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The Chair and Members of Planning  
Committee

6 May 2022

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 16 MAY 2022 at 1.00 pm in Committee Room 1, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 14)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 15 - 56)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 57 - 68)
6. Applications to Fell or Prune Trees (P620D) (Pages 69 - 74)
7. Appeals Report (P000) (Pages 75 - 78)

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

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8. Enforcement Report (P410) (Pages 79 - 82)
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 6 of Part I of Schedule 12A of the Act."

Part 2 (Non Public Information)

10. Vehicle Access at 2 Inkersall Farm Cottages (Pages 83 - 90)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Randy', with a stylized flourish at the end.

Head of Regulatory Law and Monitoring Officer

## PLANNING COMMITTEE

Monday, 25th April, 2022

Present:-

Councillor Simmons (Vice-Chair in the Chair)

Councillors Bingham  
Brady  
Davenport  
Miles

Councillors Marriott  
Borrell  
G Falconer

\*Matters dealt with under the Delegation Scheme

**110 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Callan, Catt, Caulfield, D Collins and T Gilby.

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

No declarations of interest were received.

**112 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 4 April, 2022 be signed by the Chair as a true record.

**113 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/22/00067/FUL - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION. (REVISED DRAWINGS RECEIVED AND DESCRIPTION

AMENDED 09/03/22) AT 11 MOOR PARK AVENUE, WALTON,  
CHESTERFIELD

In accordance with Minute No. 299 (2001/2002) Thomas Eaton (applicant) addressed the meeting.

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: Site Location Plan, Existing Floor plans and Elevations, Proposed Elevations and Floor plans and biodiversity statement (01/02/22): with the exception of any approved non-material amendment.
3. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.
4. 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 new gates or other barriers on the existing or new access.
5. Within 2 months of the completion of the development hereby approved, the proposed biodiversity measures (1 bird box) shall be implemented on site. These measures shall be retained and maintained thereafter in accordance with the scheme so approved.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be installed prior to occupation of the side extension and retained as such and shall not be used for any purpose other than the parking or private motor vehicles associated with the residential occupation of the

properties without the grant of further specific planning permission from the Local Planning Authority.

7. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

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

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

CHE/21/00104/FUL - LOFT CONVERSION WITH REAR DORMER AND FRONT ROOFLIGHT – REVISED DRAWINGS RECEIVED 01/02/2022 AT 40 MANSFELDT ROAD, NEWBOLD, CHESTERFIELD, S41 7BW FOR MR J BEDFORD

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed elevations – drawing no. 5B – 1:100 @ A3 – Revised drawings received 01/02/2022

Proposed second floor layout – drawing no. 8b – 1:50 @ A3 – Revised drawings received 01/02/2022

Proposed ground floor layout – drawing no. 6A – 1:50 @A3

3. Within 2 months of the commencement of the development hereby approved, a scheme for biodiversity and ecological enhancement measures shall be installed/integrated into the development site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as amended, or any Order revoking and re-enacting that Order), there shall be no additional windows inserted or amendments to the windows approved in this planning consent.

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

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

(a) Approvals

CHE/21/00914/FUL	Resubmission of CHE/20/00721/FUL for single storey rear extension at 19 Spruce Close, Chesterfield S40 3FG for Mr Paul Bradshaw
CHE/21/00933/FUL	Single storey extension to side and rear of property. Revised drawings received 11.03.2022 at 29 Fernwood Close, Hasland, Chesterfield S41 0LF for Julie Hudson
CHE/22/00009/FUL	Proposed detached dwelling at Land To The East Of 140 Newbridge Lane, Old Whittington S41 9JA for Houlton Developments
CHE/22/00024/FUL	Alterations to levels, driveway and vehicle access at 20 Rose Crescent, Mastin Moor, Chesterfield S43 3AY for Mrs Jean Linfitt

- CHE/22/00027/FUL Two storey side extension and alterations at 9 Carlton Road, Chesterfield S40 2JQ for Mr Peter Johnson
- CHE/22/00029/FUL New car port attached to side of house at 18 Woodthorpe Road, Woodthorpe S43 3BZ for Mr Carl Carnell
- CHE/22/00031/FUL Hip to gable and room in roof with rear dormer at 32 Malvern Road, Brockwell, Chesterfield S40 4DY for Mr Jay Dempsey
- CHE/22/00044/FUL Erection of open timber storage racks at Sheepbridge Works, Sheepbridge Lane, Sheepbridge S41 9RX for Pinelog Ltd
- CHE/22/00049/FUL Demolition of existing conservatory and erection of single storey rear extension at 66 Norwood Avenue, Hasland S41 0NH for Mr and Mrs Hadgkiss
- CHE/22/00071/FUL Conversion of attic with small dormer to the front and large dormer to the rear at 9 Mallory Close, Sheepbridge, Chesterfield S41 9EW for Mr P Reynolds
- CHE/22/00072/COU Continuation of use of conservatory as a beauty studio at 9 Briardene Close, Holme Hall, Chesterfield S40 4XY for Mrs Kaye Cobb
- CHE/22/00086/FUL Demolition of existing car port and erection of a two storey side extension and an extension for a detached bike store at 4 Morris Drive, Newbold S41 7BB for Mr and Mrs Robert Angrave.
- CHE/22/00162/TPO T1 - Sycamore - crown lift to approximately 5m from ground level and crown clean/thin including growth from the tips to leave an even density of foliage. Reduce weight from lateral limb to the West side leaning heavily over neighbouring ground. T2 - Ash - crown lift to approximately 5m

from ground level and crown clean/thin including growth from the tips to leave an even density of foliage at 5 Hastings Close, Newbold S41 8RH for Mrs Amanda Ollerenshaw

CHE/22/00242/TPO T6 (Hawthorn) - felling of tree due to decay and its structural integrity at 23 Yew Tree Drive, Somersall S40 3NB for Mr Tim Humphries

(b) Refusals

CHE/20/00427/FUL Re-submission for CHE/20/00155/FUL -Lowering of kerb and construction of new drive at 193 Boythorpe Road, Boythorpe S40 2NB for Mr Yashin Umerji

CHE/21/00697/HH Reduction in height of hedge on boundary between 79 Storrs Road and 338 Old Road at 338 Old Road, Chesterfield S40 3QH for Mr Michael McDermott

CHE/22/00004/DOC Discharge of conditions 3 and 4 (surface water and drainage) of CHE18/00229/FUL - Residential development of 175 no. 2, 3 and 4 bed dwellings and ancillary works at Land South Of Erin Road Junction, The Grove, Poolsbrook for Gleeson Regeneration Ltd

CHE/22/00045/FUL Two storey front extension at 18 Rosedale Avenue, Chesterfield S40 2UY for Mr and Mrs Slack

CHE/22/00061/FUL Erection of a garage at York House, 693 Chatsworth Road, Chesterfield S40 3PE for Mr S Hamshaw

CHE/22/00087/TPO Removal to ground level of 1 large Oak previously reduced 5 years ago in front of properties 4 & 5 at 3 Valley View Close, Hasland, Chesterfield S41 0LE for The Guinness Partnership

(c) Discharge of Planning Condition



- CHE/20/00306/DOC Discharge of condition 33 (Design Framework) of CHE/15/00291/REM1 (Variation of conditions 6, 7, 9, 13, 18, 20, 21, 31, 32, 34, 37 and 39 of CHE/13/00781/EOT - Commercial (not major retail) office, industrial and warehouse development new and altered roads (including a motorway junction) land reclamation, ground re-modelling, drainage landscaping and re-use of railheads on 360 hectares of land in Bolsover, Staveley and Sutton-cum-Duckmanton on both sides of the M1 in the vicinity of the former Markham Colliery A632 (Chesterfield Road) Erin Road, Lowgates, Eckington Road, Hall Lane and the A619 south of Staveley and land off, Chesterfield Road, Erin Road, Lowgates, Eckington Road) at Markham Employment Growth Zone Markham Lane, Duckmanton S44 5HS for Derbyshire County Council
- CHE/21/00844/DOC Discharge of planning conditions 2 (surface water design, management and maintenance) and 4 (SUDS Attenuation Pond) for application CHE/20/00869/REM at Land To The North Of Northmoor View, Brimington for Vistry (Yorkshire) Ltd
- CHE/22/00015/DOC Discharge of conditions 3, 7, 8, 11, 15, 17, 18, 19 and 20 of CHE/21/00598/REM1 at Development Site at Eastside Park, Eastside Road, Chesterfield for Pendragon PLC
- CHE/22/00021/DOC Discharge of conditions 3 (lighting), 7 and 8 (drainage), 11 (materials), 15 (external works), 17 and 18 (Network Rail) and 19 (Intruder alarm) of CHE/17/00645/FUL - Proposed Bodyshop, wash and valet buildings at Development Site at Eastside Park, Eastside Road, Chesterfield for Pendragon PLC
- CHE/22/00134/DOC Discharge of conditions 4 and 6 of CHE/20/00695/FUL at Unit 218, Sheffield Road,

Stonegravels, Chesterfield S41 7JN for Pick Everard

CHE/22/00210/DOC Discharge of condition 16 of CHE/20/00078/FUL at Harehill Mews, Harehill Road, Grangewood for Erica Developments

(d) Partial Discharge of Conditions

CHE/21/00762/DOC Discharge of conditions 6 (water consumption), 11 (affordable housing) and 18 (bin storage) of CHE/20/00869/REM - Approval of reserved matters for 150 dwellings of CHE/18/00532/OUT at Land To The North Of Northmoor View, Brimington for Vistry (Yorkshire) Ltd

CHE/21/00902/DOC Discharge of planning conditions 4 (materials), 6 (tree protection), 7 (landscaping), 8 (external works and site section), 9 (EV Charging)10, 11, 12 (drainage) and, 13 - (BMP) of CHE/21/00382/REM1 - Construction of 9 new detached dwellings and access road at Land Adjacent To 1A Whitebank Close, Hasland for Arncliffe Homes Ltd

(e) Unconditional Permission

CHE/21/00936/REM Removal of condition 1 (CHP) of CHE/09/00127/FUL - Variation of condition 14 of approved application CHE/08/00230/FUL relating to the redevelopment of former Dema Glass site for a new football stadium, food store, petrol filling station, a mix of office and/or hotel, and/or restaurant, and/or car showroom with associated access, parking and landscaping. Condition Number(s): 1 - Conditions(s) Removal: The removal of the condition is required to enable Tesco to remove the CHP unit. Tesco do not seek to amend any other existing restrictions relating to the operation of the store. The removal of the condition is sought at Tesco Extra, Lockoford Lane, Chesterfield S41 7EW for Tesco Stores

Limited

CHE/22/00199/CA Tree no.1 (shown in attached plan) to be removed due to being close to property, concerned regarding roots and tree also leaning slightly. Tree species is unknown at 8 Grove Farm Close, Brimington S43 1QA for Mrs Janet Turner

(f) CLOPUD granted

CHE/22/00088/CLO Single storey rear extension and single storey side extension at 49 Eyre Street East, Hasland S41 0PE for Gemma Bannister

CHE/22/00145/CLO Installation of solar panels on one south facing pitched roof. Panels will be fitted below roof ridge with spacing between tiles and panels no greater than 100mm at 95A High Street, Old Whittington S41 9LB for Mr Robert Oles

(g) Conditional Consent for Non-material Amendment

CHE/22/00129/NMA Non-material amendment to CHE/21/00437/FUL - Single storey side extension to replace existing garage to reduce the size of the window opening on the principal elevation serving the utility room from 1700mm in width to 1100mm in width at 277 Walton Road, Walton, Chesterfield S40 3BT for Mr Juris Leimanis

(h) Withdrawn

CHE/21/00774/REM Removal of condition 8 (Permitted development rights) of CHE/18/00548/FUL - Change of use from offices to residential, extensions to dwelling and demolition of existing conservatory and erection of new conservatory and demolition of existing stables and erection of new 4 car garage at Dunston Hole Farm, Unnamed Road Accessing Dunston Hole Farm, Chesterfield S41 9RL for Mr and Mrs K. Heppenstall

- CHE/21/00775/CLU Certificate for lawful use of building as office at Dunston Hole Farm, Unnamed Road Accessing Dunston Hole Farm, Chesterfield S41 9RL for Mr and Mrs K. Heppenstall
- CHE/21/00776/CLU Certificate of lawfulness for the erection of conservatory at Dunston Hole Farm, Unnamed Road Accessing Dunston Hole Farm, Chesterfield S41 9RL for Mr and Mrs K. Heppenstall

## 115 **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/22/00162/TPO Consent is granted to the pruning of one Sycamore reference T5 and one Ash tree reference T6 on the Order map for Jake Eville Tree Care at 5 Hastings Close, Newbold Village.  
Consent is also granted to the reduction of branches on one lower limb growing over the grounds of Eyre Chapel of the Sycamore tree
- CHE/22/00242/TPOEXP Consent is granted to the felling of one Hawthorn tree reference T6 on the Order map for Mr Humphries of 23 Yew Tree Drive Somersall with a condition to plant one new Hawthorn 'Paul's Scarlet' in the first available planting season after felling.
- CHE/22/00087/TPO Consent is refused to the felling of one Oak tree reference T1 on the Order map at 3 Valley View Close, Hasland.

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

- CHE/22/00199/CA Agreement to the felling of one

The felling of one Rowan tree to the frontage of 8 Grove Farm Close, Brimington, Chesterfield

Rowan tree. The felling of the tree will have no adverse effect on the character and amenity of the area.

The tree is within the Brimington Conservation Area and the applicant wishes to fell the tree due to root plate movement and how close it is to the property

**116 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.

**117 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	16 <sup>th</sup> May 2022
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 16<sup>th</sup> May 2022**

<b>ITEM 1</b>	CHE/21/00754/REM1 - REPLAN OF APARTMENT BLOCK AREA TO BRIMINGTON ROAD TO INCLUDE REPOSITIONING AND REDUCING TO TWO BLOCKS AND INCREASING TO 4 STOREY WITH AMENDED PARKING LAYOUT AND EXTERNAL STAIR LINK PATH FROM BRIMINGTON ROAD TO CHESTERFIELD CANAL AS PART OF CHESTERFIELD WATERSIDE DEVELOPMENT, BRIMINGTON ROAD, CHESTERFIELD FOR AVANT HOMES (CENTRAL)
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## ITEM 1

### **REPLAN OF APARTMENT BLOCK AREA TO BRIMINGTON ROAD TO INCLUDE REPOSITIONING AND REDUCING TO TWO BLOCKS AND INCREASING TO 4 STOREY WITH AMENDED PARKING LAYOUT AND EXTERNAL STAIR LINK PATH FROM BRIMINGTON ROAD TO CHESTERFIELD CANAL AS PART OF CHESTERFIELD WATERSIDE DEVELOPMENT, BRIMINGTON ROAD, CHESTERFIELD FOR AVANT HOMES (CENTRAL)**

Local Plan: Unallocated

Ward: St Helens

#### **1.0 CONSULTATIONS**

Ward Members	No comments received.
Local Highways Authority	Comments received on access proposed see report.
Derbyshire Constabulary	No comments to make.
Chesterfield Cycle Campaign	Supports the proposal
Design Services Drainage	No comments to make.
Lead Local Flood Authority	No comment to make.
The Coal Authority	No objection to changes – previous advice applies
Yorkshire Water	No comments received.

Environment Agency	No objection to changes
Strategic Planning	Comments received – see report.
Urban Design Officer	Comments received – see report.
Environmental Health	No objection provided the amendments secure protection from noise from passing traffic.
Trans Pennine Trail Office	Comments received – See report.
Chesterfield Canal Trust	No comment to make.
Site Notice and Advert	No representations received.

## **2.0 THE SITE**

- 2.1 The application site is a part of the wider Chesterfield Waterside Regeneration area of major change which is located between Brimington Road to the east, the A61 bypass to the west and which stretches from the Brewery Street roundabout close to the railway station to the south through to the DCC depot site to the north.
- 2.2 The application site concerns the plots immediately adjacent to the new bridge and road entrance to the site either side the junction with Brimington Road. The plot is sandwiched between the River Rother to the west (at a lower level), Brimington Road to the east, No 200 Brimington Road to the south and the landscaped belt between the River Rother corridor and Brimington Road to the north.
- 2.3 The main Avant Homes redevelopment site is accessed from Brimington Road and comprises a housing scheme of 173 units total and is well under construction with many units sold and occupied.

2.4 The agreed scheme featured 3 apartment blocks with two on the northern parcel and 1 on the southern parcel of the site. The applicant has already constructed the foundations and lower walls of the amended building positions as shown in the attached photographs below. The southern plot is more advanced.



Northern plot



Southern plot

### **3.0 SITE HISTORY**

3.1 The site has a considerable planning history however the approvals of particular relevance to the current application are as follows.

3.1.1 CHE/09/00662/OUT – Outline for Mixed Use Regeneration scheme comprising residential (1560), retail (A1, A2, A3, A4, A5), Offices (B1), Doctors Surgery and Creche (D1), 2 hotels (C1), Health and Fitness (D2), Nursing Home (C2), ancillary creative uses including possible arts centre, canal link, open space and eco and linear parks, new public realm and car parking including a MSCP. – Approved with Conditions 9<sup>th</sup> March 2011 (Associated s106 legal agreement).

3.1.2 CHE/16/00183/REM1 – Variation of Conditions 3 (Tie to Design & Access Statement and masterplan), 10 (Code for Sustainable Homes), 11 (BREEAM very good), 12 (10% renewable energy), 13 (bird and bat opportunities), 14 (household recycling), 39 (timing for

provision of Holbeck Close signalisation) and 47 (approved plans) of outline CHE/09/00662/OUT – Approved 12<sup>th</sup> May 2017.

- 3.1.3 CHE/18/00083/REM1 – Variation of Conditions 3 (tie to Design & Access Statement and Masterplan), 5 (phasing plan), 8 (public realm strategy), 14 (archaeological recording and WSI), 18 (tie to FRA), 24 (Water Vole management strategy), 25 (fish passage around weir), 33 (highway and access staging plan) and 45 (approved plans) of CHE/16/00183/REM1 to omit canal arm – Approved 24<sup>th</sup> April 2018.
- 3.1.4 CHE/19/00007/REM - Reserved matter application for CHE/18/00083/REM1 – erection of 173 dwellings and associated landscaping and infrastructure (additional information and revised plans received 18/04/2019 and 25/04/2019 and 02/05/2019) on land east of A61 known as Chesterfield Waterside, Brimington Road, Tapton, Chesterfield for Avant Homes (Central).
- 3.1.5 CHE/21/00018/NMA –NMA of CHE/19/00007/REM – amend layout of apartment blocks 1 and 2 and delete footpath connection (cond 28) – letter 28<sup>th</sup> July 2021 not accepted as NMA

## **4.0 THE PROPOSAL**

- 4.1 The application proposes a s73 submission to revise the detail already agreed under CHE/19/00007/REM in respect of the apartment blocks section of the overall site.
- 4.2 The agreed scheme under CHE/19/00007/REM was as follows:



Block 1 south elevation



Block 2 east elevation





Block 3 east elevation

- 4.3 The agreed scheme featured three, three storey blocks comprising of 21 apartments in a mix of 1 and 2 bed units. Parking areas were proposed comprising of 21 spaces to the north plot and 6 spaces to the south plot (27 spaces overall) with the parking area forming the undercroft area to apartment block 3 on the north plot.
- 4.4 Condition 28 of the planning permission required:  
*“The footpath/cycle connection within the application site red line boundary and to the north of Apartment Block 1 linking Brimington Road towards the River Rother footpath shall be surfaced and provided at a 3 metre width in accordance with a scheme which has first been agreed in writing by the local planning authority. The footpath/cycle connection shall be available for use concurrent with the first occupation of Apartment Block 1.”*
- 4.4 The amended scheme proposes a new layout in respect of the northern most plot however the layout for the southern most plot (building, car parking and access) remains unchanged. The changes proposed comprise:
- South plot –
- external appearance changes;
- North plot –
- Reposition of apartment block 1 to the Brimington Road frontage and reducing its footprint but increasing its storey height from 3 to 4. This reduces the number of apartments in the block from 9 to 8;
  - External appearance changes;

- Increasing parking space numbers from 21 to 22;
- Repositioning of the access to the site entrance road;
- Formation of a 2 metre wide stepped access immediately to the north of Block 1 between Brimington Road and the lower river footpath route.



## 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
- CLP22 Influencing the Demand for Travel

## 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 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**

### **Relevant Policies**

5.4.1 The application site is unallocated and is positioned within the built up area of St Helens where policies CLP1 and CLP2 are of relevance as is place shaping policy SS3.

5.4.2 Policy CLP1 states that *'The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'*

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

- a) deliver the council’s Spatial Strategy (policy CLP1);*
- b) are on previously developed land that is not of high environmental value;*
- c) deliver wider regeneration and sustainability benefits to the area;*
- d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
- e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
- f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
- g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
- h) are not on the best and most versatile agricultural land;’*

5.4.4 Policy SS3 promotes the Waterside development as a way of contribution to jobs, restoring the canal improved access to the site including the footpath and cycle network, a high quality environment and a scheme which manages flood risk.

*“Within the Chesterfield Waterside area as set out on the Policies Map, the council will support development proposals that contribute towards:*

- a) creating jobs in office, industry, retail, tourism and education;*
- b) restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus;*
- c) achieving a mix of uses including residential (up to 1550 new homes), office (up to 30,000 sqm), employment, leisure, health and fitness, hotels, creche, doctor’s surgery and nursing home;*
- d) improving access to the site including enhancing the footpath and cycle network through the site and making links to the wider Trans Pennine Trail and Chesterfield Railway Station;*
- e) a high quality urban environment including eco-park and green*

*infrastructure corridor;*

*f) managing flood risk.*

*Land within the Chesterfield Waterside area will be comprehensively redeveloped in accordance with an approved masterplan, including provision of a new Local Centre located adjacent to the existing canal basin. Planning applications submitted for development outside of the existing outline planning permission, but which otherwise deliver the objectives of the approved masterplan, will be expected to contribute towards the overall delivery of the infrastructure required for comprehensive development, secured through a section 106 agreement”.*

## **Considerations**

- 5.4.5 The principle of the development of this site is well established with an extant permission which is being implemented by Avant Homes. It is the case however that the outline planning permission CHE/09/00662/OUT has expired in respect of the opportunity for any new applications for reserved matters, however the conditions, S106 and the masterplan set out in the Design and Access Statement remain pertinent to this application. The masterplan itself is granted weight separately through the operation of Local Plan policy SS3.
- 5.4.6 This application seeks to change a part of the reserved matters scheme already agreed and it is the case therefore that the development generally accords with the outline permission for the wider redevelopment and which also generally accords with local plan and national planning policy. The issue of the principle of the development of this part of the site is therefore accepted and which is not an issue for consideration as part of this application.
- 5.4.7 It is appropriate however to consider the limitations which were set in the outline permission and in the masterplan for the site and such issues are dealt with below in the design and appearance section.

## **5.5 Design and Appearance of the Proposal**

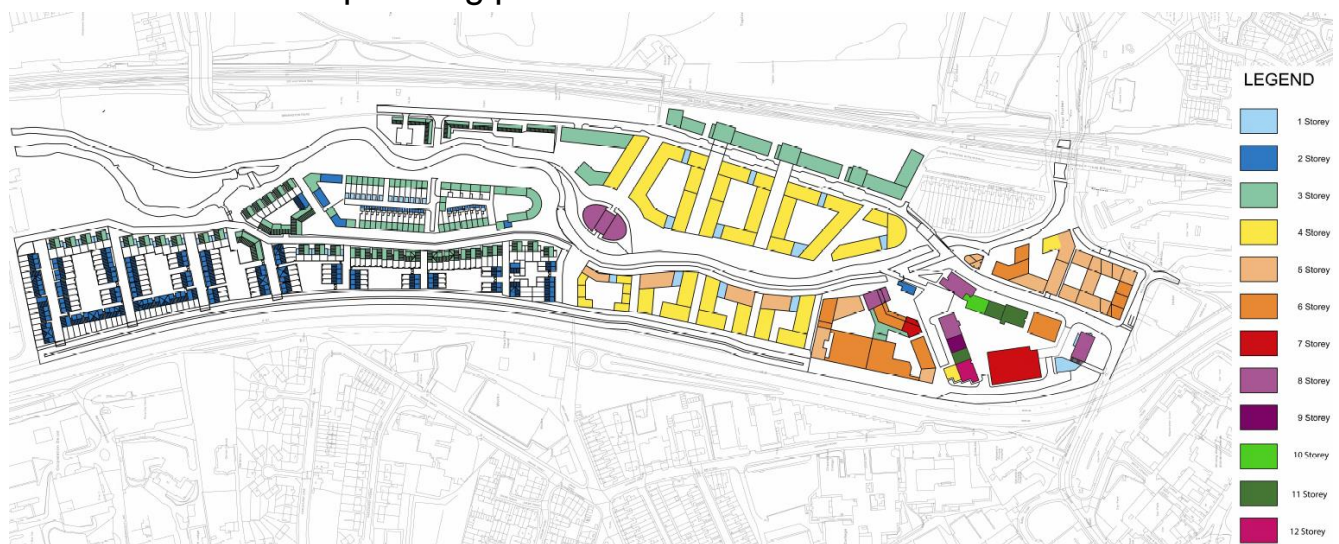
### **Relevant Policies**

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 changes to the external appearance of the southern most plot (apartment block 2) are relatively insignificant with changes only to door and window openings on the front and rear elevations. Access to the block is relocated from the east façade to the west car park façade.

5.5.3 The main changes in respect of the northern most plot feature pulling the apartment block 1 to the Brimington Road frontage and reducing its footprint but also increasing its storey height from three to four. In this respect the inclusion of a four-storey element on the Brimington Road frontage exceeds the indicative heights set out in the outline planning permission as illustrated below.



5.5.4 The outline permissions for the site included condition 3 which requires that development be carried out in accordance with the Design and Access Statement and masterplan:

**Condition 03.** *Outline consent is granted on the basis of the principles set out in the Design and Access Statement dated December 2009 and approved Indicative Masterplan (drawing no. MM100 rev G). All reserved*

*matters applications shall demonstrate how any proposed development accords with this Indicative Masterplan and its Design and Access Statement.*

- 5.5.5 It is the case however that the masterplan for the site promoted a different development form to that which has resulted on site in the developments which have been implemented and it is acknowledged as a result of the changes which have occurred over the years that there is a need to now review the masterplan for the site. The Council has embarked on a process of reviewing the Masterplan for the site. An extract of the agreed masterplan is attached below which showed buildings fronting Brimington Road served by a separate access to a rear parking courtyard area:



- 5.5.6 The building heights plan and agreed masterplan show four storey to Brimington Road further along the street to the south however it is accepted that reducing the storey heights the further to the north assists in transitioning the urban form into the primarily landscaped area further to the north. It is necessary however to consider the detail of the change. The agreed three storey apartment block was shown at 11.5 metres to ridge height and 8.1 metres to eaves height and by comparison the proposed four storey building is slightly lower to ridge height at 11.4 metres but higher to eaves level at 9.1 metres. The proposed roof pitch is less steep at 30 degree however the proposed building is higher in its walls by 1 metre but overall the building is no higher than what has already been agreed. This assumes the levels to which the three storey building was to be constructed at are the same as those which have been commenced for the proposed

four storey building. This is most likely to be the case on the basis that this part of the site was an elevated car park level with substantial retaining wall up to the river corridor. The photograph shown at 2.4 above also indicates that the buildings on the site are to be set lower than the Brimington Road level and which will assist in diminishing any height issue. Furthermore it is noted that the agreed scheme under CHE/19/00007/REM showed the apartment block 3 as having an undercroft parking area which gave the impression that the building was four storey when viewed from the west. The undercroft parking area has now been removed in the current scheme with block 3 becoming a traditional three storey building. On balance the differences in massing terms between the agreed and proposed schemes are relatively insignificant and could not be argued to justify a reason as to why planning permission should not be granted in this case.

5.5.7 Moving the apartment block 1 from the Riverside to the Brimington Road frontage loses the benefit of overlooking the river, and the natural surveillance of the footpath that is possible however this actually accords with the masterplan and Derbyshire Constabulary has commented that they raise no comments in respect of the changes proposed.

5.5.8 A further key change in the proposal is the detail of the connection to the river environment. The reserved matters scheme CHE/19/00007/REM showed an indicative connection from Brimington Road down to the riverside path immediately north of the site. The path was steep, uneven and loosely surfaced but well used as shown in the photographs below.



Condition 28 of the reserved matters approval required detail of a footpath/cycle connection within the application site red line boundary and to the north of Apartment Block 1 linking Brimington Road towards the River



Rother footpath and to be surfaced and provided at a 3 metre width in accordance with a scheme which has first been agreed in writing by the local planning authority.

5.5.9 The proposed scheme shows a formal stepped and graded 2 metre wide route to be constructed to the red line site boundary within the applicants control. The route turns through 90 degrees to follow the edge of the development site and align with the riverside retaining wall structure at the lower end. The Cycle Campaign support the stepped proposal commenting that the link is too steep for a cycle link and the route along the river, to which it adjoins, is for pedestrians only. They comment that the cycle route is further to the north. The Trans Pennine Trail office also comment that the additional steps provide a further connection for able bodied walkers and care will need to be taken that there is no impact on the riverside route during construction. On this basis it is considered that the link should only be suitable for pedestrian use and a 2 metre width is not therefore inappropriate. Furthermore because of the substantial level difference a stepped route cannot be avoided however this will be far safer than the loose surfaced slope which it replaces. The level difference is too steep to create a graded and ramped route down to the riverside path. In normal circumstances it is also appropriate to secure a straight, direct connection such that users at either end have a clear view of their exit. The 90 degree turn in the path is in this case needed to increase the length of the route to achieve an appropriate gradient however it will be open landscape to the inside of the route such that users can see across the corner. An open metal railing boundary treatment is also intended which will assist in maintaining the forwards visibility. This will be a marked improvement to what currently exists where users cannot see the complete end to end route. Policy CLP22 of the adopted Local Plan seeks to 'maximise walking, cycling and the use of public transport through the location and design of development' and states that '*Priority will be given to measures to encourage more sustainable travel choices*'. It is considered that the proposal satisfies this objective.

5.5.10 It is also clear that the applicant can only implement the part of the link within the red line area which they control even though the plans show the complete scheme linking down to the riverside path. The permission is an amendment of the reserved matters approval for the development and

which is tied to the legal agreement which expected a package of public realm improvements which would be delivered by Chesterfield Waterside Ltd. Such improvements would be to the routes and links through the site including that part of this link outside the Avant Homes responsibility area. This is the same approach as that which has been required connecting the walking and cycling route through the Avant Homes scheme on the other side of the river to the TPT to the north of the site (condition 23 of the Reserved matters permission). There will need to be a condition to require detail of how the works within the red line can be tied into the existing path outside the red line pending the undertaking of subsequent public realm works.

5.5.11 The design of the entrance area to the Avant Homes site and the form and arrangement of apartment buildings was the subject of considerable design discussion and revision at the time of the original submission (19/00007/REM) in order to secure a suitable arrangement and balance between the level of accommodation, its relationship to its surroundings, the provision of parking and the inclusion of landscape and space for the purposes of the amenity of future residents and to achieve an attractive entrance with a positive sense of arrival into the development.

5.5.12 Concerns have been expressed from an urban design perspective that the proposals are retrogressive however it is clear that this site is constrained by the existing substantial concrete retaining wall and the drainage requirements which impact on this part of the site. The area now proposed behind the apartment buildings is occupied entirely by a parking area which is pushed to the margins of the space in two long banks of unrelieved parking bays and which are pushed to the edges with very little space between the bays and the buildings creating a cramped, unappealing environment with a poor outlook for future occupants. Amendments have been made to the scheme however the further opportunity arises to soften this space through landscaping. The opportunity to delate a parking space on the west run of spaces (one of the visitor spaces) to create a planting bed to accommodate a tree also arises. This will break up and soften the courtyard area and provide a less harsh appearance and can be achieved without detriment to parking numbers as

referred to below. Views out over the river corridor will be maintained by ensuring the barrier to be installed on the retaining wall structure is designed as an open design (metal railings).

- 5.5.13 Materials of construction have been specified as part of the submission and which include Dorado facing brick, Ibstock Leicester Weathered Grey stock and Tobermore Kingston Moorland bricks all beneath Calderdale edge Dark Grey roof tiles. These materials reflect those used on the adjacent development by Avant Homes and are therefore acceptable.
- 5.5.14 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause sufficient adverse impacts on the visual amenity and character of the area to justify a refusal of permission. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

## **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 The proposed changes arising out of the amended scheme do not impact on any neighbours in a material manner. The development of the southern most plot is the nearest to the neighbour at 200 Brimington Road however the proposed scheme does not change any positioning or massing issue of that part of the scheme.
- 5.6.4 The side windows of northern most block facing south include a living room window and bathroom at each level which will now look

directly into the flank wall of the block immediately to the south with a separation distance of approximately 3.25m. The living room windows are secondary windows to what are relatively large open plan living spaces which also include full height doors/windows and an additional window on the rear elevation. The relationship is considered to be acceptable in so far as the amenity which will be provided for the occupants.

5.6.5 The Environmental Health Officer has confirmed no objection to the proposals provided that the alterations ensure that the properties meet the needs of the occupants and that any noise from passing traffic is addressed with the design and layout of the properties. Whilst the needs of the occupants will not be known the dwellings will be designed with appropriate glazing standards to protect those inside from excessive noise from the adjacent road. Two of the three blocks on the site remain unaltered in terms of their position and whereas the northern most block is moved closer to Brimington Road it will be no closer than what has already been accepted on other parts of this application site.

5.6.6 Whereas there are changes to the proposed buildings they do not impact on neighbours because there are none and it is considered that the scheme fully satisfies the provisions of Local Plan policies CLP14 and CLP20.

## **5.7 Highways Safety and Parking Provision**

### **Relevant Policies**

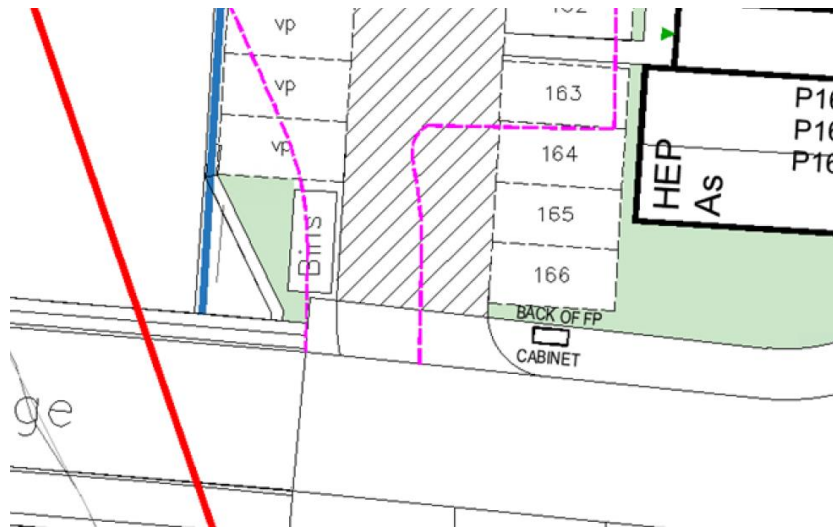
5.7.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking and h)*

5.7.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking  
*'The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:*  
*i. The size of any dwellings proposed.*  
*ii. The type, mix and use of the development.*

- iii. The proximity of facilities such as schools, shops or employment*
- iv. The availability of and capacity for safe on-street and public car parking in the area.*
- v. Proximity to and availability of public transport and other sustainable transport options.*
- vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.*
- vii. Local car ownership levels.*

### **Considerations**

- 5.7.3 The agreed scheme featured 21 apartments in a mix of 1 and 2 bed units. Parking areas were proposed comprising of 21 spaces to the north plot and 6 spaces to the south plot (27 spaces overall) with the parking area forming the undercroft area to apartment block 3 on the north plot. The proposed scheme maintains the number of units and the parking numbers for the southernmost plot however for the northern most plot the scheme reduces the apartments by 1 from 15 to 14 and increases parking space numbers from 21 to 22. The applicant has indicated a preference to achieve a 1.5 ratio of parking to apartments however for the 14 apartments this would result in a need for 21 parking spaces. There is clearly an opportunity therefore to delete a visitor parking space as referred to in paragraph 5.5.12 above and this can be secured by condition.
- 5.7.4 The Highway Authority comment that the access to the parking area (north plot) is closer to the bridge parapet and which will reduce exit visibility in the critical direction from the access to below an acceptable level and less than what would be achieved on the agreed layout. Reference is also made to footpath 17 on the definitive map which crosses the site.
- 5.7.5 Comparison with the agreed access detail (broken purple line) actually suggests that the access now proposed is moved further away from the bridge parapet as illustrated in the overlaid image below.



5.7.6 The footpath route referred to as FP 17 is the route along the riverside and is outside the redline area and not affected by the proposals.

5.7.7 On this basis it is considered that the development complies with the requirements of policy CLP20.

## 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. The consultations with Design Services, the Environment Agency, the Lead Local Flood Authority and Yorkshire Water has confirmed no objection to the revisions. Having regards to the provisions of CLP13 and the wider NPPF the proposal is considered to be acceptable.

## **5.9 Ground Conditions Land contamination 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.*
- 5.10.2 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 however the applicant has dealt with the issues already in connection with the reserved matters consent on the site and no new Coal Mining Legacy issues therefore arise.
- 5.9.4 Subject to the imposition of relevant conditions the proposal is considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

## **5.10 Biodiversity including 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 proposes to amend a reserved matters submission which is linked to the original outline planning permission for the Waterside development and which predates the policy and requirement to achieve a Biodiversity Net Gain. It would now be inappropriate to require additional measures as part of the current proposal.

## **5.11 Developer Contributions and Community Infrastructure Levy**



5.11.1 The application proposes to amend a reserved matters submission which is linked to the original outline planning permission for the Waterside development and which predates the CIL policy. It would now be inappropriate to require a CIL payment on the basis of the current proposal.

## **6.0 REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters, site notice and advertisement in the Derbyshire Times however no representations have been received as a result.

## **7.0 HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> 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 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

## 9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and which are considered to be generally in line with the remainder of the reserved matters permission, the masterplan and the aspirations for the site. The proposal would not have an unacceptable detrimental impact on the amenities of local residents or highway safety. As such, the proposal accords with the requirements of policies of the adopted Chesterfield Local Plan and the wider NPPF requirements.

## 10.0 **RECOMMENDATION**

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

### **Conditions**

01. All external dimensions and elevational treatments shall be as shown on the approved plans / documents (listed below) with the exception of any approved non material amendment.

#### **Apartment Types**

- Apartment Block 2 Floor Plans - n1189 APT2\_01
- Apartment Block 2 Elevations 1 of 2 – n1189 APT2\_02
- Apartment Block 2 Elevations 2 of 2 – n1189 APT2\_04
- Apartment Block 2 block plan - n1189 APT2\_10
- Apartment Block 3 SF Plan - n1189 APT3\_02
- Apartment Block 3 FF Plan - n1189 APT3\_02
- Apartment Block 3 GF Plan - n1189 APT3\_02
- Apartment Block 3 Basement Plan - n1189 APT3\_02
- Apartment Block 3 Side elevations - n1189 APT3\_01
- Apartment Block 3 Rear elevation - n1189 APT3\_01
- Apartment Block 3 Front elevation - n1189 APT3\_01
- **Apartment Block 4 Floor plans 6050-500**

- **Apartment Block 4 Elevations 6050-501**
- **Apartment Re-plan Streetscene section and layout 6050-502**

#### House Types

- Applebridge floor plans and elevations - n1189 AB\_03
- Beckbridge elevations version 1 – n1189 BB1\_01A
- Beckbridge floor plans version 1 – n1189 BB1\_02A
- Beckbridge elevations version 2 – n1189 BB2\_01B
- Beckbridge floor plans version 2 – n1189 BB2\_02B
- Beckbridge elevations version 3 – n1189 BB3\_01B
- Beckbridge floor plans version 3 – n1189 BB3\_02A
- Beckbridge floor plans and elevations version 3 – n1189 BB3\_03A
- Fenbridge elevations - n1189 FB\_01
- Fenbridge floor plans - n1189 FB\_02
- FOG elevations – n1189 FOG\_01A
- FOG floor plans – n1189 FOG\_02A
- Kewbridge floor plans and elevations – n1189 KB\_03A
- Kewbridge special floor plans and elevations – n1189 KBS\_03A
- Northbridge elevations – n1189 NB1\_01B
- Northbridge floor plans version 1 – n1189 NB1\_02A
- Northbridge special floor plans and elevations – n1189 NB1S\_03
- Northbridge floor plans and elevations version 2 – n1189 NB2\_03B
- Northbridge elevations version 3 – n1189 NB3\_01A
- Northbridge floor plans version 3 – n1189 NB3\_02
- Northbridge floor plans and elevations version 3 detached – n1189 NB3\_03A
- Seabridge floor plans and elevations version 1 – n1189 SB1\_03
- Seabridge floor plans and elevations version 2 – n1189 SB2\_03
- Ulbridge elevations version 1 – n1189 UB1\_01A
- Ulbridge floor plans version 1 – n1189 UB1\_02
- Ulbridge floor plans and elevations version 1 – n1189 UB1\_03A
- Vossbridge floor plans and elevations version 1 – n1189 VB1\_03C
- Vossbridge special floor plans and elevations version 1 – n1189 VB1S\_03B

- Vossbridge floor plans and elevations version 2 – n1189 VB2\_03B
- Westbridge elevations version 1 – n1189 WB1\_01A
- Westbridge floor plans version 1 – n1189 WB1\_02
- Westbridge special elevations version 1 – n1189 WB1S\_01A
- Westbridge elevations version 2 – n1189 WB2\_01A
- Westbridge floor plans version 2 – n1189 WB2\_02A
- Westbridge elevations version 2 – n1189 WB2\_04
- Westbridge floor plans version 2 – n1189 WB2\_05
- Westbridge special elevations version 2 – n1189 WB2S\_01
- Westbridge special floor plans version 2 – (plots 85, 111, 113, 114) – n1189 WB2S\_02

#### Site Layout

- Site Location Plan – n1189 001 rev C
- **Apartment re-plan Site Layout 6050-500 rev A**
- **Apartment re-plan Boundary Treatments 6050-BT-001**
- **Apartment re-plan Materials 6050-MP-001**
- Presentation layout – n1189 004B
- Presentation layout (Constraints overlay) – n1189 004\_01A
- Presentation layout (Connectivity Plan) – n1189 004\_02
- Presentation layout – n1189 007P
- Indicative Site Sections – n1189 011A
- Topographic Survey 24<sup>th</sup> April 2017
- Materials Plan – n1189 106A
- Landscape Strategy Plan GL1051

#### Supporting Documents

- Design Compliance Statement (rev C) by Nineteen47 Ltd (required by condition 3);
- Visuals Pack – 8 viewpoints dated Dec 2018;
- Energy Statement dated Dec 2018 by FES Group (required by condition 11);
- Arboricultural Survey dated Sept 2018 by BWB;
- Arboricultural Impact Assessment dated Oct 2018 by BWB;
- BS5837 survey;
- Ecological Management Strategy dated Nov 2018 by BWB;
- Water Vole Mitigation Strategy dated Aug 2018 by BWB;
- Ecological Technical Note dated Jul 2018 by BWB;

- Noise Impact assessment by BWB;

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

02. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing. – **The materials specified on Apartment re-plan Materials 6050-MP-001 are accepted.**
03. Prior to any works taking place a Construction Management Plan shall be submitted showing space to be provided for storage of plant and construction materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period. – **The detail accepted in connection with the development of the adjacent phases of development is acceptable.**
04. Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site for use at appropriate times, in order to prevent the deposition of mud or other extraneous material on the public highway.

*Reason – In the interests of highway safety.*

05. The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. Subsequently, the carriageways and footways shall be laid out and constructed up to and including binder

course level to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway for residents to use, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

06. No dwelling shall be occupied until space has been laid out within the respective plot for the parking of residents and visitors vehicles. The parking spaces shall thereafter remain free from any impediment to its designated use for the life of the development.

*Reason – In the interests of highway safety.*

07. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - b) evidence of existing positive drainage to public sewer and the current points of connection;
  - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 100 year storm event, to allow for climate change; and
  - d) details of either the proposed diversion of the public sewer which crosses the site and its easement protection which accords with the

requirements of Yorkshire Water Services, or confirmation of a build over agreement approved with Yorkshire Water Services.

Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works. – **The detail already provided and accepted is considered to be appropriate**

08. Prior to the commencement of the development, a scheme for the protection of the retained trees, in accordance with BS 5837:2012 including a tree protection plan(s) (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
- Specific issues to be dealt with in the TPP include:
- a) Location and installation of services/ utilities/ drainage.
  - b) Details of construction within the RPA or that may impact on the retained trees.
  - c) a full specification for the construction of any hard landscaping and footways, including details of any no-dig specification and extent of the areas hard landscaping and footpaths to be constructed using a no-dig specification. Details shall include relevant sections through them.
  - d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
  - e) a specification for scaffolding and ground protection within tree protection zones.
  - f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
  - g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- The detail provided in respect of the apartment plots on the site is accepted.**

09. No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved. – **Works already carried out are acceptable.**
10. No development above any floor-slab/D.P.C level shall take place until details of two additional swift boxes to be attached to houses on the scheme and bat boxes to be included in the landscape scheme have been submitted to and approved in writing by the Local Planning Authority. The agreed details, or any approved amendments to those details, shall be carried out prior to occupation of the dwelling to which they relate and as part of the agreed landscaping programme and shall be retained thereafter.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

11. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwellings.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*



12. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

13. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

14. No development above any floor-slab/D.P.C level shall take place until details of the proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall include the fill material for gabion baskets and the increase in knee rail fencing to 1.2 metres height. The agreed details, or any approved amendments to those details, shall be carried out prior to occupation of the dwelling to which they relate and shall be retained thereafter. – **The detail shown on**

**Apartment re-plan Boundary Treatments 6050-BT-001 is accepted.**

15. Prior to the construction of the EI Sb Station, full details of the external appearance and materials of construction shall be submitted to the local planning authority for consideration. The EI Sub Station shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority. **Already complied with and implemented.**

16. Prior to the implementation of a lighting scheme for the site, full details of the lighting scheme shall be submitted to the local planning authority for consideration. The lighting scheme shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be retained as such thereafter.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

17. The meter boxes on the dwellings and apartments hereby approved shall be colour co-ordinated to blend with the external materials of the respective dwellings and apartments.

*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

18. Prior to the construction of the Applebridge house type, details of brick detailing to the rear elevation shall be submitted to the local planning authority for consideration. The Applebridge house type shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority. **Already complied with.**

19. Full details of the proposed textured brickwork and verges on various house types shall be submitted to the local planning authority for consideration. The agreed details shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority. **Already complied with.**
20. This consent shall not relate to the parking spaces shown for plots 66 and 67. A revised plan shall be submitted showing deletion of the 2 visitor spaces and splitting the remaining 4 spaces into two pairs with tree planting between to reflect the opposite side of the street. The parking shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be available for use concurrent with first occupation of plots 66 or 67 and which shall be retained as such thereafter. **Already complied with.**
21. Prior to occupation of dwellings on the site, a scheme of sound insulation shall have been submitted to and agreed in writing with the Local Planning Authority to ensure that the following levels are not exceeded:
- Daytime (07:00 – 23:00hrs) LAeq, 16hr 35 dB in bedrooms and living rooms;
  - Daytime (07:00 – 23:00hrs) LAeq, 16hr 55 dB in gardens;
  - Night-time (23:00 – 07:00hrs) LAeq, 8hr 30 dB in bedrooms;
  - Night-time (23:00 – 07:00hrs) LAFmax levels to not regularly exceed 45 dB in bedrooms. **Already complied with.**
22. Prior to the implementation of the acoustic fence along the bund, full details shall be submitted to the local planning authority for consideration. The acoustic fence shall only be constructed in accordance with the details which have been agreed in writing by the Local Planning Authority and which shall be retained as such thereafter. **Already complied with.**

23. Full details of a 3 metre wide pedestrian/cycle path connection to the red line boundary north east corner of the site shall be submitted to the local planning authority for consideration. The agreed details shall be carried out in accordance with the details which have been agreed in writing by the Local Planning Authority and shall be available for use within 3 years of the date upon which construction works started on the site. **Details already agreed.**

24 Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction, measured up to 1m into the carriageway at the extremity of the splay; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.

Reason - In the interests of highway safety.

25 Individual driveways shall be provided with 2.4m x 25m visibility splays, or other such dimension as may be agreed in writing with the Local Planning Authority, in each direction to the new estate street - measured up to 1m into the carriageway at the extremity of the splay; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high (750mm in the case of vegetation) relative to the nearside carriageway channel level.

Reason - In the interests of highway safety

26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason - In the interests of highway safety

27. Prior to any works exceeding demolition or site clearance taking place on site details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private Management and Maintenance Company has been established for the private areas of the development. **Details already agreed.**

28. **The stepped footpath connection to the north of the site within the application site red line boundary shall be implemented in accordance with the Apartment re-plan site layout 6050-500 rev A and shall be available for use concurrent with the first occupation of Apartment Block 4. Details shall have been first submitted to show how the footpath connection will link to the exiting path.**

**Reason - To ensure an appropriate connection linking Brimington Road to the river / canal footpath/cycle routes.**

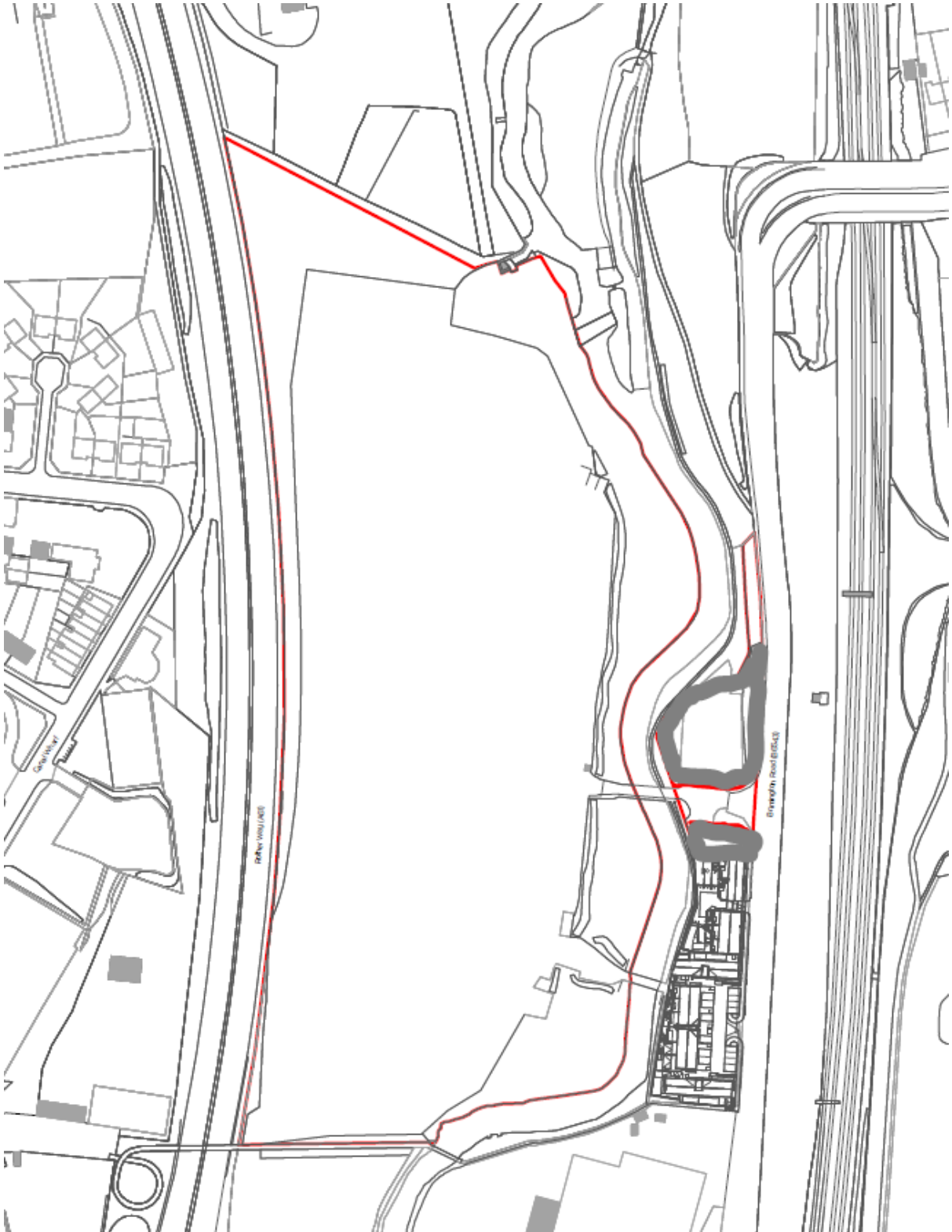
29. **The detail required by condition 12 shall include the removal of one of the central visitor parking spaces to the west side of the parking area and which shall be replaced with a planting area to accommodate a tree.**

**Reason – To enhance the appearance of the development and soften the car park courtyard to the rear of the site in the interests of visual amenity.**

### **Informative Notes**

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

2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.



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# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	16 <sup>th</sup> May 2022
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	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
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	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**

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/21/00602/FUL	Old Whittington	Demolition of existing restaurant (Use class E) and erection of a drive thru restaurant (Suit Generis), circulation road and associated works (New documents received 03.12.2021, revised drawings received 06.12.2021 and 10.12.2021)  At Burger King Brimington Road North Chesterfield S41 9BE For EG Group	CP	29/04/2022
CHE/21/00635/FUL	Brimington South	Single storey side extension and two storey rear extension and render to all elevations  At 79 Manor Road Brimington S43 1NN  For Mr and Mrs Webb	CP	25/04/2022
CHE/21/00780/FUL	Old Whittington	Extension to existing factory / workshop  At Universal Hydraulics Ltd Carrwood Road Chesterfield Trading Estate Chesterfield S41 9QB For Challenger Hydraulics Limited	CP	19/04/2022
CHE/21/00793/DOC	Old Whittington	Discharge of condition 8 (Hard and soft Landscaping) of CHE/18/00121/FUL  At Land North Of 87 High Street and West Of 3 Ashleigh Close Old Whittington  For Mr Robert Smith	DPC	21/04/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00843/FUL	Hollingwood And Inkersall	Proposed ground floor extension At 52 Curbar Curve Inkersall S43 3HZ  For Mr and Mrs Sokolowska	CP	29/04/2022
CHE/21/00860/FUL	West	Re-submission of CHE/21/00337/FUL - two storey side extension and widening front access - Revised Drawing received 03.02.2022 and 21.02.2022  At 85 Yew Tree Drive Somersall Chesterfield S40 3NB  For Mrs Sherie Anderson	CP	13/04/2022
CHE/21/00899/DOC	Lowgates And Woodthorpe	Discharge of planning conditions 4 (Site Drainage), 8 ( Bin Storage), 13 ( Hard and Soft Landscaping) of CHE/19/00083/FUL - Conversion of existing pub (6-one bed flats) , new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats)  At All Inn Lowgates Staveley S43 3TX  For A-Rock Construction	PDOC	13/04/2022
CHE/21/00913/FUL	Lowgates And Woodthorpe	Two storey side extension and alterations, and drop kerb to access new driveway.  At 8 Bridle Road Woodthorpe S43 3BY  For Paul Day	CP	29/04/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/21/00921/DOC	Rother	Discharge of conditions 5, 7, 8 and 9 of CHE/17/00252/OUT At Land Adj 20 Harehill Road Grangewood S40 2JA  For JJK Project Services	PDOC	20/04/2022
CHE/22/00006/FUL	Moor	Proposed extensions to care home At Elm Lodge Nursing Home Stand Road Newbold S41 8SJ  For Tynefield Care Ltd	CP	25/04/2022
CHE/22/00026/DOC	Middlecroft And Poolsbrook	Discharge of conditions 3 (materials) (drainage), 6 (drainage), 7 (desk top study), 8 (soil sampling), 9 (biodiversity enhancement) and 10 (soft landscaping) of CHE/19/00514/FUL - Erection of two new three bedroom dwellings  At Land At Rowsley Crescent Staveley Chesterfield For Chesterfield Borough Council	5 PDOC	13/04/2022
CHE/22/00052/CLU	Moor	Converted from house to ground floor shop with a one bedroom flat upstairs  At The Works 391 Sheffield Road Whittington Moor S41 8LS  For Mr Roy Walsh	GRANT	04/05/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00056/DOC	Middlecroft And Poolsbrook	Discharge of planning conditions 10 (surface water drainage) 11 (biodiversity gain), 13 (surface water run off) and 14 (Remediation Method statement) of CHE/19/00518/FUL - Erection of two new two bedroom houses  At 8 Court Place Staveley Chesterfield S43 3RJ  For Chesterfield Borough Council	PDOC	13/04/2022
CHE/22/00068/FUL	St Leonards	Temporary car park At Chesterfield Hotel Malkin Street Chesterfield S41 7UA  For Chesterfield Borough Council	CP	29/04/2022
CHE/22/00069/FUL 13/04/2022	West	Erection of a single storey rear extension  At 21 Miriam Avenue Somersall Chesterfield S40 3NF  For Mr Michael Long		CP
CHE/22/00074/FUL	Middlecroft And Poolsbrook	Alterations to premises to include ram bollards to the main entrance, blocking up side entrance door, creation of new delivery entrance door at the rear, installation of ramp with hand handrails, new external bin and plant store and AC plant to the rear left of the building,  At Co-Operative Stores Chesterfield Road Staveley Chesterfield S43 3RX  For One Stops Stores Limited	CP	25/04/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00076/FUL	Hollingwood And Inkersall	Demolition of existing conservatory and erection of a side/front extension At 2 Tansley Way Inkersall Chesterfield S43 3DT  For Georgia and Ella Smart	REF	13/04/2022
CHE/22/00079/DOC	Rother	Discharge of planning conditions 3 (surface water), 11 (travel plan) and 16 (landscaping) of CHE/21/00281/REM1 - Erection of a 64 bed, 2 storey, residential care home for the elderly with roofspace ancillary accommodation and associated external works  At Land Adj 59 St Augustines Road Birdholme S40 2SA  For Andrew Puttello	PDOC	29/04/2022
CHE/22/00080/FUL	Linacre	Single storey side extension At 128 Brushfield Road Holme Hall Chesterfield S40 4XE  For Mr David Cochrane	REF	21/04/2022
CHE/22/00085/FUL	Moor	Two storey rear extension (including revised drawing provided on 01/03/22) At 93 Salisbury Avenue Newbold Chesterfield S41 8PQ  For Mr Andrew Paulson	CP	29/04/2022
CHE/22/00095/FUL	West	Demolition of existing garage and erection of a side extension At 211 Walton Back Lane Walton Chesterfield S42 7LP  For Mr and Mrs Haythorne	CP	13/04/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00100/COU	St Helens	Change of use from B8 (Storage) to Class E (light industrial) At Unit 3 Stonegravels Industrial Estate Meltham Lane Chesterfield S41 7LG  For Labtech Industries Ltd	CP	19/04/2022
CHE/22/00101/ADV	Loundsley Green	Free standing advertisement sign At Land Adjacent Sedgemoor Close and West Of Loundsley Green Road Loundsley Green Chesterfield For Strata	CP	21/04/2022
CHE/22/00105/TPO	Rother	T1 Lime of MWA Arboricultural Report  Works: Remove (fell) to near ground level. Reason: Clay shrinkage subsidence damage to 108 Langer Lane, S40 2JJ. NOTE Please also see Reasons for Works document submitted with this application.  At 108 Langer Lane Birdholme S40 2JJ  For Sheila Balaam	REF	14/04/2022
CHE/22/00120/FUL	Linacre	Single storey front/side extension At 10 Oldridge Close Holme Hall Chesterfield S40 4UF For Mr Bruce Grinnell	CP	25/04/2022
CHE/22/00123/FUL	West	Two storey rear extension At 14 Brookside Glen Chesterfield S40 3PF For Mr and Mrs Cragg	CP	25/04/2022



<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00124/FUL 25/04/2022	Moor	Erection of a single storey rear extension  At 84 Highfield Lane Newbold  S41 8BA  For Mr Mark Bates		CP
CHE/22/00125/FUL	Rother	Single storey rear extension At 11 Rushen Mount Birdholme Chesterfield S40 2JU For Mr and Mrs Grace	CP	22/04/2022
CHE/22/00127/DOC	Rother	Discharge of planning condition 5 (borehole investigation and remediation) of CHE/21/00281/REM1 - Erection of a 64 bed, 2 storey, residential care home for the elderly with roofspace ancillary accommodation and associated external works  At Care Home 59 St Augustines Road Birdholme Chesterfield S40 2SA For Crown Care XIV Ltd.	DPC	13/04/2022
CHE/22/00144/FUL	Hollingwood And Inkersall	Two storey side extension At  9 Kinder Road Inkersall Chesterfield S43 3HR For Mr and Mrs Brownsword	CP	25/04/2022
CHE/22/00146/FUL	Brimington North	Ground floor extension to annexe to form dining room and mower store to the garage  At 34 Newbridge Lane Brimington S43 1LY  For Mr Andrew Bellas	CP	25/04/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00154/DOC	Rother	<p>Discharge of condition 7 (Drainage) of CHE/17/00252/OUT</p> <p>At Land Adj 20 Harehill Road Grangewood S40 2JA</p> <p>For JJK Project Services</p>	REF	20/04/2022
CHE/22/00170/NMA	Dunston	<p>The amendment seeks to alter the Finished Floor Levels and ground levels of the plots of approved application CHE/19/00076/FUL. This is demonstrated on the attached plan DS-1406-02-EW-001 P1 'External Works'</p> <p>At Apple Trees Lancaster Road Newbold Chesterfield S41 8TP</p> <p>For Dr Sanghera</p>	CPNMAZ	20/04/2022
CHE/22/00263/CA	West	<p>Cypress Leylandii (T1) - Remove due to excessive shading, low amenity value and to prevent potential damage to the telephone lines that pass through the middle of the tree.</p> <p>At 626 Chatsworth Road Chesterfield S40 3JX</p> <p>For Miss Darren Herbert</p>	UP	04/05/2022

## *Delegated List - Planning Applications*

### Key to Decisions

<b>Code</b>	<b>Description</b>
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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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	16 <sup>th</sup> May 2022
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Applications to Fell or Prune Trees	Steve Perry	345791
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**SECTION 1****APPLICATION TO FELL OR PRUNE TREES**

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/22/00105/TPO TPO 4901.289 13/04/22	The felling of one Lime tree reference T53 on the Order map in the grass verge to the frontage of 108 Langer Lane due to alleged subsidence damage to the property.	Consent is refused to the felling of one Lime tree. Although there is clear evidence of cyclic movement and desiccation of the clays, which is indicative of the effects of trees, there is a second underlying trend consisting of a persistent downward movement of the property, increasing from 9mm to 13mm between the two planning tree applications periods. Removal of the trees would not necessarily solve the problem of the long-term settlement. Other Engineered solutions are available that would solve the settlement problem long-term that could also incorporate protection against the effects of the trees.

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

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/22/00249/CA The felling of one Willow tree at the Gas Sub-station, Boythorpe Road adjacent to West Bars Roundabout, Chesterfield. Page 73	The tree is within the Queens Park Conservation Area and the applicant wishes to fell the tree due to the poor condition and decay of the tree.	Agreement to the felling of one Willow tree due to its poor condition and safety issues next to a gas Sub-station. The felling of the tree will have no adverse effect on the character and amenity of the area and a replacement Rowan tree is to be planted in the same location.	04/05/22
CHE/22/00263/CA The felling of one Leylandii conifer tree in the rear garden of 626 Chatsworth Road, Chesterfield.	The tree is within the Chatsworth Road Conservation Area and the applicant wishes to fell the tree due to light issues, growing through telephone wires and lack of amenity value.	Agreement to the felling of one conifer tree. The felling of the tree will have no adverse effect on the character and amenity of the area due to its location in the rear garden.	05/05/22

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## APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 16<sup>th</sup> May 2022  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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### 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

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#### 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**

<b><u>FILE NO.</u></b>	<b><u>WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/1675	West ward	Dr C J Martin	CHE/21/00527/TPO – Felling of Lime T1 at 2 Somersall Lane Refusal	Officer delegation	20/9/21	Written Reps (fast track)	
2/69	St Leonards ward	Mr F Casey	CHE/21/00314/PA Prior Approval for Raising roof to create an additional storey at 35 Spital Lane	Officer delegation	29/9/21	Written Reps	
2/5885	Hasland ward	Mr J Toulson	CHE/21/00546/FUL driveway at 142 Mansfield Road Refusal	Officer delegation	25/1/22	Written Reps	
2/1698	Middlecroft and Poolsbrook ward	Mrs Sheila Blankley	CHE/21/00761/OUT 3 eco single storey dwellings at The Dumbles, Inkersall Green Road Refusal	Officer delegation	09/02/22	Written Reps	
2/4351	West ward	Mr I Hooper	CHE/21/00909/FUL Garage at 1 Oakfield Avenue Refusal	Officer delegation	28/03/22	Written Reps	
2/2150	Old Whittington ward	Michael Ellis Thompson	CHE/21/00809/FUL Pair of Houses at 132 High Street, Old Whittington Refusal	Officer delegation	22/04/22	Written Reps	

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# FOR PUBLICATION Agenda Item 8

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 16<sup>TH</sup> MAY 2022  
**REPORT BY:** HEAD OF REGULATORY LAW  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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#### **1.0 PURPOSE OF REPORT**

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

#### **4.0 MORE INFORMATION ABOUT THE TABLE**

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
HEAD OF REGULATORY LAW

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law  
Tel 01246 936471 or email [gerard.rogers@chesterfield.gov.uk](mailto:gerard.rogers@chesterfield.gov.uk)

Enforcements currently Authorised: 5

# ENFORCEMENT REPORT

06 May 2022

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
<b>Breach of Condition Notice</b>		<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: 540 days</i>					
York Street	2 23/09/19 <i>957</i>	balcony, canopy and french door	17/00800/FUL	16/03/21 <i>540</i>	16/03/21 <i>417</i>	16/04/21 <i>386</i>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecute - awaiting instructions.	<input type="checkbox"/> <i>18/03/21</i>	Ha
<b>Enforcement Notice</b>		<i>Total currently Authorised: 2</i>		<i>Authorised to Issue Average: 31 days</i>					
Markham Road	Markham House 18/02/08 <i>5,192</i>	storage of commercial vehicles		20/03/08 <i>31</i>	18/04/08 <i>5132</i>	20/10/08 <i>4947</i>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <i>14/11/19</i>	HI
York Street	2 09/10/17 <i>1,671</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha



Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
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**Section 215 Amenity Notice**

*Total currently Authorised: 2 Authorised to Issue Average: days*

Highfield Road	80	05/10/20 <i>579</i>					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
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Taton Terrace	26	05/10/20 <i>579</i>					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL
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*Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers*

*Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Hollingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • Wa Walton • We West*

*SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court  
CV-19 - coronavirus implications for enforcement or compliance*

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

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