SB</p> <p>For Dr Sarmad Alsam</p>	PRASUP	23/01/2024
CHE/23/00764/LBC	Brampton West & Loundsley	<p>Removal of the fully glazed conservatory roof and replacement with an insulated flat roof with orangery style roof lantern</p> <p>At Rose Cottage 481 Chatsworth Road Chesterfield S40 3AD</p> <p>For Mr Anthony Anderson</p>	CP	07/02/2024
CHE/23/00772/FUL	Spire	<p>Temporary change of use of land for use as a surface car park for up to 110n parking spaces</p> <p>At Peel House Brimington Road Tapton Chesterfield S41 7UG</p> <p>For Brimington Developments No.1 Ltd.</p>	CP	07/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00780/DOC	Brampton West & Loundsley	<p>Discharge of condition 3 (Tree protection plan and arboricultural method statement) of application CHE/22/00562/FUL- Demolition of the existing conservatory and erection of a replacement single storey side extension and a single storey east front/side extension. Timber fencing, raised terracing and associated landscaping works</p> <p>At Upper Close 17 Somersall Lane Somersall Chesterfield S40 3LA</p> <p>For Mr Young</p>	DPC	23/01/2024
CHE/24/00021/DOC	Staveley Central	<p>Discharge of Condition 36 (Materials) of application CHE/19/00131/OUT- Outline planning permission for up to 400 dwellings and provision of an area of public open space, with associated landscaping and access from Inkersall Road and Inkersall Green Road</p> <p>At Land To West Of Inkersall Road Staveley Chesterfield</p> <p>For Barratt & David Wilson Homes</p>	DPC	19/01/2024
CHE/24/00035/DOC	Staveley Central	<p>Discharge of conditions 3 (Biodiversity), 4 (Electric vehicle charging point) and 5 (Cycle shelter) of application CHE/23/00215/FUL- Demolition of rear out outbuilding/store and extension to existing offices and vehicular workshop/garages to create 3 new working bays and associated works</p> <p>At Acidisation Company Ltd Ireland Close Staveley Chesterfield S43 3LP</p> <p>For Autocraft MC Staverley Ltd - (BIRKS HOLDINGS)</p>	DPC	02/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00039/TPO	Brampton West & Loundsley	T12- Blue Cedar Atlantica- Crown reduction to width and height to reduce further damage from gales and snow At 333A Ashgate Road Chesterfield Derbyshire S40 4DB For Ms Kate Ashworth	CP	02/02/2024
CHE/24/00067/TPO	Brockwell	Pruning of mature ash tree (T21) due to significant decline. It is recommended that the tree is reduced to a standing stem in order to manage it's decline as a standing habitat carcass at 5m in height. At Footpath Near Eyre Chapel Newbold Village Newbold Road Chesterfield S41 8RJ For Chesterfield Borough Council	CP	07/02/2024

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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	19 th February 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 159

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/24/00039/TPO TPO 4901.173 02/02/24	The pruning of one Cedar tree reference T12 on the Order Map and which is situated to the frontage of 333a Ashgate Road. The tree is growing one sided due to the adjacent trees and has branch failure due to the recent storms.	Consent is granted to the crown reduction of one Cedar tree by a reduction in height of 1.5 metres and the reduction of the lateral branches between 1 to 2 metres, pruning back to suitable replacement branches and leaving a well-balanced crown and natural habit for its species to reduce further risk of storm damage.
CHE/24/00067/TPO TPO 4901.266 07/02/24	The pruning of one Ash tree reference T20 on the Order Map and which is situated along the public footpath from Eyre Chapel to Newbold Back Lane, Newbold. The tree has suffered significant storm damage this year and has fungal brackets at the base and within the trees crown causing white rot of the timber.	The reduction of the crown to leave a standing stem at 5 metres in height in order to manage its decline as a standing habitat.

CHE/24/00062/TPO TPO 4901.306 07/02/24	The pruning of 6 trees reference T42, T43 & T45 – T47 Lime and T44 Sycamore on the Order Map and which are situated on land adjacent to the west boundary of the Masonic Hall, 72 Saltergate	Consent is granted to dead wood 6 trees and the crown lifting of one Sycamore reference T44 by the removal of 3 lower branches pruning back to the main stem.
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APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 19th February 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	Allowed 2/2/24 see appendix A
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/	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 23-24 th April 2024	

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Appendix A

Appeal by Vivid Outdoor Media Solutions Ltd

Chesterfield Trade Centre, Sheffield Road, Whittington Moor,
Chesterfield.

CHE/23/00090/ADV

1. Planning permission was refused on 20th April 2023 for a free standing 48 sheet LED illuminated display panel at Plumbco. The reasons for refusal were:

The proposed installation of a digital advertising display of this size and at this location is considered to be harmful to the character and amenity of the site and wider locality. The proposal would result in harm to the visual amenity resulting from the cumulative impact of advertisements within the locality. In addition, the proposal would be over dominant within the street scene and would raise concerns regarding public safety by virtue of its scale and siting and the resulting potential for distraction to road users in relation to the public highway on the approach to a junction. This harm to amenity and public safety is contrary to the provisions of the NPPF (para 136), Local Plan Policy CLP20 relating to visual amenity, Policy CLP22 in relation to highway safety, and the Advertisements Supplementary Planning Document.

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The main issues were the effect of the proposal on the character and appearance of the area (amenity); and the effect of the proposal on highway safety.

Character and Appearance/Amenity

4. The appeal site is situated in a predominantly commercial area on Sheffield Road. Sheffield Road is a busy main route which leads to and from the town centre. Existing signage contributes to the area's commercial appearance, including various displays on buildings and freestanding signs on site frontages.
5. The proposal was to erect a digital display sited in a prominent position on the frontage of Chesterfield Trade Centre, which provides trade and retail sales of plumbing, electrical and tiling

goods. The proposed display would contain changing static images and the intensity of illumination would not exceed 300cd/m².

6. The Council accepted that advertising in commercial areas is generally acceptable, it considered that the proposal (which is unrelated to any of the businesses on the site) would result in a proliferation of adverts and a cluttered appearance to the streetscene. It also pointed to the proposed display being larger than other signs in the locality and, therefore, it would be a visually dominant feature at a point where it considers that the character of Sheffield Road changes, due largely to the backdrop of landscaping planted along the frontage of the nearby football stadium.
7. The Council referred to various Development Plan policies in both its officer report and the decision notice. However, proposals for advertisement display are determined with regard to amenity and public safety and the provisions of the Development Plan are not determinative. Nevertheless, they provide useful background in understanding the Council's reasoning.
8. The Council also made reference to other appeal decisions for advertisements in the area, which had been dismissed. Furthermore, it disagreed with an appeal decision, which allowed an advertisement display on the frontage of the nearby football ground (referenced by the appellant – APP/A1015/Z/22/3298938). The inspector accepted that decisions have been mixed, but this points to the argument that each proposal should be considered on its individual merits.
8. The inspector acknowledged that the proposed display will be clearly visible in the streetscene due to its position and size. However, in the context of the commercial character of the area and the existence of other advertisements locally, he was not persuaded that the streetscene would appear cluttered or that the character or visual amenity of the area would be unduly harmed.
10. Paragraph 79 of the Planning Practice Guidance advises that when assessing amenity, consideration should be given to

local characteristics. The inspector assessed the proposal on this basis and for the reasons given above, he concluded on this issue that the proposal is acceptable.

Public Safety

11. The Council's decision notice states that the proposal gives rise to public safety concerns due to its scale and siting and the potential for distraction to road users when approaching the nearby junction. The inspector acknowledged that the proposed display would be a prominent feature to drivers and other road users when approaching from the town centre direction. He also noted that the nearby signal-controlled junction was relatively busy at the time of his site visit, which was on a midweek afternoon.
12. However, the Highway Authority (Derbyshire County Council) raised no objection, subject to conditions. The inspector also attributed weight to the appellant's supporting submission which points to advertisement displays on main roads being common and to the accident data provided by Crash Map, which shows a low level of incidents in the area.
13. The above factors, plus the distance between the proposed display and the junction and the fact that it would only be clearly visible from one direction, lead the inspector to conclude that the risks to highway (public) safety would not be unacceptable.

Conditions

1. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m².
2. No individual advertisements displayed shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signals.
3. The advertisement display shall not change more frequently than every 10 seconds and the interval between successive advertisements shall be 1 second or less.
4. The advertisement display shall at all times contain a feature that will turn off the screen (i.e. show a black screen) in the event of an error or malfunction.

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FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 19TH FEBRUARY 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

ENFORCEMENT REPORT

Enforcements currently Authorised: 11

09 February 2024

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 Authorised to Issue Average: 540 days</i>							
York Street	2 <small>1,600</small>	balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>1060</small>	16/04/21 <small>1029</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: 6 Authorised to Issue Average: 149.8 days</i>							
Chester Street	94 <small>354</small>	wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>225</small>	29/07/23 <small>195</small>	removal within 28 days. Issued 30/05/23. No appeal. Not complied. Prosecute.	<input type="checkbox"/> <small>12/12/23</small>	B
Markham Road	Markham House <small>5,835</small>	storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5775</small>	20/10/08 <small>5590</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>424</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	18/07/22 571	Storage of vehicles		27/10/23 466			Issued. Appeal, requesting public inquiry. Update report to Planning Committee 29/01/24 withdrawing notice and authorising slightly amended notice. PINS confirmed appeal fallen away.	<input checked="" type="checkbox"/> 29/01/24	Mo
Pottery Lane West	10	29/01/24 11	storage of vehicles		01/02/24 3	04/03/24 -24	01/04/24 -52	Substitute and clarified enforcement notice	<input checked="" type="checkbox"/> 09/02/24	Mo
York Street	2	09/10/17 2,314	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)

Total currently Authorised: 1 Authorised to Issue Average: days

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Old Hall Road	Brampton House	02/10/23 130						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>							
Edinburgh Road	12	10/10/22 487	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> 28/10/22	SH
Highfield Road	80	05/10/20 1,222	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"/> 15/02/21	SH
Tapton Terrace	26	05/10/20 1,222	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"/> 15/02/21	SL

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
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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*

Page 173

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