



Please ask for Rachel Appleyard
Direct Line: 01246 345277
Email democratic.services@chesterfield.gov.uk

The Chair and Members of Planning
Committee

8 July 2022

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 18 JULY 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 - 22)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 23 - 168)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 169 - 180)
6. Applications to Fell or Prune Trees (P620D) (Pages 181 - 184)
7. Appeals Report (P000) (Pages 185 - 188)

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

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

8. Enforcement Report (P410) (Pages 189 - 192)
9. Planning Committee Site Visits (Pages 193 - 200)
10. 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)

11. Unauthorised development at 10 Pottery Lane West, Chesterfield (Pages 201 - 208)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

PLANNING COMMITTEE**Monday, 27th June, 2022**

Present:-

Councillor Simmons (Vice-Chair in the Chair)

Councillors D Collins
Barr
Bingham
Catt
Caulfield

Councillors Davenport
T Gilby
Miles
G Falconer

*Matters dealt with under the Delegation Scheme

19 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Borrell, Brady, Callan and Marriott.

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

No declarations of interest were received.

21 MINUTES OF PLANNING COMMITTEE**RESOLVED –**

That the Minutes of the meeting of the Planning Committee held on 6 June, 2022 be signed by the Chair as a true record.

22 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/21/00911/FUL - CONSTRUCTION OF A SINGLE STOREY DWELLING IN THE REAR GARDEN PLOT OF NO. 9 DORSET DRIVE, BRIMINGTON, CHESTERFIELD FOR MRS ALISON BOOTH

***RESOLVED –**

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

A.

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

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

- Site Location Plan (submitted 11/05/22)
- Proposed Floor plans, elevations and site plan (submitted 11/05/22)
- Biodiversity plan

3. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. Additional details shall include:

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

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees)

which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

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

4. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

5. A residential charging point shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

6. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

7. 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.

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

with the approved designs free from any impediment to its designated use.

9. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of two vehicles (each space measuring a minimum of 2.4m x 5.5m), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

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

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

12. 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.

13. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Arrangements at school drop off and pick up times
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

14. Prior to any other works commencing, the entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2.4m into the site from the carriageway edge in order to maximise the visibility available to drivers emerging onto the highway.

15. There shall be no gates or other barriers on the access/driveway.

16. The proposed access/driveway to Devon Park View shall be no steeper than 1:14

B. That a CIL liability notice be served for £1,476 as per section 6.8 of the officer's report.

CHE/21/00648/FUL - DEMOLITION OF DILAPIDATED BEDSIT UNITS AND CONSTRUCTION OF 2 THREE BEDROOM HOUSES WITH ASSOCIATED PARKING FACILITIES AND CONVERSION OF NO'S 20 AND 22 TO SINGLE DWELLING (REVISED DRAWINGS RECEIVED 08/12/21, 27/01/22, 25/04/22 AND 13/05/22) AND REMOVAL OF TPO TREE (DESCRIPTION AMENDED 10/05/22) at 20 ABERCROMBIE STREET, CHESTERFIELD for MR VITO SCAVELLI.

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the planning permission being held pending a S106 agreement to be negotiated to secure the funding to deliver the necessary changes to the Traffic Regulation Order and subject to the following conditions :-

A.

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

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

- Site Location Plan and Existing Site plan
- Proposed Elevations of Existing Dwelling (submitted 13/05/22)
- Side Elevation of Existing dwelling including windows
- Proposed Elevations and Floor plans (submitted 27/01/22)
- Proposed First floor of Existing dwellings on site
- Proposed ground floor of existing dwellings on site
- Revised site layout plan DSC.820.A4.15
- Drawing DSC.820.A4 10/B Site Layout including Biodiversity
- Tree Planting Plan (13/05/22)
- Tree Planting Plan (including planting plan) submitted 25/04/22
- Email for proposed window plan (received 15/06/22)

3. No development above floor-slab/D.P.C level shall take place until a soft and hard landscaping scheme (including a programme of implementation and maintenance) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) a scaled plan showing the trees and plants to be planted:
- b) a scaled plan showing the trees and plants to be removed:
- c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
- d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
- e) Sufficient specification to ensure successful establishment and survival of new planting.
- f) Details of the types of bird boxes, bat boxes, log piles, hedgehog gaps, bird baths and bird tables.
- g) Areas of hardstanding.
- h) Boundary treatments.

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

The net measurable biodiversity gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved. The front garden area (post discharge of the condition and completion of works) shall be retained in perpetuity as such as agreed.

4. 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 front garden area shall be retained as such and shall not be hard surfaced and shall not include the addition of increased parking spaces without the grant of further specific planning permission from the Local Planning Authority.
5. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
6. A residential charging point shall be provided for each dwelling with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. These sockets should be located where they can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.
7. Each dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.
8. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials and all other features 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.
9. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of resident's vehicles (each space measuring a minimum of 2.4m x 5.5m), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.
11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
12. 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.
13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
14. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors' vehicles, laid out and constructed 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.
15. The new vehicular access to be formed to Abercrombie Street in accordance with the revised application drawing shall be provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in both directions. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level. The existing vehicular access shall be a minimum 3.2m in width.

16. After the felling of T6 Horse chestnut of Tree Preservation Order 4901.19 and before the first occupation of the dwellings or first available planting season after felling, one heavy standard size Whitebeam tree *Sorbus aria* shall be planted in the location prepared to the specifications and location as shown on drawing AWA4310. The rooting environment for the replacement Whitebeam tree for T6 Horse chestnut shall be maintained at a suitable distance as shown on drawing AWA4310 Tree Planting plan, with no other structures or hard surfaces constructed within the defined area other than those shown on drawing AWA4310 and revised site layout plan DSC.820.A4.15 'Site layout' submitted on the 13th May 2022.

Prior to first occupation of the development hereby approved, details of treatment of sufficient specification to ensure successful establishment and survival of new planting which should also include details of the restoration and improvement/decompaction of the required rooting environment of the replacement tree for T6 Horse chestnut. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

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

17. No development shall commence until;

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

18. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably

competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

19. No development above floor-slab/D.P.C level shall take place until full details for the treatment of the front boundary wall have been submitted to and approved in writing by the Local Planning Authority. The works to the wall shall be completed strictly in accordance with the approved details prior to the first occupation of the development. Details shall include information about the gate pillars and any other restoration works to the wall. 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 front boundary wall (post development) shall be retained as such and shall not be demolished, raised or have significant works completed to without the grant of further specific planning permission from the Local Planning Authority.

20. No development above floor-slab/D.P.C level shall take place until full details for the windows and doors of the new dwellings (including materials, glazing and other window details) have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be completed strictly in accordance with the approved details prior to the first occupation of the development. 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 windows and doors shall be retained as such and shall not be replaced without the grant of further specific planning permission from the Local Planning Authority.

21. The new premises, the subject of the application, shall not be occupied until details for the treatment of the windows and doors to the western side of no.20 Abercrombie Street, including proposed materials including drawings of the works have been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be completed, and maintained throughout the life of the development.

B. That a CIL liability notice be served for £4,012 as per section 6.9 of the officer's report.

23 **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/21/00133/FUL	Rear kitchen and dining room single storey flat roofed extension, two storey side and front extension and front porch/office extension at Brandene, 133 Whitecotes Lane, Walton S40 3HJ for Mr John Kilner
CHE/21/00284/REM	Variation of condition 20 (approved plans) relating to CHE/12/00121/FUL - Residential development of 5 houses with associated landscaping and parking at Site of Former Old Farm Inn, Highfield Road, Newbold S41 7HS for Prime Site
CHE/21/00695/FUL	Partial removal of boundary wall and creation of vehicle hardstanding with access gates and dropped kerb at 152 Old Hall Road, Chesterfield S40 1HG for Chesterfield Borough Council
CHE/21/00862/FUL	First floor side/front extension and alterations at The Limes, 161 Walton Back Lane, Walton S42 7LT for Mr and Mrs Nigel Metham
CHE/21/00880/FUL	Two storey side extension at 232 Hunloke Avenue Boythorpe S40 3EE for Mr Joel Pullen
CHE/21/00915/RET	Retrospective consent for conversion of existing attached single garage to a single bedroom with ensuite at 67 Highland Road, New Whittington S43 2EZ for Alex Sykes
CHE/21/00918/ADV	Replacement of existing double-sided internally illuminated 6-sheet bus shelter advertising displays with double-sided digital advertising

- displays at Bus Shelter, Wheatbridge Road, Chesterfield for Mrs Louise Roberts
- CHE/22/00036/FUL Two storey rear extension at 41 Compton Street, Chesterfield S40 4TA for Mr Peiken Wang
- CHE/22/00039/FUL Single storey front extension to increase lounge, entrance hall and shower room at 17 Woodbridge Rise, Walton S40 3LL for Mr and Mrs Olewicz
- CHE/22/00048/FUL Demolition of existing garage, shed and conservatory and erection of a two storey side extension, loft conversion and attached garage at 80 Curbar Curve, Inkersall, Chesterfield S43 3HX for Mrs Katarzyna Banasik
- CHE/22/00091/FUL New porch to front elevation, demolition of existing outbuildings and garage, construction of new single storey side extension and construction of new external deck. (Revised drawings received 10.05.2022) at 30 Private Drive, Hollingwood, Chesterfield S43 2JF for Mr and Mrs Taylor
- CHE/22/00096/TPO T1 Sycamore - a poor tree, with low vigour and dead wood throughout the crown. It has been inexpertly pruned in the past and has asymmetric form due to suppression from an adjacent larger tree that has recently been removed. The tree has little amenity value. It stands forward of a line of trees that form an old field boundary and so its removal would be of little impact to the appearance of the area. It is not a suitable tree for a garden of this size. Due to the limited space in the garden, it would be appropriate to waive the condition to replant, so as to avoid a repeat of the same problems in the future at 46 Netherleigh Road, Ashgate, Chesterfield S40 3QJ for Mr Chris Hopkinson
- CHE/22/00159/ADV Circular sign advertising Storrs Road Methodist Church and Centre, sign advertising Storrs Road Pre-school, defibrillator sign indicating the

appliance fitted on the wall at Methodist Church
Upper Moor Street, Chesterfield S40 3NR for
Storrs Road Methodist Church and Centre

- CHE/22/00167/FUL Single storey side extension and rendering to the existing front elevation at 15 Selby Close, Walton, Chesterfield S40 3HA for Mr and Mrs D Barnett
- CHE/22/00169/FUL Single storey rear extension and new garage roof at 7 Pettyclose Lane, Tapton, Chesterfield S41 0TJ for Mr Ben Cook
- CHE/22/00175/FUL Re - submission of CHE/21/00311/FUL for single storey garage extension at 18 Dorset Drive, Brimington S43 1DS for Mrs Alison Booth
- CHE/22/00191/ADV 1 internally illuminated fascia sign and 1 externally applied vinyl at 5A Mansfield Road, Hasland, Chesterfield S41 0JB for Mark Allen
- CHE/22/00192/RET Changes to the front and rear elevations and installation of a ground-mounted air source heat pump at 196 Ashgate Road, Chesterfield S40 4AL for Mr M Lees
- CHE/22/00200/FUL Two storey extension to rear and side at 241 Newbold Road, Newbold, Chesterfield S41 7AQ for Mr Nicolantonio DeGirolamo
- CHE/22/00201/FUL Erection of single storey front and side extensions at 41 Hartington Road, Spital, Chesterfield S41 0HE for Mr and Mrs Warren
- CHE/22/00202/ADV 3 externally illuminated fascia signs, 3 window vinyls and 2 hanging signs at 35-37 Low Pavement, Chesterfield S40 1PB for Boots
- CHE/22/00213/FUL New canopy extension in existing service yard and the creation of additional parking on site and dropped curbs to the front of the site (description change agreed 05/05/22) at Dunston Trading Estate, Units 20 and 21 Foxwood Road,

Sheepbridge, Chesterfield S41 9RF for
Chris Butcher

- CHE/22/00214/REM Variation of condition 2 (materials) of
CHE/21/00416/FUL - single storey rear and side
extension and installation of two new dormer
windows to the front and two to the rear of the
property at 27 Westbrook Drive, Chesterfield
S40 3PQ for Mr M Crawley
- CHE/22/00218/RET Retrospective application for proposed garden
room extension to rear at 92 Sycamore Road
Hollingwood S43 2LP for Mr and Mrs C Stevenson
- CHE/22/00221/PA Re-submission of CHE/22/00043/PA - Change of
use of office space into three 2 bedroom flats and
one 1 bedroom flat at Storage Above 431 - 435
Sheffield Road, Whittington Moor, Chesterfield
S41 8LU for Mr Ronald Taylor
- CHE/22/00239/FUL Replacement of existing porch with new oak
framed porch and cantilevered balcony to rear
at 145 Newbridge Lane, Old Whittington,
Chesterfield S41 9HY for Mr Jacob Swallow
- CHE/22/00247/FUL Single story rear extension at 63 The Green,
Hasland, Chesterfield S41 0LW for
Jerry and Gilly Wright
- CHE/22/00271/TPO Tree Preservation Order 4901.112 Dunston Ward
West (1992)- T32. Please see 'Summary of claim
history and evidence' on file attached for
description of proposal. Fell one Indian Bean Tree
due to subsidence damage at 509 Newbold Road,
Newbold S41 8AE for Mr Phillip Smith
- CHE/22/00303/TPO Crown lift and crown reduce one Lime tree within
G1 of TPO 10 at 40 Deerlands Road, Ashgate,
Chesterfield S40 4DF for Mr Brian Kerry
- CHE/22/00338/TPO T34 Prune T34 away from the entrance barrier to
the car park so that the branches do not impede

its movement and safe operation at Car Park To Rear Of Town Hall, Rose Hill, Chesterfield S40 1LP for Mr Gary McCarthy

- CHE/22/00342/TPO T281 Oak - Removal of large smashed out branch + deadwood. Request to crown clean/deadwood all trees on railway site. T238 T244 T262 T265 T266 T269 T274 T275 All limes - Crown Lift + thin out slightly to allow more light. Dead Elm tree adj. to T230/231 area fell at Brambling House, Hady Hill, Hady, Chesterfield S41 0EF for Model Railway Club
- (b) Refusals
- CHE/21/00662/RET Retrospective application for ground works and provision of fencing to the site. Full planning application for the construction of a two bed bungalow as detailed on the submitted plans with hardstanding and ornamental landscaping at Land To The North East Of Golf Driving Range, Whittington Road, Barrow Hill for Ms Bernadette Price
- CHE/22/00107/DOC Discharge of conditions 3 (landscaping), 14 (parking management plan), and 17 (events management plan) of CHE/21/00430/FUL - Change of use of Dunston Hall from C3 to Sui Generis use permitting the building to be operated as a Holiday Let and wedding venue, including conversion of the existing garage building to create an internal space suitable for conducting wedding ceremonies, and the creation of a car parking area at Dunston Hall, Dunston Road, Chesterfield S41 9RL for Mr David Harrison
- CHE/22/00147/FUL Side extension to create accessible accommodation for disabled person at 10 Spencer Avenue, Woodthorpe S43 3BX for Mr Jamie Metcalfe
- CHE/22/00187/FUL Bay extension to front of property at 23 Avenue

Road, Whittington Moor S41 8TA for
Mrs Mandy Scatchard

- CHE/22/00238/FUL Proposed single storey home office in front side garden at 1 Westwood Close, Inkersall S43 3JE for Mr Sreekanth Balachandran
- CHE/22/00243/FUL Roof refurbishment and existing carport extension at 5 Wentworth Avenue, Walton, Chesterfield S40 3JB for Mr Chris Hatton
- CHE/22/00250/TPO Remove 2 Beech trees T8 & T9. The trees have low amenity value and their protection by a TPO is entirely unjustified at 31 Storrs Road, Chesterfield S40 3QA for Mr David Pogson

(c) Discharge of Planning Condition

- CHE/22/00156/DOC Discharge of conditions 4, 11, 12, and 17 of CHE/21/00135/FUL at Former 9 and 11 Paisley Close, Staveley, Chesterfield S43 3NS for Chesterfield Borough Council
- CHE/22/00286/DOC Discharge of planning condition 2 (methodology statement) of CHE/21/00886/LBC - Removal of existing signage, external ATM and night safe and making good where removals affect the building externally and Internal alterations to remove of non-original internal signage, fixtures, fittings, furniture, and equipment relating to the operation of this retail bank at Royal Bank Of Scotland 2 - 4 Stephenson Place, Chesterfield S40 1XP for Lewis and Hickey
- CHE/22/00375/DOC Discharge of condition 7 (external materials' details) relating to application CHE/21/00887/FUL. at Chesterfield and North Derbyshire Royal Hospital Chesterfield Road, Calow, Chesterfield S44 5BL for Derbyshire Healthcare NHS Foundation Trust

(d) Partial Discharge of Conditions

CHE/22/00207/DOC Discharge of planning conditions 3 (biodiversity) and 4 (materials) of CHE/21/00822/FUL - Increase existing roof height by 0.9m for proposed loft conversion, incorporating dormer windows to the front and rear and balcony window to the rear and alter flat roof to pitch roof on existing porch at 82 Church Street North, Old Whittington S41 9QP for Mr Carl Rayner

CHE/22/00289/DOC Discharging of condition 11 (materials) and condition 14 (employment and training scheme) relating to application CHE/19/00083/FUL at All Inn, Lowgates, Staveley S43 3TX for A-Rock Construction Ltd

(e) Conditional Consent for Non-Material Amendment

CHE/22/00245/NMA Non-material amendment to CHE/21/00437/FUL (Single storey side extension to replace existing garage) to alter the roof design to match existing Roof at 277 Walton Road, Walton, Chesterfield S40 3BT for Juris Lemanis

CHE/22/00357/NMA Non-material amendment to CHE/22/00038/FUL - Within the single storey rear extension to put an extra window on the side as per the original house layout at 3 Lansdowne Avenue, Chesterfield S41 8QD for Mr Iain Graham

(f) Prior approval not required

CHE/22/00277/TPD Single storey rear extension to provide an orangery at 139 Old Road, Chesterfield S40 3QR for Mr Christopher Milburn

CHE/22/00300/TPD Single storey rear extension with a flat roof and a parapet wall. A roof lantern light is to be installed into the new flat roof at 9 Booker Close, Inkersall S43 3WA for Mr Andrew Hislop

CHE/22/00283/TPD Ground floor extension to the rear elevation at 172

Manor Road, Brimington, Chesterfield S43 1NW
for Mr Callum Rutter

(g) Other Council

CHE/22/00317/CPO Section 73 Application to not comply with Condition 28 of planning permission CW2/0508/20 in order to allow the site to operate on bank holidays and national days excluding Christmas Day, Boxing Day and New Year's Day at Recycling Site, Broombank Park, Chesterfield Trading Estate, Chesterfield S41 9RT for FCC Recycling (UK) Ltd

CHE/22/00316/CPO Section 73 Application to not comply with Condition 24 of planning permission CW2/0508/21 to allow the site to operate on bank holidays (excluding Christmas Day, Boxing Day and New Year's Day) at Recycling Site, Broombank Park, Chesterfield Trading Estate, Chesterfield S41 9RT for FCC Recycling (UK) Ltd

(h) Withdrawn

CHE/22/00340/REM Variation of condition of 1 (time limit) of CHE/19/00102/FUL - Demolition of buildings used for commercial purposes; Erection of 7 dwellings and conversion of out-buildings for use as home-working studios (in conjunction with the dwellings) and associated access/parking and landscaping at Handleywood Farm, Whittington Road, Barrow Hill, Chesterfield S43 2PW for Mr. and Mrs B Steele

24 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/22/00338/TPO Consent is granted to the pruning of one Lime tree reference T34 on the Order map for Gary McCarthy on behalf of Chesterfield Borough Council at The Town Hall Car Park east access.
- CHE/22/00271/TPO Consent is granted to the felling of one Indian Bean tree reference T32 on the Order map at 509 Newbold Road due to alleged subsidence damage.
- CHE/22/00303/TPO Consent is granted to the pruning of one Lime tree within G1 on the Order map for Mr Kerry of 40 Deerlands Road, Ashgate.
- CHE/22/00096/TPO Consent is granted to the felling of one Sycamore tree reference T31 on the Order map at 42 Netherleigh Road with the condition that a replacement tree is to be planted along the rear boundary away from the property.
- CHE/22/00342/TPO Consent is granted to the pruning of trees of various species reference T209 to T329 which consist of Oak, Sycamore, Elm, Cherry, Beech, Ash and Lime on the Order Map and which are situated in the grounds of the Chesterfield & District Model Engineering Society, Hady Hill, Hady for Ken Portas Tree Surgery.
- CHE/22/00228/TPO Consent is granted to the pruning of 3 Sycamore trees reference T14, T17 & T18 and 3 groups of Sycamore trees reference G1, G2 & G3 on the Order Map and which are situated in the grounds of Wyndale, Glasshouse Lane, New Whittington.
- CHE/22/00250/TPO Consent is refused to the felling of two Beech trees reference T8 & T9 on the Order map for Anderson Tree Care on behalf of 31 Storrs

Road.

25 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.

26 ENFORCEMENT REPORT (P410)

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED –**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	18 th July 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.

This page is intentionally left blank

**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 18th July 2022**

ITEM 1	CHE/22/00194/FUL - CHANGE OF USE OF EXISTING BUILDING TO CREATE 42 RESIDENTIAL APARTMENTS (USE CLASS C3) AND ASSOCIATED EXTERNAL ALTERATIONS AT BURLINGTON HOUSE, BURLINGTON STREET, CHESTERFIELD FOR G.A.P.E EQUITY LIMITED.
ITEM 2	CHE/22/00195/FUL - ERECTION OF THIRD STOREY TO CREATE 13 NO. RESIDENTIAL APARTMENTS (USE CLASS C3) AT BURLINGTON HOUSE, BURLINGTON STREET, CHESTERFIELD FOR G.A.P.E EQUITY LIMITED.
ITEM 3	CHE/22/00139/FUL - ALTERATIONS TO EXISTING BUNGALOW TO INCLUDE REAR DORMER AND SINGLE STOREY REAR EXTENSION (REVISED PANS RECEIVED 21/04/2022 AND 06/06/2022) (DESCRIPTION OF DEVELOPMENT UPDATED 22/04/2022 AND 10/06/2022) AT 26 WESTWOOD LANE, BRIMINGTON, CHESTERFIELD, S43 1PA FOR MR S BINNS.
ITEM 4	CHE/21/00609/FUL - RESIDENTIAL DEVELOPMENT OF 26 DWELLINGS, NEW ACCESS, PARKING AND ASSOCIATED LANDSCAPING (REVISED PLANS RECEIVED 13.06.2022) AT LAND TO THE WEST OF SWADDALE AVENUE, TAPTON, CHESTERFIELD FOR MYPAD2020

ITEM 1**Change of use of existing building to create 42 residential apartments (Use Class C3) and associated external alterations at Burlington House, Burlington Street, Chesterfield for G.A.P.E Equity Limited.**

Local Plan: Town Centre

Ward: St Leonards

Plot No: 2/281

Committee Date: 18th July 2022**CONSULTATION RESPONSES**

Yorkshire Water	Based on the details submitted, no observation comments are required from Yorkshire Water, as the drainage system that serves Burlington House and connected to public sewer network, is still being used for all 3 proposals.
NHS CCG	Request contribution of £26,496 for: Inspire Health – Avenue House • Royal Primary Care Ashgate • The Surgery at Wheatbridge
CBC Housing regulation officer	We have no specific standards for flats; generally, a single persons bedroom would have to be a minimum of 6.51m ² but we would expect larger; double bedrooms would be expected to be a minimum of 10.22m ² . Overall, the individual flats seem to be a reasonable size.
The Coal Authority	The submission to which this consultation relates falls on our exemptions list, you are therefore advised to consult the Coal Authority guidance (provided to all LPAs on 18/12/2020) on this issue and to include the necessary notes/advice on any consent granted.
Historic England	Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Derbyshire Constabulary	In principle no objection to the conversion. Recommend condition on communal door specification and entry schedule, CCTV to the lobby, cycle storage provision and post box specification.
Highway Authority	Although the Highway Authority has no objections to the proposals due to the town centre location, to avoid any obstructions to all highway users and possibility of mud/debris being deposited on public highway during the construction phase, should The Planning Authority be minded to permit the application, it is recommended conditions and informative notes are included.
Lead Local Flood Authority	No objections in principle
Chesterfield Cycle Campaign	Welcome cycle storage but have queries. There should be cycle storage for each apartment and to appropriate standards, a cycle ramp should be provided to the rear.
CBC Forward Planning	Comments made referring to the policy requirements which are integrated into the content of the report below
CBC Housing Delivery Manager	Comments made see report
Derbyshire Wildlife Trust	Comments made see report
Representations	The impact of the development is that funding of £106k is required for the hospital

2.0 **THE SITE**

- 2.1 The application site relates to the existing building which dates from the mid-20th Century constructed of concrete with cladding. The building appears to be formed in two distinct phases in terms of the design and is a prominent building within the town centre. The building has been largely retained as built retaining its distinct architectural form. Whilst an arguable negative element within the Conservation Area of the town centre it is nevertheless integral to the layering of development within the town.



3.0 SITE HISTORY

- 3.1 CHE/22/00178/FUL Change of use from restaurant/nightclub (Use Class Sui Generis) to Office (Use Class E g(i)) and external alterations – Conditional permission 21.06.2022
- 3.2 CHE/22/00195/FUL Erection of third storey to create 13 no. residential apartments (Use Class C3) – Pending consideration
- 3.3 CHE/21/00020/FUL Change of use of vacant first and second floor office and retail accommodation into 36 residential apartments (Amended plans

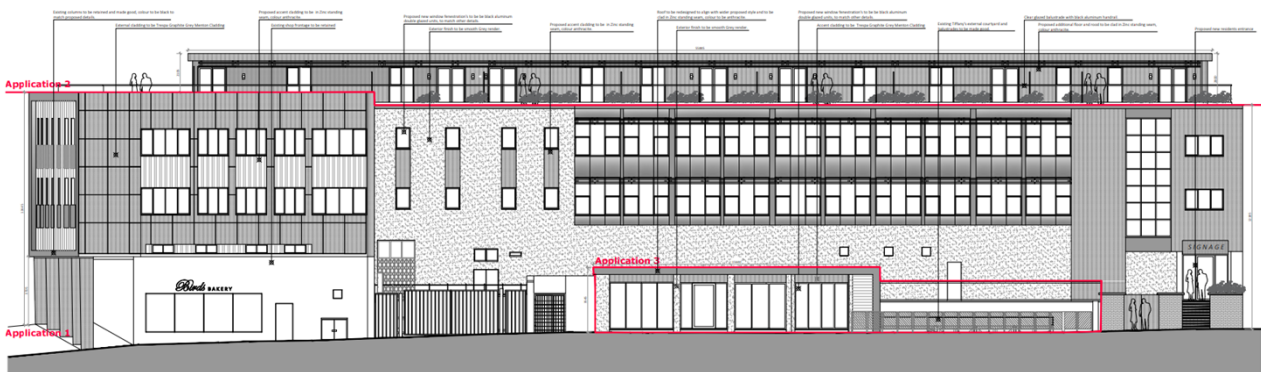
received 02.07.2021 with reduced numbers of units to the first floor) – Refused 27.07.2021

- 3.4 CHE/21/00030/FUL Construction of 22 duplex residential apartments on 2 levels above existing second floor of building – Refused 20.04.2021
- 3.5 CHE/20/00303/PNCOU Conversion of first and second floor vacant offices into residential apartments (revised plans submitted 25.06.2020 reducing number of flats at first floor to 14) – Refused 30.06.2020
- 3.6 Numerous historic applications relating to the uses of the ground floor and advertisements and alterations to the building.

4.0 **THE PROPOSAL**

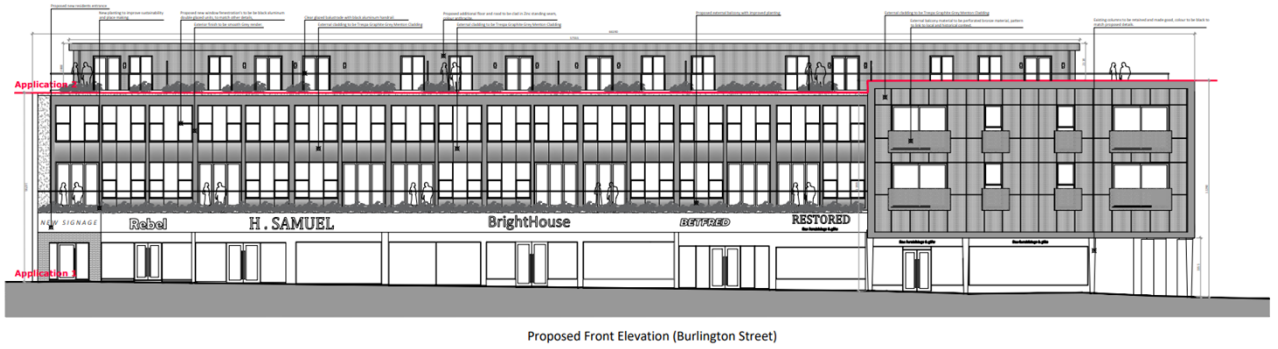
- 4.1 Planning permission is sought to convert the first and second floors of the building to create 42 apartments with access formed from the ground floor with level access from Burlington Street and stepped access from Church Lane. The ground floor entrance area will be formed from the enclosure of the existing alleyway situated between the retail units either side fronting Burlington Street.
- 4.2 The intention is also to make alterations to the building with the overall aim of enhancing the appearance through rendering and cladding of the building, provision of balconies, with integrated planting and new windows. To the southern elevation solar shading is proposed to reduce overheating.

4.3 Rear elevation as proposed:

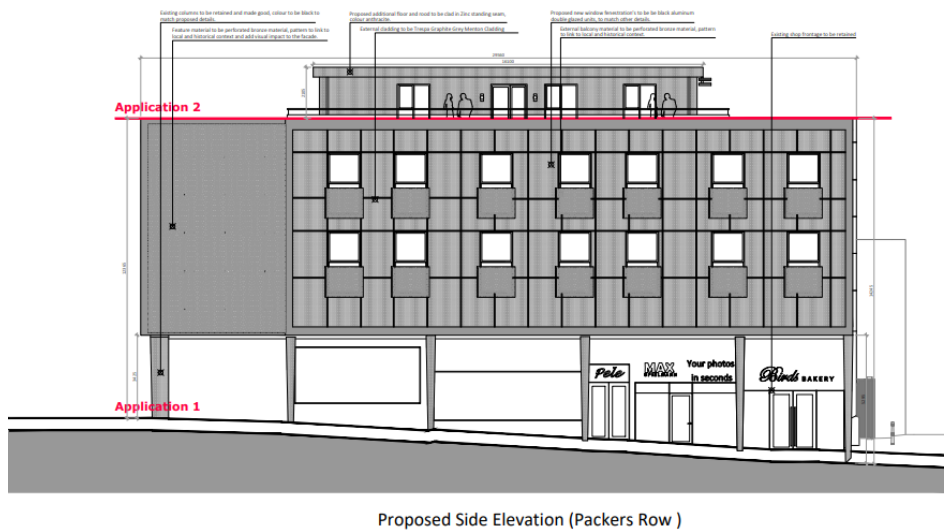


Proposed Rear Elevation (Church Lane)

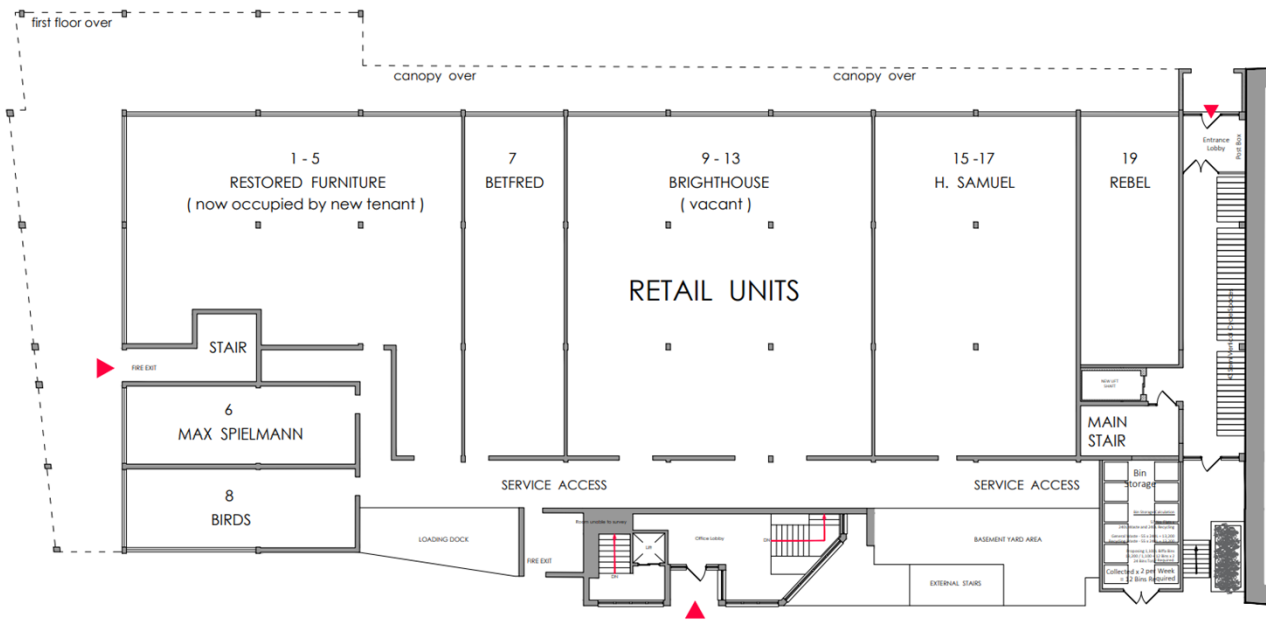
4.4 Front elevation as proposed:



4.5 Side elevation as proposed:

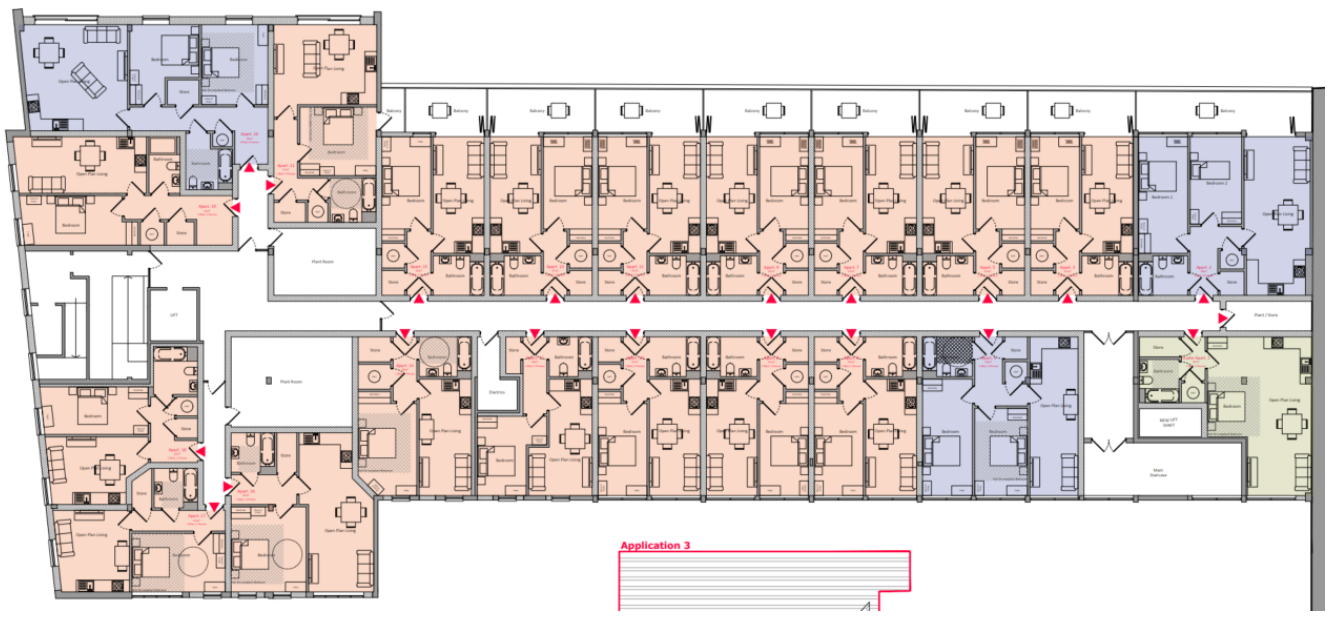


4.6 Proposed ground floor plan:



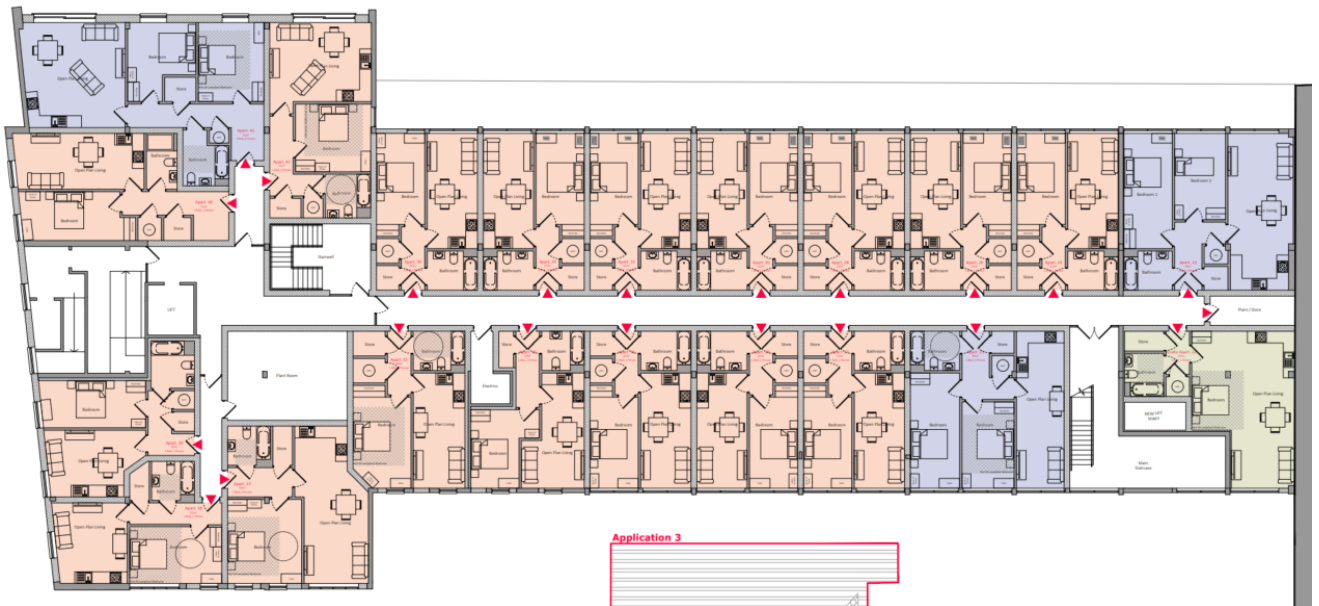
Proposed Ground Floor Plan & Site Plan Layout

4.7 Proposed first floor plan:

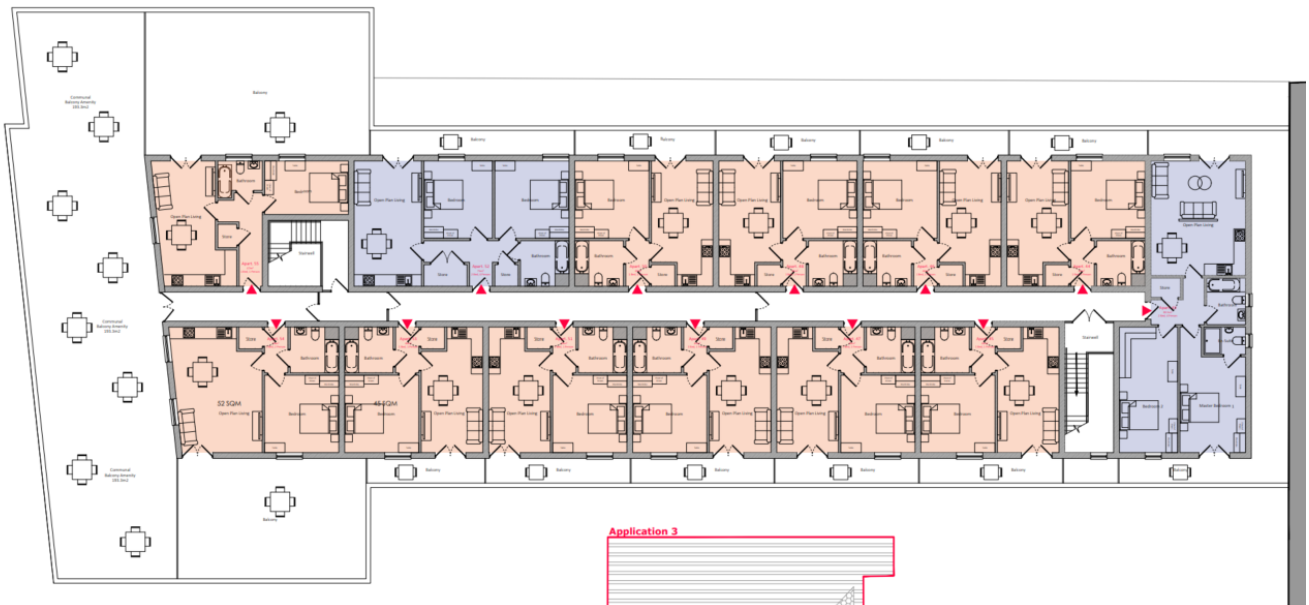


Application 3

4.8 Proposed second floor plan:



4.9 Proposed third floor (extension) – not being considered under this application but demonstrates the proposed communal space.



5.0 **CONSIDERATIONS**

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'.

The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

- 5.1.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.1.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that; In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.2 Chesterfield Borough Local Plan 2018 – 2035 - Relevant policies

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP4 Range of Housing
CLP8 Vitality and Viability of Centres (Strategic Policy)
CLP10 Social Infrastructure
CLP11 Infrastructure Delivery
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel
SS1 Chesterfield Town Centre (Strategic Policy)

5.3 National Planning Policy Framework – Relevant sections

Part 2. Achieving sustainable development
Part 4. Decision-making
Part 5. Delivering a sufficient supply of homes
Part 6. Building a strong, competitive economy
Part 8. Promoting healthy and safe communities
Part 9. Promoting sustainable transport
Part 11. Making effective use of land
Part 12. Achieving well-designed places
Part 14. Meeting the challenge of climate change, flooding and coastal

change

Part 15. Conserving and enhancing the natural environment

Part 16. Conserving and enhancing the historic environment

5.4 Supplementary Planning Documents

Designing Out Crime

Successful Places' Residential Design Guide

Historic Environment

5.5 Key Issues:

- Principle of development
- Affordable and Accessible Housing
- Infrastructure
- Heritage and visual impact
- Residential Amenity
- Highway safety
- Biodiversity

5.6 Principle of Development

- 5.6.1 Policies CLP1 and 2 of the Adopted Local Plan set out the strategic approach to the siting of sustainable development. CLP1 states that the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services, focussing on areas of regeneration. This is reiterated in Policy CLP2 where it states that; 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), this is the first priority followed by developments that;
 - 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;

- 5.6.2 The application site is within the defined town centre of Chesterfield where there is immediate access to multiple services and facilities and in this regard the proposal for residential development in a sustainable location is acceptable in line with policies CLP1 and 2 of the Adopted Local Plan.
- 5.6.3 Being within the Town centre the proposal is considered under the remit of policy CLP8 of the Adopted Local Plan where it states:
Within centres and Chesterfield Town Centre Primary Shopping Area (PSA) planning permission will normally be granted for A1 retail uses. For main town centre uses other than A1 retail, consideration will be given to the extent to which proposals accord with criteria a) to e) below:
a) have a positive impact on vitality and/or viability;
b) provide active ground floor uses;
c) cater for a wide public through diversity of leisure and cultural attractions and events;
d) contribute to an appropriate mix of licensed premises; and
e) contribute to efforts to tackle vacant, under-used and derelict buildings within centres, particularly in historic buildings.
The policy goes on to note that; Residential uses (C3) will be permitted at first floor level and above (with the exception of suitable provision for access) and on appropriate redevelopment sites where it would not undermine the vitality of the centre.
- 5.6.4 The proposed ground floor access provision and the conversion of the upper floors will not impact on the ability of the ground floor commercial uses to remain and therefore the proposed conversion will not adversely impact upon the vitality and viability of the town centre in terms of the loss of any commercial floorspace. The provision of additional housing in a centre area where there is easy access to services and facilities will have a beneficial economic impact on the centre.
- 5.6.5 It should be noted that policies CLP1, 2 and 8 support such residential uses within sustainable locations and therefore whilst the density of residential accommodation proposed is high this is not in principle contrary to the adopted policies of the local plan.
- 5.6.6 Policy SS1 criteria (i), specifically refers to “enhancing the range and quality of residential uses within Chesterfield town centre” and the proposals would enhance the range of residential uses. Therefore, the principle of residential development in this location is acceptable in principle, subject to meeting the other policy requirements within the Local Plan.

5.7 Affordable and Accessible Housing

- 5.7.1 Policy CLP4 requires development of more than 10 dwellings to provide a proportion of affordable housing. This location is in the medium CIL zone with a requirement of 10% of the total units to be provided as affordable housing. Therefore, a 10% affordable housing contribution would normally be required and is required for the third floor extension. Para 64 of the NPPF notes that: To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. This amount in footnote 30 is stated to be equivalent to the existing gross floorspace of the existing building. As this application is converting existing floorspace within the vacant areas of the building, the vacant building credit applies such that no affordable housing contribution can be requested for the conversion elements of the scheme.
- 5.7.2 Policy CLP4 requires that 25% of new dwellings should be constructed to the higher M4(2) standards of adaptability and accessibility. In this case the conversion of the first and second floor and includes lift access with the M4(2) standard properties identified in the key. The proposal is therefore that of the 55 apartments proposed overall in the conversion and extension applications relating to the property; 14 of the properties would be M4(2) compliant. This equates to just over 25% which meets the CLP4 policy requirements for the building overall and is therefore considered to be acceptable. To ensure this is the case it is considered that a condition needs to be imposed on any permission to ensure the lift is provided prior to occupation.

5.8 Infrastructure

- 5.8.1 The provision of Community Infrastructure Levy ensures that monies are provided for facilities such as school provision. However, health contributions are dealt with outside of the CIL provision. In this case the NHS CCG has requested a contribution of £26,496 for the extension and conversion elements of the development. The CCG have commented that; *“It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single-handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices.* *The development sits within the area identified in the Primary Care Estates Strategy as Chesterfield and Surrounds and includes the following GP practices:*

- *Inspire Health – Avenue House*
- *Royal Primary Care Ashgate*
- *The Surgery at Wheatbridge*

We would like to discuss the potential for S106 funding to be used to provide additional capacity within the vicinity of the development, the immediate area is identified in the Primary Care Estates Strategy as Chesterfield and Surrounds. This area has been identified as a high priority for investment, as a result of planned housing developments and population growth.”

5.8.2 This sum can be secured via S106 agreement to ensure GP practice capacity to accommodate the additional units.

5.8.3 There has also been a request for substantial contribution towards Chesterfield Hospital. However, the Hospital does not merely serve Chesterfield but the whole of North Derbyshire and the southerly edge of Sheffield. Infrastructure relating to hospitals is directly financed by Central Government and on this basis it is therefore inappropriate to seek contributions in relation to the Hospital from local developments.

5.9 Heritage and visual impact

5.9.1 The application site is within the Town Centre Conservation Area and within the setting of a number of listed buildings, most notably:

- Church of St Mary and All Saints Grade I
- Lamp post near south porch of St Marys Church Grade II
- Churchyard walls and piers to St Marys Church Grade II
- 12 and 13 the Shambles Grade II
- The Royal oak inn Grade II*
- 21 Market Place Grade II
- 10 High Street Grade II
- The Market Hall Grade II

5.9.2 In considering the impacts on development upon heritage assets it is important to set out the legislative and policy requirements:

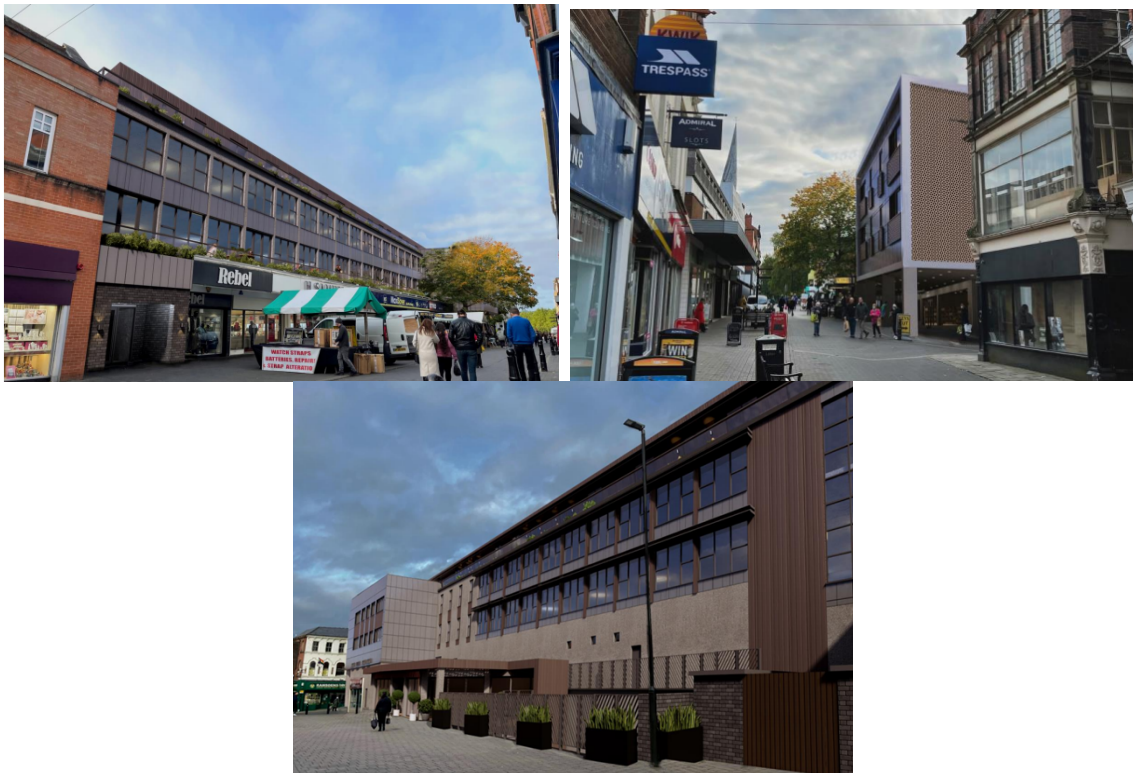
As the application would affect the significance of designated heritage assets, namely the listed buildings and the conservation area, the statutory requirements to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the conservation area (sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account when determining this application.

- 5.9.3 The NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets (paragraph 199 NPPF). The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (paragraph 199). The more important the asset the greater the weight should be given (paragraph 199). The significance of a heritage asset derives not only from its physical presence, but also from its setting. Significance can be harmed or lost through development within a heritage asset's setting and since heritage assets are irreplaceable any harm or loss to significance requires 'clear and convincing' justification (paragraph 200). Where harm is identified that harm is less than substantial harm should be weighed against the public benefits of the proposed development (paragraph 202).
- 5.9.4 Policy CLP21 of the Adopted Plan reiterates the legislative and national policy stance; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:
- a) apply a presumption against development that would unacceptably detract from views of St Mary's Church (the Crooked Spire) by virtue of its height, location, bulk or design;
 - b) protect the significance of designated heritage assets and their settings including Conservation Areas, Listed Buildings.
- 5.9.5 Policy CLP20 requires that: All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context.
- 5.9.6 The proposal in this case is to alter the exterior of the premises seeking to enhance the building within this sensitive setting. The existing building is of relatively neutral colours and whilst being a large and somewhat imposing building that is at odds with the prevailing character of the area, the building does sit quite quietly within this setting. The architecture of the building is contemporary and of its time. As a distinct building showing the evolution of the Conservation Area it is considered the original architecture should be respected in the alterations proposed.
- 5.9.7 Initially the proposal was for dark grey cladding to the exterior. Whilst dark coloured finishes often result in a visually recessive development, given the

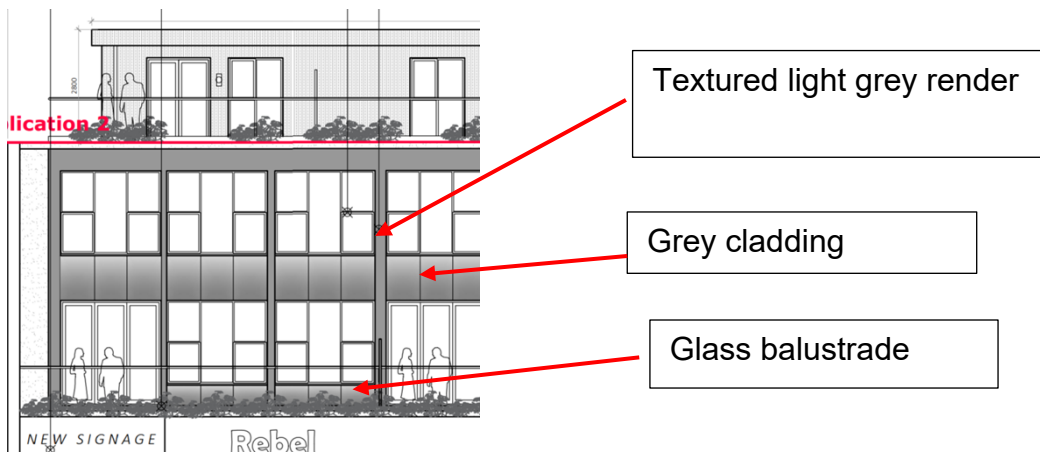
scale and prominence of the building and the existing colour palette in the area, in this case it was considered that such finishes would not be appropriate. The intention is therefore to introduce lighter colours to the cladding as shown on the submitted materials board:



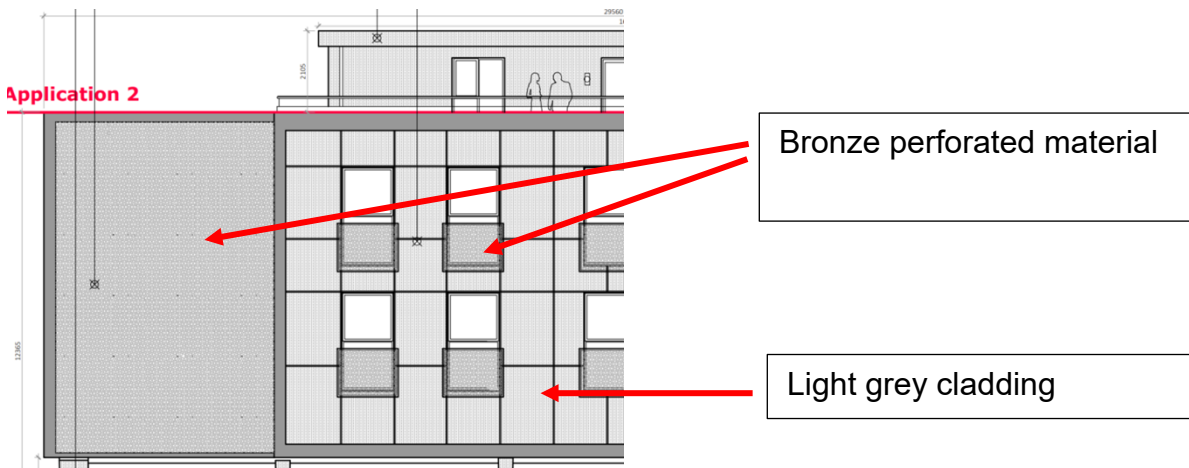
5.9.8 The applicant has provided visuals to demonstrate this:



5.9.9 To the vertical divides of the front elevation on the upper floors is intended to be a textured light grey render, and a light grey cladding is intended to the horizontal panels between the windows. Balustrading to the external balconies is to be glazed.



5.9.10 To the western end of the building where there is already a different material treatment a bronze perforated material is proposed which is also to be used to the Juliette style balconies on this elevation. The light grey cladding is again proposed to the remainder of the elevation.



5.9.11 Materials are similarly proposed on the rear elevation with more of the textured render proposed and contrast element of the brown cladding as proposed for the third storey extension.

5.9.12 The amended materials palette is considered to be broadly acceptable and to suitably address the architecture and context of the building. Nevertheless, a condition is required regarding the materials to ensure consideration of samples of the materials, details of junctions with existing features of the building, along with areas where the materials are still to an extent unknown – such as the border to the western elevation. Subject to this condition the proposal is considered to meet the requirements of policy CLP20 of the Adopted Local Plan. In terms of the heritage impacts it is considered that at worst the impact will be the preservation or slight enhancement of the building which will benefit the wider conservation area and will not result in any harm to the setting of listed buildings within the

town centre. The proposal is therefore acceptable in accordance with policy CLP21 of the Adopted Local Plan and Part 16 of the NPPF.

5.10 Residential Amenity

5.10.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

5.10.2 The Council's Forward planning team have commented as follows:
All residential units conform with the NDSS limits (based on floorspace measurements provided). Comparisons against the standards are set out within Table 1 below. The flats do not exceed the minimum standards by a significant amount but the scheme's attention to occupier amenity is a substantial improvement on previously refused applications.

Table 1: Performance Against Nationally Described Space Standard (NDSS)

FIRST FLOOR						SECOND FLOOR					
Apt	Beds/ size (sqm)	1 bed 1 person 39sqm	1 bed 2 person 50sqm	2 bed 3 person 61 sqm	2 bed 4 person 70 sqm	Apt	Beds/size	1 bed 1 person 39sqm	1 bed 2 person 50sqm	2 bed 3 person 61 sqm	2 bed 4 person 70 sqm
1	1 bed 1p (47)	✓				22	1 bed 1p (47)	✓			
2	2 bed 3p (70)			✓		23	2 bed 3p (70)			✓	
3	1 bed 1p (41)	✓				24	1 bed 1p (41)	✓			
4	2 bed 3p (63)			✓		25	2 bed 3p (63)			✓	
5	1 bed 1p (41)	✓				26	1 bed 1p (41)	✓			
6	1 bed 1p (41)	✓				27	1 bed 1p (41)	✓			
7	1 bed 1p (41)	✓				28	1 bed 1p (41)	✓			
8	1 bed 1p (41)	✓				29	1 bed 1p (41)	✓			
9	1 bed 1p (41)	✓				30	1 bed 1p (41)	✓			
10	1 bed 1p (41)	✓				31	1 bed 1p (41)	✓			
11	1 bed 1p (41)	✓				32	1 bed 1p (41)	✓			
12	1 bed 1p (39)	✓				33	1 bed 1p (39)	✓			
13	1 bed 1p (41)	✓				34	1 bed 1p (41)	✓			
14	1 bed 1p (45)	✓				35	1 bed 1p (45)	✓			
15	1 bed 1p (41)	✓				36	1 bed 1p (41)	✓			
16	1 bed 2p (55)		✓			37	1 bed 2p (55)		✓		
17	1 bed 1p (41)	✓				38	1 bed 1p (41)				
18	1 bed 1p (42)	✓				39	1 bed 1p (42)	✓			
19	1 bed 2p (51)		✓			40	1 bed 2p (51)		✓		
20	2 bed 4p (76)				✓	41	2 bed 4p (76)				✓
21	1 bed 2p (51)		✓			42	1 bed 2p (51)		✓		

THIRD FLOOR					
Apt	Beds/ size (sqm)	1 bed 1 person 39sqm	1 bed 2 person 50sqm	2 bed 3 person 61 sqm	2 bed 4 person 70 sqm
43	2 bed 4p (83.5)				✓
44	1 bed 1p (46)	✓			
45	1 bed 1p (46)	✓			
46	1 bed 1p (46)	✓			
47	1 bed 1p (46)	✓			
48	1 bed 1p (46)	✓			
49	1 bed 1p (46)	✓			
50	1 bed 1p (46)	✓			
51	1 bed 1p (46)	✓			
52	2 bed 4p (71)				✓
53	1 bed 1p (46)	✓			
54	1 bed 2p (54)		✓		
55	1 bed 1p (47)	✓			

Although outdoor space is constrained in the Town Centre, the Council's Adopted Successful Places SPD (3.11.18) states that; wherever possible, flats should also be provided with some outdoor amenity space, whether private or communal. Upper floor flats should be provided with 25 m² of space per flat. Table 4 of the SPD sets this out as a minimum. Last Updated July 2020 Communal amenity space is provided at third floor level

(139 m²) and balconies are provided for all 13 no new flats on the third floor rooftop extension, and for 8 no flats on the first floor. Whilst it would not be feasible to achieve the recommended provision in a town centre location with no external setting, teamed with the distance to quality public amenity greenspace, the lack of outdoor amenity space is likely to have a detrimental impact on the amenity and wellbeing of occupiers. The current permitted development rights for the conversion of commercial units to residential require that all habitable rooms to benefit from 'adequate natural light' and it follows that planning applications should adhere to these requirements.

If approved, the residential units proposed through applications CHE/22/00194/FUL and CHE/22/00195/FUL would be located above the proposed office (subject of application CHE/22/00178/FUL), which was last used as a restaurant / nightclub. There is no planning guarantee that the extant Sui Generis use would not be picked up in the future with implications for the amenity of any future residents. The inclusion of a clause within the S106 that releases the extant permission unless otherwise agreed in writing with the Council is recommended as this would remove the risk of residential units coming forward whilst the Sui Generis use is available.

The NPPF (paragraphs 98 and 99) and the adopted Local Plan policy CLP17 require that open space is accommodated and seek to protect existing open spaces from development. The apartments (55 units in total) would not create a requirement for any on site open space or play provision (using the thresholds set out within Appendix B of the Local Plan) but do generate a requirement of 0.68 hectares of open space in total and would contribute to existing deficiencies within the Town Centre Assessment Area. The Assessment Area is sufficient against the recommended CBC quantity standard for amenity greenspace and provision for children Last Updated July 2020 and young people. A deficiency is noted against allotments, parks and gardens and semi-natural greenspace. where proposals do not trigger the open space thresholds, any deficiencies will usually be addressed through Community Infrastructure Levy (CIL), however the need created by the development and any existing deficiency in provision in the relevant analysis area should be appropriately monitored.

5.10.3 The Council's Housing Delivery Manager has commented that:

- *From research carried out by ICENI projects, we understand there is potential for complex impacts on the wider town centre given the type, size and subsequently market for units of this nature*

- *Chesterfield has a fragile and immature market for town centre living and this type and size of development will be the highest density development in the town centre*
- *This development will put residents directly into a historic retail area, given that currently there is a limited residential offer, if possible, I would strongly recommend seeking a plan from the applicant on how he intends to integrate a new offer into an area with differing uses.*
- *I understand that an addition to the building will create 13 new dwellings, which will attract an affordable housing requirement of 1.3 units. On multi-family development of this nature we would request a 'commuted sum' financial payment in lieu of onsite provision, I would expect commuted sum to be c£95k for this element.*
- *I would also seek confirmation of future building and tenancy management arrangements, with a view of preventing multiple building and tenancy management.*

5.10.4 The Council's Housing Regulation Officer has raised no concerns regarding the application in terms of the quality of the living accommodation proposed.

5.10.5 In terms of the living space now proposed, balconies have been provided to some of the first-floor apartments and all of the third-floor apartments along with a maximised communal space for all occupants to share as a roof terrace. Given the constrained nature of the site and building it is considered that the provision of outdoor space whilst less than would normally be anticipated is maximised as far as is reasonably possible. The size of the flats proposed is now considered to be appropriate. The extent of natural light to each flat is also at an acceptable level. To prevent overheating to the south facing units solar shading is proposed. Therefore, the impact on future occupiers is considered to be acceptable.

5.10.6 The Crime Prevention Officer has requested details of entrance door, CCTV, Cycle storage and post box specification, to ensure appropriate levels of security to occupants, this can be appropriately conditioned.

5.10.7 As set out in the principle of development section above, policies CLP1, 2 and 8 along with national planning policy; support the re-use of buildings within town centre for residential uses given these are sustainable locations. Therefore, whilst the density of residential accommodation proposed here is high and different to what is currently offered within the centre, this is not in principle contrary to the adopted policies of the local plan. Whilst the wider social impacts of the extent of

this type of housing within the centre over the longer term are not known at this time, a development which allows appropriate living space for occupants in a sustainable location cannot be considered unacceptable in planning policy terms due to the unknown wider long-term impacts.

- 5.10.8 It is considered that further controls over the management of the development in terms of tenure and maintenance are secured to ensure that over the long term the building will be kept in good condition for the benefit of tenants/owners and the wider town centre. Again, details will be secured via condition.
- 5.10.9 Given that the extant use on the ground floor as a nightclub could be reinstated without the need for planning permission and that this is an inappropriate use which will result in noise and nuisance for occupiers of the flats, a S106 agreement is required to rescind that use. The applicant's agent has indicated agreement to this restriction on the use of the basement level of the building. (The proposed long-term use of the basement level is being considered under application CHE/22/00178/FUL.) On this basis the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

5.11 Highway Safety

- 5.11.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.11.2 Given the town centre location a no car parking scheme is considered acceptable. There are car parks available for users within the town. To promote cycle use, details of cycle parking is proposed within the entrance area of the building. The Cycle Campaign has commented on the extent of parking proposed and the quality of this along with the need for a cycle ramp to the rear. The applicant's agent has noted in response to this request that: "*On the basis that level access is provided from Burlington Street, we consider that this would be an unnecessary intrusion into the street scene*". This is considered to be reasonable in terms of cycle access. Whilst a cycle store is not provided for each unit, due to the constrained ground floor space, details of the number and specification of the cycle stores can be secured under the consideration of the conversion application. Some residents may wish to store cycles within their own apartments which is feasible and will accommodate any additional cycles. On balance, subject to a condition the cycle parking provision is acceptable.

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

5.12 Biodiversity

5.12.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.12.2 Derbyshire Wildlife Trust has commented on the scheme as follows:

“This application is considered low impact in terms of ecology, with protected species constraints unlikely due to its location and construction. Based on the photographs provided in the Design and Access Statement, the building appears well-sealed with few, if any, features that could be used by roosting bats or nesting birds. We do not consider survey proportionate in this instance. Policy CLP16 of the Local Plan requires planning decisions to achieve measurable net gains for biodiversity. This could be achieved through the provision of green walls, green roofs, planting at roof level or street level and the inclusion of bat and bird boxes. Swift boxes would be particularly well-suited to a building of this height and multiple boxes should be added to provide habitat for this species which often nest communally. These details could be secured through a condition for a Biodiversity Enhancement Plan, however, features such as green walls or roofs would need consideration by the design team at an early stage. Condition recommended.”

5.12.3 Subject to a condition to secure biodiversity enhancements, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

5.13 Climate Change

5.13.1 The impact of climate change has to be considered within the remit of planning policy. In regard to climate change Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Planning applications for major new development should be accompanied

by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:

- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
- ii. optimising the efficient use of natural resources;
- iii. reducing emissions through orientation and design.

5.13.2 The Adopted Local Plan primarily seeks to address climate concerns in seeking development which is sustainable in terms of ensuring easy access to local services and facilities. The application site is located in the town centre which is a sustainable location as well as being the re-use of a vacant building. The new residential element is also car free as there is good access to public transport and walking and cycling will be sufficient for travel to necessary facilities. Therefore, in terms sustainability the proposal is acceptable.

5.13.3 Although the government has not published how it intends to achieve the overall carbon reduction target that it has adopted (making it difficult for LPAs to determine the extent of carbon emission reductions necessary to deliver the adopted target), uplifts to building regulations came into force on the 15th June 2022 and are anticipated to change again in 2025. Policy CLP20 has a very clear requirement that ‘Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy’.

5.13.4 The application is accompanied by limited information in terms of climate measures and therefore it is considered reasonable for a condition to be imposed to clarify the measures to be taken, and in terms of building fabric to ensure compliance with the most up to date building regulations as it appears possible in some circumstances to delay compliance until 2023. On this basis it is considered that matters of climate change have been addressed so far as is feasible for this type of development.

5.14 Developer contributions

5.14.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the Medium (£50) CIL charging Zone as set out in the Council’s Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](https://www.chesterfield.gov.uk)). The CIL charge is calculated as follows:

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

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	2710	0	2710	£50 Medium	332	288	£156,202

permission) (C) = CIL Charge (E)

BCIS Tender Price Index (at date of Charging Schedule) (D)

6.0 REPRESENTATIONS

6.1 One representation received from the Hospital in terms of a contribution request which is covered in para 6.3.3 above.

7.0 HUMAN RIGHTS ACT 1998

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

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

7.2 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 and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the previous reasons for refusal in order to achieve a positive outcome for the application.

9.0 CONCLUSION

- 9.1 Overall the proposal is considered to be acceptable in accordance with the above mentioned policies of the Adopted Local Plan noted above.

10.0 RECOMMENDATION

- 10.1 That a s106 Agreement be negotiated to cover the following matters:

- CCG contribution of £26,496 (combined between applications CHE/22/00194 and 00195/FUL)
- Rescinding use of basement floor premises (nightclub) prior to first occupation of any of the apartments within the upper floors of the building, including the first and second floor conversion and the third floor extension

- 10.2 It is therefore recommended that the application be **GRANTED** subject to completion of the s106 agreement and subject to the following planning conditions:

Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment and condition requirements listed below.

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

Proposed rear and side elevations, site and block plan 1068 008 Rev M received 13.06.2022

Proposed front and side elevations, site and block plan 1068 007 Rev I received 13.06.2022

Proposed ground floor and site layout plan 1068 003 Rev C received 23.06.2022

Proposed roof plan 1068 011 received 21.03.2022

Location plan 1068 012 Rev B received 07.04.2022

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

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

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

4. Within 28 days of the commencement of development, a Biodiversity Enhancement Plan (including a programme of implementation and maintenance) shall be submitted to and approved in writing by the Local Planning Authority. The enhancement plan shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved. Photographs of the measures in situ shall submitted to the LPA to validate the provision prior to final occupation.

Reason: To ensure measurable net gain is achieved, in line with the aims of Planning Policy CLP16.

5. Prior to the commencement of development, the lift from the ground to the first and second floors shall be installed and be fully operational prior to first occupation of the first or second floor accommodation hereby approved.

Reason: In order to ensure 25% of the overall individual apartments will be constructed to the M4(2) standard in line with policy CLP4 of the Adopted Local Plan.

6. Prior to first occupation details of:
 1. A communal door specification and entry schedule to an agreed third party certified security level, including audio/visual verification.
 2. CCTV provision for the lobby and communal areas of the building
 3. Cycle storage numbers and specification
 4. Post box specification to an agreed third party certified security standard (ideally the Door and Hardware Federation Technical spec TS0025, Shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be fully installed prior to first occupation and maintained thereafter.

Reason: To ensure appropriate security measures for the amenity of the occupants in line with policy CLP14 of the Adopted Local Plan.

7. Prior to first occupation a detailed tenure and property management and maintenance plan shall be submitted to and agreed in writing by the Local Planning Authority. The property shall be managed in accordance with the agreed details.

Reason: To minimise any adverse impacts between occupiers and to the wider town centre in accordance with policy CLP14 of the Adopted Local Plan.

8. Notwithstanding the submitted materials plan, details including samples of all facing materials; including windows, doors, entrance feature, balcony finishes and brise soleil; along with details of junctions with existing features of the building and junctions between materials, shall be submitted to and agreed in writing by the Local Planning Authority prior to being installed on the building. Work shall be completed in accordance with the agreed details prior to the first occupation of any apartment to the first, second or first floor of the building.

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

9. Prior to the commencement of development, a sustainability statement shall be submitted to and agreed in writing by the Local Planning Authority detailing; demonstration (without pre-registration) compliance with the June 2022 building regulations in terms of building fabric and heating systems, along with a statement on how emissions will be reduced through the construction process. Works shall be completed in accordance with the agreed statement.

Reason: To seek to make the development suitable for renewable technologies and to seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

10. No development shall commence until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:
- a. parking for vehicles of site personnel, operatives and visitors
 - b. site accommodation
 - c. storage of plant and materials
 - d. routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicants / developers control
 - e. provision of roadside boundary hoarding behind any visibility zones
 - f. any proposed temporary traffic management.
 - g. measures to minimise mud and dust arising from the site works, including wheel washing.
- Only the approved details shall be implemented, which shall be maintained throughout the construction period.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents in line with policy CLP22 of the Adopted local plan.

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

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

12. Following completion of at least 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;
- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards

- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards
- Which and how many dwellings within the development have satisfied M4 (3)* wheelchair accessible dwellings standard. *contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same).

The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

Reason: To ensure compliance with policy CLP4 of the Adopted Local Plan.

13. Prior to the development hereby permitted being occupied/brought into use glazed screens located between the balconies shall be installed with obscure glazing which shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

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

14. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

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

15. Prior to first occupation of either the first or second floor of the premises a scheme for the provision of the outdoor amenity space to the roof top area shall be submitted to and agreed in writing by the Local Planning Authority, the approved scheme for the outdoor amenity space shall be made available for use prior to first occupation and retained for use in perpetuity.

Reason: To ensure appropriate external amenity space is available for residents to use in accordance with policy CLP14 of the Adopted Local Plan.

10.3 Informative Notes

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the previous reasons for refusal in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

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

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

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority

Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

www.gov.uk/government/organisations/the-coal-authority

4. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. In line with condition 4 above - The enhancement plan shall clearly show positions, specifications and numbers of features, such as bat boxes, swift boxes and new landscaping / planting features.

This page is intentionally left blank

ITEM 2**Erection of third storey to create 13 no. residential apartments (Use Class C3) at Burlington House, Burlington Street, Chesterfield for G.A.P.E Equity Limited.**

Local Plan: Town Centre

Ward: St Leonards

Plot No: 2/281

Committee Date: 18th July 2022**CONSULTATION RESPONSES**

Yorkshire Water	Based on the details submitted, no observation comments are required from Yorkshire Water, as the drainage system that serves Burlington House and connected to public sewer network, is still being used for all 3 proposals.
NHS CCG	Request contribution of £26,496 for: Inspire Health – Avenue House • Royal Primary Care Ashgate • The Surgery at Wheatbridge
CBC Housing regulation officer	We have no specific standards for flats; generally, a single persons bedroom would have to be a minimum of 6.51m ² but we would expect larger; double bedrooms would be expected to be a minimum of 10.22m ² . Overall, the individual flats seem to be a reasonable size.
The Coal Authority	The submission to which this consultation relates falls on our exemptions list, you are therefore advised to consult the Coal Authority guidance (provided to all LPAs on 18/12/2020) on this issue and to include the necessary notes/advice on any consent granted.
Historic England	Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of

	your specialist conservation and archaeological advisers.
Derbyshire Constabulary	As an extension to the main conversion there would be no objection to this application subject to the same suggested conditions.
Highway Authority	Although the Highway Authority has no objections to the proposals due to the town centre location, to avoid any obstructions to all highway users and possibility of mud/debris being deposited on public highway during the construction phase, should The Planning Authority be minded to permit the application, its recommended conditions and informative notes are included
Lead local Flood Authority	No objections in principle
Chesterfield Cycle Campaign	Welcome cycle storage but have queries. There should be cycle storage for each apartment and to appropriate standards, a cycle ramp should be provided to the rear.
CBC Forward Planning	Comments made referring to the policy requirements which are integrated into the content of the report below
CBC Housing Delivery Manager	Comments made see report
Derbyshire Wildlife Trust	Comments made see report
CBC Housing team	Request affordable housing contribution of £95,293
Representation	Requesting funding of £33k for hospital

2.0 THE SITE

2.1 The application site relates to the existing building which dates from the mid-20th Century constructed of concrete with cladding. The building appears to be formed in two distinct phases in terms of the design and is a prominent building within the town centre. The building has been largely retained as built retaining its distinct architectural form. Whilst an arguable negative element within the Conservation Area of the town centre it is nevertheless integral to the layering of development within the town.





3.0 SITE HISTORY

- 3.1 CHE/22/00178/FUL Change of use from restaurant/nightclub (Use Class Sui Generis) to Office (Use Class E g(i)) and external alterations – Conditional permission 21.06.2022
- 3.2 CHE/22/00194/FUL Conversion of first and second floor to create 42 no. residential apartments (Use Class C3) – Pending consideration
- 3.3 CHE/21/00020/FUL Change of use of vacant first and second floor office and retail accommodation into 36 residential apartments (Amended plans received 02.07.2021 with reduced numbers of units to the first floor) – Refused 27.07.2021
- 3.4 CHE/21/00030/FUL Construction of 22 duplex residential apartments on 2 levels above existing second floor of building – Refused 20.04.2021
- 3.5 CHE/20/00303/PNCOU Conversion of first and second floor vacant offices into residential apartments (revised plans submitted 25.06.2020 reducing number of flats at first floor to 14) – Refused 30.06.2020
- 3.6 Numerous applications relating to the uses of the ground floor and advertisements and alterations to the building.

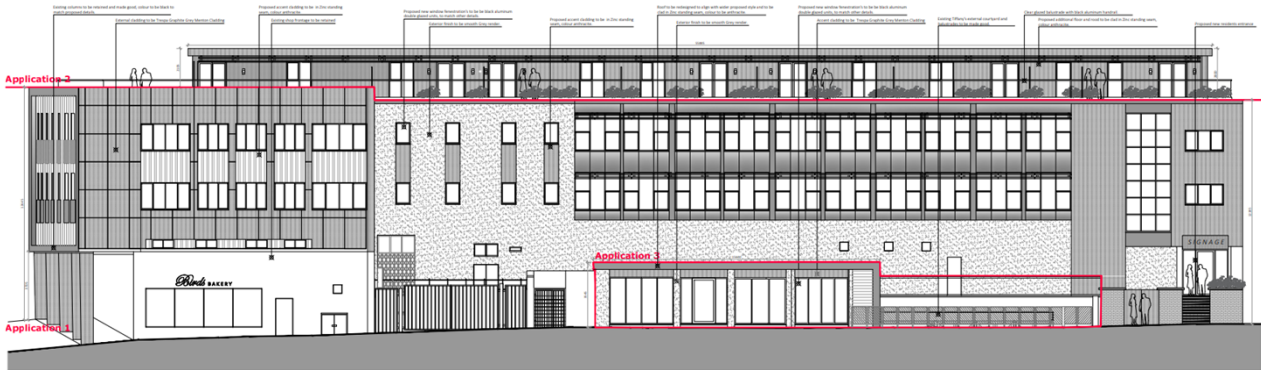
4.0 THE PROPOSAL

- 4.1 Planning permission is sought to erect an additional floor to the building to create 13 apartments, 11 x 1 bed units and 2 x 2 bed units. The extension is proposed to be set in from the edge of the existing roofline in order to

have balconies to serve each unit. At the western end of the floor is a communal area for the use of all intended occupants of the building including the proposed apartments to be created in the first and second floors of the building. There is no lift provision to the third floor.

4.2 The height of the third-floor structure ranges from 2.1m to 2.8m above the existing roof level which has differences in height to the exterior edge.

4.3 Rear elevation as proposed:



Proposed Rear Elevation (Church Lane)

4.4 Front elevation as proposed:



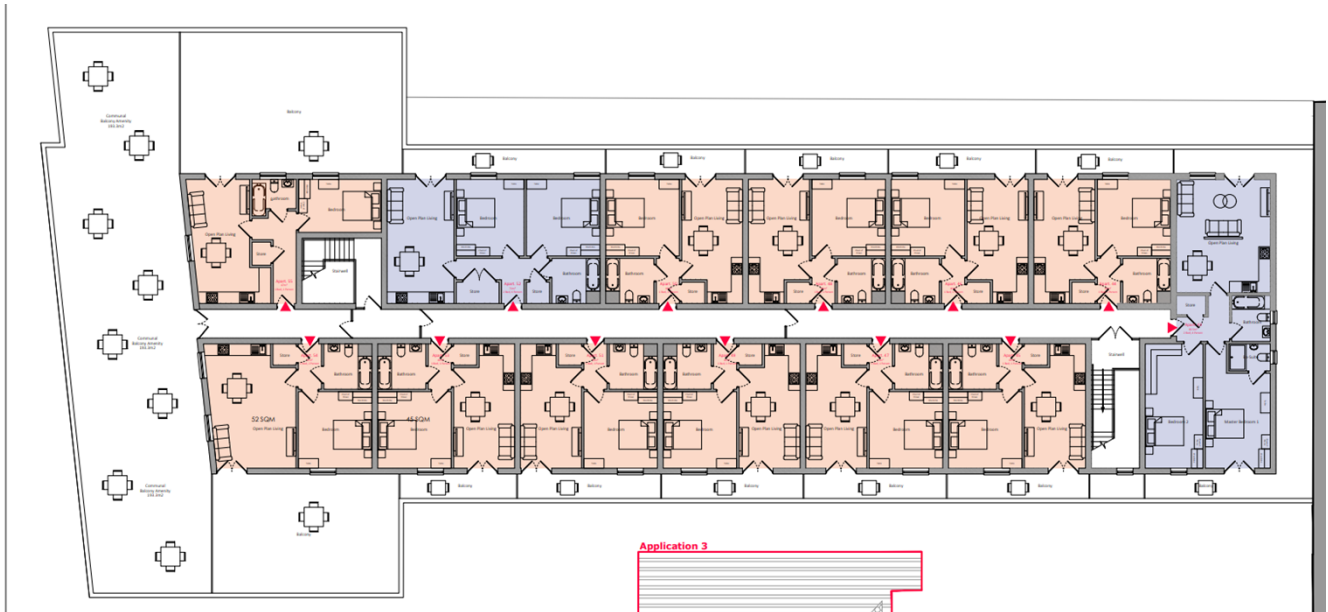
Proposed Front Elevation (Burlington Street)

4.5 Side elevation as proposed:



Proposed Side Elevation (Packers Row)

4.6 Proposed third floor plan:



5.0 **CONSIDERATIONS**

5.1 Planning Policy

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

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

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

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

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP4 Range of Housing
CLP8 Vitality and Viability of Centres (Strategic Policy)
CLP10 Social Infrastructure
CLP11 Infrastructure Delivery
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel
SS1 Chesterfield Town Centre (Strategic Policy)

5.3 National Planning Policy Framework – Relevant Sections

Part 2. Achieving sustainable development
Part 4. Decision-making
Part 5. Delivering a sufficient supply of homes
Part 6. Building a strong, competitive economy
Part 8. Promoting healthy and safe communities
Part 9. Promoting sustainable transport
Part 11. Making effective use of land
Part 12. Achieving well-designed places
Part 14. Meeting the challenge of climate change, flooding and coastal change
Part 15. Conserving and enhancing the natural environment
Part 16. Conserving and enhancing the historic environment

5.4 Supplementary Planning Documents

Designing Out Crime
Successful Places' Residential Design Guide
Historic Environment

5.5 Key issues

- Principle of development
- Affordable and Accessible Housing
- Infrastructure
- Heritage and visual impact
- Residential Amenity
- Highway safety
- Biodiversity

5.6 Principle of Development

- 5.6.1 Policies CLP1 and 2 of the Adopted Local Plan set out the strategic approach to the siting of sustainable development. CLP1 states that the overall approach to growth will be to concentrate new development within walking distance of a range of Key Services, focussing on areas of regeneration. This is reiterated in Policy CLP2 where it states that; 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), this is the first priority followed by developments that;
 - 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;
- 5.6.2 The application site is within the defined town centre of Chesterfield where there is immediate access to multiple services and facilities and in this regard the proposal for residential development in a sustainable location is acceptable in line with policies CLP1 and 2 of the Adopted Local Plan.
- 5.6.3 The site is within the defined town centre area which is considered under the remit of policy CLP8 of the Adopted Local Plan where it states: Within centres and Chesterfield Town Centre Primary Shopping Area (PSA) planning permission will normally be granted for A1 retail uses. For main town centre uses other than A1 retail, consideration will be given to the extent to which proposals accord with criteria a) to e) below:
- a) have a positive impact on vitality and/or viability;
 - b) provide active ground floor uses;
 - c) cater for a wide public through diversity of leisure and cultural attractions and events;
 - d) contribute to an appropriate mix of licensed premises; and
 - e) contribute to efforts to tackle vacant, under-used and derelict buildings within centres, particularly in historic buildings.
- The policy goes on to note that; Residential uses (C3) will be permitted at first floor level and above (with the exception of suitable provision for

access) and on appropriate redevelopment sites where it would not undermine the vitality of the centre.

- 5.6.4 The proposed upper floor development will not impact on the ability of the ground floor commercial uses to remain and therefore the use will not adversely impact upon the vitality and viability of the town centre in terms of the loss of any commercial floorspace. The provision of additional housing in a centre area where there is easy access to services and facilities will have a beneficial economic impact on the centre.
- 5.6.5 It should be noted that policies CLP1, 2 and 8 support such residential uses within sustainable locations and therefore whilst the density of residential accommodation proposed is high this is not in principle contrary to the adopted policies of the local plan.
- 5.6.6 Policy SS1 criteria (i), specifically refers to “enhancing the range and quality of residential uses within Chesterfield town centre” and the proposals would enhance the range of residential uses. Therefore, the principle of residential development in this location is acceptable in principle, subject to meeting the other policy requirements within the Local Plan.

5.7 Affordable and Accessible Housing

- 5.7.1 Policy CLP4 requires development of more than 10 dwellings to provide a proportion of affordable housing. This location is in the medium CIL zone with a requirement of 10% of the total units to be provided as affordable housing. Therefore, a 10% affordable housing contribution is required for the proposed extension (which equates to a contribution of 1.3 units). Policy CLP4 states that “where it is not possible or appropriate to deliver affordable housing on site, a financial contribution will be sought for provision off-site...”. As the proposed apartments would have communal areas it is unlikely that a Registered Social Landlord will want to take on these units. It is therefore appropriate in this case to seek a financial contribution. This has been calculated to be £95,293 which can be secured via a S106 agreement. This meets the policy requirements in terms of affordable housing provision.
- 5.7.2 Policy CLP4 requires that 25% of new dwellings should be constructed to the higher M4(2) standards of adaptability and accessibility. In this case the proposed third floor is accessed via a staircase only with no lift access. Associated planning application CHE/22/00194/FUL relates to the conversion of the first and second floor and includes lift access and M4(2)

standard properties. The proposal put forward is that of the 55 apartments included overall in the applications (for the extension and conversion elements), 14 of the properties would be M4(2) compliant. This equates to just over 25% and subject to the lift provision in regard to the conversion element of the proposal meets the policy requirements for the building. This is considered to be acceptable, despite none of these being provided within the extended element of the building the subject of this application. Given the policy requirement link between the two applications it is considered reasonable to also impose via S106 that the lift is installed and the occupation of the units of the 2 applications interlinked to ensure all are constructed to ensure policy compliance overall.

5.8 Infrastructure

5.8.1 The provision of Community Infrastructure ensures that monies are provided for facilities such as school provision. However, health contributions are dealt with outside of the CIL provision. In this case the NHS CCG has requested a contribution of £26,496. The CCG have commented that; *“It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single-handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices.*

The development sits within the area identified in the Primary Care Estates Strategy as Chesterfield and Surrounds and includes the following GP practices:

- *Inspire Health – Avenue House*
- *Royal Primary Care Ashgate*
- *The Surgery at Wheatbridge*

We would like to discuss the potential for S106 funding to be used to provide additional capacity within the vicinity of the development, the immediate area is identified in the Primary Care Estates Strategy as Chesterfield and Surrounds. This area has been identified as a high priority for investment, as a result of planned housing developments and population growth.”

5.8.2 This sum can be secured via S106 agreement to ensure GP practice capacity to accommodate the additional units.

5.8.3 There has also been a request for contribution towards Chesterfield Hospital. The Hospital does not merely serve Chesterfield but the whole of North Derbyshire and the southerly edge of Sheffield. Infrastructure relating to hospitals is financed by Central Government. It is therefore inappropriate

to seek further contributions in relation to the Hospital from local developments.

5.9 **Heritage and visual impact**

5.9.1 The application site is within the Town Centre Conservation Area and within the setting of a number of listed buildings, most notably:

Church of St Mary and All Saints Grade I

Lamp post near south porch of St Marys Church Grade II

Churchyard walls and piers to St Marys Church Grade II

12 and 13 the Shambles Grade II

The Royal oak inn Grade II*

21 Market Place Grade II

10 High Street Grade II

The Market Hall Grade II

5.9.2 In considering the impacts on development upon heritage assets it is important to set out the legislative and policy requirements:

As the application would affect the significance of designated heritage assets, namely the listed buildings and the conservation area, the statutory requirements to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the conservation area (sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account when determining this application.

5.9.3 The NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets (paragraph 199 NPPF). The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (paragraph 199). The more important the asset the greater the weight should be given (paragraph 199). The significance of a heritage asset derives not only from its physical presence, but also from its setting. Significance can be harmed or lost through development within a heritage asset's setting and since heritage assets are irreplaceable any harm or loss to significance requires 'clear and convincing' justification (paragraph 200). Where harm is identified that harm is less than substantial harm should be weighed against the public benefits of the proposed development (paragraph 202).

5.9.4 Policy CLP21 of the Adopted Plan reiterates the legislative and national policy stance; In assessing the impact of a proposed development on the

significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:

- a) apply a presumption against development that would unacceptably detract from views of St Mary's Church (the Crooked Spire) by virtue of its height, location, bulk or design;
- b) protect the significance of designated heritage assets and their settings including Conservation Areas, Listed Buildings.

5.9.5 A previous application for the construction of a two-storey extension on top of the existing roofline was refused due to concerns in terms of the impact on the setting of the nearby Grade I listed Church and Grade II listed Market Hall as well as impacts on the character and appearance of the conservation area in terms of enlarging such a prominent building.

5.9.6 In this proposal the applicant has aimed to overcome these reasons for refusal. The proposal is now for a single storey element to the roof of the building. The structure has a flat roof and projects only a maximum of 2.8m from the existing roof line. The structure being substantially lower than the refused proposal is also set away from the perimeter edge of the roof to further minimise the visual impact and ensure the third-floor structure is recessive when viewing the building as a whole.

5.9.7 The applicant has provided visuals to demonstrate this:





5.9.8 Some of the important vistas to consider are from Church Way, Knifemithgate, Burlington Street and Market Place, these views are shown in the images in para 2.1 above.

5.9.9 Taking into account these important vistas; It is considered that the reduced extent of the proposed roof extension whilst leading to some change to the building and context is considered to be low-level harm, which is classed at the lower end of the spectrum of harm, this is considered to be outweighed by the other visual enhancements resulting from the redevelopment of the building within the wider heritage context.

5.9.10 Whilst the form of the extension is acceptable an initial concern in this application was the dark colour palette proposed for the building and extension. This has now been revised to be lighter colours (see image below) however given the sensitivity of the site and the complex nature of the overall building it is considered details of the materials need to be fully agreed via condition.



5.9.11 Subject to this condition the proposal is considered to be acceptable in accordance with Para 202 of the NPPF and policy CLP21 of the Adopted Local Plan.

5.9.12 Policy CLP20 requires that: All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context.

5.9.13 The design of the extended element being visually subservient and simple in form is considered to better reflect the context of the site whilst respecting the original design ethos of the building which was contemporary in its time and reflects the evolution of the built environment within the town. In this regard the proposal is considered to meet the requirements of policy CLP20 of the Adopted Local Plan.

5.10 **Residential Amenity**

5.10.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

5.10.2 The Council's Forward planning team have commented as follows:
All residential units conform with the NDSS limits (based on floorspace measurements provided), providing that the occupancy of the flats does not exceed the stated amount. Comparisons against the standards are set out within Table 1 below. The flats do not exceed the minimum standards

by a significant amount but the scheme's attention to occupier amenity is a substantial improvement on previous proposals (CHE/21/00020/FUL and CHE/21/00030/FUL).

Table 1: Performance Against Nationally Described Space Standard (NDSS)

FIRST FLOOR						SECOND FLOOR					
Apt	Beds/ size (sqm)	1 bed 1 person 39sqm	1 bed 2 person 50sqm	2 bed 3 person 61 sqm	2 bed 4 person 70 sqm	Apt	Beds/size	1 bed 1 person 39sqm	1 bed 2 person 50sqm	2 bed 3 person 61 sqm	2 bed 4 person 70 sqm
1	1 bed 1p (47)	✓				22	1 bed 1p (47)	✓			
2	2 bed 3p (70)			✓		23	2 bed 3p (70)			✓	
3	1 bed 1p (41)	✓				24	1 bed 1p (41)	✓			
4	2 bed 3p (63)			✓		25	2 bed 3p (63)			✓	
5	1 bed 1p (41)	✓				26	1 bed 1p (41)	✓			
6	1 bed 1p (41)	✓				27	1 bed 1p (41)	✓			
7	1 bed 1p (41)	✓				28	1 bed 1p (41)	✓			
8	1 bed 1p (41)	✓				29	1 bed 1p (41)	✓			
9	1 bed 1p (41)	✓				30	1 bed 1p (41)	✓			
10	1 bed 1p (41)	✓				31	1 bed 1p (41)	✓			
11	1 bed 1p (41)	✓				32	1 bed 1p (41)	✓			
12	1 bed 1p (39)	✓				33	1 bed 1p (39)	✓			
13	1 bed 1p (41)	✓				34	1 bed 1p (41)	✓			
14	1 bed 1p (45)	✓				35	1 bed 1p (45)	✓			
15	1 bed 1p (41)	✓				36	1 bed 1p (41)	✓			
16	1 bed 2p (55)		✓			37	1 bed 2p (55)		✓		
17	1 bed 1p (41)	✓				38	1 bed 1p (41)				
18	1 bed 1p (42)	✓				39	1 bed 1p (42)	✓			
19	1 bed 2p (51)		✓			40	1 bed 2p (51)		✓		
20	2 bed 4p (76)				✓	41	2 bed 4p (76)				✓
21	1 bed 2p (51)		✓			42	1 bed 2p (51)		✓		

THIRD FLOOR					
Apt	Beds/ size (sqm)	1 bed 1 person 39sqm	1 bed 2 person 50sqm	2 bed 3 person 61 sqm	2 bed 4 person 70 sqm
43	2 bed 4p (83.5)				✓
44	1 bed 1p (46)	✓			
45	1 bed 1p (46)	✓			
46	1 bed 1p (46)	✓			
47	1 bed 1p (46)	✓			
48	1 bed 1p (46)	✓			
49	1 bed 1p (46)	✓			
50	1 bed 1p (46)	✓			
51	1 bed 1p (46)	✓			
52	2 bed 4p (71)				✓
53	1 bed 1p (46)	✓			
54	1 bed 2p (54)		✓		
55	1 bed 1p (47)	✓			

Although outdoor space is constrained in the Town Centre, the Council's Adopted Successful Places SPD (3.11.18) states that; wherever possible, flats should also be provided with some outdoor amenity space, whether private or communal. Upper floor flats should be provided with 25 m² of space per flat. Table 4 of the SPD sets this out as a minimum. Last Updated July 2020 Communal amenity space is provided at third floor level (139 m²) and balconies are provided for all 13 no new flats on the third floor rooftop extension, and for 8 no flats on the first floor. Whilst it would not be feasible to achieve the recommended provision in a town centre location with no external setting, teamed with the distance to quality public amenity greenspace, the lack of outdoor amenity space is likely to have a detrimental impact on the amenity and wellbeing of occupiers. The current permitted development rights for the conversion of commercial units to residential require that all habitable rooms to benefit from 'adequate natural light' and it follows that planning applications should adhere to these requirements.

If approved, the residential units proposed through applications CHE/22/00194/FUL and CHE/22/00195/FUL would be located above the proposed office (subject of application CHE/22/00178/FUL), which was last used as a restaurant / nightclub. There is no planning guarantee that the extant Sui Generis use would not be picked up in the future with implications for the amenity of any future residents. The inclusion of a clause within the S106 that releases the extant permission unless otherwise agreed in writing with the Council is recommended as this would remove the risk of residential units coming forward whilst the Sui Generis use is available.

The NPPF (paragraphs 98 and 99) and the adopted Local Plan policy CLP17 require that open space is accommodated and seek to protect existing open spaces from development. The apartments (55 units in total) would not create a requirement for any on site open space or play provision (using the thresholds set out within Appendix B of the Local Plan) but do generate a requirement of 0.68 hectares of open space in total and would contribute to existing deficiencies within the Town Centre Assessment Area. The Assessment Area is sufficient against the recommended CBC quantity standard for amenity greenspace and provision for children Last Updated July 2020 and young people. A deficiency is noted against allotments, parks and gardens and semi-natural greenspace. where proposals do not trigger the open space thresholds, any deficiencies will usually be addressed through Community Infrastructure Levy (CIL), however the need created by the development and any existing deficiency in provision in the relevant analysis area should be appropriately monitored.

- 5.10.3 The Council's Housing Delivery Manager has commented that:
- From research carried out by ICENI projects, we understand there is potential for complex impacts on the wider town centre given the type, size and subsequently market for units of this nature*
 - Chesterfield has a fragile and immature market for town centre living and this type and size of development will be the highest density development in the town centre*
 - This development will put residents directly into a historic retail area, given that currently there is a limited residential offer, if possible, I would strongly recommend seeking a plan from the applicant on how he intends to integrate a new offer into an area with differing uses.*
 - I understand that an addition to the building will create 13 new dwellings, which will attract an affordable housing requirement of 1.3 units. On multi-family development of this nature we would request a 'commuted sum' financial payment in lieu of onsite provision*

- *I would expect commuted sum to be c£95k*
- *I would also seek confirmation of future building and tenancy management arrangements, with a view of preventing multiple building and tenancy management.*

5.10.4 The Council's Housing Regulation Officer has raised no concerns regarding the application in terms of the quality of the living accommodation proposed.

5.10.5 In terms of the living space now proposed, balconies have been provided to some of the first-floor apartments and all of the third-floor apartments along with a maximised communal space for all occupants to share as a roof terrace. Given the constrained nature of the site and building it is considered that the provision of outdoor space whilst less than would normally be anticipated is maximised as far as is reasonably possible. The size of the flats proposed is now considered to be appropriate. The extent of natural light to each flat is also at an acceptable level. Therefore, the impact on future occupiers is considered to be acceptable.

5.10.6 The Crime Prevention Officer has requested details of CCTV, Cycle storage and post box specification, whilst this is being primarily considered under the conversion element of the scheme application CHE/22/00194/FUL, this area also provides access to the extended accommodation and therefore it is also appropriate to condition under this application.

5.10.7 As set out in the principle of development section above, policies CLP1, 2 and 8 along with national planning policy; support the re-use of buildings within town centre for residential uses given these are sustainable locations. Therefore, whilst the density of residential accommodation proposed here is high and different to what is currently offered within the centre, this is not in principle contrary to the adopted policies of the local plan. Whilst the wider social impacts of the extent of this type of housing within the centre over the longer term are not known at this time, a development which allows appropriate living space for occupants in a sustainable location cannot be considered unacceptable in planning policy terms due to the unknown wider long-term impacts.

5.10.8 It is considered that further controls over the management of the development in terms of tenure and maintenance are secured to ensure that over the long term the building will be kept in good condition for the

benefit of tenants/owners and the wider town centre. Again, details will be secured via condition.

5.10.9 Given that the extant use on the ground floor as a nightclub could be reinstated without the need for planning permission and that this is an inappropriate use which will result in noise and nuisance for occupiers of the flats, a S106 agreement is required to rescind that use. The applicant's agent has indicated agreement to this restriction on the use of the basement level of the building. (The proposed long-term use of the basement level is being considered under application CHE/22/00178/FUL.) On this basis the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

5.11 Highway Safety

5.11.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.

5.11.2 Given the town centre location a no car parking scheme is considered acceptable. There are car parks available for users within the town. To promote cycle use, details of cycle parking is proposed within the entrance area of the building to be converted under application CHE/22/00194/FUL, however it should be noted this also provides the entrance the proposed extension accommodation. The cycle campaign have commented on the extent of parking proposed and the quality of this along with the need for a cycle ramp to the rear. The applicant's agent has noted that: On the basis that level access is provided from Burlington Street, we consider that this would be an unnecessary intrusion into the street scene. This is considered to be reasonable in terms of cycle access. Whilst a cycle store is not provided for each unit, due to the constrained ground floor space, details of the number and specification of the cycle stores can be secured via condition. Some residents may wish to store cycles within their own apartments (under the associated conversion application) which is feasible and will accommodate any additional cycles. On balance, subject to a condition on both this application and the conversion application, the cycle parking provision is acceptable.

5.11.3 A number of conditions have been recommended by the Highway Authority in relation to construction works, it is considered these can be amalgamated into one condition on construction safety measures. On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

5.12 Biodiversity including trees and landscaping

5.12.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.12.2 Derbyshire Wildlife Trust have commented on the scheme as follows: *“This application is considered low impact in terms of ecology, with protected species constraints unlikely due to its location and construction. Based on the photographs provided in the Design and Access Statement, the building appears well-sealed with few, if any, features that could be used by roosting bats or nesting birds. We do not consider survey proportionate in this instance. Policy CLP16 of the Local Plan requires planning decisions to achieve measurable net gains for biodiversity. This could be achieved through the provision of green walls, green roofs, planting at roof level or street level and the inclusion of bat and bird boxes. Swift boxes would be particularly well-suited to a building of this height and multiple boxes should be added to provide habitat for this species which often nest communally. These details could be secured through a condition for a Biodiversity Enhancement Plan, however, features such as green walls or roofs would need consideration by the design team at an early stage. Condition recommended.”*

5.12.3 Subject to a condition to secure biodiversity enhancements, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

5.13 Climate Change

5.13.1 The impact of climate change has to be considered within the remit of planning policy. In regard to climate change Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Planning applications for major new development should be accompanied by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:

- i. following the steps in the energy hierarchy by seeking to use less

energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies:

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

5.13.2 The Adopted Local Plan primarily seeks to address climate concerns in seeking development which is sustainable in terms of ensuring easy access to local services and facilities. The application site being located in the town centre is within a sustainable location as well as being the re-use of a vacant building. The new residential element is also car free as there is good access to public transport and walking and cycling will be sufficient for travel to necessary facilities. Therefore, in terms sustainability the proposal is acceptable.

5.13.3 Although the government has not published how it intends to achieve the overall carbon reduction target that it has adopted (making it difficult for LPAs to determine the extent of carbon emission reductions necessary to deliver the adopted target), uplifts to building regulations came into force on the 15th June 2022 and are anticipated to change again in 2025. Policy CLP20 has a very clear requirement that ‘Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy’.

5.13.4 The application is accompanied by limited information in terms of climate measures and therefore it is considered reasonable for a condition to be imposed to clarify the measures to be taken in terms of fabric to ensure these comply with the most up to date building regulations as it appears possible in some circumstances to delay compliance until 2023. On this basis it is considered that matters of climate change have been addressed so far as is feasible for this type of development.

5.14 Developer contributions

5.14.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the Medium (£50) CIL charging Zone as set out in the Council’s Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](https://www.chesterfield.gov.uk)). The CIL charge is calculated as follows:

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) = CIL Charge (E)
BCIS Tender Price Index (at date of Charging Schedule) (D)

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	834.1	0	834.1	£50 Medium	332	288	£48,077

6.0 REPRESENTATIONS

6.1 One representation received from the Hospital in terms of a contribution request which is covered in para 6.3.3 above.

7.0 HUMAN RIGHTS ACT 1998

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

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

7.2 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 and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the previous reasons for refusal in order to achieve a positive outcome for the application.

9.0 CONCLUSION

9.1 The proposal is considered to be acceptable in accordance with the above mentioned policies of the Adopted Local Plan as set out above.

10.0 RECOMMENDATION

10.1 It is therefore recommended that the application be **GRANTED** subject to completion of a S106 agreement to cover the following matters:

- CCG contribution of £26,496 (combined between applications CHE/22/00194 and 00195/FUL)
- Affordable housing contribution of £95,293 in relation to the 13 units hereby approved
- Rescinding use of basement floor premises (nightclub) prior to first occupation of any of the apartments within the upper floors of the building, including the first and second floor conversion and the third floor extension.
- None of the units to the third floor extension shall be occupied until the ground floor entrance area is completed and ready for use in line with: Proposed ground floor and site layout plan 1068 003 Rev C received 23.06.2022 and condition 5 below has been agreed and implemented on site and that the lift from the ground floor to the first and second floor accommodation associated with planning application CHE/22/00194/FUL is installed and ready for use.

10.2 That the following conditions be included as part of any planning permission issued:

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

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

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

Proposed rear and side elevations, site and block plan 1068 008 Rev M received 13.06.2022

Proposed front and side elevations, site and block plan 1068 007 Rev I received 13.06.2022

Proposed third floor plan 1068 006 Rev F received 13.06.2022

Proposed roof plan 1068 011 received 21.03.2022

Proposed ground floor and site layout plan 1068 003 Rev C received 23.06.2022

Location plan 1068 012 Rev B received 07.04.2022

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

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

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

4. Within 28 days of the commencement of development, a Biodiversity Enhancement Plan (including a programme of implementation and maintenance) shall be submitted to and approved in writing by the Local Planning Authority. The enhancement plan shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved. Photographs of the measures in situ shall submitted to the LPA to validate the provision prior to final occupation.

Reason: To ensure measurable net gain is achieved, in line with the aims of Planning Policy CLP16.

5. Prior to first occupation details of:
 1. A communal door specification and entry schedule to an agreed third party certified security level, including audio/visual verification.

2. CCTV provision for the lobby and communal areas of the building
3. Cycle storage numbers and specification
4. Post box specification to an agreed third party certified security standard (ideally the Door and Hardware Federation Technical spec TS0024,

shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be fully installed prior to first occupation and maintained thereafter.

Reason: To ensure appropriate security measures for the amenity of the occupants in line with policy CLP14 of the Adopted Local Plan.

6. Prior to first occupation a detailed tenure and property management and maintenance plan shall be submitted to and agreed in writing by the Local Planning Authority. The property shall be managed in accordance with the agreed details.

Reason: To minimise any adverse impacts between occupiers and to the wider town centre in accordance with policy CLP14 of the Adopted Local Plan.

7. Notwithstanding the submitted materials plan, details including samples of all facing materials; including windows, doors, balcony finishes and details of junctions with existing features of the building and junctions between materials, shall be submitted to and agreed in writing by the Local Planning Authority. Work shall be completed in accordance with the agreed details prior to the first occupation of any apartment to the first, second or first floor of the building.

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

8. Prior to the commencement of development, a sustainability statement shall be submitted to and agreed in writing by the Local Planning Authority detailing; demonstration (without pre-registration) compliance with the June 2022 building regulations in terms of building fabric and heating systems, along with a statement on how emissions will be reduced through the construction process. Works shall be completed in accordance with the agreed statement.

Reason: To seek to make the development suitable for renewable technologies and to seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

9. No development shall commence until a Highway Construction Management Statement / Plan has been submitted to and approved in writing by the Local Planning Authority. The statement / plan shall include details specifically relating to:
- a. parking for vehicles of site personnel, operatives and visitors
 - b. site accommodation
 - c. storage of plant and materials
 - d. routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicants / developers control
 - e. provision of roadside boundary hoarding behind any visibility zones
 - f. any proposed temporary traffic management.
 - g. measures to minimise mud and dust arising from the site works, including wheel washing.

Only the approved details shall be implemented, which shall be maintained throughout the construction period.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts / inconvenience for existing highway users / nearby residents in line with policy CLP22 of the Adopted local plan.

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

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

11. Prior to the development hereby permitted being occupied/brought into use glazed screens located between the balconies shall be installed with obscure glazing which shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

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

12. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

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

11.3 Informative Notes

1. The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and proactive dialogue with the applicant with regard to the previous reasons for refusal in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design

which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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

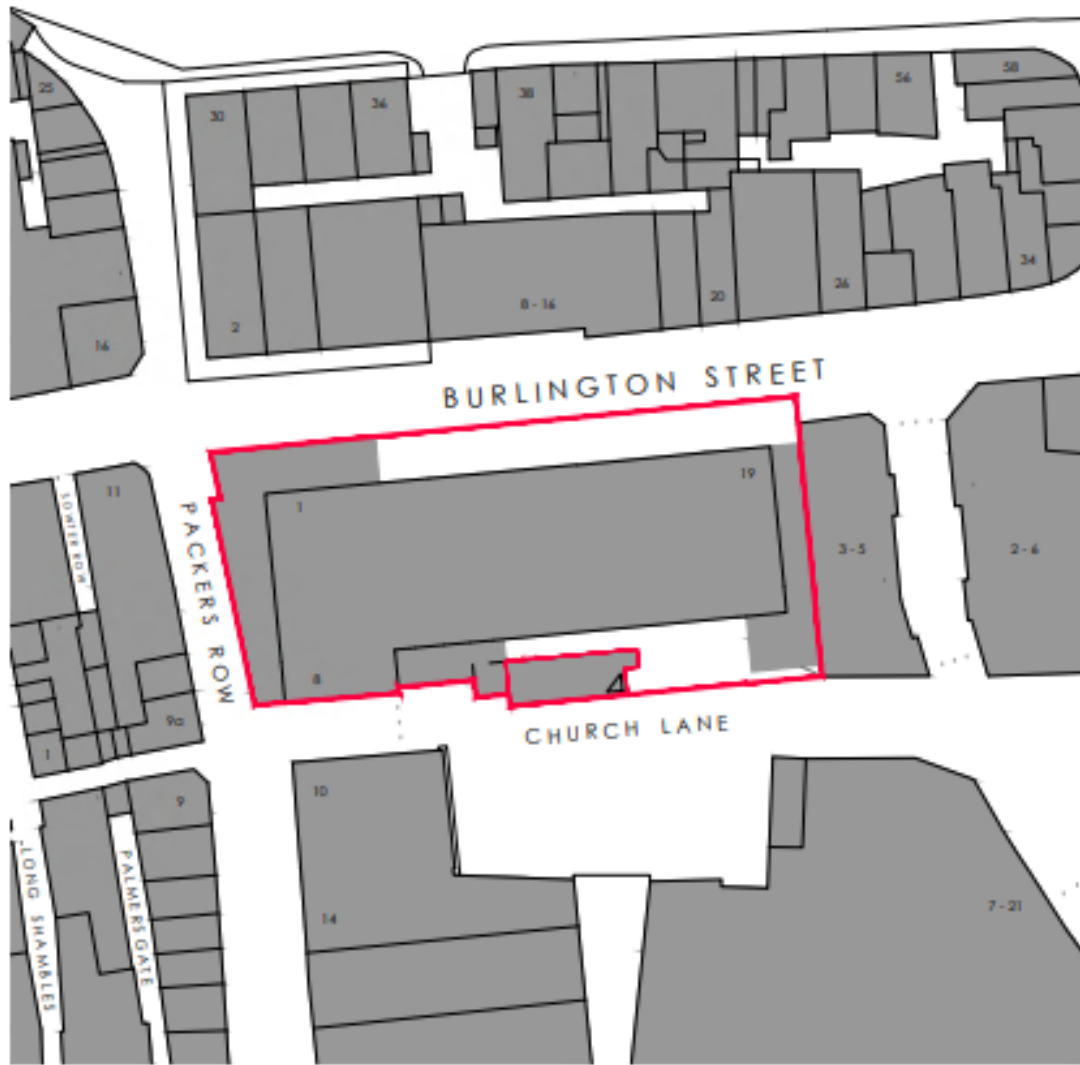
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent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

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

www.gov.uk/government/organisations/the-coal-authority

4. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
5. In line with condition 4 above - The enhancement plan shall clearly show positions, specifications and numbers of features, such as bat boxes, swift boxes and new landscaping / planting features.

This page is intentionally left blank



Proposed Site Block Plan 1:500



Proposed Site Location Plan 1:1250

This page is intentionally left blank

Item 3

CHE/22/00139/FUL - ALTERATIONS TO EXISTING BUNGALOW TO INCLUDE REAR DORMER AND SINGLE STOREY REAR EXTENSION (REVISED PANS RECEIVED 21/04/2022 AND 06/06/2022) (DESCRIPTION OF DEVELOPMENT UPDATED 22/04/2022 AND 10/06/2022) AT 26 WESTWOOD LANE, BRIMINGTON, CHESTERFIELD, S43 1PA FOR MR S BINNS.

Local Plan: no allocation
Ward: Brimington South

Case Officer AM
Planning Committee Date: 18th July 2022

1.0 CONSULTATIONS

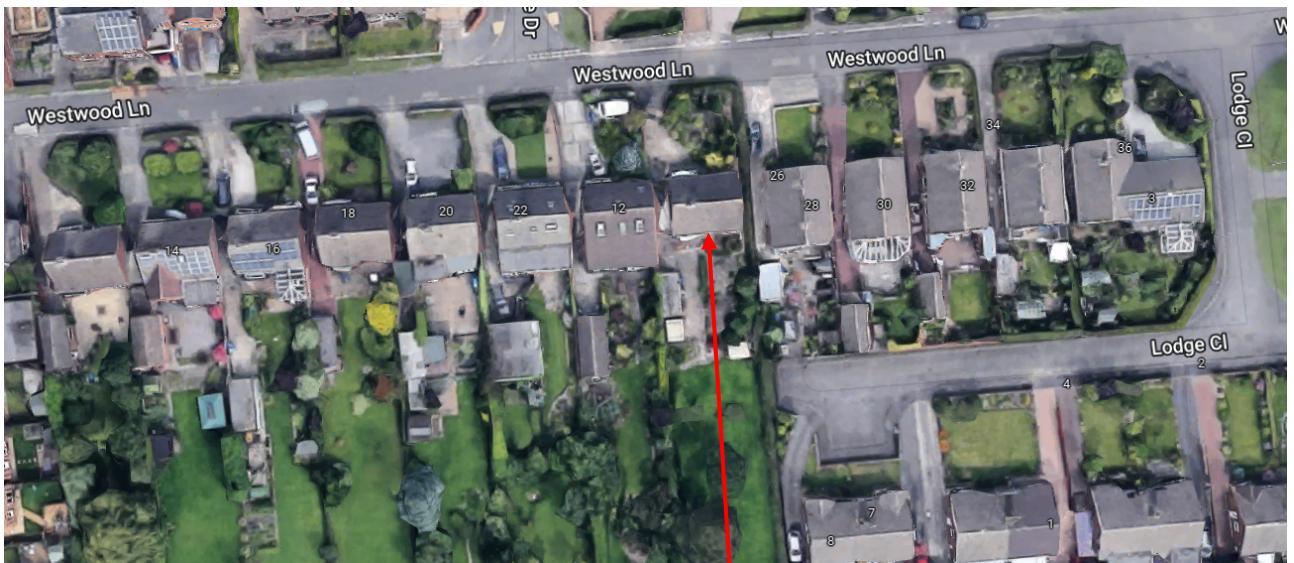
Ward Members	No comments received.
Brimington Parish Council	No comments received.
Local Highway Authority	No highway safety comments to make on additional, ancillary living accommodation subject to maintenance / provision of 2 no car parking spaces within the controlled residential curtilage.
Representations	12 representations received – see section 7 of the report.

2.0 THE SITE

- 2.1 The site the subject of the application is situated on the south side of Westwood Lane and comprises a detached bungalow. The property has a gabled roof design and is finished in a red brick with a tiled roof with white upvc windows (including front and rear projecting bay windows) and doors.
- 2.2 The property is served by a front driveway and garden area which provides space for at least 2 no. vehicles. To the west side of the property a driveway runs between nos. 24 and 26 Westwood Lane which provides access to a rear garage and to the rear garden.
- 2.3 The application site is in a residential area and is generally surrounded by housing. Westwood Lane is a cul-de-sac with the

street providing access to Westwood and the Trough Brook at its eastern end.

- 2.4 Westwood Lane is characterised by single storey and 1.5 storey dwellings. On the south side of Westwood Lane there is a consistency of design with a row of bungalows with roof pitches that run parallel to the public highway (of which the application site is the last in the row of 8), at this point the property typology changes to chalet style bungalows with gables presented to the public highway. There is a distinctive build line to the properties as they front Westwood Lane.



© Google Maps, 2022

Application site, 26 Westwood Lane

Site photographs:



- 2.5 To the east of the application site sits no. 28 Westwood Avenue, which is a chalet style bungalow with a gable presenting to the street. To the west of the application site is no. 24 Westwood Lane, separated from the application property by a side driveway that

runs to the rear of the application site. To the rear is an area of open space accessed via Eastmoor Road / Blacksmith Lane.

3.0 SITE HISTORY

3.1 CHE/21/00689/FUL – Two storey front and rear extensions and raising of existing roof height for loft conversion to bedrooms.

Refused: 14/12/2021

Reasons:

- 1. The development proposed due to its design incorporating a substantial forward projection is considered to be out of character and does not respond to the defining character of the streetscene. The proposed development is therefore considered to be contrary to the provisions of adopted Local Plan policy CLP20 and part 12 of the NPPF.*
- 2. The development introduces opportunities for overlooking through the inclusion of a balcony at first floor level. This is to the detriment to the private amenity space of no. 28 Westwood Lane and is therefore considered to be contrary to the provisions of the adopted Local Plan policy CLP14 and part 12 of the NPPF.*

4.0 THE PROPOSAL

4.1 The application seeks planning permission for alterations to the bungalow to provide a rear dormer and single storey rear extension. The dormer would enable the introduction of first floor accommodation at the property and the single storey extension to the rear would enable the expansion of ground floor accommodation.

4.2 To the front, the application proposes the removal of the bay window and re-distribution of openings to accommodate the re-arrangement of the internal accommodation, including a staircase to access the upstairs accommodation.

4.3 To the rear, the application proposes a single-storey flat-roof rear extension which projects 3.1m from the rear elevation and measures 2.75m high, with 2 no. projecting roof lights at 0.5m high. The rear elevation of the property will be brought out by 1.1m to accommodate an extended rear roof slope which facilitates the provision of upstairs accommodation.

- 4.4 At first floor level, the application proposes a flat-roof dormer which sits 0.15m below the roof ridge of the dwelling (which is to remain at the same height of 5.8m) and extends 9.5m across the rear elevation and projects 4.3m beyond the roof slope. To accommodate the extension and the rear dormer, the roof pitch to the rear of the property will be altered however it will remain the same to the front elevation.
- 4.5 At ground floor level, the proposal includes the replacement of the bay window to the front with a window and a re-located front door, which enables the installation of a staircase within the property to access the new upstairs accommodation. To the rear, the single-storey extension will include a bi-fold door to provide access to the rear garden, and floor-to ceiling windows within the extension. New windows and doors are to be provided to the north (side) elevation which will provide access to the driveway that leads to the back of the property.
- 4.6 At first floor level, the application proposes the introduction of roof lights to the front roof slope to serve the upstairs accommodation, a window to the north elevation and to the rear the introduction of a Juliet balcony to the main bedroom within the dormer extension and a further window to the upstairs accommodation.
- 4.7 At ground floor level, the application includes the rearrangement of the internal accommodation to provide an entrance hall, staircase, study, shower room and snug to the front of the property, and an expansive kitchen and dining space with associated utility room to the rear.
- 4.8 At first floor level, the application proposes the introduction of new living accommodation in the form of 3no. bedrooms, with the main bedroom being served by an en-suite bathroom and a family bathroom to the front of the property.
- 4.9 The materials for the proposal will include marley modern roof tile cladding to the cheeks of the rear dormer. The windows to the property are to be replaced in grey. The rear extension will be finished in render, however to the front and side elevations of the property the existing brick finishing will be retained.
- 4.10 The proposal has been revised significantly as a result of discussion and negotiation with the applicant and their agent, following acknowledgement of the concerns raised by local

residents regarding the proposals. The revised scheme seeks to address the issues and concerns raised within the representations, which are detailed in sections 6 and 7 of this report.

5.0 PLANNING POLICY

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

5.4 Chesterfield Borough Local Plan 2018 – 2035

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

5.5 National Planning Policy Framework 2021

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- 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

5.6 Supplementary Planning Documents

- 'Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is within a residential area where works to a domestic property are generally considered to be acceptable in accordance with policies CLP1 and CLP of the Local Plan, subject

to policies CLP14, CLP16, CLP20 and CLP22 of the Local Plan, as well as the wider objectives of the NPPF.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 6.2.2 The proposed single storey rear extension and rear dormer loft extension is considered to be acceptable in design and appearance. Whilst the original submission within the application sought to make substantial and unacceptable changes to the property as viewed from the street, the revised scheme (as presented) is considered to have appropriate regard to the character, form and setting of the site and surrounding area by way of its siting and massing.
- 6.2.3 As noted above, Westwood Lane is comprised of distinctive property types that provide regularity and uniformity within the street scene and which define the character to this part of the locality. The proposed alterations to the rear of the property will not be visible from the street and are therefore considered to be acceptable in terms of their contribution to the street scene. The proposed removal of the front bay window to accommodate the rearrangement of the internal accommodation and introduction of a stair case within the entrance hallway will have a minor impact on this regularity. However, the character to the street is derived from the build line of the properties, the stepping effect of the roof lines as they follow the topography of the street, and the materials to the properties. In this instance, the removal of the bay window to the front is not considered to be so significantly harmful as to warrant a reason for refusal.
- 6.2.3 In so far as scale and massing, the proposal is for a substantial dormer (approximately 57 cubic metres) and ground floor extension (approximately 30sqm) entirely to the rear of the property. The application site includes a large rear garden to the property which can readily accommodate the extensions, and helps to offset the scale and massing of the proposal within the plot. Furthermore, the proposal retains the ridge height to the

property which again helps to mitigate the impact of the scheme in terms of the streetscene.

- 6.2.4 In appearance terms the proposal involves the retention of the brick finish to the front and side elevations of the property with the introduction of rendering to the extension to the rear. Given the importance of the character to this part of the street scene, the proposed limitation of rendered finishing to the rear of the property is considered to be acceptable. The dormer will be finished in tiled cladding to match in to the existing roofing materials and is considered to be acceptable.
- 6.2.5 On this basis, the proposal is considered to be of an acceptable design in relation to the character of the site and the wider locality, proposed scale and massing and materials. It is therefore considered that the proposal accords with Policy CLP20 of the Chesterfield Local Plan.

6.3 Residential Amenity

- 6.3.1 Local Plan policies CLP14 and CLP20 comment that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight and overshadowing.
- 6.3.2 The application site is within a residential area with dwellings either side (east and west). The proposed dormer extension will provide first floor accommodation to the application site which will introduce the potential for overlooking to the rear gardens of adjacent properties through the introduction of a juliet balcony to the main bedroom. However, it should be noted that juliet balconies fall within the permitted development rights regime and are therefore generally exempt from planning control. In addition, it is considered that the proposed dormer would not introduce any significant overlooking issues beyond what is considered to be generally acceptable in a residential setting with properties adjacent to one another in a street. Furthermore, existing boundary treatments and the siting of garages within the gardens of adjacent properties will provide a degree of screening and will mitigate the risk of a harmful degree of overlooking, which is considered to be satisfactory in this instance.
- 6.3.3 The application includes the introduction of a window at first floor level on the west facing elevation, however this would look directly

on to the blank gable of no. 24 Westwood Lane and does not raise any concerns regarding overlooking.

6.3.3 A representation has been received regarding the potential for loss of light to no. 28 Westwood Lane. However, it should be noted that this representation was to the scheme as originally submitted which included the raising of the ridge and eaves of the application property. The revised plans retain the ridge and eaves height of the property as existing which helps to reduce the potential impact of the scheme. The introduction of the rear dormer may have a slight impact on the west facing windows to no. 24 however these windows are not principal windows to the accommodation and the separation distance between the properties is considered to provide sufficient natural light. The siting of the application site to the west of no. 24 will again help to reduce the risk of loss of light and over shadowing. The proposal is therefore considered to have an acceptable impact on the occupiers of surrounding dwellings.

6.3.6 Overall the proposed development is considered to be appropriately designed to respond to the provisions of policies CLP14 and CLP20 of the Local Plan, NPPF and the wider SPD with regards to residential amenity.

6.4 Highways Safety

6.4.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The Local Highways Authority has raised no highway safety concerns subject to 2 no. parking spaces being retained within the curtilage.

6.4.2 The proposal will retain the ability to park 2 no. vehicles within the driveway area to the front and side of the property and is therefore considered to retain a sufficient level of car parking for the likely occupancy of the dwelling.

6.4.7 The proposal is therefore considered to be acceptable under policy CLP20 and CLP22 of the Local Plan on this basis.

6.7 Biodiversity including trees and landscaping

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

The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

- 6.7.2 No information has been provided in respect of a proposed biodiversity enhancement at the site or to demonstrate a net gain in biodiversity. The proposal is a householder development and does not result in the loss of an existing species rich habitat area. The rear of the property is constituted of an area of hardstanding and it is not considered that the site is of any ecological value. Nevertheless, some level of biodiversity net gain is necessary to accord with policy CLP16 of the Local Plan and the NPPF. It is therefore considered to be reasonable to impose a condition to secure a biodiversity net gain with explanatory details contained in a footnote to be addressed by the applicant. On this basis, and subject to compliance with a condition, the proposal is considered to accord with the provisions of Policy CLP16 of the Chesterfield Local Plan and the NPPF.
- 6.7.3 On this basis, and subject to compliance with a condition, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

- 7.1 12 representations have been received on the application, which all respond to the previous iterations of the scheme (as originally submitted, and that received on 21/04/2022). Further consultation has been undertaken on the proposal as received on 06/06/2022 as presented to Committee and no further representations from members of the public have been received.

7.2 Original Scheme

- Loss of light to adjacent properties
- Overshadowing to adjacent properties
- The raised roof height will be out of character with the properties on the street
- The proposed frontage alterations and side extensions will be out of character with the properties on the street
- The proposed side extension would result in cluttering in the street scene
- Adverse impact of side extension on ability to maintain adjacent property

- Risk of damage to adjacent property as a result of side extension being built close to footings and impact on air circulation, increased fire risk
- Impact of side extension on communal drains
- The proposal would, in effect, turn the bungalow into a house which would have an adverse effect on the character of the street

7.3 Revised Scheme (21/04/2022)

- The proposal would be out of keeping with the street scene
- Adverse impact of side extension on ability to maintain adjacent property
- Risk of damage to adjacent property as a result of side extension being built close to footings
- Impact of side extension on communal drains

7.4 Officer Response

- Loss of light and overshadowing has been addressed within section 6 of the report
- The proposal no longer proposes a side extension
- The proposal no longer proposals raised roof ridge or eaves heights
- The originally proposed frontage alterations have been amended. The revised proposal includes alterations to the property frontage which have been considered within section 6 of this report
- The revised proposal retains the property as a bungalow with upstairs accommodation being enabled by the introduction of a staircase within the front entrance hallway, a dormer extension and a single-storey rear extension, thereby retaining the elements of the host property which make a positive contribution to the streetscene by way of uniformity of typology, roof ridge and eaves heights.

7.5 The concerns raised through representations on the original and revised application (21/04/2022) are noted however it is considered that these have been resolved or overcome within the revised proposal (06/06/2022).

8.0 HUMAN RIGHTS ACT 1998

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken

- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 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.

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

10.0 CONCLUSION

10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP14, CLP16, CLP20, CLP21 and CLP22 of the Local Plan.

11.0 RECOMMENDATION

11.1 That the planning permission be **GRANTED** subject to the following conditions:

11.2 Conditions

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

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

2. The development hereby permitted 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):

- Site location and layout plan, Drawing no. 008, A2, dated May 2022
- Proposed elevations, Drawing no. 007, 1:100 @ A3, dated May 2022
- Proposed roof plan, Drawing no. 006, 1: 50 @ A3, dated May 2022
- Proposed ground floor plan, Drawing no. 004, 1:50 @ A3, dated May 2022
- Proposed first floor plan, Drawing no. 005, 1:50 @ A3, dated May 2022

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

3. Within 2 months of the development hereby permitted commencing, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall be submitted to and approved in writing by the Local Planning Authority. The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

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

11.3 Informative Notes

1. The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.
2. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining

feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

4. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - bird/owl/bat boxes
 - (Locating your nest box: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
 - You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
 - The number of nest boxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
 - Do not place your nest box close to a bird table or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
 - (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
 - biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats

- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
- holes in fences and boundary treatments to allow species such as hedgehog to move across the site
- bee bricks



This page is intentionally left blank

ITEM 4**Residential development of 26 dwellings, new access, parking and associated landscaping (revised plans received 13.06.2022) at Land To The West Of Swaddale Avenue, Tapton for MYPad2020**

Local Plan: H14 allocated for 21 units under Policy CLP3

Ward: Brimington South

Plot No: 2/2175

Committee Date: 18th July 2022**CONSULTATIONS**

CBC Environmental Health	Conditions recommended
The Coal Authority	Comment made – see report
Archaeology	Comment made – see report
CBC Tree Officer	Comment made – see report
CBC Design Services	Comment made – see report
Yorkshire Water	Initially raised concerns about building being sited over the sewerage system. Further comment made – see report
TPT	Comment made – see report
DCC Policy	Comment made – see report Also encourage NGA broadband infrastructure
Network Rail	No objection subject to advisory notes in relation to building adjacent to the railway line.
CBC Conservation Officer	I have considered the application site in relation to designated heritage assets in the locality, including Tapton House (plus the Scheduled Ancient Monument and Listed assets within its curtilage), the Chesterfield Canal and associated Listed structures. I do not consider that the development can be considered to be within the setting of a designated heritage asset, and therefore I make no further comment or objection, based on potential impact to heritage assets.
Chesterfield Cycle Campaign	No comments to make
Derbyshire Wildlife Trust	Comment made – see report

CBC Forward Planning	Comments made – see report
NHS CCG	No request for funding as the development is below our threshold.
CBC Tree Officer	Comments made – see report
Highway Authority	Comments made – see report
Lead Local Flood Authority	Conditions recommended following the submission of additional information.
Representations	10 received which are summarised under section 6 of the report below

2.0 THE SITE

2.1 The application site is an elongated but narrow parcel of land that sits between Swaddale Avenue to the east and the railway line to the west beyond which is an area of tree screening, the river Rother and beyond this the Trans Pennine Trail. Existing housing surrounds the site on three sides to the south, east and north with the housing to the east being elevated from the site.

2.2 At the time of the submission the application site was overgrown with mainly scrub cover, the site has since been cleared with a few specimen trees remaining close to the railway line and to the northern end of the site a Silver Birch in the location of the access into the site to the rear of the garden to no.18 Swaddale Avenue was removed. The land to the south of the site is elevated from around the point of the access route into the site. The remainder of the site is then relatively level.

2.3 The site is allocated in the local plan as a housing site under allocation H14 as set out in policy CLP3, Table 4 for 21 dwellings.

2.4 Site location:



2.5

Point of access:



From the site towards the access:



From the access route into the site:



The south eastern boundary:



From the central area looking north:



From the central area looking towards the southern elevated section:



Looking towards the elevated housing on Swaddale Avenue:



Looking along the eastern boundary from the north:



Looking to the north:



3.0

SITE HISTORY

3.1

CHE/16/00092/OUT Outline application for residential development of land to the rear of 6-58 Swaddale Avenue along with upgrading the existing site access (all matters reserved except access and layout) - drainage strategy received 9th March 2016. Conditional permission 28.06.2016

4.0

THE PROPOSAL

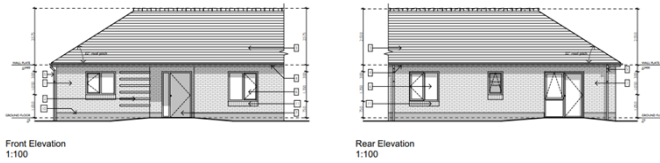
4.1

Planning permission was originally sought for the erection of 30 dwellings on the site, which is allocated for 21 dwellings. This has now been amended to 26 dwellings to address some of the concerns raised through the application process. Access is proposed from Swaddale Avenue between the existing gap between the houses. It is then intended that the road would be formed such that the proposed dwellings to the north would be positioned with the gardens back to back with the existing dwellings on Swaddale Avenue and to the south a small cul-de-sac area is formed as shown on the layout below.

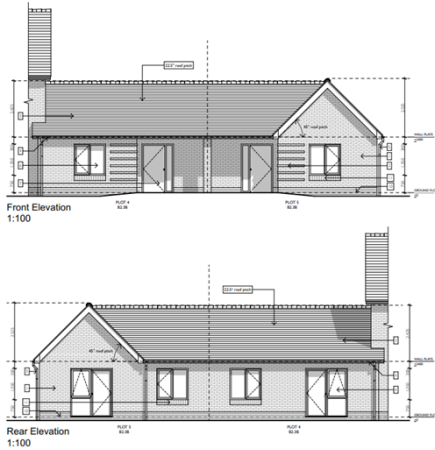


4.2

The following schedule sets out the proposed housing:
House type: B2.3A 2B3P – 62.4m²



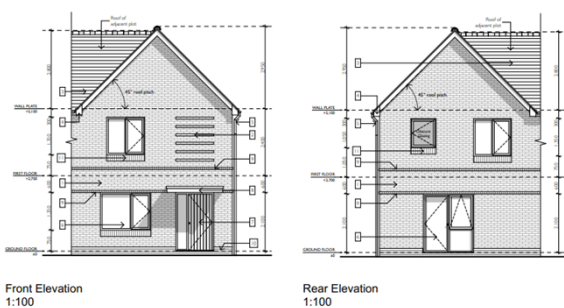
House type: B2.3B 2B3P – 63.1 m²



House type: H2.4A 2B4P – 72.6 m²



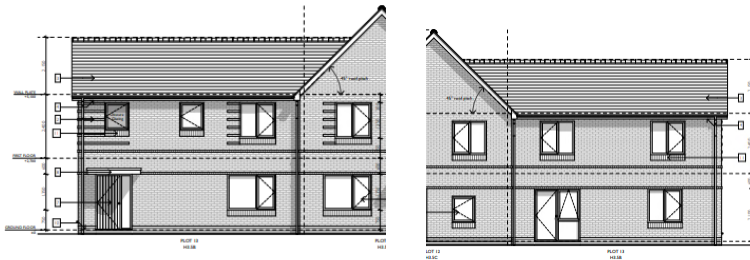
House type: H2.4B 2B4P – 72.6 m²



House type: H2.4C 2B4P – 72.6 m² (similar in appearance as H2.4A above)

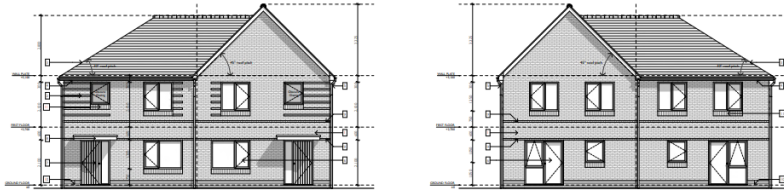
House type: H3.5A 3B5P – 84.1 m² (similar in appearance as H2.4A above)

House type: H3.5B 3B5P – 90.2 m² (B, plot 13)



Front Elevation

House type: H3.5C 3B5P- 88.4 m2 C, plot 10



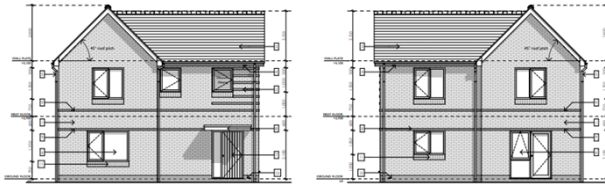
Front Elevation
1:100

Rear Elevation
1:100

House type: H3.5D 3B5P – 88.4 m2 D, plot 11 (shown above)

House type: H3.5E 3B5P – 88.4 m2 (similar in appearance as A, above)

House type: H3.5F 3B5P – 92m2 (measurement not provided)



Front Elevation
1:100

Rear Elevation
1:100

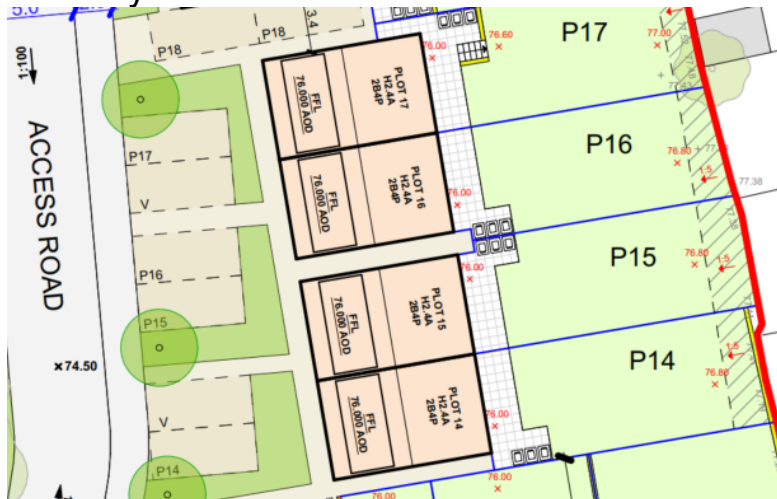
4.3

Parking provision is as follows:

X 2 parking spaces for Plots: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21, 22, 23, 24, 25, 26

X 1 parking space plus visitor space Plots: 14, 15, 16, 17

This equates to 2 spaces per dwelling and is set out in a way that would in reality achieve that as can be seen from the layout of plots 14 to 17:



4.4 Access is to be formed to the south of no.18 Swaddale Avenue which is in the ownership of the applicant. The side boundary of this property will be altered to allow for the width of the access route into the site. The access leading from Swaddale Avenue is coming from the road at an elevated level then sloping down into the site. as a result of the change in levels across the site there will be re-grading of the land to accommodate the dwellings at appropriate gradients.

4.5 In terms of affordable housing the application includes a statement which notes:

Mypad 2020 Ltd are working with Nottingham Community HA Ltd (NCHA) to deliver a mixed tenure affordable housing development on land at Swaddale Ave Chesterfield. The mix of house types has been discussed and agreed with Chesterfield Borough Council (CBC) Housing Strategy and Enabling Manager and in turn the mix has been agreed with the NCHA Ltd.

The tenure mix responds to NCHA's strategic funding priorities established through their Homes England Strategic Partner funding agreement to deliver mixed tenure housing solutions, of which shared ownership is a key tenure element. This reflects both Homes England and Central Governments priorities. The proposal presented will attract £1.57m grant investment from Homes England to provide affordable housing. In addition, this mix is a response to help address priority housing needs in the area specifically to help address the demand for rented homes, the proportion of affordable rented homes is 57%.

(It should be noted that an updated tenure on the reduced housing number has not been provided.)

In terms of standards the house types all comply with RP requirements and indeed Homes England's funding requirements. The space standards comply with the former Homes England expected standards i.e Housing Quality Indicators and meet current National Described Space Standards (NDSS). The table below sets out the comparison of the types to NDSS target floor areas. Note the key for NCHA is that the types achieve a minimum of 85% of the NDSS unit standard, this is a minimum requirement of Homes England grant funding. The units meet this standard for all bedspace definitions. NCHA have accepted the proposed house types.

The rented homes will be let at affordable rents as defined by Homes England funding. The affordable rent homes will be let on a standard

assured tenancy agreement to persons nominate to NCHA by CBC through the usual nomination arrangements.

In terms of processing the application, we have clearly set out proposal to deliver this scheme as affordable housing with NCHA Ltd, but given this is a previously consented site we have applied on the basis that this is an allocated / approved site so applied on basis of policy requirement for affordable housing. The basis of our application does not affect the way we will proceed and contract but if for whatever reason we did not complete contracts with NCHA we do not want this approved site limited solely to affordable housing tenures.

- 4.6 Therefore the scheme is being considered as open market housing in terms of this planning application, however it is likely from the information provided by the applicant that the housing will be a fully affordable scheme with a mix of rented and shared ownership units.

CONSIDERATIONS

5.0 Planning Policy

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

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP4 Range of Housing
CLP11 Infrastructure Delivery
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

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

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal;
- Impact on potential archaeology and the setting of listed buildings
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage
- CIL liability

5.5 Principle of Development

5.5.1 Policy principle:

As set out above the requirement for the consideration of planning applications is; 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. In this case the application site is allocated in the Adopted Local Plan as housing site H14 for 21 units, with the proposal being for 26 dwellings.

5.5.2 Policy CLP3 states that: "Planning permission will be granted for residential development on the sites allocated on the Policies Map and as set out in Table 4, provided they accord with other relevant policies of the Local Plan."

5.5.3 It is clear from Policy CLP3 as set out in the Adopted Local Plan that housing development in the region of 21 units is anticipated on the

application site. It is assumed that the provision of 21 units is largely based on an earlier permission for the site which was for 21 units but which has expired. This proposal whilst for a slightly greater number of units is in line with Adopted Local Plan policy in terms of the principle of the development. It is therefore necessary to consider the detail of the submission against the other policies of the Adopted Local Plan and to consider whether the 26 units is appropriate for the site.

- 5.5.4 Whilst the site is allocated Policies CLP1 and 2 require all development to be sustainably located. In allocating the land for development the sustainability of the location is considered as a primary means to consider climate matters and ensure all development is sustainable in the long term. In this case the site is within walking distance of the local services and facilities including supermarket and play area, with the cycle network already completed in the area which gives sustainable connections to the wider town. Bus routes 74, 74A, 77 and 77A run along Brimington Road which provide access into Chesterfield centre around 4 times an hour. The proposal is therefore considered to meet the requirements of policies CLP1 and 2 in terms of being sustainably located.
- 5.5.5 Infrastructure:
Concern has been raised by local residents that the development will impact on existing services and facilities such as schools and GP practices.
- 5.5.6 Through the provisions of the Community Infrastructure Levy monies are collected from developments such as this and are coordinated into spending on matters such as school expansion. There is also the ability to secure other matters via legal agreement and direct contributions. In this case the NHS CCG have not requested funding from the development which is at a level below the threshold at which they request contributions.
- 5.5.7 It should be noted that contributions will only secure physical improvements as funding for patients and school pupils remains via direct government funding. In this respect the contribution request for the Chesterfield Hospital is misplaced and cannot be secured via these mechanisms as central government funding of the NHS is provided for this.
- 5.5.8 DCC policy has commented on the application as follows (note the number of units has been reduced since the comments were made):

Education:

The proposed development relates to the normal area of Christ Church CofE Primary School. The proposed development of 30 dwellings (excluding 2 x one bed dwellings) would generate the need to provide for an additional 7 primary pupils.

Christ Church CofE Primary School has a net capacity for 210 pupils, with 184 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 217.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 7 primary pupils arising from the proposed development.

The proposed development relates to the normal area of Whittington Green School. The proposed development of 30 dwellings (excluding 2 x one bed dwellings) would generate the need to provide for an additional 6 secondary pupils. Whittington Green School has a net capacity for 800 pupils with 395 pupils currently on roll. The number of pupils on roll is projected to increase to 467 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Whittington Green School shows new development totalling 852 (includes 54% of 1500 dwelling at Waterside), amounting to an additional 170 secondary pupils. Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 6 secondary pupils arising from the proposed development.

5.5.9 *Waste:*

In relation to Waste matters the County advise:

New residential development in Derbyshire can be expected to generate an increase in the overall amount of household waste and depending on the size of the development this can have a varying impact on the existing local HWRC network. Where it is expected that new housing development will generate a need for additional provision, funding through developer contributions will be expected to help provide the necessary additional capacity. Based on the capacity at Bolsover HWRC, a contribution from CIL may be requested to enable additional measures to increase capacity.

5.5.10 Affordable housing:

In line with para's 4.5 and 4.6 above it is clear that whilst this development may be a fully affordable scheme the applicant has requested that the scheme be considered as open market housing to cover any absence of funding. This means that the normal requirements for affordable housing apply which in this location as set out by the Council's Forward Planning team is:

The site is within a medium charging zone for Community Infrastructure Levy. The Local Plan policy CLP4 therefore requires 10% affordable housing to be split between affordable rent (90%) and affordable home ownership (10%).

5.5.11 In order to secure this policy level affordable provision a legal agreement will be needed to ensure the proposal at the minimum secures the 10% affordable housing across the site, but makes allowance for it to be greater than this should funding and other matters as set out by the applicant allow for a fully affordable scheme. On this basis the proposal meets the requirements of Policy CLP4 of the Adopted Local Plan.

5.5.12 Adaptable and accessible housing:

As set out in the comments of the Council's Forward Planning team, Policy CLP4 requires that 25% of the units proposed are to the higher level building regulations for adaptable and accessible homes known as M4(2) standard.

5.5.13 DCC have commented that: *We support the inclusion of the M4(2) standard bungalows and support the 100% affordable provision.*

5.5.14 The site layout plan shows that plots 4, 5, 20, 22, 24, 25, 26 are to be the M4(2) units. 25% of the units would equate to a need for 6.5 units to be to the M4(2) standard. The 7 units proposed therefore meets the policy CLP4 requirement.

5.5.15 Climate:

The main way in which the Local Plan seeks to tackle climate change is to ensure sustainable development in locations where access to services can be via walking, cycling or via public transport.

As set out by the Council's Forward Planning team; *Strategic objective 1 of the Local Plan is to 'Minimise greenhouse gas emissions in line with Government targets, increase the use of renewable energy and help the borough adapt to the effects of climate change.'*

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

- 5.5.16 The Design and access statement sets out that:
It is envisaged that all properties will be built using an open panel timber frame solution to comply with Homes England Modern Methods of Construction (MMC) category 2. It is also proposed that the new homes will have Air Source Heat Pumps (ASHP) and Photovoltaics (PV's) to remove gas from the homes, striving towards the districts green agenda. All dwellings will be fitted with energy efficient appliances and water saving features will be installed so as to maximise the energy and water efficiency of the development.
- 5.5.17 Whilst it is acknowledged that Government has targets on climate and the Council has declared a climate emergency, there is no specific national policy other than updated building regulations to demonstrate how this will be met. This makes it difficult for LPA's to determine the extent of carbon emission reductions necessary to deliver on any targets. It is also clear from appeal decisions and called in decision by the secretary of state that without a specific policy on climate measures through build standards construction beyond the adopted building regulations would be considered unreasonable.
- 5.5.18 In this case whilst some detail is given and there is reference in the submission to the use of air source heat pumps, it is considered reasonable to impose a condition to ensure compliance with the 2022 building regulations now in force, to ensure the 12 month pre-registration does not take place to avoid this. The provision of EV charging is included in the building regulations and is therefore covered by such a condition. The submission of further information on the reduction of emissions through the construction process is also considered reasonable. On this basis matters of climate impacts have been satisfactorily considered within the remit planning policies allow.
- 5.5.19 Open space:
As set out by the Council's Forward Planning team there is some deficiency in open space in the area and this will to some degree be exacerbated. Given the constrained site it is not feasible to include this within the development, however there is play nearby at Tapton park and the issue of additional play can be considered further under CIL provision to look at realistic opportunities to include meaningful play provision off site.

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

5.6 Design and Appearance of the Proposal

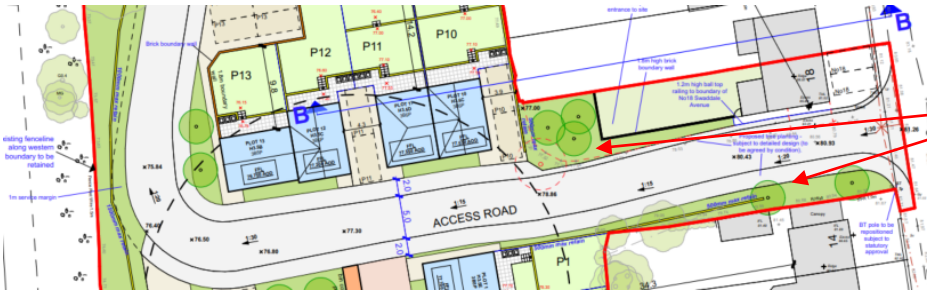
5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance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

5.6.2 The Council's Urban Design Officer initially raised concern regarding the following elements of the scheme:

- *The layout does not take account of the sewer easements.*
- *The design and access statement does not appear to refer to the council's SPD on residential development.*
- *The entrance utilising a substantial amount of close boarded fencing is not considered to be an attractive entrance, a landscaped margin would help here.*
- *Consideration of the corner units is needed.*
- *The silver birch tree should be incorporated into more of a feature.*
- *Consideration of boundary treatments is needed*
- *Where minimum separation distances are not met this is only accepted in relation to bungalow development.*
- *Garden sizes need to be appropriate.*
- *Concern regarding extent of parking bays to frontages without visual relief.*
- *Query structures in close proximity to boundary with railway.*
- *Consideration of materials is needed.*
- *Due to issues with the layout, query density.*

5.6.3 Following these comments the Urban Design Officer has taken part in substantial negotiations on the scheme to result in the final layout as

now proposed for the reduced number of houses now proposed at 26 rather than the 30 originally proposed. The final layout as now proposed is considered to have adequately addressed these issues. An area of open space is proposed to the end of the rear garden of existing no. 18 Swaddale Avenue with a verge to soften the visual impact of the fence:



Open space and verges for softening the access route.

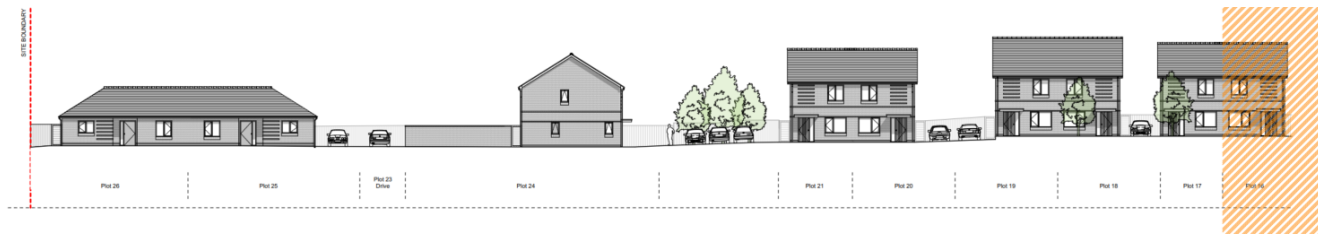


Frontage parking broken up with planting as recommended

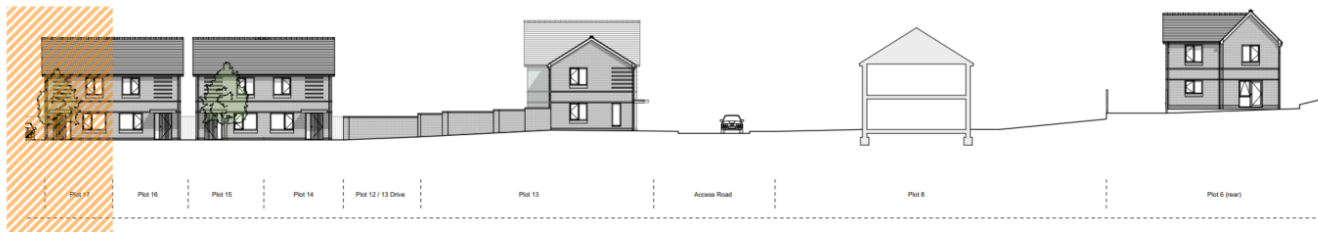


5.6.4

The design of the dwellings being of a more contemporary detailing but traditional form are considered to be appropriate to the context of the site. Whilst street scenes have not been submitted for the finalised layout, indicative street scenes have been provided which show an attractive street scene of plots 26 to 16:



And from plots 17 to 6:



- 5.6.5 The external facing materials of the development have not been finalised at the stage and will need to be considered along with consideration of all hard surfacing and boundary details, leaving existing residents boundary treatments in place. Subject to this condition the proposal is considered to meet the requirements of policy CLP20.
- 5.6.6 Concern has been raised that the proposal will adversely impact the canal and its surroundings. The Local Plan under policy CLP18 relates to the canal corridor where its states: The council will safeguard the route of Chesterfield Canal as shown on the Policies Map. Development which prejudices the existing character of and/or the future potential for the improvement and enhancement of the Chesterfield Canal, including public access, environment and recreation, will not be permitted. Policy CLP19 states that: Development which prejudices the existing biodiversity, ecological value and character of and/or the future potential for the improvement and enhancement of the environment and character of the river corridors as shown on the Policies Map, including biodiversity, habitat connectivity, public access and recreation, will not be permitted.
- 5.6.7 The application site is separated from the river corridor / canal by a wooded corridor beyond the railway line which will not be impacted by the development.



River / canal and wooded buffer beyond the railway line

It is considered that this green buffer is sufficient to ensure that the character of the water corridor will not be adversely impacted by this proposed development. The proposal therefore meets the requirements of policies CLP18 and 19 of the Adopted Local Plan.

5.7 Impact on archaeology and the setting of listed buildings

- 5.7.1 The application site is relatively near to a number of heritage assets:
Grade II Tapton Hill Bridge over Chesterfield Canal
The scheduled fortifications, Grade II* House and Grade II Gates at Tapton Park.
- 5.7.2 Policy CLP21 states: In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible. This is reiterated in national policy in Part 16 of the NPPF.
- 5.7.3 The Council's Conservation Officer has considered the case and concluded there will be no harm to any heritage asset as a result of the proposal.
- 5.7.4 In relation to Archaeology Policy CLP21 states:
The surveying and recording will be required to be carried out in a manner proportionate to the importance of the asset and the impact of the development. A report detailing the investigation should be made publicly available and deposited through Derbyshire's Historic Environment Record as a minimum.

5.7.5 Given the location of the site the Archaeologist has been consulted and has commented that:

The site has potential for below-ground archaeological remains associated with:

1) Part of a probable Roman milestone (HER 3935) found in 1933 built into the roadside wall of the Chesterfield-Steveley Road (Brimington Road about 70m south-east of the proposal boundary). The HER does not describe a route for Rykneld Street running north-east out of Chesterfield, but a length of the road has been identified in the area of Hags Farm, Steveley, and it is possible that the Roman road ran on or close to the current route of Brimington Road (which formed part of an early turnpike between Chesterfield and Worksop, authorised in 1739).

2) Medieval settlement at or around the site of Swaddale Farm. Historic 19th century mapping shows the farm just outside the sites eastern boundary but the site name is attested as early as the 14th century and may be an example of shrunken medieval settlement. There is consequently potential for settlement archaeology of medieval date.

3) Activity associated with the possible castle motte known as Castle Hill (Scheduled Monument) at Tapton, 280m south of the site boundary. Archaeological survival may however have been compromised to a greater or lesser extent by the use of the site as allotment gardens during the 20th century, by construction of the Swaddale Avenue housing during the early 20th century, and by construction of the Midland Railway along its western side during the 19th century.

Given the small size, of the site, the nature of the archaeological potential, and the evidence for possible truncation of archaeological levels, I recommend that the archaeological interest in the site is addressed through a conditioned scheme of recording in line with NPPF para 199. This should comprise trial trenching in the first instance to establish archaeological significance, followed by targeted excavation of areas where significant remains are identified. Conditions should be attached to any planning consent.

5.7.6 Subject to this condition it is considered that all matters of heritage impacts have been addressed and meet the requirements of Policy CLP21 and Part 16 of the NPPF.

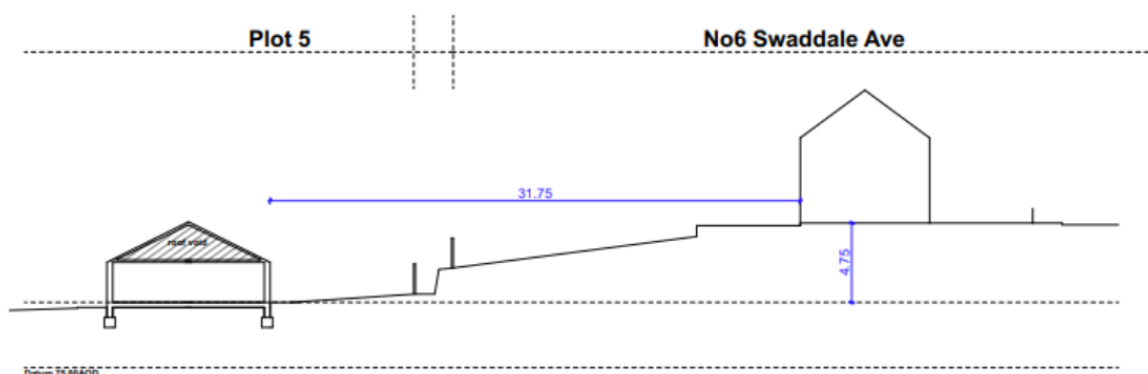
5.8 Impact on Neighbouring Residential Amenity

5.8.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.

5.8.2 Concern has been raised by local residents that the scheme will adversely impact on amenity in terms of loss of light and overlooking. The scheme has been considerably amended to address these concerns. The separation distances between properties are all now at an acceptable level. The only properties where a 10m garden depth has not been achieved are the 2 bungalows at plots 25 and 26 where the garden depth of 8m to plot 25 and 7m to plot 26 is considered acceptable based on the units being single storey. Also on plot 13 the rear garden is approximately 9.8m in depth, however this property is to back onto the proposed roadway and a parking area and therefore does not impact on existing residents. It should also be noted that the separation distances between existing and proposed dwellings are in the main exceeded as the dwellings backing onto the site generally have elongated gardens.

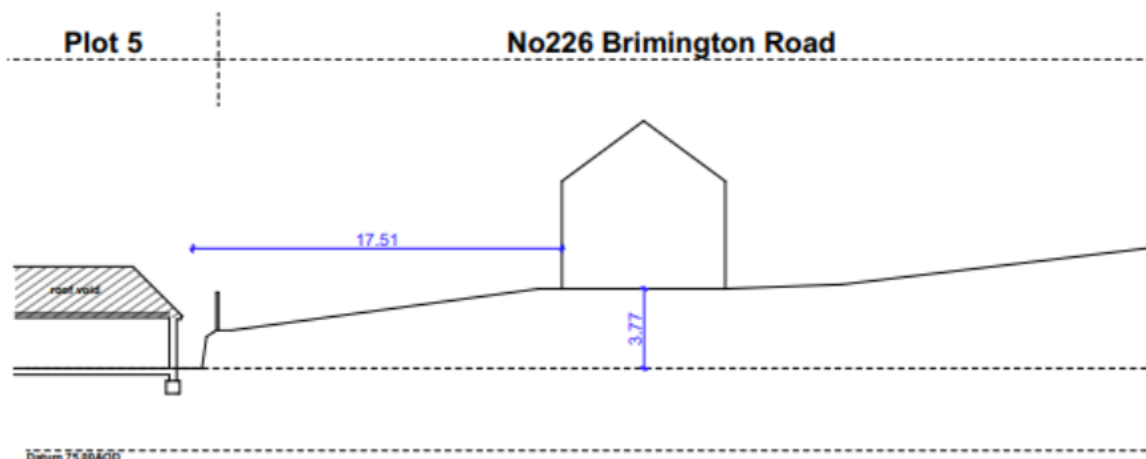
5.8.3 In terms of assessing the impacts it is noted that there are level changes on the site which also need to be considered. Sections have been provided, the layout has since changed since the submission of these, but in some circumstances the sections demonstrate the level changes on site as now proposed, these are shown as follows.

Plots 4 and 5 are also bungalows but also there is a level change and so the impact on the adjacent properties has been reduced:



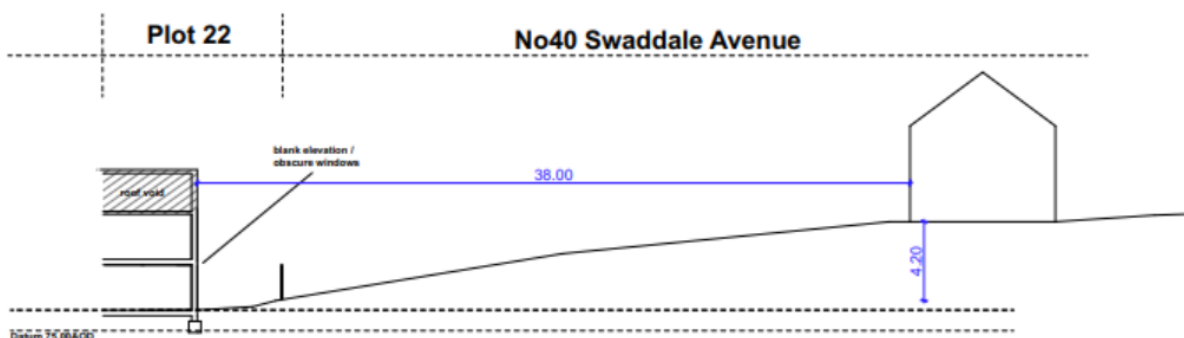
Site Section C-C

Both against the dwellings on Swaddale Avenue and the ones on Brimington Road:



Site Section D-D

Plot 22 has a gable end to the rear boundary of the Swaddale Avenue properties:



Site Section E-E

5.8.4 These sections and the garden depths demonstrate that the applicant has worked with the Authority to ensure that the impacts on neighbouring residents have been addressed and are now satisfactory, in most cases the separation distances exceed the requirements of the Council's Adopted Supplementary Planning Guidance.

5.8.5 The matters raised by local residents including concerns of overlooking, loss of light, and location of the bin store are considered to have been satisfactorily addressed. On this basis the proposal meets the requirements of Policy CLP14 of the Adopted Local Plan.

5.9 Highways Safety and Parking Provision

- 5.9.1 Concern has been raised that the development will impact adversely on parking in the locality and may result in Swaddale Avenue being blocked for emergency vehicles as well as increasing the capacity at junctions.
- 5.9.2 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.9.3 Following negotiations on detail between the highway authority and the applicant the following final comments were received from the Highway Authority as follows:
I note the applicant has chosen to provide a 5m wide access road for a design speed of 20mph, but no speed restraint shown. However, I am mindful a highway response is urgently needed, so I will add an appropriate Condition/informative to enable the applicant to add the speed restraint at a later date when going through the technically approval process. Therefore, if you are minded to approve the proposals, it is recommended that Conditions are included within the Consent.
- 5.9.4 Based on these comments and given that the applicant has addressed all earlier queries raised by the Highway Authority there are no grounds for refusal upon highway safety matters. Some of the conditions suggested by the Highway Authority are not considered to meet the tests for planning conditions as details have already been supplied for example bin space provision. Therefore, only those conditions which meet the required tests for planning conditions are to be included in the recommendation.
- 5.9.5 The application as set out in para 4.3 above includes only 1 parking space and 1 visitor space per dwelling for plots 14 to 17, nevertheless this still equates across the site to 2 parking spaces for each dwelling which considering the sustainable location is satisfactory.
- 5.9.6 The application includes a plan showing a swept path analysis to ensure that waste vehicles can enter and leave the site within the confines of the highway. Whilst this does include some of the full width of Swaddale Avenue it is not considered that this is significantly different to accessing the adjacent roads Tapton Vale and the Swaddale Avenue Cul-de-sac.
- 5.9.7 Network Rail has been consulted on the case due to the proximity of the railway line. Whilst they have raised no objections they have advised on a number of Informatives to be added to any decision to set out the rules regarding development work in close proximity to railway lines.

5.9.8 On this basis it is considered that the development is acceptable in terms of highway safety and meets the requirements of Policies CLP20 and 22 of the Adopted Local Plan.

5.10 Biodiversity, impact on protected species, enhancement and Trees

5.10.1 Biodiversity:

Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.10.2 DWT were consulted on the case and commented that they have reviewed the Habitat and Protected Species Report (Paul Hicking Associates, August 2021). The Trust have some technical criticisms of the report, however confirmed that in regard to bat roosts no features were recorded in association with the onsite trees that could be used by roosting bats and therefore it is unlikely to make a difference to the conclusions reached.

The Trust go on to comment:

We are pleased to see that the report references the previous ecological survey work at the site (associated with planning application CHE/16/00092/OUT) and compares the current habitats and protected species interests to those recorded in 2015. The site has been disturbed in the interim and now comprises overgrown scrub and tall ruderal vegetation. No evidence of badger activity was recorded despite the presence of setts in the wider area. The main species interests at the site are likely to be nesting birds and hedgehogs. Grass snake are known to use the habitats along the nearby Chesterfield Canal and River Rother and it is possible that they may use the adjacent railway line and the application site itself, although it is now rather overgrown with little open ground potentially reducing the suitability for reptiles.

Development of this site will result in the loss of habitat for local wildlife and a small reduction in the green corridor present along the railway and river/canal. The adjacent rail line should be buffered with native planting and there should be no lightspill onto the planting or rail line. This can be secured through conditions for lighting and landscaping.

Furthermore the site will require clearance under a detailed Method Statement to safeguard reptiles, amphibians, hedgehogs and birds. Features such as bat and bird boxes within new dwellings and hedgehog gaps in fencing will be expected and again can be secured through a condition. However, there is currently no assessment of the overall biodiversity losses or gains and this should be calculated using the DEFRA metric 3.0 prior to determination, to ensure the council can assess proposals against local and national net gain policies. Every effort should be made to achieve net gain on site, however if there is a residual net loss after thorough consideration of the scheme, an offsetting strategy should be submitted with the application.

- 5.10.3 Following these initial comments the site was cleared without following the advice of their ecologist. In such circumstances it is obviously difficult to assess the lost habitat therefore an assumption is made that the conditions were good, which is a high bar in terms of retained habitat to work from in terms of calculating adverse impacts.
- 5.10.4 Further information was then submitted to which the Trust commented: *A Biodiversity Metric Report has now been submitted (Paul Hicking Associates, April 2022). The assessment appears reasonable and predicts a net loss of -1.74 habitat units (-34.82 %). As the report states, this does not comply with local and national planning policy aims for developments to achieve a net biodiversity gain and therefore a strategy should be submitted for offsetting this loss, prior to determination. We are pleased to see that the proposed site layout incorporates a landscaping buffer along the adjacent railway line, as per our previous comments. Conditions for a Sensitive Lighting Plan, a Method Statement for site clearance to safeguard reptiles, amphibians, hedgehogs and birds, and an Ecological Enhancement Plan are still recommended.*
- 5.10.5 In partnership with Derbyshire Wildlife Trust and as part of the consideration of Policy CLP16 and the anticipated detail of the Environment Act the Strategic Planning Policy team have been looking into how biodiversity net gains can be off set within the Borough on areas of land controlled by the Council. These areas of land can be planted and differently managed to secure biodiversity gains where the extent of gain required cannot be achieved on development sites. This will come forward as Supplementary Planning Guidance in due course however that process has started and has initially sifted a number of sites within the Borough. A piece of work has also been carried out by the Council's leisure services to provide a detailed assessment of the

cost of providing such habitat units on land already used as open space within and controlled by the Council, this has taken place alongside a detailed ecological proposal for a receptor site giving appropriate accuracy to the assessment. This has concluded that the cost per habitat unit for management, replanting and monitoring biodiversity receptor sites is £20,000 per habitat unit.

5.10.6 In this case as set out in the comments of the Trust, there remains a net loss of habitat from the development of the site despite the proposed landscaping maximising on site provision. The submitted metric (report dated April 2022) shows the baseline of the undeveloped site to have +4.98 habitat units, 0 hedgerows units and 0 river units. The result following development will be +3.25 habitat units, 0 Hedgerow units. Therefore, the minus habitat units (4.98 - 3.25= 1.73 unit habitat loss) needs to be off set on another site within the Borough. This will be secured by the applicant providing a contribution to compensate +2 units (gain of +0.27 units overall) which at a cost of £20,000 per unit equates to a contribution of £40,000. This contribution will then be used to provide the biodiversity net gains over a 30 year period on sites within the Borough.

5.10.7 It is acknowledged that this is a gain but not a 10% gain. However, given that the Supplementary Planning Guidance to require a 10% net gain is not yet adopted and we are still awaiting the secondary legislation of the Environment Act it is not considered reasonable to insist upon a 10% gain at this time, although this will be the case once the guidance or legislation has progressed. A condition will secure the on site net gain proposed through landscaping and long term management. The report details on site habitat creation to be:

Baseline habitat creation

Modified Grassland (Garden Lawn)	0.187ha
Urban street tree	0.1099ha (27 retained trees)
Urban street tree	0.15ha (28 new trees)
Tall herb communities (Public Landscaping)	0.0656ha
Meadow Flower Planting (Banking rear Gardens)	0.025ha
Meadow Flower Planting (Retained Land)	0.106ha
Modified Grassland (No.18)	0.03ha

On this basis, subject to conditions and a legal agreement it is considered that the proposed development secures a net gain as required by policy CLP16 thereby addressing the concerns of the Trust.

5.10.8 Trees:

The tree officer has commented on the proposal as follows:

A tree survey and report has been submitted with the application reference 2156- PHA by Paul Hicking Associates dated August 2021. It is stated within the report that the majority of trees on the site have been removed since the last survey by Wildlife Discovery Ecology in 2015. It is also stated that there are currently 30 individual trees or tree groups within close proximity to the proposed development, however there are only 16 individual trees or groups recorded which comprise mainly of Leylandii conifers, 3 Birch trees and Spruce. It is proposed that 9 of the 16 trees/groups are removed to facilitate the development.

It is agreed that there are no existing trees of notable merit on the site, but it is proposed that 7 trees/groups are retained in the scheme reference TG5, TG6, TG10, T11, T13, T15 & T16. The retained trees within the vicinity of the proposed works should therefore be protected in accordance with the recommendations in the tree report and in accordance with BS 5837: 2012. Some general tree protection measures have been included in the tree report; however a more detailed Tree Protection Plan is required. I therefore have no objection to the proposals and if consent is granted to the Application, conditions should be attached.

5.10.9 Further comment received from the Tree Officer following the clearance of the site:

In addition to my previously recommended conditions a landscaping condition should also be attached in mitigation if consent is granted to the scheme and specific attention should be made to the Tree Protection condition J) Methods to improve the rooting environment for retained and proposed trees and landscaping' due to the use of heavy machinery around the retained trees and the compaction to the rooting environment that this may have caused.

5.10.10 Whilst the site clearance did not necessarily follow ecological best practice there was no breach of planning control associated with this. This has altered how the quality of the habitat was considered which has been duly raised in quality and this has fed into the metric analysis set out above. The tree removal carried out as part of the site clearance was not a breach of planning control as none of the trees were protected and with a suitable landscaping scheme it is considered that the impacts

on trees is acceptable. Therefore, subject to conditions the proposal is considered to be acceptable in terms of policy CLP16 of the Adopted Local Plan.

5.11 Ground conditions and air quality

5.11.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.

5.11.2 The Coal Authority have commented that:
I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Our records indicate that the site is in an area of likely historic unrecorded coal workings at shallow depth. The planning application is supported by a Phase 1 Desk Study Site Investigation Report, dated 23 April 2021 and prepared by Geoinvestigate Ltd. This report recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues.

The submission is also supported by a Phase 2 Site Investigation Report, dated 7 May 2021 and prepared by Geoinvestigate Ltd. This report sets out details of the intrusive site investigations carried out on site and their findings. The report states that six boreholes have been drilled on site to depths of 30m and that these encountered no voids or broken ground indicative of shallow coal workings. Based on these findings the report authors conclude that there is no risk to the development posed by historical coal mining.

On the basis of the information submitted, and the professional opinions of the report authors set out therein, the Planning team at the Coal Authority have no objection to this planning application. It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage

system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel. The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application consideration should be given to such advice in respect of the indicated surface coal resource.

- 5.11.3 As a result of the investigative works already undertaken there is no need to impose any further conditions in respect of potential coal mining impacts.
- 5.11.4 The Council's Environmental Health team have noted that the submitted assessments have found no indication of historical contamination on the site. On this basis there is no need to condition any further investigations.
- 5.11.5 The Environmental Health team has requested that EV charging and hours of operation for construction works are conditioned appropriately, this is included within the recommended conditions.
- 5.11.6 The matter of ground conditions and air quality matters has therefore been appropriately considered and meets the requirements of Policy CLP14 of the Adopted Local Plan.

5.12 Drainage

5.12.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. 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.

5.12.2 CBC design services has commented as follows:

The site is shown to be entirely in flood zone 1 indicating it is not at risk from river flooding on the Environment Agency flood maps. A small portion of the site is shown to be at risk from surface water flooding due to the natural topography of the site. This has been addressed in the FRA, with reference made to altering levels and providing an overland flood path on the highway which may mitigate this risk.

The FRA suggests that the ground conditions are likely to be unsuitable for the use of soakaways however percolation tests should be carried out in accordance with BRE Digest 365 to confirm this is the case in line with hierarchy of surface water disposal. Sustainable Drainage Systems should be primarily considered for the management of surface water. If soakaways/infiltration drainage are suitable, percolation tests and sizing calculations should be provided. If infiltration drainage is unsuitable the drainage proposals in the strategy submitted are satisfactory in principal and in accordance with CBCs Flood & Surface Water Management guidance.

The drainage strategy plan submitted indicates that there are to be a number of diversions on YWS public sewer, permission will need to be sought from YWS prior to undertaking any works on site. There is also usually an easement to be observed when constructing in the vicinity of public sewers, again this will need to be discussed and agreed with YWS.

Please note: all drainage plans submitted refer to STW standards, Yorkshire Water are responsible for drainage in the Chesterfield area so the developer/designer should liaise with YWS on all drainage matters.

5.12.3

Yorkshire Water has commented:

It appears from the submitted site layout that buildings will be sited over the public sewerage system located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore OBJECT to the development layout as currently shown. I strongly advise that, prior to determination of this application, the site layout is amended to allow for adequate protection of the sewers.

1.) The drainage details submitted on drawing 'Proposed Site Layout - Overall 21015-70-001_P1 dated 13/08/2021 that has been prepared by Player Roberts Bell is not acceptable. The following point(s) should be addressed:

a.) the submitted drawing appears to show a building proposed to be built-over the line of public sewer crossing the site

b.) the submitted drawing should show the site-surveyed position of the public sewer crossing the site

c.) the submitted drawing should show the required building stand-off from public sewer -- or an agreed alternative scheme

2.) On the Statutory Sewer Map, there are the following sewers recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme

a.) Two separate lengths of 225mm public combined sewer, a 150mm combined public sewer, a 225mm foul sewer and a 225mm surface water sewer

b.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

c.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2000).

d.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

e.) A 375mm public surface water sewer

f.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

g.) In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer.

h.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

- 5.12.4 Whilst the development does not specifically impact the TPT nevertheless the following comments were received:
The alignment to the west is for walkers and cyclists. The alignment to the east also accommodates horse riders. It is noted that the current application does not have any direct impact on the Trans Pennine Trail but it is understood from our colleagues at Derbyshire County Council, who are responsible for maintenance of the Trans Pennine Trail, that there are issues regarding a sewer chamber that should be maintained by Yorkshire Water. This sewer chamber is located within the TPT, along the canal towpath, and after periods of heavy rain the sewer chamber blows, discharging foul water onto the TPT, impacting Trail users. The proposed development will be connecting to the existing foul sewer which could exacerbate the existing issue. There are 6 incidents recorded over the last 24 months that have been reported to Yorkshire Water where heavy rainfall has lifted the chamber cover and foul water has been discharged onto the Trans Pennine Trail and therefore causing major safety issues to Trail users. This planning application should be used to stress to Yorkshire Water the urgent need to rectify this issue.
- 5.12.5 DCC policy have commented similarly:
It is also noted that the development proposes to connect foul water in to an existing sewer that runs west underneath the canal. This sewer has a chamber located within the canal towpath. There are 6 incidents over the past 24 months, reported to Yorkshire Water where the chamber cover has been lifted at times of heavy rainfall, discharging foul water into both Chesterfield Canal and the River Rother. The subsequent open chamber within the cycleway poses a significant safety issue for users. The Countryside Service seeks reassurance that the development will not exacerbate this problem.
- 5.12.6 As major development the Lead Local Flood Authority have also commented:
We are unable to provide an informed comment until the applicant has provided further information:
- *How would maintenance of the proposed underground attenuation tank within the private gardens be ensured in perpetuity?*
 - *The LLFA has concerns regarding the surface water flood risk, as indicated in Section 3.3 of the Hexa Consulting (August 2021). Flood Risk Assessment and Drainage Strategy Statement, Revision V01. There appears to be an overland flow route from Swaddale Avenue and higher land to the east, through the development site towards what*

appears to be a tunnel or culvert under the railway line. How will this flow route be managed without increasing flood risk to existing properties?

Then further queries were raised:

The LLFA still has concerns that the overland surface water flood flow route is indicated to go through the gardens of the existing properties 20 & 22 Swaddale Avenue and then through the proposed gardens of plots 10 to 13. The applicant should demonstrate how this flow route would be safeguarded without posing a risk to the proposed buildings.

- 5.12.7 To address these concerns additional and amended drainage information has been submitted; the amended plan and layout accommodates easements within the road or rear garden areas where they will be accessible. The additional information clarifies that the surface water storage will be managed by a private drainage maintenance company through a housing association with a regular maintenance regime. The formation of the highway through the site will redirect most overland flows away from residential properties with the new drainage system designed to accommodate a 1 in 100 year storm with 40% for climate change allowance. The submission notes the overland flow route to gardens to proposed units does not pose further risk due to the level changes and no change to boundary treatments (fencing) proposed. It is also noted that A brick wall has been proposed around rear gardens of Plot 12 and 13. It is also recommended in the submission that the portion of the wall around Plot 12 be removed, or the construction methodology amended to not impede the overland flow route and that an upstand be created at Plots 14 and 15 or the levels along the overland flow route shown in Figure 1 are further lowered by 150mm to ensure that these properties are not affected.
- 5.12.8 In response to this Yorkshire Water have removed their objection and have recommended conditions. Whilst this Authority cannot resolve the matters raised in regard to the TPT as Yorkshire Water have removed their objection it would appear that they as Statutory Undertaker who ultimately allow for any new connections are satisfied with the potential impacts.
- 5.12.9 In response to the final submission of additional information the LLFA have recommended conditions which are included in the recommendation below. On this basis the impact of surface water and drainage is considered to be appropriate in line with Policy CLP13 of the Adopted Local Plan.

5.13 Development Contributions and CIL Liability.

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

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) = CIL Charge (E)
BCIS Tender Price Index (at date of Charging Schedule) (D)

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	2231 (Based on form submitted Nov 2021)	0	2231	£50 Medium area	332	288	£128,592

6.0 REPRESENTATIONS

6.1 Ten comments have been received and are summarised below (the majority of which were received prior to the final amendments on the scheme):

Request from the Hospital for £76,000 towards the impacts of the development – refer to para 5.5.7

Infrastructure/Principle:

- Infrastructure impacts – school place capacity
- The number of dwellings has increased from 21 to 30.
- There is enough housing being built in the area.
- There will be environmental impacts.
- Visually this will have a negative impact
- The canal is to have housing built up on all sides which is not conducive to making the canal a place to visit.
- The plans are not sympathetic to the area.

Amenity:

- The plans show a road and parking immediately behind our fence which is not acceptable, our privacy is impacted.
- We will be overlooked.
- The existing housing will also overlook the proposed.
- The houses are too close we will lose all our privacy.
- There will be loss of sunlight into our garden.
- The location of the bin store will impact on our decking area.

Ecology:

- The land was torn up with a digger and did not following the advice of their own ecologist.
- Detrimental impact on wildlife
- There were bats in the area, these are no longer there.

Highway safety and parking:

- An additional 30 dwellings brings an additional 60 cars onto Swaddale Road which is already overused.
- Will there be road cleaning due to mud?
- Parking in the area is already difficult.
- What will happen with large vehicles in icy weather where the road is in shadow.
- Construction lorries will not be able to access the site.
- This will overwhelm the junction onto Brimington Road.
- Access into the site would be a danger due to parked vehicle blocking views.
- Access for emergency vehicles would not be sufficient.
- The application will impact access to the railway.
- The density is too much, there will be too many cars.
- Limited additional visitor spaces on site.

Crime:

- Concerned about security.
- This will likely lead to more vehicle crime in the area due to the lack of garages and allocated spaces being remote from the proposed properties. Isolated parking is also unacceptable for unaccompanied women where blocking noise from the railway may hinder cries for help.

Other issues:

- The previous outline had restricted easements for drainage, why is this no longer the case?
- Some houses are noted as affordable but the houses here are not unaffordable anyway.

- Building council owned rented housing will lower the status of the area.
- Access to the shared drainage on Swaddale Avenue should not be impacted.
- What will happen to the existing boundary fencing?

Responses:

- 6.2 These matters are addressed in the report above, with additional matters covered below:
- 6.3 In terms of the comment relating to affordable housing lowering the status of the area, whilst this may be a view held by local residents this is not a matter upon which it would be appropriate to refuse the development, rather the potentially affordable nature of the development results in a more favourable consideration given the social benefits arising from this.
- 6.4 In terms of the housing being 'affordable' the definition of this is set out in national planning policy and does not mean that the houses merely cost less to buy or are available for rent. The NPPF Annex 2: Glossary states: *Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions;* the definitions are then set out in some detail.

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of

amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

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

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

9.0 CONCLUSION

9.1 The application site is an allocated housing site as set out in policy CLP3 of the Adopted Local Plan for 21 units. This application is for 26 units but given that issues of parking, access, amenity and appearance have been satisfied there is no reason to withhold permission for the greater number of units beyond that specified in the allocation. Having assessed all of the matters in the report above it is considered that the proposal meets policy requirements subject to conditions and a S106 agreement and on this basis the matter is recommended for approval.

10.0 RECOMMENDATION

10.1 It is therefore recommended that a s106 legal agreement be negotiated to secure the following:

- Affordable housing as submitted at 10% provision across the site providing 3 units (2.6 rounded up to a whole unit) with a 90/10 split on tenure (rent and shared ownership)
- Biodiversity net gain 2 habitat units at £20,000 per unit to CBC = £40,000

10.2 That the planning application be APPROVED subject to the following conditions and which should be issued on completion of the s106 agreement.

Conditions

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

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

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

- Proposed site layout 21015-70-001_P13 received 30.06.22
- Swept Path analysis 600357-HEX-00-00-DR-TP-0104 P02 received 13.06.22
- House types:
 - B2.3 A 21015-020-004_P2 received 20.04.22
 - B2.3 B 21015-020-013 received 20.04.22
 - H2.4 A 21015-020-002_P2 received 20.04.22
 - H2.4 B 21015-020-007 received 20.04.22
 - H2.4 C 21015-020-008 received 20.04.22
 - H3.5 A 21015-020-003_P2 received 20.04.22
 - H3.5 B and H3.5 C 21015-020-010 received 20.04.22
 - H3.5 C and H3.5 D 21015-020-009 received 20.04.22
 - H3.5 E 21015-020-011 received 20.04.22
 - H3.5 F 21015-020-01 received 20.04.22

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

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

Reason: To ensure appropriate consideration of potential below ground archaeology in accordance with policy CLP21 of the Adopted Local Plan.

4. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:
 - a) Location and installation of services/ utilities/ drainage.
 - b) Details of construction within the RPA or that may impact on the retained trees.

- c) a full specification for the installation of boundary treatment works within the designated root protection areas.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) 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
- j) Methods to improve the rooting environment for retained and proposed trees and landscaping, due to the use of heavy machinery around the retained trees and the compaction to the rooting environment that this may have caused.

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

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to policy CLP16 of the Adopted Local Plan and section 197 of the Town and Country Planning Act 1990

- 5. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the

first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) a scaled plan showing vegetation to be retained and trees and plants to be planted;
- b) proposed hardstanding and boundary treatments that shall be suitable for hedgehog routes (with existing residents boundaries retained and enhanced)
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

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

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policy CLP16 of the Adopted Local Plan.

6. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats, as identified in the agreed Biodiversity Net Gain Feasibility Assessment report to meet the habitat gains set out in the Biodiversity metric calculation and landscaping of the site agreed under condition 5 above.

The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period);

- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures,
- i) Details of the company to be set up to manage the any private highways areas and the landscaped areas of the site in perpetuity, The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30 Years +) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

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

- 6. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles. The facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

- 7. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

- 8. No development shall take place until full construction details of the residential estate road and footways including layout (generally in

accordance with approved application drawings), levels, gradients, surfacing and means of surface water drainage, have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter be constructed in accordance with the approved details unless otherwise agree in writing by the Local Planning Authority.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

9. The carriageway and footways agreed under condition 8 above, shall be constructed up to and including base course surfacing to ensure that each dwelling has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway prior to occupation. Until final surfacing is completed, the footway base 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 interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

10. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the drives/accesses/shared drives onto the proposed adopted highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

11. No development shall be commenced until 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 as appropriate.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

12. No dwelling shall be occupied until access has been formed to the new estate street, unless otherwise agreed in writing by the Local Planning Authority, provided with 2m x 25m visibility sightlines, the areas in advance maintained free from any objects exceeding 1m in height (600mm if vegetation) relative to the adjacent carriageway channel level.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

13. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved application drawings for parking and manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected along the highway frontage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

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

15. The proposed driveways shall be no steeper than 1:12 and shall be constructed of a solid bound material.

Reason: In the interest of Highway Safety in accordance with policies CLP20 and 22 of the Adopted Local Plan.

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

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

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

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

18. Prior to any demolition, construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:

a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other

Monday to Friday: 08:00 – 18:00

Saturday: 08:00 – 13:00

Sundays and bank Holidays - No working

b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;

c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not

possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;

d) Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;

e) Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times.

All works shall be fully implemented in accordance with the approved CEMP. The CEMP shall be reviewed at least at the start of each phase of the development or where there are changes to relevant legislation or where changes are made to the agreed CEMP.

Reason: This pre commencement condition is required to safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with policy CLP14 of the Adopted Local Plan.

19. Prior to the commencement of development a statement shall be submitted to and agreed in writing by the Local Planning Authority detailing; demonstration (without pre-registration) of compliance with the June 2022 building regulations in terms of internal heating systems, solar PV provision and EV charging facilities, and a statement on how emissions will be reduced through the construction process. Works shall be completed in accordance with the agreed statement.

Reason: To seek to make the development suitable for renewable technologies and to seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

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

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

21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by

the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

i) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with policy CLP13 of the Adopted Local Plan.

22. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network in accordance with policy CLP13 of the Adopted Local Plan.

23. Prior to the commencement of development a detailed methodology for site clearance shall be submitted to and agreed in writing by the Local Planning Authority. The agreed methodology shall be followed through all site clearance works.

Reason: To ensure no further harm to potential biodiversity or habitat in accordance with policy CLP16 of the Adopted Local Plan.

24. Prior any external lighting installation a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that wildlife implications are fully taken into account (including the need for reduced or no lighting in the more sensitive

locations and directions; specifically, towards the railway line). The agreed lighting scheme shall be fully installed in accordance with the approved scheme prior to last occupation.

Reason: To minimise impacts on biodiversity and allow for enhancements in line with policy CLP16 of the Adopted Local Plan.

25. Prior to works commencing above slab level a scheme for the incorporation of bat and bird boxes within the development shall be submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall provide precise details of the number, range and location of boxes. The boxes shall be fully installed and maintained thereafter in accordance with the agreed scheme.

Reason: To seek to enhance biodiversity in line with policy CLP16 of the Adopted Local Plan.

26. Details including samples where necessary of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development in accordance with policy CLP20 of the Adopted Local Plan.

27. Following completion of 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;
- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards
 - Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards
 - Which and how many dwellings within the development have satisfied M4 (3)* wheelchair accessible dwellings standard.
- (*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments,

orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same.))

The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

Reason: In the interests of disabled people and access for all to comply with policy CLP4 of the Adopted Local Plan.

28. Prior to works commencing beyond the entrance access works, a scheme detailing all proposed finished floor and land levels shall be submitted to and approved in writing by the Local Planning Authority prior to any importation of earth to site or excavation works commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory landform in the interests of visual amenity in accordance with policy CLP20 of the Adopted Local Plan.

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

- a. Drawings Hexa Consulting (21/12/2021). Drainage Layout Sheet 1, 600357-HEX-XXZZ-DR-C-9201, Revision P02 and Hexa Consulting (21/12/2021). Drainage Layout Sheet 2, 600357-HEX-XX-ZZ-DR-C-9202, Revision P02; and letters Wojnowska, A. 2022. Letter to Jo Crawshaw-Moore, 600357/AW, 27 June and Wojnowska, A. 2022. Letter to Jo Crawshaw-Moore, 600357/AW, 6 July; including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
- b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

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

30. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

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

31. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

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

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

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

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

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

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

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

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

4. In line with conditions 29 to 31, the LLFA have advised:

Measures should be put in place to ensure that the overland surface water flood route through the development from the east is safeguarded and that surface water flood risk is mitigated to existing and proposed properties.

5. In regard to tree condition 4:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

6. In regard to tree condition 4

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work – Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

7. In line with condition 5 above:

In mitigation for the loss of trees and vegetation, addition planting to the west boundary shall be included on any landscaping drawing to increase the biodiversity on the site and improve the existing vegetation along the rail line boundary. Species shall include any of the following species Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Hawthorn (*Cretaegus*), Mountain Ash, Whitebeams (*Sorbus*) as recommended in the Network Rail comments dated 21st October 2021.

8. Highways:

a. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway of Alders Meadow. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available by email highways.hub@derbyshire.gov.uk, telephone Call Derbyshire on 01629 533190 or via the County Council's website

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp

b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

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

d. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate road should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 538658).

e. Highway surface water shall be disposed of via a positive, gravity fed system (i.e; not pumped) discharging to an approved point of outfall (e.g; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively.

f. Car parking spaces should measure 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc. and adequate space behind each space for manoeuvring.

g. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

h. The applicant is advised that to discharge Condition 6 that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 for the proposed road to be maintained in future at public expense and the constitution and

details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes for the proposed private shared driveways.

i. The applicant will need to demonstrate all aspects relating to layout, levels, gradients, surfacing, lighting and means of surface water drainage, but the attached plans do not indicate the extent of the land that is currently under the developer's ownership and control or if there are small pockets of land that sit outside the existing unadopted highway boundary to secure a Section 38 agreement, all affected landowners must be prepared to dedicate their land for highway purposes and enter into a Highways Act 1980 Section 72 agreement.

j. Due to the lack of any speed restraint shown, the applicant should refer to Council's document Delivering Streets and Places which states that 'In such cases, horizontal calming measures are preferred to vertical calming measures (eg. Speed cushions, road humps, raised tables etc.)'.

k. Any structure built in, under, or over the highway.

• Any retaining wall built within 3.65m of the highway boundary where the retained height above the adjacent highway is 1.4m or more. Any retaining wall or structure which supports the highway and where the distance between the highway boundary and the rear face of the wall or structure is less than twice the difference in level between the ground at the front of the wall and the highest level of the adjacent highway at any point along the length of the wall or structure. Highway-related structures, as considered within the 6Cs area, normally include:

- Bridges.
- Fences (including safety fences).
- Retaining walls.
- Corrugated-steel buried structures.
- Reinforced soil and anchored earth structures.
- Reinforced clay brickwork retaining walls of pocket-type and grouted-cavity construction.
- Crib wall retaining walls of concrete or timber construction.
- Environmental barriers (including noise fencing).
- All drains, pipes and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. All highway-related structures, whether to be adopted or not, shall be designed and constructed in accordance with current relevant Highways England standards, codes of practice and technical memoranda unless agreed otherwise. Design is normally subject to the technical approval procedure set out in BD 2/12 within DMRB and in the context of this design guide, the technical approval authority is the relevant LHA. The applicant must employ a qualified civil or structural engineer with experience in highway structures, with approval from the relevant LHA, to carry out design and oversee construction. Prior to construction, the applicant shall provide the LHA with

a programme of supervision for approval. This programme shall give details of the level and amount of supervision provided and contain proposals for materials testing. The works will then be audited by the LHA at regular intervals for compliance with the construction programme.

9. Yorkshire Water:

1.) The submitted Drainage Strategy (ref ADC-157-01-DS-001) prepared by Inspire, dated October 2021 requires amendments, but if planning permission is granted, the matter can be dealt with via condition. In summary, the report states that

a.) Foul water will discharge to public combined water sewer

b.) Sub-soil conditions likely do not support the use of soakaways due to the presence of coal deposits, however infiltration testing have yet to be carried out. c.)

A watercourse exists near to the site however is not accessible due to levels. d.)

Surface water will discharge to public surface water sewer via storage with restricted discharge 5 litres/second - this is based on a generally assumed minimum discharge rate of surface water discharge, however Yorkshire Water consider the minimum rate to be 3.5 litres per second. We would also consider this site to be greenfield rather than brown as satellite imagery shows the site to not have been developed for some considerable time - at least since 2009.

e.) The means of surface water management has not been properly considered within the drainage report. Yorkshire Water requires further information regarding the means of draining surface water from the development.

2.) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration is not reasonably practical before considering disposal to public sewer.

b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

c.) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

d.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water network at a restricted rate not to exceed 3.5 litres per second.

3.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance

with the WRc publication 'Codes for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements

10. Lead Local Flood Authority:

Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the LPA):

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

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

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

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

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

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

G. Surface water drainage plans should include the following:

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

H. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

Peak Flow Control

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

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event. *Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).*
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.

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

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

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

11. Network rail:

Works in Proximity to the Operational Railway Environment.

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety.

Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Condition Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority.

The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless

otherwise agreed in writing by the Local Planning Authority. Contact details for Asset Protection are supplied below and we would draw the developers attention to the attached guidance on Network Rail requirements. Boundary Treatments, Landscaping and Lighting Trespass Proof Fencing Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Condition The developer must provide a suitable trespass proof fence adjacent to Network Rails boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rails existing fencing/wall must not be removed or damaged. **Vehicle Incursion Measures** An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rails existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways. **Condition** Given the nature of the proposals and location of turning areas/car parking, we would expect that a condition securing the design and installation of suitable vehicle incursion measures by the developer is included in any consent. This is for the safety, operational needs and integrity of the railway.

Landscaping

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary; **Acceptable:** Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees Pines (*Pinus*), Hawthorn (*Crataegus*), Mountain Ash Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata Zebra Not Acceptable: Acer (*Acer pseudoplatanus*), Aspen Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

Condition Landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail. Li61 Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Condition Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

Additional Requirements Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. Reason for above conditions: The safety, operational needs and integrity of the railway.

Informatives: Please see attached standard railway requirements to be included as informatives.

We trust that the above will be given due consideration in determining the application and if you have any enquiries in relation to the above, please contact us at townplanninglne@networkrail.co.uk. Useful Network Rail contacts; Asset Protection Eastern For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk. Land Information For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk. Property Services For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyserviceslneem@networkrail.co.uk.

Network Rail Standard Informatives:

Please note, not all of these requirements may be applicable to this development

Fail Safe Use of Crane and Plant All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Excavations/Earthworks All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational

railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land. Security of Mutual Boundary Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager. Demolition Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence. Vibro-impact Machinery Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement. Scaffolding Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Bridge Strikes Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection

OFFICIAL

Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense. Abnormal Loads From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by

abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability. Two Metre Boundary Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal. Access to the Railway All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

This page is intentionally left blank

This page is intentionally left blank

Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	18 th July 2022
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
-----------------------	-----------------	--------

This page is intentionally left blank

Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/20/00701/FUL	Brimington South	Change of use of barn to residential use for dependent relative. At 317 Brimington Road Tapton S41 0TE For Mr Barry Graves	REF	29/06/2022
CHE/21/00824/FUL	West	Second storey rear extension to create flat above shop and new shopfront on side elevation - Revised drawings received 21/03/2022 and 25/05/2022 At 396 Chatsworth Road Chesterfield Derbyshire S40 3BQ For Mr Amardeep Sandhu	CP	05/07/2022
CHE/21/00875/FUL	Old Whittington	Demolition of existing storage tank. Tank to be rebuilt towards the side of the existing car park. Alterations to existing car park entrance At Bodycote H I P Ltd Carlisle Close Sheepbridge S41 9ED For Harris Partnership	CP	05/07/2022
CHE/21/00910/CLU	Moor	Siting of shipping containers, storage of metal bars, cutting of steel/metal bars. At 52 Shaw Street Whittington Moor Chesterfield S41 9AY For Mr Darrell Rynott	GRANT	05/07/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00005/FUL	Lowgates And Woodthorpe	Single storey side extension/garage At 17 Bellhouse Lane Staveley Chesterfield S43 3UA For Mr Neil Rush	REF	24/06/2022
CHE/22/00104/FUL	Rother	Proposed access ramp and off road car parking At St Francis Community Centre Hunloke Avenue Boythorpe Chesterfield Derbyshire S40 2PD For Mr Tim Rourke	CP	27/06/2022
CHE/22/00133/FUL	Brockwell	Removal of bay window, and construction of new single and two storey rear extension. At 28 Cromwell Road Chesterfield S40 4TH For Mr and Mrs Matt Barnett	CP	17/06/2022
CHE/22/00178/FUL	St Leonards	Change of use from restaurant/nightclub (Use Class Sui Generis) to Office (Use Class E g(i)) and external alterations At Burlington House Burlington Street Chesterfield S40 1RX For G.A.P.E Equity Limited	CP	21/06/2022
CHE/22/00189/DOC	Walton	Discharge of conditions: 3 (site investigation) ,5 (materials) and 6 (surface water drainage) of CHE/20/00760/FUL - Conversion and extension of existing garage to form new dwelling. At Land Adj 72 Walton Road Walton S40 3BY For Mr Adam Bowler	PDOC	22/06/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00198/FUL	Moor	Two storey side extension, single storey rear extension and raised decking area At 263 St Johns Road Newbold Chesterfield S41 8PE For Mr Jonathan Tinkler	CP	30/06/2022
CHE/22/00204/DOC	West	Discharge of conditions: 4 (biodiversity), 6 (desk top study), 9 (site investigation), 10 (certificate of site safety) and 13 (materials) of CHE/21/00748/FUL - Demolition of the existing bungalow, re-build retaining wall to southern boundary and erection of a new detached dwelling (description amended to remove condition 5 on 28/04/22) At 15 Chapel Lane West Chesterfield S40 3BG For Mr David Knight	PDOC	23/06/2022
CHE/22/00209/DOC	Middlecroft And Poolsbrook	Discharge of condition 23 (Site investigation) of CHE/19/00131/OUT - Outline planning permission for up to 400 dwellings and provision of an area of public open space, with associated landscaping and access from Inkersall Road and Inkersall Green Road At Land To West Of Inkersall Road Staveley For Barratt Homes	REF	17/06/2022
CHE/22/00212/FUL	St Leonards	Change of use of land to holiday lodge site with 15 lodges (Amended details submitted 24.05.2022) At Mayfields Hady Lane Hady Chesterfield S41 0DE For Mr J Cash	WDN	23/06/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00215/DOC	Walton	Discharge of planning conditions Made Ground Removal and Validation Testing At Land South Of Walton Hospital Harehill Road Grangewood For Vistry Partnership	DPC	06/07/2022
CHE/22/00217/FUL	Walton	Single storey extension to the front of the property At 9 Brincliffe Close Walton S40 3DU For Mr Alex Henderson	CP	21/06/2022
CHE/22/00237/FUL	Brockwell	Single storey rear extension At 118 Newbold Road Newbold Chesterfield S41 7BG For Mrs Mary Loftus	CP	23/06/2022
CHE/22/00257/FUL	St Leonards	Replacement of the existing external through the wall ATM with new model. At Hsbc Bank Market Place Chesterfield S40 1TN For HSBC UK Bank plc	CP	06/07/2022
CHE/22/00258/ADV	St Leonards	Replacement of existing external ATM signage with new. At Hsbc Bank Market Place Chesterfield S40 1TN For HSBC UK Bank plc	CP	06/07/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00278/CPO	Dunston	Development/recommencement of operation of a dry recyclates storage/bulking facility and associated infrastructure At Units 11A and 11B Sheepbridge Works Sheepbridge Lane Sheepbridge S41 9RX For Veolia ES (UK) Ltd	OC	24/06/2022
CHE/22/00294/DOC	St Leonards	Discharge condition 16 in relation to CHE/21/00887/FUL. At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL For Derbyshire Healthcare NHS Foundation Trust C/o WSP	REF	27/06/2022
CHE/22/00307/ADV	Loundsley Green	4 internally illuminated fascia At Holme Hall Shopping Centre, Co-Operative Wardgate Way Holme Hall Chesterfield S40 4SL For Mark Allen	CP	01/07/2022
CHE/22/00308/CLO	Barrow Hill And New Whittington	Extension of existing hardstanding driveway on the front of our property At 57 Glasshouse Lane New Whittington S43 2DQ For Miss Katie Scott	GR	22/06/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00310/DOC	Brimington South	Discharge of conditions 7 (northern boundary treatment) and 8 (landscaping, levels, hard and soft surface treatments & boundary treatments) relating to application CHE/20/00869/REM - Approval of reserved matters for 150 dwellings. Resubmission of CHE/21/00840/DOC. At Land To The North Of Northmoor View Brimington Chesterfield For Vistry (Yorkshire)	REF	29/06/2022
CHE/22/00332/CLO	Hasland	Loft conversion to create new bedroom with rear dormer At 45 York Street Hasland Chesterfield S41 0PN For Mr Jack Heath	GR	22/06/2022
CHE/22/00356/TPO	St Helens	1x large sycamore tree to be removed and stump grind- roots are damaging flags to a fire escape. 4x small fruit trees to be removed as they are leaning towards the property At 1 Eyre Gardens Highfield Road Newbold S41 7EL For The Guinness Partnership	REF	20/06/2022
CHE/22/00369/TPO	Old Whittington	A sycamore tree situated in our garden, which has a TPO in a conservation area, as discussed previously with tree officer. I would like it crown lifted to allow traffic to flow and clear street lighting, remove any dead wood from it, to keep it healthy. At 15 Church Street North Old Whittington Chesterfield S41 9QN For Mrs Claire Shaw	CP	24/06/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00395/CPO	Holmebrook	<p>Consultation from DCC - Demolition of existing Nursery building, associated canopy and outbuildings and installation of a new modular Nursery building, and link via a covered walkway, extension of informal soft play area</p> <p>At Brampton Primary School School Board Lane Chesterfield S40 1DD</p> <p>For David Massingham</p>	OC	29/06/2022
CHE/22/00400/TPO	Hollingwood And Inkersall	<p>Crown lift the tree to clear the highway.</p> <p>At 18 Booker Close Inkersall S43 3WA</p> <p>For Mr Simon Collins</p>	CP	22/06/2022
CHE/22/00403/DOC	St Helens	<p>Discharge of condition 23 (capping verification report) of CHE/18/00432/FUL- Erection of ten dwellings</p> <p>At Trinity Court Newbold Road Newbold S41 7PS</p> <p>For Mr Simon Hanson</p>	DPC	04/07/2022
CHE/22/00419/NMA	Dunston	<p>Non material amendment to CHE/18/00805/REM (Reserved Matters submission for the erection of 200 dwellings and associated landscaping) to amend the elevations of plots 248 (Solent) and 211 (Hamble) to allow for render</p> <p>At Land To The West Of Dunston Lane Newbold</p> <p>For William Davis Limited</p>	CPNMAZ	30/06/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00423/DOC	Rother	Discharge of condition 12 (bat survey) of application CHE/20/00078/FUL. At The Trumpeter Harehill Road Grangewood S40 2NG For Erica Developments Ltd	REF	30/06/2022
CHE/22/00445/DOC	Loundsley Green	Discharge of conditions 9, 13, and 15 of application CHE/19/00239/FUL At Former Brockwell Court Brockwell Lane Brockwell Chesterfield S40 4PJ For Philip Guest	DPC	27/06/2022
CHE/22/00449/NMA	St Leonards	Non-material amendment to application CHE/21/00438/FUL- to provide an extension of ambulance lobby and addition of an external door on the north elevation of the building from the original planning consent. At Chesterfield And North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL For Conrad Canadine	CPNMAZ	30/06/2022
CHE/22/00452/DOC	West	Discharge of condition 4 (brick materials)) of CHE/21/00795/LBC. At The Old Rectory 408 Chatsworth Road Chesterfield S40 3BQ For Mr Paul Day	DPC	05/07/2022

Delegated List - Planning Applications

Key to Decisions

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

This page is intentionally left blank

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	18 th July 2022
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Applications to Fell or Prune Trees	Steve Perry	345791
-------------------------------------	-------------	--------

This page is intentionally left blank

SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/22/00356/TPO TPO 4901.37 20/06/22	The felling of one Maple within G1 which is allegedly lifting paving slabs and the removal of 4 Fruit trees believed to be ornamental purple plum within G2 on the Order map at Eyre Gardens, Newbold Road.	<p>Consent is refused to the felling of one Maple because no supporting information or alternative solutions have been provided when it was clear after a site visit that the paved area could easily be re-constructed which would have to be carried out anyway and an option to root prune the roots which are lifting the slabs once site investigations have been carried out and not making the tree unstable.</p> <p>Consent was also refused to the felling of 4 Purple Plum trees because no supporting information or tree report was provided to justify their removal. An inspection of the trees found they were in a stable condition with no signs of heave within the rooting environment.</p>
CHE/22/00400/TPO TPO 4901.233 22/06/22	The pruning of one Lime tree within G1 on the Order map to the rear of 18 Booker Close. The tree is low over the public highway.	Consent is granted to the crown lifting by 2.4m over the public footpath and 5.2m over the roadway, pruning back to suitable replacement branches and leaving a well-balanced crown.

CHE/22/00369/TPO TPO 4901.299 24/06/22	The pruning of one Sycamore tree reference T1 on the Order map at 15 Church Street North Old Whittington.	Consent is granted to the crown lifting of the tree by 5 metres to clear the highway, dead wood and clear the street lighting head.
--	---	---

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 18th July 2022
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

This page is intentionally left blank

APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/1675	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	
2/1698	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	
2/3651	Brimington South ward	Mr and Mrs C Franczak	CHE/19/00752/FUL Two detached dwellings and garages at City Farm off Dark Lane Refusal	Officer delegation	10/05/22	Written Reps	
2/5635	Linacre ward	Mr David Cochrane	CHE/22/00080/FUL single storey side extension at 128 Brushfield Road	Officer delegation	13/05/22	Written Reps	

			Refusal				
2/1694	Middlecroft and Poolsbrook	DOT Surveying	CHE/21/00900/TEL 5g telecom mast at Inkersall Green Road highway verge Refusal	Officer delegation	13/05/22	Written Reps	
2/495	Moor ward	Chesterfield Football Club	CHE/21/00870/ADV 48 sheet digital advert display on Sheffield Road frontage. Refused	Officer delegation	16/5/22	Written Reps	
2/10	Hollingwood & Inkersall ward	Georgia Smart	CHE/22/00076/FUL – Extension at 2 Tansley Way. Refusal	Officer delegation	25/5/22	Written Reps	
2/4084	Middlecroft & Poolsbrook ward	Mr M Bellfield	CHE/21/00508/FUL – 3 dwellings on land adjacent to St Josephs Church, Chesterfield Road, Staveley Refusal	Officer delegation	13/06/22	Written Reps	
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/22/00250/TPO – Felling 2 Beech trees at 25a Storrs Road Refusal	Officer delegation	21/06/22	Hearing	
2/2610	Lowgates & Woodthorpe ward	Mr N Rush	CHE/22/00005/FUL - extension and garage at 17 Bellhouse Lane Refusal	Officer delegation	04/07/22	Written Reps	

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 18TH JULY 2022
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

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

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

ENFORCEMENT REPORT

Enforcements currently Authorised: 6

08 July 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
Breach of Condition Notice		<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: 540 days</i>					
York Street	2 <i>1,020</i>	23/09/19 <i>1,020</i>	balcony, canopy and french door	17/00800/FUL 16/03/21 <i>540</i>	16/03/21 <i>480</i>	16/04/21 <i>449</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
Enforcement Notice		<i>Total currently Authorised: 3</i>		<i>Authorised to Issue Average: 31 days</i>					
Inkersall Road	2 Inkersall Farm Cottages	16/05/22 <i>54</i>	unauthorised vehicular access				Instructed	<input type="checkbox"/> <i>01/06/22</i>	HI
Markham Road	Markham House	18/02/08 <i>5,255</i>	storage of commercial vehicles	20/03/08 <i>31</i>	18/04/08 <i>5195</i>	20/10/08 <i>5010</i>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <i>14/11/19</i>	HI

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
York Street	2	09/10/17 1,734	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> 19/12/18	Ha

Page 191

Section 215 Amenity Notice

Total currently Authorised: 2 Authorised to Issue Average: days

Highfield Road	80	05/10/20 642	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> 15/02/21	SH
Tapton Terrace	26	05/10/20 642	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> 15/02/21	SL

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

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*

PLANNING COMMITTEE SITE VISITS

MEETING: PLANNING COMMITTEE

DATE: 18th July 2022

REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

- 1.1 To consider a protocol for reintroducing planning committee site visits post Covid 19 Pandemic.

2.0 BACKGROUND AND PROPOSED PROTOCOL

- 2.1 The attached appendix A considers the necessity to reintroduce planning committee site visits as a part of the consideration of applications included on the planning committee agenda.

3.0 RECOMMENDATION

- 3.1 That Planning Committee recommence site visits in line with the protocol set out in Appendix A with immediate effect.

This page is intentionally left blank

APPENDIX A

Planning Committee 18th July 2022

Planning Committee Site Visits

1.0 Background

- 1.1 Planning Committee site visits associated with the determination of applications was suspended in March 2020 as a result of the Covid 19 Pandemic. Notwithstanding the Covid 19 Pandemic, planning committee continued to decide applications on a live streamed virtual basis via Microsoft Teams up to May 2021 (when the government ended the ability to hold virtual committees). Since then there has been a return to the face to face committee room arrangement for meetings, but without site visits. Reports have included more photographs in an attempt to illustrate context of sites however more recently the committee has sought to include videos of sites in the officer presentations.
- 1.2 Since 7 May, 2021 the opportunity to hold virtual planning committees under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came to an end. As a result, all active participants in meetings under the Local Government Act 1972 (such as planning committee) required attendance in person. This includes members of Planning Committee and those registered to speak (members of the public, applicants or agents).
- 1.3 All government restrictions relating to the Covid 19 Pandemic have now ended and business has generally returned to a pre-covid situation with risks being treated very much like for the flu. It is accepted that there will be more vulnerable groups including committee members and this will need to be covered by a specific risk assessment. A risk assessment questionnaire will be provided for

each committee member to complete in advance of recommencing committee site visits.

1.4 **Other Derbyshire authorities** have now returned to undertaking planning committee site visits and it is considered that Chesterfield Borough planning committee should also resume these. The following protocol sets out how site visits can be conducted successfully to achieve added value to the process but also taking account of the continuing concerns post Covid 19 Pandemic.

2.0 Why have site visits?

2.1 The purpose of the site visit is to enable Members of Planning Committee to understand more fully:

- the details of a development proposal in the context of the application site and the surrounding land and buildings;
- issues raised by interested parties.

2.2 Site visits therefore generally add to the planning process improving its robustness and allowing a transparency to the benefit of all those involved in the process. However, they are only necessary when a benefit to the planning process can result. Their purpose is to enable committee members to see the application site, its physical features and the context in which it is set, to visualise the proposed development, and to assess its impacts on the locality.

2.3 Site visits should only be held where:

- the impact of the development is particularly difficult to visualise, or
- planning committee requests it, or
- a ward member requests it, or
- there is good reason why the comments of applicant and objectors cannot be adequately expressed in writing, or
- the right to address the committee has been requested (where objectors have raised issues relating to impact and amenity), or
- the proposal is particularly contentious.

- 2.4 Site visits requested by ward councillors will not usually be appropriate unless one of the above factors also applies.
- 2.5 Site visits should not be undertaken to defer difficult decisions on controversial applications, or when applicants, objectors or constituents request them without good planning reasons.
- 2.6 The Town and Country (General Development Procedure) Order 1995 (Article 20) requires planning authorities to determine applications within 8 weeks of receipt or 13 weeks for a major application. The 8 (or 13) week period is significant as it is the date by which local authority performance is judged. It is also the trigger for an applicant to be able to appeal to the Planning Inspectorate against “non determination” of their application. If an appeal is made the local authority cannot continue to determine the application.
- 3.0 Arranging Site Visits
- 3.1 As soon as the committee agenda is known contact will be made by officers with the committee chair (or vice chair if not available) to agree the need or otherwise for a committee site visit on each item on the agenda.
- 3.2 When a site visit is considered necessary, Planning Services will notify the applicant or their agent together with other interested parties such as objectors of the time and date of the site visit, requesting they be in attendance only on sites where access to private land is required. While officers will attempt to arrange the visit in advance with relevant parties, there is no right to enter on private land without permission of the owner. If permission is not given the site will have to be viewed from public highway.
- 3.2 Ward councillors will be invited to attend the site visit.
- 3.3 A copy of the agreed Site Visit Protocol will be included on the Councils website and correspondence sent to all those notified of the site visit will draw attention to it.

3.4 Site visits will normally take place on the day of planning committee giving sufficient time for those involved to arrive back at the Town Hall at least 30 minutes before the start of the committee meeting. However, in some cases it might be more appropriate to hold a site visit on a day other than the day of the planning committee, for example where a site visit is likely to take considerable time, or where the total of site visits and/or their anticipated length mean it is impracticable to hold them on the same day.

3.5 Councillors should not carry out their own unaccompanied site visits. This is because they will not have the full information provided by the Planning Officer, there will be issues relating to permission for access to land, and in some circumstances (e.g., where a councillor is seen with applicant or objector) it might lead to allegations of bias.

4.0 Procedure at Site Visits

4.1 Site visits should be dealt with in a consistent and organised manner. Administrative and procedural arrangements on site should be understood so that the process is transparent and fair.

4.2 Site visits are part of the meeting of Planning Committee. Councillors intending to declare a personal interest should make this known to the Chair and Planning Officer on site. Councillors intending to declare an interest which would require them to withdraw from the meeting on the matter the subject of the site visit, should not attend the site visit. Otherwise they may attend.

4.3 Arrangements will be made for transport to sites from the Town Hall by Community Transport bus. Councillors should travel on the bus but may use their own vehicle. If they do so it should be at the same time as the Community Transport bus so that they arrive generally at the same time. If planning committee councillors are present at the site before the visit begins particular care should be taken to ensure that they maintain their objectivity and be seen as doing so. Hospitality or lifts should not

be accepted from applicant or objector as this could be seen to show favour.

- 4.4 Councillors and officers [and other people attending] should ensure that mobile phones are turned off or are on silent during the site visit.
- 4.5 Only planning committee members who attend the site visit will be permitted to remain at the meeting to consider the item the subject of the visit. This is because it is important that all councillors considering the matter have the same information before them. The exception to this is where, through a risk assessment process, individual members are not able to undertake the site visit (e.g., because of terrain or distance to walk). In such circumstances and by prior arrangement, such committee members will be provided with additional photographs/video to assist them in their understanding of the site and its context.
- 4.6 The Chair of Planning Committee will oversee the conduct of site visits. The visits will start promptly at the time notified to councillors and interested persons and the Planning Officer will note the names of all present.
- 4.7 At the request of the Chair, the Planning Officer will describe the proposal to councillors and will display plans or drawings of the proposal where necessary/appropriate. It is expected that councillors will already be familiar with the Planning Officer's report. The Planning Officer will indicate matters of fact in relation to the proposal and surrounding land which councillors should take account of.
- 4.8 Members of the planning committee may ask the Planning Officer for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjacent or objectors' properties or the location of components of the scheme. Member questions should be addressed to the Planning Officer through the Chair. **At no time during** the site visit should councillors debate or comment on the planning merits or otherwise of a proposal. The proper time for this is in the committee room after presentation of the

officers report and any additional representations. To do so might imply that the councillor's mind is already made up. Even comments on the scenery or locality could be perceived as a comment on the appropriateness of the proposal.

- 4.9 The public right to address planning committee does not arise until the item is reached on the committee agenda. At no time during the site visit will the applicant, their agent, any objector or any other member of the public be allowed to address councillors. The site visit is not for further representations to be made however occasionally it may be appropriate for them to be asked, through the Chair, to point out important or relevant site features. However they should not be encouraged to express opinions. The Chair may ask any ward member present, if not a member of planning committee, for any comments.
- 4.10 In order to assist in ensuring that councillors receive the same information, they should keep together in one group with the Chair and the Planning Officer. They should not break away into small groups.
- 4.11 At the end of the site visit the councillors should leave the site promptly. If there are further site visits they will be transported to, or will drive to, the next location where the same procedures as above will apply.
- 4.12 The Planning Officer's record of councillors attendance at the site visits is given to the committee clerk for the purpose of the committee minutes.
- 4.13 The Planning Officer will briefly refer to the purpose of the site visit and the main aspects viewed when presenting the item in the committee meeting.

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

Document is Restricted

This page is intentionally left blank