



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

Councillors Kellman, Redihough and
Snowdon – Site Visit 1

15 March 2024

Councillor Jacobs – Site Visit 2

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on
MONDAY, 25 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 10.50am.
Ward members wishing to be present should attend on site as indicated
below:-

1. 11.10am 38 Lake View Avenue, Walton
2. 11.45am Land South of Worksop Road, Mastin Moor

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

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

Ward members are invited to attend on site and should confirm their attendance by contacting Liz Athorn on tel. 01246 959612 or via e-mail: liz.athorn@chesterfield.gov.uk by 9.00 a.m. on Monday 25th 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 - 98)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 99 - 112)
6. Applications to Fell or Prune Trees (P620D) (Pages 113 - 114)

Report to be given at the next Planning Committee meeting on 15th April 2024.

7. Appeals Report (P000) (Pages 115 - 122)
8. Enforcement Report (P410) (Pages 123 - 126)

9. Local Government Act 1972 - Exclusion of Public

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

Part 2 (Non Public Information)

10. Unauthorised Development at 28 McMahon Avenue, Inkersall, Chesterfield, S43 3HN (Pages 127 - 134)

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, 11th March, 2024

Present:-

Councillor Brittain (Chair)

Councillors B Bingham	Councillors Miles
Caulfield	Stone
Falconer	Yates

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

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.

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

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.

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

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

*Matters dealt with under the Delegation Scheme

119 APOLOGIES FOR ABSENCE

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

120 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS

RELATING TO ITEMS ON THE AGENDA

No declarations of interest were received.

121 MINUTES OF PLANNING COMMITTEE

RESOLVED - That the Minutes of the meeting of the Planning Committee held on 19th February, 2024 be signed by the Chair as a true record.

122 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/23/00579/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.

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

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

In accordance with Minute No. 299 (2001/2002) Mr Rupert Carr (representative of applicant) addressed the meeting.

***RESOLVED**

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

That subject to completion of a Section106 agreement which binds the current proposals to the terms of the planning agreement dated 10th August 2005 the following applications be approved:

CHE/23/00579/REM,
 CHE/23/00583/REM1 and
 CHE/23/00584/REM.

That the following conditions and notes be imposed on the respective 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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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.
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.
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.
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.
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.

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

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

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.

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

***RESOLVED**

A. 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 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/02House type
 Cannington: T321 EH7 received 17.12.2021House type Denby: BDBY
 00HD received 17.12.2021House type Denford: BDNF 00HE received
 17.12.2021House type Ellerton: BLLE 00HE received 17.12.2021House
 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 17.12.2021House
 type Kennford: BKNR 00HD received 17.12.2021House type Kingsley
 BKEY 00HD received 17.12.2021House type Kingsville BKIS 00CE
 received 17.12.2021House 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

2. 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.

3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) 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.
9. 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.
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.

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.

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.

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.

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.

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.

B. That a CIL liability notice be issued as set out in paragraph 5.9 of the officer's report.

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

In accordance with Minute No. 299 (2001/2002) Mr Craig Barks (agent for applicant) addressed the meeting.

***RESOLVED**

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

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

123

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

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

(a) Approvals

CHE/22/00650/FUL	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
CHE/23/00352/FUL	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
CHE/23/00384/FUL	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
CHE/23/00548/FUL	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
CHE/23/00553/FUL	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
CHE/23/00565/FUL	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
CHE/23/00693/RET	Application of through coloured render to the principal elevation at Oldfield Farm, Wetlands Lane, Brimington, Chesterfield S43 1QG for Mr

and Mrs Walters

- CHE/23/00715/FUL Extensions and alterations including dormers and rendering to create two storey accommodation at 202 Hunloke Avenue, Boythorpe, Chesterfield S40 3ED for Mr Lee Mason
- CHE/23/00725/FUL 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
- CHE/23/00728/FUL 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) at 10B Packers Row, Chesterfield S40 1RB for Mr Diamantidis
- CHE/23/00735/FUL 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 at 85 Windermere Road, Newbold, Chesterfield S41 8DT for Mrs Johanne Miller
- CHE/23/00768/FUL Four new windows, repair and re-finishing of rendered gables and the addition of a front entrance porch (porch design version 2) at 15 High Street, Brimington, Chesterfield S43 1DE for Heywood House Children's Nursery
- CHE/23/00769/LBC Four new windows, repair and re-finishing of rendered gables, internal alterations and the addition of a front entrance porch (porch design version 2) at 15 High Street, Brimington, Chesterfield S43 1DE for Heywood House Children's Nursery

- CHE/24/00012/REM 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 at 43 Newbold Village, Newbold Road, Newbold, Chesterfield S41 8RJ for Mr Darren Gregory
- CHE/24/00068/TPO Removal of T19 from TPO 172 due to significantly suppressed growth and limited reduction in amenity because of the more dominant tree on its south side and replacement with a purple leafed Dawyck's Beech at 404 Old Road, Chesterfield S40 3QF for Mr Steven Treece
- CHE/24/00076/TPO 2 Beech trees - crown 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
- CHE/24/00077/TPO 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 at Chesterfield Model Engineering Society, The Clubhouse, Hady Hill, Hady, Chesterfield S41 0EE for Hady Miniature Railway
- CHE/24/00078/TPO TPO 112 Pine tree - Fell tree due to overhanging telephone wires, poor location, overshadowing, and plant replacement tree at 30 Littlemoor Crescent, Newbold, Chesterfield S41 8QJ for Mrs Frances Green

(b) Discharge of Planning Condition

- CHE/24/00011/DOC 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 at Hasland Support Centre, 38 The Green, Hasland, Chesterfield S41 0LN for Esteem Multi-Academy Trust

CHE/24/00087/DOC Discharge of Condition 4 (Landscaping) of application CHE/23/00630/FUL- Re-submission of application CHE/23/00309/FUL with revised plans at 392 Ashgate Road, Chesterfield S40 4DD for Richard Crampton

(c) Other Council no objection without comments

CHE/24/00020/CPO 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 at Foxlow Tip and Land Adjacent Breck Lane, Barrow Hill, Chesterfield for Chesterfield Canal Trust

(d) Prior approval not required

CHE/24/00033/DEM Demolition of 1960s two-storey office building at Bradbury House, Goyt Side Road, Chesterfield S40 2PH for Sonoco Consumer Products

(e) Unconditional permission

CHE/24/00022/CA 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

(f) Split decision with conditions

CHE/24/00017/TPO 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 at St Peter and St Paul School, Hady Hill, Hady, Chesterfield S41 0EF for Mrs Sally Morwood.

124 **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/24/00068/TPO Consent is granted to the felling of one Horsechestnut tree reference T19 on the Order Map and which is situated in the grounds of 404 Old Road with a condition to plant a replacement Beech tree in a more suitable location to the south of the property.

CHE/24/00076/TPO Consent is granted to the pruning of two Beech trees reference T29 & T30 on the Order Map and which are situated to the frontage of 659 Chatsworth Road.

CHE/24/00077/TPO Consent is granted to 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, with a condition to plant one new Oak tree in the first available planting season.

CHE/24/00078/TPO Consent is granted to the felling of one Pine tree within G3 on the Order Map and which is situated to the frontage of 30 Littlemoor Crescent with a condition attached to plant one Rowan tree in the first available planting season after felling.

CHE/24/00017/TPO Consent is granted to 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. Condition attached to plant 4 new trees consisting of 2 Oaks and 2 Lime trees in the first available planting season after felling.

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.

CHE/24/00040/TPO Consent is granted to 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.

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

CHE/24/00022/CA Agreement to the felling of two trees. The felling of the trees will have no adverse effect on the trees, one multi character and amenity of the area.

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.

125 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.

126 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.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	25 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 25th MARCH 2024**

ITEM 1	CHE/23/00370/REM - RESERVED MATTERS APPLICATION FOR CHE/20/00700/OUT - ERECTION OF 143 RESIDENTIAL UNITS, ASSOCIATED PARKING, SECONDARY ROADS AND LANDSCAPING, PHASE 1 ON LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR, CHESTERFIELD FOR HARRON HOMES.
ITEM 2	CHE/24/00019/REM1 - VARIATION OF CONDITION 1 (APPROVED PLANS) OF CHE/21/00131/REM - ERECTION OF DETACHED DWELLING INCLUDING ACCESS AT LAND BETWEEN 34 AND 38 LAKE VIEW AVENUE, WALTON, CHESTERFIELD, S40 3DR FOR MR LONG.

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ITEM 1

Reserved Matters application for CHE/20/00700/OUT - Erection of 143 residential units, associated parking, secondary roads and landscaping, Phase 1 on land south of Worksop Road, Mastin Moor for Harron Homes.

Local Plan: H35 and RP1

Ward: Staveley North

Plot No:

Committee Date: 25.03.2024

CONSULTATIONS

Environmental Agency	No comments to make
Chesterfield Canal Trust	No comments to make
CBC Economic Development	Request local labour/training clause and how this will relate to the skills hub.
Derbyshire Fire and Rescue	Recommend water sprinkler systems or 32mm water supply.
National Highways	No objection
Ramblers Association	No comments to make
Derbyshire Constabulary Designing Out Crime	Comment made see report
CBC Tree Officer	Subject to the tree protection measures agreed under CHE/23/00194/REM to be installed – no objection.
Highway Authority	Comments made see report.
Lead Local Flood Authority	No objection
Coal Authority	Concerns raised no information re: the high wall. Additional information submitted objection then withdrawn.
Active Travel England	Comment – Active travel opportunities should be pursued. Priority for pedestrians first. What form is the cycle parking, should be space for 1 cycle per bedroom. Need appropriate crossings incl. dropped kerbs and tactile paving. Query crossings over Bolsover Road, these are unclear.
Yorkshire Water	No objection

DCC Policy	Comment made re: housing mix, more 2 and 3 bed homes and single storey homes.
CBC Design Services Drainage	No comments to make
CBC Strategic Policy	Query the types of affordable housing. The M4(2) requirement is met. Concern regarding the space standards of the affordable units. Query the submission of a sustainability statement. Query open space typologies. Query BNG provision.
Representations	7 comments from the public notification process which are summarised in Part 6 of the report.

2.0 **THE SITE**

2.1 The application site relates to Phase 1 of the housing areas of the wider site. The Green Infrastructure and spine road details have already been agreed for the eastern side of Bolsover Road, Phases 1 and 2 under application CHE/23/00194/REM.



2.2 The site is green fields where works have commenced on providing the land levels to achieve the development as well as install the main access which was agreed under the Outline permission CHE/20/00700/OUT. Bolsover Road lies to the west of the site and Worksop Road to the north. There are open fields to the south and a small cluster of housing to the east. The site generally includes to the Worksop Road.

2.3 Photographs of the site:



3.0 **SITE HISTORY**

- 3.1 An outline planning application for 650 dwellings and other development was submitted in June 2017 prior to the Adopted of the Local Plan. The application was refused by the Council's Planning Committee in October 2019 which was allowed on appeal in October 2020.
- 3.2 CHE/17/00469/OUT - Residential development of up to 650 dwellings (including elderly care and specialist accommodation), a Local Centre (including local retail, health facilities, other local facilities and services), open space, community garden extension (including community building and parking) and associated infrastructure – Refused - Appeal Allowed 15.10.2020
- 3.3 CHE/20/00700/OUT Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks. Conditional permission 20.02.2023

- 3.4 CHE/23/00194/REM Approval of reserved matters of CHE/20/00700/OUT for the enabling works and infrastructure across Phases 1 and 2 including details of layout, scale, external appearance, landscaping and access. Conditional permission 22.08.2023
- 3.5 CHE/23/00197/DOC Discharge of conditions 5 (Phasing scheme), 6 (Delivery of Local Centre),7 (Delivery strategy),11 (Design Code/Framework),16 (Scheme to improve pedestrian connectivity with Bolsover Road),17 (Construction Management Plan), 18 (Construction details of estate roads), 20 (Highways details),23 (Disposal of highway surface water),25 (Management of streets) ,31 (Outfall of surface water), 32 (Disposal of on and off site foul surface water sewerage),33 (Drainage investigations),34 (Drainage hierarchy),35 (Avoidance of additional surface water run-off),36 (Attenuation ponds),38 (Site investigations) ,39 (Findings of site investigations),40 (Desktop study and remedial works),41 (Habitat metric),44 (Badger survey),45 (Construction Environmental Management Plan),46 (Badger protection measures),47 (Landscape and ecological management plan),49 (Tree protection plan and arboricultural method statement),51 (Management of public areas),52 (Written Scheme of Investigation),53 (Employment and Training Scheme),55 (Materials),56 (Land levels),57 (In accordance with noise and vibration assessment) and 58 (Sustainability statement) of application CHE/20/00700/OUT- Residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks – Pending consideration.
- 3.6 CHE/23/00399/DOC Discharge of conditions 13 (adaptable and accessible homes), 17 (construction management plan), 26 (bin and waste storage), 28 (layout of roads), 45 (biodiversity), 48 (landscaping), 57 (noise) and 58 (sustainability) of the outline planning permission CHE/20/00700/OUT - Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks - Pending consideration.
- 3.7 CHE/24/00118/DOC Discharge of conditions 3 (Details of planting and management plan), 4 (Geological source of stone for dry stone wall) and 7 (Site sections) of application CHE/23/00194/REM- Approval of

reserved matters of CHE/20/00700/OUT for the enabling works and infrastructure across Phases 1 and 2 including details of layout, scale, external appearance, landscaping and access – Pending consideration.

4.0 **THE PROPOSAL**

4.1 This is a reserved matters application for Phase of the house building element of the wider development. The proposal is for the erection of 143 dwellings and the access roads associated with these, albeit the spine road into the site has already been approved.

4.2 The proposal has been amended through the application process. The application is as follows: all dwellings at two storeys in height, the open market properties will be a mix of 3, 4 and 5 bedroom units. The affordable units of which there are 7 (5%) are 2 and 4 bedroom units. There will be two versions of house types, a contemporary version for the most visible roads and the typical Harron house type referred to as the traditional version. The scheme now also includes street trees to be within the managed open space rather than within the individual plots.

4.3 The site layout:



4.4 The house type variations:

Traditional type –



A 3 bed example, The Brackley:

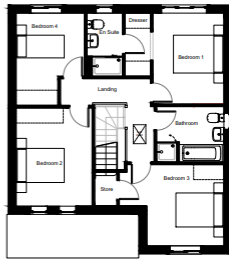


A 4 bed example, The Bourton:





Ground Floor Plans



First Floor Plans

A 4 bed example, The Empingham:



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

A 5 Bed example, The Banbury:



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

Contemporary type –



A 3 bed example, The Moreton:



Front Elevation



Side Elevation



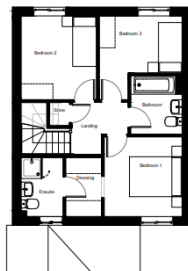
Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

A 4 bed example, The Banbury:



Front Elevation



Side Elevation



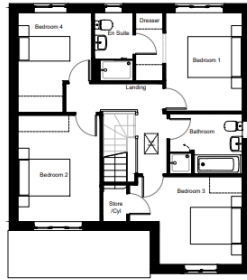
Rear Elevation



Side Elevation



Ground Floor Plans

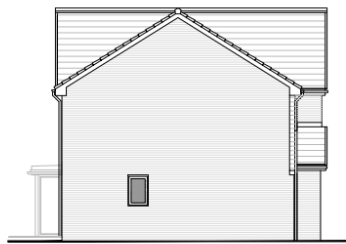


First Floor Plans

A 4 bed example, The Empingham:



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

A 5 bed example, the Newbury:



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plans



First Floor Plans

5.0 CONSIDERATIONS

5.1 Planning Policy

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

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

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP6 Economic Growth (Strategic Policy)

CLP9 Retail

CLP10 Social Infrastructure

CLP11 Infrastructure Delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

RP1 Regeneration Priority Areas (Strategic Policy)

5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

5.4 **Key Issues**

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

5.5 Principle of Development

- 5.5.1 Legislation requires that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035, Adopted July 2020.
- 5.5.2 The application site as proposed is an allocated Housing Site noted as H35 defined in table 4 to Policy CLP3 as set out in the Adopted Local Plan. Table 4 to Policy CLP3 allocates the site for 650 dwellings. The site is also designated under Policy RP1 where it requires that; the council will grant planning permission for development which supports regeneration where it would, amongst other matters, a) extend the type, tenure and quality of housing.
- 5.5.3 In line with policies CLP1, 2, 3 and policy RP1 the principle of the development is established by the granting of the outline permission which was subject to a raft of conditions and S106 matters to include:
- Affordable housing contribution (inc. viability review and escalator clause)
 - £247,260 towards GP facilities / upgrade
 - Appointment of a management company to maintain any communal / green open spaces; including any drainage infrastructure not formally adopted by the Water Authority
 - Funding for upgrading of existing bus stops
 - Funding for investigation into, and any implementation of, revisions to the speed limits on the B6419 Bolsover Road
 - Funding for the provision of a multi user link with Seymour Link Road
 - Funding for investigation into, and any implementation of, revisions to traffic lights at Norbriggs Road / A619 to enable multi usage
 - Travel Plan monitoring contribution sum of £1,500 per annum for 5 years minimum, longer if dictated by build out rate
- 5.5.4 This application seeks permission for the housing element only under Phase 1 of the development. For consideration is whether the submission meets the requirements of Adopted Local Plan policy and the outline permission.
- 5.5.5 Derbyshire County Council Policy Team have commented in terms of Adult Social Care and Health: “ASCH have no objections to 143 residential units being built on land south of Worksop Road, Mastin Moor. Our Older People’s Housing Accommodation and Support

strategy notes a need for age-designated housing suitable for an older population. We welcome the comment in the Planning Statement noting that all dwellings will be built to M4(2) standard; however, this doesn't seem to be echoed by the illustrative site location plan. We note that 89% of housing mix constitutes 4-5 bed dwellings, and that most of these dwellings greatly exceed the suggested National Space standards. We also note that the affordable Windslow type dwellings don't meet National Space requirements and feels this argues against space being used efficiently. In addition to only 11% of the dwelling mix being 2-3 bed, we are concerned that there are no dwellings on one level which will be suitable for users with limited mobility. We would appreciate a greater number of 2-3 bed dwellings being considered, with some dwellings built over one level. We feel this would improve the 'high standard of amenity for all' and ensure 'flexibility for future needs and uses'."

- 5.5.6 The provision of adaptable and accessible homes at 25% is met within the submitted plans (36 out of 143 units = 25.17%). The provision is also across both housing tenures which is welcomed. This is in line with policy CLP4 and the requirements of the outline permission. There is no requirement in Local Planning policy or within the Outline permission to provide single storey fully accessible housing at the site.
- 5.5.7 For affordable housing, the provision sits at 4.89% to meet a 5% provision. This is the first of a number of phases and throughout the whole there needs to be 5% provision, therefore the slight under provision in this case can be made up in other phases. The affordable housing is a mix of 2 and 4 bedroom homes in response to the comments of the Council's housing team where there is an over supply of 3 bedroom units in the area.
- 5.5.8 In terms of the space standards these are not adopted policy but are a useful guide to consider development. The scheme has been amended since the comments of the DCC Policy team were received and now the house types have been amended to the Windslow and Elston, on a basic assessment of the space standards of the these units the 2 bed 3 person unit would be 69.8 m² which is very slightly below the 70m² space standard and the 4 bed 5 person unit at 97.4m² is just above the 97m² space standard. On this basis the units are considered to be within acceptable space standard limits.
- 5.5.9 The connectivity of the site is primarily considered under the remit of the Green Infrastructure reserved matters where cycle and pedestrian

routes were considered. The comments of Active Travel England therefore relate primarily to that permission, the main crossing points were agreed under the Outline permission in terms of Bolsover Road. The Highway Authority have been heavily involved in the consideration of this case in terms of the street design in seeking to ensure appropriate highway user priority (Refer to the Highway Section below). The connecting streets and minor footways intended as part of this application are considered to appropriately draw on the agreed provision under application CHE/23/00194/REM. In terms of storage space for cycles, the majority of the units have garages to store cycles and where these are not provided the garden spaces are sufficient for a shed or other cycle storage facility to be installed. Therefore, the cycle storage needs are considered to be met.

- 5.5.10 In terms of principle matters the proposal is considered to be in accordance with the Outline permission and the relevant Adopted Policies of the Local Plan.

5.6 Design and Appearance and Heritage matters

- 5.6.1 Policy CLP21 advises that in respect of heritage assets; “In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the 9 conservation of designated heritage assets and their setting and seek to enhance them wherever possible”.
- 5.6.2 Paragraph 196 of the NPPF requires that; “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.
- 5.6.3 In terms of heritage assets, the outline notes: A total of six designated heritage assets located within the 1 km study area, all of which are listed buildings, one of which is Grade II* listed with the other five Grade II listed. Of these six, two Grade II listed buildings (Norbriggs House and the Church of St Peter) as well as the cluster of listed buildings at Bolsover Castle have been scoped into further setting assessment, on the basis of the potential for harm to their significance from a change within their setting arising from development within the Site. The outline permission noted that the substantial benefits arising from the development outweighed any lower level less than substantial harm to heritage assets.

- 5.6.4 In this case the matter is considering the detail of Phase 1 of the housing element. It is not considered that the impacts in considering the design of the scheme result in a differing response to the outline permission. Therefore, the impact on heritage matters is acceptable in line with policy CLP21 and para 196 of the NPPF. Matters of archaeology were considered and conditioned under the outline permission.
- 5.6.5 Policy CLP20 requires in part that; “All development should respond positively to the character of the site and surroundings and respect the local distinctiveness of its context.” The issue to consider in this case is that in accepting development on the site is the design of the proposed open space appropriate to that context.
- 5.6.6 Through the application process substantial negotiation has been undertaken which has resulted in positive changes to the submitted scheme in terms of the layout of the housing. The dwellings are now better oriented to the public open space, a footpath has been provided to better link the housing elements and street trees are to be provided within the publicly maintained open space rather than front gardens.
- 5.6.7 The Outline permission required the agreement of a development Framework for the whole development. This has been agreed via condition and sets out character areas for various phases of the site and that a high quality of architecture for the development is required. The original submission had two versions of the house types for the development. Whilst the same in terms of floor plans the two different house types were a typical Harron Homes house type and a more updated contemporary version. This application relates to Phase 1 of a much wider development which will incorporate a number of different house builders who all have differing house types. Therefore, the applicant was advised that the contemporary version of the house types would be a better design solution for the site as a higher quality of architecture which will be easier to assimilate with the contemporary house types of other house builders. Whilst resistant to changing all of the house types to their contemporary version, the applicant has agreed to change the most strategic viewpoints of the site to the contemporary house type, leaving the more traditional house types to the less visible areas of the site. This will ensure that when further phases of housing come forward that in the wider views of the whole site the development will visually assimilate together to create an appropriately designed development.

Site visualisations:



View from Bolsover Road looking North with PH1 to the East



View down Road 7 with the Southern POS



View down Road 1 from Bolsover Road



View towards Road 8 from central POS

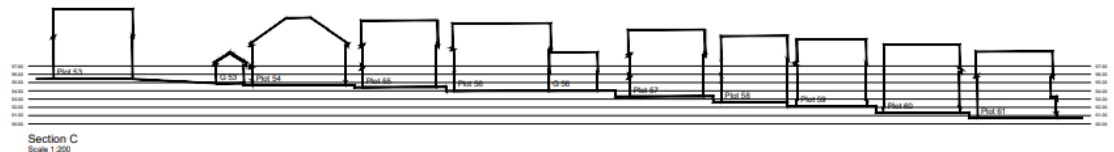
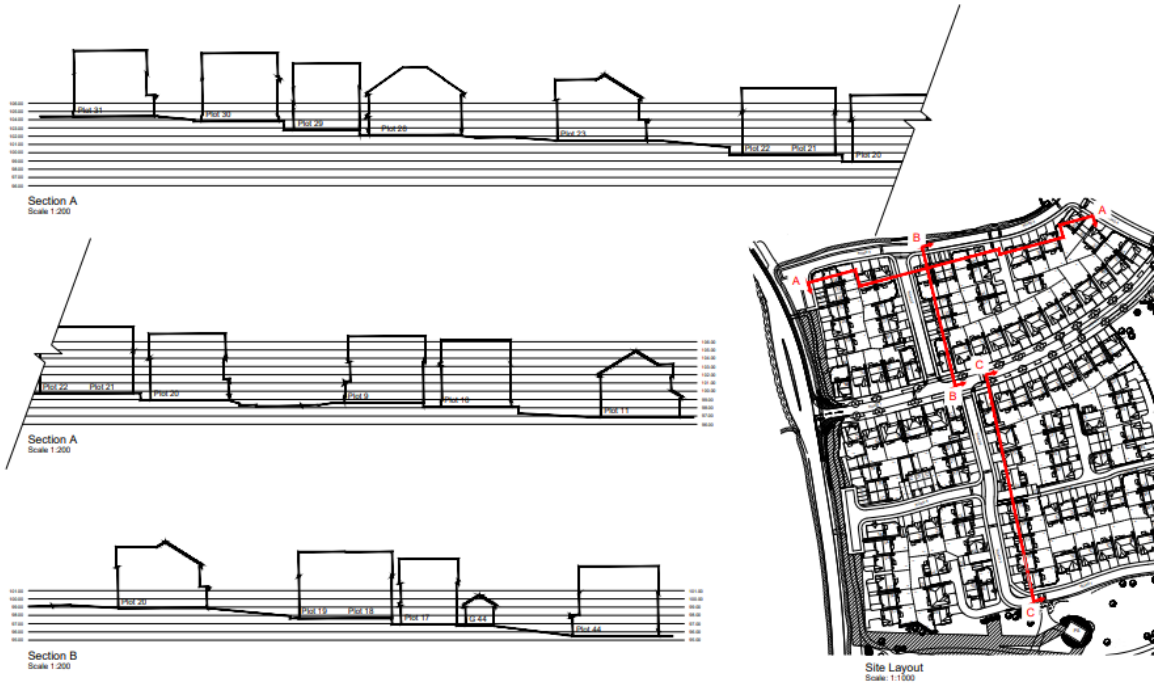
5.6.8

Again, in an approach to ensure a consistency of form and design to the wider development, whilst some materials have been noted within the submitted plans, the mix of materials needs to reflect the local area and therefore a condition is required to agree these. For example, it is likely that a buff brick would be less appropriate in this location where there is a theme of red brick and render. Similarly, a brown or grey roofing material is more suitable than red, given the visual prominence of the roofing on this sloping site. whilst materials are covered by condition 55 of the Outline permission a new condition needs to ensure the materials of the dwellings are not to be as submitted on the materials layout plan 593-005 E. The hard surfacing materials proposed on the submitted plans of tarmac to roads, block paving to driveways and buff paving flags to paths and patios, these are considered to be acceptable.

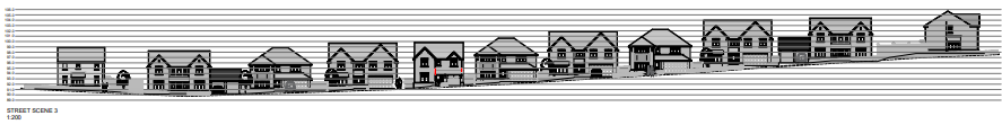
5.6.9

The site is steeply sloping and therefore the consideration of levels is important to the finished form of the development. For this the applicant has provided street scenes and site sections to demonstrate how the levels will be incorporated into the layout and form of the development.

Site sections:



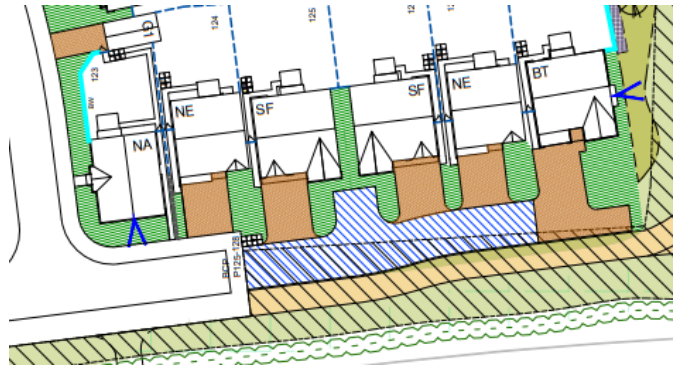
Street Scenes:



- 5.6.10 The resulting details of the levels are considered to be appropriate. Whilst details of boundary treatments have been provided, there are likely to be some retaining boundary treatments which are not detailed on plan. Therefore, a condition is required to secure any retaining features. The boundary treatments are a mix of fences within rear gardens, with screen walls and screen walls with fence insert to the main public facing borders of the housing. These are considered to be appropriate boundary treatments. However, the scheme shows only post and rail fencing to the rear gardens of the affordable units which is not appropriate and a 1.8m high featheredge timber fence should be provided here, in line with what is being provided on the remainder of the plots. This will be secured via condition.
- 5.6.11 Derbyshire Constabulary Designing Out Crime have commented on the scheme as follows:
“The residential edge of the western side of the site has pedestrian/cycle and pedestrian only routes between house frontages and the roadside/boundary hedge, where I would recommend that boundary division needs to be strengthened because of reduced overlooking and the close proximity between the pathways and residential frontages . The knee rail proposed for parts of this edge should be replaced with the 1.2m estate rail proposed elsewhere. This would be for the shared driveway of plots 13-15/private drive of plot 1, the shared driveway for plots 131 and 142, and for the shared driveway for plots 127-129/private drive of plot 130.
A significant amount of private frontages and sides are provided with a hedge to define private space. This is indicated as a clipped box hedge on visualisations, the realisation of which will depend upon species and maintenance. Can I suggest that low growing type is specified to maintain the street views available from roadside and key corner plots. Most key corner plots have double fronted Bourton and Empingham house types and present an active edge. There are seven Moreton and Shelford house types sited at key locations, which in my view are weak corner units. Plots 11, 119, 122 and 135 for the Moreton, and 5, 111 and 138 for the Shelford should have an additional side lounge window added at these locations, or alternatively be substituted for Bourton/Empingham/other double fronted house designs.”
- 5.6.12 In order to address the concerns of the Derbyshire Constabulary a condition will be added for further consideration of the treatment to the boundary of the housing where it meets the public open space. There needs to be further consideration of these landscaped areas which will likely be within private plot ownership but appear to be within the public

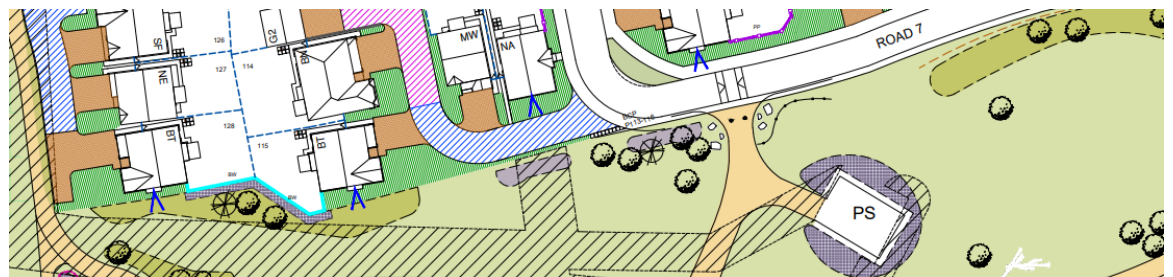
realm. A condition is needed to remove permitted development rights from these areas as well as to ensure appropriate finished boundary treatments in order to define the public and private spaces.

Example of where consideration is needed to define the public and private spaces:



- 5.6.13 In terms of the concerns about natural surveillance from corner plots, the amendments to the scheme have ensured that the properties on corners have side views for natural surveillance. Given the number of properties overlooking the open space it is considered that there is sufficient surveillance of these areas.

For example, the blue arrows indicate side windows:



- 5.6.14 Subject to conditions the design and visual impact of the scheme is considered to be acceptable inline with Policy CLP20 of the Adopted Local Plan. In terms of heritage impacts, these are considered to be no more substantial than as resolved on the Outline permission in accordance with Policy CLP21 of the Adopted Local Plan.

5.7 **Impact on Residential Amenity**

- 5.7.1 Policy CLP14 of the Adopted Local plan requires that; “The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing

environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers.”

5.7.2 The Outline permission require via condition that all reserved matters applications were in accordance with the recommendations of the submitted noise and vibration assessment with each phase accompanied by a report of compliance. That original report noted the potential impact of road noise from the Bolsover and Worksop Roads.

5.7.3 In this application a noise report has been submitted which notes: “A noise impact assessment has been performed for the proposed residential development at land to the east of Bolsover Road. Noise monitoring was carried out on 8th September through to 9th September 2022, to determine the level of external noise affecting the proposed development. Section 4 provides recommendations for a noise mitigation strategy, to protect potential future residential development at the site from the existing noise climate using relevant guidance including BS8233 / ProPG.” This is demonstrated on the following plan:

Appendix 3 – Sound Attenuation Scheme



Bedrooms requiring enhanced glazing and ventilation
2.0-metre-high brick wall / close boarded timber fence

5.7.3 The details in this latest report are considered to be in line with the original submission at the Outline stage. The requirements of the noise report are detailed in the boundary treatment plans for the development. The requirement of the enhanced glazing and ventilation are noted. A condition will secure these matters to ensure the potential noise from

the highway does not adversely impact the amenity of future residents.

- 5.7.4 Given the distance of the new housing to the nearest neighbouring properties there are not considered to be any adverse impacts arising in terms of overlooking or overshadowing issues that would warrant amendments of the application. The relationships between the new housing are also considered to be acceptable in terms of amenity impacts.
- 5.7.5 Subject to the additional condition to secure the noise mitigation measures the proposal is considered to meet the requirements of Policy CLP14 of the Adopted Local Plan.

5.8 Highways Safety and Parking Provision

- 5.8.1 The access point into the site from Bolsover Road were agreed at the Outline stage. The reserved matters for the Green Infrastructure also included the spine road into Phase 1. Therefore this application is considering the layout of the highway within the remainder of Phase 1 only along with parking and details such as gradients.
- 5.8.2 Policy CLP22 requires that; To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices. This will be done by seeking ways in which to reduce travel by private car and seeking enhancements of and incentives for walking, cycling and use of public transport. Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.8.3 Through the application process there has been considerable negotiation with the Highway Authority regarding the layout of the streets, designing for the priority of street users, design to reduce traffic speed and street trees.
- 5.8.4 In response to the latest revisions the following comments were received from the Highway Authority:
“It is noted that the amendments suggested in previous comments have been made to the layout for roads 8 and 9.

Whilst the overall layout remains disappointing on a number of issues as per previous comments, the design is considered to be safe and functional and as such there are no highway authority objections to the application.

It is recommended that conditions are included in any consent granted.”

5.8.5 The previous comments to this reflected the earlier discussions as follows:

“The lack of tree lined streets in the whole of the layout is again disappointing with the associated benefits of tree lined streets being missed e.g. shading, urban cooling, positive impact on air pollution etc. as outlined in TDAG guidance. It is noted that road 5 includes a section of verge/trees fronting plots 54 – 60 with the verge to the rear of the footway. This area will not be included in any road adoption agreement and the future maintenance of this area will need to be included in a separate management company agreement.

The extension of the footway through the junction of roads 5 and 6 included within the raised plateau is welcomed.

Road 6 misses the opportunity to provide a more pedestrian friendly layout and environment with, what appears to be, little thought given to creating an alternative to the traditional car dominant layout. The same comments apply to the majority of the layout.

Road 7 does incorporate crossing opportunities which align with the POS to the south but will not be effective as a speed reducing features in the locations provided. The junction with road 8, again, could be more inventive to create a more visually pleasing and pedestrian prioritised junction. Similarly, the same applies at the bend on road 8 at the ‘junction’ with the pedestrian access to POS to the north and the private drives serving plots 79 – 86.

Roads 8 and 9 include build outs which reduce the road width to 4.1m over a very short length. These will be ineffective and will need to be removed.

Ultimately, as expressed previously, the overall design of the internal estate is disappointing and misses opportunities to create a less vehicle dominant, more pedestrian friendly and aesthetically pleasing layout and environment with tree lined streets; however, aside from the removal of the build outs on roads 8 and 9, the submitted layout is

considered to be safe and functional to serve the access requirements of the site and as such it is considered that there are no grounds for the highway authority to object to the layout.”

- 5.8.5 Active Travel England have noted that:
Active travel opportunities should be pursued. Priority for pedestrians first. What form is the cycle parking, should be space for 1 cycle per bedroom. Need appropriate crossings incl. dropped kerbs and tactile paving. Query crossings over Bolsover Road, these are unclear.
- 5.8.6 In response to the comments of Active Travel England, it should be noted that the crossing points their detail and footpath and cycle routes through the site are already secured under either the Outline permission or as part of the Green Infrastructure reserved matters permission. This is why they are not detailed in this application. The matter of cycle parking has also been noted by the Highway Authority and will be controlled via condition. It is therefore considered that active travel aims in terms of this housing phase 1 element only has been met in accordance with policy CLP22.
- 5.8.7 As noted above the street trees other than on the spine road will be within the managed open space rather than front gardens which is considered to be sufficient to meet the definition of street trees.

5.9 Biodiversity, impact on protected species, enhancement and Trees

- 5.9.1 Policy CLP16 of the Local Plan requires that; The council will expect development proposals to: protect, enhance and contribute to the management of the borough’s ecological network of habitats, protected and priority species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a local wildlife site or priority habitat; and – avoid or minimise adverse impacts on biodiversity and geodiversity; and – provide a net measurable gain in biodiversity. The outline permission considered the need to enhance biodiversity and appropriate measures to mitigate harm to protected species, these matters were secured via condition. The discharge of those conditions is under consideration and

it is important to ensure that each reserved matters application seeks to meet the outline requirements.

- 5.9.2 Derbyshire Wildlife Trust have commented on the submission:
“This REM application boundary largely comprises housing, excluding larger areas of open space/soft landscaping. We are pleased to see street trees along the access road and soft landscaping incorporated in front gardens. No detailed comments to make due to the built nature of this phase.”
- 5.9.3 For clarity the outline permission set out the ecological requirements of the site in seeking a measurable net gain in biodiversity primarily through landscaping of the wider site. as the green infrastructure permission included the open space to Phase 1 and 2 this is where the gains in biodiversity will be provided. Therefore, the Trust in noting that this application is for the housing element only are reiterating the intentions of the developable plots of the site to ensure that the landscaped areas seek the necessary biodiversity gains.
- 5.9.4 However, there are some minor enhancements as part of the housing provision in that the materials layout plan 593-005 Rev E shows the plots which will have bat boxes and swift boxes built into the fabric of the external walls. This is welcomed and the locations chosen are appropriate in terms of their connection to the landscaped areas of the wider site. A condition is recommended to secure these elements prior to occupation. In addition, detailed landscaping plans have not been submitted for this housing layout, these details are therefore required to be agreed via condition. Subject to conditions, the scheme is considered to meet the biodiversity and ecological requirements pertaining to this reserved matters submission in accordance with policy CLP16 of the Adopted Local Plan.

5.10 Ground conditions

- 5.10.1 Policy CLP14 of the Adopted Local plan requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 5.10.2 The Coal Authority have commented:
“Substantive Concern - Conditions 38 and 39 of the planning permission seeks to address coal mining legacy issues. In terms of providing comments in relation to this planning application, it is noted that the

submission is a reserved matters application in respect of outline planning approval reference CHE/20/00700/OUT. However, on the basis that we remain unclear as to the situation with regard to the high wall of the former surface extraction and whether the built development layout has been designed around these coal mining hazards, the Coal Authority objects to this planning application. In noting the requirements of both Conditions 38 and 39 with specific regard to the high wall, no annotation is included on the layout drawing to show designated no build zones and the precise location of the high walls within the planning boundary.”

Further information was submitted to address these concerns with the Coal Authority then commenting:

“We last commented on this submission in a letter to the LPA dated 14th July 2023. In this letter we noted we remained unclear as to the situation with regard to the high wall of the former surface extraction and whether the built development layout has been designed around these coal mining hazards. The applicant has now provided a Coal Mining Overlay plan which shows that the areas of surface mining activity lie outside of the site and that there is no requirement to design the layout to avoid any surface mining highwalls. On this basis I can confirm that the Planning team at the Coal Authority withdraws its objection to this reserved matters submission.”

5.10.3 On this basis and given the conditions of the Outline permission in terms of ground conditions in relation to former coal mining activity and any associated contaminants, the proposal is considered to be acceptable in accordance with Policy CLP14 of the Adopted Local Plan.

5.11 Drainage

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

5.11.2 On the basis of the conditional requirements of the Outline permission, the Lead Local Flood Authority and Yorkshire Water have had no comments to make on this housing only reserved matters submission. The SUD’s provision was considered as part of the outline permission and under the green infrastructure reserved matters permission for Phases 1 and 2. Therefore there are no other drainage matters to

consider at this stage. In this regard the proposal is in accordance with Policy CLP13 of the Adopted Local Plan.

5.12 Development Contributions and CIL Liability.

- 5.12.1 Infrastructure matters were considered at the Outline stage where the S106 agreement relating to that permission secured; £247,260 for the expansion of Royal Primary Care and Barlborough Medical Practice, affordable housing provision, £60,000 for cycle connections, and multiple further contributions in relation to highway improvements. Other infrastructure matters such as school provision are considered under the Community Infrastructure Levy.
- 5.12.2 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the low CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)).
- 5.12.3 As the scheme has been amended late in the process the required CIL form 1 setting out the floor space of all dwellings proposed has not yet been submitted. It is anticipated that this information will be updated directly to the committee.

6.0 REPRESENTATIONS

- 6.1 7 representations have been received which are summarised as follows:
- 6.2 This is prime agricultural land needed to feed the nation.
This is a haven for wildlife.
Infrastructure cannot cope with this development.
The A619 is a no-go area at rush hour, school children breathing fumes from standing traffic, emergency vehicles struggling to get through.
Schools cannot cope with more children.
GP's and NHS running at capacity additional families mean longer waits for GP's and dentists.
Chatsworth Estate should concentrate on farming.
There are plenty of brownfield sites to be delivered.
There is a private field leased from Chatsworth, the only protection for this field is a sparse hedge, as secure boundary is needed. We do not want new residents to use our land by walking though the hedging.

It seems that resident voices have been silenced to let this development go through.

Local businesses got letters about the development before neighbours. No thought to local infrastructure, roads are not being widened to accommodate this development free for all.

We have raised these issues over many developments, HGV's from Great Bear are increasing the risks to children going to school. The road is jammed and not fit for purpose.

The impact of the development will make things worse with mud on the road etc.

There are probably shady dealings happening between developers and council rep, to dismiss the will of local people is terrible.

Out of 143 homes only 7 will be affordable.

We should be building more council properties instead.

There was mention of a public house being built, assume this has been canned as it doesn't fit the narrative.

6.3 Comments from Chesterfield Hospital requesting £361,000 contribution.

6.4 Comments from Devonshire Group (Landowner) in favour of the application:

Harron Homes were selected in a robust process where 4 housebuilders were considered. The decision was based on a combination of technical competency, sustainability, community engagement, commitment to training and to the Construction Skills Hub, diversity, customer care and most importantly design and quality of product. Harron have a proven reputation for delivering good quality housing.

6.5 **Officer response to matters raised:**

Outline planning permission has been granted and therefore matters pertaining to the principle and quantum of development cannot be considered at this stage. This includes impacts on traffic as this was considered in detail at the outline stage with the access points agreed.

In terms of the boundary to the adjacent field this was considered under the Phase 1 and 2 Green Infrastructure Reserved Matters application CHE/23/00194/REM where it was agreed and conditioned (condition 8) that a post and rail fence and additional hedge planting was appropriate to this boundary. It should be noted that the red edge for this application does not extend to the edge of the field.

The extent of affordable housing is in line with the Outline permission which is policy compliant.

Matters of infrastructure including GP provision were considered and secured at the Outline stage and cannot be reconsidered.

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 This reserved matters submission for the Phase 1 housing element is considered to be acceptable in terms of creating an appropriate form of housing development in line with the aims of the development Framework secured as part of the Outline permission. This is the first of a number of phases of housing where the whole development will need to work as one in terms of the overall design quality and creation of place. The submission is considered to be in accordance with the requirements of the outline permission for which outstanding conditions continue to be considered. On this basis in line with the outline permission and allocation in the Local Plan and subject to the additional conditions as set out above the application is acceptable and recommended for approval.

10.0 **RECOMMENDATION**

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

Conditions

1. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any conditional requirement below or of the Outline permission (CHE/20/00700/OUT) or 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 593-003 received 15.06.2023
- Site layout 593-001 Rev Q received 08.03.2024
- External materials and boundary treatments layout 593-006 Rev D received 08.03.2024
- Materials layout 593-005 Rev E received 08.03.2024
- House type bundle Rev C received 05.03.2024
- Coal mining overlay 593 received 29.01.2024
- Adoptable highway geometry principles 1163-001 received 29.01.2024

- Street scenes 593-021 received 29.01.2024 (notwithstanding the updated house type bundle Rev C)
- Site sections 593-009 received 29.01.2024
- Fire swept path analysis 593-012 received 15.06.2023
- Refuse swept path analysis 593-011 received 15.06.2023
- Deliveries swept path analysis 593-013 received 15.06.2023
- Drainage strategy 1163-SK04 received 15.06.2023
- Levels Strategy 1163-SK03 received 15.06.2023
- Noise impact assessment received 15.06.2023
- Design and Access Statement received 21.06.2023
- JSP Ltd Sustainability statement Bolsover Road Mastin Moor Phase 1 dated October 2022 received 15.06.2023
- Phase 1 planning statement received 15.06.2023
- Eastwood Remediation implementation plan dated 9th November 2022 received 15.06.2023
- Construction Environmental management plan received 15.06.2023
- Eastwood Geotechnical and Geo-environmental Site Investigation dated 12th September 2022 Part 1 to 6 received 15.06.2023
- Sales area plan 593-201 Rev B received 15.06.2023

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

2. Notwithstanding submitted plan 593-201 Rev B received 15.06.2023, this permission does not grant advertisement consent for the sales signage or flags.

Reason – For clarification of the permission.

3. Prior to works commencing beyond slab level on the first plot, details of all retaining features; including any walls, structures or banking shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason – To ensure any retaining features are appropriate in scale and finish in accordance with policies CLP14 and 20 of the Adopted Local Plan.

4. Prior to works commencing beyond slab level on the first plot, details of boundary treatments to clearly define the separation of public and private spaces to the housing across the site, shall be submitted to and

approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

Reason – To ensure there is clarity over public and private space in accordance with policies CLP14 and 20 of the Adopted Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the area of the curtilage between the dwelling and the highway or open space edge as defined by the agreed boundary locations set out on the external materials and boundary treatments layout plan 593-006 Rev D received 08.03.2024, in respect of the following plots; 1, 5, 9, 11, 20, 23, 26, 27, 28, 31, 33, 44, 45, 53, 56, 57, 61, 67, 70, 76, 79, 80, 81, 82, 86, 87, 96, 97, 99, 100, 101, 109, 110, 112, 115, 116, 117, 120, 123, 128, 131, 135, 138, 143, without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To safeguard the visual amenity of the site in accordance with policy CLP20 of the Adopted Local Plan.

6. Notwithstanding the external materials and boundary treatments layout plan 593-006 Rev D received 08.03.20, the northern boundary to plot 57 where it is adjacent the footpath and shown as a dotted blue line, there shall be a 1.8m high screen fence with brick dwarf wall and piers as demonstrated by the purple line on the same plan.

Reason - To safeguard the visual amenity of the site in accordance with policy CLP20 of the Adopted Local Plan.

7. Notwithstanding the details shown on plan External materials and boundary treatments layout plan no. 593-006 Rev D received 08.03.20, the rear garden boundaries to the affordable housing shall be the 1.8m high feather edge timber fence, not the 1.2m high post and rail fence.

Reason - To safeguard the visual amenity of the site in accordance with policy CLP20 of the Adopted Local Plan.

8. In accordance with conditions 3 to 7 above the agreed boundary treatments defined as agreed or shown on the external materials and boundary treatments layout plan no. 593-006 Rev D received

08.03.2024, shall be installed on site in accordance with the agreed details prior to the occupation of each unit.

Reason – In order to ensure an appropriate finished form of development in accordance with policy CLP20 of the Adopted Local Plan.

9. Notwithstanding the external materials shown on Materials layout plan 593-005 Rev E received 08.03.2024, the external facing materials of the housing hereby approved shall be agreed in writing with the Local Planning Authority in accordance with condition 55 of the outline permission CHE/20/00700/OUT.

Reason – To ensure control over the finished material palette for the visual benefit of the wider development site in accordance with policy CLP20 of the Adopted Local Plan.

10. The development shall be completed in accordance with the recommendations of the Noise Impact Assessment for Harron Homes dated 19th September 2022 NIA-10539-22-10680-v1 Mastin Moor, Phase 1.

Reason – In the interests of residential amenity in accordance with Policy CLP14 of the Adopted Local Plan.

11. The bat and bird boxes to be integrated into the fabric of the external walls as shown on materials layout plan 593-005 Rev E shall be installed prior to the occupation of each unit where the boxes are to be provided.

Reason – In the interests of biodiversity enhancement in accordance with Policy CLP16 of the Adopted Local Plan.

12. Further to the requirements of condition 48 of the outline permission CHE/20/00700/OUT, and prior to the development progressing above the slab level of the first dwelling in the phase to which this permission relates, details of 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.

The details shall include:

- 1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;
 - 2) details of;
 - a) tree pit design;
 - b) underground modular systems;
 - c) sustainable urban drainage integration;
 - 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
 - 5) types and dimensions of all boundary treatments.
- There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the Local Planning Authority.

Reason - To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies CLP15, 16 and 17 of the Adopted Local Plan.

13. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on the submitted drawing(s).

Reason - To ensure conformity with submitted details.

14. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 25m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

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

15. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided for

each plot in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking storage area shall be maintained for this purpose thereafter.

Reason - To promote sustainable travel and healthy communities in accordance with Policy CLP22 of the Adopted Local Plan.

16. Notwithstanding House type bundle Rev C received 05.03.2024, to house type The Empingham there shall be no blocked window detail to the upper floor side elevation, which shall instead have plain bricked walling.

Reason – To ensure an appropriate finished form of development in accordance with Policy CLP20 of the Adopted Local Plan.

Informative notes:

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the design and layout of the development in order to achieve a positive outcome for the application.
2. Highways
 - a) The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

b) All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

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ITEM 2

VARIATION OF CONDITION 1 (APPROVED PLANS) OF CHE/21/00131/REM - ERECTION OF DETACHED DWELLING INCLUDING ACCESS AT LAND BETWEEN 34 AND 38 LAKE VIEW AVENUE, WALTON, CHESTERFIELD, S40 3DR FOR MR LONG

Local Plan: Unallocated, within the built up area

1.0 CONSULTATIONS

Ward Members No comments received

Representations 6 representations received in total – see report

2.0 THE SITE

2.1 The site subject of this application is located on Lake View Avenue, situated at the turning head of the cul-de-sac. The plot is triangular in shape and previously formed part of the garden curtilage of No 38 Lake View Avenue. The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Extract of submitted location plan © Aerial photograph Google maps ©

2.2 The site and surrounding properties were originally sold as private self-build plots by Chesterfield Borough Council. The site subject of this application was known as 'Plot 59' and was never developed, instead bought by the owners of No 38 Lake View to extend the garden curtilage. The immediate streetscene surrounding the site predominately comprises of single storey dwellings with two storeys evident at No 47 Lake View Avenue. The application site is located

between properties on Raneld Mount and Sandiway, which are more varied in character comprising of properties with multiple storeys (1.5 and 2) which are visible from the streetscene. It is noted that neighbour representations state that describing the properties as 1.5 and 2 storey is incorrect. A storey is a descriptive term to label the number of levels in a property and is considered to be appropriate in this context.

2.3

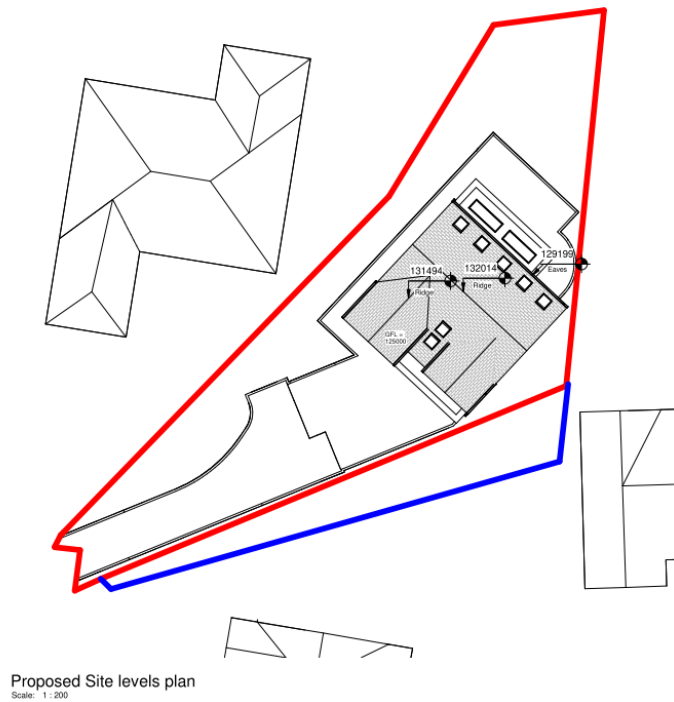
The plot has a narrow frontage facing on Lake View Avenue consists of a gated access. The existing boundary treatments are varied, including a conifer hedge to the eastern boundary, timber fence to the south boundary and a retaining brick wall to the north/north western boundary. The land levels within the site increase towards the eastern boundary and as such the plot is elevated above No 34 Lake View Avenue to the West.



2.4

Outline consent was previously granted in 2016 (see application CHE/16/00019/OUT) for a single chalet bungalow with all matters reserved, the deadline for the submission of the reserved matters expired in 2019. A new outline application with all matters reserved except access was submitted in 2019 application reference CHE/19/00088/OUT which was granted April 2019. The subsequent reserved matters application CHE/21/00131/REM was granted

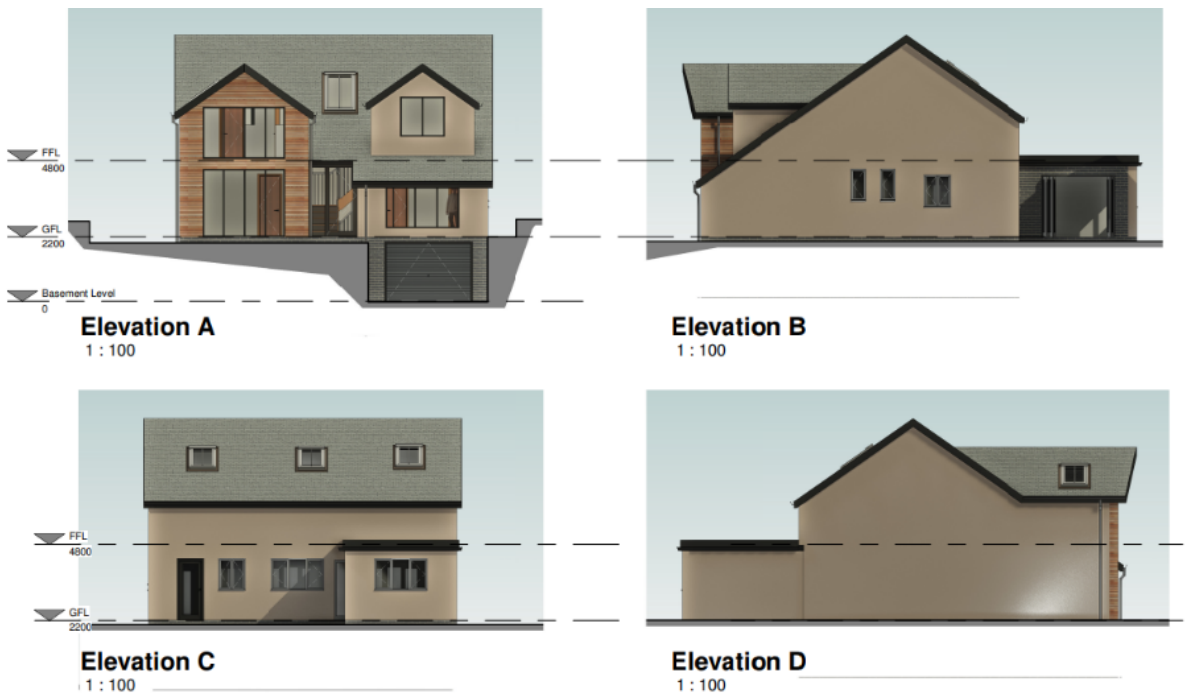
Proposed site plan



4.2

The footprint of the proposed dwelling reflects the previously approved position. The main alterations to the site plan are amendments to the parking area to account for the removal of the below ground garage space. Alterations are proposed to the hardsurfacing and creation of a patio space to the rear of the property wrapping around the side of the house and the rear. To the rear of the property the single storey structure has been amended with a reduced rearwards projection and increase in width.

Previously approved elevational plans



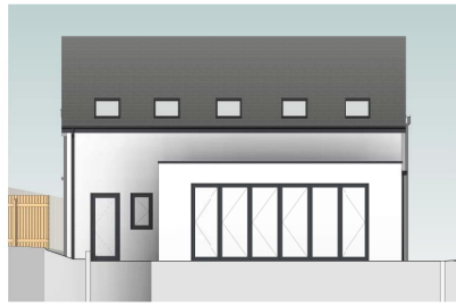
Proposed elevations



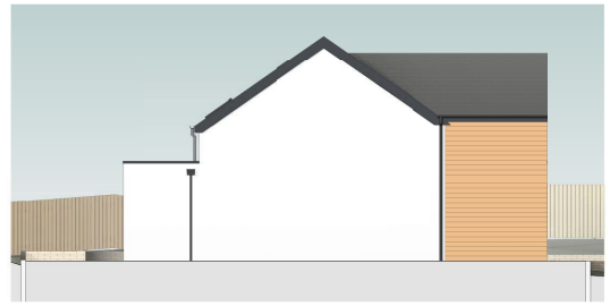
Front Elevation
Scale: 1:50



Side Elevation 1
Scale: 1:50



Back Elevation
Scale: 1:50

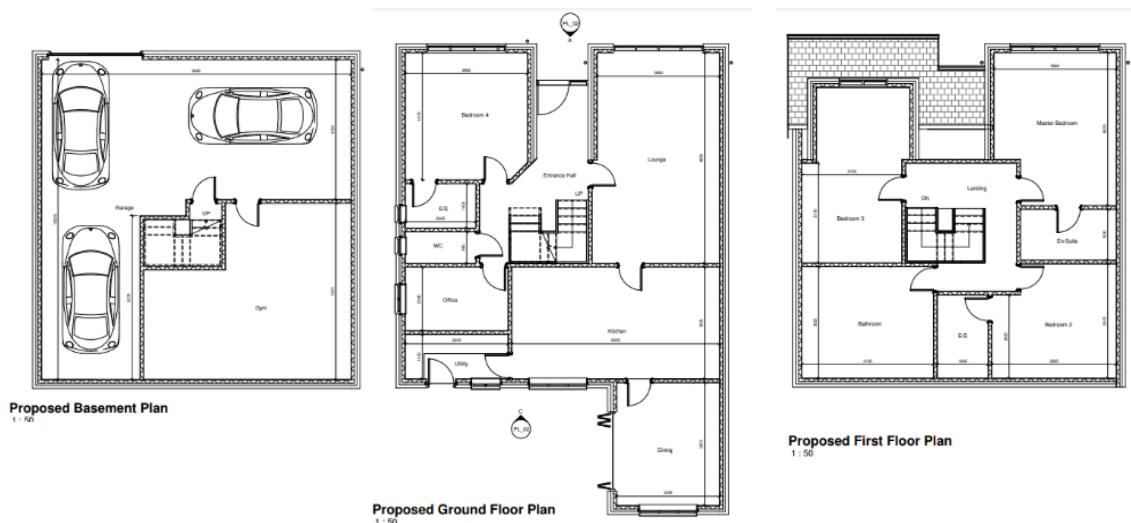


Side Elevation 2
Scale: 1:50

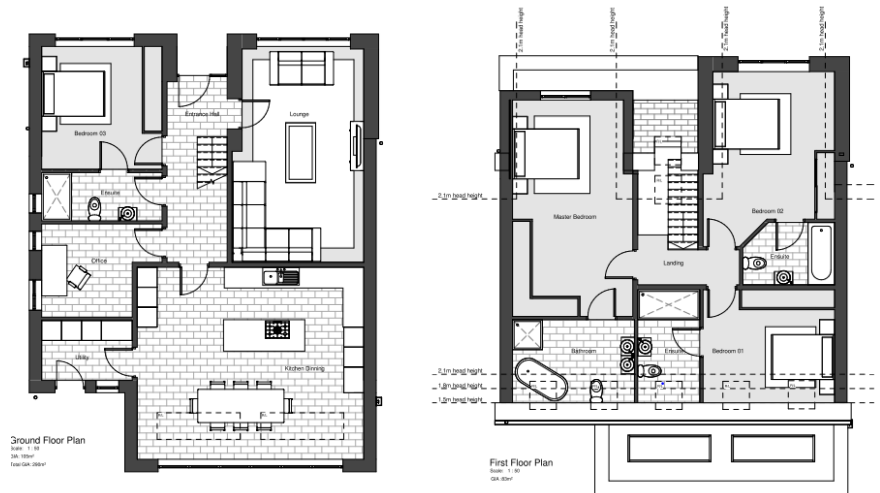
4.3 The proposed elevations have removed the dormer to be replaced with subservient intersecting dual pitched roof form with flat roof design at ground floor. Alterations are also proposed to the fenestration design and increase in the number of roof lights. To the rear the single storey structure has a smaller rearwards projection and increase in width with bi-fold doors.

4.4 The submitted elevations indicated white render and timber cladding. Concerns were previously raised regarding the use of render which is not considered to be appropriate in this context. A materials condition was previously recommended for external materials to be agreed.

Previously approved floor plans



Proposed floor plans



4.5 The revised proposal extends over two floors and is approximately 241sqm, the previously approved plans extended to 303sqm. The first floor of the dwelling is very similar in layout to the previously approved scheme, with three bedrooms, one bathroom and two en-suites. The ground floor retains a lounge and fourth bedroom with ensuite and altered arrangement of the study and utility. The previously approved scheme incorporated a kitchen with separate dining room, the revised scheme proposes an open plan kitchen/dining room utilising the single storey structure to the rear.

4.6 The proposal will provide an acceptable level private amenity space which exceeds the minimum recommendations as set out by the adopted Supplementary Planning Document 'Successful Places'.

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)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment

- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

Supplementary Planning Documents

- Successful Places A Guide to Sustainable Housing Layout and Design

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport
- Part 12. Achieving well-designed and beautiful places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 Principle of Development

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

5.5 Design and Appearance of the Proposal

Relevant Policies

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

Considerations

- 5.5.2 The application site comprises of a triangular shaped plot with a narrow frontage to the public highway. In response to the constraints of the site the dwelling from the public highway. The revised proposal is formed of a two dual pitched roof with two intersecting gables to the principal elevation.
- 5.5.3 The surrounding streetscene is predominately characterised by single storey bungalows however properties with two storeys are visible in the immediate vicinity (No 47 and 15 Sandiway). It is acknowledged that the proposal will introduce a development which is two storeys in character. The previously approved plans had a pitched roof dormer to the principal elevation above the proposed lower ground floor garage to create a degree of visual subservience. The revised plans propose the removal of the lower ground floor and alterations to the dormer to create a second intersecting pitched roof gable set back from the principle gable.
- 5.5.4 It is necessary to acknowledge that the principle of a dwelling with windows over two floors/storeys was previously deemed to be acceptable at planning committee. The nature of the site with narrow frontage and notable set back of the proposed dwelling is considered to reduce the visibility of the proposed dwelling within the streetscene. In planning terms it is considered that the site can accommodate a dwelling of this scale and would not result in significant adverse impact on the character and appearance of the streetscene.
- 5.5.5 Proposed materials incorporate timber cladding and indicate render to the remaining elevations. As previously stated render is not a feature of the surrounding streetscene and it is considered that render is not acceptable in this context. It is recommended that a condition be imposed requiring the submission of proposed materials for consideration and it is suggested that either a brick or stone should be specified to reflect the local vernacular.
- 5.5.6 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21.

5.6 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.6.1 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and*

adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'

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

Considerations

- 5.6.3 To assess the impact of the proposal on the residential amenity of the neighbours, further consideration is required of the impacts on the immediate boundary sharing neighbours No's 34 and 38 Lake View Avenue, No 15 Sandiway and No 11 Raneld Mount.

No 34 Lake View Avenue

- 5.6.4 No 34 is a detached single storey dwelling situated to the north west of the proposed dwelling. The dwelling is served by habitable room windows which are angled towards the application site. Existing boundary treatments between the site and No 34 comprise of a brick retaining wall due to the level changes with hedging/trees within the application site adjacent to the boundary, the hedging has cut back since the previous approval (see photos below).



- 5.6.5 The siting and orientation of the dwelling was previously approved under application CHE/21/00131/REM with changes made to the angle of the property to prevent overlooking from windows to the principle elevation. No windows are proposed to the side (north west) elevation facing towards No 34. It was previously accepted that the proposed dwelling will be elevated above the ground level of No 34 and the structure will be two storey in height closest to the boundary and it was considered on balance to be acceptable. The

alterations to the single storey structure to the rear will reduce the massing of the proposal due to a reduction in the rearwards projection of the previously approved single storey element of the scheme. The layout serves to address concerns raised regarding the impacts and on balance it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.

No 38 Lake View Avenue

- 5.6.6 No 38 is a detached single storey dwelling situated to the south of the proposal. Existing boundary treatments comprises of a large brick wall and timber fence with concrete panels. The submitted proposed plans orientate the principal elevation of the proposed dwelling to the south west which faces towards the side elevation of No 38 at an angle. An acceptable separation distance was previously determined to exist between the side elevation of No 38 and the proposed dwelling such that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.

No 15 Sandiway

- 5.6.7 No 15 Sandiway is a split level two storey dwelling situated to the south east of the proposed dwelling. A mature hedge and brick wall forms the boundary with the application site. It is noted that since the previous approval consent has been granted for works to the dwelling under application CHE/23/00357/FUL. Which includes a single storey rear extension, with bi-fold doors to the north and windows to each side elevation (east and west). Works to construct the extension have already been undertaken on site.





- 5.6.8 As part of application CHE/21/00131/REM the scheme was revised to remove first floor windows in the side/rear elevation to prevent overlooking with roof lights only in the rear roof plane to prevent overlooking. The previously approved scheme angled the footprint of the proposal to the south west away from the rear elevation of No 15 to limit potential overshadowing impacts. The layout was deemed to be acceptable and the revised plans subject of this application reflect the previous approval. The main change proposed to the rear is the alteration to the single storey structure, reducing the rearwards projection and increasing the width across the rear of the dwelling. It was previously acknowledged that the proposal will result in a degree of overshadowing at the sun sets in the west the proposal, on balance it was determined that the scheme will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. The changes proposed as part of the current application do not alter the previously approved scheme substantially to warrant a refusal.

No 11 Raneld Mount.

- 5.6.9 No 11 is a detached split level dwelling situated to the north of the application site. The previously approved plans removed first floor windows to the side elevation and incorporated roof lights in the rear roof plane only. An acceptable separation distance exists between the proposed dwelling and existing windows serving No 11. The proposal will therefore not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.

Impacts on other surrounding neighbours

- 5.6.10 The revised proposal will also not adversely impact on the other neighbouring residents on Raneld Mount, Sandiway and Lake View Avenue in terms of loss of light or privacy such that refusal of the case is warranted.

- 5.6.11 A condition controlling the hours of construction has already been imposed as part of the outline in the interests of the amenity of the surrounding residential occupants.
- 5.6.12 Having consideration for the observations above, the revised plans are considered to be acceptable and the scheme will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Highways Safety, Parking Provision and Air Quality

Relevant Policies

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

Considerations

- 5.7.2 The Local Highways Authority raised no objections to the application in principle at outline stage which included consideration of access and made recommendations for conditions, at reserved matters stage the Highways Authority were consulted and had no further comments to make.
- 5.7.3 The revised plans propose the removal of the below ground basement/parking with parking to be provided on the driveway. The extent of hardstanding has been increased to allow additional space for vehicles to park and pass. The access to the site has previously been deemed to be acceptable and the revised plans propose no significant alterations.
- 5.7.4 In so far as Air Quality, a condition was imposed at outline requiring the provision of an electric charging point as part of the build phase. Electric vehicle charging is now also a part of building regulations.
- 5.7.5 Overall taking into account the previously approved outline and reserved matters which considered access arrangements and parking provision condition attached, the revised proposal complies with the requirements of CLP20 and CLP22.

5.8 Flood risk, Drainage and Water Efficiency

Relevant Policies

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

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

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

Considerations

5.8.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the reserved matters application was referred to the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water. No comments were received. Details of foul and surface water drainage are controlled by condition attached to the outline which requires the submission of details prior to the commencement of development.

5.8.4 The current application does not include any drainage details therefore drainage matters will need to be resolved through a discharge of condition application. It is recommended that a condition be re-imposed requiring the development to comply with the water efficiency requirements and accord with the provisions of CLP13 and the wider NPPF.

5.9 Ground Conditions and Land Stability

Relevant Policies

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

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

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

- 5.9.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

Considerations

- 5.9.3 The application site is located in area considered to be at 'high risk' of former Coal Mining Legacy. At outline The Coal Authority recommended a pre-commencement condition covering intrusive site investigations and associated remediation/mitigation if required.
- 5.9.4 At reserved matters stage the application was referred to the Council's Environmental Health Officer for comments and no objections were raised.
- 5.9.5 The proposed development is still required to comply with the previous conditions attached to the outline, therefore subject to the submission of the findings of intrusive site investigations and any associated mitigation as recommended in line with the outline the proposal will accord with the provisions of CLP14 and the wider NPPF.

5.10 Biodiversity Including Impact on Trees and Landscaping

Relevant Policies

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

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

Considerations

5.10.3 The application does not include any detail of biodiversity enhancement. The previously approved plans detailed the provision of two bird boxes as well as landscaping details. It is recommended that a condition be imposed requiring further detail of biodiversity enhancement on site in accordance with Local Plan policy CLP16 and the NPPF.

5.11 Developer Contributions and Community Infrastructure Levy

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

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	241	0	0	£80.00 High Zone	381	288	£25,505.83

Calculation:

CIL Charge (E) is calculated as outlined below:

Net Area (A) x CIL Rate x BCIS Tender Price Index (at date of permission) (C)

BCIS Tender Price Index (at date of charging schedule) (D)

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

$\frac{241 \times £80 \times 381}{288} = £25,505.83$
--

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and site notice. 6 Letters of objection have been received in respect of the application. It is necessary to note that most representation received state that the original objection submitted against the previous application CHE/21/00131/REM remain relevant. In the

interests of clarity and transparency the summary of the previously submitted representations for application have been copied below for information (see section 6.3). The objections submitted for application CHE/21/00131/REM are available to read in full on the website.

6.2 Summary of comments in relation to current application CHE/24/00019/REM1.

- Increase in building footprint
- Substantive changes to elevational treatments
- Height of building appears unaltered without proven levels this is an assumption
- The visual picture of the front elevation is misleading against the actual elevation in section A-A.
- 2016 Application
 - The 2016 planning application is the most appropriate for the site and it is the original intended property type to be erected. Aligning the design of the property to ALL the surrounding properties would elevate the opinions of the surrounding neighbours.
 - It cannot be ignored that the original outline consent in 2016 on this site approved the principle of one dwelling as a 'chalet bungalow'. Now subsequent reserved matters applications and approvals have totally ignored this based on irresponsible planning comment to claim "that it would be unreasonable to restrict development to 1.5 storeys based on observations of the surrounding street scene." However, the 'material fact' and policy and objections stated in my letter 8 November 2021 still represent the fundamental issue which is: Siting in relation to No 34, Levels, massing, overshadowing and overbearing, Traffic movement and lack of safe turning, General concept characteristics
- 2019 application
 - Ironically the planning report of April 2019 stated that subsequent reserved matters application will require careful consideration of siting and overshadowing of a new dwelling to create a dwelling which responds to the surrounding context and prevailing overlooking and overshadowing impacts to the adjoining neighbours.. In respect to the current application, the planning authority have already approved a proposal which is fundamentally wrong under CHE/21/00131/REM. A variation in this form does not counteract that decision unless it is presented as a properly conceived scheme which adopts the principles of

the valid objections and properly interprets planning policies.

- Comments on number of storeys and levels within the streetscene
 - Section 2.2. of the previous Approval says 'The surrounding street scene is formed of single storey, 1.5 and 2 storey dwellings of similar age which are mixed in character' – this is incorrect. Our property (no 47) is a split-level bungalow. It is not a 2- storey dwelling. All of our living space is on one floor and the floor below is a garage, store-room and basement room. There are NO 2-storey dwelling on the cul-de-sac of Lake View Avenue. The other properties (28, 30, 32, 34, 38, 53, 51, 49 and 45) are all bungalows. This has also been incorrectly stated at 5.5.3. By allowing a 2/3 storey property to be built here totally changes the landscape of the cul-de-sac, and is not in keeping at all with the surrounding properties. If a property is built on this piece of land, it should be a bungalow and nothing more, so it flows with the rest of the cul-desac – it's situated at the very top of the hill, therefore any more than 1-storey will tower above and totally change the landscape.
 - We would wish to point out that the information regarding our property - number 32 - continues to be incorrect in all correspondence from yourselves and our neighbours. Number 32 is, and always has been, a single storey bungalow. We converted the garage to create a craft room which has two roof light windows to allow extra daylight in. There is no loft conversion, nor is there a second storey. We would be grateful if this could be amended in all future references to properties in Lake View Avenue. This point is of particular importance to the planning application for a house between numbers 34 & 38, because our property remains a single storey bungalow as originally intended. Misleading information should not be used in an attempt to justify someone else's planning application. All our objections as made in our previous correspondence remain as regards the negative impacts of these plans on the road in general and on number 34 in particular.
 - All surrounding properties are 1 storey or 1.5 storey's. None of them are 2 storey. Some appear to be 2 storey however they are split level or they have a ground level garage.
 - No 28 is a single story bungalow with a loft conversion/ roof windows No 32 is a single story bungalow with a loft conversion/ roof windows. No 47 has one main single living level. The ground floor is mainly garage space and storage.

No 15 Sandiway (our property) is a split level bungalow. The staircases inside are only 6 steps between levels. Although appears to be 2 storeys, it is not.

- Materials and proposed use of render
 - Local Plan policy CLP20 states all developments should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect 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'. This has NOT been taken into consideration at all, in fact it seems to have been ignored. All the properties on the cul-de-sac are brick, none are 'modern' looking, none have rendering, so this proposed property does not respect the appearance, style, detail, height, materials etc.
 - The new application continues to have wood rendering on the front of the property. This should be addressed and changed. Is it not significant that not a single neighbour on the cul-de-sac or nearby properties is in favour of this application, and none of the objections have been addressed properly or with accuracy.
 - The design and finish materials do not suit the character of the neighbourhood compared with exiting developments
- Highways and access
 - It needs to be considered how construction vehicles are going to access the property without blocking the driveway to no 34 and 38, and causing disruption to the rest of the cul-de-sac. I'm assuming there will be more than one vehicle there at any one time, which will be disruptive, never mind if there is any more. The safety of the residents should be of utmost importance, but doesn't seem to have been considered at all. It is stated at 5.6.1 also – traffic. At 6.2 it does acknowledge this.
 - Details on the parking arrangements need to be made clear. On the planning application drawings, the parking does not seem to work and the levels of the drive don't appear to look correct.
- Hours of construction
 - A condition controlling the hours of construction has been imposed – please could you confirm these days/hours? It is important for us to know.
- Height/scale of development and impact on streetscene
 - This planning application in terms of the height of the building has not changed significantly desite I believe 2/3 submissions. The current application has not addressed the

objections raised, some of the facts submitted appear to be incorrect based upon the comments from other objectors and as such it is my view that the application should be refused on the grounds that it has not taken into account the views of previous objectors. In summary the neighbours are happy with the original application from 2016 as this meets all criteria set from the original self build applications and as such would, I believe be acceptable. To continue to submit unacceptable applications is wasting everyone's time, money and energy.

- The comments regarding the streetscene are opinion. The opinion of all surrounding residents is the opposite. All 18 public comments for application CHE/21/00131/REM are objections.
- Environmental impacts, loss of trees
 - All available committee members at the time were invited to visit our garden of 15 Sandiway to visualise the severity, scale and adverse effect the proposed dwelling would have on our outlook. Despite this and the serious conversations regarding carbon capture and carbon footprints, 30 year nett carbon capture for trees (the same approximate age of this site) the committee voted in favour of the proposed dwelling. Disregarding what they had seen in person and voting against important environmental targets.
- Specific comments in respect of impacts on 15 Sandiway
 - Point 5.5.3 our property is labelled 2 storey Point 5.6.6 our property is correctly labelled a split level bungalow. Can the council confirm they type of properties surrounding the plot? The considerations for our property by the council are appreciated. Our rear ground floor level also has a bedroom for one of our children (9 years). Not only does this bedroom not receive any direct sunlight it would also be overshadowed by the juxtaposition of the proposed building. This very important point needs to be added to the considerations. On balance, if the proposed building was a bungalow, chalet bungalow or split level bungalow in keeping with ALL surrounding properties it would not be visible from our plot 15 Sandiway. There then would be no degree of over shadowing or privacy concerns. The admission by the council that the proposed dwelling would have a degree of over shadowing at sunset is a serious consideration for a young family who spend a lot of their time in the garden. Adding to overshadowing, possible overlooking and privacy issues (there has not been any ground level measurements taken from our property, to guarantee there would be no overlooking or privacy issues)

I believe is somewhat overlooked by the council. Our children are aged less than 1 year to 11 years and currently have no overlooking neighbours. The council admit the proposed property will have an adverse effect on our time in the garden and so this naturally raises my concerns with privacy and overlooking neighbours. The final 3 pages of CONDITIONS and NOTES are heavily in favour of biodiversity, wildlife, trees and bird nesting seasons. I raised these issues at the last planning meeting and the committee still voted in favour. If these concerns are of high immediate importance to the council they should not be voted against. A small bungalow style property sympathetic to the plot would be the compromise.

- When we are lucky enough to have winter sunshine it is still at a minor level in our garden. Allowing the proposed development to go ahead at such size and scale in extreme proximity to our property will only detract from this further.
- Building so big and close to 15 Sandiway will erase our view. Every property on Sandiway and most on Lake View Avenue enjoy some form of a view because of the sympathetic height to its neighbour apart from ours if the proposed development is permitted. This development is not sympathetic, it dominates its neighbours and towers over those next door and blocks or obstructs the outlook from those on one side of Sandiway (15,17 and 19). If the proposal was a bungalow as described in the covenant it would become sympathetic to its neighbours and in keeping with the street scene.
- Loss of view from kitchen and bedrooms, would have an adverse impact on the residential amenity of our property.
- The bedroom downstairs would be totally overshadowed by the proposed development in an already shadowed area of our property.
- There is not a single positive point for any of the residents in the vicinity of this project.
- All our previous objections and concerns are still valid wildlife and ecology, privacy, overlooking, proximity to boundaries, loss of sunlight (acknowledged by the council) and loss of our outlook. The wider impact is the obstruction of the view for those residents on Sandiway. The visual impact of the development would be overwhelming, overbearing, out of scale. It's erasing our entire view. I want to be clear that this objection is based on the important contribution to residential amenity that this view currently makes so its loss would have serious adverse impact on that residential amenity.

6.2

Officer comments

- Increase in building footprint – the overall ground floor footprint remains at approximately 129sqm
- Height of building appears unaltered – scale elevational drawings allow for comparison between the previously approved and proposed plans.
- Section and visual picture misleading – comment noted
- 2016 and 2019 applications – comments noted. The application is a S73 to vary to approved plans, the current application can therefore only consider the proposed alterations to the scheme. Consent has previously been granted for a dwelling on the site therefore the principle of development is deemed to be acceptable.
- Comments on number of storeys and levels within the streetscene – comments noted see section 2.2 of report
- Materials and proposed use of render – comments noted, previously stated that render is not considered to be acceptable. Recommended a condition be imposed requiring approval of materials, as was previously attached to the reserved matters application.
- Highways, parking and access – noted, see section 5.7
- Hours of construction – as set out in outline consent work between 8am to 6pm Monday to Friday and 9am to 1pm on a Saturday
- Height and scale – see design and amenity sections 5.5 and 5.6
- Environmental impacts – noted, trees on site not protected, no concerns previously raised by Derbyshire Wildlife Trust with regards to protected species or adverse impacts
- Specific comments in relation to impacts on 15 Sandiway – see section 5.6 of report

6.3

Summary of main concerns raised for application

CHE/21/00131/REM, copied for reference to this application.

- scale/height of dwelling
 - proposal is for a two storey dwelling which is not in keeping with the surrounding single storey dwellings. Scale of new dwelling is far larger than anything nearby. Proposal ignores the prevailing characteristics of the area which are predominately bungalows with selected level variations. Current submission fails to respond to site context and is inappropriate in the setting. Proposal will dominate the surrounding properties and is overdevelopment. General concerns raised regarding the concept characteristic of the development.

- Outline consent was granted in 2016 for a chalet bungalow which was renewed at expiry in 2019. Had plans for a taller property been submitted in 2019 we would've objected to the height on the grounds of amenity impacts. A chalet style bungalow would've been more compatible with the area.
- Surrounding sites were purchases from the Council as self-build dwelling which were stipulated to be Bungalows (see section below on covenants).
- residential amenity
 - proposal will have a serve impact on No 34 due to the difference in land levels between site and existing dwelling and increase in number of storeys. Proposal will adversely impact No 34 due to the siting of the proposal in relation to No 34, the proposed levels, massing will result in overshadowing and overbearing impacts due to proximity. The loss of screen vegetation and trees will impact No 34. The lack of adequate turning on site and potential traffic movements will impact No 34.
 - Will result in overlooking and loss of privacy to surrounding residential properties and gardens. concerns raised in respect of siting of proposal, levels, massing, overshadowing and overbearing impacts.
 - Overlooking implications due of loss of screen vegetation and trees.
 - Separation distance and potential overlooking arising from oblique angle between habitable room windows resulting in overlooking.
 - Mass of proposal will be overbearing and result in overshadowing. Adverse impact on neighbours due to massing, scale and siting of proposal.
 - To prevent overlooking windows facing Raneld Mount could be obscurely glazed. Level changes don't show that the application site is elevated about Raneld Mount is set at a lower level to the north.
 - Adverse impact on the rear garden and conservatory of No 15 Sandiway resulting in overshadowing and dominating impact – impact light and privacy. Overall height of the dwelling will result in overshadowing and impact light levels achieved to the garden especially in the afternoon and would block light to the side of the house where three windows allow light into the basement corridor and upstairs bathroom which would make the areas in the house darker. Proposed development is much closer to our shared boundary therefore anything more substantial than a bungalow would overlook No 15 and block sunlight

- Loss of existing trees - will contribute to openness of proposal and intrusion of overlooking. The trees are mainly deciduous and expect that the proximity to the new build will result in the potential; loss of approximately 50% as a consequence of the construction. There are some attractive trees on the site which should be served to reduce CO2 build up and in the interests of ecology
- Highway safety concerns
 - Length and narrowness of the access with lack of on-site turning will result in vehicles reversing along the drive onto the highway turning head due to lack of turning space within the site. Resulting in highway safety concerns.
 - Development will result in increase in traffic to cul-de-sac which is already congested when deliveries and refuse disposal are taking place. Insufficient space for vehicles to park/load and unload etc which will lead to vans/lorries parking outside of neighbour residential homes due to lack of space on plot.
 - Concerns regarding highway safety and safety of residents during build period due to construction vehicles and trades over a long period of time.
- Scheme is different than the outline submission - proposal is not a clarification of details of the first proposal it is a total transformation. Submitted application form does not set out reasons for variation in the plans between the original proposal and current submission and the applicants have not sought advice from the planning department. The proposals are so different it seems to be an attempt to submit a new scheme under the guise of a reserved matters application. Proposal not an amendment to original permission as it has no resemblance to previous plan as the structure is far more imposing and considerably higher than as originally proposed
- Red line - Issues surrounding the red line of the reserved matters application
- Ecology assessment - A more substantial wildlife survey should be carried out as the maturity of the plot is a haven for wildlife and more species than currently considered
- Covenant on land requiring single storey dwellings - Stipulated that as part of sale plots should only have development of one height structures. When the estate of self builds were released in the 1980's a specific condition was that they should be one storey in height(except for some builds on Lake View Avenue), this building contravenes that condition as excluding the basement it has two clear levels(not a loft conversion) as shown on the front elevation plan. original documentation from that period can be provided.

- Concerns arising during the construction period - not enough room for parking for trade/builders/deliveries to access the site with limited parking on the public highway. Proposal will cause chaos for residents and road users during the build in an area which already gets congested
- Noise/disturbance – measure should be put in place to avoid disruption to residents such as restriction construction hours and use of machinery to business hours on Monday to Friday
- Comments on revision 1 of scheme – amendments do not address the previous objections raised regarding impact on character of neighbourhood/design and adverse impact on amenity of residents, overdevelopment of site, issues with parking/lack of access, inadequacy of parking/loading/turning, noise/disturbance. Believe that the submission of revised plans is a strategy in the hope objections will be reluctant to object again. Scheme is no smaller than first submission and does not address concerns raised. Building has not significantly changed apart from moving slightly due to revised boundary therefore original objections remain. Concerns regarding proximity remain and levels remain unchanged, all other points raised previously regarding siting, levels, massing, overshadowing and overbearing impacts, loss of vegetation/trees and screen, traffic movement and lack of on-site turning and general concept characteristics remain unchanged
- Comments on revision 2 of scheme – concerns remain regarding the height of building, difference in levels with respect to surrounding bungalows therefore previous concerns and comments still apply. Proposal will result in the removal of self set trees which impact on the adjacent properties. Minor changes to the scheme which do not address previous concerns raised. Due to narrow access to site construction vehicles and trade vans will likely block access to neighbour properties due to poor access. Concerns remain with regards to impacts on neighbouring properties and amendments made to scheme to not address the detailed list of concerns set out previously.
- Objectors confirmed that points raised previously still apply

6.4

Officer comments copied from application CHE/21/00131/REM, sections referred to in comments relate to the previous committee report

- ***scale/height of dwelling – an assessment has been made as part of the report on the height and scale of the proposed dwelling (see section 5.5 and 5.6). The outline application in 2019 had all matters except access reserved and any forthcoming reserved matters scheme would therefore be***

assessed on an individual basis based on the design and layout put forwards.

- ***Residential amenity – an assessment has been made as part of the report with regards to residential amenity (see section 5.6).***
- ***Loss of existing trees – the proposal does seek to retain a number of trees on the site as part of the landscaping***
- ***Highway safety concerns - an assessment has been made as part of the report with regards to highway safety and parking provision (see section 5.7)***
- ***Scheme is different to outline submission - The outline application in 2019 had all matters except access served, any forthcoming reserved matters scheme would therefore be assessed on an individual basis based on the design and layout put forwards.***
- ***Red line boundary – issues regarding the red line boundary have been addressed***
- ***Ecology assessment – the Derbyshire wildlife trust reviewed the submission and raised no objections (see section 5.10 of report)***
- ***Covenant on land requiring single storey dwellings – representations have indicated that residents believe there is a restrictive covenant on the land restricting the development to a single storey dwelling. The application has been ongoing for a lengthy period of time as it is understood discussions have taken place between the applicant and the Borough Council Estates Team. It is important to note that restrictive covenants are classified as non-material planning considerations and therefore cannot be given weight in the determination of the planning application. This matter would be a private matter for the applicant, land owner and Council as former owner imposing the covenant to resolve.***
- ***Concerns arising during the construction period – disturbance during the construction period is classified as a non-material planning considerations and therefore cannot be given weight in the determination of the planning application. Any visitors/trades/deliveries to the site would be expected to observe highway safety regulations as would any highway user.***
- ***Noise/disturbance – a condition was imposed on the outline restricting hours of construction/work.***
- ***Comments on revision 1 of scheme – noted***
- ***Comments on revision 2 of scheme - noted***

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2023 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

9.0 CONCLUSION

9.1 The proposed revised plan submitted as part of the S73 variation of condition application are considered to be acceptable in accordance with the policies as set out in the report above.

10.0 RECOMMENDATION

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

Conditions

Approved plans and documents

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.

- Site and Location plan, drawing number 3274-CDA-00-ZZ-DR-A-0400
- Proposed site levels and site sections, drawing number 3274-CDA-00-ZZ-DR-A-0401
- Proposed plans, drawing number 3274-CDA-00-ZZ-DR-A-0402
- Proposed Elevations, drawing number 3274-CDA-00-ZZ-DR-A-0403

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

Materials

2. This consent shall not extend to the use of render as shown on drawing Proposed Elevations, drawing number 3274-CDA-00-ZZ-DR-A-0403 and drawing. Proposed site levels and site sections, drawing number 3274-CDA-00-ZZ-DR-A-0401. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development in accordance with CLP20 and CLP21 of the Local Plan

Water efficiency

3. 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

Biodiversity enhancements

4. A scheme for biodiversity enhancement shall be submitted to the Local Planning Authority for consideration within two months of the commencement of the development. The approved biodiversity enhancement scheme shall be installed on site in full

prior to the occupation of the development, maintained and retained thereafter.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 180 of the National Planning Policy Framework.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.
4. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
5. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be

undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

6. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter which would be an offence under relevant regulations. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
7. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	25 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/22/00083/ADV	Spire	New Illuminated signage At The Golden Fleece High Street Chesterfield For Star Pubs and Bars	CP	01/03/2024
CHE/22/00557/DOC	Staveley Central	Discharge of conditions 2 (Details of geomembrane), 3 (Details of woodland fencing), 4 (Foundation design of plot 137), 6 (Retaining walls and materials),7 (Boundary treatments), 9 (Bin collection areas), 13 (Arboricultural impact statement) and 16 (On plot landscaping) of 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 At Land To West Of Inkersall Road Staveley Chesterfield For Barratt David Wilson Homes	PDOC	07/03/2024
CHE/23/00013/FUL	Staveley North	Single storey side extension to house. Rear extension and construction of a lower ground floor to garage to convert it into an annexe, and render to the lower ground floor elevation. Retaining wall and steps/balustrade to lower ground floor level. At 19 Cranleigh Road Woodthorpe Chesterfield S43 3BH For Mr and Mrs Guerreiro	CP	07/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00383/FUL	Spire	<p>Reorganisation of lower ground and ground floors of existing pub to form 2 self contained units under class E (b), new glazed orangery and upgraded beer garden and formation of 3 flats within existing building</p> <p>At Marthas Vineyard 3 Corporation Street Chesterfield S41 7TU</p> <p>For Triward Holdings LTD</p>	CP	08/03/2024
CHE/23/00617/FUL	Hasland	<p>External alterations to dining block</p> <p>At Outwood Academy Hasland Hall Broomfield Avenue Hasland Chesterfield S41 0LP</p> <p>For Outwood Grange Academies Trust</p>	CP	12/03/2024
CHE/23/00635/DOC	Spire	<p>Discharge of conditions 3 (Hard surfacing and bollard details), 5 (Petrol interceptor details), 6 (Drainage details) of CHE/22/00068/FUL- Temporary car park</p> <p>At Former Chesterfield Hotel Malkin Street Chesterfield S41 7UA</p> <p>For Chesterfield Borough Council</p>	DPC	07/03/2024
CHE/23/00666/FUL	Brimington South	<p>Front extension and single storey rear extension with roof terrace above and dormer</p> <p>At 127 Manor Road Brimington Chesterfield S43 1NP</p> <p>For Mrs T Lowe and Mr S Fawcett*</p>	CP	08/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00730/DOC	Staveley Central	Discharge of conditions 4 (Landscape and Ecological Management Plan) and 5 (Soft landscaping) of applications CHE/20/00432/FUL- The construction and operation of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping At Land To West Of Inkersall Road Staveley Chesterfield For Inkersall Solar Farm Limited	DPC	14/03/2024
CHE/23/00773/FUL	Staveley South	Demolition of existing conservatory and erection of a single storey and two storey rear extension At 17 Troughbrook Road Hollingwood Chesterfield S43 2JN For Mr Paul Longstaffe	CP	05/03/2024
CHE/23/00777/DOC	Brampton West & Loundsley	Discharge of conditions 10 (drainage discharge) and 11 (surface water drainage) of CHE/22/00607/FUL - Demolition of 20 and 22 Somersall Lane and erection of three replacement dwellings with associated parking and turning areas (existing accesses retained) At 20 Somersall Lane Somersall Chesterfield S40 3LA For Merlin Design and Survey Partnership	DPC	04/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00787/DOC	Staveley North	<p>Discharge of conditions 7 (Landscape and Ecological Management Plan), 8 (Soft Landscaping Plan), 10 (Hard Landscaping Scheme) and 13 (Sewage Protection Measures) of application CHE/23/00606/REM1- Variation of condition wording of conditions 12, 14 and 15 of CHE/20/00420/FUL Restoration of the Chesterfield Canal between Eckington Road and Hague Lane, including lifting level of existing earth embankment, installation of aqueduct over river Doe Lea, construction of two vehicular access bridges, two pedestrian/cycle bridges, a new lock and associated infrastructure</p> <p>At Eckington Road To Hague Lane Eckington Road Staveley Chesterfield</p> <p>For Chesterfield Canal Trust Ltd</p>	DPC	14/03/2024
CHE/23/00792/FUL	Hasland	<p>Erection of a double garage incorporating a hobby workshop</p> <p>At 78 Broomfield Avenue Hasland Chesterfield S41 0ND</p> <p>For Mr Chris Strawbridge</p>	CP	05/03/2024
CHE/24/00002/REM	Brimington North	<p>Variation to condition 2 (Approved plans) of CHE/23/00406/FUL (Demolition of existing lean to & erection of single storey rear extension) to amend window sizes and placements</p> <p>At 133 Station Road Brimington Chesterfield S43 1LJ</p> <p>For Mr and Mrs Gascoyne</p>	CP	01/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00003/FUL	Dunston	Demolition of existing garage and erection of single storey side and rear extension and increase of roof height to existing front gable end and cladding/render to it At 9 Amesbury Close Chesterfield S41 8PJ For Ms Lena Babajan	CP	04/03/2024
CHE/24/00004/TPO	Dunston	Removal of T34- Lombardy Poplar At 134 St Johns Road Newbold Chesterfield S41 8TW For Innovation Group	CP	04/03/2024
CHE/24/00016/DOC	Spire	Discharge of planning condition 7 (schedule of fixtures and fittings) of CHE/23/00227/LBC - Internal and external alterations At 39, 39A and 41 Holywell Street Chesterfield S41 7SH For Voeberg Hospitality Ltd	DPC	11/03/2024
CHE/24/00026/SOL	Dunston	Installation of 218 roof mounted solar PV array panels on a non-domestic building and ancillary development At Units 1 - 4 Highlands Place Foxwood Road Sheepbridge Chesterfield S41 9RN For Custom Solar	CP	12/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00027/FUL	Hasland	Demolition of existing rear ground floor flat roof extension and erection of new rear two storey flat roof extension with associated external works At 64 Broomfield Avenue Hasland Chesterfield S41 0ND For Mr & Mrs Clay	CP	11/03/2024
CHE/24/00040/TPO	Spire	Horsechestnut (T1)- Crown reduction due to excessive shading and to prevent branches contacting roof/guttering At 24 Gratton Place Chesterfield S41 7FF For Mr Paul Burton	CP	28/02/2024
CHE/24/00046/CLO	Spire	Side extension and rear dormer loft conversion, change of use from C3 to C4 house in multiple occupation for 6 residents At 1 New Beetwell Street Chesterfield S40 1QR For Kith Living Limited	PANR	04/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00079/CLO	Rother	Internal refurbishment and change of use to a 6 bed house in multiple occupation At 39 Park Road Chesterfield S40 2LP For Miss Georgina Smith	PANR	06/03/2024
CHE/24/00082/DOC	Brampton West & Loundsley	Discharge of condition 14 (Employment and Training scheme) of CHE/22/00109/OUT - Outline application for the demolition of existing office premises and erection of residential dwellings, with all matters reserved except access At Manor Offices Old Road Chesterfield S40 3QR For Balfour Beatty Homes	REF	29/02/2024
CHE/24/00086/TPO	Whittington	Fell one Beech tree and one Elm tree within W1 and crown reduce 3 Holly tree within G4 (description amended 05.03.24) At 33 Coupland Close Old Whittington Chesterfield S41 9TB For Mrs June MacDonald	CP	06/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00090/NMA	Spire	<p>Non-material amendment to CHE/22/00540/FUL (Construction of a new mental health facility and associated landscaping, groundworks, parking, and access arrangements - re-submission of CHE/21/00887/FUL)- to change retaining wall structure, remove fences and gates to police/ambulance vehicular entrance and addition of stairs</p> <p>At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL</p> <p>For Derbyshire Healthcare NHS Foundation Trust C/o WSP</p>	CPNMAZ	29/02/2024
CHE/24/00098/TPO	Dunston	<p>T1 Alder- Crown lift by 4m from ground level, pruning back leaving a balanced crown</p> <p>At 2 Bowness Road Newbold Chesterfield S41 8AH</p> <p>For Mrs Janet Holt</p>	CP	11/03/2024
CHE/24/00099/TPO	Brimington North	<p>Removal of sycamore tree</p> <p>At 15 High Street Brimington Chesterfield S43 1DE</p> <p>For Mr James Bell</p>	REF	13/03/2024
CHE/24/00103/TPO	Brampton West & Loundsley	<p>T01 - Scot's Pine- Proposed pruning works as illustrated on photo 1 and photo 3</p> <p>At Land Adjacent To 392 Ashgate Road Chesterfield S40 4DD</p> <p>For Mr James Wright</p>	CP	04/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00108/TPO	Walton	<p>Scots pine T1 - crown lift 5m over highway to statutory height. Scots pine T2 - Crown lft to llowed over driveway height. Scots pine T6 - Request removal, crown lift to highway height would leave no branches, no foliage left. Scots Pine T7 Request removal, tree suppressed y T6, T9, T10. Happy to plant replacements.</p> <p>At 188 Somersall Lane Somersall S40 3NA</p> <p>For Mr Benjamin Coop</p>	CP	04/03/2024
CHE/24/00127/TPO	Brampton West & Loundsley	<p>Deodar cedar in the back garden, most northernly nearest to number 13, which becomes multi stemmed. Request to fell, during winter the limbs have been weekend resulting in one falling. New tree to be replanted.</p> <p>At 15 The Dell Ashgate Chesterfield S40 4DL</p> <p>For Mr Bob Mckittrick</p>	CP	04/03/2024
CHE/24/00131/TPO	Brampton East & Boythorpe	<p>Tree next to gate, next to no 1 Ash lodge court, brocklehurst piece and large tree , prune away form neighbouring property as branches are almost touching house.</p> <p>At Land Adj. Poplar Motors Old Road Chesterfield S40 2QZ</p> <p>For Mr David Lister</p>	CP	04/03/2024

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/24/00148/TPO	Staveley Central	<p>T1 Sycamore- Sever ivy around the lower bole. Prune out deadwood in excess of 25mm diameter T2 Horse Chestnut- Crown-reduce in height by 4-5m and side-reduce lateral branch extending over the Hall drive by 4m to appropriate side branch. T3 Horse Chestnut- Crown-reduce by 6m in height and 4m in spread to previous reduction points T4 Lime- Crown lift to 3m</p> <p>At The Rectory Church Street Staveley Chesterfield S43 3TN</p> <p>For Diocese Of Derby</p>	CP	12/03/2024
CHE/24/00149/CA	Staveley Central	<p>T6 Rowan- Crown lift to 3m G1 (Ash, Laurel, Sycamore, Horse Chestnut)- Side reduce to boundary fence line</p> <p>At The Rectory Church Street Staveley Chesterfield S43 3TN</p> <p>For Diocese Of Derby</p>	UP	12/03/2024

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	25 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

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 25th 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	Dismissed 01/03/24 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	28/02/24	Written Reps	

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Appendix A

Appeal by Vivid Outdoor Media Solutions Ltd

LED Illuminated 48 sheet poster hoarding at Old Station, Station Road, Whittington Moor, Chesterfield.

CHE/23/00026/ADV

1. Planning permission was refused on 25th May 2023 for an LED illuminated hoarding panel on Station Road, Whittington Moor. The reasons for refusal were:

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

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues were:
 - i) the effect of the proposed advertisement on the visual amenity of the area,
 - ii) the effect on public safety.

Visual amenity

4. The proposed digital display would be sited in front of a vegetated railway embankment facing Station Road, a busy main road through Old Whittington. The area surrounding the appeal site is predominately commercial in character, with a number of car and vehicle showrooms, but there are also residences close by, including a small development of bungalows just off Brimington Road North.

5. Illuminated and non-illuminated signage is common in this area, notably the banner flags, fascia and solid vertical signs displayed at the nearby car and bicycle showrooms. Advertisements in the area are generally associated with existing businesses, and large scale, standalone digital displays such as the sign proposed are not currently a feature of the area. The lack of similar signage in the wider area is not in itself a reason to dismiss the appeal. The Planning Practice Guidance¹ (PPG) suggests that a large poster-hoarding might be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways). In this case, the area is predominately commercial with main roads a dominant feature, but even so, much of the built development remains human in scale. Many of the surrounding buildings are not particularly large, and the small group of bungalows opposite, set behind a wide grass verge with a treed backdrop, demonstrate the mixed character of this area. As such, the character of the surrounding area differs from the example described in the PPG.
6. The inspector noted that a 48-sheet paper hoarding, which would have been similar in size to the sign now proposed, was displayed at the appeal site for a number of years. Whilst that may not have attracted any complaints, the digital format of the sign now proposed, with regularly changing images, would be significantly different, and more noticeable, than the previous paper sign.
7. The level of brightness of the proposed display would be controlled in line with industry best practice, and the sign could be switched off completely at night to avoid disturbing the sleep of nearby residents. Even so, in low light and dark conditions, when the sign was operating, the proposed digital display would appear much brighter, and would be more obvious, than the other advertisements in the area. The raised position of the sign, which would be set on 2.5m steel supports, would further increase its prominence. When viewed from the nearby bungalows, the proposed digital sign would be seen in the context of the car showroom opposite, but would also be viewed against the area of greenspace and stone memorial cross in front of the houses. The appearance of the display would be softened to some extent by the vegetated railway embankment behind, but the bright, highly commercialised digital images

would be at odds with the simplicity of the stone cross in its green setting.

8. The display would replace an existing small advertisement at the site, so would not increase visual clutter. However, even on this well-lit street, and despite the presence of existing advertisement nearby, the proposed large format digital display would appear overly prominent and out of character. The bright, digital format of the display would fail to respect the character of the area, so would not meet the requirements of Local Plan Policy CLP20.
9. Reference was made to similar digital display which was recently allowed on a site on Sheffield Road, Whittington Moor. From the information provided, it appears that, unlike the appeal before the inspector, the Sheffield Road site was almost wholly commercial, characterised by large buildings such as the Stadium and Glass Yard developments. The scale and nature of the surrounding development means that the Sheffield Road case was markedly different from that of the appeal before me, which is in an area of smaller scale buildings with a mix of uses.
10. A sign consented at Shepcote Lane, Sheffield appears to have some similarities with the current appeal in terms of the advertisement history at the site; the nature of the display and the siting on a railway embankment. However, the submitted photo shows that the Shepcote Lane sign would be sited on a major dual carriageway, which appears very different in character from Station Road. The examples cited do not, therefore, give a reason to allow the appeal proposal.
11. For the reasons set out, the inspector concluded that the proposed digital display would cause unacceptable harm to the visual amenity of the area. In coming to this conclusion, the inspector took account of paragraph 141 of the National Planning Policy Framework, which says that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public safety

12. The proposed sign would face towards traffic travelling in a northerly direction along Station Road, but the road is straight in this location and the sign would be set back from the highway.

The sign would be positioned in front of the railway bridge, but drivers would have passed it well before the road narrows.

13. The digital display would be sufficiently far from the A61 roundabout so as not to cause a significant distraction to vehicles exiting onto Station Road. Whilst it would be visible to traffic turning onto Station Road from Brimington Road North, that is not a particularly complicated junction, and the display would not interfere with any traffic signs. The sign would be clearly visible to drivers and other road users, but digital displays are common in urban areas and the inspector had no reason to consider that the proposed advertisement would be particularly distracting here.
14. The Council's highways officer made no objection on safety grounds, subject to the imposition of conditions to control the brightness of the display and the transition between static images. On the basis of the information provided, including accident data provided by the appellant, the inspector had no reason to come to a different view. He concluded that, with suitable controls in place, the proposal would be acceptable in terms of public safety. However, this lack of harm does not overcome the concerns identified in relation to visual amenity.

Other Matters

15. The appellant referred to various social and economic benefits for the local community, but the inspector was only able to consider the proposal in terms of its effect on amenity and public safety. He concluded that the proposed display would cause harm to visual amenity.

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 25TH 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

ENFORCEMENT REPORT

Enforcements currently Authorised: 10

15 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 Authorised to Issue Average: 540 days</i>							
York Street	2 <small>1,635</small>	balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>1095</small>	16/04/21 <small>1064</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 Authorised to Issue Average: 44.33 days</i>							
Chester Street	94 <small>389</small>	wooden play structure		30/05/23 <small>99</small>	29/06/23 <small>260</small>	29/07/23 <small>230</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>5,870</small>	storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5810</small>	20/10/08 <small>5625</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>459</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 46	storage of vehicles		01/02/24 3			Substitute and clarified enforcement notice. Written representation appeal.	<input checked="" type="checkbox"/> 11/03/24	Mo
York Street	2	09/10/17 2,349	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	02/10/23 165						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>								

Page 125

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Edinburgh Road	12	10/10/22 <i>522</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply within 3 months given. Instructed.	<input type="checkbox"/> <i>28/10/22</i>	SH
Highfield Road	80	05/10/20 <i>1,257</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SH
Tapton Terrace	26	05/10/20 <i>1,257</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL

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

Key to 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

By virtue of paragraph(s) 6a of Part 1 of Schedule 12A of the Local Government Act 1972.

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