



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

Councillors Holmes and Thornton –
Site Visit 1

1 March 2024

Councillor Gilby – Site Visit 2

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 11 MARCH 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 10.45am. Ward members wishing to be present should attend on site as indicated below:-

- | | | |
|----|---------|---|
| 1. | 11.00am | Land at The Brushes, Sheffield Road, Chesterfield, CHE/23/00579/REM |
| 2. | 12.15pm | Land to the North of Balmoak Lane, Tapton, Chesterfield, CHE/23/00751/FUL |

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

A reasonable adjustment meeting will take place at 10.20am in Committee Room 1 for those not able to attend the site visits.

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday 11th March 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 - 28)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 29 - 180)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 181 - 192)
6. Applications to Fell or Prune Trees (P620D) (Pages 193 - 200)
7. Appeals Report (P000) (Pages 201 - 208)
8. Enforcement Report (P410) (Pages 209 - 212)

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, 19th February, 2024

Present:-

Councillor Callan (Chair)

Councillors B Bingham	Councillors Miles
Brittain	Stone
Caulfield	Yates
Davenport	

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

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

Councillors Callan, Caulfield, Miles, Stone and Yates.

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

Councillors Callan, Caulfield, Miles, Stone and Yates.

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

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

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

Councillors Callan, Caulfield, Miles, Stone and Yates.

CHE/23/00353/FUL - 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

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

Councillors B Bingham and Davenport were unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

111 APOLOGIES FOR ABSENCE

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

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

No declarations of interest were received.

113 MINUTES OF PLANNING COMMITTEE

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 29th January, 2024 be signed by the Chair as a true record.

114 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/23/00731/FUL - SPECIALIST CARE HOME WITH ASSOCIATED ACCESS, LANDSCAPING, PARKING AND ASSOCIATED WORKS ON LAND OFF HARTFIELD CLOSE, HASLAND, CHESTERFIELD FOR CAIRNWELL DEVELOPMENTS

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

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

In accordance with Minute No. 299 (2001/2002) Councillor Amanda Sergeant (Ward Member) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mr Matthew Stocks of WSP Planning Consultancy (applicant's agent) addressed the meeting.

***RESOLVED**

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

The proposed development would in the opinion of the Local Planning Authority result in additional traffic disruption on Hartfield Close which is considered to be severely restricted and which would result in serious public and traffic safety issues both during construction and in connection with the operation of the proposed care home. Further the level of onsite parking proposed is considered to be inadequate for the development. As such the proposal is considered to be an unacceptable form of development which would conflict with policies CLP14, CLP20 and CLP22 of the adopted Chesterfield Borough Local Plan 2018-2035 and with part 9 of the NPPF 2023.

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

Councillor Brittain was unable to attend the site visit for this application therefore he did not take part in the consideration of this application at the committee meeting.

In accordance with Minute No. 299 (2001/2002) Mr Ron Mihaly (County Councillor for Boythorpe and Brampton South (objector) addressed the meeting.

In accordance with Minute No. 299 (2001/2002) Mr Tim Stubbins of Mitchell & Proctor Architects (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. 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

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.

4. No development shall commence (EXCLUDING DEMOLITION) 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.

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.

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.

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.

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.

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.

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.

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

Councillor Brittain was unable to attend the site visit for this application therefore he did not take part in the consideration of this application at the committee meeting.

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL Liability Notice be issued as per Schedule 6.8 of the Officer's Report:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Site Location Plan (Rev B)
 - Proposed Floor plans (Rev C)
 - Fencing/bin store details (Rev A)
 - Proposed elevations (Rev C)
 - Materials specification document
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.

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.

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

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

7. 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.

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

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.

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

B. That a CIL liability notice be issued for £8,467 as per section 6.8 of the officer's report.

CHE/23/00353/FUL - 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

***RESOLVED**

A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL Liability Notice be issued as per Schedule 6.15 of the Officer's Report:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans/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

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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).

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.

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.

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.

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

20. 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.

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.

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.

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.

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.

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.

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.

B. That a CIL liability notice be issued for £32,004.00 as per section 6.15 of the officer's report.

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

Councillor Brittain was unable to attend the site visit for this application therefore he did not take part in the consideration of this application at the committee meeting.

***RESOLVED**

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

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.

*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/23/00034/FUL	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 at 25 Porter Street, Staveley, Chesterfield S43 3UY for Mr and Mrs David and Hilary Mateer
CHE/23/00323/FUL	New shop fronts, replacement of first floor front windows at 47-49 Duke Street, Staveley S43 3PD For Mr Alwyn Morris
CHE/23/00324/ADV	Illuminated fascia signs at 47-49 Duke Street, Staveley S43 3PD for Mr Alwynn Morris
CHE/23/00440/FUL	Fibre exchange telecommunications infrastructure and associated works at land at Dock Walk, Chesterfield for CityFibre
CHE/23/00536/FUL	Detached house with detached garage and associated landscaping work at 25 Porter Street, Staveley, Chesterfield S43 3UY for Mr & Mrs David & Hilary Mateer
CHE/23/00554/FUL	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
CHE/23/00589/FUL	Two storey side extension at 10 Larch Way, Brockwell, Chesterfield S40 4ET for Mr and Mrs

Clegg

- CHE/23/00594/FUL Two storey rear extension and stepped access to rear garden at 5 Walgrove Avenue, Boythorpe, Chesterfield S40 2PX for Mrs Hayley Spencer
- CHE/23/00641/RET 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
- CHE/23/00672/FUL Single storey side extension to form ancillary living accommodation at 6 Grasmere Close, Newbold, Chesterfield S41 8EG for Helen Neale
- CHE/23/00685/FUL Single storey rear flat roof extension at 81 Windermere Road, Newbold, Chesterfield S41 8DT for Mr Josh Clarke
- CHE/23/00687/FUL 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
- CHE/23/00692/FUL Side and rear "infill" extensions at 19 Mill Green, Staveley S43 3XB for L Gorner
- CHE/23/00700/FUL Detached garage at 23 Bridle Road, Woodthorpe, Chesterfield S43 3BY for Mr Shane Weatherall
- CHE/23/00702/FUL 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
- CHE/23/00708/FUL Single storey rear extension at 594 Chatsworth Road, Chesterfield S40 3JX for Mr Dale Robinson

CHE/23/00709/FUL	Car port with first floor side extension over at 40 Cleveland Way, Loundsley Green, Chesterfield S40 4QJ for Mr Garry Lowe
CHE/23/00710/FUL	Single storey rear extension at Holly House, 682 Chatsworth Road, Chesterfield S40 3NU for Mr Chris Cuckson
CHE/23/00713/FUL	Two storey side extension and hardstanding at 6 Delves Close, Walton, Chesterfield S40 2BU for Mr and Mrs Nash
CHE/23/00723/OUT	Erection of a dwelling and double garage at Land Adjacent Four Poplars, Rectory Road, Duckmanton, Chesterfield S44 5JS for Mrs M Wheelwright
CHE/23/00724/FUL	Minor alterations to elevations including 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 at Alma Leisure Park, Unit 5, Derby Road, Chesterfield S40 2EZ for McDonald's Restaurants Limited
CHE/23/00729/FUL	Single storey rear extension at 23 Selhurst Road, Newbold, Chesterfield S41 7HR for Mr A Pickering
CHE/23/00739/FUL	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
CHE/23/00741/FUL	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
CHE/23/00743/FUL	Replacement conservatory frames and roof to

	create a sunroom at 119 Spital Lane, Spital, Chesterfield S41 0HL for Mr and Mrs Smedley
CHE/23/00746/RET	Creation of a driveway and access with associated retaining walls at 63 Circular Road, Staveley, Chesterfield S43 3QU for Mr Iain Bushe
CHE/23/00747/FUL	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
CHE/23/00749/ADV	Signage at 26 Knifesmithgate, Chesterfield S40 1RF for Leinster Enterprises Limited
CHE/23/00753/REM	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
CHE/23/00764/LBC	Removal of the fully glazed conservatory roof and replacement with an insulated flat roof with orangery style roof lantern at Rose Cottage, 481 Chatsworth Road, Chesterfield S40 3AD for Mr Anthony Anderson
CHE/23/00772/FUL	Temporary change of use of land for use as a surface car park for up to 110 parking spaces at Peel House, Brimington Road, Tapton, Chesterfield S41 7UG for Brimington Developments No.1 Ltd.
CHE/24/00039/TPO	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

CHE/24/00067/TPO 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 its 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

(b) Discharge of Planning Condition

CHE/23/00073/DOC 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 at Land To The East Of Linacre Road, Holme Hall, Chesterfield for Tilia Homes Ltd

CHE/23/00092/DOC 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 at Adjacent 929 Sheffield Road, Sheepbridge, Chesterfield S41 9EJ for Vistry Partnership Yorkshire

CHE/23/00718/DOC 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 at

- Eckington Road To Hague Lane, Eckington Road, Staveley, Chesterfield for Chesterfield Canal Trust Ltd
- CHE/23/00727/DOC 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 at 15 Newbridge Lane, Brimington, Chesterfield S43 1LX for Martin & Walker Construction Ltd
- CHE/23/00754/DOC 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 33 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens at adjacent 929 Sheffield Road, Sheepbridge, Chesterfield S41 9EJ for Vistry Partnership Yorkshire
- CHE/23/00780/DOC 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 at Upper Close, 17 Somersall Lane, Somersall, Chesterfield S40 3LA for Mr Young
- CHE/24/00021/DOC 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 at land To West Of Inkersall Road, Staveley, Chesterfield for Barratt & David Wilson Homes

CHE/24/00035/DOC 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 at Acidisation Company Ltd, Ireland Close, Staveley Chesterfield S43 3LP for Autocraft MC Staverley Ltd - (BIRKS HOLDINGS)

(c) Partial Discharge of Conditions

CHE/22/00548/DOC 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 at Land To West Of Inkersall Road, Staveley for Barratt David Wilson Homes

CHE/23/00704/DOC 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

(d) CLOPUD Granted

CHE/23/00736/CLO 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

(e) Confirmation Compliance with Conditions

CHE/23/00719/DOC 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 at 27 Oak Street, Hollingwood, Chesterfield S43 2HL for Mr Stephen Easto

116 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/24/00039/TPO Consent is granted to the pruning of one Cedar tree reference T12 on the Order Map and which is situated to the frontage of 333a Ashgate Road.

CHE/24/00067/TPO Consent is granted to 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.

CHE/24/00062/TPO Consent is granted to 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

117 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.

118 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.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	11 th March 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 11th MARCH 2024**

ITEM 1	CHE/23/00579/REM - APPROVAL OF RESERVED MATTERS OF CHE/0389/0210 FOR THE DETAILS OF THE REVISED PHASE ONE MASTERPLAN; CHE/23/00583/REM1 S73 VARIATION TO RESERVED MATTERS – CONDITION 52 (APPROVED DRAWINGS) OF CHE/0892/0496 and CHE/23/00584/REM APPROVAL OF RESERVED MATTERS PURSUANT TO CONDITION 7 OF CHE/0892/0496 ON LAND AT THE BRUSHES, SHEFFIELD ROAD, CHESTERFIELD FOR PEAK GATEWAY PROPERTIES LTD.
ITEM 2	CHE/23/00466/REM1 - VARIATION OF CONDITIONS 1 (APPROVED PLANS), 12 (IN ACCORDANCE WITH GREEN INFRASTRUCTURE LANDSCAPE PLANS DATED 16.2.2022) AND 13 (ARBORICULTURAL IMPACT ASSESSMENT) AND REMOVAL OF CONDITION 11 (PUMPING STATION DETAILS) OF CHE/21/00567/REM- APPROVAL OF RESERVED MATTERS OF CHE/19/00131/OUT - RESIDENTIAL DEVELOPMENT OF 400 DWELLINGS, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE WEST OF INKERSALL ROAD, STAVELEY FOR BARRATT DAVID WILSON HOMES.
ITEM 3	CHE/23/00751/FUL - ERECTION OF WOODEN STABLES AND CHANGE OF USE OF LAND TO EQUESTRIAN PURPOSES FOR PRIVATE RECREATIONAL USE AT LAND TO THE NORTH OF BALMOAK LANE, TAPTON, CHESTERFIELD, DERBYSHIRE FOR MEADOWLAND HOLDINGS LTD.
ITEM 4	
ITEM 5	

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Case Officer: Richard Fidler

File Nos: CHE/23/00579/REM
CHE/23/00583/REM1
CHE/23/00584/REM

Committee Date: 11th March 2024

ITEM 1

CHE/23/00579/REM Approval of reserved matters (Scale and Layout) of CHE/0389/0210 for the details of the revised Phase One masterplan

CHE/23/00583/REM1 s73 variation to Reserved Matters – condition 52 (approved drawings) of CHE/0892/0496

CHE/23/00584/REM Approval of Reserved Matters pursuant to condition 7 of CHE/0892/0496

on land at The Brushes, Sheffield Road, Chesterfield for Peak Gateway Properties Ltd.

Local Plan: Green Belt

Ward: Whittington

1.0 **CONSULTATIONS**

Ward Councillors	No comments received
Unstone Parish Council	Comments received on highways and neighbour impact – see report
NE Derbyshire District Council	No comments received.
Local Highways Authority	No Highways objections – see report
Environment Agency	Comments made in relation to the solar field – see report
Lead Local Flood Authority	No comments received.
Coal Authority	In light of the information currently provided

	object.- see report
Yorkshire Water	No objection – no further comment is required relating to drainage as the overall Drainage Strategy for the development remains the same.
Chesterfield Cycle Campaign	No objections in principle but comment that local roads will be much busier making them less attractive to cycle on where there is no traffic free cycle route – see report.
Derbyshire Constabulary	Comments made in relation to site security-see report
Active Travel England	Not currently in a position to support. Makes a number of points relating to the NPPF and raises area of concerns relating to tracks and crossings conforming to LTN 1/20 and whether the provision of 160 cycle parking spaces are appropriate – see report.
CBC Economic Development	Recommend a local labour/supply chain clause is negotiated and secured via a S106 agreement or condition.
Derbyshire Wildlife Trust	Comments made in relation to habitats and safeguarding species and buffer zone for ancient woodland – see report
Dronfield Civic Society	Support the applications on grounds that current proposals have a lesser visual impact and strong emphasis on retaining and enhancing biodiversity. Have concerns about the increase in local traffic – see report
Peak District National Park Authority	Comments made regarding mitigating anticipated traffic impacts and more detailed Travel Plan prepared -see report
Representations from Site Notices/Advert/neighbour consultation letters	57 representations received from 40 different individuals together with 2 petitions – One from Cheetham Avenue residents containing 38 signatures and one from change.org containing 1121 signatures

2.0 **THE SITE**

2.1 The site is within the designated Green Belt area and comprises the former Birchall Golf Course and areas of woodland. Brierley Wood and Roughpiece Woods form part of the site and the areas to the south-west are ancient woodland and covered by Tree Preservation Orders. The woodland areas and an area extending along the Sheffield Road frontage are also designated as a local wildlife site and parts are designated as Ancient Woodland.



The extract above is from the Chesterfield Greenprint showing areas of Ancient Woodland, the Borough boundary and an oval marking the general location of the development position.

2.2 The site is bounded by the A61 to the south-west and by the Dronfield bypass to the south, by the river Drone to the south-east, by Unstone Green to the north and by Roughpiece wood to the north-west. It is part of a hilly landscape and presents significant level drops across its boundaries in excess of 100m. The site includes areas of commercial tree planting, gorse, grassland and is edged to the south-west by areas of protected woodland forming a natural buffer to the A61, and to the south-east by the woodland along the river Drone corridor.

2.3 The site was the subject of substantial opencast operations up to the 1980s and was subsequently restored to a golf course use (Birchall). Areas of protected ancient woodland on the southern

part of the site were not affected by the opencast scheme and which remain today however much of Brierley Wood was destroyed. The golf course has not been maintained for some years now.

2.4 The site was previously crossed by a number of definitive Public Rights of Way including a bridlepath (BR39) which crossed and ran within the site and which were shown on the definitive plan. There were also a considerable number of 'desire line' paths which criss crossed the site at various locations however all these routes were diverted to a perimeter route which was created around the site following a Diversion Order granted by the Secretary of State on 15th December 2015. The site has subsequently been enclosed by a new fence line and hedge planting.

2.5 The site is now served by a new roundabout access situated at the south-east A61 slip road corner of the site.



3.0 **PLANNING BACKGROUND**

- 3.1 Outline planning approval was granted on 17th August 1989 for the development of the 280 acre Peak Resort site for a major leisure venue under code **CHE/0389/0210**. This included a single domed structure containing hotel together with indoor and outdoor related leisure and educational facilities centred on a reconfigured golf course and lake together with 250 holiday lodges on the upper part of the site. The scheme was described as *leisure centre consisting of a dome containing hotel with indoor and outdoor related leisure and educational facilities provision of accommodation lodges and a lake*. The supporting information with the application provided a schedule of the individual components and their quantum.
- 3.2 A subsequent Reserved Matters permission was made in 1992 for the scheme under code **CHE/0892/0496** and which was not determined until 1st July 2008. This dealt with a phase 1 of the scheme and reserved further detail for subsequent approval and the scheme therefore remains valid since the original condition on the outline permission allowed the scheme to be begun (implemented) before the expiry of two years from the date of approval of the last of the reserved matters to be approved.
- 3.3 A number of formal changes have been made to the scheme over the years with amendments to the conditions in 2005 under code **CHE/0301/0164** and which resulted in a S106 agreement dated 10th August 2005 concerning:
- Highway matters to include traffic calming, pedestrian crossings on B6057 and off site highway junction improvements at Broombank Road / Sheepbridge Lane,
 - Travel planning,
 - Community Liaison Committee,
 - Operation of a Shuttle Bus service for staff in line with travel plan,
 - Routing of contractors and service vehicles to not go through Unstone Green together with use of directional signage,
 - Ecology management plan,
 - Community Liaison,

- Monitoring of highway impacts at Jordanthorpe Parkway roundabout.

This scheme also resulted in the introduction of a breaking down of the original single domed structure into a phased scheme whereby individual smaller components of the scheme could be provided. An alternative access to the site was also considered and agreed under code **CHE/09/00075/FUL** on 12th November 2009 and this resulted in the access to the site being created from a new roundabout at the junction of the A61 slip road with Sheffield Road.

- 3.4 The permission to amend the scheme granted in 2005 included the diversion of all routes crossing the site to the perimeter of the site and this was realised through SCRIF funding of £2.8m to implement the creation of the new access and s278 agreement, diversion of the footpath and bridle routes and new fencing as a way of facilitating the development. All this work has been completed.
- 3.5 Approvals for formal variation of a number of conditions were secured under permissions **CHE/14/00086/REM1**; **CHE/14/00087/REM1**; **CHE/14/00088/REM1** and **CHE/14/00089/REM1** on 2nd May 2014 and separate applications for the discharge of relevant pre-commencement conditions in the various permissions had been given on 12th November 2014 to allow works to progress on site. (Codes **CHE/14/00385/DOC**; **CHE/14/00386/DOC**; **CHE/14/00387/DOC**; **CHE/14/00388/DOC** and **CHE/14/00558/DOC**).
- 3.6 Further variations of conditions were secured in 2016 under permissions **CHE/16/00317/REM1** regarding maximum length of permitted stay to allow for day visits; **CHE/16/00318/REM1** regarding relocation of car park from south of development to north; **CHE/16/00319/REM1** regarding inclusion of phase 2 apart hotel in phase 1 and **CHE/16/00320/REM1** regarding relocation of clubhouse. Non material amendment **CHE/16/00219/NMA** introduced condition 52 allowing s73 submissions to consider amended drawings.

- 3.7 The submissions included a revised Phase 1 of the development comprising of a domed visitor/arrival building, a 150-room hotel building incorporating, a 400-bed university building, a union building for accessing both the hotel and university buildings, landscaping and public realm facilities including a colonnade, new lake and amphitheatre. Phase 1 also included a clubhouse with 30 No 5* lodges located at the top of the hill to the west of the 2008 consented dome. Phases 2 and 3 of this development remained unchanged from the 2008 consented drawings, with the exception of an observation tower adjacent to the arrival dome which was proposed as part of Phase 2.
- 3.8 The agreed scheme included a domed structure arrival point on the site intended to provide a multifunctional, all-weather activity and events space to accommodate a visitor/arrival centre with transport interchange, information kiosks, ancillary retail, food & drink, assembly and event functions.
- 3.9 The agreed 150-room Hotel had a stepped 8 storey design incorporating a 360-degree glazed sky lobby, a restaurant, wellness and beauty spa facilities and other hotel amenities and which offered for a range of different visitors at a variety of price bands. As well as accommodation for tourists, the facility would have catered for local businesses and the wider public through provision of conferences and meeting facilities, weddings and events. The sky lobby at level 8 was a beacon and an exciting and exclusive destination. A 400-bed dual usage Tourist Hostel and University accommodation Building would also be occupied by students during term time, but its flexible design would allow for use as additional hotel rooms during the summer months to maximise the variety of accommodation and price ranges available across the resort as a whole. This component was seven storeys high with a stepped roof line and would include some classrooms and meeting areas.

- 3.10 The scheme also included a Union building linking the structures and which allowed for accessing both the hotel and university buildings. This would have been a crescent shaped 6 storey building creating a spatial and visual break between the university and hotel accommodation wings and which was intended as a common area with a flexible floor plan incorporating retail, restaurants, bars and cafés as well as areas for assembly, meetings and education.
- 3.11 Access to all buildings referred to above was shown to be linked via a double height colonnade overlooking a central lake and amphitheatre.
- 3.12 The phase 1 scheme also included a 30-unit Clubhouse and Lodges located at the top of the hill to the west of the 2008 consented dome where a group of lodges were previously shown. This was to be a 5* facility linked together by a funicular and containing restaurant, bar, beauty and wellness medical facility and other ancillary functions such as meeting rooms.
- 3.13 The full phase of development proposed use of 2,850 spaces for parking cars and coaches on site however initially phase 1 provided 400 permanent spaces and 400 overflow places with a number of coach and public transport spaces.
- 3.14 Application **CHE/19/00394/REM** agreed reserved matters for the development of the David Lloyd Adrenaline World (Summit) component of the site and which was granted on 16th October 2019. The scheme comprised two separate buildings including the Adventure Centre and an Open Sided Activity Canopy structure located to the north-east quadrant of the development area. Separate applications for the discharge of relevant pre-commencement conditions were given to allow works to progress on site. (Codes **CHE/20/00094/DOC** – Ecology Survey on 2nd March 2020; **CHE/20/00358/DOC** – Ground conditions on 16th July 2020 and **CHE/20/00359/DOC** – Noise survey on 20th July 2020).

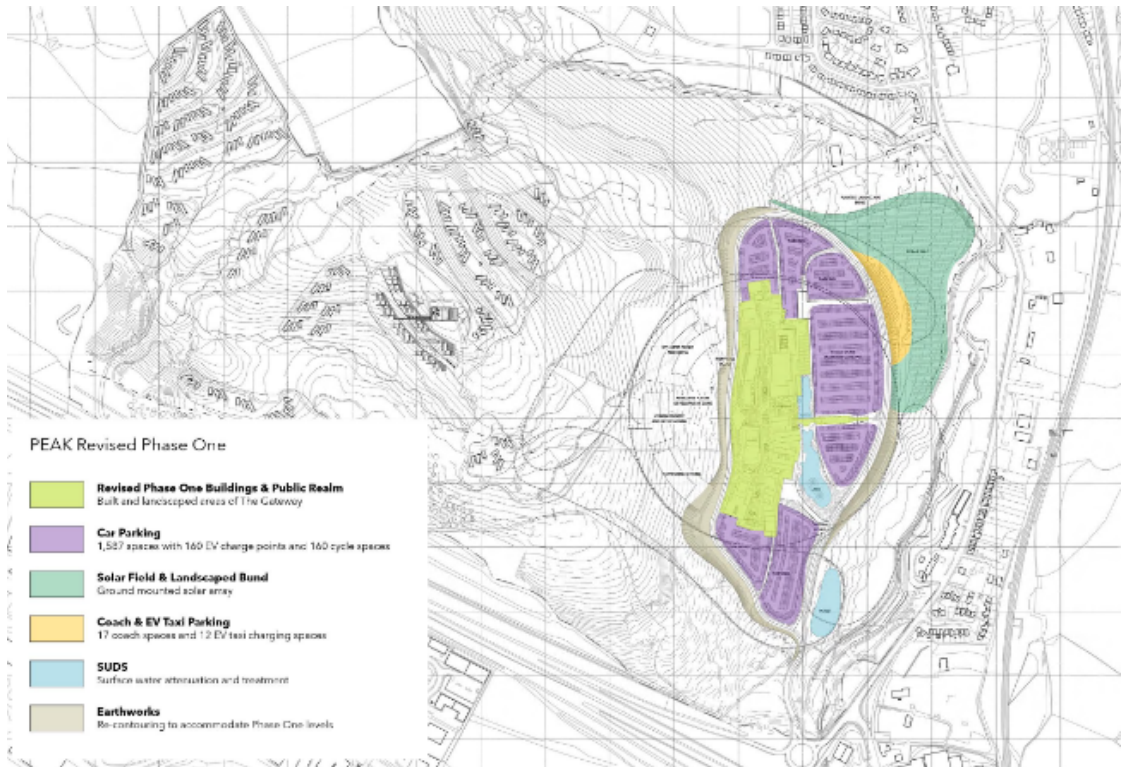
- 3.15 Application **CHE/19/00509/REM** agreed the detail of the eastern access road linking the spur of the new A61 roundabout along the east side of the site to the David Lloyd Adrenaline World (Summit) plot. The permission was dated 24th April 2020.
- 3.16 Application **CHE/19/00456/REM1** proposed a s73 submission to amend the agreed scheme to relocate the gateway building, 150 room hotel, 400 bed dual use tourist hostel and university accommodation, union building and reshaping of the central lake within the development area in order to establish a revised phasing programme and enhance the area of landscaping at the heart of the development. The changes aligned with the DLAW (Summit) scheme and the permission was granted on 16th October 2019.
- 3.17 Application **CHE/20/00188/REM1** proposed a s73 submission for the relocation of 2008 Reserved Matters Phase One Wellness, Medical Clinic, Sports Spa and Apart-Hotel facilities to an alternative location within the approved development area to also take account of the changes brought about by the approval of the DLAW (Summit) scheme. The permission was granted on 4th February 2021.
- 3.18 This application proposed the Medical Clinic, Spa and Hotel as part of the Health and Wellness component of the scheme. The scheme would be approached from the new roundabout to the south-east and which would provide access to the plot via either a new upper access road or an extension of the agreed lower access road. The access road options were to be the subject of future planning applications. The scheme would provide a car park with 176 spaces to the north edge of the built form.
- 3.19 The scheme comprised a six level built form arranged on the hillside in an arc sitting either side of a landscaped promenade. The two sides of the promenade would be linked by two walkway bridges. At lower level -1 and 00 the facility involved service areas and a number of areas of consultation, rehabilitation, treatment and spa with clinical spaces focused on diagnosis, treatments and

procedures and areas dedicated to recovery, recuperation, re-mobilisation and physiotherapy. A café area was included. Level 01 and 02 proposed hotel accommodation comprising 52 rooms designated for medical and 48 rooms designated as apart tourism hotel. Level 03 included an additional 20 tourism hotel rooms and a Brasserie and roof terrace. Level 04 included additional Brasserie accommodation with kitchens and additional roof terrace areas.

- 3.20 On 4th February 2021 a Variation of the planning obligation dated 10th August 2005 was agreed. This confirmed that the provisions of the original agreement still applied and referred to the following approvals which had been granted since the original deed:
CHE/14/00086/REM1; CHE/14/00087/REM1;
CHE/14/00088/REM1; CHE/14/00089/REM1;
CHE/16/00317/REM1; CHE/16/00318/REM1;
CHE/16/00319/REM1; CHE/16/00320/REM1;
CHE/19/00456/REM1 and CHE/20/00188/REM1.
- 3.21 Further condition compliance applications were subsequently approved on 7th September 2021. **CHE/21/00514/DOC** (Discharge of planning condition 9 (landscaping) and 21 (ground modelling) of CHE/0389/0210), **CHE/21/00515/DOC** (Discharge of planning conditions 3 (ground testing and remediation) and 13 (hard and soft landscaping) of CHE/0892/0496) and **CHE/21/00515/DOC** (Discharge of planning condition 7 (land levels, contours, hard landscaping) of CHE/19/00394/REM).
- 3.22 In addition to the 3 applications the subject of this report there are two other current applications which remain to be determined:
CHE/23/00585/DOC partial discharge of conditions 9 (Landscaping) and 21 (Ground modelling) attached to outline consent CHE/0389/0210;
CHE/23/00586/DOC partial discharge of conditions 1A (Car parking), 3A (Site investigations), 13 (Landscaping), 14 (Surface water drainage) and 23 (Sustainable energy solutions) of Reserved Matters consent CHE/0892/0496.

4.0 **THE PROPOSALS**

4.1 The current applications all relate to the revised Phase One Masterplan for Peak Resort. The revised masterplan for the site represents a change to the layout and design of the scheme however the scheme remains contained within the identified and agreed Circular Development Area as was the case with the previous consented development.



The development across the three applications proposes the following buildings and uses:





Revised Phase One Components - Gateway @PEAK



1. **Gateway Hotel:** a six storey building offering 165 rooms of varying sizes and configurations, with supporting facilities, catering for leisure, business and educational visitors.
2. **Travel Hub & PEAK Express Terminus:** double volume open sided domed structures. The Travel Hub provides a point of arrival and departure for the Resort and the Terminus

creates a central feature structure offering car-less access to the Peak District National Park, Chesterfield and the wider region.

3. **Horticulture Building:** a four storey terraced structure for showcasing, retail and experiences around horticulture, supported by food & beverage linked to activities and educational opportunities within the wider Resort landscape and off-site via PEAK Express services.
4. **Ultimate Outdoors:** a three level structure for showcasing the equipment and apparel to pursue almost any outdoor activity. The retail offer will be complemented by hire and try-before-you-buy services facilitating activities both within the wider Resort landscape and off-site via PEAK Express.
5. **Skills Academy & Hostel:** a three storey building providing 60 single occupancy rooms with workshop and educational rooms offering a real world learning environment for training and upskilling of PEAK's operating partners. The academy and hostel will also provide a base for vocational and recreational learning opportunities for visitors.
6. **'Village Shop' Artisan Market:** food and convenience store with covered artisan market area showcasing local producers, with flexible and 'pop-up' spaces varying with the seasons.
7. **Kit Club:** supporting the Resort's cycling school and trails as well as the transport offer, with ticketing & booking office, storage lockers for equipment, cycle hire, membership club room, showers and changing facilities.
8. **Leisure Retail:** specialist retail spaces supporting active and vocational leisure pursuits as well as brands.
9. **Food & Beverage Outlets:** F&B units including cafes, restaurants and seasonal produce shops. Specialist offers in

active nutrition and wellness as well as a craft brewery and gin distillery.

- 10. Landscaped Public Realm - the 'Seams':** taking inspiration from the former open-cast landscape, the Gateway public realm is divided into three distinct layers – Lower Seam, Middle Seam and Upper Seam. Native planting and zoning of these levels creates a natural landscape setting, forming a series of woodland glades, moorland trails, rills and nature-play zones.
- 11. Car & Cycle Parking:** 1,587 car parking spaces with 160 EV charging points and 160 cycle spaces.
- 12. Coach & EV Taxi Parking:** 17 coach parking spaces, 12 EV taxi charging and waiting bays.
- 13. Perimeter Loop Road – 'Longwall & Highwall Road':** two way road providing access from the A61 PEAK entrance to the Phase One scheme.
- 14. 'Solar Dome':** solar PV canopy covering 875 car parking spaces, providing green energy directly to the Gateway buildings and EV charging points.
- 15. Solar Field:** ground mounted solar array, supported by battery storage area, providing green energy directly to the Gateway buildings and EV charging points.
- 16. SUDS Waterbodies:** including dual purpose activity lake, providing attenuation and balancing of surface water run off across the Gateway scheme and wider PEAK landscape.
- 17. Landscaped Bund:** an earth embankment constructed from excess excavated material arising from formation of the Gateway terraced landform. Forming a landscape buffer at the

north extent of the solar field and resort road and to be finished with native planting.

- 4.2 Application **CHE/23/00579/REM** seeks the approval of reserved matters for uses permitted by the outline planning permission CHE/0389/0210. The proposed buildings and users would be contained within the agreed development areas and the areas for parking established by the 2008 Reserved Matters consent CHE/0892/0496 and which will be consistent with the parameters established.

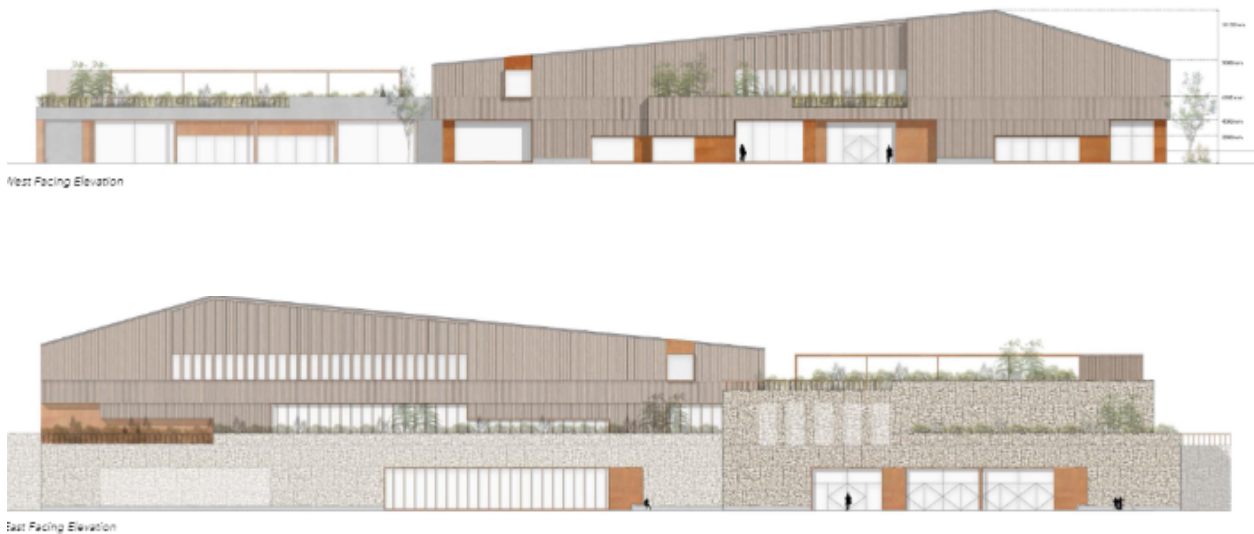


- 4.3 The Phase one components within this application are the **Horticulture Building, Ultimate Outdoors, Village Shop – Artisan Market, Car, Coach, Cycle and Taxi Parking, Inclusion of Solar PV** as shown in the diagram above.

4.4 Horticulture Building

The proposed building would comprise four storeys of internal and external showcasing, experiential, retail and hospitality space. The building would occupy a hillside position and negotiate an external level change of +10metres. Viewed from the Upper Seam level (west facing elevation) the building would present as two storeys clad in timber. With a low asymmetrical pitched roof alongside a single storey concrete volume with roof terrace. The low pitched

roof would have a biodiverse green or sedum finish. As the building steps down the hill, the two lower levels would be expressed as a series of plinths faced in natural sandstone gabion baskets. The lowest plinth (east facing elevation) would form an external horticultural showcasing area, sheltered by open-sided timber-framed canopy structure with access to the Middle Seam Level. At the Lower Seam level the building would face the feature lake, with adjacent terrace and timber pontoon activity deck.



For the sake of clarity a garden centre, arboretum, nature conservancy course and nursery were specifically referenced as uses included in the outline consent.

4.5 Ultimate Outdoors

The proposed building would comprise three storeys of showcasing, experiential, retail and hospitality space. Like the Horticulture building the building would occupy a hillside position and negotiate an external level change of +10 metres. Viewed from the Upper Seam (west elevation) the building would present as three single storey timber volumes with low symmetrically pitched roofs. A feature weathered steel volume would act as a 'hinge' between two of the principle timber volumes, forming the main ground floor entrance with glazed atrium window. Façade treatments would be consistent with the proposed Horticulture building, incorporating locally sourced timber cladding, areas of

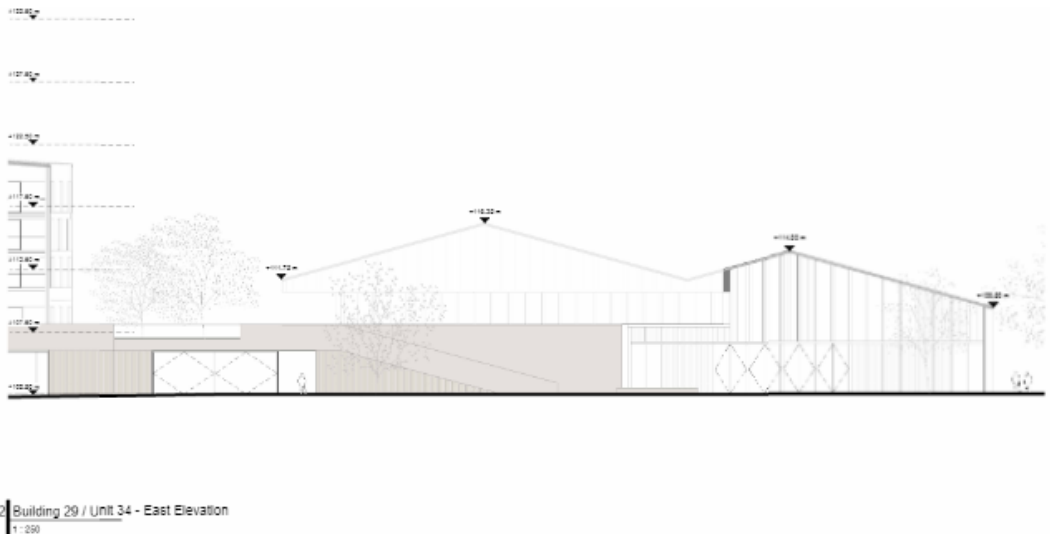
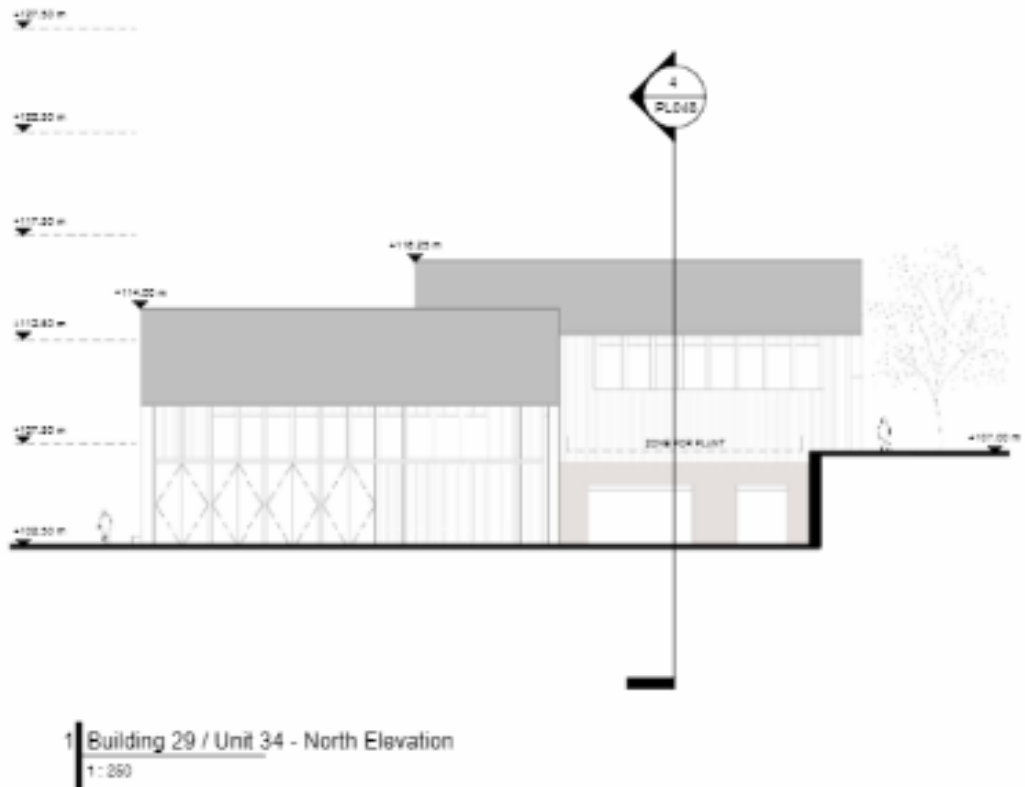
expressed timber frame and large glazed panels edged with weathering steel. As the building steps down the hillside, lower levels would act as earth retention structures, A single storey plinth faced in sandstone gabion baskets would support the timber frame volumes. At the Lower Seam level the building would face the feature lake, with timber activity deck facilitating access to the water offering opportunities to try out fishing equipment, wet suits, paddleboards, kayaks, canoes and model boats. The inclusion of equipment and apparel retail, and try-before-your-buy experiences, would facilitate visitor access to a wide range of on and off site activities.



4.6

Village Shop – Artisan Market

The proposal is for a food and convenience component with covered artisan market area intended to showcase local producers together with flexible and ‘pop-up’ spaces. “The Village and Shopping” were included within the uses of the outline permission.

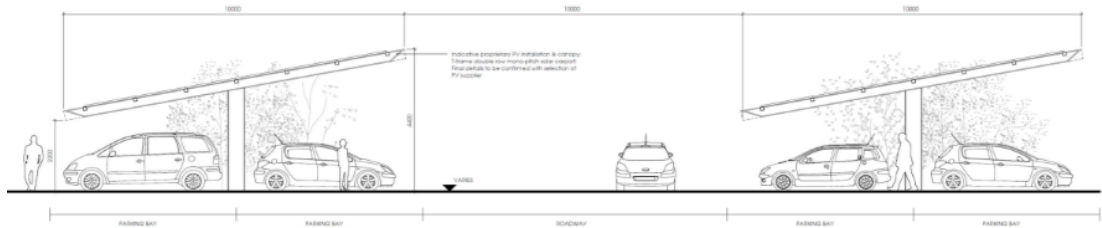


4.7 Car, Coach, Cycle and Taxi Parking

The elements proposed: are 1,587 car parking spaces within 7 car parks distributed around the scheme, including 160 EV charging points (within car parks 4 and 5); 160 cycle spaces (140 in car park 4 then 2 x 10 spaces in car park 7); 17 coach parking spaces and 12 EV taxi charging spaces, supported by a driver amenity block.

4.8 Solar PV

There are two elements to this. The first is described as a ‘solar dome’ PV canopy which would cover 875 of the car parking spaces and provide energy to the EV charge points and buildings. The indicative canopy is shown below with a double row of mono-pitch solar car port covers which would be 4.4 metres high at the highest point and 2.2 metres high at the lower side.



4.9 The proposed solar field would be located on the former landfill area of the site and cover an area of 28,868sqm. The arrays as shown below would at the highest point be 1.75m high dropping to 0.8m. There would be a 5m wide path between the arrays and there would be a planted landscape bund around the northern edge of the solar field which would range from 2.833 metres high at its western end up to 4.268 metres at its eastern end.



Solar Dome and Solar Field Sections

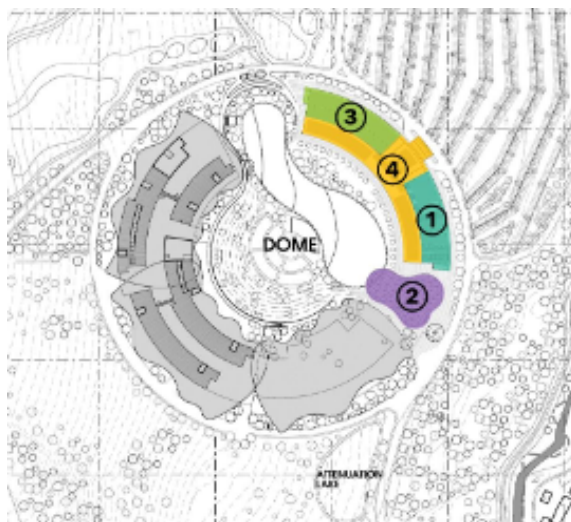
4.10 The proposed solar dome and solar field are forecast to generate 6,000MWh of electricity which is indicated to be sufficient to power the proposed EV charging points and all the building requirements.

4.11 Application **CHE/23/00583/REM1** seeks a S73 variation to Reserved Matters – condition 52 (approved drawings) of CHE/0892/0496 in order to vary the arrangement and location of approved components within consented development areas. This takes account of the current proposals. Reserved Matters consent CHE/0892/0496 (2008) has previously been varied by Section 73 applications CHE/16/00317/REM1, CHE16/00318/REM1, CHE16/00319/REM1 and CHE/16/00320/REM1 (2016) and

CHE/19/00456/REM1 (2019). This application seeks to reconfigure components and uses of the masterplan consented in 2016 as the 2019 variation is no longer considered as part of the proposal given the intention not to develop the DLAW (Summit) component of the scheme as approved.



Revised Phase One Masterplan - Section 73 Components of the Gateway



	2016 Masterplan Component	GEA (m ²)	Resulting Revised Phase One Masterplan Component	GEA (m ²)
1	Hotel	11,031	Gateway Hotel	8,106.1
2	Dome Building	2,156	PEAK Express & Travel Hub Canopies	993.9
3	University Building	12,349	Green Skills Academy & Hostel	4,098.2
4	Union	15,815	PEAK Express & Travel Hub Customer Services	106.2
			Apparel, Equipment & Leisure Retail	4,788.4
			Food & Beverage Units	2,284.9
			Kit Club	498.9
			Plant, Circulation, Management & Services	3,836.4
	Total GEA	41,351		24,713

4.12

Hotel

The proposed six storey hotel with 165 rooms would consist of three accommodation volumes connected by glazed links, accessible from both the Upper Seam and Highwall Road levels. Each would be stepped in height with a single-sloping roof with the southern volume incorporating a roof terrace on the third floor. The hotel would include a primary entrance and discrete vehicle drop off on Highwall Road (Upper Ground Floor) and includes a secondary entrance and connecting core at the Upper Seam (Ground Floor). The ground floor would provide a range of ancillary facilities including hospitality spaces. Retail units, common and meeting areas. The hotel façade would be expressed as a series of weathering steel clad vertical planes. The entrance level would adopt a more open glazed and stepped composition to suit the internal common areas and ancillary functions.



East Facing Elevation

4.13

Green Skills Academy and Hostel

This application seeks to partially relocate the educational use and 60 hostel rooms from the 2016 University building. The balance of the 2016 building would be relocated into a future development area by way of a further separate application. This would be a three storey building with 60 single occupancy rooms with workshop and educational rooms. At Upper Seam level, it would be in the form of a two storey light timber structure with extensive glazing and biodiverse green roof. The materials would be variable timber cladding widths, with recessed glazing at ground floor level edged with weathering steel with upper level glazing vertically framed by lengths of timber frame. From the Highwall Road, the proposed building would present as single storey with a low pitched asymmetrical roof. The ground floor would provide flexible layouts for educational uses with 44 hostel rooms at the upper ground floor level with an additional 16 rooms separated by terraces at mezzanine level.



The skills academy will skill, re-skill and upskill the staff that will be employed by PEAK Resort’s operating partners and involves both further education and higher education partners to provision appropriate vocational courses.

4.14 Leisure Retail, Food & Beverage, Customer Services, Energy Centre

These uses in the 2016 consent were in a single span form. The current application seeks to provide: specialist retail spaces, supporting active and vocational leisure pursuits, including local and international brands; F&B units including cafes, restaurants and seasonal produce shops, specialist offers in active nutrition and wellness as well as a craft brewery and gin distillery; kit club supporting the Resort's cycling school and trails as well as the transport offer, with ticketing and booking office, storage lockers for equipment, cycle hire, membership club room, showers and changing facilities.

4.15 In keeping with the 2008 Reserved Matters consent (CHE/0892/0496), the proposed retail uses would be ancillary to Resort activities.

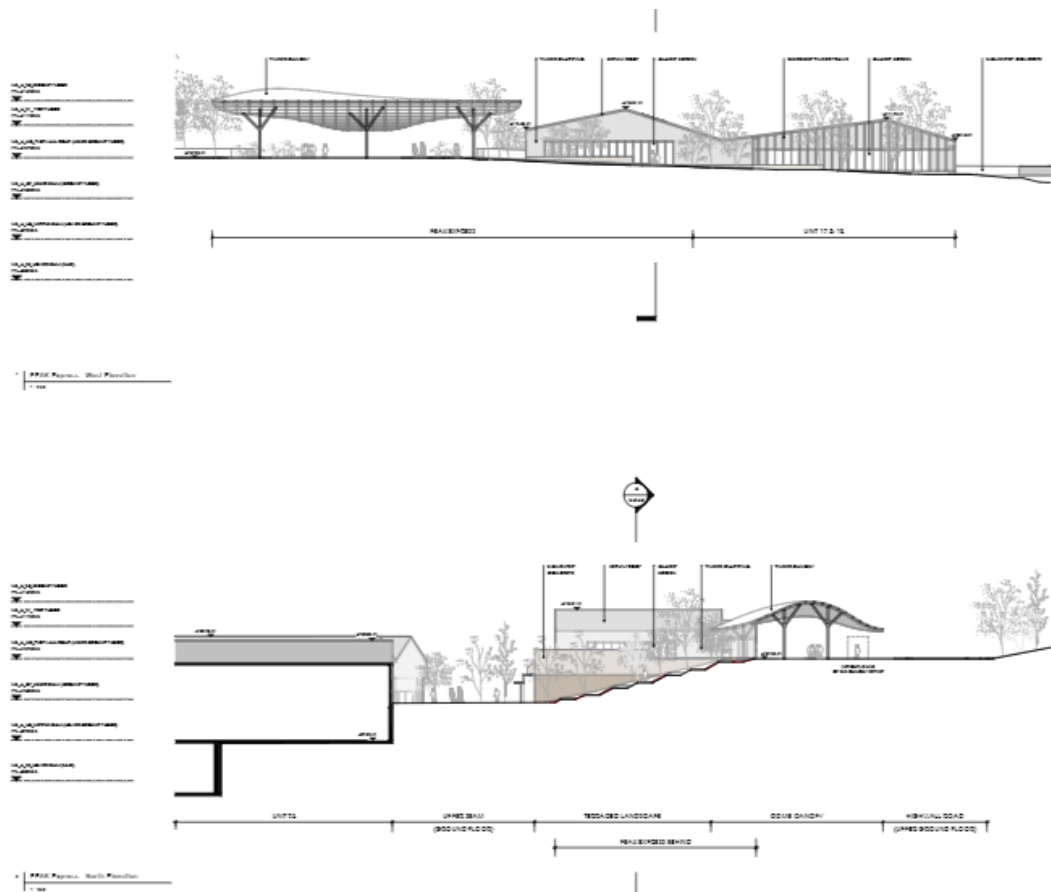
4.16 PEAK Express Terminus & Travel Hub

The 2016 agreed scheme included an arrival building which included a transport interchange. This element of the current scheme proposes two all-weather arrival and departure hubs for PEAK transport services:

-Travel Hub this would be located on the eastern side (Longwall Road) of the development, within the Solar Dome car park, This would be the dedicated drop off and pick up point for taxis, tour coaches, ride-sharing visitors and shuttle buses.

-PEAK Express Terminus would be located on the western side (Highwall Road) of the development. This would be the dedicated arrival and departure point for liveried PEAK Express zero-carbon bus and minibus services into the National Park.

4.17 It is intended that departing PEAK Express bus, minibus and taxi services will connect visitors to the Peak District National Park and wider region. Arriving visitors would radiate east/west from the all-weather dome canopies, through the landscaped public realm accessing the hotel, cycle hire and kit club facilities for outdoor activities, skills academy, food and beverage units and retail spaces.



- 4.18 Application **CHE/23/00584/REM** seeks the Approval of Reserved Matters pursuant to condition 7 of the 2008 Reserved Matters consent CHE/0892/0496. This condition states:
“The consent hereby approved does not extend to the access routes within the site indicated on PL_011, dated June 2007. Prior to commencement of the development revised plans shall be submitted to the Local Planning Authority showing access routes within the site reconfigured and rationalised.”
- 4.19 This application proposes a 1,579 metres long and 6 metres wide two-way loop road (**Longwall & Highwall Road**) providing access from the A61 roundabout and access road spur, which was constructed in 2018 to facilitate delivery of the proposed revised Phase One masterplan. It would be drained by a 3.4m wide grassed swale along its length with a single 2m wide footway on the inside edge of the loop road. The proposed road route is contained within permitted development areas established by the

2008 Reserved Matters consent CHE/0892/0496 and is a replacement for that agreed under CHE/19/00509/REM.



52: Revised Phase One Masterplan - Loop Road

- 4.20 The road would be constructed to an adoptable standard but the intention is for it to remain privately managed and maintained. It is intended that visitor cars would flow both clockwise (Highway Road) and anti-clockwise (Longwall Road) distributing traffic to all car parking areas. Arriving coaches and PEAK Express bus services would be directed anti-clockwise via the Longwall Road to dedicated drop off points and the PEAK Express Terminus, ensuring passengers align on the correct side of the road. Coaches would then be directed to the dedicated parking area to the east of the Longwall Road. Taxis would be directed via the Longwall Road to the Travel Hub, a dedicated drop off, waiting and pick up point for taxi services. A dedicated drop off and collection point would be provided at the hotel. Crossing points are proposed to provide safe access for arriving cyclist and pedestrians.
- 4.21 The applications are accompanied by the following supporting documents and reports:
-Application Document

- Design & Access Statement
- Baseline BNG Assessment
- BNG Metric 4.0
- Ecological Impact Assessment
- Energy & Sustainability Statement
- Generated Traffic Assessment & Movement Strategy
- Outline Energy Strategy
- Stage 2 Landscape Report
- Sustainable Drainage Strategy
- Visual Impact Assessment Addendum
- Phase 1 Geotechnical – Site Investigation – Report
- Phase 2 Geotechnical – Site Investigation – Report
- Geotechnical – Site Investigation – Factual Report

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)
- CLP6 Economic Growth
- CLP7 Tourism and the Visitor Economy
- CLP11 Infrastructure Delivery
- CLP12 Renewable Energy
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design
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

6.0 **CONSIDERATIONS**

6.1 **Key Issues**

- Principle of the development;
- Design/Appearance and Visual Impact;
- Impact on neighbouring residential amenity;
- Highways Safety and Parking Provision;
- Biodiversity and Ecology;
- Drainage & Flood Risk;
- Land stability;
- Designing Out Crime.
- Climate Change

6.2 **Principle of Development**

6.2.1 The Peak Resort scheme is a priority for the Council in that it has the benefit of planning approval and which has been previously agreed and justified within the Green Belt area. This decision was agreed by the Secretary of State at the time as an appropriate development of more than local significance within the Green Belt area and which would give confidence in investment in the Borough.

- 6.2.2 From day one the Peak Resort scheme aimed to create a year round tourism, leisure and education destination on the edge of the Peak District National Park, comprising holiday lodges, hotel with leisure / activity base facilities all set within a 300 acre managed park. The agreed DLAW (Summit) scheme is no longer part of the proposals, hence the current applications relate back to the original outline and the reserved matters approval from 2016.
- 6.2.3 The Peak Resort scheme remains a priority for the Council in terms of securing its identified priorities. Making Chesterfield a thriving borough along with improving the quality of life of local people and building a resilient Council are all key priorities for the Council and which are informed by the Council Plan for the period 2023 to 2027, a Growth Strategy for the period 2023 to 2027 and a Visitor Economy Strategy for the period 2021 to 2026. All three documents have been signed off at meetings of full Council and all three documents reference the PEAK Resort development as a priority objective / activity. For example *‘we will work with partners to support the further development of the borough’s visitor offer including PEAK Resort, an enhanced Crooked Spire experience and the reopening of Chesterfield Canal’* (Council Plan / Growth Strategy); and *‘The development of PEAK Resort – as a major new driver of visitor demand in the borough’* (Visitor Economy Strategy).
- 6.2.4 Policy CLP7 of the adopted Chesterfield Borough Local Plan confirms that *“the Council will promote and enhance tourism development in the borough and which will be encouraged where they relate to iii) supporting delivery of the Peak Resort scheme andv) connections with the Peak District National Park.*
- 6.2.5 There is therefore a policy mandate to support the development of PEAK Resort development and in this respect the scheme has progressed and Stanton Williams Architects remain involved in designing a bespoke scheme for the site and which reflects the requirements of investors. The scheme aims to create a

destination where outstanding architecture combined with the highest quality of design achieve an iconic resort that maximises the potential of the site. The scheme aims to be exemplary in terms of sustainability from an environmental perspective and to develop successful strategies for the environment and local employment.

- 6.2.6 The scheme is planned to be constructed in phases as set out above. The works already undertaken comprising of the new access, diversion of rights of way and boundary fencing and creation of the development plateau areas have paved the way for the scheme to be progressed.
- 6.2.7 The outline permission was based on specified use types and quantum of floorspace as shown in the attached table below. The proposed uses align with the original intended vision for the site and will form a major source of long term employment for the local community. Applications CHE/23/00579/REM and CHE/23/00584/REM concern proposals which are reserved matters submissions and as such, fall within the scheme already granted and where the principle of such proposals is not an issue. Application CHE/23/00583/REM1 for change of the positioning of components already accepted in the scheme does not alter the parameters set by the existing permissions with regard to location, scale and quantum of development which all fall within what has already been assessed and granted. The proposed uses for the site satisfy the current land use policies and will form a major source of long term employment for the local community in the tourism and leisure industry, both within the resort and the wider community.

APPROXIMATE SCHEDULE OF AREAS & ESTIMATED EMPLOYMENT FIGURES

	SCHEDULE OF APPROX. AREAS		
	Acres	Hectares	M ²
Ecodome Park	283.0	114.5	1,145,000
Lake External	20.0	8.0	80,000
Lake Internal	5.0	2.0	20,000
Ecodome Area	19.5	7.9	79,000
<u>Facilities Within the Ecodome</u>			
- Hotel 2,000 Rooms			55,000
Hotel Communal Areas			25,000
- Conference/Assembly/Exhibition			5,000
Concert Hall/Theatre			3,000
- Village Shops			4,000
- Village Accommodation			4,000
Castle/Museum			1,500
- Amphitheatre			1,000
Ice Skating Rink			1,000
Olympic Pool			1,050
Tennis Courts			2,100
Squash Courts			300
- Restaurants			2,000
Multiplex Cinema			4,000
Creche			300
Playground			500
Craft Centre			600
- Health & Fitness Centre			500
Gallery			600
Aquarium			600
- Car Parking & Servicing			25,000
Plant Maintenance			8,000
Swimming			-
Beach			-
Flumes			-
- Funicular			-

6.2.8 As can be seen from the attached table the original scheme was based on a substantial single dome on the site (60 metres high and 312 metres diameter) and which accommodated a considerable development including 2000 hotel rooms, restaurants and a proposed lake which allowed for up to 20 acres of outdoor lake and 5 acres of internal or covered lake supporting an array of water based activities. The original scheme also referred to various on site activities including jungle, mountain, castle, health centre, amphitheatre, funicular, adventure playground, cinemas, theatre, creche, ancillary retail, observatory and various sporting facilities as well as external uses including garden centre, craft centre and energy centre.

6.2.9 During the construction phases, the scheme will clearly represent a significant source of employment for the local community, drawing on the local workforce and potentially putting local skills to use. Once in operation, the scheme will benefit the surrounding local community by adding services and facilities and supporting local

business both during construction and in the long term with the operation of the resort.

6.2.10 As far as the Economic Development Unit comments are concerned the current application does not change the principle of the development of the site which is already established and it is not appropriate therefore to impose new requirements through a new legal agreement or condition. There is an opportunity to discuss with the developer employment, training and supply chain opportunities however this cannot be made a formal requirement of the current applications. The EDU confirms this approach would accord with the Council's Local Plan.

6.2.11 The development of the proposal falls within the existing permissions and, as a reserved matters submission, no objections arise to the principle of the scheme. Furthermore, no specific policy objections arises to the principle of relocation of the components of the phase 1 buildings already agreed on the site. The development of the revised phase one the subject of the current applications falls within the existing permissions and no objections arise to the principle of the scheme. The one element which is outside the area originally consented for development is the proposed solar field. This is proposed to be sited on the former landfill site which is unsuitable for buildings. This is an additional element which adds to the carbon neutral elements of the overall development by effectively making it self-sufficient in electricity generation terms. The impacts of this addition are considered below however such an inclusion is within the ethos of the original outline permission and the red line boundary as such it is acceptable for this element to be within the current reserved matters submission CHE/23/00579/REM.

6.3 **Design / Appearance and Visual Impact**

6.3.1 In accordance with Local Plan Policy CLP20, all new development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its

context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, architectural style, landscaping, scale, massing, detailing, height and materials.

- 6.3.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. It places emphasis on the importance of good design stating:
'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'
(para 131)
- 6.3.3 The outline permission was for a fully enclosed built form of 312 metres diameter and 60 metres in height. Phase 1 of the 2016 proposal reflected the area identified as Phase 1 on the 2008 reserved matters consent, occupying a "wedge" of the overall development circle on the North East side of the site. Compared to the notional scheme identified in the outline permission, the 2016 proposal for Phase 1 was much lighter in form. The buildings comprising of the Union Building, Hotel and University accommodation were broken down into three distinct volumes that did not exceed the permitted height. Similarly, the arrival Dome building was a single volume grid shell domed structure that sat within the parameters of the outline consent and the David Lloyd scheme similarly reflected the phased approach to the development of the overall site. The proposed location of the development already considered has been towards the south and east of the site, where the natural gradient of the land slopes down, ensuring that the profile of the development remains well below the ridge line of the hilltop immediately to the north and west.
- 6.3.4 The current proposals include buildings up to a height of 24m (the hotel) which is well below the 60m maximum height parameters

prescribed in the 1989 outline planning permission and below the lighter touch 33.9 metre high scheme supported in the 2008 reserved matters scheme and the height of development in the 2016 reserved matters scheme which was up to 34.5 metres high.

6.3.5 The buildings proposed have been designed within the framework of the permissions covering the site and will be smaller than the components of the scheme already accepted. The more sensitive areas of the site are on the higher ground to the west and north west however the lower buildings proposed will ensure that they are not visible from the west beyond the hill due to the landscaping and topography. Furthermore, the site is generally screened by the mature landscaping along the Sheffield Road and River Drone corridor however it is accepted that the buildings will be seen on the hillside from views further to the east on the elevated land and also elements from the southern edge of Unstone to the north. It is likely that there will be an increased prospect from closer range that this component may interrupt the skyline although this will not be significantly different when viewed from off the site. The buildings are likely to affect the more open character of this part of the site with night time effects being particularly noticed (lighting from upper windows) however compared with the original agreed scheme the effects on landscape character will be medium to low significance and which can be mitigated in closer range impacts to a degree through appropriate landscaping and quality of design.

6.3.6 Typical architecture proposed





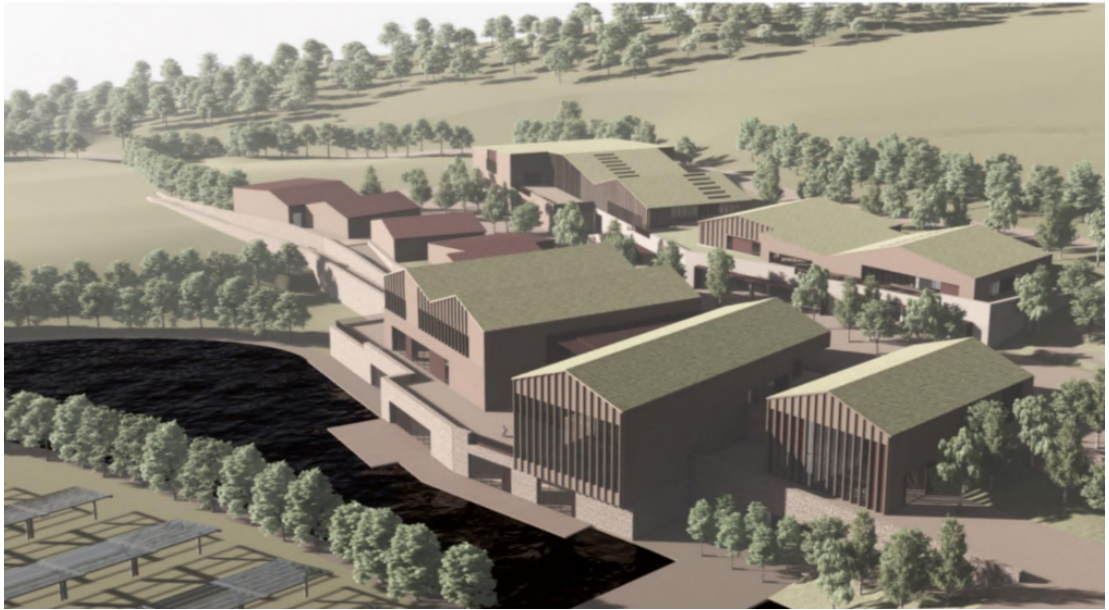
Horticulture



Green skills and hostel



Horticulture



Ultimate Outdoors



Green skills and hostel

6.3.7 The buildings are designed to reflect the industrial heritage of the site and are also influenced by modern agricultural buildings. The hotel has a distinct design and materials so that it would stand out from the other buildings on site. The buildings would use locally sourced materials in the form of sandstone and timber cladding and be designed to fit the terraced “seams” of the site. The spaces around the buildings will be put to best use by creating high quality public amenity areas with good quality landscaping and which will

add to the experience of the resort and create an opportunity for excellent public realm.

- 6.3.8 Landscape will be a crucial component of this scheme. A scheme of hard and soft landscaping has been submitted for the application area. This provides details of the native planting pallet, lighting strategy, play and art features, furniture and materials for the public realm. Planting, together with bunding will also soften foreground views and will help protect views from Unstone Green to the north.
- 6.3.9 Lighting details are covered by conditions 1 and 38 of the 2008 reserved matters scheme. A lighting plan has been submitted as part of the current applications. This indicates a range of lighting, light posts within the car parking areas, tree uplights, catenary lighting and reed solar lights. The lighting design proposes the use of energy-efficient low impact lighting as well as the placement of lights to ensure that they are not disruptive to the local flora and fauna. Dark sky friendly lighting techniques would be implemented.
- 6.3.10 An updated visual impact assessment has been undertaken for the proposed revised Phase One scheme to demonstrate the impact of landscaping and tree growth at year 1 and 15 post development. The current revised proposals represent an approximate 60% reduction on the parameters established by the 1989 Outline permission and 30% reduction in height compared to the 2016 and 2019 scheme.





22. Visual Impact Comparison. 2023 image represents post-development year 12 allowing matured landscaping

6.3.11 The solar dome and solar field would have arrays orientated east west, so with the distances to the boundaries of the site and the proposed landscaped bunding, plus further planting, in addition to the vegetation and trees which already exist, the visual impact would be minimised and it is considered there would be no discernible impact upon the nearest residential properties. It is considered that the land is ideal for inclusion of solar panels. Whilst there will be views of the solar from the perimeter footpath it is unlikely due to topography and woodland screening that the panels would be visible to anyone passing by on Sheffield Road. They are to be on the lowest part of the site tucked alongside the woodland edge and would not be generally visible other than from on the site. They make use of the former landfill site and their presence would be a reflection of the modern contemporary approach being taken to the c21 development of the site. They will face toward the south away from the Unstone direction such that any glare or reflection will not be created to the nearest residential areas.

6.3.12 It is considered that the proposals are acceptable and within the visual impact parameters of the original design for the scheme. In this respect the proposals are considered to be well designed and therefore accord with policy CLP20 and the wider requirements of the NPPF.

6.4 **Residential Amenity**

- 6.4.1 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'*
- 6.4.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*
- 6.4.3 The nearest residential neighbours to the site are those on Cheetham Avenue, Sylvia Road and the Sheffield Road frontage to the north and those on Sheffield Road and Mallory Close to the east. The existing outline permission allowed for a 60-metre-high dome 312 metres in diameter. A first phase of buildings was considered within the dome area in 2016 and which was accepted, and which achieved considerable separation distances to the nearest dwellings and in each case intervening woodland areas generally separated the site from views from the neighbours. The relationship was accepted as being appropriate. The current Phase development proposals maintain separation distances from residential properties together with landscaped bunds and is no closer than what has already been accepted. The solar field would be set on the lower level of the site and would be shielded from the dwellings in Cheetham Avenue and Sylvia Road by a landscaped bund, with existing tree cover to Sheffield Road. As such it is considered there would be little visual impact from the introduction of the solar field element.
- 6.4.4 The closest separation distance between dwelling houses and the built form proposed are:
Cheetham Avenue – 325m to building, 150m to bund
Sylvia Road – 345m to building, 210m to bund
Sheffield Road to north – 340m to building, 105m to bund
Sheffield Road to east – 200m to building, 140m to circulatory road
Mallory Close – 270m to building, 180m to circulatory road

6.4.5 There will be visual impacts for neighbours as a result of the proposals however they would not be significant due to the separating distances involved and the intervening existing landscaping features. The impacts can be further mitigated by additional landscaping features as a part of the scheme and which will be especially appropriate in respect of the proposed car parking area and solar field. The car parking area would all be within the loop road and therefore would not extend out beyond the originally indicated parking lozenge areas and would be no closer to residents to the north of the site on Cheetham Avenue and Sylvia Road when compared with what has been accepted in 2016. Furthermore, the parking areas will only be accessed from the south via the new main site access off the new roundabout. Property to the north is largely separated from the site by a protected woodland area and river and new planting has been carried out as part of the perimeter greenway and fencing. It is considered that the relationship between the proposed parking and solar farm for the current proposed Phase One development and the nearest residential properties is acceptable, and any impacts can be mitigated by the proposed bunding and landscaping and lighting, which can be dealt with by condition.

6.4.6 On this basis the proposals are considered to be acceptable in so far as they impact on the amenity of locals, and which satisfies policies CLP14 and CLP20 of the Local Plan.

6.5 **Highways Safety and Parking**

6.5.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking;*' and Local Plan policy CLP22 details the requirements for vehicle parking and seeks '*e) provision of opportunities for charging electric vehicles where appropriate.*'

6.5.2 The traffic impact of the proposed PEAK development was assessed within the Reserved Matters Environmental Statement 2008 supporting CHE/0892/0496 and an Addendum letter

produced by Atkins was submitted with Section 73 Applications CHE/16/00317/REM1, CHE/16/00318/REM1, CHE/16/00319/REM1 and CHE/16/00320/REM1 in 2016 in relation to reconfigured Phase One elements. Further, a Generated Traffic Assessment (ref 1209-01-GTA-001 February 2017) was produced by Inspire Design & Development Ltd in association with Derbyshire County Council Highways Development Control to facilitate implementation of CHE/09/00075/FUL regarding the A61 junction and Site access road. The current applications are supported by a Generated Traffic Assessment and Movement Strategy. Trip rates were obtained from TRICS, the national standard system of trip generation and analysis in the UK.

- 6.5.3 No variation to current approved traffic levels is proposed or requested by these applications. An updated traffic assessment has been undertaken to assess the impact of the masterplan revisions on the public highways network and A61 roundabout access. The report concludes the revised Phase One trip generation is well within consented traffic movements, with the 'worst case scenario representing 38% fewer traffic movements than previously approved. In addition, an updated movement strategy details how traffic flows will be managed and distributed on site and provides swept path analysis for larger vehicles. Visitor cars will flow both clockwise (Highwall Road) and anti-clockwise (Longwall Road) distributing traffic to all car parking areas. Car parking will be ANPR controlled, reducing the need for barriers which impede vehicle flows from the road. Sufficient stacking capacity and two-way vehicle movements would ensure traffic volumes can be managed during busy days and events.
- 6.5.4 The proposed development does not exceed the built area or number of car parking spaces (1587 compared with 2,850 previously agreed) consented in previous approvals and the proposal more than adequately caters for any impacts arising. The access roundabout and spur road constructed in 2018 was designed to serve the complete Peak Resort site development and which would be linked to the development plot by the proposed

new access road. The impact of the proposal on the safety of public highway users is likely to be relatively insignificant given the separation of the proposals and parking areas along the private road from the nearest adopted public highway.



- 6.5.5 As indicated in the submitted Movement Strategy the two-way loop road around the scheme aims to optimise the flow of Phase One multi-model arrivals and departures. Visitor cars would flow both clockwise (Highwall Road) and anti-clockwise (Longwall Road). The car parking would be APNR controlled and car parking would be charged for, with a validation scheme for visitors.
- 6.5.6 The development will also be required to adhere to the existing site-wide conditions and parameters of planning consents CHE/389/210, CHE/301/0164, CHE/0892/0496,

CHE/09/00075/FUL, associated Travel Plan Framework and the Section 106 Agreement. This involves a requirement for Traffic Calming and Highway Works on Sheffield Road, the use of a Travel Plan and introduction of a Shuttle Bus Service. The Section 106 agreement also limits the routing for contractors and service vehicles to avoid Unstone Green and the use of appropriate Directional Signage. All access for construction and customers will be from the new roundabout to the south. There are also monitoring requirements for the Jordanthorpe Parkway roundabout for 5 years post opening of the development.

6.5.7 On the basis of the above the County Council Highway Authority has commented that as the scale of the development is reduced, it is considered that there are no grounds to object. The proposed layout is considered to be suitable to serve the facilities. The reduced floor space is predicted to reduce the number of vehicular trips generated by the site; the submitted 'Generated Traffic Assessment and Movement Strategy' assesses the predicated vehicle flows generated by the site and there are no reasons to raise issue with the findings of the report. As the application is related to the internal layout and scale of the facilities within the site, which are predicted to reduce vehicular trip rates generated by the site as a whole, there are no highway related objections. Further, the main access to and from the facilities is considered to be of an appropriate width and alignment which will allow for free flowing traffic within the site with no obvious reasons to indicate that internal congestion would impact the main access with Sheffield Road.

6.5.8 Given the scale of the proposals Active Travel England have been consulted and they responded as follows (summarised):

While it is acknowledged that opportunities to make changes are limited due to the nature of this reserved matters/discharge of condition application, there remains potential for it to make a greater contribution towards Active Travel in the interests of

encouraging and embedding sustainable patterns of travel behaviour from the outset, in line with current policy.

6.5.9 In response to ATE's comments requesting clarification whether employees would have access to secure cycle parking separate to that provided to the public, the applicant has stated secure cycle parking is to be addressed by way of pre-occupation planning conditions. This is over and above the cycle parking for visitors however the final details require input from both tenants and occupiers to the internal and external arrangement of the proposed buildings plus finalised details as to the number of staff, shift patterns etc.

6.5.9 An ambulant accessibility strategy was submitted in response to ATE's comments which confirms the hard landscaping scheme is accessible and suitable for ambulant disabled people. All pathways have been confirmed to be of sufficient width and material finish to meet inclusive design standards, subject to detail design development. The applicant wishes to address other points regarding details of crossing points and that the PEAK Express Terminus and Transport Hub confirming that are fully inclusive by way of conditions as their consultant who has confirmed that at the detailed design stage the crossings would be designed in accordance with LTN 1/20 and the PEAK Express Hub would be designed in detail to meet inclusive design standards. It is considered that it would be acceptable to impose conditions to this effect.

6.5.10 Chesterfield Cycle Campaign has been consulted and have responded as follows:

"We think the cycle storage provision and cycling access is adequate as long as the cycle routes are a minimum of 3m wide. However we are unsure if the cycle routes are planned to be tarmac or crushed stone. Tarmac (or other sealed surface) is of course preferable and resulting in less maintenance required. The development appears to have changed again in its focus, phase 1 now being a hotel and retail development incorporating a

park and ride system for the Peak District. Inevitably this will result in a large increase in vehicle traffic on roads locally. For cyclists there is the bridleway funded by public money around the site which ends in a field near Dronfield Woodhouse. The planned Unstone Green to Dronfield cycle route has never been completed by Derbyshire County Council which leaves the only continuous cycle route from the site going to Chesterfield. It would seem unlikely that visitors in great numbers will arrive by train in Chesterfield wanting to cycle to the site so presumably this will be a leisure activity from the site. If so there will need to be comprehensive publicity for visitors showing them potential routes which Cycle Chesterfield will be happy to collaborate on. The route will need upgrading and comprehensive signage which we suggest this development should fund. The application suggests that cyclists can access the Peak District from the site and while this is true in theory it will only be the most dedicated that do so in practise. We have no objections to these applications in principle but would like it recorded that local roads will be much busier making them less attractive to cycle on where there is no traffic free cycle route.”

- 6.5.11 The submitted details propose 160 cycle parking spaces, 140 and 2 sets of 10 spaces, which is considered adequate for public use. As set out above cycle parking for staff is to be the subject of a separate condition. The cycle routes are part of the wider development of the Peak Resort site and as such do not currently fall within the remit of the current applications.
- 6.5.12 It is appropriate to consider the potential for a vehicular link via the former golf course site access which could be seen as an alternative, potentially more convenient entrance/exit point. The potential impact of the use of this access has not been previously considered or modelled in transportation terms however it is clear that this access could not cater for any significant increase in traffic that it could be subjected to as an alternative entrance/exit. It is clear however that there is a clause included within the s106 agreement which limits vehicle access to the site via the A61

avoiding Unstone Green. It is clear from the application submission that no public access will be available to the proposed parking area or site from the existing former golf course access. The site is fenced to be able to control access. A gate into the Peak development site will be available for maintenance vehicles of the park only and a condition was imposed on the 2016 CHE/16/00318/REM1 planning permission to ensure that this route is not used as a public access to the parking area.

6.5.13 In so far as parking provision for the scheme the highway authority has no objection. The scheme proposes a total of 1,587 car spaces and which would all be served off the private access loop road. The current proposed parking areas are considered to be appropriate and adequate compared with what has already been agreed for parking purposes and which satisfies the requirements of policy CLP14 and CLP20 of the Local Plan.

6.5.15 A further element of the current proposals is the “PEAK Express”. There would be buildings comprising double volume open sided domed structures. The Travel Hub would provide a point of arrival and departure for the resort and the PEAK Express terminus would create a central feature structure offering car-less access to the Peak District National Park. These are intended to be in the form of EV and/or hydrogen powered buses which were trialled a few years ago. These will enable visitors to the Peak Resort to access various attractions within the National Park without the need to use private cars. The resort would in itself be a “destination” with many attractions/activities on site with the opportunity for visitors to also use the PEAK Express service to enable zero-carbon access to the Peak Park.

6.5.16 Given the potential implications for visitors to the Peak District from the Peak Resort the views of the Peak District National Park Authority were sought.

Accommodation

Developments such as the Peak Gateway Resort can help to relieve the pressure for new large hotels and serviced

accommodation within the National Park, where scope for any development is limited by National Park purposes. It also helps to share the economic benefit of visitors to the National Park to our surrounding gateway towns.

The development of additional hotel accommodation in the wider area that services visitors to the National Park would therefore be beneficial to the National Park.

Travel

A long-standing and key selling point for visitors to the Peak Gateway Resort is its location in close proximity to the Peak District National Park. The premise of the resort appears to be to provide a holiday / short-stay location with a range of on-site activities, but with easy access to the outdoor offer of the National Park.

The information provided within the various application materials would suggest that the resort is aimed at new visitors to the area; rather than current visits. This would indicate that any visits to the National Park from customers of the Peak Gateway Resort are also new, additional visits;

The information provided to accompany the applications does not offer detail on how it is anticipated that customers of the Peak Gateway Resort will behave. It is anticipated that the presence of the resort as a whole will incur a price premium above the cost of alternative local hotel accommodation. As a result, customers may wish to stay on site to make full use of the available facilities.

However, marketing the site as the Peak Gateway Resort will mean that it is likely to be used as a base from which to explore the National Park.

Given the current predominance of car-borne visitor journeys to the Peak District, the preference would be for any journeys originating from the Peak Gateway Resort to be made by non-car means. This could be by traditional public transport, the 'Peak Express' or by cycling / e-bike.

The initial focus should be on measures to encourage customers of the site to arrive initially by sustainable means. However, the National Park Authority would be particularly interested in measures to ensure that, onwards travel from the site will be made by traditional public transport, the 'Peak Express' or by cycling / e-bike. There are a range of options that could be used to encourage this, ranging from discounted entry to other Peak District visitor attractions, through to discounted accommodation or free transfers for those customers arriving at the Peak Gateway Resort by bus or train. Such approaches would reduce the operational carbon

footprint of the Peak Gateway Resort and also its impact on local amenity.

Recommendation for mitigating anticipated traffic impacts

*The Transport Assessment provided to accompany the applications includes a Chapter on 'Travel Plan Mitigation Measures' and 'Movement Strategy'. However, the former is quite short and the latter doesn't include any firm proposals. Whilst accepting that the applications relate to changes in detail for outline approvals, there is a distinct lack of information about what measures may or may not be available to deliver a Travel Plan for the resort. **As more detail is brought forward and the various elements undergo further consultation, we would wish to see a more detailed Travel Plan prepared.***

- 6.5.17 The scheme is tied into the delivery of a sustainable travel plan which is part of the s106 agreement in place. The scheme proposes ev charging points and cycle parking at an appropriate rate and the operation of a shuttle bus for employees with additional cycle secure parking opportunity. The operation of the Peak Express utilising hydrogen and/or electric buses is part of the offer from the site and which would be part of delivery of a sustainable solution available to those wishing to explore the Peak District National Park from the site. There is an obligation for the developer to refine the detail regarding the travel plan as and when operators for the site are determined and which will need to be agreed by the Council.
- 6.5.18 Access to the site would be via the roundabout to the A61, which was provided specifically to serve this development. There are no objections to the proposals from the highway authority. Vehicle generation has been demonstrated to less when compared to earlier schemes plus the level of car parking is considered sufficient to meet the needs of the proposals. Other elements as set out above are subject to the clauses of the Section 106 agreement and existing conditions or though the imposition of further planning conditions.

6.6 **Ecology**

- 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 (see paragraph 180d).
- 6.6.3 The site is undergoing a re-naturalisation process following reclamation from open casting and closure of the former golf course. The consented development areas forming a series of platforms were cleared during the approved enabling works in 2015. Outside of these areas, the site is set aside for nature and is managed by grazing and which has resulted in the development of a habitat patchwork including mixed woodland, grassland and river corridor. Policy CLP15 and CLP16 (Green Infrastructure and Bio-diversity) recognises Chesterfield's green infrastructure at all levels of the planning process and the aim of protecting and enhancing the network.
- 6.6.4 There is already a requirement to undertake ecological survey as part of the development of the wider site and the reserved matters already agreed. Full Ecological Surveys were undertaken in 2008 by Ecology Solutions and which provided a baseline data for the site. Additional reports addressing specific parts of the site have been submitted in recent years for approval during discharge of various pre-commencement conditions and prior to the works commencing in the respective parts of the site. This has included addendum surveys in 2014 concerning Nesting Birds, Water Voles, Invertebrates, Badgers, Ornithology, Reptiles, Trees and which were supported by a Construction Method Statement. An Extended Phase One Habitat Survey, Tree Survey Report and Habitat Creation report were also prepared in 2014. A Willow Tit Survey was undertaken in 2015 to address a particular component area of the site, a Specific Arboricultural Method Statement in 2016, and Ecological Clerk of Works Reports were provided in September

2016 and December 2016 and which have been updated in connection with the David Lloyd scheme and the lower access road proposals in 2019. Further confidential survey and reports were prepared regarding Badgers involving Natural England in connection with the roundabout and access spur construction.

6.6.5 The current applications are accompanied by an updated Ecological Impact Assessment by In:Spire Nature dated August 2023 and which has been undertaken for the application area and wider Central Permitted Development Areas with mapping to UKHab V1.1. The study considered protected and key species including badger and which remains confidential. The assessment states that the results and recommendations are valid for up to two years from the survey date and it would be necessary to update and re-do surveys should the development not commence within 2 the two years and this can be secured by condition.

6.6.6 A baseline BNG Assessment has been completed for the same areas using DEFRA Metric 4.0 and which suggests that to achieve 10% net gain for the site across all unit types additional units must be created through retention of habitat, enhancement of retained habitats, and creation of off-site habitats. The applicant intends to deliver the 10% gain on site.

Unit Type	Target	Site Baseline Units	Units Required to deliver 10% gain
Habitat units	10%	165.22	181.74
Hedgerow units	10%	1.87	2.06
Watercourse units	10%	4.02	4.42

6.6.7 Derbyshire Wildlife Trust welcome the reduced footprint compared to the previous outline and reserved matters approvals. They go on to comment:

Habitats and BNG

Phase 1 is located in the largely unwooded eastern part of the wider site, dominated by grassland and scrub. The boundary overlaps with the edges of broadleaved woodland along the River Drone to the east and is located close to ancient woodland within Brierley and Roughpiece Woods Local Wildlife Site (LWS). Habitats have been surveyed in detail at an appropriate time of year.

An area previously proposed for parking within the footprint of the woodland along the River Drone is now removed from the built footprint, which is welcomed. However, we advise that a 15 m buffer zone should be maintained between the built-development footprint and the ancient woodland within Brierley and Roughpiece Woods LWS, as per Natural England Standing Advice (See Section 5.2 of the EclA).

The EclA states the intention to achieve no net loss of biodiversity and a net gain where possible. Currently a BNG Assessment report has been produced assessing the baseline of the site and the wider area (extent of previous permission), with recommendations for the total number of units required to achieve a 10 % net gain. The accompanying metric (V4.0) has also been submitted.

At the time of this report, it seems that the proposals were not available to the consultants and therefore the actual losses or gains are not calculated. We advise that based on the available information, the post-development figures could now be added to enable the calculations to be made. We would add that offsite habitat creation and enhancement could be carried out across the extent of the entire Peak Resort site, not just within the area of the previous permission.

Protected Species

The closest record of great crested newts (GCN) is of 6x GCN from 2011 on the opposite side of Sheffield Road (B6057) to Peak Resort. The road is likely to comprise a major barrier to dispersal. Habitat suitability assessment for was undertaken for eight ponds within 500 m, with further testing for GCN eDNA. All tested ponds returned a negative result. We are aware of four ponds that have been created to the west of the wider Peak Resort site, created as

part of the District Level Licensing (DLL) initiative, with at least two others created by the same landowner. The DLL ponds returned negative results for GCN eDNA in 2023. Whilst terrestrial and aquatic habitats within the Peak Resort site are suitable for GCN, presence has not been evidenced. New waterbodies within the Phase 1 proposals are unlikely to be suitable for GCN given their location in built-up surroundings, however there is scope for wildlife ponds and suitable terrestrial habitat within the wider site proposals.

Habitats within the application area are suitable for reptiles, however previous survey work and existing records indicate no more than low numbers. Habitats within Phase 1 will be largely unsuitable for reptiles due to their built-up nature but the wider site is likely to retain swathes of habitat. It is important that areas of grassland, woodland rides and scrub are incorporated within the wider scheme. The EclA proposed the creation of hibernacula and log piles as part of Phase 1 works. This is likely to be at the woodland edges of the site or elsewhere in the wider site.

Proposals will result in a built-up area in close proximity to the River Drone corridor in the east of the site and other ancient woodland in the west. It is important that sufficient buffers are provided to the ancient woodland (Natural England Standing Advice is 15 m) and that lighting is designed to avoid lightspill to these habitats to safeguard foraging and commuting bats. The opportunity should be taken to create a bat box scheme across the whole site within retained woodlands. Boxes should also be incorporated within the proposed buildings.

Loss of scrub and woodland will reduce habitat for a range of breeding birds and the loss of rough grassland will impact a small number of ground-nesting species such as skylark. Willow tit were previously recorded in the wet woodland along the River Drone. The majority of woodland habitat will be retained. Proposals should be ambitious in terms of incorporating bird nesting features within the built environment and we welcome the proposal to enter the eastern woodland into a management plan, particularly focussed on willow tit. A bird box scheme could also be set up across the Peak Resort site.

Habitats within the application area for Phase 1 are suitable for hedgehog and brown hare. As with other species, the Phase 1 development is unlikely to be suitable for such species but opportunities exist within the wider site to retain habitat for these and other more common mammals. Reasonable Avoidance Measures should be employed during site clearance to safeguard a range of species.

To conclude,

We advise that the BNG metric is completed to evidence a net gain, in line with local and national planning policy. Protected species can be largely safeguarded via conditions.

- 6.6.6 It is considered that the imposition of conditions would be appropriate to ensure the Biodiversity net gain required together with other mitigation measures to satisfy policy compliance.

6.7 **Drainage & Flood Risk**

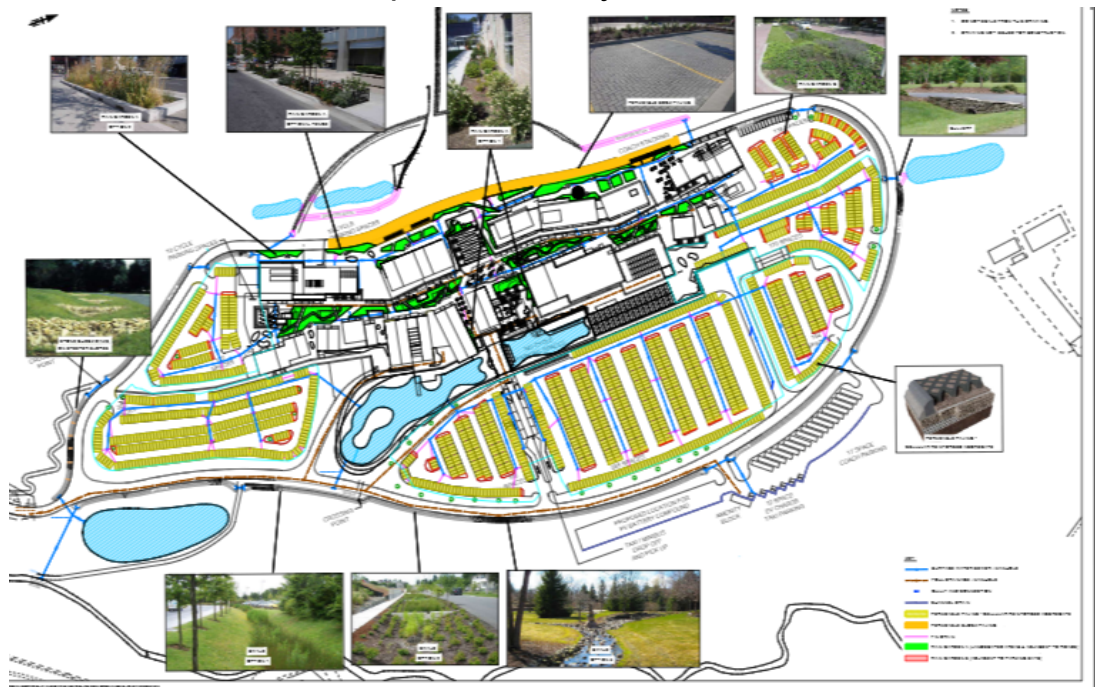
- 6.7.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere.*

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.*

- 6.7.2 The site is shown to be in Flood Zone 1 which is land not at risk of fluvial flooding. The existing permissions already include conditions concerning the drainage strategy for the site and how surface water is to be managed. The current applications are accompanied by a Drainage Strategy by Inspire Design and Development Ltd which has been developed based on the greenfield run off rate,

sufficient to cater for 1 in 100 year rainfall events with a 40% climate change allowance in accordance with latest Environmental Agency guidance. The 2008 scheme proposed the discharge of surface water to the River Drone along with on site SUDs attenuation. The proposed surface water drainage system will collect runoff from the car parks, road, service yards and main built area and discharge to the River Drone. Water will be stored on site in attenuation ponds and other SUDs features, including rain gardens, green roofs and swales and to achieve the 40% betterment in green field run off rate the calculation indicates a storage volume of 9,121 cu m is necessary during the 1 in 100 year event. The storage ponds and swales proposed will be sufficient to cater for this. The remaining untouched land and soft landscaping areas will offer bioretention through shallow infiltration into the topsoil and evapotranspiration of the vegetation. A whole estate SUDs plan shows how the existing land drains will be incorporated into the Phase One development. The solution will include permeable paving, swales, rain gardens, channel and fin drains and attenuation ponds with hydrobrakes.



6.7.3

A new foul sewer is proposed to serve the main development on the site. This will connect into the foul sewer to run down the new site access road, and which was installed as part of the initial infrastructure in 2018.

- 6.7.4 Yorkshire Water are satisfied with the drainage strategy.
- 6.7.5 With regard to flood risk the whole of the Peak Resort site is within Flood Zone 1 apart from the area of the proposed solar field. The Environment Agency object on the basis that a flood risk assessment is required due to the size of the area. The site is in close proximity to an area defined as a flood storage area and climate change should be accounted for in any flood risk assessment. Given the time that has elapsed since the previous applications it is likely the Environment Agency has more up to date modelling that can be used to interpret the flood risk at the development site.
- 6.7.6 In response to the EA the applicant's consultant stated:
"Flood Risk was addressed previously in the 2008 ES prepared by Atkins, and the principle of development was therefore established. There should be no need to repeat the FRA process as we have complied with the conditions of the outline permission in preparing a drainage strategy in accordance with sustainable drainage principles."
- 6.7.7 Surface water and foul water drainage has been adequately addressed in relation to the main development area. It is considered that the solar field requires some further detail both in terms of safeguarding from flood risk and surface water drainage given the ground conditions, and potential for increased run off from the solar arrays. It is considered that such detail can be secured and agreed by condition of any approval.
- 6.8 **Land Stability**
- 6.8.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land*
Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the

proposed use and shall include:

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

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

6.8.2 Paragraph 189 of the NPPF states that *‘Planning policies and decisions should ensure that:*

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

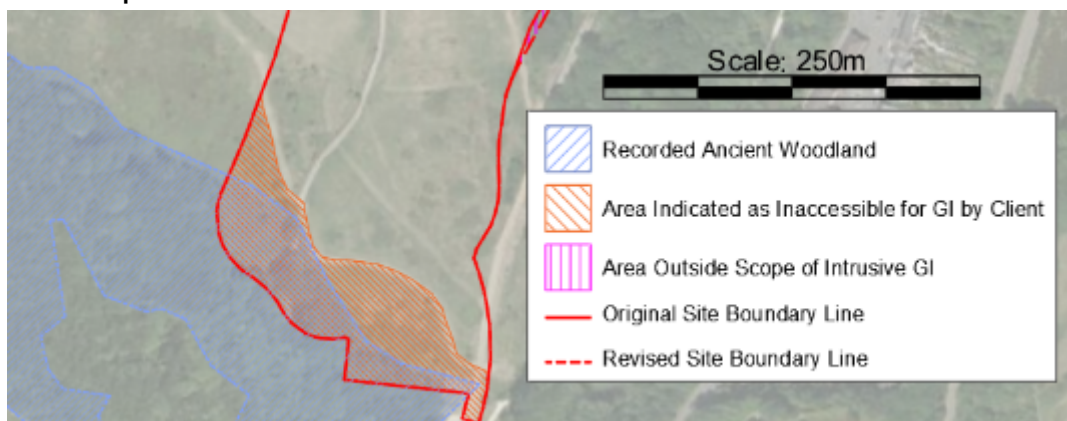
6.8.3 The existing reserved matters permissions already include condition 3 concerning the necessity to ensure the stability of the site is safeguarded and the site is appropriately remediated from any contamination which may exist.

6.8.4 It is necessary for the development to properly take account of the ground conditions.

6.8.5 The Coal Authority had no concerns to previous applications on the basis that the site was opencast in the 1960s thereby removing any shallow coal which may have previously existed. In relation to

the current applications the Coal Authority have reviewed the submitted Phase 1 and Phase II Geotechnical and Geoenvironmental Assessments and the Factual Report on Site Investigations which include a Coal Mining Risk Assessment. This report states that investigatory works have been undertaken but not in the southern part of the site which was inaccessible and is where both recorded and probable unrecorded workings are likely. It notes that should any development activity be proposed in this area, intrusive investigation would first be required. The report also notes that there are numerous mine entries located in the southernmost part of the site and the full extent of the historic opencast coal mining is unknown. The Coal Authority appreciate that these submissions relate to a long standing consent and that ground conditions are likely to have been considered at previous stages. However, the current proposals are not currently supported by adequate information covering the complete site to demonstrate coal mining features do not pose an unacceptable risk to the development. The Coal Authority therefore request an updated Coal Mining Risk Assessment be submitted and plans showing the relationship of the proposed development to recorded mine entries and identify any remedial measures considered necessary.

6.8.6 The area of the site to the south which was inaccessible is shown on the plan extract below.



This area includes part of the area of ancient woodland and land adjacent to the ancient woodland where it would not be appropriate or necessary to undertake intrusive ground

investigations. The remaining small area is where the proposed road would link to the existing roadway where it would be appropriate to undertake further investigations in respect of the Coal Authority 's comments and it is considered this may be appropriately secured and be dealt with by suitably worded pre-commencement planning condition.

6.9 **Designing out Crime**

6.9.1 Derbyshire Constabulary were consulted on the applications. The main issue identified concerned the overall management of the site, both in respect of the control of movement and general security. Site security is set as an aspiration so requests that a requirement similar to condition 6 of CHE/19/00394/REM is repeated. With a significant portion of parking provided under solar panels, and considering the wider site levels, there will need to be some innovative thinking when fleshing out matters such as lighting and the efficacy of CCTV supervision.

6.9.2 The wording of the condition referred to above was:
Full details of security measures to be installed at the site shall be submitted to the local planning authority for consideration. The agreed details shall be implemented as part of the development and shall be installed and made available concurrent with the first occupation of the buildings on site.
It is considered appropriate to impose the condition again in respect of the revised Phase One proposals.

6.10 **Climate Change**

6.10.1 Policy CLP12 states that “The Council will support proposals for renewable energy generation particularly where they have wider social, economic and environmental benefits, provided that the direct and cumulative adverse impacts of the proposals on the following assets are acceptable, or can be made so:
a) the historic environment including heritage assets and their setting;

- b) natural landscape and townscape character;
- c) nature conservation;
- d) amenity – in particular through noise, dust, odour, and traffic generation.

Proposals will be expected to:

1. reduce impact on the character and appearance of the open countryside by locating distribution lines below ground where possible;
2. include provision to reinstate the site if the equipment is no longer in use or has been decommissioned;
3. incorporate measures to enhance biodiversity.

6.10.2 Policy CLP20 considers design and states that major development should as far as feasible and financially viable minimise CO₂ emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Planning applications for major new development should be accompanied by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:

- 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.

When considering the feasibility and viability of reducing emissions and also use of renewable energy in any major development, the council will take into account matters such as the development's scale and nature, its operational requirements, any site-specific constraints and also the need to meet other planning policy requirements.

6.10.3 The application is accompanied by an Energy and Sustainability Statement by Cundalls which promotes a sustainability strategy as follows:

- fabric first approach to reduce energy demand;
- maximise passive measures such as natural ventilation and daylighting;
- landscaping to provide shading;
- mechanical ventilation with heat recovery;
- LED lighting;
- Heat pumps for heating and hot water;
- Ambient loop to recycle heat between buildings;
- Control strategy to match energy demands;
- PV array generating electricity for development;
- Minimising embodied carbon in materials used;
- Sustainable Drainage System to address flood risk;
- Transport strategy to provide alternatives to petrol/diesel private cars;
- Biodiversity and use of green roofs.

6.10.4 The development seeks to reduce energy use through Passivhaus principles using high performance thermal insulation, high levels of air tightness, minimising thermal bridges and high performing windows. The scheme targets an air leakage of less than 3m³ (hr.m²) compared to the Building Regs which recommends a maximum of 10m³ (hr.m²). Heating and cooling will be centrally generated in an energy centre with heat pumps to distribute. Air source, ground source and water source heat pumps are all part of the energy strategy. PV is being used extensively in the development for the car parking roof and in the solar field and the calculations indicate that they will be able to generate a substantial amount of the energy needs of the development.

6.10.5 The approach to sustainability is aligned with the intended Peak Resort development and the local plan policy in so far as according with the recognised energy hierarchy of reducing energy demand, sourcing energy efficiently and making use of low and zero carbon technologies including renewable energy. The development will perform better than the Part L of the Building Regulations and will accord with the policies referred to above.

7.0 **REPRESENTATIONS**

7.1 Site notices were posted on 7th November 2023 and an advert was placed in the Derbyshire Times on 9th November 2023. Local residents and neighbouring landowners were notified of the applications by letters and email.

7.2 The applications have been the subject of 57 representations received from 40 different individuals raising the following matters:

7.2.1 Principle: This land has been subject to many different applications over the years and so many different projects - none of which have succeeded. Concern regards to the ever-changing project at the Brushes. It appears that this project has mostly turned into building a big car park and bus station to save the pollution from the Peak District! Destruction of Green Belt. There are many inner town / city areas that could house this project, but it is more profitable for developers to start on fresh ground. The amount of time and effort invested by the council in this now needs to have a line drawn under it and all applications be refused. This latest "idea" seems to have now gone so far from the original plans that surely a whole new application seems necessary. Peak is now conceptually and commercially a totally different proposition as stated by the Council CEO. The scheme would have a massive impact on the centre of Chesterfield. I believe no jobs have been created despite assurances over the last 30 years of thousands becoming available. Indeed many of the specialist contractors employed are not local. The architect is London based. The development is against the sustainable development goal, specifically goal 3 stopping concreting over the countryside by regenerating brownfield sites, and not green fields around Sheepbridge.
Consider a thorough EIA and a comprehensive plan to mitigate the anticipated issues should be sought.

Comment

See section 6.2 of the report. The principle of the development of the site is already established and agreed and the current applications flow from that. A major roundabout and access has been developed to provide an appropriate means of access together with diversion of the rights of way to the site perimeter with associate site enclosure. Furthermore, ground modelling has taken place in preparation for the scheme which remains a priority for the Council from an economic wellbeing point of view. The current submissions concern reserved matters submissions and consequential s73 changes to components of the scheme which have previously been agreed on the site. The reference to comments from the Council Chief Executive appear to have been misconstrued. The Chief Executive did not write that the development was a conceptually and commercially different proposition to the Gateway Building at Peak Resort in planning terms. The comment was made at a strategic commercial business /investment level. It is the case that the development proposed represents a logical evolution of the scheme but which falls within the parameters of the development which have previously been set and agreed.

- 7.2.2 Lack of Need: Phase 1 of the proposed development is a very large car park and bus terminus which plans to offer visitors a park and ride facility enabling them to park in Chesterfield and visit the Peak District National Park by bus. There are already bus companies providing a hop on hop off service around the Peak Park departing from Chesterfield and Sheffield. Believe that this need is already fulfilled by professional bus companies and that an entrant to the market would find it very difficult to compete. No requirement for a "park and ride" type scheme as Chesterfield is well served with buses, trains and taxis from the bus and train stations in the town. Idea of taking customers from the town centre, which is already struggling is not appropriate. Failure of phase 1 is therefore quite likely. The long history of repeated failures on this site are going to make potential investors very wary. The money would be better spent regenerating the town centre instead of

putting more countryside under bricks and mortar. There is no need for a new hotel as the Chesterfield Hotel stood empty for years. Not sure why anyone would even want to stop in a hotel next to an industrial estate. Surely if their activity plans are to utilise the Peak Park then they will simply stop in the Peak! Concern is that the development may get part built and then be left to crumble. Does the development have businesses that want to take on the units and have they made a commitment to trade in an ecological style? Has a feasibility study been done on this business model?

Comment

The development has already been accepted on this site and the submissions do not concern the principle. The point made about park and ride for Chesterfield to serve the Peak District National park area is misleading. Respondents who believe the main purpose of the car park is to provide a park and ride facility have misunderstood the proposal. This is not the case and the development is intended to bring people to the area who will visit Chesterfield and the local area thereby increasing customers in the town.

- 7.2.3 Highways: A new publicly funded roundabout with a modified slip road from the A61 has been provided. Despite this there are already traffic problems at peak times, particularly in the late afternoon when the many businesses close for the day. It is common for traffic to be queueing on the slip roads from the A61, as well as on Sheepbridge Lane, Broombank Road and Sheffield Road. If there is a problem due to a RTA, the routes around the vicinity will certainly be gridlocked. The new roundabout does not allow for the safe movement of large lorries going to Sheepbridge IE. It is a nightmare travelling anywhere near peak times and this project, if approved, would cause the whole infrastructure to collapse causing misery and danger to many road users. The road system is unable to handle any additional traffic. Any development of this type would need a complete redevelopment of the road system in the area. Huge increase in traffic of which a significant amount will be going through the small village of Unstone. A Traffic

Impact Assessment was carried out in 1995-6 and proposed a remote park and ride facility to transporting visitors from a remote car park near to the M1 junction to the Ecodome project. What is now proposed is a complete reversal.

Original plans were to have all cars parked off site some distance away with restrictions on day visitors specifically on account of the requirement to avoid excessive additional traffic movement. Plans also involved cars not being used on a daily basis, with on site transport delivered by electric shuttle carts. Recent applications have tended to considerably weaken car use/ parking limitations and we now have an application which, stripped to its bare bones is nothing more than a giant park and ride scheme.

We now live in times when most Towns and Cities are actively discouraging drivers from entering urban areas, Chesterfield needs to adopt similar principles to avoid pollution and congestion. The "hub" will transfer this noise, pollution and disturbance from the Peak Park whilst providing little in return for Unstone. Result in disturbance to the tranquility of the area near the proposed site. Obvious that the "hub" will actually create more vehicle movements rather than less. There is no requirement for a "park and ride" type scheme as Chesterfield is well served with buses, trains and taxis from the bus and train stations in the town. Concern regarding taking customers from the town centre which is already struggling. This additional traffic will lead to a) local residents wanting to avoid the build up of traffic, to rat run the country lanes/roads used by horse riders, ramblers and cyclists, via Dronfield, Barlow, Handley and Old Whittington, which will cause accidents and increase traffic on NEDDC / CBC maintained country roads. b) more delays at the roundabout at Whit Moor and slip road off at Sheepbridge which currently cannot support traffic during busy times.

The highways will not cope given the increased traffic added with the extra 500 houses just approved on Dunston Lane on green belt land just one mile from the proposed development and 400 houses proposed in Dronfield.

I live in Brimington, and when I walk down into the village I have to wait for several minutes to cross the road, the traffic is so bad, and

the pollution sticks in the back of your throat. Yet you keep allowing more and more housing developments and always on our green area's. What about the land that was Staveley Works which must be brown field land. But don't develop it till you've given us the Brimington Staveley by-pass we've been waiting for 50 years for.

Comment

Comments regarding highway safety and capacity are referred to in the report at paragraph 6.5 however it is clear the Highway Authority support the proposals on the basis of the highways information provided. It is commonplace to experience queuing traffic at peak times in locations across the Borough however this does not suggest that junctions are not able to accommodate the intended traffic flows. Whilst there will be an increase in vehicle movements (compared with the existing negligible traffic flows from the site) the traffic anticipated falls within and much lower than what has been accepted and planned for. Traffic would approach the development from the A61 via the new roundabout and the highway network and access to the site is more than capable at accommodating this. The s106 agreement includes a clause which requires the construction route and access to be from the new roundabout so that a short cut via the former golf course entrance is not formed. The agreement also precludes traffic approaching the site through Unstone Green.

The scheme was amended as part of the 2016 permission to allow for day visitors. The scheme envisages a reduction in on site parking compared with what has previously been accepted (2850 car spaces down to 1587 car spaces). Furthermore, the opportunity now arises to require electric vehicle charging points as a part of the scheme and significant cycle parking facilities.

Again the point made about parking for Chesterfield suggests that respondents believe the main purpose of the car park is to provide a park and ride facility. This is not the case and the

development is intended to bring people to the area who will visit Chesterfield thereby increasing customers in the town. The point made by the respondent in relation to air quality in Brimington is of relevance to development in Brimington where there is a designated Air Quality Management Area on the A619.

7.2.4 Parking Adequacy: No adequate provision for the parking of employees vehicles if the job figures of over 2000 are to be believed. How can these people possibly park on site without severe disruption. The movement strategy is flawed with the amount of onsite vehicular movements being unacceptable and would create an unacceptable amount of noise and air pollution. No need for 2000 parking spaces as there is ample parking in Chesterfield.

Car park if approved will be only 60 metres from my back garden and will have a very detrimental impact on our wellbeing.

Comment

Comments regarding parking capacity are considered at paragraph 6.5 of the report which sets out that there will be significantly less space than previously agreed. (2850 car spaces down to 1587 car spaces). Again the point made about parking for Chesterfield suggests that respondents believe the main purpose of the car park is to provide a park and ride facility. It is clear the Highway Authority support the proposals on the basis of the highways information provided and the impacts have been accepted.

The nearest part of the proposed car park to the nearest residential garden (separation distance) is 198 metres however the separation is 215 metres from the garden of the property from which the suggestion of 60 metres has been made (37 Cheetham Avenue). Furthermore, there is a protected woodland intervening between the Cheetham Avenue properties and the site.

7.2.5 Rights of Way: Understand the County Council has still not been prepared to accept responsibility for one of the altered rights of way and that should be rectified by PEAK before plans are considered any further. Another safety concern relates to users of the public rights of way in the vicinity of the roundabout- one of which is designated a Greenway, which carries with it suitability for wheelchair and mobility scooter users as well as pedestrians, horse riders and cyclists. Traffic light controls should be installed to allow safe passage for rights of way users over what will now be an exceedingly busy access road.

There is currently informal car parking on the stub of the site access road where it leaves the roundabout and clearly that cannot continue if development proceeds. There is an obvious demand for access to the extensive rights of way network locally and the car park that was provided near the Unstone entrance to the site should be opened to the public as a pre-condition of any further work taking place.

Comment

It is understood that there remains a minor process to finalise the diversion of the public footpath routes in the vicinity of the site access. The routes have been provided and there remains a need to confirm their precise alignment in an Order such that the routes can become the definitive routes. This is a separate matter to the determination of the current applications. The crossing of point of the access road will be completed as and when the development is carried out.

In so far as the public car park area this was the subject to a planning condition on CHE/09/00075/FUL which proposed the revised access arrangements to the site. Condition 17 required details of a replacement public car parking area to be agreed and that the agreed parking area should be provided on completion of the access route and retained available for use thereafter. The details were submitted under CHE/14/00388/DOC and which showed the new parking area off the golf course access road as a way of better serving the

new bridle path provision around the site. The area of parking has been provided however the area is currently not being made available to locals for parking purposes on a daily basis. There appears to be a breach of the condition however this would depend on the interpretation of the “completion of the access road” as the developer considers the access road is yet to be completed. The developer intends to open the car park for public use upon completion of the access road which is to be constructed as part of phase 1 of the scheme when public liability insurance for public use of the private land can be put in place. The opening of the car park area is however not a matter for the current submissions however it will need to be resolved in due course. The spur is gated and limited and is by no means appropriate for parking due to the lack of available turning space and the prospect of having to reverse out into the roundabout which would be far from safe in highway terms. Notwithstanding this it is clear from Google streetview that the area is being used for parking purposes however it will not be an appropriate parking area as construction traffic is to be using this spur to undertake the development. It is considered that the new parking area should now be available for public use and certainly before the development commences and this would be an enforcement matter.

7.2.6 Pollution: The proposal is anticipated to contribute to environmental pollution in various forms. Construction activities, increased traffic, and potential discharges may result in air, water, and noise pollution. These pollutants can have adverse effects on both human health and the environment, necessitating a thorough evaluation of the proposed project's environmental impact.

Object to the pollution (air, light, traffic), glare, dust, noise and disturbance this would cause and question how anyone can think that the local road infrastructure can handle all this added pressure. Having a goliath of a development bringing many of the peak districts visitors to the monstrosity of a car park would

exacerbate the problems. The "hub" will transfer the noise, pollution and disturbance from the Peak Park whilst providing little in return for the Unstone. The "hub" will actually create more vehicle movements rather than less. There have been no detailed air pollution surveys and projections. Pollution: At the 2016 planning meeting the developer told the meeting that vehicles arriving at Peak Resort would remain parked for several days, the duration of the visitors stay and that this would reduce the possible number of vehicle movements. It was also stated that for ecological reasons all other movements on site would be by battery powered vehicles. The current proposal differs greatly. A 1,600 space car park, parking for 17 coaches and a bus terminus are planned at phase 1 with the developer expecting that eventually the car park would be filled twice every day leading to 6,000 plus daily vehicle movements. This enormous number of traffic movements would be around a perimeter road greatly extending the distance vehicles would travel on site causing unnecessary levels of air, light and noise pollution. Any car parking should be as close as possible to the access point to minimise pollution and to keep it as far away from resident's homes as possible. There should be a larger proportion of EV charging points as less than 20% are proposed.

Comment

The scheme delivers 160 EV charging points, 160 cycle parking racks, 12 taxi EV charging points together with the obligations set out in the s106 agreement to operate green travel initiatives such as a shuttle bus. The scheme also includes the use of hydrogen and electric powered buses as part of the Peak Express facility.

Comments regarding highway safety and capacity are also referred to in the report at paragraph 6.5 however it is clear the Highway Authority support the proposals on the basis of the highways information provided. The scheme envisages a reduction in on site parking compared with what has previously been accepted (2850 car spaces down to 1587 car spaces). The opportunity now arises to require electric vehicle charging points as a part of the scheme. A clause is included

in the s106 agreement which limits the construction route and access to be from the new roundabout so that a short cut via the former golf course entrance is not formed and the traffic is not routed through Unstone Green.

There is nothing to suggest that noise, air, dust or light pollution will be an issue above and beyond what has already been accepted as part of the development of this site. The submitted report by Cundalls sets out that the development is to as far as possible minimise or eliminate dust emissions, NOx emissions, ozone depletion and global warming impacts. There will be no on site combustion for heating or hot water and all services will be electrically driven. The development has low emission aspirations negating any impact on local air quality and the use of electric and hydrogen vehicles to access the site and on site is being encouraged. As far as lighting is concerned it is a necessity but is designed to provide safety and security without unnecessary illumination and power consumption. It is designed to avoid any light pollution of the night sky and the strategy is one of placement to avoid any disruption to flora or fauna. All lighting will be controlled to limit its use. As far as noise is concerned the buildings are designed to provide sound attenuation to mitigate any noise breakout.

- 7.2.7 Wildlife: Object to the start stop approach on the site. The wildlife has once again begun to take hold and this will again be decimated if this project is passed. The impact on the local wildlife and the environment would be beyond retrievable. This site backs on to land that has resident woodcock and nightjar - both nocturnal birds - and both listed as species of concern. The light pollution will undoubtedly affect their feeding and flighting routines. Woodcock are now extinct at the nearby Linacre Woods, an area with unrestricted public access. Neighbouring land backing onto this development has had great success at wildlife support and many species frequent and benefit from my management techniques and feeding regimes, indeed with the support of wildscapes, ponds have been created for the benefit and hopeful return of newts.

Development could adversely impact Great Crested Newts and their access corridors. How will mitigation of this project on neighbouring land will be actioned? During the period in which there has been little activity on site the wildlife has flourished. Owls and bats will be affected. Otters spotted in local area. There are many deer, hedgehog, hares, foxes and badgers on site with several rare and endangered bird, snake and voles. Lack of sufficient up to date surveys. This proposal would displace all the resident wildlife and would prevent them from accessing the River Drone. The developer is happy to claim to have been encouraging wildlife by "passive rewilding".

Monk Wood and Broombank plantation are one of the best examples of wildlife managed woodland in Derbyshire and the risk of disturbance to several rare species is very real from both increased footfall as well as the inevitable disturbance from roaming dogs and footfall. Monk Wood and Broombank plantation has a quite exceptional flora and avifauna. This summer I surveyed the flora of the site and recorded 168 species of trees/sedges/grasses and flowering plants. The full list is available but includes *Brassica carinata*, a first record for Derbyshire and Yellow Birds-nest (*Hypopitys monotropa*) a rare parasitic plant that lacks chlorophyll with only 6 known current sites in Derbyshire. The wintering passerine flocks on site (Finches/Buntings/Sparrows) was the largest in North Derbyshire, winter 2022.

A development costing tens of £millions cannot be better for the environment than the current natural state of the land, no matter how much they mention "wellness gardens" or cycle parking spots.

Comment

See paragraph 6.6 of the report. Major development on the site has already been accepted and implemented. Ecological and Environmental issues have been at the heart of the scheme from the start. There is already control in place concerning impacts on ecology and baseline survey work has been prepared. This is accepted as being dated and the applicant will need to provide additional survey/safeguards to ensure that ecological interests are safeguarded in any development

as and when the development takes place. The Wildlife Trust has raised no objection in principle to the development subject to conditions including for example an Ecological Clerk of Works being present during the development works. 10% BNG is now a mandatory requirement for all major developments submitted post 12th February 2024 and whereas the 10% requirement does not strictly apply to the reserved matters development, the applicant is still proposing to secure a significant enhancement representing a 10% gain.

- 7.2.8 Invasive weeds: The location next to semi ancient woodland is also far from ideal. The site has non native invasive species such as Himalayan balsam and a history of Japanese Knotweed.

Comment

In so far as the Ancient Woodland area reference is made to para 2.1 of the report which confirms that the development the subject of the current applications being considered is not physically affected. The plot is remote of any ancient woodland area and is situated wholly on a former opencast and tip sites.

Invasive weeds such as Himalayan Balsam and Japanese Knotweed are required to be dealt with if directly affected by the development however these are not present on the area the subject of the current development proposals. Where they exist on the wider Peak Resort site remains a private maintenance matter for the estate and between the respective landowners.

- 7.2.9 Flood Risk: Object to the size of the car parks and the vast area of solar panels which will all create run off for rainfall and flooding. Appreciate a SUDS system is in place but how many of these types of management tool are we currently witnessing fail?

Comment

See paragraph 6.7 of the report. There is a requirement to ensure that the development takes account of surface water

run off such that at times of rainfall the run off will be 40% improved compared to the current greenfield run off rate. Water will be stored on site during heavy rainfall in swales, rain gardens, ponds etc and will only be released to the river via hydrobrake after flood events have passed. This applies to the solar area as well as the built form of development however full detail of the drainage for the solar field is still to be provided and which can be secured by condition.

7.2.10 Land Condition: What substances may be found / distributed when / if construction begins as part of the site was a waste tip and opencast. Imagine the ecological consequences. On a recent visit to the rerouted bridleway by the river we noticed a very strong smell of chemicals where the watercourse in the area of the old tip joins the River Drone. Chemical pollution may entering the river at this point and an urgent investigation is needed before this area is disturbed or covered over. The river at the bottom of the site would also be destroyed by the building waste getting into the water system.

Comment

As part of previous Discharge of Condition submissions (CHE/14/00387/DOC and CHE/20/00358/DOC) the applicant has already undertaken phase I and II site investigation works regarding the area of the site which was previously used as a landfill site and which has been accepted by the Council. The former tip is to remain undisturbed in the scheme being used for surface mounted solar and landscaping/bunding only. Detail of ground disturbance through foundations and drainage works will need to be secured buy condition of any approval. The remainder of the site of the development has been opencast and backfilled thereby removing any ground condition/stability issue. There is however an area to the south of the site which was not opencast and where ground works may have been carried out and which requires further investigation as indicated by the Coal Authority. This can be secured by condition requiring the detail to be agreed before any works take place in the affected area.

In terms of the chemical smell this was investigated on site by the Environment Agency. They located the discharge point to the River Drone just past Brierley Bridge commenting that there were no signs of pollution at the time of the visit. They tested the water a couple of metres downstream of the outfall which showed good water quality with high oxygen levels, neutral pH and no raised ammonia levels and they subsequently closed the case with no further action required.

- 7.2.11 Hydrogen: Concern regarding the use of hydrogen on site and the implications it has on climate change during its production. The fuel is explosive and wonder if its use is suitable so close to a residential area.

Comment:

The use of hydrogen to power vehicles has the potential to make a big difference in carbon emissions. By their nature all fuels have some degree of risk associated with them and there is therefore a need to ensure appropriate design and engineering controls to enable safe handling and use. The applicant has already trialled both hydrogen powered and electric powered buses from the site and there appears to be no planning reason why hydrogen powered transport could not utilise this site.

- 7.2.12 Utilities and support services: The expansion will likely strain existing utilities and support services particularly waste management and waste water systems. Inadequate infrastructure could lead to over burdened services and potential environmental hazards.

Comment

On the basis that the applications are for reserved matters and s73 amendments to what has already been agreed the issue of utility and support service capacity has already been accepted. The development intends to be self sufficient as far as possible with its own waste treatment facilities, surface water storage, electric generation, no gas.

7.2.13 Visual Impact/Scale of Development: The moving of the car parks and the buildings will amount to massing. The hotel looks to be lost amongst a host of "units". A blight on the landscape with more green space disappearing. A huge development that will swallow up yet more of our green area's around our once lovely market town. Although see the benefits of having solar panels, there are better places for them. From a distance as visitors to the area drive past, the overwhelming view will be of tarmac and the hard surfaces of the solar panels. You can see that this has happened on the drive towards the Chesterfield "gateway" as the beautiful fields are slowly being taken over by black solar panels. Please don't make our beautiful green areas a desert to wildlife. Development could negatively impact property values, community aesthetics, and the overall cohesion of the area. Guidelines state it is crucial to ensure that new developments enhance rather than detract from the community.

Comment

See paragraph 6.3 of the report. The development on the site has already been accepted and the progressive changes which have been made over time have reduced the visual impact of the proposal. The scheme is now considerably smaller than the original single dome structure and also substantially less than the scheme accepted in 2008 and 2016 as referred to at paragraph 6.3.4.

The respondent comments that they can see the benefits of having solar panels but comments that there are better places for them commenting that for visitors to the area driving past, the overwhelming view will be of tarmac and the hard surfaces of the solar panels. This is not the case and it is considered that the land is ideal for inclusion of solar panels. Whilst there will be views of the solar from the perimeter footpath it is unlikely due to topography and woodland screening that the panels would be visible to anyone passing by on Sheffield Road. They are to be on the lowest part of the site tucked

alongside the woodland edge and would not be generally visible other than from on the site. They make use of the former landfill site and their presence would be a reflection of the modern contemporary approach being taken to the c21 development of the site. They will face toward the south away from the Unstone direction such that any glare or reflection will not be created to the nearest residential areas.

- 7.2.14 Climate Change: We live in a time of rapid climate change with high levels of pollution and traffic congestion and many responsible Councils are taking action to discourage polluting vehicles by creating low emission zones and making congestion charges in the hope that motorists are encouraged to switch to Hybrid or Electric vehicles. My attempts to mitigate the impacts of climate change are likely to be completely negated by an unwanted, unnecessary, dirty, polluting, and congestion causing development next door. There are an inadequate number of EV battery charging positions proposed.

Comment

See paragraph 6.10. The scheme is to secure a development which is based on the principles of sustainable building design and which attempts to secure a scheme as close to being carbon neutral as possible. The scheme is certainly smaller in terms of mass and quantum thereby reducing the likely traffic impact compared to what has previously been accepted. The scheme promotes alternative to petrol and diesel vehicles though a transport strategy and which delivers an appropriate number of ev charging stations and cycle racks as well as promoting efficient public transport options.

- 7.2.15 Public Money/funding: Object to the waste of public money. SCRIF payments of over £2.5 million to create a roundabout currently to nowhere, grants for fencing and paths that are currently in need of repair. The money should be returned as jobs that were forecast / promised and required in the conditions of the agreement have not materialised. Is it not now time to get this public money back and spend it somewhere more advantageous? Object on basis of

potential lack of future funding and question the business acumen and question how this may be examined by future funders. Concerns relate to the project being started and then simply running out of money.

Comment:

See planning history at para 3.4. The permission to amend the original scheme which was granted in 2005 included the diversion of all routes crossing the site to the perimeter of the site and this was realised through SCRIF funding of £2.85m. this funding allowed the scheme to be implemented through the creation of the new access roundabout and s278 agreement, together with diversion of the footpath and bridle routes which crossed the site and new fencing all as a way of facilitating the development. As part of the SCRIF funding £89,000 was placed with Derbyshire County Council to address any impacts which needed addressing as a result of monitoring the performance of the new roundabout (ie potential for traffic light control on Sheepbridge Lane). The funding came with a requirement for the delivery of a number of jobs which need to be secured by 2035.

- 7.2.16 Consultation/Publicity: Previous objectors are neither considered or consulted. Lack of public knowledge. There is considerable local opposition to this proposal and local residents have not been informed or consulted. There should be a public meeting involving all parties.

Comment:

All comments which have been received are being considered as part of the processing of the applications and we will inform parties when the REM and REM1 applications. Applications are considered on their individual merits and objections made to a previous scheme do not necessarily mean that the objections stand for all future schemes.

Local residents around the site have been consulted by letter in line with the required regulations and guidance. The

proposals have also been advertised in the press and a number of site notices have been erected around the site. Furthermore, public open days were arranged at the site from 28th August through to 1st September 2023 prior to submission of the applications where information and detail regarding the proposals was available for consideration. An offer of availability outside of the advertised hours was also provided and numerous interested parties attended one of the open days. The applicant has also advertised on their website that there continues to be an open offer for anyone to make arrangements to visit to establish detail and information. This offer has been placed on their home page and added to facebook channels. It has not been considered necessary to hold a further public meeting to disseminate information and detail.

- 7.2.17 Conflict of Interests: Dronfield Civic Society support Peak's applications however in NEDDC they are opposing 23/00932. Cannot understand how a consultee can support one project and object to another project in the immediate vicinity, granted one is business and the other residential. The society objects to the residential development as Dronfield is a medieval market town with a distinct historic character. Surely this applies to Peak. The society questions the visibility and its impact on amenity value - surely Peak has a massive visual impact for its residents who will have green space tarmacked - glare from solar panels and massive buildings to look at. The society questions the residential development as the wrong solution in the wrong place and again I know that this comment has been made against Peak. The society have objected to the residential development on issues relating to flooding of the River Drone, surface run off, traffic issues, pollution and the congestion. All these issues are anticipated to be far greater at Peak as it is expected to have far greater volumes of people and vehicular movements, particularly as the business concept appears to have changed from overnight stay to day visits. Issues concerning wildlife are raised in the NEDDC application with bats, birds and badgers using the land all questioned. Fail to see how the society can support Peak as again all the wildlife issues

are to be multiplied by the development on that site. Just the sheer number of people expected at Peak will cause massive disturbance to wildlife - as well as air and light pollution altering and damaging both navigation and foraging. Question why Dronfield Civic Society have been asked to be a consultee for CBC and Peak but not for NEDDC. Also question the conflict of interest between a committee member of the society and an employee at Peak. Suggest that the society's support should be removed and their opinion discounted.

Comment:

The comments of all parties are taken into consideration as part of the decision making process. Each application is considered on its individual planning merits and it is perfectly reasonable to understand why the Dronfield Civic Society may consider support for the Peak applications but object to a housing development in Dronfield. They are different schemes in different areas and have materially different considerations.

- 7.2.18 Financial matters/conflict: Concern regarding the involvement of Chesterfield Council and its potential financial interest in the project. Concerns regarding impartiality and transparency of the decision-making process when the council with a possible financial stake in the project is overseeing the planning application process. Withholding of a feasibility study from public view exacerbates these concerns. Of particular concern is the revelation that representatives of Peak Worldwide have met with the Leader and Chief Executive of the Council to discuss the opportunity for the Council to lead in delivering and operating the Peak Gateway building. This suggests a potential conflict of interest and calls into question the integrity of the decision-making process. Additionally, Peak Gateway requested loan assistance in 2022, and the results from this meeting are also restricted from public view. This lack of transparency undermines trust in the project and raises concerns about the fairness of the decision-making process. It is understood that the Council has loaned £0.5m to Baylight Properties so the Council has a funding stake in the scheme. Consider that none of the project has any funding. Baylight Properties is already a

successful company with substantial assets and suggest that it didn't need to borrow £0.5m.

Wonderful plans but unconvinced that anything like enough finance is in place for this huge project (or in prospect) to take actual building or job creation very far however, I don't suppose that's really a planning matter.

Comment

Planning Committee is required to determine the application submitted to the Council. This is a matter for Planning Committee to consider who can separate themselves from other Council decisions and business to ensure any planning decision is taken solely on planning reasoning and which is an objective and independent decision based on the committee's evaluation of all the material planning considerations relating to the development. As with all committees there is an opportunity for any interests which may exist to be declared. How a development is funded and any financial arrangements which may or may not be in place has nothing to do with the planning determination and whether planning permission should be allowed or denied. The fact that the Council may have given a secured loan is not relevant to the planning consideration and any reports, such as a feasibility study, are commercially confidential. In so far as the concern regarding lack of funding it is not uncommon for finances to remain outstanding when planning applications are considered and indeed it is usually necessary for a planning permission to be in place first to then allow for the financial arrangements and funding of a scheme to be progressed.

- 7.2.19 Reference is made to a Destination Chesterfield article which refers to the Gateway at Peak having been consented on 300 acres of land. Aware that planning consent was granted for Peak Resort as a largely hotel based project with ancillary buildings. The current proposal is a very large car park and bus terminal which differs so much from the original concept of hotels and education

facilities with a long stay car park with electric service vehicles that it must be the subject of a completely new planning application. The article refers to being able to explore the National Park thanks to a Zero-Carbon Travel Hub however 1,600 parking spaces and up to 6000 vehicle movement a day are going to create plenty of carbon as well as other forms of pollution and a great deal of congestion. The article also refers to the site being in 35 years in Nature Recovery and passive rewilding however does not refer to the recovery of the remaining wildlife which would be terminated/ displaced if this project was to go ahead. Chesterfield Council and it's employees should remain impartial and unbiased at all times and suggest that this biased and misleading article is removed.

Comment

The scheme clearly involves a large area of car parking and a transport interchange however this is just one component of a much more significant development scheme as set out in para 6.5.15. The development is not just a long stay car park with park and ride facility to the Peak District National Park. Whereas a Travel Hub and Peak Express Terminus is proposed as a point of arrival and departure for the site it will also be used to connect the scheme to Chesterfield and the local rail stations at Sheffield and Chesterfield and hydrogen and electric buses will access the Peak Park and wider region from there. The Travel Hub and Peak Express is as much about connecting the site to Chesterfield as it is to the Peak District National Park.

7.2.20 Call In: Request the application be called in if the Council intend to approve so a review can be conducted.

Comment:

On the basis that the current submissions are reserved matters, s73 submissions and Discharge of Condition submissions which link directly to the permissions which have been granted for the development of this site, it is not considered that they fall into the type of decision requiring a referral to the Planning Casework Unit. If the objectors

consider this to be necessary then it is for them to pursue such a course of action.

7.3 PETITION _ CHEETHAM AVENUE – 38 signatures

7.3.1 The head petitioner states that residents were completely unaware of the scale of the proposed development. Some were aware that a development was planned but were under the impression that it would be relatively small and close to the bypass. Others had assumed that development was stalled and nothing was going to happen. The head petitioner states that residents were shocked by the number of proposed parking spaces for cars and buses and by the planned ring road around the site which would bring vehicles close to residents homes with a level of pollution and congestion that might be created being a concern.

7.3.2 The petition says:

Many residents are concerned about the above application. This differs so much from the original Peak Resort proposal that it should be the subject of a completely new planning application. Despite this Chesterfield Council seem prepared to accept that new planned 1600 space car park and bus ride terminal can be built under the planning approval that was granted for Peak Resort. They are not prepared to consider the adverse effects on the local community. There are numerous reasons why we should object to these proposals:

- 1) Pollution: The huge number of cars and buses that would come on to the site would bring air, noise and light pollution into local villages and to the back door of many residents.
- 2) Congestion: Vast numbers of daily vehicle movements could be expected, the developer expects to fill the 1600 space car park twice each day – more than 6,000 movements. The local road network is currently unable to cope at peak times with traffic backing up onto the bypass slip roads and onto the several local industrial estates that are fed from the new unsuitable roundabout. Traffic would no doubt substantially increase on the road from Dronfield to Sheepbridge, it is already busy morning and early evening.

- 3) No need: Numerous park and ride facilities are already on offer from Chesterfield and Sheffield. These are cost effective and efficient.
- 4) Effect on Wildlife: In recent years the wildlife of this 300 acre site has enjoyed a major recovery. There are now large numbers of deer, foxes, badgers, voles, rodents, snakes, frogs and newts, bats and many rare birds on this site. What will happen to the displaced wildlife?
- 5) Future: Retail, food and beverage and entertainment facilities planned for this site would take business away from Chesterfield and Dronfield where the retail and entertainment sectors are already under pressure.

Please enter your signature below to indicate that you are opposed to these plans.

7.4 **PETITION – CHANGE.ORG – 1121 signatures**

- 7.4.1 The petition aims to persuade Chesterfield Borough Council to withdraw support for Peak Gateway. The petition aims to show the council that the people of Chesterfield do not want a park and ride type scheme taking money and visitors from the town into the Peak.

The petition aims to show the council that the people of Chesterfield do not believe that the jobs created - indeed the developer is utilising the skills of a London based architect - will be to locals. Indeed the last project was looking at shipping equipment in from Europe.

In my opinion and that of many others this simply is a different development to that originally granted planning permission some 30 years ago

The latest project with its nearly 2000 space car park will create hundreds if not thousands of vehicular movements each day - bringing air, noise and light pollution to the local community.

The local roads are already straining and that is without the residential traffic yet from the planned developments at Dunston and Dronfield.

The wildlife will suffer undeniably on site and in the surrounding area as allegedly hundreds and thousands of visitors descend on this small village - notwithstanding the 1000/2000/3000 jobs it is planning to create in its various phases. More than Alton Towers - Thorpe Park - Longleat safari park? Where would all these employees even park?

The project has not found success in its many guises over the last 30 years despite Council support, front pages in the press and millions in public funding to facilitate road works and access.

The lack of consultation with some of the local residents for a project of this size is simply staggering. Last time out it was to be "Adrenaline World" - go karts - swings - climbing walls. The developer and indeed the Council appear more and more desperate to build something here - anything - as if this will vindicate all the years of support and all the money spent - but sometimes if something is destined for failure then that is just what it is - destined for failure! So - Its is now time to return the public money. Its now time to stop wasting the resources of the planning authority personnel. Its now time to let the people of Unstone and the surrounding areas get on with their lives without this project hanging over them. Enough is enough.

Comment

The petition is a material consideration however of note is that it refers to the people of Chesterfield but less than 9% of those who have signed signing are from Chesterfield Borough, Dronfield, Unstone or Barlow (95 out of 1121)

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.
- 8.3 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.
- 8.4 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest. The applicant has a right of appeal against any conditions imposed on any permission which may be issued.
- 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 paragraphs 186 and 187 of the 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 applications. 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 officer report informing of the applications considerations and recommendation/conclusion will be made available to all interested parties.

10.0 **CONCLUSION**

- 10.1 The development of the Peak Resort scheme is a priority for the Council and which has the benefit of permission in outline and detail for phase one. The current applications reflect the evolution of the scheme and which has been considered in so far as the impacts on the local area however it is clear that the development is of a smaller scale and quantum to that which has already been previously agreed.
- 10.2 The applications are for matters reserved by previous permissions and through the s73 process, for a repositioning of buildings already consented. The principle of the development does not therefore arise. The scheme is considered to be acceptable in planning terms and where the impacts can be mitigated by conditions as part of the permissions granted. The scheme remains in accord with the principles of the development already agreed on the site and which are acceptable from a residential amenity, highways safety and design and appearance and environmental/ecological basis. The proposals accord with the requirements of Policies CLP1 (Green Belt), CLP2 (Principles of Location of Development), CLP6 (Economic Growth), CLP7

(Tourism and Visitor Economy), CLP12 (Renewable Energy), CLP13 (Managing the Water Cycle), CLP14 (Healthy Environment), CLP15 (Green Infrastructure), CLP16 (Biodiversity, Geodiversity and Ecology), CLP20 (Design) and CS22 (Influencing the Demand for Travel) of the 2018-2035 Chesterfield Local Plan as well as the wider National Planning Policy Framework 2023 (NPPF).

11.0 **RECOMMENDATIONS**

11.1 That concurrent with issuing any planning permission that a s106 agreement be signed which binds the terms of the existing 2005 agreement to the current proposals the subject of CHE/23/00579/REM; CHE/23/00583/REM1 and CHE/23/00584/REM.

11.2 That the following conditions and notes be imposed on any permissions issued:

CHE/23/00579/REM

APPROVED subject to the following conditions

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/documents (listed below).
 - 544_PL003 Proposed Gateway Site Plan
 - 544_PL006 Proposed Gateway Site Sections
 - 544_PL007 Proposed Gateway GA Plan Base
 - 544_PL008 Proposed Gateway GA Plan Lower Ground Floor
 - 544_PL009 Proposed Gateway GA Plan Ground Floor
 - 544_PL010 Proposed Gateway GA Plan Upper Ground Floor
 - 544_PL011 Proposed Gateway GA Plan Roof
 - 544_PL012 Proposed Gateway Base & Ground Floor Elevations

- 544_PL013 Proposed Gateway Ground Floor & Upper Ground Floor Elevations
- 544_PL014 Proposed Gateway West-East Section AA, BB and CC
- 544_PL016 Proposed PEAK Horticulture GA Plan Base
- 544_PL017 Proposed PEAK Horticulture GA Plan Lower
- 544_PL018 Proposed PEAK Horticulture GA Plan Ground Floor
- 544_PL019 Proposed PEAK Horticulture GA Plan First Floor
- 544_PL020 Proposed PEAK Horticulture GA Plan Roof
- 544_PL021 Proposed PEAK Horticulture GA Elevation North & East
- 544_PL022 Proposed PEAK Horticulture GA Elevation South & West
- 544_PL023 Proposed PEAK Horticulture GA Sections South-North & West-East
- 544_PL024 Proposed PEAK Horticulture Bay Study East & West
- 544_PL025 Proposed PEAK Outdoors GA Plan Base
- 544_PL026 Proposed PEAK Outdoors GA Plan Lower Ground Floor
- 544_PL027 Proposed PEAK Outdoors GA Plan Ground Floor
- 544_PL028 Proposed PEAK Outdoors GA Plan Roof
- 544_PL029 Proposed PEAK Outdoors GA Plan Elevation North & East
- 544_PL030 Proposed PEAK Outdoors GA Plan GA Elevation South & West
- 544_PL031 Proposed PEAK Outdoors GA Sections South-North & West-East
- 544_PL047 Proposed Gateway Solar Dome & Solar Field Typical Sections
- Ecological Impact Assessment (BirC01.1)
- Baseline BNG Assessment (BirC01.2)
- BNG Metric 4.0 (BirC01.2)
- BNG Condition Assessment Sheets (BirC01.2)
- Sustainable Drainage Strategy (PGP-1663-01-DS-001)
- Drainage Strategy (PGP-1663-01-DR-001-P3)
- SUDS Construction Details (PGP-1663-01-DR-002-P2)

- Whole Estate SUDS Plan (PGP-1663-01-DR-005)
- Gillespies Gateway@PEAK Stage 2 Landscape Report (P21469-00-001-GIL-0708)
- General Arrangement (P21469-00-001-GIL-0100-00)
- General Arrangement - Base (P21469-00-001-GIL-0101-00)
- General Arrangement – Lower Ground (P21469-00-001-GIL-0102-00)
- General Arrangement – Ground (P21469-00-001-GIL-0103-00)
- General Arrangement – Upper Ground (P21469-00-001-GIL-0104-00)
- Generated Traffic Assessment & Movement Strategy PGP-1663-01-TS-001)
- Outline Level and Levels Features Plan (P21469-00-001-GIL-0800-00)
- Materials Plan (P21469-00-001-GIL-0801-00)
- Planting Typologies Plan (P21469-00-001-GIL-0802-00)
- Tree Species Location Plan (P21469-00-001-GIL-0803-00)
- Lighting Plan (P21469-00-001-GIL-0804-00)
- Sections (P21469-00-001-GIL-0805-00)
- Movement Strategy (PGP-1663-01-HW-001-P8)
- Ambulant Accessibility Strategy (P21469-00-001-GIL-0708-00)
- Car Park 1 NW (PGP-1663-01-HW-002)
- Car Park 2 N (PGP-1663-01-HW-003)
- Car Park 3 NE (PGP-1663-01-HW-004)
- Car Park 4 (PGP-1663-01-HW-005)
- Car Park 5 (PGP-1663-01-HW-006)
- Car Park 6 SE (PGP-1663-01-HW-007)
- Car Park 7 SW (PGP-1663-01-HW-008)
- Energy & Sustainability Statement (PDS-CDL-ZZ-XX-RP-SY-70202)
- Outline Energy Strategy
- Verified View Methodology
- Visual Impact Assessment Report

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.

2. Prior to the commencement of the development hereby agreed a phasing plan for delivery of the scheme shall be submitted to the local planning authority for consideration. The development shall thereafter only proceed in accord with the phasing plan agreed in writing by the local planning authority.

Reason – In the interests of securing an appropriate order and provision of development on the site.

3. Full details of security measures to be installed at the site shall be submitted to the local planning authority for consideration. The agreed details shall be implemented as part of the development and shall be installed and made available concurrent with the first occupation of each phase of the development on site.

Reason - In the interests of ensuring a secure and safe facility.

4. There shall be no vehicular or pedestrian access to the proposed car parking areas on the site from the former golf course access from Sheffield Road to the north of the site.

Reason - In the interests of highway safety and residential amenity.

5. Prior to their installation on site full details of fume extraction equipment proposed for each food and beverage units within the development shall be submitted to the Local Planning Authority for consideration. These details shall include the external appearance, location, materials and manufacture details of any such equipment. Only those details, or any amendments to those details as may be required, which receive the written approval of the Local Planning Authority shall be installed on site.

Reason - In order to ensure that there is no visual impact from their installation and that the equipment proposed is fit for purpose.

6. Prior to their installation on site details of any external air conditioning units proposed for each phase of the development shall be submitted to the Local Planning Authority for consideration. These details shall include the external appearance, location, materials and manufacture details of any such equipment. Only those details, or any amendments to those details as may be required, which receive the written approval of the Local Planning Authority shall be installed on site.

Reasons - In order to ensure that there is no detrimental visual impact or disturbance from their installation.

7. Precise specifications or samples of the walling and roofing materials to be used for each phase of development 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 phase of development unless otherwise agreed by the Local Planning Authority in writing.

Reason – to ensure the material used is appropriate for the site context in accordance with CLP20 and CLP22 of the Chesterfield Local Plan 2018-35

8. No work shall commence on the installation of the solar field until a flood risk assessment and surface water management arrangements for the solar field, including a surface water run off regulation system, has been submitted to the Local Planning Authority for consideration. Only those details, or any amendments to those details as may be required, which receive the written approval of the Local Planning Authority shall be implemented on site prior to the solar field first generating electricity unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order that the site is drained in a sustainable manner without detriment to the surrounding environment and to prevent increased risk of flooding in accordance with CLP13 of the Chesterfield Local Plan 2018-35.

9. No work shall commence on the installation of the solar field until full details of the foundations for the panels and any ancillary buildings and equipment together with any necessary drainage works, have been submitted to the Local Planning Authority for consideration. Only those details, or any amendments to those details as may be required, which receive the written approval of the Local Planning Authority shall be implemented on site prior to the solar field first generating electricity unless otherwise agreed in writing by the Local Planning Authority.

Reason - In order that the relationship of the development to the former waste tip can be assessed to mitigate any unnecessary disturbance to the ground in accordance with policy CLP14 of the Chesterfield Local Plan 2018-35.

10. A scheme of secure cycle parking for staff to be provided on the site for each phase of the development shall be submitted to the local planning authority for consideration. The details agreed in writing shall be implemented as part of each phase and shall be available for use prior to first occupation of the respective phase of development to which it relates and retained thereafter.

Reasons - In the interests of promoting alternative transport options to the private car in accordance with policy CLP22 of the Chesterfield Local Plan 2018-35.

11. The 160 Electric Vehicle charging points shall be provided across the site in accordance with the agreed phasing plan and which shall be available for use prior to first occupation of the respective phase of development to which it relates and shall be retained thereafter.

Reasons - In the interests of promoting alternative transport options to the private car in accordance with policy CLP22 of the Chesterfield Local Plan 2018-35.

12. The 160 cycle parking spaces for visitors shall be provided across the site in accordance with the agreed phasing plan and which

shall be available for use prior to first occupation of the respective phase of development to which it relates and shall be retained thereafter.

Reasons - In the interests of promoting alternative transport options to the private car in accordance with policy CLP22 of the Chesterfield Local Plan 2018-35.

13. The car parking provision shall be provided across the site in accordance with the agreed phasing plan and which shall be available for use prior to first occupation of the respective phase of development to which it relates and shall be retained thereafter.

Reasons - In the interests of promoting alternative transport options to the private car in accordance with policy CLP22 of the Chesterfield Local Plan 2018-35.

14. Prior to commencement of the development a Construction Method Statement (CMS) shall be submitted to the Local Planning Authority for consideration, this document shall set out details of protective measures, a general programme of site works and details of appropriate on site personnel including the Ecological Clerk of Works for the development. No work shall commence on site until written approval of this document, or any amendments to it as may be required, have been received from the Local Planning Authority and the development shall only proceed in accordance with the agreed CMS.

Reason - In order to ensure working methods are appropriate to such a sensitive location.

15. If development is not commenced by August 2025, further ecological surveys of the site shall be submitted to the Local Planning Authority for consideration.

Reason – To ensure update survey information in the interests of ecology and biodiversity in accordance with policy CLP16 of the Chesterfield Local Plan 2018-35 and the NPPF.

16. Details of ecological enhancement measures to be implemented for each phase of the development on the site to provide a measurable biodiversity net gain shall be submitted to the Local Planning Authority for consideration. Only the ecological enhancement measures agreed in writing shall be implemented on site prior to each phase of the development hereby approved being first occupied and the ecological enhancement measures shall thereafter remain in perpetuity.

Reason - In the interests of ecology and biodiversity in accordance with policy CLP16 of the Chesterfield Local Plan 2018-35 and the NPPF.

17. Prior to the occupation of each phase 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 phase of 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.

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 planning 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. 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.

CHE/23/00583/REM1

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/documents (listed below).
 - 544_PL001 Existing PEAK Site Plan
 - 544_PL002 Proposed PEAK Site Plan
 - 544_PL003 Proposed Gateway Site Plan
 - 544_PL005 Existing Gateway Site Sections
 - 544_PL006 Proposed Gateway Site Sections
 - 544_PL007 Proposed Gateway GA Plan Base
 - 544_PL008 Proposed Gateway GA Plan Lower Ground Floor
 - 544_PL009 Proposed Gateway GA Plan Ground Floor
 - 544_PL010 Proposed Gateway GA Plan Upper Ground Floor
 - 544_PL011 Proposed Gateway GA Plan Roof
 - 544_PL012 Proposed Gateway Base & Ground Floor Elevations
 - 544_PL013 Proposed Gateway Ground Floor & Upper Ground Floor Elevations
 - 544_PL014 Proposed Gateway West-East Section AA, BB and CC
 - 544_PL032 Proposed PEAK Hotel GA Plan Ground Floor

- 544_PL033 Proposed PEAK Hotel GA Plan Upper Ground Floor
- 544_PL034 Proposed PEAK Hotel GA Plan First Floor
- 544_PL035 Proposed PEAK Hotel GA Plan Second Floor
- 544_PL036 Proposed PEAK Hotel GA Plan Third Floor
- 544_PL037 Proposed PEAK Hotel GA Plan Fourth Floor
- 544_PL038 Proposed PEAK Hotel GA Plan Plan Roof
- 544_PL039 Proposed PEAK Hotel GA Elevation North & East
- 544_PL040 Proposed PEAK Hotel GA Elevation South & West
- 544_PL041 Proposed PEAK Hotel GA Sections South-North & West-East
- 544_PL042 Proposed PEAK Hotel Bay Study East
- 544_PL043 Proposed PEAK Express GA Plan Upper Ground Floor
- 544_PL044 Proposed PEAK Express GA Plan Roof
- 544_PL045 Proposed PEAK Express GA Elevations West & North
- 544_PL046 Proposed PEAK Express GA Sections South-North & West-East
- 544_PL047 Proposed Gateway Solar Dome & Solar Field Typical Sections
- 544_SK0086 Proposed Planted Landscape Bund
- 544_0220 Proposed Gateway Area Plans Base (GEA)
- 544_0221 Proposed Gateway Area Plans Lower Ground Floor (GEA)
- 544_0222 Proposed Gateway Area Plans Ground Floor (GEA)
- 544_0223 Proposed Gateway Area Plans Upper Ground Floor (GEA)
- 544_0224 Proposed Gateway Area Plans Upper Levels (GEA)
- 544_0230 Proposed Gateway Area Plans Base (GEA)
- 544_0231 Proposed Gateway Area Plans Lower Ground Floor (GEA)
- 544_0232 Proposed Gateway Area Plans Ground Floor (GEA)
- 544_0233 Proposed Gateway Area Plans Upper Ground Floor (GEA)
- 544_00234 Proposed Gateway Area Plans
- Ecological Impact Assessment (BirC01.1)

- Baseline BNG Assessment (BirC01.2)
- BNG Metric 4.0 (BirC01.2)
- BNG Condition Assessment Sheets (BirC01.2)
- Sustainable Drainage Strategy (PGP-1663-01-DS-001)
- Drainage Strategy (PGP-1663-01-DR-001-P3)
- SUDS Construction Details (PGP-1663-01-DR-002-P2)
- Whole Estate SUDS Plan (PGP-1663-01-DR-005)
- Gillespies Gateway@PEAK Stage 2 Landscape Report (P21469-00-001-GIL-0708)
- General Arrangement (P21469-00-001-GIL-0100-00)
- General Arrangement - Base (P21469-00-001-GIL-0101-00)
- General Arrangement – Lower Ground (P21469-00-001-GIL-0102-00)
- General Arrangement – Ground (P21469-00-001-GIL-0103-00)
- General Arrangement – Upper Ground (P21469-00-001-GIL-0104-00)
- Generated Traffic Assessment & Movement Strategy PGP-1663-01-TS-001)
- Outline Level and Levels Features Plan (P21469-00-001-GIL-0800-00)
- Materials Plan (P21469-00-001-GIL-0801-00)
- Planting Typologies Plan (P21469-00-001-GIL-0802-00)
- Tree Species Location Plan (P21469-00-001-GIL-0803-00)
- Lighting Plan (P21469-00-001-GIL-0804-00)
- Sections (P21469-00-001-GIL-0805-00)
- Movement Strategy (PGP-1663-01-HW-001-P8)
- Ambulant Accessibility Strategy (P21469-00-001-GIL-0708-00)
- Car Park 1 NW (PGP-1663-01-HW-002)
- Car Park 2 N (PGP-1663-01-HW-003)
- Car Park 3 NE (PGP-1663-01-HW-004)
- Car Park 4 (PGP-1663-01-HW-005)
- Car Park 5 (PGP-1663-01-HW-006)
- Car Park 6 SE (PGP-1663-01-HW-007)
- Car Park 7 SW (PGP-1663-01-HW-008)
- Energy & Sustainability Statement (PDS-CDL-ZZ-XX-RP-SY-70202)
- Outline Energy Strategy

- Verified View Methodology
- Visual Impact Assessment Report

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.

2. Prior to the commencement of the development hereby agreed a phasing plan for delivery of the scheme shall be submitted to the local planning authority for consideration. The development shall thereafter only proceed in accord with the phasing plan agreed in writing by the local planning authority.

Reason – In the interests of securing an appropriate order and provision of development on the site.

3. Full details of security measures to be installed at the site shall be submitted to the local planning authority for consideration. The agreed details shall be implemented as part of the development and shall be installed and made available concurrent with the first occupation of each phase of the development on site.

Reason - In the interests of ensuring a secure and safe facility.

4. There shall be no vehicular or pedestrian access to the proposed car parking areas on the site from the former golf course access from Sheffield Road to the north of the site.

Reason - In the interests of highway safety and residential amenity.

5. Prior to their installation on site full details of fume extraction equipment proposed for each food and beverage units within the development shall be submitted to the Local Planning Authority for consideration. These details shall include the external appearance, location, materials and manufacture details of any such equipment. Only those details, or any amendments to those

details as may be required, which receive the written approval of the Local Planning Authority shall be installed on site.

Reason - In order to ensure that there is no visual impact from their installation and that the equipment proposed is fit for purpose.

6. Prior to their installation on site details of any external air conditioning units proposed for each phase of the development shall be submitted to the Local Planning Authority for consideration. These details shall include the external appearance, location, materials and manufacture details of any such equipment. Only those details, or any amendments to those details as may be required, which receive the written approval of the Local Planning Authority shall be installed on site.

Reasons - In order to ensure that there is no detrimental visual impact or disturbance from their installation.

7. Precise specifications or samples of the walling and roofing materials to be used for each phase of development 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 phase of development unless otherwise agreed by the Local Planning Authority in writing.

Reason – to ensure the material used is appropriate for the site context in accordance with CLP20 and CLP22 of the Chesterfield Local Plan 2018-35

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 planning application.

CHE/23/00584/REM

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/documents (listed below).
 - PL003 Proposed Gateway Site Plan
 - Movement Strategy (PGP-1663-01-HW-001-P8)
 - Long Section Sheet 1 of 2 (PGP-1663-01-HW-010)
 - Long Section Sheet 2 of 2 (PGP-1663-01-HW-011)
 - General Arrangement (PGP-1663-01-HW-012)
 - Construction Details (PGP-1663-01-HW-013)
 - Cross Section (PGP-1663-01-HW-014)
 - Generated Traffic Assessment & Movement Strategy PGP-1663-01-TS-001)
 - Ambulant Accessibility Strategy (P21469-00-001-GIL-0708-00)
 - Geotechnical – Site Investigation – Factual Report On Site Investigation
 - Phase 1 Geotechnical Site Investigation
 - Phase 2 Geotechnical Site Investigation

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.

2. All crossing points of the road shall be constructed to LTN 1/20.

Reason – In the interests of inclusive design and to facilitate active travel.

3. No development shall commence until:
 - a) a scheme of intrusive investigations has been carried out on site where the proposed loop road meets the existing access road within the area hatched orange on Figure 1.4 on page 4 of the Phase II Ground Investigation Report (PDF-CDL-XX-XX-RP-GE-60203) 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.

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 planning application.

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ITEM 2

Variation of conditions 1 (Approved plans), 12 (In accordance with Green Infrastructure landscape plans dated 16.2.2022) and 13 (Arboricultural Impact Assessment) and removal of condition 11 (Pumping station details) of CHE/21/00567/REM- Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure on land to the west of Inkersall Road, Staveley for Barratt David Wilson Homes.

Local Plan: H36

Ward: Staveley Central

Committee Date: 11th March 2024**CONSULTATIONS**

Environment Agency	No comments to make
CBC Tree Officer	The application consists of a re-plan of 21 units. The re-plan will retain units at 400 and retain part of the open space. After assessing the submitted documents there will be no impacts on the retained trees and therefore I have no objection to the application.
National Highways	No comments to make
Yorkshire Water	Object – see report
Archaeology	No further comments to make
NHS Derbyshire	Request contribution of £360,000
DCC Tree Officer	Land to the south west of the development site is protected by DCC TPO 42/W2, which is a Woodland TPO and protects all trees within it. I am satisfied that the development will avoid this area and only category U tree removed within, for safety reasons, and have no objection.
Derbyshire Constabulary	Of the amendments proposed we would only comment upon the revised arrangements for footpath links onto the Trans Pennine Trail. Removal of the more complex link which was to emerge close to plot 191 is noted. The addition of a

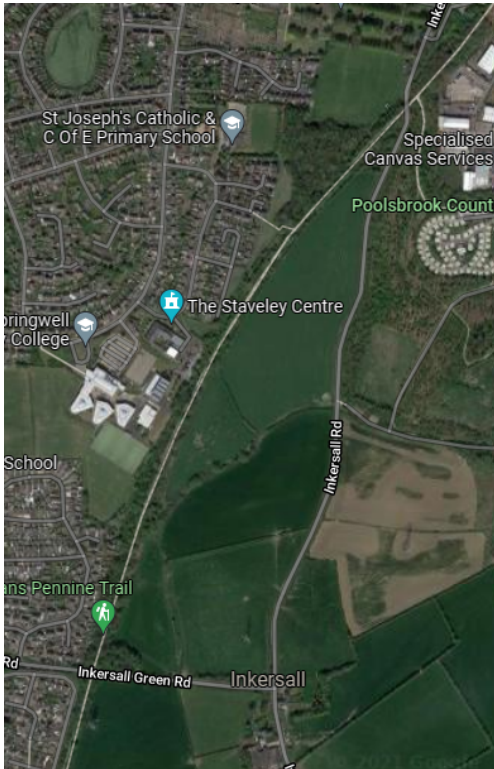
	replacement link close to plot 249 is also noted. As detail of both of the proposed links is yet to be drawn up, and is to be subject to a section 106 agreement, future detail should consider the aspect of both routes, with clear site lines at the transition point and a low planted or mown buffer of 2m to either side of the route
TPT	The previous consultation CHE/21/00567 (Feb 22) indicated better connections to the TPT. It is understood S106 funding will now be given to Derbyshire County Council to build the links. Cycle Provision Drawing H8751-CP01 – shows indicative line only but does not show crossing arrangement. Will this be provided at a later stage for consideration? Planning Layout 2 H8752/PLA02 – notes multi-user link to TPT will be implemented by DCC via S106 subject to detailed design
British Horse Society	Comments made see report
Chesterfield Cycle Campaign	No comments received
Sport England	No comments to make
Coal Authority	This current consultation appears to relate to Conditions 1, 12, 13 and 11. It is noted that the amended layout does not include any re-plan of the area of the recorded mine entry and its zone of influence. No comments to make.
Highway Authority	No objection
DCC Policy	No comment
CBC Strategic Planning	Comment made see report
Derbyshire Wildlife Trust	Comment made see report
Site Notice/advert	2 representations received – see report

2.0 **THE SITE**

2.1 The application site is a triangular shaped parcel of land located to the east of the TPT in Staveley which forms the western boundary of the site with Inkersall Road running along the east of the site and Inkersall Green Road to the south. The site ends at its northern tip with the TPT crosses Inkersall Road. The site is currently green field land with a

central corridor forming a water course which crosses the site in a diagonal east west.

- 2.2 There is a Grade II listed farmhouse located to the far south and a cluster of cottages to the south-east. Poolsbrook Country Park is to the east and Poolsbrook Caravan Park.



(Google image)



(red edge site plan)

3.0 **SITE HISTORY**

- 3.1 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 - Conditional Permission 28.08.2020
- 3.2 CHE/19/00197/EIA Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Regulation 6: Request for a Screening Opinion. Land at Inkersall Road, Staveley - Environmental Assessment Not Required 12.04.2019
- 3.3 CHE/21/00567/REM Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure – Conditional permission 22.02.2022

- 3.4 CHE/23/00020/NMA Non-material amendment to application CHE/21/00567/REM- Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure- To remove a section of carriageway from the approved planning layout, removal of foul pumping station, removal of 2 no. attenuation basins, removal of swales along the spine road – accepted as non-material amendment 02.05.2023.
- 3.5 CHE/23/00418/NMA Non-material amendment to application CHE/21/00567/REM (Residential development of 400 dwellings, public open space and associated infrastructure) - To amend the approved planning layout – Accepted as non-material amendment 27.07.2023

4.0 **THE PROPOSAL**

- 4.1 Planning permission is sought to vary the approved reserved matters application for 400 dwellings as approved 22.02.2022 and as agreed to be amended through approved non-material amendments. The intention is to amend the plans and details associated with conditions 1, 12 and 13 and to remove condition 11. These conditions are as follows:

To amend:

1. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any condition requirements within this decision or approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):

Site location plan ADC2600/DR/050 Rev P01 received 28.07.2021
Cycle Provision layout H8427/CYCR Rev B received 16.02.2022
Planning Layout - composite (coloured) H8427/P102 e Rev F received 16.02.2022
House type Abbeydale: H349-H7 received 17.12.2021
House type Alfreton: BAFT 00CD received 17.12.2021
House type Archford: P382-EH7 received 17.12.2021
House type Ashington: H457 -H7 received 17.12.2021
House type Avondale: H456-X7 received 17.12.2021
House type Brentford and Haversham: 2016/BH/P/02
House type Cannington: T321 EH7 received 17.12.2021
House type Denby: BDBY 00HD received 17.12.2021

House type Denford: BDNF 00HE received 17.12.2021
House type Ellerton: BLLE 00HE received 17.12.2021
House type Greenwood: T322 E-7 received 17.12.2021
House type Hadley: P341-E-7 and D-7 received 17.12.2021
House type Hale: BHAL 00HD received 17.12.2021
House type Haversham: BHVR 00HE received 17.12.2021
House type Hemsworth: BHSW 00HD received 17.12.2021
House type Henley: H588 -7 received 17.12.2021
House type Holden: H469 - H7 received 17.12.2021
House type Ingleby: H403 -F7 received 17.12.2021
House type Kenley BKNL 00CI and 00HE received 17.12.2021
House type Kennford: BKNR 00HD received 17.12.2021
House type Kingsley BKEY 00HD received 17.12.2021
House type Kingsville BKIS 00CE received 17.12.2021
House type Kirkdale H442 - H7 received 17.12.2021
House type Lamberton: BLBM 00HD received 17.12.2021
House type Lutterworth: BLUT 00CD received 17.12.2021
House type Maidstone: BMAI 00HE and 00CE received 17.12.2021
House type Meriden: H429 - H7 received 17.12.2021
House type Moresby: BMMS 00CE and 00CD received 17.12.2021
House type Radleigh: BRAD 00HD received 17.12.2021
House type: Type 38 and 39 2010/38-39/C/01 received 17.12.2021
House type: Type 65 B65F 00CI and 00CE received 17.12.2021
House type: Type 67 B67F 00CI and 00HE received 17.12.2021
House type: Type 69 B69F 00HE received 17.12.2021
House type: SH69-EG7 and SH69-I-7 received 17.12.2021
House type Wilford: P204-EG7 and P204-I-7 received 17.12.2021
House type Winstone: H421.H7 received 17.12.2021
LDG1H8 - 6 x 3 Double Garage received 28.07.2021
LDG2H8 - 6 x 3 Twin garage received 28.07.2021
LSG1H8 - 6 x 3 Single garage received 28.07.2021
SDG1H8 - Double garage received 28.07.2021
SDG2H8 - Twin garage received 28.07.2021
SSG1H8 - Single garage received 28.07.2021
Boundary Treatment Layout H8427/22 received 17.12.2021
Boundary Wall Type 3 NM - SD13 -013 received 28.07.2021
Dwarf natural stone wall (mortared) plan 2016/DET/239 received 17.12.2021
Dwarf dry natural stone wall 2016/DET/238 received 17.12.2021
Estate railings 201/DET/250 received 28.07.2021
Timber knee rail 2010/DET/216 received 28.07.2021
Close boarded fence 2010/DET/207 received 28.07.2021

Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022
Ecological enhancement plan North and south received 17.12.2021
Hedgehog Highway guidance DB-SD11-004 received 21.12.2021

12. Notwithstanding any details to be agreed regarding tree protection the proposed landscaping of the site shall be in accordance with the Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022.

13. Prior to the commencement of development in line with condition 30 of CHE/19/00131/OUT and notwithstanding the Green infrastructure landscape plans GL1575 04B, 05B, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B received 16.02.2022 a detailed Arboricultural Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

To remove:

11. Prior to construction work commencing on the pumping station details of the structure/s shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

4.2 The submission notes:
A non-material amendment was agreed to remove the need for attenuation basins, this was based on drainage evidence of need associated with the proposed development. It was agreed through the non-material amendment to have this basin area as open space.

4.3 This application is to change the layout of that former basin area and reduce the extent of open space in that area of the site. It should be noted that the number of dwellings will not alter as a result of the changes. This is demonstrated on plan as follows:

Change to remove the basin area as approved under the non-material amendment:



As approved
CHE/23/00020/NMA



As approved
CHE/21/00567/REM

4.4 It is intended under this application to reduce the open space area and amend the planting as follows:



As proposed



As approved

4.5 The proposal also includes the rationalisation of the cycle/footway to remove the bridge link and connect the development from the spine road via a cycleway across the east of the site to Inkersall Road. With

an additional connection from the northern footway to Inkersall Road as indicated:

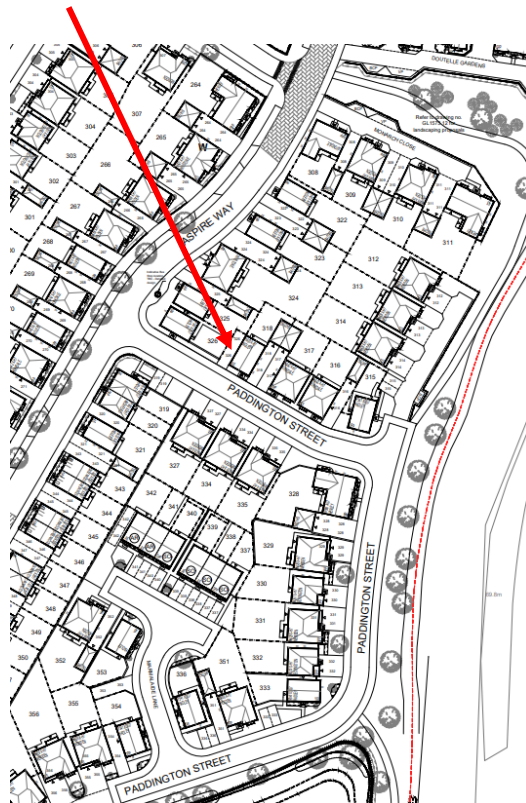


As proposed



As approved

4.6 The proposal also includes changes to the open market house types in the north eastern area of the site, but is not increasing the overall number of units on the whole site:



4.7 The changes relate to the following plots:

- 308-318

- 322-327
- 334-335
- 351-352

4.8

The list below shows the previously issued house types which have been removed from the re-plan area and have been replaced with updated and / or other house types:

- WILFORD_P204 -EG7 NMX2
- ARCHFORD P382 -EH7 NMX7
- HADLEY P341-E-7 NMX5
- INGLEBY H403--F7 NMX3
- KIRKDALE H442--H7 NMX4
- HOLDEN H469--H7 NMX7
- WINSTONE H421--H7 NMX7
- HENLEY H588--7 NMX8

Example of 2 bed unit (Wilford):



Example of 4 bed unit (Holden):



The following house types are included within the re-plan area.

- DWH_HADLEY_P341--D7_SX00
- DWH_INGLEBY_H403_H7_SX00
- DWH_KIRKDALE_H442--H7_SX00
- DWH_MERIDEN_H429--H7_SX00
- DWH_AVONDALE_H456--X7_SX00
- DWH_HOLDEN_H469--H7_SX00

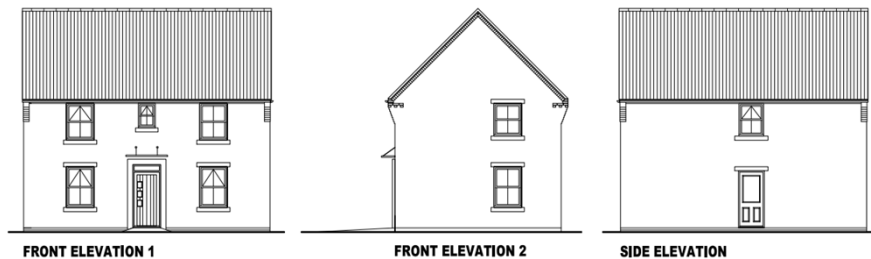
- DWH_WINSTONE_H421--H7_SX00
- DWH_HENLEY_H588--7_

Examples of the proposed 3 and 4 bed units – the house types are in keeping with those approved across the site.

Ingleby:



Hadley:



5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

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

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

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP3 Flexibility in Delivery of Housing (Strategic Policy)
- CLP4 Range of Housing
- CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP15 Green Infrastructure
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP17 Open Space, Play Provision, Sports Facilities and Allotments
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- Successful Places' Residential Design Guide

5.4 Key Issues

- Principle of development
- Impact on connectivity
- Impact on design and layout
- Biodiversity
- Drainage

5.5 Principle of development

5.5.1 The application is to amend an existing permission and therefore the principle of the development is accepted. The matter to consider is whether the changes proposed to the plans associated with conditions 1, 12 and 13 and the removal of condition 11 impact on the original intentions of the permission such that the impacts make the proposal unacceptable in planning terms.

5.5.2 The main issues to consider are:
The connectivity of the scheme and therefore the suitability under the remit of Policies CLP1 and 2.
The impact on the design and layout in terms of the visual impact of the changes and how this assimilates with the remainder of the site in accordance with policy CLP20.
The biodiversity of the site given the reduction in the extent of open space in line with Policy CLP16 and the impact on drainage matters in line with policy CLP13.

5.6.1 Impact on connectivity

5.6.2 Whilst the site is allocated for 400 dwellings under policy CLP3, policies CLP1 and 2 require development to be sustainably located so that there is easy walking and cycling access to services and facilities. In this regard the site needs to be connected into Staveley as the local town centre area where necessary facilities and services are located. This connection is primarily via the TPT and is crucial to the sustainability of this site. Connections to the TPT were agreed and secured under the approved reserved matters application. As a principle matter the connectivity of the site via the TPT is unchanged therefore the connectivity and sustainability of the site is acceptable in line with policy CLP1 and 2. However, internal connectivity in terms of the route of one path has changed which is detailed above.

5.6.3 The Council's Strategic Planning Policy Section has commented as follows:

The proposed variation of conditions application appears to result in the loss of publicly accessible open space. However, the loss appears to be primarily that of an attenuation basin of poor biodiversity or public amenity value which should not have been factored in as public open space in previous decisions in any case. Furthermore, previous amendments to remove attenuation basins has increase the amount of natural and semi-natural greenspace. The proposal could (subject to appropriate planting) provide an opportunity for better biodiversity than the previously shown attenuation basin and the developer should be encouraged to provide more habitat planting in the proposed space. I am concerned at the loss of a convenient multiuser (cycle and horse) connection between the north of the site and the south (as split by the watercourse running west to east) at the boundary of Inkersall Road, with occupiers of 'Paddington Street' having to cycle around onto Aspire Way or on a footpath to get access to the crossing over to Poolsbrook Country Park. This aspect appears to be a result of the developer not seeking to implement a crossing over the watercourse (as previously shown on approved plans). It appears to be a change that is contrary to Local Plan policy CLP22 as it does not appear sufficient to maximise cycling through design. However, if it is confirmed that the alternative route to and along Inkersall Road will be delivered to a standard in line with LTN 1/20 then this is likely to be an acceptable alternative (although I am concerned that as shown there may not be enough width as seen on the submitted planning layout). To my mind the section along Inkersall Road should have user segregation and should include an element of a buffer between carriage way and foot and cycle way. Otherwise, I would doubt whether or not the quality of this section of foot/cycle way would

accord with Local Plan policy CLP20(h). The comments of the Chesterfield Cycle Campaign and British Horse Society should be sought as prospective users, on this specific change to the development.

- 5.6.4 The Trans Pennine Trail comments are as follows:
“It is understood the sustainable transport links will be delivered by Derbyshire County Council upon the receipt of S106 contributions. The previous consultation CHE/21/00567 (Feb 22) indicated better connections to the TPT. It is understood S106 funding will now be given to Derbyshire County Council to build the links. Cycle Provision Drawing – H8751-CP01 – shows indicative line only but does not show crossing arrangement. Will this be provided at a later stage for consideration? Planning Layout 2 – H8752/PLA02 – notes multi-user link to TPT will be implemented by DCC via S106 subject to detailed design.”
- 5.6.5 British Horse Society:
I have noted comments as made by the Travel Plan where mention is made that the development is adjacent to the Trans Pennine Trail – “..well used by pedestrians, cyclists and horse riders”. However, there is no mention here of any creation of links to the TPT or Poolsbrook Country Park to the east of Inkersall Road. I welcome the ‘Non - Motorised User Audit. Re Multiuser Path width and surface – It is good to see that the proposed width of the path is to be at least three metres with grass verges either side. Although a ‘gravel’ path was mentioned above as part of the existing infrastructure, the NMU Audit recommends ‘enhancing’ the existing surface and I would request the developer considers a rubber bound crumb type surface. This type of surface is very long lasting, has non-slip and non-frosting qualities and is very popular with all users of it. It also has ‘green’ credentials, incorporating recycled tyres in its manufacture. Responses to the 19/00131/OUT consultation from Chesterfield Cycle Campaign, DCC Countryside Services and the Trans Pennine Trail team, all point to the importance of creating a multiuser link path between the TPT and the entrance to Poolsbrook Country Park to the east of Inkersall Road with which I whole heartedly agree. This path will not only provide the residents of the new development with a direct link to the Country Park but also the residents of Inkersall, helping them avoid some very busy roads. There are around 788 equines registered at the local postcode address, (Defra Equine Passport Data 2021) worth about £4.3M (British Equestrian Trade Ass 2019 data) to the economy plus another 1,263 equines registered in the surrounding neighbourhood. With our

increasingly busy roads, there is much need for the provision of off-road multiuser paths for all vulnerable users and the creation of this new link path connecting the TPT to the trails around Poolsbrook Country Park helps to fulfil both national and local planning policy. The national speed limit currently applies along Inkersall Road which is too fast for vulnerable users (especially young families) to be able to safely negotiate the road crossing, even with tapers and the proposed refuge in the centre of the carriageway. From DCC Highways letter of 19 August 2019 and drawings from the developer, I understand traffic signals are to be erected at the Inkersall Road/Inkersall Green Road junction. In DCC's letter, page 2, paragraph 4, last sentence, it states: Given the potential change in nature of the existing highway across the frontages to the development site, it is suggested that a review of the speed limit may be appropriate with funding for implementation of any subsequent change secured under a S106. I trust Highways will see fit to decrease the speed limit to 40 mph and install signage forewarning motorists of the 'pedestrian' crossing. The BHS is pleased to be involved in the development process of the new link path.

5.6.6

As set out above the agreed links to the TPT remain unchanged as a result of this amended scheme. The only change is to the internal route around the SUD's basins, as shown in para 4.5 above. The route will extend to the south of the basin rather than the north. As set out in the submission the changed route means that a bridge over the watercourse is not required. The submission sets this issue out as follows:

Further clarity has been requested on the impact of the biodiversity if the bridge construction was to commence. As mentioned, this is not something we would like to provide given the unnecessary disruption when a stronger less impactful solution has been proposed with the same outcome exiting/entering onto the existing highway on Inkersall road in a similar location (this is marked on the extract). The proposed Footbridge adjacent Inkersall Road would require around 5m working area either side of the proposed footbridge. This is not practical given the proposed location without undermining the existing hedge, footpath and road (Inkersall Road). It would require a structural survey of the existing culvert running underneath Inkersall Road (filling above the culvert) and would need extending past the footbridge works/banking (something the LLFA would normally be against). A diversion of the existing watercourse would be required to construct this bridge crossing which would be extremely difficult given the location. This would involve a large storage area where there is insufficient room on site. Alternatively, excessive over pumping,

resulting in a temporary culvert crossing Inkersall Road, which requires a lot of expenses, is not practical and would cause major disturbance to the infrastructure in that area. Due to the reasons above, we strongly recommend that the footbridge is omitted to decrease this disruption.

5.6.7 As the overall connectivity of the site to the east and west is therefore unchanged as a result of the amended scheme it is not considered that connectivity is fundamentally altered by the above change. The ability to lessen impact on the watercourse in not providing a bridge structure is welcomed. On this basis the connectivity of the site in this revised layout is acceptable. All other matters raised such as the detail of the connections and paths are as previously approved.

5.7 Impact on design and layout and biodiversity

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

5.7.2 In this revised scheme the layout has been amended from submission to now show a layout of properties which is in keeping with the rest of the site layout, street enclosure and overall character of the development. The remaining issue to consider is therefore the loss of the open space.

5.7.3 Local Plan Policy CLP16 requires that; The council will expect development proposals to:

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

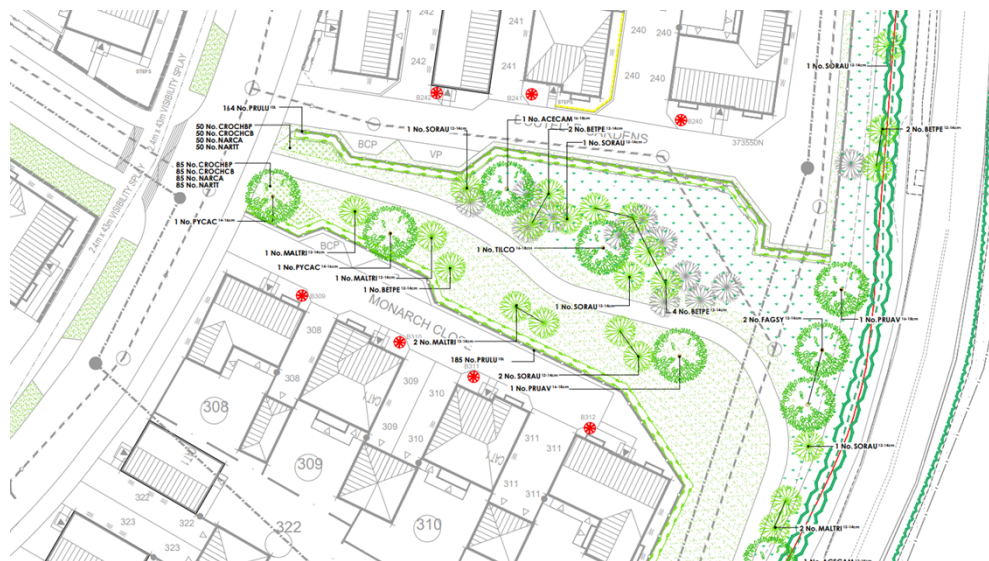
5.7.4 It is clear from the outline permission that ecological matters considered at the outline stage were not required to provide a net gain on site and no off-site provision was secured at that time. The

approved reserved matters scheme did not therefore include a biodiversity metric to secure on site net gain as this was not a matter secured at the outline stage and could not be reconsidered at the reserved matters stage.

5.7.5 The layout now proposed will remove part of the public open space. However, given the extent of open space on this development site this is not a concern in principle. Concern has been raised that the loss of this open space, which was mainly laid to grass, may adversely impact biodiversity.

5.7.6 Derbyshire Wildlife Trust have commented that: *After reviewing the Covering Letter, it seems that removal of the basin has already been approved. Unfortunately, the proposed re-design sees housing encroaching across the former basin area, resulting in a reduction of previously agreed green space, which is disappointing. The original Design and Access Statement / Indicative Masterplan proposed a green corridor across the site at this northern tip, which has now been almost completely eroded. Proposed areas of green space and meaningful corridors / connectivity across the site have been incrementally reduced throughout the various iterations of this scheme. We would recommend that the entirety of the former basin area is retained as well-designed green open space to benefit biodiversity and residents.*

5.7.7 In response the applicant has submitted amended green infrastructure plans which show a greater provision of planting in this area, with a substantial amount of tree and hedge planting as demonstrated on plan:



5.7.8 It should be noted in response to these comments that other revisions to the layout have not resulted in any loss of green space, the only matter agreed was the removal of an unnecessary SUD's basin which was agreed in line with the Lead Local Flood Authority. This revised planting scheme conceived in response to the comments of the Trust is considered to result in a meaningful green corridor for the benefit of wildlife and future residents. This planting scheme is considered to sufficiently mitigate any negative impacts from the slight reduction in green space provided.

5.7.9 The amended layout is therefore considered to be acceptable in terms of visual impact and biodiversity in line with policies CLP16 and 20 of the Adopted Local Plan.

5.8 Drainage

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

5.8.2 Yorkshire Water has raised concerns in regard to this proposal on a number of occasions noting the need to demonstrate on plan the appropriate set back from sewer easement lines of 5m to either side and appropriate landscaping in these areas which will not adversely impact the drainage system over time. It appears that the applicant has now addressed this concern, however the final comments of Yorkshire Water are awaited and are to be updated to the Planning Committee.

5.8.3 The proposal to remove the pumping station is simply as this has been confirmed to be no longer required to provide appropriate site drainage in line with the approved non-material amendment application details which were considered by the Lead Local Flood Authority.

5.9 Development Contributions and CIL Liability.

5.9.1 The proposed development is liable for the Community Infrastructure Levy (CIL) and this has been paid in regard to the approved scheme. An assessment will be required as to whether any further payment is necessary due to the change in house types.

6.0 REPRESENTATIONS

6.1 Two representations have been received from local residents as follows:

Representations:

- 6.2 1. Are Barrat David Wilson not happy with the amount of houses they have already dumped onto what was a beautiful green area. That they now want to take up more of what little valuable green space there is left? I cannot stop them building but I believe the new residents should have as much green spaces as possible for not just open views but for some wildlife to thrive in. It's obvious they have realised that they could 'squeeze' some more houses and make some more money whilst they are here to me. I OBJECT to this planning strongly.
- 6.3 2. We object to this on several grounds of outdated and unclear information on the website. There is no clarify in the application or relevant documents to explain what the ISSUE is with the tunnel on the rear of our property. The map of the site has clearly marked this tunnel as an issue with no explanation or enquiry as to what the issue maybe. Could we please request clarity as a matter of urgency please?

There has been a lingering smell of sewage at the above property whilst we have been doing work on the property.

It is of great concern that Yorkshire Water have objected to this however with no documentation attached as to why or what the objection is.

Also can I note there is no clarification about the said pumping stations and how that will affect our property. I have to say I find it most disappointing that I have had to spend my weekend trawling through hundreds of documents on the planning application and yet none of the trawling has actually led to any information or clarity that is relevant to us. Could we please request a notification of any new documents that will be made available in relation to this application. We would also like to attend the Planning committee where the decisions are made to ensure we are informed on all the concerns raised by ourselves and others who have objected.

Comments:

- 6.4 ***In response to these comments it should be noted that the original permission is for 400 homes in line with the allocation of***

the site. this proposal does not increase that number which remains at 400.

6.5 ***It is understood from the applicant that Yorkshire Water were working in the vicinity of the neighbour's property to the east of Peak Place in the southwestern end of the site, and those works are thought to be the cause of the smell. Further questions were asked in regard to whether the smell had continued but no response was received.***

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 revised scheme for an amended site layout is considered to be acceptable in line with the remit of the outline permission and when considered against adopted local plan policy. The connectivity of the site is not diminished to any substantial degree as a result of the proposal. All connections to and from the site will remain as approved and the minor internal route change means a reduced impact on the water course which is welcomed. It is important to consider that had this layout been submitted initially it would have been recommended for approval. The minimal reduction in the extent of open space will be compensated by additional planting. Subject to the receiving the comments of Yorkshire Water there are no concerns arising from statutory consultees. The proposal is therefore in line with Adopted Local Plan policy and recommended for approval subject to an updated suite of conditions.

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that, subject to receiving positive comments from Yorkshire Water, the application be **GRANTED** subject to the following conditions:

Conditions

01. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any condition requirements within this decision or approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below):

Site location plan - H8427-02 received 28.07.2023

H8751-CP01-Cycle Provision received 28.07.2023

Planning Layout 1 H8751/PLA01 Rev A received 10.08.2023

Planning Layout 2 H8751/PLA02 Rev A received 05.01.2024

House type Abbeydale: H349-H7 received 17.12.2021
House type Alfreton: BAFT 00CD received 17.12.2021
House type Archford: P382-EH7 received 17.12.2021
House type Ashington: H457 -H7 received 17.12.2021
House type Avondale: H456-X7 received 17.12.2021
House Type Avondale: H456-X7-SX00 and Opp received 26.09.2023
House type Brentford and Haversham: 2016/BH/P/02
House type Cannington: T321 EH7 received 17.12.2021
House type Denby: BDBY 00HD received 17.12.2021
House type Denford: BDNF 00HE received 17.12.2021
House type Ellerton: BLLE 00HE received 17.12.2021
House type Greenwood: T322 E-7 received 17.12.2021
House type Hadley: P341 E-7 and D-7 received 17.12.2021
House type Hadley: P341 D-7-SX00 received 28.07.2023
House type Hale: BHAL 00HD received 17.12.2021
House type Haversham: BHVR 00HE received 17.12.2021
House type Hemsworth: BHSW 00HD received 17.12.2021
House type Henley: H588 -7 received 17.12.2021
House type Henley: H588 -7-SX00 received 28.07.2023
House type Holden: H469 - H7 received 17.12.2021
House type Holden: H469 - H7 - SX00 received 28.07.2023
House type Ingleby: H403 -F7 received 17.12.2021
House type Ingleby: H403 -H7-SX00 received 28.07.2023
House type Kenley BKNL 00CI and 00HE received 17.12.2021
House type Kennford: BKNR 00HD received 17.12.2021
House type Kingsley BKEY 00HD received 17.12.2021
House type Kingsville BKIS 00CE received 17.12.2021
House type Kirkdale H442 - H7 received 17.12.2021
House type Kirkdale H442 - H7 - SX00 received 28.07.2023
House type Lamberton: BLBM 00HD received 17.12.2021
House type Lutterworth: BLUT 00CD received 17.12.2021
House type Maidstone: BMAI 00HE and 00CE received 17.12.2021
House type Meriden: H429 - H7 received 17.12.2021
House type Meriden: H429 - H7 - SX00 received 28.07.2023
House type Moresby: BMMS 00CE and 00CD received 17.12.2021
House type Radleigh: BRAD 00HD received 17.12.2021
House type: Type 38 and 39 2010/38-39/C/01 received 17.12.2021
House type: Type 65 B65F 00CI and 00CE received 17.12.2021
House type: Type 67 B67F 00CI and 00HE received 17.12.2021
House type: Type 69 B69F 00HE received 17.12.2021
House type: SH69-EG7 and SH69-I-7 received 17.12.2021
House type Wilford: P204-EG7 and P204-I-7 received 17.12.2021
House type Winstone: H421.H7 received 17.12.2021

House type Winstone: H421 - H7 - SX00 received 28.07.2023
 LDG1H8 - 6 x 3 Double Garage received 28.07.2021
 LDG2H8 - 6 x 3 Twin garage received 28.07.2021
 LSG1H8 - 6 x 3 Single garage received 28.07.2021
 SDG1H8 - Double garage received 28.07.2021
 SDG2H8 - Twin garage received 28.07.2021
 SSG1H8 - Single garage received 28.07.2021
 Boundary Wall Type 3 NM - SD13 -013 received 28.07.2021
 Dwarf natural stone wall (mortared) plan 2016/DET/239 received 17.12.2021
 Dwarf dry natural stone wall 2016/DET/238 received 17.12.2021
 Estate railings 201/DET/250 received 28.07.2021
 Timber knee rail 2010/DET/216 received 28.07.2021
 Close boarded fence 2010/DET/207 received 28.07.2021
 Green infrastructure landscape plans GL1575 04F, 05F, 06F, 07F, 08F, 09F, 10F, 11F, 12F, 13F received 20.02.2024
 Ecological enhancement plan North and south received 17.12.2021
 Hedgehog Highway guidance DB-SD11-004 received 21.12.2021

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

02. Details of the geomembrane to be provided within the zone of influence shall be completed on site in strict accordance with the details agreed under application reference CHE/22/00557/DOC.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

03. The fencing to be located in association with the TPO woodland to prevent public access shall be completed and retained on site in perpetuity in strict accordance with the details agreed under application reference CHE/22/00557/DOC, along with appropriately worded warning signs to be affixed to the fenced area.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

04. The foundation design of plot 137 and any adjacent plots as deemed necessary shall be designed by an appropriately qualified structural engineer to address the below ground conditions from the opencast highwall.

Reason: To ensure site safety in addressing former coal mining activity in accordance with policy CLP14 of the Adopted Local Plan.

05. The development hereby approved shall be completed in accordance with the recommendations of the Noise assessment dated July 2021 ref: 25739-04-NA-01 Rev A.

Reason: To ensure potential noise nuisance is mitigated for the future occupants of the dwellings in accordance with Policy CLP14 of the Adopted Local Plan.

06. Notwithstanding the details on Boundary Treatment Layout H8427/22 received 17.12.2021 and the agreed details under CHE/22/00557/DOC, details of all retaining features and retaining boundaries including sections and facing materials across the development shall be submitted to and agreed in writing by the Local Planning Authority before the commencement of in each phase. Works shall be completed in accordance with the agreed details.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

07. The rear boundary detail to plots 1, 106, 145, 173, 212 and 213 shall be as agreed under application reference CHE/22/00557/DOC. The agreed boundary treatment shall be installed prior to occupation of these units.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) there shall be no change to the height or detail of the rear boundaries to plots 1, 106, 145, 173, 212 and 213 from that agreed under condition 7 above without the prior written permission of the Local Planning Authority.

Reason: To ensure an appropriate finished scheme in terms of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

09. Prior to works commencing within each agreed phase details of the bin dwell areas to be provided at the end of each private drive immediately adjacent to the publicly adopted highway shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure space is made available for bin collection in accordance with policy CLP22 of the Adopted Local Plan.

10. Works shall be completed in accordance with the Ecological enhancement plan North and South received 17.12.2021 and the Hedgehog Highway guidance DB-SD11-004.

Reason: To ensure appropriate ecological enhancement in accordance with Policy CLP16 of the Adopted Local Plan.

11. Notwithstanding any details to be agreed regarding tree protection the proposed landscaping of the site shall be in accordance with the Green Infrastructure Landscape Plans GL1575 04F, 05F, 06F, 07F, 08F, 09F, 10F, 11F, 12F, 13F received 20.02.2024.

Reason: To ensure appropriate landscaping of the site in accordance with Policies CLP16 and 20 of the Adopted local plan.

12. The development shall be undertaken and completed on site in line with the Arboricultural Impact Assessment by fpcr dated April 2022 submitted and approved under application CHE/22/00557/DOC.

Reason: To ensure appropriate landscaping of the site in accordance with Policies CLP16 and 20 of the Adopted Local Plan.

13. 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.

14. Notwithstanding the Culvert details shown on plan 043 Rev P1 and 044 Rev P1 and the Green infrastructure landscape plans GL1575

04F, 05F, 06F, 07F, 08F, 09F, 10F, 11F, 12F, 13F received 20.02.2024, details of proposed works to the central stream corridor, including taking into account the design details of the highway route through the site, along with an assessment of any impacts from this on water courses and habitats within and beyond the boundaries of the site, and any mitigation measures required, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason: To ensure appropriate drainage details are suitable for land drainage consent approval and to ensure any ecological impacts are fully assessed in accordance with policies CLP13 and 16 of the Adopted Local Plan.

15. A scheme of hard and soft landscaping within each plot shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing above slab level for that plot detailing:-
- a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - b) finished site levels and contours within each plot;
 - c) hard surfacing materials;
- Works shall be completed prior to the occupation of each plot. The planting shall take place within the first available planting season prior to the occupation of each plot.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with policies CLP16 and 20 of the Adopted Local Plan.

Informatives:

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

2. Coal Authority:

It should be noted however that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to

ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

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

4. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

5. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity 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

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ITEM 3**ERECTION OF WOODEN STABLES AND CHANGE OF USE OF LAND TO EQUESTRIAN PURPOSES FOR PRIVATE RECREATIONAL USE AT LAND TO THE NORTH OF BALMOAK LANE, TAPTON, CHESTERFIELD, DERBYSHIRE FOR MEADOWLAND HOLDINGS LTD.****1.0 CONSULTATIONS**

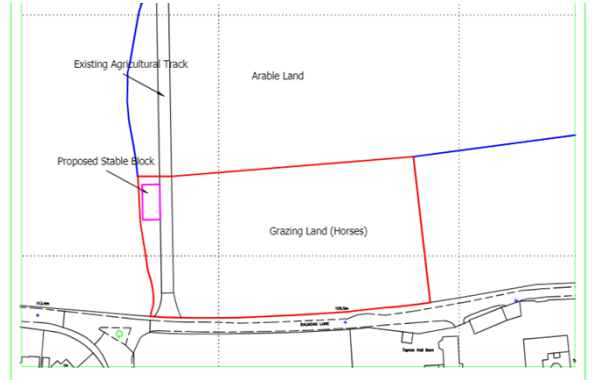
- | | |
|--------------------------|--|
| Ward Members | No representations received |
| Strategic Planning | Considering the type and scale of development the location is acceptable in principle subject to the proposed stable block being no larger than it needs to be and subject to it having an acceptable impact on the Strategic Gap. |
| Local Highways Authority | The Local Highway Authority (LHA) sought confirmation of the local bridleway network from internal colleagues within the Public Rights of Way (PRoW) section and confirm that Bridleway 12 (Chesterfield) ends in close proximity to the south eastern corner of the site. Therefore, no highway objections to the above planning application. |
| Representations | 5 letters of representation have been received from local residents and 1 letter from the Tapton Community Group (see section 6.0) |

2.0 THE SITE

- 2.1 The site subject of this application is located within the defined strategic gap (SG1) between the Tapton and Brimington. The site comprises of a parcel of land approximately 7000sqm (0.7 hectare) with mature hedgerow to the western boundary.
- 2.2 Access to the site is taken from Balmoak Lane onto a new agricultural access track (see application CHE/23/00485/AGR). Adopted Public Bridleway (Chesterfield BW 12) starts on Balmoak Lane to the east of the site and connects with the Trans Pennine Trail route.



Aerial photograph of site from Google ©



Extract of submitted location plan ©



Site photographs

3.0 **SITE HISTORY**

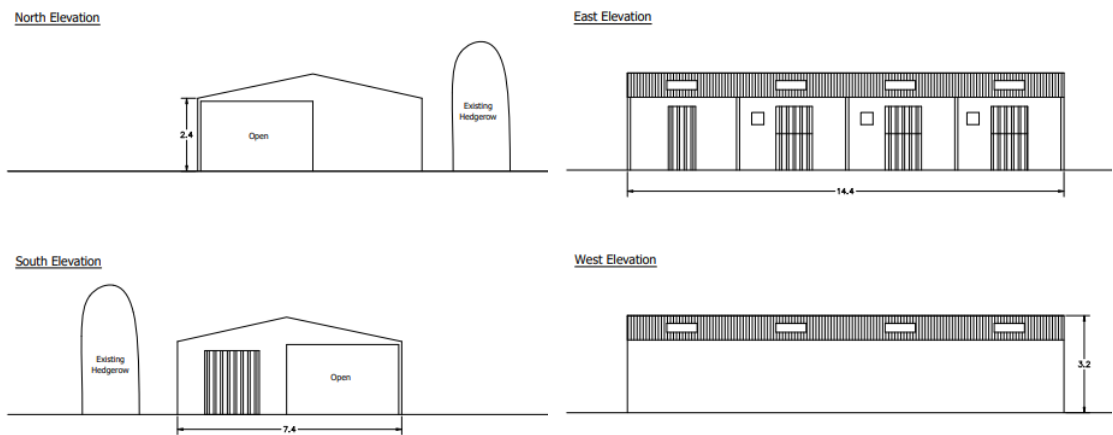
3.1 CHE/23/00485/AGR - Agricultural track – **PRIOR APPROVAL NOT REQUIRED (01.09.2023)**

4.0 **THE PROPOSAL**

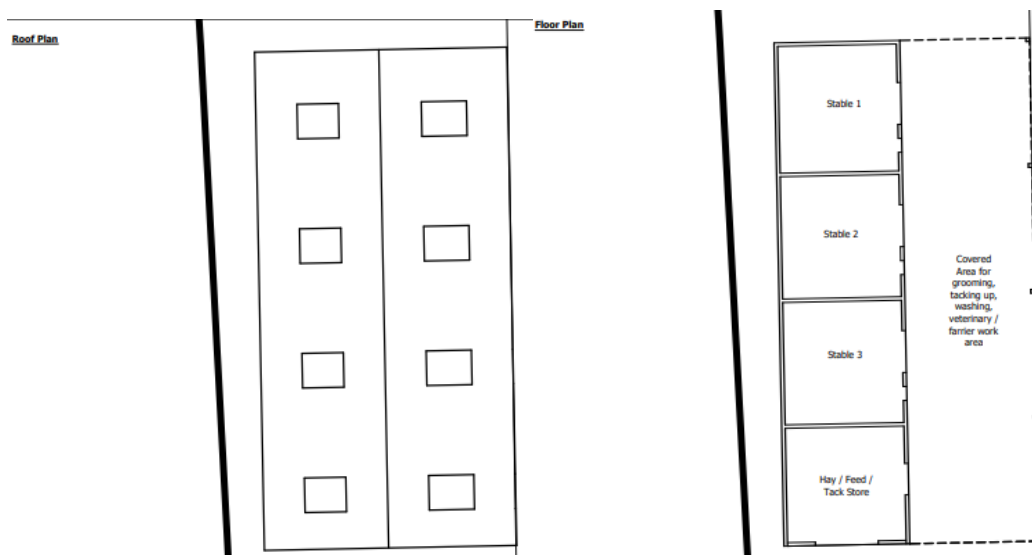
4.1 The application seeks consent for the change of use of the agricultural land to grazing land for horses and for the erection of a three bay timber stable with separate hay/tack/feed store with open covered area. The proposed stable building will be a timber frame

with shiplap cladding and onduline roof sheets. The stables measures 7.4m x 14.4m in footprint, with a dual pitched roof measuring 2.4m to the eaves and 3.2m to the ridge.

Proposed Elevations



Proposed Floor Plan and Roof Plan



5.0 CONSIDERATIONS

5.1 Planning Policy

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP15 Green Infrastructure
- 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 9. Promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 15. Conserving and enhancing the natural environment

5.4 Principle of Development

5.4.1 The application site is situated within the defined strategic gap (SG1) therefore policies CLP1, CLP2 and CLP15 are of relevance.

Relevant Policies

5.4.2 Local Plan policy CLP1 states *‘Strategic Gaps and Green Wedges Strategic gaps give distinct identity to different areas, prevent neighbouring settlements from merging into one another, and maintain open space. Green Wedges provide access to the countryside from urban areas. The open character of Strategic Gaps will be protected from development between: Brimington and Tupton (SG1)*

5.4.3 Local Plan Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*

- a) deliver the council’s Spatial Strategy (policy CLP1);*
- b) are on previously developed land that is not of high environmental value;*
- c) deliver wider regeneration and sustainability benefits to the area;*
- d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
- e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
- f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*

- g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
- h) are not on the best and most versatile agricultural land;*

Exceptions to the council's Spatial Strategy will be considered where development proposals can clearly demonstrate that the proposed use:

- i. needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses; or*
- ii. is required to regenerate sites and locations that could not otherwise be addressed or to support existing community facilities that' otherwise would be at risk of closure'*

5.4.4

Local Plan Policy CLP15 Green Infrastructure states 'Chesterfield borough's green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting enhancing, linking and managing the network, and creating new green infrastructure where necessary. Development proposals should demonstrate that they will not adversely affect, or result in the loss of, green infrastructure, unless suitable mitigation measures or compensatory provision are provided.

Development proposals should, where relevant:

- a) not conflict with the aim and purposes of the Green Belt (as set out in the NPPF); and*
- b) not harm the character and function of the Green Wedges and Strategic Gaps; and*
- c) enhance connectivity between, and public access to, green infrastructure; and*
- d) (i) protect and enhance access to the multi-user trails network as shown on the Policies Map; and*
(ii) increase the opportunities for cycling, walking and horse riding; and
- e) enhance the multi-functionality of the Borough's formal and informal parks and open spaces; and*
- f) protect or enhance Landscape Character; and*
- g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality; and*
- h) where new green infrastructure is proposed, there must be clear funding and delivery mechanisms in place for its long-term management and maintenance, prior to the development*

Considerations

- 5.4.5 The main consideration relates to the impact on the character and function of the Strategic Gap and where policies CLP1, CLP2 and CLP15 are of relevance. Policy CLP1 seeks to retain the open character of strategic gaps by protecting them from development, aiming to concentrate new development within walking distance of a range of services. Policy CLP2 considers the principles for the location of the development. Policy CLP15 states that development should not harm the character and function of strategic gaps and protect or enhance landscape character.
- 5.4.6 To assess the principle of the development consideration is therefore required as to whether the site will alter the visual characteristics and landscape character of the area, resulting in encroachment of the strategic gap and merging of settlements.
- 5.4.7 Derbyshire County Council's publication "Landscape Character of Derbyshire" designates the site and surrounding area as Coalfield Village Farmlands described as 'A broad, gently undulating landscape, the Coalfield Village Farmlands is characterised by pastoral farming with localised arable cropping'. Key landscape characteristics include;
- Gently undulating landform
 - Dairy farming with pasture and localised arable cropping
 - Relict ancient semi-natural woodland, copses and linear tree- belts
 - Dense watercourse trees and scattered hedgerow trees
 - Towns and villages on ridge lines surrounded by remnant medieval strip fields
 - Network of small irregular lanes between larger urban roads
 - Small villages with sandstone buildings expanded by red brick terrace housing and ribbon development
- 5.4.8 The site is situated within Strategic Gap (SG1) to the east of the built form of Tapton. The site is bound by a mature hedge to the west and the surrounding agricultural fields slope away to the north east/east towards the Tinker Sick watercourse. A large group of trees protected by Tree Preservation Order is situated to the east of the site (Kings and Queens Coppice, Derbyshire County Council TPO number 41)
- 5.4.9 The Strategic Planning Officer noted that the proposal includes three stables on a site of 1.73 acres. Government guidance Code of practice for the welfare of horses, ponies, donkeys and their hybrids recommends that: *As a general rule, each horse requires*

approximately 0.5 – 1.0 hectares (or 1.25 to 2.5 acres) of grazing of a suitable quality if no supplementary feeding is being provided. A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout. If land is overgrazed it can lead to soil exposure and this would have a negative impact on the visual amenity of the area.

- 5.4.10 The Agent provided a response noting that the DEFRA Code of Practice recommendation of 0.5 – 1 hectare per horse is based on the horses continually grazed and outwintered on pasture without access to a stable. The horses using these proposed stables would not graze all of the time and would be housed overnight with access to grazing during the day with supplementary feeding of hay / haylage and concentrates will be provided with a storage area incorporated in the design of the building for then purpose. The Agent highlighted that excessive grazing can cause health issues and strip grazing is recommended which also provides better grass utilisation than a continually grazed pasture. Taking into account the above, the grazing requirement is significantly reduced and the grazing area proposed is considered sufficient for the horses housed in the proposed stables.
- 5.4.11 The proposed stable is single storey in character, sited in the north western corner of the site and bound by mature hedgerow to the west. The nature and scale of the development is considered to be acceptable in principle. The timber frame construction with shallow pitched roof is typical in form and design for an equestrian building. Overall the scale and siting of the development is considered to be acceptable within the strategic gap, maintaining the visual characteristics, function and openness of the strategic gap. It is recommended that a condition covering materials be imposed to ensure the building is recessive and dark in form to prevent undue visibility.
- 5.4.12 Access to the site is taken from Balmoak Lane which does not have a full pedestrian footway and is not completely lit. It is necessary to note that Balmoak Lane links to Paxton Road via Pettyclose Lane which has pavements on both sides and streetlights. There is a bus stop approximately 450m away from the site on Brimington Road. There is also a cycle route on Brimington Road and a public footpath to the east linking to Brimington (Chesterfield FP 15) and Tapton (Chesterfield FP 13, Chesterfield FP 101) and the Trans Pennine Trail.

5.4.13 The proposal partly meets the criteria of policy CLP2. The proposal is not on best and most versatile agricultural land according to the DEFRA dataset, the land is classified as Grade 4 (poor quality agricultural land) and therefore accords with part h and is not previously developed land that is not of high environmental value b.

5.4.14 In conclusion the proposal would maintain the open character of the strategic gap and would not result in neighbouring settlements merging together (CLP1). The proposal does not accord with all aspects of CLP2, however, the small scale nature of the site and siting of the development will not harm the character or function of the strategic gap or adversely impact the landscape character (CLP15)

5.5 Design and Appearance of the Proposal

Relevant Policies

5.5.1 Local Plan policy CLP20 states '*all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.*' For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

Considerations

5.5.2 The application seeks consent for a single storey timber framed stable building with shallow pitched roof. The building will be clad in shiplap with onduline roof sheets. Full detail of the colour of the materials have not been provided therefore it is recommended that a condition be imposed requiring the timber cladding to be stained a dark colour and for the roofing to be dark i.e. black, brown or dark green. Materials used in the structure should be dark to appear recessive and to limit the visual impact of the proposal.

5.5.3 Whilst it is acknowledged that the proposal will introduce built form to the open strategic gap, consideration of the specific context including the scale and size of the buildings and positioning within the landscape have bearing on the visual impact of the proposal. An existing hedgerow to the western boundary of the site provides a degree of screening and the site slopes gradually towards the north.

- 5.5.4 The proposed building is situated in the most appropriate location within the site, set back from the road and in the north western corner. The proposal would not result in significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with Local Plan policy CLP20 subject to a relevant condition covering materials.

5.6 Impact on Amenity of Surrounding Occupiers

Relevant Policies

- 5.6.1 Local Plan policy CLP14 states that '*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts*'. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.
- 5.6.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*' For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

Considerations

- 5.6.3 The site is bound by agricultural fields to the north, south, east and west. The nearest residential properties are located on Pettyclose Lane and Balmoak Lane to the south west. Disturbance to the nearest residential neighbours arising as a result of the proposal is unlikely and not considered to be sufficient to warrant a refusal. The proposal is therefore considered to accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Highways Safety and Impact on Public Right of Way/Bridle Path/Trans Pennine Trail

Relevant Policies

- 5.7.1 Local Plan policy CLP20 expects development to '*g) provide adequate and safe vehicle access and parking;*' and '*h) provide safe, convenient and attractive environment for pedestrians and cyclists*'. For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

- 5.7.2 Local Plan policy CLP22 details the requires *‘To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision’.* For full wording of policy see the Chesterfield Borough Local Plan 2018 – 2035.

Considerations

- 5.7.3 Access to the site is taken from Balmoak Lane via a newly created agricultural track (which can be seen in the site photographs). Part of Balmoak lane is a narrow adopted road which continues on to become Grove Road and Tapton Grove to the east. Balmoak Lane is also an adopted public bridle way (Chesterfield BW 12) and the route of the Trans Pennine Trail (to the east of the site).
- 5.7.4 The Local Highways Authority were consulted on the proposal. The Highways Officer stated that confirmation of the local bridleway network was sought from internal colleagues within the Public Rights of Way (PRoW) section and confirm that Bridleway 12 (Chesterfield) ends in close proximity to the south eastern corner of the site. The Highways Officer raised no highway objections to the planning application.
- 5.7.5 It is accepted that the proposal will result in additional vehicular movements to the site with access taken close to the junction with Pettyclose Lane. To service the stables and care for horses visits will likely be required multiple times a day and vehicles visiting the site may also be larger to accommodate horses i.e. horse boxes and trailers. It is therefore necessary to highlight that the existing use of the site for agricultural purposes could be served by large farming machinery i.e. tractors and equipment without any restriction on frequency of use.
- 5.7.6 It is noted that Balmoak Lane is very narrow in places and leads on to an extended private drive to Tapton Grove and a small group of dwellings. Access to the site can be taken from Brimington Road via Paxton Road and there is space for vehicles to park on the public highway without obstruction.
- 5.7.7 It is necessary to highlight paragraph 115 of the NPPF states that ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.7.8 Based on the observations above and existing use of the site, it is considered the scheme will not result in significant highway safety concerns sufficient to warrant a refusal under paragraph 115. The proposal therefore accords with Local Plan policies CLP20 and CLP22.

5.8 Landscape and Biodiversity

Relevant Policies

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

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

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

Considerations

5.8.3 The application site is situated within the open countryside and is bound by a mature hedgerow to the west. It is considered that there is scope for additional supplementary native hedgerow planting to achieve a biodiversity enhancement on site. It is recommended that a condition be imposed on the decision requiring the submission of further details of biodiversity enhancement scheme.

5.8.4 Subject to a condition as set out above the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan and the NPPF.

6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice and neighbour notification letter. 5 letters of representation have been received from local residents and 1 unsigned letter from the Tapton Community Group. The main concerns raised are summarised below;

- Access/Highway Safety
 - access on and off site is awkward as it is a narrow lane next to a very tight junction.
 - Whichever of the routes of access to the site the applicant uses will cause significant inconvenience and risk to the users of Balmoak Lane including vehicle users, walkers,

- pedestrians and other patients/visitors/carers attending Tapton Grove Nursing Home
- pedestrians use this lane to walk dogs and there is no pavement which could cause a safety risk
 - Much of Balmoak Lane is a single lane carriageway which is unsighted by traffic travelling in the opposite direction for much of its length. Numerous times each day even normal cars have to reverse back to a point where two vehicles can pass. The route of access to the site is totally unsuitable for further increase in traffic levels and certainly for horse boxes and typical vehicles which tow them.
 - Only alternate site access would be via Paxton Road/Pettyclose Lane which joins Balmoak Lane and at an island junction with 3 mature poplar trees. The site is usually accessed by the agricultural vehicles currently using the site. Normal access accessing Balmoak Lane by this route usually negotiate the island in an anti-clockwise direction even though they cannot see vehicles approaching the junction from the right hand side due to a stone wall that borders the field facing the application site. Larger vehicles are obliged to negotiate the island junction in a clockwise direction but this manoeuvre involves at least one 3 point turn and often with larger vehicles necessitates mounting the pavement putting front garden and retaining wall at risk.
 - Whilst the applicant may suggest that the equestrian vehicles and equipment are no larger than agricultural vehicles and equipment that currently access the site I would suggest that the site visits will be much more frequent for equestrian purposes and they will be in addition to those associated with the agricultural activities that are still to be carried out. Possible increase in traffic of larger and wider vehicles to transport horses would have an impact on road users.
 - Will result in increase in flow of traffic to site where safety and general amenity of current users of Balmoak Lane is already compromised by current levels of vehicular and pedestrian activity
 - First section of Balmoak Lane is designated public highway however it is poorly maintained single land carriageway on which vehicles travelling in opposite directions are unable to pass unless at a passing point. It is also part of the Trans Pennine Trail which is very popular and leads on to Tapton Grove and six residential properties at Tapton Hamlet and is privately maintained and is single track with poor visibility where drivers are unable to see oncoming vehicles

- Only two routes to the site both requiring significant manoeuvring. Either route will cause more obstruction and frustration for road users and proposal will result in more vehicle trips and additional traffic, likely daily not seasonal visits as tends to be the case with the current agricultural visits.
- No parking is proposed and access is restricted with no parking possible at the entrance to the site. The application should include provision for at least 3 vehicles seeing as there will be 3 stables.
- Impact on wildlife – use of field will create more traffic damaging to nearby wildlife.
- Field next to site is being protected by owner for environmental purposes protecting wildlife in the area
- Foul sewage/waste storage and collection – no detail of storage and disposal of waste is provided
- Impact on watercourse – stream next to field which could be contaminated by horse sewage, manure
- Water supply – stables would require water supply for horses
- Toilet facilities - people spending time on the land would require toilet facilities and there would need to be a sewage system
- Safety of horses – land is dangerous for horses as there are deep ditches next to wall surrounding field
- Trees and fences – application form states that there are no trees and hedges adjacent to development which could influence the development or might be important as part of the local landscape character which is untrue. There is a hedgerow as shown on the elevational detail, floor and roof plan and is also mentioned as natural screening
- Visual effects on the area – planning statement mentions the structure will be fully visible to people on Balmoak Lane and some residential houses as existing hedgerow and trees will not completely block the view of the structure. Proposed elevations and plans state onduline roof sheets will be used but doesn't state which colour will be used, green or brown would be more in keeping.
- Future use – initial intentions for land could be followed by static caravans
- Fencing – no details of fencing have been included to show how the applicant plans to control horses grazing
- Existing stables at junction of Wheathill Lane and Dark Lane a short distance from the site. Should consider an addition to this facility as it is already established.

- Other matters – fireworks get set off in proximity to the site which can cause distress to animals and as the stables are not adjacent to an occupied property the horses will be on their own unless provisions are put in place by the horse owners to mitigate any problems.

6.3

Officer comments

- **Access/highway safety – see section 5.7**
- **Impact on wildlife and fields retained to protect wildlife – scheme is not considered to have an adverse impact on wildlife**
- **Foul sewage/waste storage/impact on watercourse – the applicant/horse owners will be required to comply with health and safety regulations and ensure appropriate disposal of any waste**
- **Water supply – applicant/horse owners will be required to provide adequate water for the care of horses through storage tanks**
- **There is no requirement for toilet facilities on the site**
- **Safety of horses – applicant/horse owners will be required to ensure the site is safe and secure for horses**
- **Impacts on trees/hedgerow – it is recommended that a condition be imposed require biodiversity enhancement through some additional planting.**
- **Visual impacts on area – see section 5.4 and 5.5**
- **Future use – the application is assessed on the basis of the detail of the submission**
- **Fencing – no fencing is proposed as part of the application**
- **Exiting stables nearby which could be extended – noted**
- **Other matters – it will be the horse owners responsibility to ensure the safety and security of the horses.**

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

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

Conditions

Standard time frame

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

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

In accordance with approved plans and documents

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).
 - Location Plan, drawing number Tapton-002

- Elevation Detail, Floor and Roof Plan, drawing number Tapton-004
- Planning statement in relation to a full planning application for the erection of wooden stables and change of use of land to equestrian purposes for private recreational use, report produced by report produced by:- C G Barks MRICS Bagshaws Llp

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

Landscape management and enhancement plan

3. A landscape management and enhancement plan with a programme for implementation shall be submitted to the local planning authority within two months of the implementation of this development and which shall include details of biodiversity enhancement measures including additional hedgerow planting and maintenance of the planting.

Reason – to ensure the development serves to maintain the openness and character of the strategic gap and enhances the development site in accordance with Local Plan policies CLP15 and CLP16

Materials

4. The shiplap timber cladding of the stable building shall be painted a dark brown colour stain and the roofing material shall be dark brown, black or dark green.

Reason – to ensure the development is appropriate in the strategic gap and to be a dark colour to be recessive and limit the visual impact of the proposal in accordance with Local Plan policies CLP25 and CLP20

Informative Notes

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

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 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.

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 of the 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/coalauthority

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	11 th March 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/22/00650/FUL	Staveley Central	Industrial unit with workshop, offices and welfare amenities At Land Between Adelphi Way and Griffin Close Adelphi Way Staveley Chesterfield For Richardson Machine Tool Services	CP	15/02/2024
CHE/23/00352/FUL	Staveley North	Construction of 5 residential dwellings with associated landscaping and associated works At Land At Blunt Avenue Junction Edale Road Mastin Moor Chesterfield For Chesterfield Borough Council	CP	15/02/2024
CHE/23/00384/FUL	Hasland	Change of use of dwelling to create ground floor shop (Class E) and one first floor flat (Class C3) and associated external alterations At 16 The Green Hasland Chesterfield S41 0LJ For Mason & Hollingworth	CP	12/02/2024
CHE/23/00548/FUL	Staveley South	Single storey front extension with render to walls (revised plans received 26.01.2024) At 22 Ashover Road Inkersall Chesterfield S43 3EG For Mr Ritchie Thomson	CP	16/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00553/FUL	Brimington South	Ground floor extension to front and side elevations, single storey rear extension and detached garage At 65 Manor Road Brimington Chesterfield S43 1NN For Mr Lyndon Wilson	CP	14/02/2024
CHE/23/00565/FUL	Brampton West & Loundsley	Two storey side extension and single storey side and rear extension - revised drawings received 27.11.23 and 06.02.24 At 2 Haddon Close Chesterfield S40 3BB For Emily Brassington	CP	12/02/2024
CHE/23/00693/RET	Brimington South	Application of through coloured render to the principal elevation At Oldfield Farm Wetlands Lane Brimington Chesterfield S43 1QG For Mr and Mrs Walters	CP	14/02/2024
CHE/23/00715/FUL	Walton	extensions and alterations including dormers and rendering to create two storey accommodation At 202 Hunloke Avenue Boythorpe Chesterfield S40 3ED For Mr Lee Mason	CP	22/02/2024
CHE/23/00725/FUL	Walton	Proposed infill single storey extension and alter roof to existing extension to flat roof At 240 Walton Road Walton S40 3BS For Mr and Mrs Harry Rowbotham	CP	09/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00728/FUL	Spire	<p>Change of use of first floor from Class (E) retail to part Class (E) Tattoo outlet, accessed via gf front and part Class (C3) Dwelling (Airbnb) accessed at gf rear with associated alterations (revised drawings added 12/02/24)</p> <p>At 10B Packers Row Chesterfield S40 1RB</p> <p>For Mr Diamantidis</p>	CP	21/02/2024
CHE/23/00735/FUL	Dunston	<p>Hardstanding and access ramp to property with dropped kerb and tarmac crossing. Retaining wall with ramped access from hardstanding down to main dwelling entrance door</p> <p>At 85 Windermere Road Newbold Chesterfield S41 8DT</p> <p>For Mrs Johanne Miller</p>	CP	12/02/2024
CHE/23/00767/PRE	Linacre	<p>Change of use of communal space to residential curtilage and installation of disabled hardstanding</p> <p>At Communal Space Adjacent To 5 Taddington Road Holme Hall Chesterfield S40 4RL</p> <p>For Chesterfield Borough Council</p>	PRNSUP	21/02/2024
CHE/23/00768/FUL	Brimington North	<p>Four new windows, repair and re-finishing of rendered gables and the addition of a front entrance porch (porch design version 2)</p> <p>At 15 High Street Brimington Chesterfield S43 1DE</p> <p>For Honey House Children's Nursery</p>	CP	12/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00769/LBC	Brimington North	<p>Four new windows, repair and re-finishing of rendered gables, internal alterations and the addition of a front entrance porch (porch design version 2)</p> <p>At 15 High Street Brimington Chesterfield S43 1DE</p> <p>For Heywood House Children's Nursery</p>	CP	12/02/2024
CHE/24/00011/DOC	Hasland	<p>Discharge of Condition 8 (Car parking managing plan) of application CHE/23/00348/FUL- Retrospective application for the erection of portable classroom building for a temporary period - revised plans received, new fence proposed at boundary with evergreen trellis to provide screening</p> <p>At Hasland Support Centre 38 The Green Hasland Chesterfield S41 0LN</p> <p>For Esteem Multi-Academy Trust</p>	DPC	08/02/2024
CHE/24/00012/REM	Brockwell	<p>Variation of Condition 4 (Single occupancy) of application CHE/22/00427/FUL (Change of use from commercial to residential. Cladding of exterior walls)- To change maximum occupancy from one person to two people</p> <p>At 43 Newbold Village Newbold Road Newbold Chesterfield S41 8RJ</p> <p>For Mr Darren Gregory</p>	CP	21/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00017/TPO	Spire	<p>T174 - Beech - Reduce the top of the crown by 4m - lightning bracket attached to the stem. G4 Sycamore - remove 3 lowest branches over the road. G4 Oak - remove long low branch over the road. G4 Horsechestnut - remove 3 branches over the road. G4 Sycamore remove 3 small branches touching the lamp column. T172 - Beech remove crown and leave 10m tall standing dead wood stem structural branches are dead. T162 - Sycamore - fell weight biased over wood, decaying cavity where stem has previously been removed. G1 sycamore - Fell, decaying cavity 10 x 15 cm. T32 - Sycamore - Fell, weight biased to the south, decaying cavity through centre. T21 - Oak - remove dead branches over garden, lateral branches dead (5m x 5cm over garden). T335 - Elm - remove 4 low branches growing towards the school, crown weight biased towards school.</p> <p>At St Peter and St Paul School Hady Hill Hady Chesterfield 41 0EF</p> <p>For Mrs Sally Morwood</p>	SC	20/02/2024
CHE/24/00020/CPO	Staveley North	<p>Application under Section 73 of the Town and Country Planning Act 1990 to not comply with Condition 6 of planning permission reference CM2/0707/77 in order to permit the movement of clay from the existing Foxlow access onto Hall Lane to be used and vehicles turn left along Hall Lane to the Ireland Close roundabout then left along Ireland Close to the approved access to the Canal restoration site</p> <p>At Foxlow Tip and Land Adjacent Breck Lane Barrow Hill Chesterfield</p>	OW	09/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00022/CA	Brimington North	1: Acer - Removal as situated on boundary wall affecting this. 2: Oak removal as affecting overhead power cables At 15 High Street Brimington Chesterfield S43 1DE For Boph LTD	UP	26/02/2024
CHE/24/00033/DEM	Brampton East & Boythorpe	Demolition of 1960s two-storey office building At Bradbury House Goyt Side Road Chesterfield S40 2PH For Sonoco Consumer Products	PANR	19/02/2024
CHE/24/00068/TPO	Brampton West & Loundsley	Removal of T19 from TPO 172 due to significantly supressed growth and limited reduction in amenity because of the more dominant tree on its south sideand replacement with a purple leafed Dawyck's Beech At 404 Old Road Chesterfield S40 3QF For Mr Steven Treece	CP	14/02/2024
CHE/24/00076/TPO	Brampton West & Loundsley	2 Beech trees - cown thin by 25%. The tree at side of drive, to remove long straight branch going towards house At 659 Chatsworth Road Chesterfield S40 3PA For Mrs Maria Deakin	CP	14/02/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00077/TPO	Spire	<p>T228 Sycamore - To fell as it's dead. T227 Sycamore - To reduce crown to balance and shape as its lost some limbs in recent storms</p> <p>At Chesterfield Model Engineering Society The Clubhouse Hady Hill Hady Chesterfield S41 0EE</p> <p>For Hady Miniature Railway</p>	CP	21/02/2024
CHE/24/00078/TPO	Dunston	<p>TPO 112 Pine tree - Fell tree due to overhanging telephone wires, poor location, overshadowing, and plant replacement tree</p> <p>At 30 Littlemoor Crescent Newbold Chesterfield S41 8QJ</p> <p>For Mrs Frances Green</p>	CP	21/02/2024
CHE/24/00087/DOC	Brampton West & Loundsley	<p>Discharge of Condition 4 (Landscaping) of application CHE/23/00630/FUL- Re-submission of application CHE/23/00309/FUL with revised plans</p> <p>At 392 Ashgate Road Chesterfield S40 4DD</p> <p>For Richard Crampton</p>	DPC	27/02/2024

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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	11 th March 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**

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<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/24/00068/TPO TPO 4901.172 14/02/24	The felling of one Horsechestnut tree reference T19 on the Order Map and which is situated in the grounds of 404 Old Road. The tree is being significantly suppressed by the adjacent dominant tree and its removal will have a limited reduction in amenity.	Consent is granted to the felling of one Horsechestnut tree with a condition to plant a replacement Beech tree in a more suitable location to the south of the property which will increase the amenity of the area and streetscene.
CHE/24/00076/TPO TPO 4901.159 14/02/24	The pruning of two Beech trees reference T29 & T30 on the Order Map and which are situated to the frontage of 659 Chatsworth Road.	Consent is granted to the crown thinning of the two Beech trees by 25% pruning back to suitable replacement branches and leaving a well-balanced crown.
CHE/24/00077/TPO TPO 4901.117 20/02/24	The felling of one dead Sycamore tree reference T228 and the pruning of one Sycamore tree reference T227 on the Order Map and which are situated in the grounds of the Hady Model Railway Centre, Hady Hill.	Consent is granted to the felling of one dead Sycamore with a condition to plant one new Oak tree in the first available planting season. Consent is also granted to crown reduce T227 Sycamore to remove the dieback in the crown and to re-shape the remainder of the tree.

<p>CHE/24/00078/TPO</p> <p>TPO 4901.112</p> <p>20/02/24</p>	<p>The felling of one Pine tree within G3 on the Order Map and which is situated to the frontage of 30 Littlemoor Crescent.</p>	<p>Consent is granted to the felling of one Pine tree which is being suppressed by the adjacent Beech tree and therefore reducing its amenity value within the group. Condition attached to plant one Rowan tree in the first available planting season after felling.</p>
<p>CHE/24/00017/TPO</p> <p>TPO 4901.117</p> <p>20/02/24</p>	<p>The felling of 4 trees reference T32 Sycamore, T162 Sycamore, T172 Beech but believed to be TPO tree T170 Beech from a site inspection and its location next to an Elm T171 which is noted on the TPO plan and referred to as T31 on the submitted tree survey & G1 x1 Sycamore.</p> <p>Also, the pruning of 19 trees reference T21 Oak, T113 Lime, T114, T115, T136 & T137 Yew, T117 & T118 Sycamore, T119, T330 & T174 Beech, T125 Cedar, T332 & T335 Elm, T337 Ash and G4 (x2 Sycamore, 1 Oak & 1 Horsechestnut) on the Order Map and which are situated in the grounds of St Peter & St Paul School, Hady Hill, Hady.</p>	<p>Consent is granted to the felling of 4 trees which have decay at the base and are in a poor condition as detailed in the submitted tree report. Condition attached to plant 4 new trees consisting of 2 Oaks and 2 Lime trees in the first available planting season after felling.</p> <p>Consent is also granted to prune 18 trees by crown lifting the lower branches to clear the car park and highway and the reduction of branches growing towards the property to clear the structure by 2-3 metres pruning back to suitable replacement branches. Consent is also granted to crown reduce one Beech tree T174 by 4 metres in height and reshaping the lateral branches to leave a well-balanced crown.</p>

CHE/24/00040/TPO TPO 4901.215 28/02/24	The pruning of one Horsechestnut tree reference T13 on the Order Map and which is situated in the rear garden of 24 Gratton Place, Stonegravel.	Consent is granted to a 3 metres crown reduction in height and the limited pruning of lateral branches to reshape the crown.
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SECTION 2**NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/24/00022/CA The felling of two trees, one multi stemmed Sycamore which is affecting the adjacent stone wall and one Oak which is one sided and growing through telephone wires at 15 High Street, Brimington, Chesterfield.	The trees are within the Brimington Conservation Area.	Agreement to the felling of two trees. The felling of the trees will have no adverse effect on the character and amenity of the area.	26/02/24

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 11th March 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	
2/1118	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	Dismissed 16/2/24 see appendix A
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	Notice withdrawn on 01/02/24 – appeal withdrawn 07/02/24
2/4071	Whittington Moor ward	Mr D A Revitt	Enforcement Notice at 10 Pottery Lane West – Vehicle Storage	Planning Committee	28/02/24	Written Reps	

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Appendix A

Appeal by Mr and Mrs Linathan

Extension of barn to form dwelling annex at Oak Tree Barn,
Bolsover Road, Woodthorpe, Chesterfield.

CHE/23/00287/FUL

1. Planning permission was refused on 31st July 2023 for an extension of Oak Tree Barn to create a dwelling annex. The reasons for refusal were:

a. The proposed development is not proportionate to the existing dwelling on the site and is too large a footprint, resulting in what would effectively be a new dwelling in the countryside. The proposal is therefore contrary to Policies CLP2 and CLP3 of the Chesterfield Borough Local Plan 2018 - 2035 in that it would not constitute sustainable development, does not need to be in this location to meet a specific need and would not have reasonable access to a key range of service. The circumstances of the applicant are not considered sufficient to justify an exception to these requirements. The above policies are consistent with guidance within the National Planning Policy Framework, 2021.

b. The proposed glazed link is considered to be poorly designed and not in keeping with the character of an agricultural barn conversion. As such it would be contrary to Policy CLP20 of the Chesterfield Borough Local Plan 2018 - 2035 which requires all development to 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.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues were the effect of the proposed development upon the character and appearance of the area; and whether the proposed development would

represent a self-contained dwelling and, if it would, the suitability of the location for a new dwelling, with specific reference to the spatial strategy in the development plan.

Character and appearance

4. The appeal site contains a relatively small barn that has been converted to a dwelling. The appeal site is near to the farmhouse and a collection of former agricultural buildings that have also been converted to homes. These are arranged in a small cluster. These buildings typically have a functional and traditional style of architecture that reflects their original use. The surrounding land is primarily fields. This means that the appeal site is in a rural landscape.
5. The existing buildings typically feature stone elevations and smaller windows, with some walls having limited amounts of fenestration. This retains a rustic and solid agricultural character to the structures despite them having being converted to dwellings. The proposed development includes a predominantly glazed conservatory, which would have a discernible mass. This style of architecture would contrast with the style of architecture that is a feature of the existing buildings.
6. In addition, the proposed conservatory would be of a similar height to the proportions of the existing building and the proposed extension. Therefore, it would not be a subordinate addition, even allowing for its footprint. Owing to the glazed sections, the conservatory's building materials would be significantly different from those utilised nearby. Therefore, the development would jar with the existing building's architecture rendering the development discordant.
7. In result, the proposed development would introduce a more overtly domestic form of architecture that would conflict with the retained agricultural style of the converted buildings to the east.
8. The development would be located on the edge of the cluster of existing buildings, which would render it visible from several vantage points in the surrounding area. This

includes viewpoints in Bolsover Road and views over the relatively limited boundary treatments. Therefore, the discordant form of architecture would be harmfully apparent to those passing the site.

9. The inspector acknowledged that the design of the extension, as opposed to the conservatory, and the alterations to the existing dwelling would respond to the traditional agricultural style of architecture that is a feature of the cluster. However, this would not overcome the adverse effects that would arise from the design of the conservatory.
10. The inspector therefore concluded that the proposed development would harm the character and appearance of the area. The development, in this regard, would conflict with Policy CLP20 of the Chesterfield Borough Local Plan (2020) (the Local Plan). Amongst other matters, this seeks to ensure that developments promote good design that positively contributes to the distinctive character of the Borough.

Whether a self-contained dwelling and suitability of the site

11. The proposed development has been described on the planning application and appeal documentation as an annexe. The submitted plans show that that the annexe would feature, amongst other items, four bedrooms. However, it would be physically connected to the existing dwelling. In addition, both the existing dwelling and the annexe would feature separate doors into the conservatory.
12. In assessing whether the proposal would be a self-contained dwelling, the development, whilst large, would be an extension of the existing building. Furthermore, owing to the physical link between the existing and proposed developments, there would be an internal area that could be shared by existing and future occupants. This means that the occupiers of both the existing home and the annexe would be able to freely move between each element of the resultant building and socialise or undertake activities together inside the building.

13. The occupants of the proposed annexe would also be reliant upon facilities currently exclusively used by the residents of the existing dwelling. These include the garden area, car parking and the driveway. There are no proposals to provide additional facilities, or to subdivide the site. In result, the proposed development, even though it would be of a relatively large size, is not intended to support a separate household. Therefore, the proposed development would not represent a new self-contained dwelling.
14. Consequently, as the development is not a self-contained dwelling in the countryside, Policies CLP2 and CLP3 of the Local Plan would not be breached.
15. Had the inspector been minded to allow this appeal, a further application for planning permission would be required should there be a future aspiration to convert the annexe to a self-contained dwelling. This would provide an opportunity to assess a dwelling against the requirements of the cited policies. Had the scheme been otherwise acceptable consideration could also have been given to imposing a condition to require its use for ancillary purposes.
16. The inspector therefore concluded that the proposed development would not represent a self-contained dwelling and therefore it would not be at odds with the spatial strategy for new homes in the countryside.
17. Although the proposed development would not be a self-contained dwelling, it would have an adverse effect upon the character and appearance of the surrounding area. Consequently, the scheme would conflict with the development plan taken as a whole. There are no other material considerations which indicate the decision should be made other than in accordance with the development plan.

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 11TH MARCH 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). Information about informal enforcement is available from the planning 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 Regulatory Law.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 10

ENFORCEMENT REPORT

01 March 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</i>		<i>Authorised to Issue Average: 540 days</i>					
York Street	2 <small>1,621</small>	23/09/19 <small>1,621</small> balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>1081</small>	16/04/21 <small>1050</small>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecution being prepared.	<input type="checkbox"/> <small>18/03/21</small>	Ha
Enforcement Notice		<i>Total currently Authorised: 5</i>		<i>Authorised to Issue Average: 44.33 days</i>					
Chester Street	94 <small>375</small>	20/02/23 <small>375</small> wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>246</small>	29/07/23 <small>216</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>5,856</small>	18/02/08 <small>5,856</small> storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5796</small>	20/10/08 <small>5611</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>445</small>	12/12/22 <small>445</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	29/01/24 32	storage of vehicles		01/02/24 3	04/03/24 -3	01/04/24 -31	Substitute and clarified enforcement notice	<input type="checkbox"/> 09/02/24	Mo
York Street	2	09/10/17 2,335	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> 19/12/18	Ha
Enforcement Notice (Listed Building) <i>Total currently Authorised: 1 Authorised to Issue Average: days</i>										
Old Hall Road	Brampton House	02/10/23 151						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	10/10/22 508	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> 28/10/22	SH

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Highfield Road	80	05/10/20 <i>1,243</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> 15/02/21	SH
Tapton Terrace	26	05/10/20 <i>1,243</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> 15/02/21	SL

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

Key to old and new Ward abbreviations : BE Brampton East and Boythorpe. BW Brampton West and Loundsley Green. 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. Sp Spire. SC Staveley Central. SN Staveley North. SS Staveley South. Wa Walton. We West. W Whittington. WM Whittington Moor

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