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The Chair and Members of Planning  
Committee

Councillor J Innes and Councillor P  
Innes – Site Visit 1  
Councillor Holmes and Councillor  
Thornton – Site Visit 2

15 September 2022

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on  
MONDAY, 26 SEPTEMBER 2022 at 1.00 pm in Committee Room 1, the agenda  
for which is set out below.

AGENDA

Part 1(Public Information)

**PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE  
FOLLOWING SITE VISITS.**

Planning Committee Members should assemble in Committee Room 1 at  
11:15am. Ward members wishing to be present should attend on site as  
indicated below:-

1. 11:30am Manor Syck Farm, 132 Church Street North, Old  
Whittington, Chesterfield, S41 9QP  
CHE/22/00413/REM1
2. 12:00pm 12:00pm Handley Wood Farm, Whittington  
Road, Barrow Hill, S43 2PW CHE/22/00362/FUL

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

Ward members are invited to attend on site and should confirm their attendance by contacting Democratic Services via e-mail [democratic.services@chesterfield.gov.uk](mailto:democratic.services@chesterfield.gov.uk) by 9.00 a.m. on Monday 26 September, 2022. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 74)
  - 18 July, 2022
  - 30 August, 2022
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 75 - 148)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 149 - 166)
6. Applications to Fell or Prune Trees (P620D) (Pages 167 - 174)
7. Appeals Report (P000) (Pages 175 - 182)
8. Enforcement Report (P410) (Pages 183 - 186)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

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## PLANNING COMMITTEE

Monday, 18th July, 2022

Present:-

Councillor Callan (Chair)

Councillors Barr  
Brady  
Caulfield

Councillors T Gilby  
Simmons  
Borrell

\*Matters dealt with under the Delegation Scheme

**27 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bingham, Catt, Davenport, G Falconer, Marriot and Miles.

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

No declarations of interest were received.

**29 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 27 June, 2022 be signed by the Chair as a true record.

**30 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE**

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

CHE/22/00194/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.

**\*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 (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

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.
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 be submitted to the LPA to validate the provision prior to final occupation.
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.

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 TS00,

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.

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.

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.

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.

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 / developer's 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.

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.

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.

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.

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.

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.

B. That a CIL liability notice be served for £156,202, as per section 5.14 of the officer's report.

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.

**\*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 (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

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.

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 be submitted to the LPA to validate the provision prior to final occupation.

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 TS00,

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.

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.

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.

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.

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.

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.

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.

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.

B. That a CIL liability notice be served for £48,077, as per section 5.14 of the officer's report.

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 FOR MYPAD2020

**\*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 (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

3. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

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.

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.

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).

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.

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.

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 agreed in writing by the Local Planning Authority.

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.

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.

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.

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.



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.

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.

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

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.

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.

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.

19. The development shall be constructed in line with the sustainability statement dated 15th July 2022.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

32. Prior to the commencement of development a statement setting out how emissions will be reduced through the construction process shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

33. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. 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.

B. That a CIL liability notice be served for £128,592, as per section 5.13 of the officer's report.

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.

**\*RESOLVED –**

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

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

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.

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

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

(a) Approvals

CHE/21/00824/FUL	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
CHE/21/00875/FUL	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
- CHE/22/00104/FUL Proposed access ramp and off road car parking at St Francis Community Centre, Hunloke Avenue, Boythorpe, Chesterfield, Derbyshire S40 2PD for Mr Tim Rourke
- CHE/22/00133/FUL 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
- CHE/22/00178/FUL 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
- CHE/22/00198/FUL 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
- CHE/22/00217/FUL Single storey extension to the front of the property at 9 Brincliffe Close, Walton S40 3DU for Mr Alex Henderson
- CHE/22/00237/FUL Single storey rear extension at 118 Newbold Road, Newbold, Chesterfield S41 7BG for Mrs Mary Loftus
- CHE/22/00257/FUL 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
- CHE/22/00258/ADV Replacement of existing external ATM signage with new at HSBC Bank, Market Place, Chesterfield S40 1TN for HSBC UK Bank plc

- CHE/22/00307/ADV 4 internally illuminated fascia at Holme Hall Shopping Centre, Co-Operative, Wardgate Way, Holme Hall, Chesterfield S40 4SL for Mark Allen
- CHE/22/00369/TPO 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
- CHE/22/00400/TPO Crown lift the tree to clear the highway at 18 Booker Close, Inkersall S43 3WA for Mr Simon Collins
- (b) Refusals
- CHE/20/00701/FUL Change of use of barn to residential use for dependent relative at 317 Brimington Road, Tupton S41 0TE for Mr Barry Graves
- CHE/22/00005/FUL Single storey side extension/garage at 17 Bellhouse Lane, Staveley, Chesterfield S43 3UA For Mr Neil Rush
- CHE/22/00209/DOC 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
- CHE/22/00294/DOC 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



- CHE/22/00310/DOC 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)
- CHE/22/00356/TPO 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
- CHE/22/00423/DOC Discharge of condition 12 (bat survey) of application CHE/20/00078/FUL at The Trumpeter, Harehill Road, Grangewood S40 2NG for Erica Developments Ltd
- (c) Discharge of Planning Condition
- CHE/22/00215/DOC Discharge of planning conditions Made Ground Removal and Validation Testing at Land South of Walton Hospital, Harehill Road, Grangewood for Vistry Partnership
- CHE/22/00403/DOC Discharge of condition 23 (capping verification report) of CHE/18/00432/FUL- Erection of ten Dwellings at Trinity Court, Newbold Road, Newbold S41 7PS for Mr Simon Hanson
- CHE/22/00445/DOC 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
- CHE/22/00452/DOC 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

## (d) Partial Discharge of Conditions

- CHE/22/00189/DOC 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
- CHE/22/00204/DOC 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

## (e) CLUD granted

- CHE/21/00910/CLU 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

## (f) CLOPUD granted

- CHE/22/00308/CLO Extension of existing hardstanding driveway on the front of our property at 57 Glasshouse Lane, New Whittington S43 2DQ for Miss Katie Scott
- CHE/22/00332/CLO Loft conversion to create new bedroom with rear dormer at 45 York Street, Hasland, Chesterfield S41 0PN for Mr Jack Heath

## (g) Conditional consent for non-material amendment

- CHE/22/00419/NMA 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 at Land to The West Of Dunston Lane, Newbold for William Davis Limited

CHE/22/00449/NMA 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

(h) Other Council no objection with comments

CHE/22/00278/CPO 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

CHE/22/00395/CPO 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 at Brampton Primary School, School Board Lane, Chesterfield S40 1DD for David Massingham

(i) Withdrawn

CHE/22/00212/FUL 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

## 32 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

\*The Development Management and Conservation Manager submitted a report detailing 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/22/00400/TPO	Consent is granted to the pruning of one Lime tree within G1 on the Order map to the rear of 18 Booker Close.
CHE/22/00369/TPO	Consent is granted to the pruning of one Sycamore tree reference T1 on the Order map at 15 Church Street North Old Whittington.
CHE/22/00356/TPO	Consent is refused to 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.

### 33 **APPEALS REPORT (P000)**

The Development Management and Conservation Manager submitted a report on the current position in respect of appeals which had been received.

**\*RESOLVED -**

That the report be noted.

### 34 **ENFORCEMENT REPORT (P410)**

The Head of Regulatory Law and Monitoring Officer 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.

### 35 **PLANNING COMMITTEE SITE VISITS**

The Development Management and Conservation Manager submitted a report for members to consider the reintroduction of Planning Committee site visits.

**\*RESOLVED –**

That the site visits be recommenced with immediate effect, in accordance with the protocol attached at Appendix A of the officer's report.

**36 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC**

**\*RESOLVED –**

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

**37 UNAUTHORISED DEVELOPMENT AT 10 POTTERY LANE WEST, CHESTERFIELD**

The Development Management and Conservation Manager submitted a report to inform members of the unauthorised use of land in the rear garden area of the residential dwelling at 10 Pottery Lane West, Chesterfield and requested authority to take enforcement action.

**\*RESOLVED –**

That authority be granted for the issue of an enforcement notice concerning the unauthorised use of the rear garden of the property at 10 Pottery Lane West for storage of vehicles, requiring the removal of stored vehicles (single decker bus, 2 No Landrovers, vehicle stored on roof of bus and trailer stored on top of structural retaining blocks) within 28 days.

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## PLANNING COMMITTEE

Tuesday, 30th August, 2022

Present:-

Councillor Simmons (Vice-Chair in the Chair)

Councillors Bingham	Councillors Miles
Catt	Borrell
Davenport	G Falconer

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

**CHE/21/00171/FUL** – Erection of one pair of semidetached dwellings at 33 Boythorpe Avenue, Chesterfield for Ms Claire Hancock.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

**CHE/22/00220/REM** – Approval of reserved matters (appearance, access and landscaping) of CHE/21/00286/OUT for dwelling on land adjacent to 16 Eyre Street East, Hasland, Chesterfield, S41 0PQ for Bix and Oshin Development Ltd.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

**CHE/22/00272/FUL** – Erection of Electric Vehicle Charging Station with ancillary uses including retail and food and drink with associated electrical infrastructure, car parking and landscaping on land at Enterprise Way, Duckmanton, Chesterfield for Gridserve Sustainable Energy Ltd.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

**CHE/20/00496/FUL** – Demolition of 7 buildings and erection of 12 new units (use B2 / B8) with ancillary offices, associated car parking and external vehicular areas / landscaping (addition information received 28/10/2020, 05/11/2020, 21/01/2021, 12/03/2021, 06/07/2021, 29/09/2021, 04/10/2021, 05/07/2022, 06/07/2022) on land off Station Road, Old Whittington, Derbyshire, S41 9AW for W H Butler and Sons (Founders) Ltd.

Councillors Bingham, Borrell, Catt, Davenport, and Falconer.

**CHE/21/00926/FUL** – Erection of a new care home facility with separate detached day units and creation of new access and auxiliary car parking areas (revised plans received 24/05/2022 and 21/07/2022), and, **CHE/22/00034/OUT** – 3 storey residential block with associated parking and access (revised plans received 24/05/2022 and 20/06/2022), at Avenue Villa, 12A Avenue Road, Whittington Moor, Chesterfield, Derbyshire, S41 8TA for Dignus Healthcare.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

**CHE/21/00727/FUL** – Conversion of former hotel to form 4 dwellings (revised plans received 26/06/2022) (description of development updated 04/07/2022) at 1 – 3 Cobden Road, Chesterfield, Derbyshire, S40 4TD for Mr P Sobti.

Councillors Bingham, Borrell, Catt, Davenport, Falconer and Simmons.

\*Matters dealt with under the Delegation Scheme

#### 41 **APOLOGIES FOR ABSENCE**

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

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

No declarations of interest were received.

Councillor Simmons declared that, as he had not been present for the entirety of the site visit for agenda item 4(3) (CHE/20/00496/FUL – demolition of 7 buildings and erection of 12 new units (use B2/B8) with ancillary offices, associated car parking and external vehicular areas/landscaping (additional information received 28/10/2020, 05/11/2020, 21/01/2021, 12/03/2021, 06/07/2021, 29/09/2021, 04/10/2021, 05/07/2022, 06/07/2022) on land off Station Road, Old Whittington, Derbyshire, S41 9AW), he would not take part in the determination of that item.



Councillor Miles declared that, as he had not attended the site visits, he would not take part in agenda item 4. Councillor Miles left the meeting at this point.

**43 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 22 July, 2022 be signed by the Chair as a true record.

**44 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/20/00496/FUL - DEMOLITION OF 7 BUILDINGS AND ERECTION OF 12 NEW UNITS (USE B2 / B8) WITH ANCILLARY OFFICES, ASSOCIATED CAR PARKING AND EXTERNAL VEHICULAR AREAS / LANDSCAPING (ADDITIONAL INFORMATION RECEIVED 28/10/2020, 05/11/2020, 21/01/2021, 12/03/2021, 06/07/2021, 29/09/2021, 04/10/2021, 05/07/2022, 06/07/2022) ON LAND OFF STATION ROAD, OLD WHITTINGTON, DERBYSHIRE, S41 9AW FOR W H BUTLER AND SONS (FOUNDERS) LTD

Councillor Simmons vacated the Chair and left the meeting at this point. Councillor Davenport was duly elected as Chair for this item.

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

**\*RESOLVED –**

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

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

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

- Site layout / Block plan / BDNG – Drawing no. 002 Revision C – 1:500
- Proposed units 3 – 8 (Block B) Elevations and GA – Drawing no.004 – Scale 1:200
- Proposed 9 – 12 (Block C) Elevations and GA – Drawing no.005 – Scale 1:100
- Proposed 1 – 2 (Block A) Elevations and GA – Drawing no.003 – Scale 1:100
- Phasing Plan – Drawing no. 008 – 1:500
- Document: Flood Risk Assessment – Report no. 45173-001 – dated 01/10/2021 – Prepared by Eastwood and Partners for Walker Wood Ltd
- Document: Drainage Assessment – Report no. 45233-003 – dated 30/06/2022 – Prepared by Eastwood and Partners for Walker Wood Ltd
- Document: Biodiversity Net Gain Initial Assessment for W H Butler & Sons Founders Ltd – prepared by Ecus Ltd – dated June 2021
- Document: Nocturnal Bat Survey Report, Station Road, Chesterfield for W H Butler & Sons (Founders) Ltd – prepared by Ecus Ltd – dated September 2021
- Document: Further Ecology Surveys (Bats and Birds) – referenced 16254 – dated 07/02/2021 – prepared by Ecus Ltd for Walker Wood Ltd on behalf of W H Butler & Sons (Founders) Ltd
- Document: Phase 1 Geotechnical & Geo-Environmental Site investigation, Whittington Way, Chesterfield – Issue 1 – reference 45173-002 – dated 17/08/2020 – prepared by Eastwood and Partners for Arrow Butler Casting Ltd

3. No development shall commence in accordance with the submitted phasing plan (Phasing Plan – Drawing no. 008 – 1:500), (excluding the demolition of existing structures) until;

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

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

4. In accordance with the phasing plan submitted, (Phasing Plan – Drawing no. 008 – 1:500), 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.

5. With the exception of demolition of existing structures where appropriate and in accordance with the submitted phasing plan (Phasing Plan – Drawing no. 008 – 1:500), no works shall commence until:

- a) detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- b) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- d) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- e) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

All reports a) to e) shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to the development commencing.

6. The demolition of Building 4 shall not take place until either a European Protected Species Licence has been obtained from Natural England or the site has been registered under a bat mitigation class

licence (low impact). Upon receipt of a licence from Natural England / site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Nocturnal Bat Survey Report (Ecus Ltd. 2021) and amended as necessary based on any comments from Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence / confirmation of registration will be submitted to the LPA once granted.

7. 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) Flood Risk Assessment Ref No: 45173-001, Issue No: 3, Dated: 01 October 2021, completed by Eastwood & Partners Consulting Engineers. Drainage Assessment Ref No: 45173, Issue No:1, Dated: 30 June 2022, completed by Eastwood & Partners Consulting Engineers “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.

8. 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.

9. Prior to the first occupation of the development in accordance with the submitted phasing plan (Phasing Plan – Drawing no. 008 – 1:500), 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).

10. 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.

11. Prior to any discharge to an existing or prospectively adoptable sewer, surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority. Only the agreed details shall be implemented and retained at the application site.

12. The development shall be carried out in strict accordance with the details indicated within the submitted report, "Drainage Assessment prepared by Eastwood & Partners, dated 30 June 2022".

13. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref. 45173-001, dated 01 October 2021, by Eastwood & Partners) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than existing ground floor levels

- The development shall include flood resilient and resistant construction as detailed in the flood risk assessment

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

14. There shall be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.

15. The individual units hereby permitted shall only be used for the purposes of General Industry or Storage and Distribution (as defined by use classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or for Light Industrial Processes or Research and Development of products.

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

17. At all times during the demolition and construction phase, measures to minimise airborne dust arising from the site shall be in place throughout the construction period including demolition.

18. Prior to building works commencing above foundation level, a bat and bird box plan shall be submitted to and approved in writing by the LPA to maximise site biodiversity. This shall include the bat boxes as recommended in Section 4.3.7 of the Nocturnal Bat Survey Report (Ecus Ltd., 2021), along with a range of suitable bird boxes for the site.

19. 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 and reflect the soft landscaping Option 3 in the submitted Biodiversity Net Gain Initial Assessment by ECUS dated June 2021 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 treatment:
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

20. 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).

21. All lighting shall be designed so as not to cause glare / overspill of the site.

22. Where new external lighting is to be installed (in addition to the lighting detailed in the approved plans), details of the external lighting shall be provided to the Local Planning Authority for approval. Only the approved lighting shall be installed at the application site.

23. An Armco or similar barrier shall be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. At no time during demolition or construction shall Network Rail's existing fencing / wall must be removed or damaged. As a minimum, provision should be made at each turning area/roadway/car parking area adjacent to the railway.

24. The proposed 2.4 metre high palisade fencing as shown in the approved site layout plan shall be retained unless an alternative / replacement is otherwise agreed in writing with the Local Planning Authority.

25. Prior to any works commencing within 10 metres of the railway boundary, a method statement shall be submitted to Network Rail for approval. The method statement shall include details regarding the proposed method of construction, risk assessment in relation to the railway and a construction traffic management plan. Works shall then be carried out in strict accordance with the details agreed in the method statement.

26. A minimum of 6no weeks prior to works commencing on site, the applicant is required to make direct contact with the Asset Protection Project Manager (OPE) at Network Rail. The OPE will require to see details in respect of method statements, drawings relating to excavation, drainage, demolition, lighting and building work, or any other works that may affect the safety, operation, integrity and access to the railway.

27. Prior to the occupation of the units hereby approved, and in accordance with the submitted phasing plan (Phasing Plan – Drawing no. 008 – 1:500), a minimum of 5no. Electric Vehicle Charging points shall be provided at the application site and shall be made available and maintained operational for the lifetime of the approved development.

28. All surface water run-off and sewage effluent shall be handled in accordance with Local Council and Water Company regulations.

Councillor Simmons returned to the meeting at this point and took the Chair.

CHE/22/00203/COU - CHANGE OF USE OF STORE ROOM TO BEDROOM WITHIN HOUSE IN MULTIPLE OCCUPATION (DESCRIPTION AMENDED 12/04/22) AT 20 ALBION ROAD, CHESTERFIELD FOR DOVEDALE PROPERTY LETTINGS LTD.

In accordance with Minute No. 299 (2001/2002) Mr Rick Cusimano (applicant) addressed the meeting.

**\*RESOLVED –**

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

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



CHE/21/00926/FUL - ERECTION OF A NEW CARE HOME FACILITY WITH SEPARATE DETACHED DAY UNITS AND CREATION OF NEW ACCESS AND AUXILIARY CAR PARKING AREAS (REVISED PLANS RECEIVED 24/05/2022 AND 21/07/2022) AT AVENUE VILLA, 12A AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8TA FOR DIGNUS HEALTHCARE

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

**\*RESOLVED –**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in full accordance with the approved plans 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, drawing no. 14, 1:1250 @ A4, (dated December 2021)
  - Proposed Site Plan, drawing no. 10-E, 1:200 @ A1 (dated November 2021)
  - Proposed Plans and Elevations, drawing no. 13-C, 1:100 @ A1, (dated 14/04/2022)
  - Crisis Intervention Unit – Option 2 (plans and elevations), drawing no. 12-B, 1:100 & 1:50 @ A2, (dated December 2021)
  - Street Elevation, drawing no. 30, 1:200 @ A1, (dated 15/02/2022)
3. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;  
b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;

- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

4. No development shall commence until:

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

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

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

6. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between

0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

7. 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:

- a) Evidence to demonstrate that surface water disposal via watercourse is not reasonably practical;
- b) Evidence of existing drainage to public sewer and the current points of connection; and
- c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

8. 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.

9. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2021. Such approved measures shall be implemented in full and maintained thereafter as part of the development. The plan shall clearly show positions, specifications and numbers of features.

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

- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course

of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.

- b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

11. The landscaping provided shall be retained and maintained as follows:

- a) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- d) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

12. Full details of the boundary treatment to the northern boundary of the property adjacent to Avenue Road shall be submitted to and approved in writing by the local planning authority. The details which are subsequently agreed in writing shall be carried out as part of the development and shall be completed prior to the development hereby agreed being first occupied / brought into beneficial use and shall be retained as such thereafter.

13. Prior to the development hereby being permitted being occupied / brought into beneficial use, the existing vehicular / pedestrian access from Sheffield Road into the site shall be permanently closed off and the existing vehicular cross reinstated as footway in accordance with the County Council's latest standard for works in the public highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the measures

to close off the access shall be retained as approved throughout the lifetime of the development.

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

15. Prior to the development hereby being permitted being occupied / brought into beneficial use, space shall be provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and thereafter maintained throughout the life of the development free from any impediment to its designated use.

16. The Electric Vehicle Charging Points (EVCPs) shown as part of the agreed scheme shall be provided for at least 2 no. car/van parking spaces together with passive provision to be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. The EVCPs shall be available for use concurrent with the first occupation of the building and which shall thereafter be retained and maintained operational for the lifetime of the development.

17. Prior to the development being occupied / brought into beneficial use, the details, specification and access control arrangements for the security gates at the exterior of the building and the buildings entrance lobby shall be submitted to the Local Planning Authority for consideration. The detail subsequently agreed in writing shall be carried out as part of the development and shall be retained as such thereafter for the life of the development.

18. Prior to the development hereby being permitted being occupied brought into use the first floor windows to the side (east and west) elevations shall be installed with obscure glazing to at least Pilkington level 4 and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. Once installed the glazing shall be retained as such thereafter.

19. Prior to installation of the solar PV arrays shown on the agreed drawings full details shall be submitted to the Local Planning Authority for consideration. The details agreed in writing shall be fully implemented in

accordance with the approved scheme before the use commences and retained as such thereafter.

CHE/22/00034/OUT - 3 STOREY RESIDENTIAL BLOCK WITH ASSOCIATED PARKING AND ACCESS (REVISED PLANS RECEIVED 24/05/2022 AND 20/06/2022) AT AVENUE VILLA, 12A AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8TA FOR DIGNUS HEALTHCARE

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

**\*RESOLVED –**

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

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1. Approval of the details of the landscaping and appearance of the proposal (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. 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).
  - Existing site plan, drawing no. 02A, 1:200 @ A1, (dated January 2022)
  - Proposed Site Plan, drawing no. 03A, 1:200 @ A1 (dated 19/06/2021)
5. Prior to the submission of a reserved matters application:

a) the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;

Prior to the commencement of development:

b) detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;

c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;

e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

6. Prior to the submission of the reserved matters application:

a) A scheme of intrusive investigations shall be carried out on site to establish the risk posed to the development by past coal mining activity;

Prior to the commencement of development:

b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall 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.

7. Prior to the development hereby being permitted being occupied or being brought 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.

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

9. 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:

- a) Evidence to demonstrate that surface water disposal via watercourse is not reasonably practical;
- b) Evidence of existing drainage to public sewer and the current points of connection; and
- c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

10. 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.

11. No individual dwelling unit approved as part of the reserved matters shall be occupied until the 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.



12. Concurrent with the submission of landscaping details as part of a reserved matters application, plans/drawings shall be submitted to the Local Planning Authority for approval in writing demonstrating the creation of a suitable habitat which enhances the ecological interest of the site with a maintenance plan, to achieve a Biodiversity Net Gain in line with guidance within the NPPF. (This shall include but not be limited to the planting of native shrubs and trees such as rowan, bird cherry, birch, guelder rose, dogwood, hazel, goat willow, alder buckthorn or fruit trees such as apple and pear, the incorporation of integrated bird boxes / terraces, small mammal measures such as hedgehog highways)

13. Within the reserved matters application a detailed landscaping plan shall be submitted to the Local Planning Authority for approval. 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 trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.
- c) a schedule detailing sizes and numbers of all proposed trees/plants
- d) Sufficient specification to ensure successful establishment and survival of new planting.

14. The landscaping provided shall be retained and maintained as follows:

- a) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in

the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

d) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

15. Concurrent with the submission of landscaping details as part of a reserved matters application full details of the boundary treatment to the northern boundary of the property adjacent to Avenue Road shall be submitted to and approved in writing by the local planning authority. The details which are subsequently agreed in writing shall be carried out as part of the development and shall be completed prior to the development hereby agreed being first occupied / brought into beneficial use and shall be retained as such thereafter.

16. Prior to any other operations being commenced the existing vehicular access onto Avenue Road shall be increased to 6 metres wide (in accordance with the approved plans), laid out (no steeper than 1:14), constructed and provided with pedestrian inter-visibility splays of 2m by 2m on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility above 0.6m shall be provided within the area of such splays. There shall be no gates or other barriers on the access / driveway.

17. Electric Vehicle Charging Points (EVCPs) shall be provided for at least 2 no. car/van parking spaces together with passive provision to be made available for the remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. The EVCPs shall be available for use concurrent with the first occupation of the building and which shall thereafter be retained and maintained operational for the lifetime of the development.

18. Concurrent with the submission of landscaping details as part of a reserved matters application, a scheme for secure cycle parking (10 racks) on the site shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking to be provided shall be secure, in an overlooked, lit location with protection from weather and shall be provided concurrent with the first occupation of the building and thereafter retained and maintained operational for the lifetime of the development.

B. That a CIL Liability Notice be issued in accordance with the rate in the Council's Charging Schedule, as per section 5.12 of the report.

CHE/21/00171/FUL - ERECTION OF ONE PAIR OF SEMI-DETACHED DWELLINGS AT 33 BOYTHORPE AVENUE FOR MS CLAIRE HANCOCK

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

In accordance with Minute No. 299 (2001/2002) Ms Claire Hancock (agent for the applicant) addressed the meeting.

**\*RESOLVED –**

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

1. The design constitutes inappropriate development that is not conducive to the street scene contrary to policy CLP20 of the Adopted Local Plan and Part 12 of the NPPF.

2. The proposed parking arrangement will lead to vehicles reversing onto the highway close to the junction with Central Avenue against the best interests of highway safety, contrary to policies CLP20 and 22 of the Adopted Local Plan and Part 9 of the NPPF.

CHE/21/00727/FUL - CONVERSION OF FORMER HOTEL TO FORM 4 DWELLINGS (REVISED PLANS RECEIVED 26/06/2022) (DESCRIPTION OF DEVELOPMENT UPDATED 04/07/2022) AT 1 – 3 COBDEN ROAD, CHESTERFIELD, DERBYSHIRE, S40 4TD FOR MR P SOBTI.

**\*RESOLVED –**

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

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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 plan, proposed site layout, proposed elevations and proposed floor plans (same sheet), drawing no. 2, 1:1250, 1:500 and 1:100 @ A1
  - Proposed drainage layout, drawing no. 4, 1:200 @ A3
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.
4. Notwithstanding the submitted details, within 2 months of the development hereby permitted commencing, details for the treatment of all parts of 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 trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
  - b) proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing/walling and treatment/colour.
  - c) a schedule detailing sizes and numbers of all proposed trees/plants
  - d) Sufficient specification to ensure successful establishment and survival of new planting.

5. The landscaping provided shall be retained and maintained as follows:

- a) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;
- b) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.
- c) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- d) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

7. 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.

8. 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.

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

10. An Electric Vehicle Charging Point (EVCPs) shall be provided for one of the parking spaces with passive provision to be made available for the

remainder of the site so that spaces are capable of being readily converted to EVCPs in the future. Thereafter the EVCP shall be retained and maintained operational for the lifetime of the development.

11. Prior to the development hereby permitted being occupied, space shall be provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use. The parking spaces and manoeuvring area shall be retained thereafter available for its designated use.

12. Prior to the development hereby permitted being occupied the first floor windows to the north elevation shall be installed with obscure glazing to a minimum of Pilkington Level 4 and with no opening part being less than 1.7m above the internal floor level. Once installed the obscure glazing shall be retained as such thereafter.

13. Samples / details of all materials, including all new windows and doors, 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.

B. That a CIL Liability Notice is issued in accordance with the rate in the Council's Charging Schedule, as per section 6.6 of the report.

CHE/22/00272/FUL - ERECTION OF ELECTRIC VEHICLE CHARGING STATION WITH ANCILLARY USES INCLUDING RETAIL AND FOOD AND DRINK WITH ASSOCIATED ELECTRICAL INFRASTRUCTURE, CAR PARKING AND LANDSCAPING ON LAND AT ENTERPRISE WAY, DUCKMANTON, CHESTERFIELD FOR GRIDSERVE SUSTAINABLE ENERGY LTD

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

**\*RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following via a legal agreement:

- Biodiversity net gain of 1 habitat unit at £20,000 per unit to CBC = £20,000

And subject to the following conditions:

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans 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, drawing number BOW-A0-ZZ-DR-A-0101 Revision P3 and BOW-A0-ZZ-DR-A-0102 Revision P4 (Dated 30.07.2021)
- Proposed Electric Forecourt Block Plan, drawing number 8308-BOW-A0-ZZ-DR-A-0104 Revision P4 (dated 03.11.2021)
- Proposed Site plan, drawing number 8308-BOW-A0-ZZ-DR-A-0105 Revision P5 (dated 08.02.2022)
- Enterprise Way Western Edge Details, drawing number BOW-A0-ZZ-DR-A-0106 Revision P4 (dated 03.11.2021)
- Proposed Building GA Plans, drawing number 8308-BOW-A0-ZZ-DR-A-0200 Revision P4 (dated 15.11.2021)
- Proposed Building Roof Plan, drawing number 8308-BOW-A0-ZZ-DR-A-0201 Revision P1 (dated 06.10.2021)
- Proposed Building Elevations and Sections, drawing number 8308-BOW-A0-ZZ-DR-A-0300 Revision P1 (Dated 06.10.2021)
- Proposed Site Sectional Elevations, drawing number 8308-BOW-A0-ZZ-DR-A-0301 Revision P1 (dated 22.09.2021)
- Plan of coldstore, drawing un-numbered (received 10.06.2022)
- Proposed Access/egress works, drawing number 20/154/012/TR/008 Revision H (dated 25.05.2022)
- Swept path of max legal HGV accessing site, drawing number 8308-BOW-A0-ZZ-DR-A-0301 Revision B (dated 10.06.2022)

- Design and access statement produced by Bowman Riley Document No: 8308-BOW-A0-ZZRP-A-0010\_D&A Statement Revision P4 (Dated 28.03.2022)
- Arboricultural Impact Assessment BS 5837:2012 produced by Delta-Simons Project Number 21-0619.02
- Preliminary Ecological Appraisal produced by Delta-Simons Project No. 21-0619.01 – Revision 5 (dated 12.08.2022)
- DEFRA metric 3.1
- Flood Risk & Drainage Strategy Statement produced by CPA CONSULTING REF 2141/DSS/PL06 (Dated August 2022)
- Heritage Impact Assessment produced by HCUK Group Project Ref 7095A dated November 2021
- Noise Impact Assessment produced by Delta-Simons Project No. 21-0619.03 dated November 2021
- Planning Statement produced Peacock and Smith Job Ref. 5441 dated April 2022
- Proposed Electric Forecourt Markham Vale Stage 1 Road Safety Audit produced by Road Safety Initiatives LLP dated May 2022
- Transport Assessment produced by Bryan G Hall reference Ref: 20-154-012-02.02, dated November 2021

3. No construction, external works, movement of construction traffic, or ancillary operations and deliveries to and from the premises shall be carried out outside the hours of 0800 and 1800 hours Monday to Friday, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays unless agreed in advance with the Local Planning Authority.

4. No development, including preparatory works, shall commence until a phasing programme for the provision of the new vehicular and pedestrian accesses to Enterprise Way has been submitted to and agreed in writing by the Local Planning Authority. The junction and access shall be laid out in accordance with the approved programme and drawings.

5. No development shall start 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) Temporary construction access
- b) Parking for vehicles of site personnel, operatives and visitor
- c) Site accommodation
- d) Storage of plant and materials



- e) Routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control
- f) Provision of roadside boundary hoarding behind any visibility zones
- g) Any proposed temporary traffic management.

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

6. The cycle shelter as detailed on the approved plans shall be installed in accordance with the approved detail and made available to use prior to the first operation of the development and thereafter be retained available for use.

7. The development shall be carried out in accordance with the details shown on the submitted 'Flood Risk and Drainage Strategy Statement 2141/DSS/PL06 prepared by CPA dated August 2022' unless otherwise agreed in writing with the Local Planning Authority.

8. Prior to the commencement of the development hereby approved (including 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) Details of any construction within the RPA or that may impact on the retained trees.
- b) A full specification for the installation of boundary treatment works.
- c) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- d) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- e) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

9. All works shall proceed strictly in accordance with the measures outlined in Section 6.2 of the Preliminary Ecological Appraisal (Delta-Simons, project number 21-0619.01, issue number 5 dated 12.08.2022) These comprise precautionary methods for site clearance to safeguard amphibians, reptiles, birds and hedgehogs. A short statement of compliance shall be submitted to the LPA upon completion of works to discharge the condition

10. The approved biodiversity/ecological enhance plan 'Soft Landscaping Specification' drawing number MR21-103/101 (dated 03.08.2021 set out in the Preliminary Ecological Appraisal (Delta-Simons, project number 21-0619.01, issue number 5 dated 12.08.2022) shall be implemented prior to the development opening to the public unless otherwise approved in writing by the Local Planning Authority and maintained thereafter, with photographs of the measures in situ submitted to the LPA to fully discharge the condition.

11. 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 11.

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 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.

12. The primary use of the site shall remain as an electric vehicle charging station with ancillary services with a retail floorspace (use class E (a) and E (b) only) of no greater than 244 square metres

13. The retail/cafe uses (Use classes E(a) & E(b)) of the hereby approved development shall only be used when the charging points of the main sui generis use are operational and available to use by the public.

14. The development hereby permitted shall implement the Employment and Skills Strategy (dated August 2022). The strategy seeks to promote local supply chain, employment and training opportunities during the operation of the development. Prior to the first operation of the development an addendum to the strategy shall be provided to demonstrate how the development will engage with providers for low carbon technology and sustainable fuels and details of a local supply chain strategy with detail of how opportunities will be promoted locally.

15. The approved lighting scheme as detailed on drawing External Lighting Layout drawing numbers 21/3791/E63/EX01 Revision E and 21/3791/E63/EX02 Revision E shall be implemented prior to the first use of the development and retained as such thereafter

16. Unless otherwise agreed in writing with the Local Planning Authority the development, including boundary treatments, hereby permitted shall be constructed entirely of the materials detailed and shown on plan number Site plan, drawing number 8308-BOW-A0-ZZ-DR-A-0105 Revision P5 (dated 08.02.2022) and 8308-BOW-A0-ZZRP-A-0010\_D&A Statement Revision P4 (Dated 28.03.2022)

B. That a CIL Liability Notice be issued for £25,502, as per section 6.9 of the report.

CHE/22/00220/REM - PROPOSAL: APPROVAL OF RESERVED MATTERS (APPEARANCE, ACCESS AND LANDSCAPING) OF CHE/21/00286/OUT FOR DWELLING ON LAND ADJACENT TO 16 EYRE STREET EAST, HASLAND, CHESTERFIELD, S41 0PQ FOR BIX AND OSHIN DEVELOPMENT LTD

**\*RESOLVED** —

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

A

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

- Planning drawing plans, elevation and site plan – drawing ref. 102/49 - drawing no. 04, Rev B – Scale as indicated @ A1

2. Prior to the ordering of external materials taking place, precise specifications or samples of the walling and roofing materials proposed to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless agreed by the Local Planning Authority in writing.

3. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscaping works for the approved development shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or

other storage units, signs, lighting etc) retained historic landscape features and proposal for restoration, where relevant. The required soft landscaping scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, or any implementation programme and a schedule of landscape maintenance for a minimum period of five years. These works shall be carried out as approved prior to the occupation of the dwelling hereby approved, or in the first planting season after agreement of the details, whichever is sooner.

B. That a CIL Liability Notice be issued for £5,302.77, as per section 6.8 of the report.

45 **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/21/00130/FUL	Demolition of existing car port and erection of detached garage - Revised drawing received 31/03/21. Revised address (from flat A to flat C 14/04/21 and to flat B 30/04/21) at Flat B 572 Chatsworth Road, Chesterfield S40 3JS for Mr Timothy Walker
CHE/21/00769/FUL	Installation of a STOR Gas Reserve Power Plant at Land to the North of Dunston Trading Estate Sheepbridge Lane, Sheepbridge for Johnsons Generators Limited
CHE/21/00836/FUL	Two storey side and single storey side extensions to form self-contained 1 bedroom dwelling and lounge and staircase access to existing dwelling and alterations to existing shop at 1 - 3 The Grove, Poolsbrook, Chesterfield S43 3JY for Mr Vaithianatha Kumaresan

CHE/22/00181/FUL	Two storey rear extension - description and drawings revised 12.06.2022 at 175 Old Road Chesterfield S40 3QL for Mrs Laura Wilkinson
CHE/22/00188/FUL	Creation of a drop curb and car parking to the front elevation at 31 St Augustines Road, Birdholme, Chesterfield S40 2SF for Mr Kyle Perrins
CHE/22/00219/FUL	First floor extension and amend roof from gable to hip on front elevation at Witham Court, Old Road Chesterfield S40 3QX for Mr and Mrs Lucas
CHE/22/00226/FUL	Conversion of out building to habitable accommodation linking to existing dwelling with single storey rear and side extension and front entrance porch at Greycot, Highfield Road, Newbold, Chesterfield S41 7HB for Mr Ryan Newton
CHE/22/00234/FUL	One and two storey rear extension at 55 Princess Street, Brimington, Chesterfield S43 1HP for Kelly Scothorn
CHE/22/00235/FUL	Single storey rear extension at 171 Boythorpe Road, Boythorpe, Chesterfield S40 2NB for Mr and Mrs Dowson
CHE/22/00246/ADV	Replace all existing fascia panels and fascia logos with new fascia panels and fascia logos, replace existing projecting signage with new projecting Sign at 36 Rose Hill, Chesterfield S40 1LR for Nationwide Building Society
CHE/22/00254/FUL	Replacement of existing ATM shroud with new, removal and replacement of lower cladding and general refurbishment at 36 Rose Hill, Chesterfield S40 1LR for Nationwide Building Society

CHE/22/00257/FUL	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
CHE/22/00258/ADV	Replacement of existing external ATM signage with new at Hsbc Bank, Market Place, Chesterfield S40 1TN for HSBC UK Bank plc
CHE/22/00261/RET	Change of use from Class E to a Nail Parlour (Sui Generis) at The Glass Yard, Unit 2, Sheffield Road, Whittington Moor, Chesterfield S41 8JY for Mr Chung Van Le
CHE/22/00269/FUL	Two Storey extension to front of property and single storey extension to rear at 8 Holmebank West, Brockwell, Chesterfield S40 4AS for John and Valerie Felton
CHE/22/00280/LBC	Supply and fix hand fabricated lockable drop bolt to the existing cast iron gates and replacement of 1 damaged finial at Tapton House, Brimington Road, Tapton S41 0TD for Chesterfield Borough Council
CHE/22/00304/LBC	Roof repairs to outbuildings at Post House Nursery, 15 High Street, Brimington S43 1DE for Mr Michael Fowler
CHE/22/00309/FUL	Single storey rear extension and conversion of two dwellings into one - re-submission of CHE/21/00357/FUL at 272 - 274 Old Road, Chesterfield S40 3QN for Mrs Clare Dolman
CHE/22/00312/FUL	Single storey self contained shop unit attached to existing building. (Revised plans received 04/07/2022 and 11/07/2022) at 72-78 Devon Drive, Brimington, Chesterfield S43 1DY for Mr Sukdev Singh and Mrs Surinder Kaur

CHE/22/00326/FUL	Proposed two storey side and rear extension with rendering to walls at 50 Hill View Road, Brimington, Chesterfield S43 1JN for Sarah Burchby
CHE/22/00328/FUL	Two storey side extension at 123 Spital Lane, Spital, Chesterfield S41 0HL for Mr Ashley Woolley
CHE/22/00347/FUL	Single storey rear extension and side dormer at 16 Westbourne Grove, Ashgate, Chesterfield S40 3QD for Miss Claire Freeman
CHE/22/00352/LBC	Installation of replacement and new advertisements. This is the listed building consent application associated with the advertisement consent application CHE/22/00202/ADV at 35-37 Low Pavement, Chesterfield S40 1PB for Boots
CHE/22/00358/TPO	T8 - Beech Tree ( <i>Fergus Sylvatica</i> ) of G3 of TPO169. Prune branches (partial crown reduction) by 1 - 3 metres growing South East towards property 161 Walton Back Lane to clear structure, shape and balance and general maintenance. at 1 Park Hall Gardens, Walton S42 7NQ for Mr Nigel Metham
CHE/22/00367/FUL	Single storey extension to the front/side of the property - resubmission of CHE/22/00120/FUL at 10 Oldridge Close, Holme Hall, Chesterfield S40 4UF for Mr Bruce Grinnell
CHE/22/00371/FUL	Replacement of existing boundary fence at 379 Manor Road, Brimington, Chesterfield S43 1PP for Mr Alan Cheswick
CHE/22/00390/FUL	Rear extension to bungalow at 38 Highland Road New Whittington, Chesterfield S43 2EZ for Mr David Collier



CHE/22/00404/REM	Removal of condition 6 (arrangement of rear amenity space) of application CHE/20/00310/FUL-Conversion of first floor of existing retail and office premises to form a 1 bed self-contained flat retaining separate retail space at ground floor at 32 High Street, Old Whittington, Chesterfield S41 9JT for Messrs Stoddard and Daly
CHE/22/00414/FUL	Single storey side and rear extension, new raised decking and boundary fence and new roof over existing bay window to front elevation (Revised plans received 02/08/2022) (Description of development amended 15/08/2022) at 575 Chatsworth Road, Chesterfield S40 3JX for Mr and Mrs Speed
CHE/22/00415/FUL	Single storey rear extension at 7 Millstream Close Walton S40 3DS for Mrs Charlotte Law
CHE/22/00451/TPO	General works to trees identified in tree map and works described in application form at Loundsley House, Cuttholme Way, Loundsley Green, Chesterfield S40 4WG for Envivo Group
CHE/22/00467/TPO	T3- TPO No. 331, 2014. Remove a group of smaller branches that have grown from an area where a large branch was previously removed before it had a TPO. Lift the crown to give a 1.5-2m clearance above the shed underneath for cleaning and maintenance of the roof at West Boundary Of Stand Road Allotments, Newbold S41 8SR for Mr Bob Higginbottom
CHE/22/00469/TPO	T1, T3, T4, T5 & T6 - Yew trees. Standard maintenance - crown lift canopies to 3m & prune away from buildings by 1-2 metres T2 - Ash. Fell to ground level. The tree is too close to the

- building and is starting to damage the wall that it is growing very close to. We wish to replace with another Yew tree. T12 - Plane. Currently 20 metres, reduce by 3 metres to 17 metres and reshape. The tree is outgrowing its situation & we have concerns over some overextended branches in the canopy at Elder Unitarian Chapel, Elder Way, Chesterfield S40 1UR for Elder Yard Unitarian Chapel
- CHE/22/00494/TPO To maintain the lime trees T2, T5-T9 by removing any epicormic growth from the tree base to a height of no more than 2 metres at 6 Hunters Walk, Chesterfield S40 1GB for Limetree Park No 1 Management Company
- CHE/22/00550/TPO The three southern most trees under group G1, 2x Lime and 1x Maple. They have become overgrown, are overhanging neighbouring properties and look untidy. 20% thinning, dead wooding and pruning to all trees. Crown lifts if possible due to presence of bat boxes on some of the lowest branches in each tree. Ecologist to survey bat boxes on morning of works to determine bat presence. If bats are not present, bat boxes to be relocated higher into the tree. If present crown lift to be conducted at a later date. At 39 Ringwood Meadows, Brimington S43 1FE for Mr Nathan Robinson
- CHE/22/00556/TPO Felling of one Silver Birch (T33/TPO Ref 173) at 305 Ashgate Road, Chesterfield S40 4DB for Mr Mick Wall
- CHE/22/00572/TPO Felling of one dead Ash tree to the side of 11 Comley Crescent (plot 96) – Tree Preservation Order 4901.44 area 1 at Trees To The Side Of 11 Comley Crescent, Chesterfield S41 9SH for AWA Tree Consultants Ltd

(b) Refusals

- CHE/22/00343/FUL Two storey side and rear extension, with widening of the existing patio and erection of 2m fencing above the ground level of the existing decking.  
Rendering to the extended rear wall at 95 Foljambe Avenue, Walton, Chesterfield S40 3EY for Mr and Mrs Wilmot
- CHE/22/00394/DOC Discharge of condition 4 (materials) relating to application CHE/21/00414/FUL - Two storey rear extension and alterations at 20 Ringwood Avenue  
Newbold, Chesterfield S41 8RB for Mrs Louise Smith
- (c) Discharge of Planning Condition
- CHE/22/00215/DOC Discharge of planning conditions Made Ground Removal and Validation Testing at Land South of Walton Hospital, Harehill Road, Grangewood for Vistry Partnership
- CHE/22/00282/DOC Discharge of conditions 4 (biodiversity net gain) and 6 (materials) of CHE/21/00342/FUL - Rear two storey extension, two storey side extension, two dormer windows to front, rendering of existing dwelling and new canopy to the front, raising of the existing roof, hard surfacing and creation of additional parking to front and new terrace area to the rear at 157 Church Street North, Old Whittington, Chesterfield S41 9QR for Mr James Galligan
- CHE/22/00305/DOC Discharge of condition 8 of application CHE/15/00676/FUL at Unit 3, Co-Operative House, Elder Way, Chesterfield S40 1UR for Mr Ian Scott
- CHE/22/00385/DOC Discharge of condition 3 (biodiversity measures) of CHE/20/00492/FUL at 29 Rayleigh Avenue,

	Brimington S43 1JR for Jenny Sutton
CHE/22/00408/DOC	Discharge of condition 4 (landscaping and ecological scheme) of application CHE/21/00737/FUL- External alterations to the south and east elevations of the building at Ravenside Retail Park, Unit 1B, Park Road, Chesterfield S40 1TB for LS Chesterfield Ltd
CHE/22/00430/DOC	Removal of condition 3 (investigation of existing sewer/drain line crossing the site and the submission of a scheme for its diversion) of application CHE/20/00653/REM- Redevelopment of land for employment uses (use classes B1,B2 and B8) at land accessed from, Farndale Road, Staveley, Derbyshire at land accessed from Farndale Road, Staveley for Devonshire Property (B2B) Limited
CHE/22/00478/DOC	Discharge of condition 4 (materials) of CHE/22/00214/REM1 - 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 Matthew Crawley
CHE/22/00497/DOC	Discharge of condition 11 (materials) of CHE/19/00083/FUL at All Inn, Lowgates, Staveley S43 3TX for A-Rock Construction Ltd
(d) Partial Discharge of Conditions	
CHE/22/00264/DOC	Discharge of conditions 03, 06, 07, 09, 10, 14, 15 and 18 of application CHE/21/00190/FUL at Former 9 and 9A Wensley Way, Staveley S43 3NP for Chesterfield Borough Council
CHE/22/00450/DOC	Discharge of conditions 3 (protection of the retained trees), 12 (external materials), 14

(demonstration that the proposed destination for surface water accords with the drainage hierarchy) and 15 (indication of how additional surface water run-off during construction will be avoided) of application CHE/21/00438/FUL at Chesterfield and North Derbyshire Royal Hospital  
Chesterfield Road, Calow, Chesterfield S44 5BL for Chesterfield Royal Hospital

CHE/22/00455/DOC Discharge of conditions 3 (Verification report),8 (Details of cellular confinement system) ,9 (hard surfacing within the RPA details),11 (Treatment and hard landscaping details) and 12 (hard landscaping works and structures details) of application CHE/21/00284/REM1- Residential development of 5 houses with associated landscaping and parking at Site Of Former Old Farm Inn, Highfield Road, Newbold for Primesite UK Ltd

(e) Unconditional Permission

CHE/22/00299/NMA Non-material amendment relating to condition 2 of CHE/21/00342/FUL: Addition of two lantern rooflights, omission of proposed columns in rear elevation, Alteration to first floor interior layout, alteration to landscaping. - Revised drawing received 04.07.2022 at 157 Church Street North Old Whittington, Chesterfield S41 9QR for Mr James Galligan

(f) Conditional Consent for Non-Material Amendment

CHE/22/00475/NMA Non material amendment of application CHE/20/00760/FUL- Conversion and extension of existing garage to form new dwelling- To extend the new north-eastern boundary fence line from rear elevation to no.72 Walton Road from 7m to 7.7m at Land Adj 72 Walton Road, Walton S40 3BY for Mr Adam Bowler

CHE/22/00534/NMA Non material amendment of application  
 CHE/19/00116/REM- To vary the wording of condition 5 so that it states: 'The highway works shown on Curtins drawings 05/005-V05 and 05/004-V06 as phase 1A shall be completed to within 6 months of first occupation of the building hereby approved' at Land At East Of A61Known As Chesterfield Waterside, Brimington Road, Tapton, Chesterfield for Chesterfield Waterside Limited

(g) CLOPUD granted

CHE/22/00410/CLO Single storey ground floor extension and roof extension to create new dormer at second floor level at 22 Foljambe Road, Chesterfield S40 1NW  
 for Mr Will Penkyman

CHE/22/00440/CLO Single storey rear extension at 30 Hornbeam Close, Hollingwood S43 2HU for Mr Jason Smith

(h) Split Decision with Conditions

CHE/22/00402/TPO 40 % pollarding of two ash trees overshadowing garden and decking at 22 Staunton Close, Chesterfield S40 2FE for Mr Denis Llewellyn

(i) Planning permission required

CHE/22/00281/AGR Agricultural building for storage of animal feed and farm machinery at Land Opposite The Quest, Unstone Road, Old Whittington, Chesterfield for Mr Steven Kilroy

(j) Other Council no objection with comments

CHE/22/00492/CPO Change of Use from Residential (C3) to a Children's Home (C2) at Trevilla, 73 Hady Hill Hady, S41 0EE for Derbyshire County Council

## 46 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/22/00358/TPO    | Consent is granted to the pruning of one Beech tree within G3 on the Order map at 1 Park Hall Gardens, Somersall   |
| CHE/22/00467/TPO    | Consent is granted to the pruning of one Sycamore tree reference T1 on the Order Map which is situated on the west boundary hedge of Grove Allotments, Stand Road  |
| CHE/22/00494/TPO    | Consent is granted to the pruning of 6 trees reference T2 & T5-T9 Lime on the Order Map and which are situated along Hunters Walk, Saltergate  |
| CHE/22/00469/TPO    | Consent is granted to the felling of one Ash tree reference T2 with a condition to replant with a Yew tree which would match the existing tree cover to the frontage and the pruning of 5 Yew trees reference T1 & T3 -T6 and one London Plane T12 on the Order Map and which are situated in the grounds of Elder Yard Unitarian Chapel, Elder Way.<br><br>Consent is also granted to crown reduce one London Plane tree to the rear by 3 metres to leave a 17 metre high tree. |
| CHE/22/00572/TPOEXP | Consent is granted to the felling of one dead Ash tree within Area 1 on the Order Map and which is situated in the wooded area to the side of 11 Comley Crescent (Plot 96) off Dunston Road, Dunston.  |

- CHE/22/00550/TPO Consent is granted to the pruning of 2 Lime trees and one Maple within G1 on the Order Map and which are situated at 39 Ringwood Meadows, Brimington
- CHE/22/00451/TPO Consent is granted to the felling of one Sycamore reference T12, with a condition to replace the tree with a Rowan in the first available planting season and the pruning of 5 individual trees reference T1 Poplar and T2-T,5 Sycamore and 1 Groups of trees reference G1 consisting of x4 Beech on the Order Map and which are situated in the grounds of Loundsley House, Cuttholme Way, Loundsley Green.
- Consent is also granted to crown lift, dead wood and crown clean the remaining trees
- CHE/22/00541/TPO Consent is granted to the felling of one Silver Birch tree reference T33 on the Order Map and which is situated in the front garden of 305 Ashgate Road, Ashgate
- CHE/22/00402/TPO Consent is refused to the pruning of two Ash trees within W1 on the Order Map and which are situated to the south of 22 Staunton Close along the river banking of Birdholme Brook but consent is granted to a light crown reduction by a maximum of 2.5 metres and reshaping the crown to BS3998 Tree Works.

#### 47 **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.



**48 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.

**49 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC****\*RESOLVED –**

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

**50 UNAUTHORISED DEVELOPMENT AT 76-88 OLD HALL ROAD, CHESTERFIELD, DERBYSHIRE S40 1HF**

The Development Management and Conservation Manager submitted a report to inform members of the unauthorised development at 76-88 Old Hall Road, Chesterfield, and requested authority to take enforcement action to facilitate the permanent removal of the two shipping containers from the site.

**\*RESOLVED –**

That authority be granted for the service of an enforcement notice requiring the removal of the two shipping containers from the site at 76-88 Old Hall Road, Chesterfield with a time period of 28 days for the removal of the containers.

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# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	26 <sup>th</sup> September 2022
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER'S REPORT ON THE 26<sup>th</sup> SEPTEMBER 2022**

<b>ITEM 1</b>	CHE/22/00362/FUL – DEMOLITION OF BUILDINGS USED FOR COMMERCIAL PURPOSES AND 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. S43 2PW FOR MR AND MRS B STEELE.
<b>ITEM 2</b>	CHE/22/00413/REM1 – VARIATION OF CONDITION 30 (EXTERNAL DIMENSIONS AND ELEVATIONAL TREATMENTS) OF APPLICATION CHE/12/00028/FUL – REDEVELOPMENT OF MANOR SYCK FARM, INCLUDING CONVERSION OF THREE BARNS, REFURBISHMENT OF EXISTING FARMHOUSE AND NEW BUILD DETACHED FARMHOUSE GARAGE AND DETACHED PROPERTY, 132 CHURCH STREET NORTH, OLD WHITTINGTON, CHESTERFIELD FOR MARSH GREEN CONSTRUCTION LTD.
<b>ITEM 3</b>	CHE/22/00160/REM1 - VARIATION OF CONDITION 1 OF CHE/18/00190/REM (RESIDENTIAL DEVELOPMENT ON 3.66 HECTARES OF LAND UP TO 75 DWELLINGS INCLUDING MEANS OF ACCESS) TO AMEND BOUNDARY TREATMENT PLAN AND THE PLANNING LAYOUT TO REFLECT THE BOUNDARY CHANGE (CHANGING OF 1.5M TIMBER FENCE WITH 0.3M TRELLIS TO CHANGE TO 1.8 SCREEN FENCE) ON LAND AT CRANLEIGH ROAD, WOODTHORPE, CHETSREFIELD FOR AVANT HOMES (CENTRAL) .



Case Officer: Paul Staniforth File No: CHE/22/00362/FUL  
Plot No: 2/734  
Ctte Date: 19th September 2022

## **ITEM 1**

### **Demolition of buildings used for commercial purposes and 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. S43 2PW for Mr and Mrs B Steele.**

Local Plan: Greenbelt  
Ward: Barrow Hill & New Whittington

#### **1.0 CONSULTATIONS**

DCC Highways	Comments received 07/07/2022 – see report
DCC Archaeology	repeat of comment from 2019 - not consider that it will have any significant archaeological impact
Derbyshire Wildlife Trust	Comment received 18/08/2022 – see report
Environment Agency	No comment received
Coal Authority	comments received 23/06/2022, 15/07/2022 and 29/07/2022 – see report
CBC Design Services	06/07/2022 – comments received – see report

CBC Environmental Health	16/06/2022 – comments received - no objection – see report
Staveley Town Council	No comments received
Network Rail	Comments received on 29/06/2022. No objections in principle, recommends soundproofing
Yorkshire Water	Comments received 04/07/2022 – No objections
Ward Members	No comments received
Site Notice / Neighbours	No comments received

## **2.0 THE SITE**

- 2.1 The site the subject of the application comprises of land within the curtilage of Handleywood Farm (which has recently been the subject of planning permission for a replacement farmhouse building that is under construction). The site is bound on the north by Staveley Footpath 2 which leads from the corner of Whittington Road on a west – east axis and to the south lies the railway freight line.
- 2.2 The overall farm complex, which in addition to the new and old farmhouse building, comprises of a cluster of barns, outbuildings and stables located predominantly in the western proportion of the site.





2.3 In the eastern proportion of the site there is an equestrian ménage and open fields. The site is served by an access track which follows the alignment of the public right of way linking through to Whittington Road.







2.4 The site has had an appreciable planning history, with an engine recovery business still operating from within the site.

### 3.0 **RELEVANT SITE HISTORY**

#### Previous Site History - Outbuildings

- 3.1.1 CHE/19/00102/FUL - Demolition of buildings used for commercial purposes and erection of 7 dwellings, access and landscaping. Approved conditionally 2<sup>nd</sup> July 2019
- 3.1.2 CHE/16/00023/FUL - Demolition of buildings used for commercial purposes and erection of 5 dwellings, access and landscaping. Approved conditionally 10<sup>th</sup> August 2016
- 3.1.3 CHE/10/00162/EOT - Extension of time of CHE/07/00198/COU for change of use of buildings for B8 storage and B2 industrial use. Approved conditionally 1st September 2010.
- 3.1.4 CHE/09/00665/EOT - Extension to the time limit for carrying out the alterations to the vehicular access to the highway (CHE/06/00669/FUL). Approved conditionally 7th December 2009.
- 3.1.5 CHE/09/00179/DOC - Discharge of condition 5 of planning application CHE/07/00198/COU. Approved 18th May 2009.
- 3.1.6 CHE/07/00198/COU – Use of buildings for storage (B8) an industrial use (B2). Approved conditionally 30th May 2007 – conditions concerning landscaping, outside storage and parking.
- 3.1.7 CHE/06/00669/FUL – Alterations of vehicular access to highway. Approved conditionally 26th October 2006.
- 3.1.8 CHE/04/00827/COU – Retrospective application for retention of use of buildings for storage (B8) and Industrial Use (B1 and B2). Refused 17th December 2004.

Appealed under PINS Ref. - APP/A1015/A/05/1172927 and dismissed.

### Previous Site History - Enforcement Action

#### 3.2.1

Enforcement Notice (1) under Section 171A(1) of the T&CP Act 1990 (as amended by the Planning and Compensation Act 1991) in respect of land at Handley Wood Farm.

Breach of Planning Control: Without planning permission change of use of the land from agricultural use to use for vehicles and vehicle parts processing and storage.

Steps to be taken: (1) Cease the use of the land for the importation storage and processing of vehicles and vehicle parts other than as ancillary to the agricultural use of the land. (2) Remove permanently from the land all part dismantled and stored vehicles and vehicle parts other than those ancillary to the agricultural use of the land.

Time for compliance: 9 months after the notice takes effect. The notice took effect on the 19th November 2004 unless an appeal was made against it beforehand.

Notice dated: 20th October 2004. Appeal received.

NB: Inspector's Decision Letter dated 25th May 2005: Notice upheld on the basis of risk to highway safety from substandard access however the inspector considered the use and the impact on the green belt was no more than compared with the lawful use of the site for agriculture.

Enforcement Notice (2) under Section 171A(1) of the T&CP Act 1990 (as amended by the Planning and Compensation Act 1991) in respect of land at Handley Wood Farm Whittington Road Barrow Hill Chesterfield.

Breach of Planning Control: Without planning permission the erection of a portal frame building shown edged blue on the plan.

Steps to be taken: Dismantle and remove the portal frame building from the land.

Time for compliance: 6 months after the notice took effect. This notice took effect on the 19th November 2004 unless an appeal

was made against it beforehand. Notice dated: 20th October 2004. Appeal received.

NB: Inspector's Decision Letter 25th May 2005: Notice quashed by the Inspector.

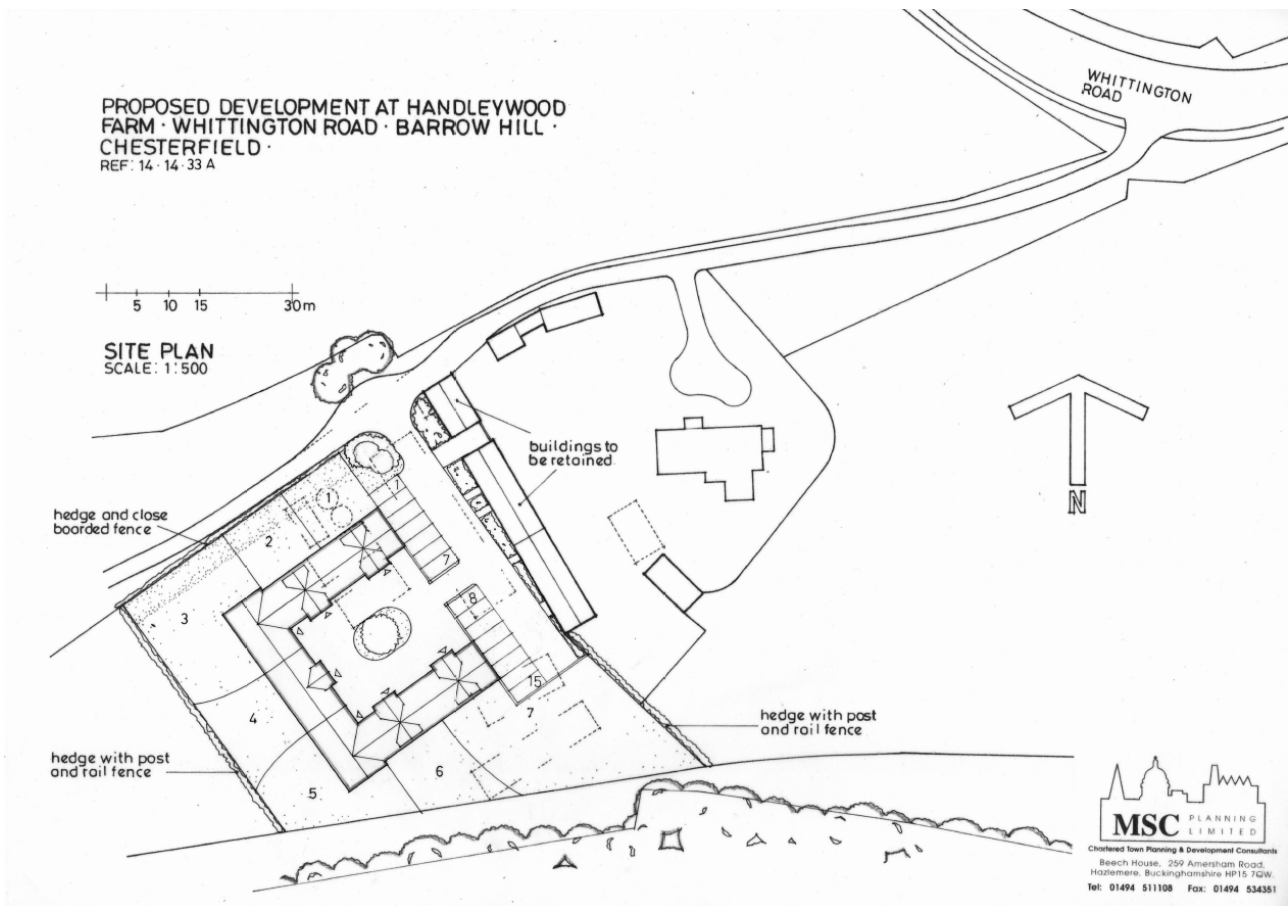
### Previous Site History - Farmhouse

- 3.3.1 CHE/11/00611/FUL - Demolition of existing building and erection of replacement dwelling - supporting information received 19/12/2011 (Bat Survey & Materials Samples). Approved conditionally 22nd December 2011.
- 3.3.2 CHE/09/00646/NMA – To extend the width of the approved dwelling by 1 metre on each side (application CHE/08/00592/FUL). Granted 3rd November 2009.
- 3.3.3 CHE/08/00592/FUL – Demolition of existing dwelling and erection of replacement dwelling. Conditional permission granted 9th December 2008.
- 3.3.4 CHE/06/00901/FUL – Construction of a ménage. Approved conditionally 17th January 2007.

## 4.0 **THE PROPOSAL**

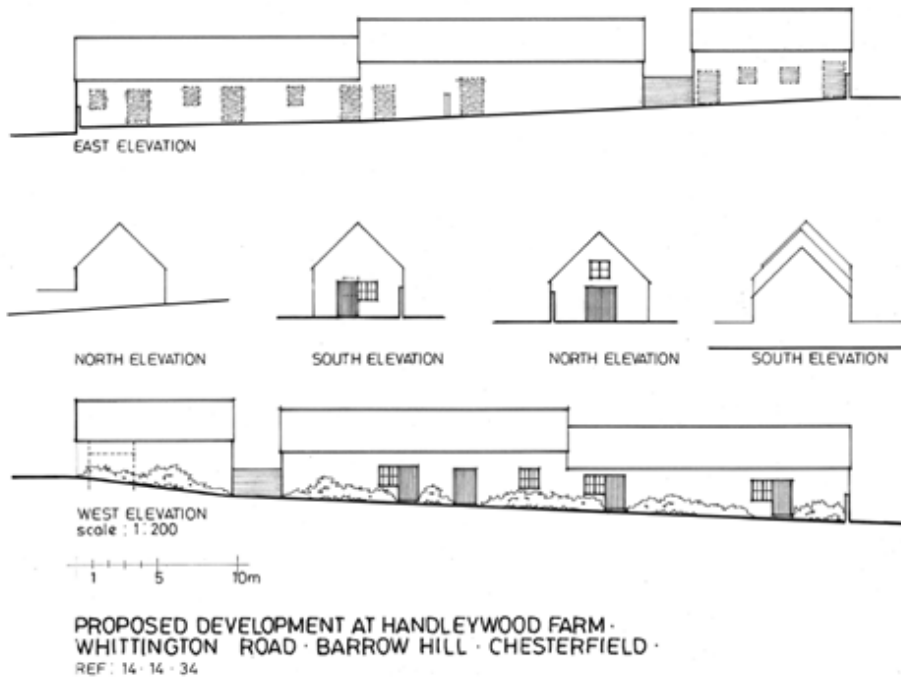
- 4.1 The application, which is submitted in full, is a resubmission of the 2019 scheme now lapsed and proposes the erection of 7 new dwellings on land at Handleywood Farm which lies in the western proportion of the site. Currently there are a number of barns, stables and outbuildings to the west of the original and new farmhouse buildings which are subject to be cleared / demolished and/or be re-used as part of the development proposals.

Proposed Site Layout



- 4.2 The proposed site layout details development in a new courtyard arrangement which comprises of three new blocks of development arranged north, west and south of the central courtyard which is enclosed on the eastern edge by the existing 3 no. barns shown on the proposals plan to be retained and converted to studio's and a bin / bike store.

#### Alteration of Stables to Studios

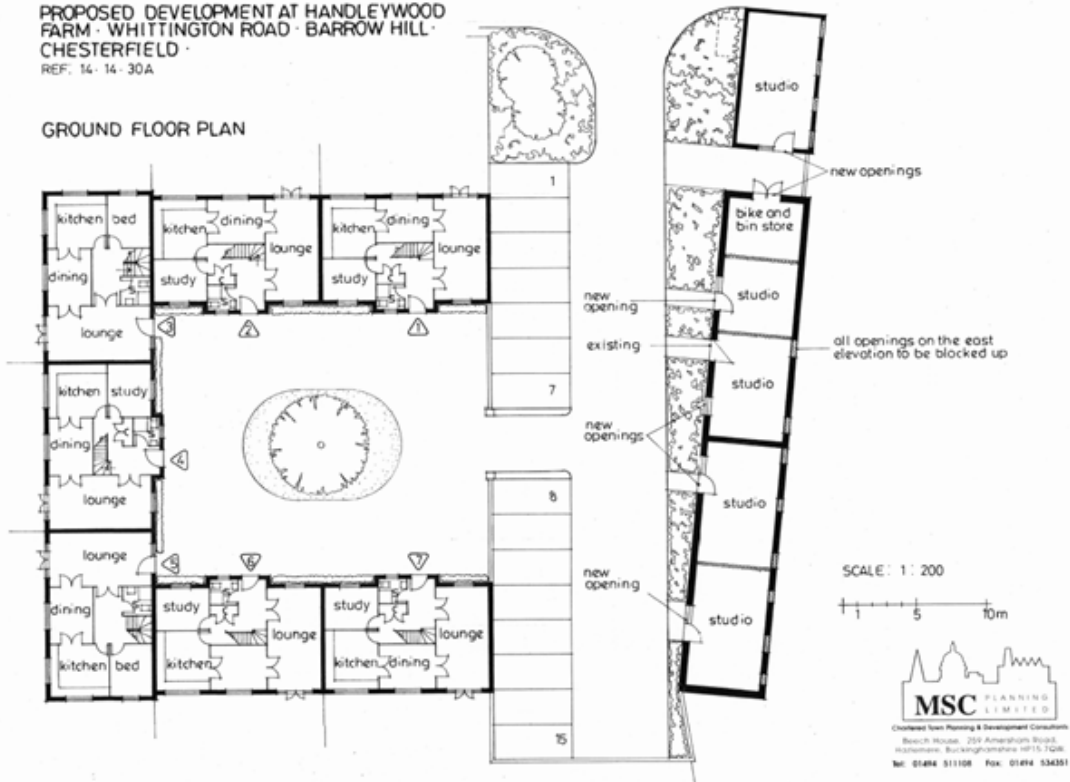


- 4.3 The 7 no. new dwellings will be accommodated exclusively in the new block of development which is one and half storey in scale and includes rooms in the roof space. A series of dormer windows positioned in the internal and external roof slopes to first floor accommodation are proposed. 6 no. three-bedroom properties and 1 no. four bedroom property are illustrated. A feature tree is shown to be located centrally in the courtyard area and 2 no. parking spaces will be provided per dwelling and 3 for the 4 bedroomed unit.



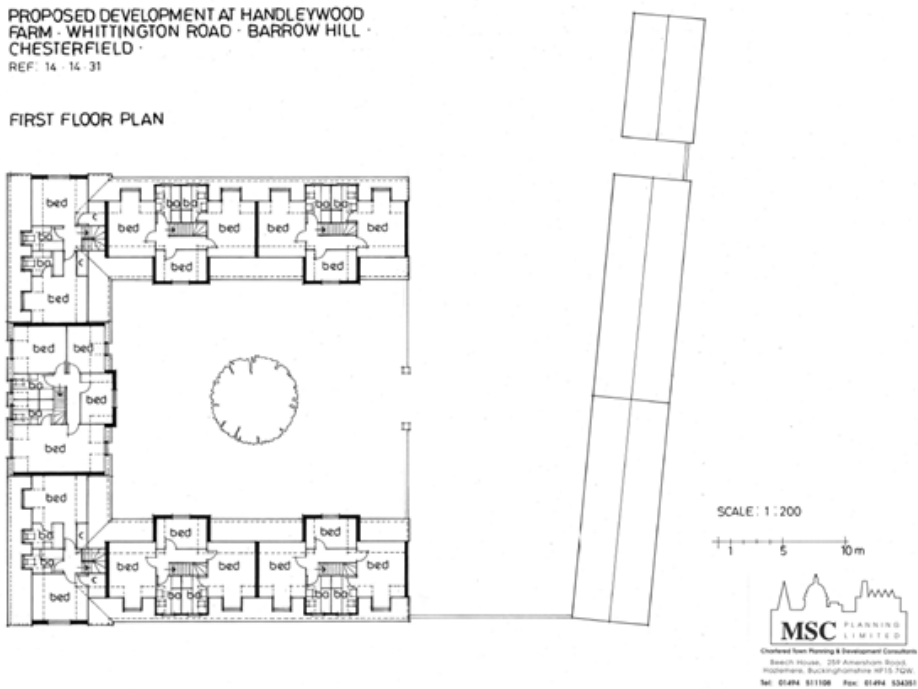
PROPOSED DEVELOPMENT AT HANDLEYWOOD FARM · WHITTINGTON ROAD · BARROW HILL · CHESTERFIELD ·  
REF. 14 - 14 - 30A

GROUND FLOOR PLAN



PROPOSED DEVELOPMENT AT HANDLEYWOOD FARM · WHITTINGTON ROAD · BARROW HILL · CHESTERFIELD ·  
REF. 14 - 14 - 31

FIRST FLOOR PLAN





- 4.4 The application submission is supported by the following documents:
- Coal Report dated 26<sup>th</sup> July 2022
  - Preliminary Bat Roost Assessment dated 7<sup>th</sup> June 2022 by Estrada Ecology Ltd.
  - Bat Activity Survey Report dated 7<sup>th</sup> June 2022 by Estrada Ecology Ltd.
  - Bat and Breeding Bird Survey Report dated June 2016 by Estrada Ecology Ltd.

- 4.5 The applicant has stated that the application seeks a repeat of the 2019 permission and the arguments applied at the time remain appropriate -
- The application proposes to remove the commercial operations and buildings at Handleywood Farm and replacement with new dwellings as part of the site owners retirement plan.
  - The scheme continues to be for 7 units - The 5 dwelling scheme was not viable as supported by a report in 2019 from Wilkins Vardy concluding that the 5 unit scheme was not viable due to the size of the units, which should be reduced in floorspace – accordingly the scheme was increased in 2019 to 7 dwellings

being smaller units, on a slightly smaller footprint than previously agreed in 2016.

- The substitution of one scheme for another raises no policy issues from the change in number of dwellings and enhances green belt policy.
- The 2 extra dwellings makes no material change to the approved scheme and the siting/design/materials and landscape remain the same.
- The parking has been changed to reflect the changed number of units.

## 5.0 **CONSIDERATIONS**

### 5.1 **Development Plan 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 and the following policies are material.

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP3 Flexibility in Delivery of Housing
- CLP4 Range of Housing
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the demand for travel

5.1.2 The following sections of the NPPF are also of relevance to the proposal

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 8. Promoting healthy and safe communities
- Part 12. Achieving well-designed places

- Part 13. Protecting Green Belt land
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.1.3 In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

## 5.2 **Principle of Development**

5.2.1 Regardless of the previous/existing use, the site is in the Green Belt and as such the proposal for new residential development would be considered on face value to be inappropriate development. The key policy consideration therefore would be whether the proposal meets any of the exceptions set out in paragraph 149 of the NPPF and the following parts of para 149 have particular relevance to this proposal:

- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

It is considered that the proposal could fall within the scope of part (g) as the site is regarded as previously developed land.

5.2.2 Currently the use taking place at the site, which is authorised, is not considered compatible with the Green Belt designation as there are cars and other associated paraphernalia stored in the open and around the site. The site resembles a scrap yard however it is an established use. The main issue is therefore whether the proposed development, would have any greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development / use operating on the site. The conclusion reached in 2019 was that the development of the 7 units as proposed was appropriate and was accepted.

5.2.3 Paragraph 137 of the NPPF emphasises the importance of the openness and permanence of the Green Belt. Although the proposed development is broadly within the footprint of an area of previously developed land, the existing buildings are a mix of agricultural and commercial in nature. This is despite the uses within the agricultural type buildings not being agricultural uses. The former agricultural character of buildings provides a sense of openness in terms of giving the appearance of a farm within the open countryside area. The re-development of the site for housing could therefore have a more significant impact on the sense of openness of that area of the Green Belt. The design features which incorporate a courtyard layout and single storey units with dormers does however offer a design that is in keeping with a traditional farm character, but the proposal is never the less significant, involving 7 new dwellings with associated studio space in the existing stone outbuildings.

5.2.4 The five purposes of the Green Belt are set out in paragraph 138 of the NPPF:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns

- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

5.2.5 It is considered that whilst the proposal does have a greater impact on the Green Belt (particularly the first three bullet points) than the existing uses and buildings, it is clear that residential uses are different in nature, traffic generation and appearance to the existing uses. This must be balanced with the opportunity to secure enhancements, to boost the supply of new housing and to remove an inappropriate and visually harmful use from the Green Belt especially when viewed from the Public Right of Way (PROW) which passes alongside the site. It is also significant that the same building mass and scheme has already been accepted and is therefore considered that this should carry weight in the application of the tilted balance in this case.

5.2.6 Policy CLP1 states that the existing Green Belt will be maintained and enhanced. Considerations regarding the Green Belt are dealt with above however in terms of new housing, policy CLP2 seeks to focus new development within walking and cycling distance of centres and at regeneration priority areas. The site is not within a regeneration area.

5.2.7 The site is around a mile (20 minutes walking distance) of the local centre at New Whittington, along Whittington Road. There is a more direct route along the old Staveley Road highway (PROW) which runs past the site. In this respect the proposal generally accords with policy CLP2, and although Whittington Road is not lit, there is a pavement.

5.2.8 Policy CS2 additionally states that:  
In assessing planning applications for developments that are not allocated, sites will be assessed by the extent to which the proposals meet the following requirements:  
a) deliver the council's Spatial Strategy  
b) are on previously developed land that is not of high environmental value;

c) deliver wider regeneration and sustainability benefits to the area; It is considered that the proposal does not conflict with the broad requirements of policy CLP2.

- 5.2.9 The 2016 planning permission for the erection of 5 dwellings, was acceptable within the greenbelt for the “very special circumstances” and reasons given, and this permission established the principle of re-developing the green belt site for housing purposes. In 2019 the key issue was whether the change to the number of units (5 to 7) and the modest increase in parking, would fundamentally change the impact on the open-ness of the green belt, such that the previously established “very special circumstances” no longer applied.
- 5.2.10 The 7 dwellings proposed have previously and recently been accepted and it is considered that there would be no additional impact on the open-ness of the green belt arising from the scheme compared to that agreed in 2019. The only changes since the 2019 scheme was accepted are the adoption of the new local plan and the introduction of the 2021 NPPF. Notwithstanding such changes the policies and guidance contained therein have not changed and do not in any way result in a material change to the way in which the current planning application should be considered.
- 5.2.11 It is considered that the very special circumstances for allowing inappropriate development in the green belt still applies to the current planning application now proposed. Whilst the Council is in a position where it can demonstrate a 5 year supply of housing, there remains the wider principles of the NPPF to significantly boost housing land supply. In respect of this site and the history associated with the site with the use taking place, it is considered that the opportunity to dissolve or relocate this use to an area which is more appropriate to its B2 classification should still be taken. Consideration has been given as to whether removal of the existing engine salvage use on the site should be required by formal agreement however it is considered that this is not

necessary in this case because the implementation of the scheme for the new residential development affects the same parcel of land and will necessitate the closure of the existing use and removal of all the vehicles and paraphernalia from the land. The vehicles which are present on the adjoining fields outside of the established business area are unauthorised and their removal could be enforced if necessary. Clearly the retention in any way of the existing poor appearance of the site arising from the existing use of the land would be a contributing factor in the value of the properties and the attractiveness of the properties to potential intending purchasers. The applicants agent has commented that it is the applicants intention to cease work and sell the site for the execution of the planning permission (if granted) and a corollary of which will be the clearance of all the vehicles, vehicle parts and associated materiel from the site and the cessation of the activity. He comments that this would be prudent in any event, so as to secure the best value for the site. He also comments that whilst not covered in the earlier planning permission, this may be something the Council may wish to consider by way of a suitably worded planning condition. It is not considered that an agreement is necessary in this case however the opportunity to secure removal of the business use can be secured by condition as imposed on the previous permission issued in 2019 (cond 18). There is no doubt that some of the buildings on site are dilapidated and the open storage of vehicles, vehicle parts and other paraphernalia detracts from the character and appearance of the area. It is considered that the development proposals provide an opportunity to secure redevelopment of the site in a sympathetic and viable scale which would ultimately provide enhancement to the area, whilst contributing to the much needed housing supply. On balance therefore whilst it is accepted that the development could have a minor adverse impact upon the Green Belt by virtue of its scale and character and parking, but it is by no means considered so significantly harmful that this outweighs the benefits highlighted above. It is therefore considered that the principle of development can be accepted in this case.



### 5.3 **Design and Appearance Considerations**

- 5.3.1 The design, scale and appearance of the development proposals are considered to be appropriate. The one and half storey scale and courtyard arrangement is typical of rural setting residential led redevelopment proposals and this is considered to be acceptable alongside the re-use of the barns /outbuildings to the east of the new development footprint.
- 5.3.2 It will be important to ensure that appropriate materials and finishes are chosen, alongside soft and hard landscaping surrounding the development footprint to ensure that the scheme reflects local character and is quickly embedded into the open countryside/green belt. Appropriate conditions for approval of materials and hard / soft landscaping can be imposed.
- 5.3.3 Overall it is considered that in the context of the provisions of policies CLP2 and CLP20 of the local plan the proposals are appropriately sited, scaled and designed. Notwithstanding this however, it would be undesirable given the overriding Green Belt designation in the area that these properties benefit from permitted development right freedoms as this poses potential for extensions to result in sprawl and ad hoc additions which would erode the character established by the development design / footprint. Permitted development freedoms for extensions and additional window openings should therefore be removed by condition.
- 5.3.4 Policy CLP13 of the local plan states that development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day. Such a condition can be imposed as part of any permission issued.

### 5.4 **Neighbouring Impact / Amenity**

- 5.4.1 The site the subject of the application sits in relative isolation, with the farmhouse of Handleywood Farm itself being the only boundary sharing neighbour to the proposed development. The occupants of this building are the applicants in tis case.
- 5.4.2 Having regard to the siting and orientation relationship of the scheme to the replacement farmhouse it is not considered that the development will impose any adverse amenity impacts upon the closest neighbouring property.
- 5.4.3 Having regard to the neighbouring relationship created as a result of the development proposals it is accepted that the courtyard arrangement of the 7 no. dwellings is based around a 20m x 20m space which means separation distances generally accord with the guidance in the Councils Successful Places SPD. The relationship created by the courtyard arrangement is not unusual for a rural development of this nature and the distance is acceptable.
- 5.4.4 In the context of the provisions of Policy CLP20 of the local plan and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

## 5.5 **Ecology / Biodiversity**

- 5.5.1 Having regard to the nature of the application site and the development proposals it is accepted that there would be loss of outbuildings located in a rural setting. Due to their condition these buildings pose suitable habitat for nesting birds and bats and following the consultation in 2016 with **Derbyshire Wildlife Trust (DWT)** it was concluded that a bat and bird survey of the buildings was necessary.
- 5.5.2 Accordingly appropriate surveys were undertaken by Estrada Ecology and a Bat and Bird Survey Report was submitted in relation to the earlier scheme and these documents have been

updated as part of the current submission. The updated surveys confirm no roosting bats or nesting birds were present.

DWT has commented as follows:-

*“We have reviewed the Bat Activity Survey Report (Estrada Ecology, June 2022). No bat roosts were identified during historic surveys (2010 and 2016) or the single update survey undertaken in 2022 by Estrada Ecology. No further work or licensing is recommended. We advise that sufficient information has been provided to enable the LPA to determine the application. We advise that the following conditions are attached, in line with our responses to previous applications: Nesting Birds No stripping or demolition of any buildings or tree/shrub removal shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present. Biodiversity Mitigation and Enhancement Plan Prior to building works commencing above foundation level, a Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority, to ensure no net loss of nesting and roosting opportunities on site, plus additional enhancements. Such approved measures should be implemented in full and maintained thereafter. Measures shall include (but are not limited to):*

- one integral nest brick per dwelling, as per British Standard 42021:2022 (positions/specification/numbers).*
- at least three integral or external bat boxes on new dwellings or the converted stables (positions/specification/numbers).*
- at least three house martin nests located close together on a suitable building(s) (positions/specification/numbers).*
- hedgehog gaps in garden fencing (130 mm x 130 mm).*
- summary of ecologically beneficial landscaping (including replacement tree planting and proposed hedgerows). Lighting Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by*

*the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. The location of luminaires should consider locations of bat boxes. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.”*

- 5.5.3 On the basis of the comments received above it is considered that the loss of the out buildings is acceptable. An appropriate planning condition can be imposed on any subsequent decision notice to ensure demolition of the out buildings takes place outside of bird breeding / nesting season, unless it is first confirmed by an appropriately certified ecologist that any abandoned nests are not being used. Overall it is considered that a biodiversity gain (policy CLP16 of the local plan) can be secured by an appropriately detailed soft landscaping scheme being provided within and surrounding the development site to ensure that any temporary disturbance to biodiversity/habitat is subsequently compensated / enhanced.

## 5.6 **Highways Issues**

- 5.6.1 The application submission proposes the development to be served from the existing access taken from the corner of Whittington Road which serves both the farmhouse and the current business use located on site. As part of previous planning permissions (see site history above) improvements were undertaken within highway limits to create a right turn harbourage from Whittington Road into the existing site access.
- 5.6.2 The **Local Highways Authority (LHA)** has reviewed the application proposals and has commented that the scheme is an identical submission to that from 2019 and no objection is therefore raised to the current application provided the same conditions as in 2019 are reimposed. The Highway Authority also pointed out that there is a Public Right of Way – Footpath 2 on the Definitive Map -

that passes the site and that they would not wish to see this route obstructed by vehicles or the safety of users of the route prejudiced either before, during or after any development that might take place.

5.6.3 The scheme provides for an appropriate level of parking provision at 15 spaces for 7 units and which complies with the guidance and it is considered that any opposition to the scheme based on parking limitations would be unfounded. Furthermore the N.P.P.F indicates that permission should only be refused on highway safety grounds where the resulting cumulative impacts are severe. It is also the case that opportunities arise to safeguard the definitive route through the site which is currently obstructed by numerous vehicles parked alongside the access track and which would be removed as part of the scheme.

5.6.4 The LHA conditions imposed in 2019 secure a construction site management strategy (inc. wheel wash), further details of the driveway / public right of way resurfacing and works to create passing places, pedestrian intervisibility to the access, parking to be provided and maintained prior to occupation, and details of bin store / bin collection arrangements and dwell area to be provided. It is considered that all of these details can be re-imposed and secured by appropriate planning conditions in the interests of highway safety such that the development is overall acceptable having regard to highways impacts / parking as required under policy CLP20 of the local plan.

## 5.7 **Drainage / Flood Risk**

5.7.1 In respect of matters of drainage and potential flood risk (having regard to policy CLP13), it is noted that the application site lies within flood risk zone 1 and therefore is unlikely to be at risk from any flooding. In respect of drainage, the application details that the development is to be connected to a package treatment plant for foul drainage and a sustainable drainage system to handle surface water.

- 5.7.2 Both the Councils **Design Services (DS)** team and **Yorkshire Water Services (YWS)** have been consulted on the application proposals, and YWS have not objected as the proposals do not include connection to any mains sewers. The DS team have requested that drainage details of how the applicant intends to dispose of surface water. They have indicated that a sustainable drainage system will be used, more precise details of which will be necessary.
- 5.7.3 An appropriate planning condition can be imposed on any decision issued to ensure more detailed drainage details are submitted for further consideration and approval. The use of a package treatment system for foul water disposal will need separate building regulations approval and is only acceptable if mains drainage is not available, however given the isolated location of the site, there are no mains drainage available within the normal expected travel distance and a treatment plant is therefore justified.
- 5.7.4 Given the scale of the development proposals (minor application) the **Lead Local Flood Authority** have not commented on the application and the Environment Agency raises no objections.

## 5.8 Land Condition / Contamination / Noise

- 5.8.1 The site the subject of the application is currently a combination of previously developed land /open land and former agricultural buildings and therefore land condition and contamination need to be considered having regard to policy CLP14 of the Local plan.
- 5.8.2 The Council's **Environmental Health Officer (EHO)** has reviewed the proposals and commented that due to the previous land use a phase I desk top study should be requested as before. The EHO is aware that gas protection measures were required to be installed at the adjacent dwelling due to the presence of coal mining in the area and therefore this will need to be considered

following appropriate ground investigations. The EHO comments that the previously imposed conditions should be re-imposed.

5.8.3 Like the majority of sites within the Borough, the land is affected by the coal mining legacy and the site is part of the referral area to which the Coal Authority comments are necessary. Like the previous applications in 2016 and 2019 the Coal Authority has objected to the application submission, due to the absence of an accompanying Coal Mining Risk Assessment (CMRA). In response the applicant has provided an updated report covering the specific application site however the report is a CON29M coal mining report and does not deal with the Risk Assessment side of working on a site where there will be unknowns in respect of the coal mining legacy

5.8.4 In relation to the previous applications, the applicant /agent confirmed that given the content of the report, that getting a coal mining risk assessment prepared would be abortive as they would still have to undertake intrusive site investigations to identify the likely unrecorded mining legacy. The applicant comments that there are a number of particular points which arise from the submitted report as follows:

- There are no further reports from the Coal Authority required
- The property is not within an area that could be affected by any past recorded underground coal mining.
- There may be potential workings at or close to the surface and these should be considered prior to site works.
- There is no present underground mining
- There is no planned future or licenced underground mining
- There is no damage due to geological faults or lines of weakness
- The site is not within a former opencast site
- The site is not within 200m of a current opencast mine
- There are no licences granted for opencast mining within 800m of the site
- There is no record of any damage notice within 50m of the boundary since October 1994.

- There is no record of any mine gas emissions

On this basis, the applicant comments that any reasonable reading of the report would conclude that the risk from either prior or future coal mining is minimal. However, whilst this may be the case, we would suggest, as previously, that a precautionary condition be placed on the planning permission (the same wording as previously) which would deal with any unforeseen issue that may result from the development. In the light of the limited area of development this is likely to be unlikely in any event. In this regard the applicant considers the requirement for a full Coal Mining Risk Assessment to be unwarranted and costly for what is being sought.

5.8.5 The Coal Authority confirm that the submission does not provide an assessment of the risks and so the maintain their objection however the applicant should use the coal mining information to assess whether or not past mining activity poses any risk to their development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive site investigation, which the Coal Authority confirm would not be opposed to being required by condition, to ensure that the LPA has sufficient information to determine the planning application. Whilst the Council usually insist upon a CMRA being submitted, given the site history and the existing knowledge of development conditions for the new farmhouse adjacent, it was previously considered that the applicants / agents request is reasonable and intrusive site investigations should be conditioned. The same considerations apply equally to the current proposals and it is recommended that pre development site investigations should be imposed as a condition requirement of any consent granted.

## 5.9 **Community Infrastructure Levy (CIL)**

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 7 no. new dwellings and the development is therefore CIL Liable.



5.9.2 It is noted that the application proposals include the demolition of some existing buildings and also conversion of existing barns that are illustrated on the proposed plans to be re-used as studios for each dwelling and the bin / bike store. There are exemptions whereby the footprint of the existing buildings can be deducted from the CIL liability calculation if it can be demonstrated that they have been used for a period of 6 months during the last 3 years. The applicant / agent have not provided details of the footprint of the buildings to be demolished to date and therefore they have not been taken into account in the calculation below. If floor space details are provided the CIL liability can be adjusted in due course.

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

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permission)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>1173</b>	0	1173	£50 (Medium Zone)	332	288	<b>£67,610</b>

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

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 16<sup>th</sup> June 2022 and by advertisement placed in the local press on 30<sup>th</sup> June and 28<sup>th</sup> July 2022. As a result of the application publicity there have been no letters of representation received.

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

7.2 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 paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development conflicts with the NPPF or with 'up-to-date' Development Plan policies, the merits of the case outweighed the policy objections and on balance, 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. The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation.

## 9.0 **CONCLUSION**

- 9.1 In principle a new residential development constitutes inappropriate development that does not generally accord with Green Belt policy. However in relation to the previously approved scheme, it has been concluded that the very special circumstances in the case suggest that the proposal could fall under the exceptions set out in paragraph 149 of the NPPF. Although the proposal does have a potential greater impact on the purposes of the Green Belt (particularly the first three bullet points) than the existing uses and buildings, this must be balanced with the significant potential tidying of the site and removal of the engine salvage business from the site and the opportunity to secure enhancements as well as providing new homes, to boost the 5 year supply of land for housing.
- 9.2 The proposal is a re – run of the same scheme which was accepted in 2019 and the new material changes since that date (new local plan and NPPF) have not changed the considerations and weight which can be applied such that the previously agreed principles still apply. Given the position above the Council has considered the proposals the subject of the application against all remaining up to date development plan policies, the wider National Planning Policy Framework (NPPF) and the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’.
- 9.3 The application submission is supported by assessment and reports which illustrate the proposed developments ability to comply with the provisions of policies of the local plan and where necessary it is considered that any outstanding issues can be

mitigated and addressed in any subsequent reserved matters submission or any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

10.1 That the application be **GRANTED** subject to the following conditions / notes:

**Conditions**

01. 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.

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

- Drawing Number 14:14:33 Rev A - received on 25<sup>th</sup> May 2020 - Proposed Site Plan;
- Drawing Number 14:14:30 Rev A - received on 25<sup>th</sup> May 2020 - Proposed Ground Floor Plan;
- Drawing Number 14:14:31 - received on 25<sup>th</sup> May 2020 Proposed First Floor Plan;
- Drawing Number 14:14:32 - received on 25<sup>th</sup> May 2020 Proposed Elevations;
- Drawing Number Un-numbered - received on 25<sup>th</sup> May 2020 1/1250 Scale - Location Plan;
- Drawing Number 14:14:34 - received on 25<sup>th</sup> May 2020 Proposed Plans/Elevations of Stable Conversion.

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.

03. No development shall occur above floor-slab/D.P.C level until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - To ensure that the development can be properly drained and in the interest of satisfactory and sustainable drainage.

04. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason - To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

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

06. No development shall occur above floor-slab/D.P.C level until a detailed scheme of improvement works to the Public Right of Way, together with a programme for the implementation and completion of the works, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be

brought into use until the improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer may be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

Reason - In the interests of highway safety.

07. No part of the development shall be occupied until the arrangements for storage of bins and collection of waste have been provided, in accordance with a scheme to be agreed in writing by the Local Planning Authority, and the facilities shall thereafter be so retained for the designated purposes at all times.

Reason - In the interests of highway safety.

08. 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 in consultation with the Highway Authority. The approved plan/statement shall be adhered to throughout the construction period.

The statement shall provide for:

- parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- wheel wash facilities
- method of prevention of debris being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

All as appropriate and it should be noted that this list is not necessarily exhaustive.

Reason - In the interests of highway safety.

09. The dwellings hereby approved shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason - In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and/or re-enacting that Order), the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason - In the interests of highway safety.

11. No development shall occur above floor-slab/D.P.C level or before the 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.

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

12. Work shall only be carried out on site between 8:00am and 6:00pm in any one day on 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.

Reason - In the interests of residential amenities.

13. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved, nor shall the external studios or the studios within the dwellings be used as bedrooms, without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenities of occupants of adjoining dwellings.

15. No removal of buildings, trees or shrubs shall take place between 1st March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before the building is demolished / vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

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



16. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any root protection areas to retained trees / hedgerows on site and alternative measures of construction and finishes close to trees. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

17. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
- II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The

scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in the interest of public safety.

18. No development shall occur above floor-slab/D.P.C level in relation to the development hereby approved, until the existing industrial and storage use, in its entirety on both the red and blue land, has permanently ceased and the existing buildings removed.

Reason - To deliver the improvements to the appearance of the area and to safeguard the amenity of the occupants of the proposed dwellings.

- 19 A residential charging point shall be provided for each proposed dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. Each socket shall be located where it can later be changed to a 32amp EVCP. 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.

Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

20. 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.

### **Notes**

01. 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.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

04. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
05. 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.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public right of way without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
08. There is a Public Right of Way (Footpath 2 on the Derbyshire Definitive Map) in close proximity to the area the subject of

the application. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.

- Please note that the granting of planning permission is not consent to divert or a public right of way.
- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058 058 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

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## ITEM 2

**Variation of condition 30 (external dimensions and elevational treatments) of application CHE/12/00028/FUL - Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property, 132 Church Street North, Old Whittington, Chesterfield for Marsh Green Construction Ltd.**

Local Plan: Not allocated

Ward: Old Whittington

Plot No:

Committee Date: 19<sup>th</sup> September 2022

### **CONSULTATIONS**

Chesterfield Civic Society:

We have no objection to the application being granted. The applicant should investigate the history and appropriately discharge all conditions.

The Coal Authority:

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. Refer to Standing Advice.

Archaeology:

Manor Syck Farm is a historic site and is shown on the earliest available map of Whittington, Sandersons map of 1835. The Farmhouse possibly dates to the late 18th or early 19th century and the stone barns are presumably of a similar age. As such they are heritage assets.

This office has previously advised on application CHE12/00028/FUL and within the context of that advice the variation to the condition will have no material effect on any buried archaeology over and above that consented previously. Please however re-consult your own buildings and conservation officer to determine if the variations materially affect the character of the building complex.

CBC Design Services:

According to the Environment Agency flood maps the site is not located within Flood Zone 2 or Flood Zone 3 and not liable to surface water flooding. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Details of the proposed disposal of foul and surface water including any details of surface water attenuation/balancing works. Any amendments to existing drainage on site may require consent from Building Control. Any new connections to the public sewerage system will require prior consent from Yorkshire Water.

#### Highway Authority:

The revised plan indicates appropriately sized parking spaces in place of the garages, as on the previously approved plans, and the internal road does provide sufficient width for the first 5m+ in to the site to allow two way traffic. There is also some turning facility to the rear of the site which, although tight, would allow small delivery vehicles to manoeuvre. There does not appear to be any other alterations proposed which are contrary to previous highway requirements and on that basis there are no highway objections to the proposed alteration to condition 30 of the original consent.

Representations: Two received which are summarised under section 6.0 below.

## **2.0 THE SITE**

- 2.1 Manor Syck Farm is a range of traditional farmhouse and farm buildings located close to the Conservation Area of Old Whittington. The site backs onto open countryside which is designated Green belt land as defined in the Adopted Local Plan. Work has commenced on site in line with the original permission from 2012.
- 2.2 The site is narrow to the frontage where the existing access is located and widens to the rear. It is closely contained by existing housing to the east and north west. To the south is a listed building Holly House School which dates from the early 19<sup>th</sup> Century. There is also the listed raised pavement to the corner of Church Street North and Church Lane North and the listed dwellings at 48 and 50, 54 and 56 Church Street North.





2.3 Recent site images:

Farm house Plot 1:



Barn attached to farm house plot 2:



Barn running at 90 degrees to plot 2 - Plot 3:



Plot 4 front and rear:



Rear of Plots 1 and 2 and end of Plot 3:



Area of Plot 5:



Site frontage:



### **3.0 SITE HISTORY**

3.1 CHE/12/00028/FUL Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property. Conditional permission 03.04.2012.

### **4.0 THE PROPOSAL**

4.1 In accordance with the above permission dating from 2012 and which has been confirmed as extant, this application seeks to amend the details of that application amending the approved plans via a S73 application to vary the condition relating to the approved plans.

4.2 The main amendments proposed to the layout are:

- The parking to Plot 4 has moved to the rear of the garden.
- Plot 5 which is the new build element has moved further North.
- The roadway has been narrowed and the locations of garden and hard surfacing to each plot amended.
- Access to the agricultural land to the rear is to be retained.

4.3

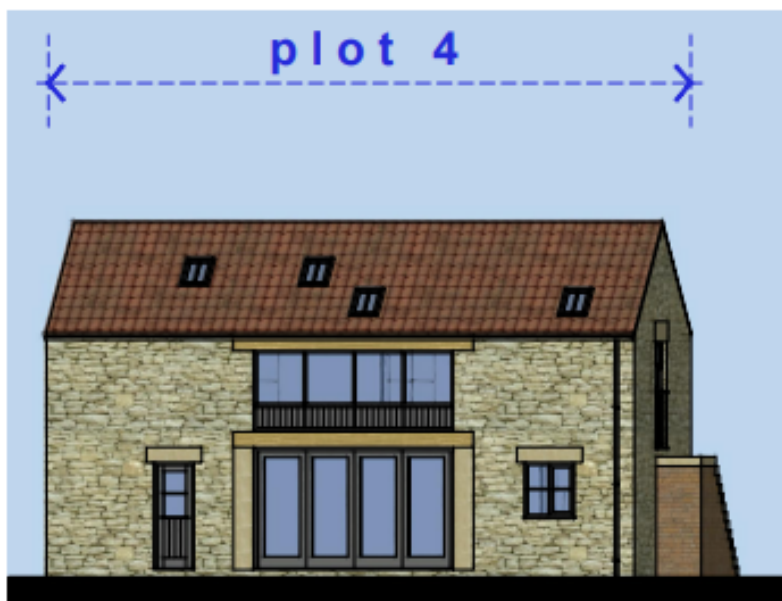
Layout as approved:



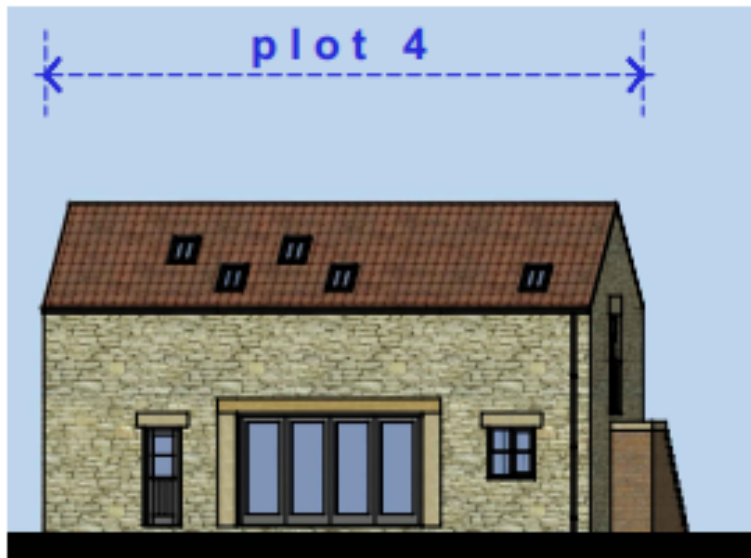
Layout as proposed:



- 4.4 In addition, there are changes proposed to each individual plot:
- 4.5 Plot 1: The original farmhouse is to be retained, re-using existing openings. It is intended that a bay window feature will be added to the front facing side elevation on the ground floor.
- 4.6 Plot 2: The barn attached to the farmhouse is in a poor condition, to the bricked frontage of the building large new openings are proposed including double height glazed elements. To the rear on the ground floor elevation new openings are proposed. There are no windows proposed to the rear upper floor.
- 4.7 Barn 2 now plot 3: At right angles to plots 1 and 2 forming part of that range. It is no longer proposed to demolish the elongated brick-built part of this barn and extend the original stone building. It is now proposed to re-use the whole barn including the later brick. There are no windows to the upper floor of the rear elevation to Plot 3.
- 4.8 Barn 3 now Plot 4:  
The detail relating to this plot has alter through the application process. The originally submitted plan including a large, glazed opening to the upper floor rear elevation.  
As initially proposed:



Due to neighbour concerns over amenity impacts this plot has been amended to remove the upper floor window and install a further roof light.



The stone stair to the side of the building is to be retained.

4.9 Plot 5: This is the new build dwelling to the rear of the site which is to be moved further to the north. Other than the relocation of the plot the dwelling remains largely the same with slight alterations to window and door design and is now proposed to be a fully stone finished building rather than a mix of stone and render as originally proposed.

4.10 In considering this application it is only these changes to the plans that are to be considered, all other matters remain as originally approved.

## **5.0 CONSIDERATIONS**

### **5.1 Planning Policy**

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

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

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

CLP1 Spatial Strategy (Strategic Policy)  
CLP2 Principles for Location of Development (Strategic Policy)  
CLP13 Managing the Water Cycle  
CLP14 A Healthy Environment  
CLP15 Green Infrastructure  
CLP16 Biodiversity, Geodiversity and the Ecological Network  
CLP20 Design  
CLP21 Historic Environment  
CLP22 Influencing the Demand for Travel

## **5.3 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

## **5.4 Key Issues**

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highway safety

## **5.5 Principle of Development**

5.5.1 The principle of the development is not for consideration as this was established through the 2012 permission and which was implemented. It is the detail on the plans which is now being sought to be varied.

## **5.6 Design and Appearance**

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 Layout:

The layout of the scheme which has altered the position of parking areas and gardens is considered to be appropriate to the setting of the buildings. Whilst some soft landscaping has been shown to the frontage



of Plots 2 and 3, this would be more appropriate as hard surfacing as the yard area serving the barns. This can be considered in more details through the discharge of conditions for landscaping.

- 5.6.3 The layout includes a bin collection area to the site frontage behind the stone boundary wall, this is welcomed and appropriately deals with refuse collection matters. Parking is now proposed closer to the site frontage for Plot 1 and for visitors. Whilst this will be more visible in the street scene this can be softened through landscaping and will have minimal impact due to the retention of the boundary wall.
- 5.6.4 Boundary treatments across the site are shown and are generally acceptable. However, where the boundary details split the frontages of the yard area to the barns such as to the front of Plots 3 and 4 a more subtle treatment is required. In addition, where railings are shown to open countryside boundaries and between rear plots then a simpler form of treatment would be more appropriate. Whilst there are areas of the site where a 1.8m high timber fence is appropriate this needs further consideration close to the site access as this is highly visible within the street scene. A condition will therefore be needed to consider this in more detail.
- 5.6.5 The proposal intends a change to the siting of the proposed new dwelling on the site, Plot 5 is intended to move further towards the rear of the site. The amended siting in terms of design and character is considered to be appropriate and allows greater movement for vehicles to the front of the property.
- 5.6.7 Concern has been raised that the access into the site will be adoptable. It is highly unlikely that such a form of road would ever be considered appropriate for adoption by the Highway Authority. Concern has also been raised that the layout now includes access to the agricultural land to the north of the site and it is feared that this will be for future development. Retaining the agricultural access to the rear of the site is considered to be reasonable. Should further development ever be proposed in this location then this would be given due consideration under a separate planning application, however it should also be noted that this is Green Belt land.
- 5.6.8 The amendments to the layout of the scheme are therefore considered to be acceptable in line with policy CLP20 of the Adopted Local Plan.
- 5.6.9 Design changes:

On the whole the design changes proposed as described in section 4.0 above are considered to be appropriate to the character and appearance of the original buildings, as a group of traditional farm building and in terms of the wider street scene. The scheme as now proposed is generally an improvement in terms of character and appearance from the originally approved development.

- 5.6.10 Details of the development such as material and finishes will need to be considered in more detail via condition. There is already a submission relating to this, although not a point where the details have been agreed.
- 5.6.11 Subject to conditions the amendments to the elevations are considered to be appropriate in line with policy CLP20 of the Adopted Local Plan.

## **5.7 Impact on Residential Amenity**

- 5.7.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 5.7.2 Concerns have been raised by neighbouring residents specifically in terms of the rear upper floor window to Plot 4, where a large opening was proposed. In negotiation with the agent this window has now been removed and a further rooflight added to which is considered to address the concerns of the neighbouring resident.
- 5.7.3 Concern has also been raised regarding the location of the parking area to Plot 4 being adjacent to the boundary with the neighbour and that this will result in additional noise and nuisance. The parking area is close to the boundary with the neighbouring property but is adjacent to a high boundary wall which will provide a level of screening between the properties. It is not unusual to find parking to neighbouring properties in close proximity. The proposed parking if not in this location would be located adjacent to another existing property boundary resulting in the same impacts albeit to another resident. Given the screening in place and that this is only parking for one property the parking area is considered to be appropriately located and to result in acceptable impacts.
- 5.7.4 The retention of the elongated barn to Plot 3 being single storey only will not result in any additional impacts to neighbouring residents.
- 5.7.5 The relocation of Plot 5 further towards the north of the will bring the building closer to the garden of the adjacent property. However, the

separation between the properties and it being located to the north will ensure any amenity impact in terms of the neighbouring garden and home are acceptable.

- 5.7.6 The proposed amendments now sought are considered to result in acceptable impacts to neighbouring residents in accordance with policy CLP14 of the Adopted Local Plan.

## **5.8 Highway Safety**

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

- 5.8.2 The access remains as originally approved and the roadway into the site is on the same route as originally approved albeit now narrower to allow for gardens and parking to the units within the site.

- 5.8.3 The concern about the adoptable standard of the road and access to the field to the rear are addressed in para 5.6.7 above.

- 5.8.4 The highway authority have considered the revised scheme and have raised no concerns. The originally related and still relevant conditions will therefore be reimposed. On this basis the proposal is considered to be acceptable in highway safety terms in accordance with policies CLP20 and 22 of the Adopted Local Plan.

## **5.9 Biodiversity, impact on protected species, enhancement**

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

- 5.9.2 The original permission included a number of conditions relating to ecology mainly in terms of the potential for Barn Owls to utilise the site. The applicant has sought to discharge these conditions and the detailed mitigation measures have been agreed with Derbyshire Wildlife Trust. It is therefore necessary to update the conditions originally imposed to accord with the more detailed submission now agreed with the Trust.

- 5.9.3 At the time of the original permission there was no policy requirement for a net gain in biodiversity, as such it would now be unreasonable to require this provision at this stage of the development.

5.9.4 Subject to the updated conditions the proposal is considered to be acceptable in terms of ecological matters in line with policy CLP16 of the Adopted Local Plan.

## **5.10 Heritage impacts**

5.10.1 The building on site are non-designated heritage assets. In addition, there are a number of heritage assets adjacent to the site, the impact upon these needs to be considered in line with policy CLP21. This policy requires that; "In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible". The policy also notes: "The council has a presumption in favour of retaining non-designated heritage assets on the Local List. Development that involves substantial harm or loss of a non-designated heritage asset will be assessed as part of a balanced judgment". This is reiterated in national policy in Part 16 of the NPPF.

5.10.2 The amended redevelopment of these vacant buildings is considered to be appropriate to the site and context, retaining and restoring non-designated heritage assets. In this regard it is considered that the development will have no adverse impact upon the setting of adjacent listed buildings. The re-development of the site which forms part of the historic evolution and character of the area is considered overall to enhance the setting of the heritage assets.

5.10.3 The Archaeology comments are noted. No conditions relating to potential below ground archaeology were originally imposed. The impact in terms of the character of the group is considered in section 5.6 above.

## **6.0 REPRESENTATIONS**

- 6.1 Two received which are summarised:
- We have lived here for many years and have suffered with building new developments close to our property and boundary.
  - Plot no. 4 which was barn no. 3 now has a north facing window on the first floor in the centre of the barn which is imposing and overlooks our property, and we will be able to look into their windows.
  - The room layout for plot no. 4 has altered.

- The parking for this plot has also altered moving cars nearer to us resulting in additional noise and nuisance.
- Why would you put a road through the middle of your garden to the boundary of next door if you are not intending to develop the land adjacent.
- The original application was for 5 houses and a private road not an adopted road.

6.2 These matters are addressed in the report above.

6.3 Due to the postal strikes further letters advising neighbours of the amendment to the application (the window to plot 4) have not been sent out as this would have created a conflict with the date of the committee meeting. However, the neighbour concerned has been contacted about this matter directly by the case officer.

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

7.2 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 2021 National Planning Policy Framework (NPPF).

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

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

## 9.0 **CONCLUSION**

9.1 This application is only considering the relatively minor changes to the approved scheme which on the whole is considered to result in an improved development in terms of character and appearance from the originally approved scheme. To ensure an appropriate form of development the conditions originally imposed are updated in section 10 below.

## 10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to the following updated conditions from the 2012 permission:

### **Conditions**

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

Proposed site plan no. 04 Rev P5 received 05.07.22

Plots 1 – 3 proposed ground floor plans no. 05 Rev P8 received 05.07.22

Plots 1 – 3 proposed first floor plans no. 06 Rev P6 received 05.07.22

Plot 5 proposed plans no. 09 Rev P3 received 05.07.22

Plot 4 proposed floor plan no. 07 Rev P7 received 08.09.22

Plots 1 to 4 proposed elevations no. 08 Rev P6 received 08.09.22

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

02. Site drainage shall be completed in accordance with the details submitted and approved under application CHE/14/00826/DOC.

Reason: To ensure appropriate drainage provision for the site in accordance with policy CLP13 of the Adopted Local Plan.

03. A. The development hereby approved shall be completed in accordance with the findings and recommendations of the Geotechnical and Geo-environmental Site Investigation Report dated 30.05.2022 as approved under application CHE/22/00417/DOC. B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A only) has been submitted to and approved in writing by the Local Planning Authority.

A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: To ensure protection of the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with policy CLP14 of the Adopted Local Plan.

04. Ecological mitigation for Barn Owls shall take place in accordance with the technical note provided by Baker Consultants approved under application CHE/22/00417/DOC.

Reason: In order to ensure appropriate wildlife mitigation in accordance with policy CLP16 of the Adopted Local Plan.

05. The existing stone steps to the side of Plot 4 shall be retained as part of the scheme proposed. Prior to first occupation details of any railings or refurbishment works required to the steps, shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be implemented on site prior to first occupation and retained as such

thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the character of the barns and the appearance of the development as a whole in accordance with policies CLP0 and 21 of the Adopted Local Plan.

06. The upper floor eastern side elevation window to Plot 5 serving the bathroom, shall be fixed (non-opening) and obscurely glazed. A method of fixing the windows and the obscure glazing proposed shall be submitted to the Local Planning Authority for consideration prior to their installation on site. Only those details which receive the written approval of the Local Planning Authority shall be installed on site and retained as such thereafter.

Reason: In order to protect the privacy and amenity of surrounding residents in accordance with policy CLP14 of the Adopted Local Plan.

07. There shall be no fence, hedge or other obstruction exceeding 1 metre in height within 2.5 metres of the carriageway edge across the entire site frontage.

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

08. Notwithstanding the proposed site plan no. 04 and prior to any boundary treatment being installed, details of all boundary treatments proposed for the scheme shall be submitted to the Local Planning Authority for consideration. Only those details approved in writing by the Local Planning Authority shall be installed on site prior to first occupation and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development in accordance with policies CLP20 and 21 of the Adopted Local Plan.

09. Before the ordering of external materials takes place, precise specifications or samples where necessary of the walling and roofing materials, all window and door details, all eaves and verge details, to be used in the development shall be submitted to the Local Planning Authority for consideration. Only those details approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.



Reason: In the interests of the appearance of the development as a whole and its contribution to the wider area in accordance with policies CLP20 and 21 of the Adopted Local Plan.

10. Prior to first occupation details of all hard and soft landscaping proposed for the scheme shall be submitted to the Local Planning Authority for consideration. The hard landscaping shall include all surfacing and methods of demarcation for parking bays. The soft landscaping details shall also include planting plans and a schedule of landscape maintenance for a minimum of five years. Only those details which receive the written approval of the Local Planning Authority shall be implemented on site within the first planting season following first occupation.

Reason: In the interests of the appearance of the development as a whole and its contribution to the wider area in accordance with policies CLP20 and 21 of the Adopted Local Plan.

11. The parking and manoeuvring provision indicated on the submitted plan, including the garages, shall be made available for use concurrent with the occupation of the dwellings hereby approved and retained as such in perpetuity without hindrance to its designated use.

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

12. Unless otherwise agreed in writing by the Local Planning Authority 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.

Reason: In the interests of residential amenities in accordance with policy CLP14 of the Adopted Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations (including new window opening) or additions (including extensions) shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the

curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To preserve the character and appearance of the original building and its surroundings in accordance with policies CLP20 and 21 of the Adopted Local Plan.

**Informatives:**

01. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

02. Environmental Protection recommend that a full mining risk assessment report is completed by the applicant/developer.

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

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

05. Pursuant to Section 151 of the Highways Act 1980, the applicant must take all necessary steps 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 are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

### ITEM 3

**Variation of condition 1 of CHE/18/00190/REM (residential development on 3.66 hectares of land up to 75 dwellings including means of access) to amend boundary treatment plan and the planning layout to reflect the boundary change (changing of 1.5m Timber Fence with 0.3m Trellis to change to 1.8 Screen fence) on land at Cranleigh Road, Woodthorpe, Chesterfield for Avant Homes (Central).**

Local Plan: Unallocated  
Ward: Lowgates and Woodthorpe  
Plot No:

Committee Date: 26<sup>th</sup> September 2022

### **CONSULTATIONS**

Highway Authority – no comments to make

Representation – one received, see section 6.0 below

### **2.0 THE SITE**

2.1 The application relates to a residential development site at Cranleigh Road which is now completed and appears to be largely occupied. The application relates to the northern boundary treatment of the site which backs onto the school playing fields.





The application relates to the northern boundary of the site highlighted in yellow

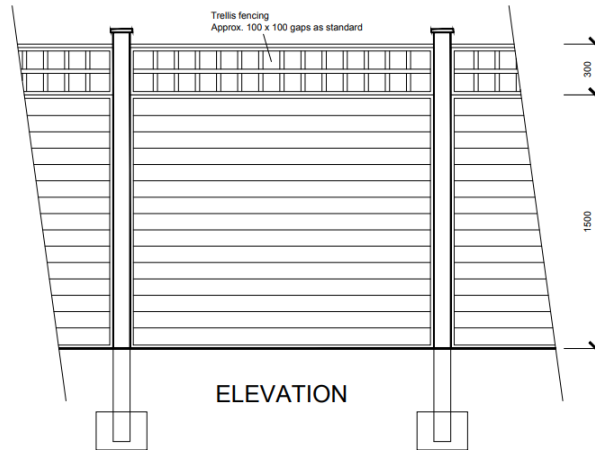
### **3.0 SITE HISTORY**

- 3.1 CHE/18/00621/NMA Non material amendment to CHE/18/00190/REM (residential development) to substitute Cotham plot type for Chesham to include addition of front canopy and bay window – Unconditional permission 08.10.2018
- 3.2 CHE/18/00190/REM Reserved matters application for appearance, landscaping, layout and scale of CHE/14/00872/OUT - Outline application for residential development on 3.66 hectares of land up to 75 dwellings including means of access - Revised drawings received 13.06.18 and 14.06.18 - Conditional Permission 17.07.2018
- 3.3 CHE/14/00872/OUT Outline residential development on 3.66 hectares of land for up to 75 dwellings including means of access (revised travel plan received 12/03/2015 and geophysical survey received 19/03/2015) - Conditional Permission 04.09.2015
- 3.4 CHE/14/00393/EIA Environmental impact assessment for outline residential development for up to 90 dwellings including means of access on 3.7 hectares of land - Environmental Assessment Not Required 26.06.2014

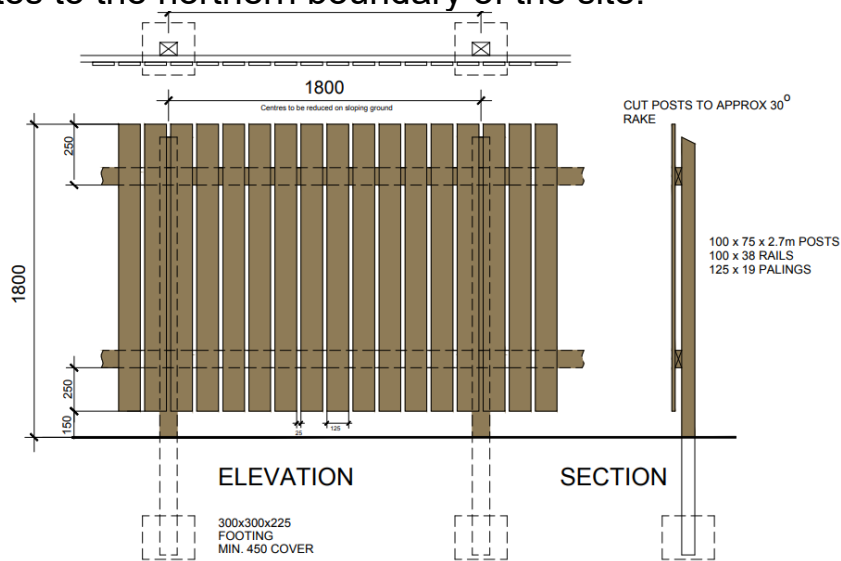
### **4.0 THE PROPOSAL**

4.1 Planning permission is sought to retrospectively amend the boundary treatment to the rear of the dwellings located to the northern boundary of the site.

4.2 As originally approved the boundary treatment to the rear was to be a 1.8m fence with the top 0.3m having a trellis finish.



4.3 What has been constructed and is now proposed is a fence which is a 1.8m high vertical boarded fencing without the trellis top. This proposal only relates to the northern boundary of the site.



4.4 The fencing is in place as can be seen in the images below:



Seen between new properties on Cranleigh Road

Northern boundary as installed on site.



4. The context for existing development along this northern boundary to the playing fields is shown below:



5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

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

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

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP22 Influencing the Demand for Travel

## 5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

## 5.4 **Key Issues**

- Design and appearance
- Impact on residential amenity;

## 5.5 **Design and Appearance**

5.5.1 The only issue to consider as part of this application is the impact of the change to the rear boundary treatment.

5.5.2 In terms of the visual impact of this change of boundary treatment 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.

5.5.3 As can be seen from the images above the treatment to this northern boundary varies considerably along the edge of the playing field. The fence now in situ is also above a retained ground level with blockwork to the walling. In this regard it is considered that the boundary treatment now in place is acceptable and does not result in undue adverse impacts to the visual amenity of the area. The proposal is therefore acceptable in line with policy CLP20 of the Adopted Local Plan.

## **5.6 Impact on Residential Amenity**

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

5.6.2 The proposed boundary treatment being of the same height as that originally approved is not considered to result in additional or harmful impacts to local residents. In this regard the proposal is acceptable in line with policy CLP14 of the Adopted Local Plan.

## **6.0 REPRESENTATIONS**

6.1 One comment has been received from a local resident:  
I have serious concerns about the planning application by Avant Homes to build a solid wood 1.8m high fence at the front of 15 Cranleigh Road. The fence would be from the house to the pavement and would totally obscure our view of the road and pavement from the Avant estate when exiting our driveway. I feel such a fence would increase the possibility for a pedestrian/car collision so should not be allowed on safety grounds.

6.2 In response to these comments it should be noted that there is no proposed change to the frontages of any of the dwellings on Cranleigh Road. The change is to the northern rear boundary of the properties only. In this regard the highway authority has noted no comment on the application as there is no impact on highway safety.

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

7.2 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 proposed northern boundary treatment is considered to be acceptable and is recommended for approval. As this is an application to vary the conditions of the original approval for the development the originally imposed conditions need to be updated as set out in the recommendation below.

## **10.0 RECOMMENDATION**

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

### **10.2 Conditions**

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

Planning Statement

Design and Access Statement

1806.01 Rev C - Planning Layout + Planning Layout (Colour)

1806.02 - Site Location Plan

1806.03 Rev A - Materials Plan

1806.04 Rev A - Street Scenes (Colour)

1806.05 Rev C - Cross Sections

1806.06 Rev Q - Boundary Plan (in relation to the northern boundary only as relating to this permission)

1806.ASY.01 - Ashbury Elevations / Floor Plans

1806.ASY.02 - Ashbury - Plot 12 Only

1806.AVY.01 - Avebury Elevations / Floor Plans

1806.BAN.01 - Barton Elevations / Floor Plans

1806.BIN.01 - Bishopton Elevations / Floor Plans

CHM/001 Rev B - Chesham Floor Plans

CHM/002 Rev B - Chesham Elevations

1806.KIN.01 - Kilmington Elevations / Floor Plans

1806.ROY.01 - Rosebury Floor Plans

1806.ROY.02 - Rosebury Elevations

1806.ROY.03 - Rosebury Elevations - Plot 44 Only

1806.ROY.04 - Rosebury Elevations - Dual Aspect

1806.WRY.01 - Wrenbury Elevations / Floor Plans

1806.WRY.01 - Wrenbury Elevations / Floor Plans

1806.G.01 - Single Garage Elevations /Floor Plan

Illustrative Landscape Masterplan - March 2018

R-2096-1 - Landscape Masterplan

1806.BT.01 - 1.8m Timber Screen Fence

1806.BT.02 - Brick Pier and Timber Panel

1806.BT.03 - 0.6m Post and 2 Rail Fence

1806.BT.04 - 1.5m Fence with Trellis

1806.BT.05 - 1.2m Metal Feature Railings

1806.BT.06 Rev A - Feature Wall - Plots 1 and 2

1806.BT.07 - Feature Wall - Plot 12

1806.BT.08 - 0.45m Knee Rail

1806.BT.09 - Solid Wall

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

2. The detailed soft landscaping proposals shall be completed in accordance with submitted plans:
  - R2096-1c Landscaping Details
  - R2096-2 Landscaping Details
  - R2096-3 Landscaping Details

- R2096-4 Landscaping Details
- R2096-5 Landscaping Details
- 1197-D-002A – Tree Removal and Protection plan
- AIA Report dated 27/03/18

As approved under application CHE/20/00031/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole in accordance with Policies CLP16 and CLP20 of the Adopted Local Plan.

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

Reason: The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole in accordance with Policies CLP16 and CLP20 of the Adopted Local Plan.

4. Individual driveways shall be provided with 2.4m x 25m visibility sightlines to the new estate street in each direction, measured up to 1m into the carriageway at the extremity of the splay, or other such dimensions as may be agreed in writing with the Local Planning Authority. The area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level, and so maintained for the life of the development.

Reason: In the interests of highway safety in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan.

5. Arrangements for storage of bins and collection of waste shall be in accordance with plans 1806.CP.01 Rev J - Site Layout Plan, SBY 005 REV C, MTN 005 REV C, LTN 005 REV C, KBY 005 REV E, HBY 005 REV C, CHM 005 REV C, BBY 005 REV C, 09/BIN 005 REV A – Various House Type Layout Plans as approved under application CHE/20/00031/DOC.

Reason: In the interests of highway safety in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan.

**Informatives (from original permission):**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. This permission is granted further to an earlier grant of outline planning permission and S106 agreement to which any developer should also refer.

# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	26 <sup>th</sup> September 2022
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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**Delegated List**  
**Planning Applications**

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/21/00043/RET	Barrow Hill And New Whittington	Retention of raised decking and installation of glass screen to protect neighbours privacy.  At 276 Handley Road New Whittington S43 2ET  For Mr Adrian Mason	CP	19/08/2022
CHE/21/00381/FUL	Middlecroft And Poolsbrook	Two storey side extension and single storey rear extension. Ground floor retail and storage. First Floor extension to flat  At 26A Circular Road Staveley Chesterfield S43 3QX For Mr Tajinder Singh	REF	06/09/2022
CHE/21/00445/DOC	Brimington North	Discharge of planning conditions 5 (materials) and 6 (landscaping) of CHE/20/00236/FUL  At Land To The East Of 34 Queen Street Brimington  For Mr David Bannister	DPC	05/09/2022
CHE/21/00673/FUL	Lowgates And Woodthorpe	Conversion of existing goat shed/stables into holiday let with access driveway and parking areas to serve the proposed unit  At The Paddock 23 Bridle Road Woodthorpe S43 3BY  For Mrs Jackie Hall	REF	24/08/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/21/00784/RET	Rother	Retrospective consent for conversion of CP garage to annex ancillary to dwelling  At 7 Delph Bank Chesterfield S40 3RN  For Mr Philip Webster		17/08/2022
CHE/21/00826/FUL	Hasland	Single storey side and rear extension (revised development plans received July 2022) At 10 St Pauls Avenue Hasland S41 0NG  For Mr Andy Laughton	CP	24/08/2022
CHE/21/00852/RET	Hollingwood And Inkersall	Retention of garden games room, covered yard and boundary wall At 11 Castleton Grove Inkersall S43 3HU  For Mr Richard White	REF	23/08/2022
CHE/22/00126/RET	Hollingwood And Inkersall	Erection of a dormer bungalow with drive for on-site car parking At Land At Bamford Road Inkersall Chesterfield  For Mr Simon Whittam	CP	23/08/2022
CHE/22/00183/DOC	Middlecroft And Poolsbrook	Discharge of condition 3 (Construction Environmental Management Plan) of CHE/20/00432/FUL  At Land To West Of Inkersall Road Staveley  For Inkersall Solar Farm Limited	DPC	24/08/2022



<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00184/DOC	Middlecroft And Poolsbrook	Discharge of conditions 4 (landscape and ecological management plan) and 5 ( landscaping scheme) of CHE/20/00432/FUL - Construction of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping.  At Land To West Of Inkersall Road Staveley  For Inkersall Solar Farm Limited	DPC	24/08/2022
CHE/22/00275/FUL	Barrow Hill And New Whittington	Refurbishment of existing hall for the provision of community facilities including cafe, sports hall, meeting and function rooms and day nursery including external works such as a new entrance, alterations to entrances, windows, cladding, metalwork and increasing of the height to a rear section and the demolition of some later 1970s extensions (description amended 16/05/22)  At Barrow Hill Memorial Hall 3 Station Road Barrow Hill Chesterfield S43 2PG For Barrow Hill Community Trust	CP	06/09/2022
CHE/22/00336/FUL	Hollingwood And Inkersall	Double and single storey rear with a double storey side extension (revised plans received 11.08.2022)  At 44 Laburnum Street Hollingwood Chesterfield S43 2JJ  For Mr Richard Cope	CP	31/08/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00365/FUL	St Leonards	Demolition of outbuildings and erection of dwelling At 2 Quarry Bank Road Spital Chesterfield S41 0HH For Mrs Fiona Pase	REF	19/08/2022
CHE/22/00366/DOC	St Leonards	Discharge of conditions: 13 (Arboricultural impact statement), 15 (Updated biodiversity net gain assessment ) and 18 (Surface water run-off model), relating to application CHE/21/00887/FUL.  At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL  For Derbyshire Healthcare NHS Foundation Trust	DPC	01/09/2022
CHE/22/00374/FUL	West	Demolition of existing conservatory and erection of a single/two storey rear extension. Resubmission of application CHE/21/00678/FUL.  At 62 Storrs Road Chesterfield S40 3PZ  For Mr Tim Vice	CP	18/08/2022
CHE/22/00378/FUL	Old Whittington	Erection of two detached garages (revised drawings received 23.08.2022)  At Broom Grove 40 Broomhill Road Old Whittington Chesterfield S41 9DA  For Mrs S Agutter	CP	02/09/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00379/RET	Brockwell	Retention of single storey front / side extension At Ashgate Dental Practice 138 Ashgate Road Chesterfield S40 4AQ For Mr Kiran Hanji	REF	24/08/2022
CHE/22/00383/DOC	Middlecroft And Poolsbrook	Discharge of planning condition 11 (construction method statement) of CHE/20/00432/FUL - Construction of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping. At Land To West Of Inkersall Road Staveley For Inkersall Solar Farm Ltd	DPC	24/08/2022
CHE/22/00384/ADV	Middlecroft And Poolsbrook	2 halo illuminated letters, 1 internally illuminated totem sign At The Co-Op 41 Inkersall Green Road Inkersall Chesterfield S43 3HA For Sophie Mead	CP	24/08/2022
CHE/22/00398/FUL	St Leonards	Erection of a 1.8m fence around the front and side of the property with 2m high gates at the front. At 5 Barnes Road Hady Chesterfield S41 0BX For Miss Lianne Brunt	REF	24/08/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00412/ADV	St Leonards	<p>Illuminated bell logo sign, illuminated text logo sign and applied graphic manifestation to internal glazing face.</p> <p>At Unit 6B Alma Leisure Park Derby Road Chesterfield S40 2EZ</p> <p>For Northgate Fast Food Limited</p>	CP	19/08/2022
CHE/22/00418/FUL	Brimington South	<p>Single storey front and rear extension and erection of a detached outbuilding - re-submission of CHE/22/00190/FUL</p> <p>At 2 Hathern Close Brimington Chesterfield S43 1PS For Mr and Mrs Walker</p>	CP	18/08/2022
CHE/22/00429/DOC	Lowgates And Woodthorpe	<p>Discharge of conditions 6 and 7 (biodiversity provision and management scheme), 8, (details of existing and proposed levels of site) 10 (coal mining risk assessment), 21 (building within 3.5m either side of centre line of sewer) of applications CHE/13/00675/OUT - CHE/20/221/NMA- Redevelopment of land for employment use (use classes B1, B2 and B8) at land accessed from Farndale Road, Chesterfield Derbyshire for Tawnywood limited.</p> <p>At Land Accessed From Farndale Road Staveley For Devonshire Property (B2B) Limited</p>	DPC	02/09/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00434/FUL	Walton	<p>Proposed first floor extension and two storey side and front extension with double pitched dormer. Rendering to front and side elevations. Revised 15/08/22 regarding materials (Re-submission of CHE/22/00106/FUL)</p> <p>At 16 Selby Close Walton Chesterfield S40 3HA</p> <p>For Mr and Mrs G Atkin</p>	CP	31/08/2022
CHE/22/00453/DOC	St Leonards	<p>Discharge of condition 16 of CHE/21/00887/FUL</p> <p>At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL</p> <p>For Derbyshire Healthcare NHS Foundation Trust C/o WSP</p>	DPC	01/09/2022
CHE/22/00454/TPO	St Helens	<p>TPO 346: T1- Reduce crown, T2- Reduce crown and remove low hanging branches, T3- Reduce overall height and remove low hanging branches over road/footpath and branches impacting on adjacent property, T4- Reduce height and low hanging branches and branches impacting on adjacent property, T5- Reduce crown to bring down overall height, remove branches at low level over road and neighbour's garden, T6- Reduce crown to bring down overall height, remove branches at low level over road and neighbour's garage.</p> <p>TPO 215: T13- Reduce overall height of poor condition tree which presents a danger to 9 surrounding properties.</p> <p>At Former Chamber Of Commerce Building Canal Wharf Chesterfield S41 7NA</p> <p>For Mr Mark Woodsn</p>	SC	23/08/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00456/DOC	St Leonards	<p>Discharge of condition 17 (assessment of destination for surface water according with the drainage hierarchy) of application CHE/21/00887/FUL- Construction of a new mental health facility and energy centre and associated landscaping, parking and access.</p> <p>At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL</p> <p>For Derbyshire Healthcare NHS Foundation Trust</p>	DPC	01/09/2022
CHE/22/00457/DOC	St Leonards	<p>Discharge of conditions 4 (details of surface water drainage works) and 20 (assessment of the existing drainage network) of application CHE/21/00887/FUL- Construction of a new mental health facility and energy centre and associated landscaping, parking and access.</p> <p>At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL</p> <p>For Derbyshire Healthcare NHS Foundation Trust</p>	DPC	01/09/2022
CHE/22/00460/FUL	Walton	<p>Roof Refurbishment and Carport Extension. Resubmission of CHE/22/00243/FUL</p> <p>At 5 Wentworth Avenue Walton S40 3JB</p> <p>For Mr Chris Hatton</p>	CP	24/08/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00482/DOC	St Leonards	Discharge of condition 16 (drainage) of CHE/21/00887/FUL - Construction of a new mental health facility and energy centre, associated landscaping, groundworks, parking, and access arrangements  At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL  For Derbyshire Healthcare NHS Foundation Trust C/o WSP	DPC	01/09/2022
CHE/22/00510/TPD	Brimington South	Proposed rear extension At 102 Manor Road  Brimington S43 1NN  For Mr and Mrs Hobbs	PANR	31/08/2022
CHE/22/00514/TPD	Walton	Single storey rear extension At 23 Orchards Way Walton Chesterfield S40 3DA For Mr B Laver	PA	02/09/2022
CHE/22/00536/TPO	Rother	Cut the root of the lime tree which is near to the house. Trace the root back and cut as far back as possible.  At 110 Langer Lane Birdholme S40 2JJ  For Miss Ann Minter	CP	23/08/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00539/CA	Old Whittington	<p>T1 (Ash) - To be removed. Self-set Ash has demolished the pre-existing dry stone wall and is now damaging the adjoining stone built garage. T2 (Lime) - To be crown lifted to approximately 5 meters, allowing caravan and other tall vehicle access down the properties driveway. T3 (Sycamore) - To be crown lifted to approximately 5 meters, allowing caravan and other tall vehicle access down the properties driveway. T4 (Lime) - To be crown lifted to approximately 5 meters, allowing caravan and other tall vehicle access down the properties driveway.</p> <p>At 65 High Street Old Whittington S41 9LA For Mr Mark Blackbourn</p>	UP	18/08/2022
CHE/22/00541/TPO	Old Whittington	<p>Crown lifting of 3 Sycamore trees At 65 High Street Old Whittington S41 9LA</p> <p>For Mr Mark Blackbourn</p>	CP	18/08/2022
CHE/22/00543/TPO	Old Whittington	<p>T1 Lime - reduce crown due to excessive shading and encroachment to guttering. T3 Sweet Chestnut - fell due to excessive shading and low amenity value, reduce over crowding.</p> <p>At 93A High Street Old Whittington Chesterfield S41 9LB</p> <p>For Mrs Susan Smith</p>	SC	31/08/2022



<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00547/CA	Old Whittington	T6 Sycamore - fell due to excessive shading, low amenity value, and to allow growth of adjacent trees. At 93A High Street Old Whittington Chesterfield S41 9LB  For Mrs Susan Smith	UP	31/08/2022
CHE/22/00564/TPO	St Helens	Cut branches of large Horsechestnut tree approx 2-3 metres away from building At Malthouse Court Sheffield Road Stonegravels Chesterfield S41 7LL  For Mr Marc Dwyer	CP	17/08/2022
CHE/22/00565/TPO	West	Spruce T1- Crown raise 6m Oak T2- Crown raise branches overhanging lawn by 5m and deadwood At 37 Oakfield Avenue Chesterfield S40 3LE  For Mrs Dunsmere	CP	17/08/2022
CHE/22/00566/TPO	West	Sycamore T1- Prune back overhanging branches by 3-4 metres At Brampton Manor 107 Old Road Chesterfield S40 3QR  For Lesley Weatherall	CP	05/09/2022
CHE/22/00569/DOC	Linacre	Compliance with condition 4 (fencing) of CHE/22/00080/FUL - Single storey side extension At 128 Brushfield Road Holme Hall Chesterfield S40 4XE  For Mr David Cochrane	DPC	31/08/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00570/DOC	Middlecroft And Poolsbrook	Discharge of condition 3 and 4 of CHE/21/00308/FUL - Levelling off of existing car park surface and the re- surfacing and marking out of parking pays for 80 vehicles and 4 disabled users, to include necessary fencing and kerbing 3 No floodlights to be sited in car park  At Car Park Opposite Cemetery Inkersall Road Staveley  For Staveley Miners Welfare FC	DPC	05/09/2022
CHE/22/00577/CA	Brimington North	Fell T1 Ash due to large cavity at base with decay present  At 16 High Street Brimington S43 1HJ  For Mrs Dougy	UP	18/08/2022
CHE/22/00579/DOC	Holmebrook	Discharge of condition 10 (materials) of CHE/16/00216/FUL  At Jacksons Bakery New Hall Road Chesterfield S40 1HE  For James Blackburn	DPC	01/09/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00591/NMA	Middlecroft And Poolsbrook	Non-material amendment to allow for the phasing of the proposed works - excavation/drainage/hardcore to be Phase I and Phase II (tarmac) within 5 years of CHE/21/00308/FUL (Levelling off of existing car park surface and the re-surfacing and marking out of parking pays for 80 vehicles and 4 disabled users, to include necessary fencing and kerbing 3 floodlights to be sited in car park)  At Car Park Opposite Cemetery Inkersall Road Staveley  For Mr Terry Damms	CPNMAZ	01/09/2022
CHE/22/00599/DOC	Rother	Discharge of condition 12 (bird and bat boxes) of application CHE/20/00078/FUL At Harehill Mews Harehill Road Grangewood  For Erica Development Ltd	DPC	01/09/2022
CHE/22/00610/DOC	West	Discharge of condition 3 (materials) of CHE/21/00202/FUL At 10 Endowood Road Somersall S40 3LX  For Mr Andrew Bostock	DPC	31/08/2022
CHE/22/00629/DOC	West	Discharge of conditions 2 (sample brickwork) and 3 (rainwater goods) of CHE/21/00795/LBC At The Old Rectory 408 Chatsworth Road Chesterfield S40 3BQ  For Mr Paul Day	DPC	05/09/2022

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/22/00630/DOC	St Leonards	Discharge of condition 2 (historic hoist beam) of CHE/21/00364/LBC At Yorkshire Building Society 13 Low Pavement Chesterfield S40 1PF  For Prakash Lad	DPC	05/09/2022

## *Delegated List - Planning Applications*

### Key to Decisions

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

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	26 <sup>th</sup> September 2022
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/22/00564/TPO TPO 4901.168 17/08/22	The pruning of one Horsechestnut tree reference T1 on the Order Map and which are situated to the south of The Riverdale Care Home, Sheffield Road	Consent is granted to the reduction of branches growing towards the property to give a 3 metre clearance from the structure pruning back to suitable replacement branches.
CHE/22/00565/TPO TPO 4901.73 17/08/22	The pruning of two trees reference T18 Spruce and one Oak within G3 on the Order Map and which are situated in the rear garden of 37 Oakfield Avenue for Mark Whatley Tree Services.	Consent is granted to crown lift and remove dead wood.
CHE/22/00541/TPO TPO 4901.181 18/08/22	The pruning of 3 Sycamore trees reference T6-T8 on the Order Map and which are situated in the grounds of 79 High Street, Old Whittington.	Consent is granted to crown lift the trees over the driveway to Stonecroft to the rear of 65 High Street by 4.5 metres to allow caravans and other high sided vehicles access.
CHE/22/00454/TPO TPO 4901.215 & 346 23/08/22	The crown reduction and crown lifting of T1 & T2 Cherry, T3 Maple, T4 Ash, T5 Beech, T6 Sycamore and T13 Horsechestnut at the former Chamber of Commerce, Canal Wharf, Stonegravel.	Consent is refused to the all-round crown reduction of trees because this is considered to be unnecessary and no justification for the heavy lopping of trees have been provided. The reduction in the height and spread of the trees would reduce their public amenity and appearance in the new development when

		<p>other general pruning operations are available.</p> <p>Consent is granted to the crown lifting of trees and the selective reduction of branches growing towards the properties, telephone wires and a new street lighting post which has been installed adjacent to the Maple tree and through the trees crown.</p> <p>Other suitable pruning options have also been recommended and a further application is invited for these works.</p>
<p>CHE/22/00536/TPO</p> <p>TPO 4901.189</p> <p>23/08/22</p>	<p>The root pruning of one Lime tree reference T55 on the Order Map and which are situated to the frontage of 110 Langer Lane</p>	<p>Consent is granted to the pruning of roots of one Lime tree growing towards 110 Langer Lane 2 metres inwards from the boundary wall within the lawn area subject to conditions.</p>
<p>CHE/22/00543/TPO</p> <p>TPO 4901.13</p> <p>31/08/22</p>	<p>The felling of one Chestnut tree (referred to as T3 on the submitted plan) and the pruning of one Lime tree (referred to as T1) within G5 on the Order Map and which are situated to the rear of 93a High Street, Old Whittington.</p>	<p>Consent is refused to the felling of one Chestnut tree because not justification or alternative solutions have been submitted with the application to alleviate the alleged light issues when other pruning operations are available such as crown lifting and crown thinning to allow light into the garden.</p> <p>Consent is also refused to the crown</p>

		<p>reduction of one Lime tree as the tree is in good health with no structural weaknesses and the crown reduction would not resolve the alleged light issues.</p> <p>Consent is granted to reduce branches away from the property and it is recommended that the applicant submits a new application to crown lift and crown thin the tree.</p>
<p>CHE/22/00566/TPO TPO 4901.83 05/09/22</p>	<p>The pruning of one Sycamore tree reference T1 on the Order Map and which is situated in the grounds of Brampton Manor, Brampton for Mark Whatley Tree Services.</p>	<p>Consent is granted to the selective reduction of branches growing towards 31-37 Alford Close to give a 3 metre clearance from the property pruning back to suitable replacement branches and leaving a well-balanced crown.</p>
<p>CHE/22/00590/TPO TPO 4901.155 08/09/22</p>	<p>The pruning of one London Plane tree reference T2 on the Order Map and which is situated in the front garden of 19 Yew Tree Drive, Somersall.</p>	<p>Consent is granted to re-pollard one London Plane tree, pruning back to previous pollard points.</p>

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

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/22/00539/CA The felling of one Ash tree at Stonecroft to the rear of 65 High Street, Old Whittington.	The tree is within the Old Whittington Conservation Area and the applicant wishes to fell the tree due to structural damage to the stone garage and boundary wall.	Agreement to the felling of one Ash tree. The felling of the tree will have no adverse effect on the character and amenity of the area.	18/08/22
CHE/22/00577/CA The felling of one Ash tree at 16 High Street, Brimington.	The tree is within the Brimington Conservation Area and the applicant wishes to fell the tree due to a large cavity at the base of the tree.	Agreement to the felling of one Ash tree. The felling of the tree will have no adverse effect on the character and amenity of the area.	18/08/22
CHE/22/00547/CA The felling of one Sycamore tree at 93a High Street, Old Whittington.	The tree is within the Old Whittington Conservation Area and the applicant wishes to fell the tree as it is too close to the property.	Agreement to the felling of one Sycamore tree. The felling of the tree will have no adverse effect on the character and amenity of the area.	31/08/22
CHE/22/00613/CA The felling of two Willow trees at 81 High Street, Old Whittington.	The trees are within the Old Whittington Conservation Area and the applicant wishes to fell the trees as they are starting to affect the west boundary wall.	Agreement to the felling of two Willow trees. The felling of the trees will have no adverse effect on the character and amenity of the area.	08/10/22

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## APPEALS REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 26<sup>th</sup> September 2022

**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH**  
**DEVELOPMENT MANAGEMENT AND CONSERVATION**  
**MANAGER**

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

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**APPEALS**

<b><u>FILE NO.</u></b>	<b><u>WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/1675	West ward	Dr C J Martin	CHE/21/00527/TPO – Felling of Lime T1 at 2 Somersall Lane Refusal	Officer delegation	20/9/21	Written Reps (fast track)	
2/69	St Leonards ward	Mr F Casey	CHE/21/00314/PA Prior Approval for Raising roof to create an additional storey at 35 Spital Lane	Officer delegation	29/9/21	Written Reps	
2/2150	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	
2/1694	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	
2/4084	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	Allowed 24/08/22 see appendix A

Appendix A

Appeal by Mr Neil Rush

Single storey side extension/garage at 17 Bellhouse Lane,  
Staveley, Chesterfield.

CHE/22/00005/FUL

1. Planning permission was refused on 24<sup>th</sup> June 2022 for a single storey side extension/garage at 17 Bellhouse Lane. The reasons for refusal were:

*The height of the proposed extension reaching the cill level of the upper floor windows, without any set back to the frontage and with the side elevation being of blockwork is considered overall to be a poor response to the character of the existing dwelling. The finished height, which is defined by the width and design, overall results in an unduly prominent addition to the property. The side wall being of blockwork is harmful to the character of the existing dwelling and surroundings. As such the proposal is contrary to the Council's residential SPD, Policy CLP20 of the Adopted Local Plan and National Guidance in part 12, para 30 of the NPPF promote good design with para 134 noting that development that is not well designed should be refused..*

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The main issue in this appeal was the effect of the development on the character and appearance of the area. The appeal property is a two-storey semi-detached dwelling located within a mixed residential area. The property has been the subject of previous extensions. The appeal proposal seeks to add a single storey side extension to the property. At approximately 8.4m long it would be the same length of the house, a width of 3.5m up to the side boundary, with an indicated eaves height of 2.3m and ridge height of 3.4m. It would be constructed of matching brick and tiles, but with blockwork construction to the side.
4. The extension would be flush with the front elevation, and the Council requested a set-back. Having reviewed the evidence of both parties regarding the nature of the extensions to other properties and the inspectors observations at the site visit, there is no consistency achieved in the use of set-backs so as

a result, they do not form part of the intrinsic character of the area when it comes to the addition of extensions to dwellings.

5. With regard to the height of the extension, a reduction was achieved during negotiation within the application process, and the inspector found that the reduction would ensure that the extension is not dominant with regard to the appeal property and the wider locality and would not look out of place in relation to other extensions.
6. The Council commented with regard to the use of blockwork on the side elevation and an amendment was suggested to ensure brick was used above the fence line to ensure that blockwork was not visible. No response was received from the appellant, but I consider this to be an acceptable solution which appears to have been suggested by the neighbour. A condition would be added to ensure compliance.
7. Overall the inspector found that the proposal would not cause material harm to the character and appearance of the area and as such, the inspector did not find conflict with policy CLP20 of the Chesterfield Borough Local Plan (2020) which expects development to promote good design and respect the character form and setting of the site. The inspector also found no conflict with the design guidance set out in the Councils Residential Supplementary Planning Document and the National Planning Policy Framework.
8. **Conditions**
  - 1) The development hereby approved shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted, with the exception of the side elevation, shall match those used in the existing building.
  - 3) The side elevation of the extension hereby permitted shall be constructed of blockwork to a height not more than 20cm (200mm) lower than the boundary fence to that side and constructed above that level in materials to match the external surfaces of the property.
  - 4) The development hereby permitted shall be carried out in accordance with the approved plans.

5) Within 2 months of the commencement of the development hereby approved, the scheme for biodiversity and ecological enhancement measures (bird box) shall be installed/integrated into the development/planted on site.

The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

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# FOR PUBLICATION Agenda Item 8

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 26<sup>TH</sup> SEPTEMBER 2022  
**REPORT BY:** HEAD OF REGULATORY LAW  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

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

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
HEAD OF REGULATORY LAW

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

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

# ENFORCEMENT REPORT

Enforcements currently Authorised: 7

15 September 2022

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward	
<b>Breach of Condition Notice</b>		<i>Total currently Authorised: 1</i>			<i>Authorised to Issue Average: 540 days</i>					
York Street	2 <i>1,089</i>	23/09/19 <i>1,089</i>	balcony, canopy and french door	17/00800/FUL <i>540</i>	16/03/21 <i>549</i>	16/03/21 <i>549</i>	16/04/21 <i>518</i>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecute - awaiting instructions.	<input type="checkbox"/> <i>18/03/21</i>	Ha
<b>Enforcement Notice</b>		<i>Total currently Authorised: 4</i>			<i>Authorised to Issue Average: 31 days</i>					
Inkersall Road	2 Inkersall Farm Cottages	16/05/22 <i>123</i>	unauthorised vehicular access					Instructed	<input type="checkbox"/> <i>01/06/22</i>	HI
Markham Road	Markham House	18/02/08 <i>5,324</i>	storage of commercial vehicles		20/03/08 <i>31</i>	18/04/08 <i>5264</i>	20/10/08 <i>5079</i>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <i>14/11/19</i>	HI
Pottery Lane West	10	18/07/22 <i>60</i>	Storage of vehicles					Awaiting instructions	<input type="checkbox"/> <i>27/07/22</i>	Mo



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 <i>1,803</i>	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> <i>19/12/18</i>	Ha

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### Section 215 Amenity Notice

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

Highfield Road	80	05/10/20 <i>711</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SH
Tapton Terrace	26	05/10/20 <i>711</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> <i>15/02/21</i>	SL

<b>Address</b>	<b>Authorised</b> <i>days from</i>	<b>Breach</b>	<b>CHE/</b>	<b>Issued</b> <i>days to issue</i>	<b>Effective</b> <i>days to (-) /from</i>	<b>Comply</b> <i>days to (-) /from</i>	<b>Notes</b>	<b>update</b> <i>last update</i>	<b>Ward</b>
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*Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers*

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

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