



Please ask for Emily Taylor
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The Chair and Members of Planning Committee

Councillors D Collins and L Collins – Site Visit 1 and 2
Councillors J Marriott, M Rayner and G Simmons – Site Visit 3
Councillors M Kellman, N Redihough and T Snowdown – Site Visit 4
Councillors H Borrell, P Niblock and S Niblock – Site Visit 5

2 December 2022

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 12 DECEMBER 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 9:30am. Ward members wishing to be present should attend on site as indicated below:-

- | | |
|-----------|--|
| 1. 9:55am | Markham Vale, Seymour Lane/Woodthorpe Road
CHE/21/00554/OUT |
|-----------|--|

2. 10:25am All Inn, Lowgates, Staveley
CHE/22/00619/REM1
3. 10:50am Devonshire Hotel, 17 Occupation Road,
Newbold, Chesterfield
CHE/22/00335/FUL
4. 11:15am 51 Somersby Avenue, Walton,
Chesterfield
CHE/22/00554/FUL
5. 11:35am Manor Offices, Old Road, Chesterfield
CHE/22/00109/OUT

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 Emily Taylor on tel. 01246 345236 or via e-mail: Emily.Taylor@chesterfield.gov.uk by 9.00 a.m. on Monday 12 December. 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 - 18)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 19 - 340)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 341 - 372)
6. Applications to Fell or Prune Trees (P620D) (Pages 373 - 380)

7. Appeals Report (P000) (Pages 381 - 398)
8. Enforcement Report (P410) (Pages 399 - 402)
9. Local Government Act 1972 - Exclusion of Public

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

Part 2 (Non Public Information)

10. Unauthorised Development at 2 Park Hall Avenue, Chesterfield, Derbyshire, S42 7LR (Pages 403 - 408)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

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PLANNING COMMITTEE**Monday, 31st October, 2022**

Present:-

Councillor Callan (Chair)

Councillors	Bingham	Councillors	Miles
	Catt		Borrell
	Caulfield		Mann
	Davenport		Brittain
	T Gilby		

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

CHE/22/00581/OUT – Outline application for demolition of existing detached garage and erection of a 3/4 bedroom chalet bungalow (1.5) storey with separate detached garage with all matters reserved at 366 Brimington Road, Tapton, Chesterfield for Peter Lythgoe.

Councillors Bingham, Borrell, Brittain, Callan, Catt, Caulfield and Davenport.

CHE/21/00778/FUL – Change of use of existing drinking establishment to residential with two storey extension (Block A) and phased construction of two new build units (Block B and C) forming total of 20 self-contained apartments with associated landscaping, bin store and cycle stands and partial demolition of low brick wall with picket fencing on East boundary of site to facilitate new access to site – (Resubmission of CHE/16/00835/FUL) on site at The Elm Tree Inn, High Street, Staveley, Chesterfield, S43 3UU for Mrs V Zheng.

Councillors Bingham, Borrell, Brittain, Callan, Catt, Caulfield, Davenport and Mann.

CHE/21/00585/FUL – Demolition of detached two storey house and erection of detached dwelling (Revised description and plans 25.08.22), at 48 Newbold Back Lane, Chesterfield for Mr Dean Harper.

Councillors Bingham, Borrell, Brittain, Callan, Catt, Caulfield and Davenport.

Councillors Gilby and Miles were unable to attend on site and received relevant site information by other means as a reasonable adjustment.

*Matters dealt with under the Delegation Scheme

69 APOLOGIES FOR ABSENCE

Apolgoies for absence were received from Councillors P Barr, M Brady, D Collins, G Falconer and J Marriott.

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

No declarations of interest were received.

71 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 10 October, 2022 be signed by the Chair as a true record.

72 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

CHE/21/00585/FUL - DEMOLITION OF DETACHED TWO STOREY HOUSE AND ERECTION OF DETACHED DWELLING (REVISED DESCRIPTION AND PLANS 25.08.22), AT 48 NEWBOLD BACK LANE, CHESTERFIELD FOR MR DEAN HARPER

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued as per section 5.12 of the officer's report:-

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 plans and elevations PL-02 Rev C received 25.08.22

Proposed site and block plan PL-01 Rev B received 25.08.22

3. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
4. 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. a) No development including demolition shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of

Investigation shall include an assessment of significance and research questions; and

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

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 Written Scheme of Investigation for historic building recording approved under condition (a).

6. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation etc, the details of which shall include: -
 - a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection, including two new in mitigation for the two trees lost to the development.
 - b) means of enclosure/boundary treatments.
 - c) hard surfacing materials.

7. 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; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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. 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.

8. Prior to installation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed lighting

scheme. All works shall be fully implemented in accordance with the approved scheme.

- 9.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.

10. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors' vehicles. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

11. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.

12. The development shall be constructed in accordance with the recommendations contained within the submitted Bat emergence and Re-entry Surveys Report Issue 2 dated 27.06.2022.

13. Prior to the development hereby permitted progressing above slab level, a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development (in line with the recommendations contained within the Bat emergence and Re-entry surveys report Issue 2 dated 27.06.2022) shall have been 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.

14. 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.

15. 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.

16. 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.

17. 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 issued for £3,055 as per section 5.12 of the officer's report.

Councillor P Mann joined the meeting at this point.

CHE/21/00778/FUL - CHANGE OF USE OF EXISTING DRINKING ESTABLISHMENT TO RESIDENTIAL WITH TWO STOREY EXTENSION (BLOCK A) AND PHASED CONSTRUCTION OF TWO NEW BUILD UNITS (BLOCK B & C) FORMING TOTAL OF 20 SELF-CONTAINED APARTMENTS WITH ASSOCIATED LANDSCAPING, BIN STORE AND CYCLE STANDS AND PARTIAL DEMOLITION OF LOW BRICK WALL WITH PICKET FENCING ON EAST BOUNDARY OF SITE TO FACILITATE NEW ACCESS TO SITE – (RESUBMISSION OF CHE/16/00835/FUL) ON SITE AT THE ELM TREE INN, HIGH STREET, STAVELEY, CHESTERFIELD, S43 3UU FOR MRS V ZHENG

In accordance with Minute No. 299 (2001/2002) Mrs Sarah Kench (Objector) addressed the meeting.

***RESOLVED –**

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

The proposal with no on site parking provision is considered to be an over development of the site resulting in the likelihood of indiscriminate parking on the highway contrary to the best interests of vehicular and pedestrian safety and which conflicts with policy CLP20 and CLP22 of the Chesterfield Local Plan.

Councillor P Mann left the meeting at this point and did not return.

CHE/22/00581/OUT - PROPOSAL: OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DETACHED GARAGE AND ERECTION OF A 3/4 BEDROOM CHALET BUNGALOW (1.5) STOREY WITH SEPARATE DETACHED GARAGE WITH ALL MATTERS RESERVED AT 366 BRIMINGTON ROAD, TAPTON, CHESTERFIELD FOR MR PETER LYTHGOE

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued as per section 5.10 of the officer's report:-

A

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

5. Prior to the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

6. The reserved matters submission shall include parking provision for the existing dwelling (2-3 spaces dependent upon bedroom numbers). The premises, the subject of the application shall not be taken into use until space has been provided, laid out and constructed in accordance with the application drawings for the parking (and turning) of residents and visitors vehicles and thereafter maintained throughout the life of the development free from any impediment to its designated use

7. A residential charging point shall be provided for the proposed 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.

8. 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 written approval demonstrating a detailed biodiversity net gain plan for the development (or any phase of that development) and the creation of suitable habitat which enhances the ecological interest of the site with a maintenance plan, in line with guidance within Paragraph 175d of the NPPF. This shall include a comparison to the existing baseline situation on site and potential removal of mature hedgerows and trees.

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

10. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a maximum rate of 3.5 litres per second.

11. No individual dwelling approved as part of the reserved matters of the development 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. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. Existing off-street parking levels for No 366 Brimington Road shall be maintained, any displaced off-street parking shall be replaced accordingly.

13. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been

submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.

B. That a CIL liability notice be issued as per section 5.10 of the officer's report.

73 **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/22/00697/TPOEXP | Consent is granted to the felling of one Sycamore tree reference T65 on the Order map and which is located to the frontage of the Co-op Food store, Newbold Village, with a duty to plant one new Oak tree in the same location. |
| CHE/22/00642/TPO | Consent is granted to the felling of one dead tree (species unknown) and the pruning of nine Sycamore trees, one Hawthorn, one Oak and one Ash within W1 on the Order Map situated to the rear of 4 Dalewood Close, Hady.
Consent is also granted to the pruning of 12 trees to crown lift over the highway and clear street lighting heads |
| CHE/22/00589/TPO | Consent is granted to the pruning of one Ash tree reference T7 on the Order Map and which is situated in the grounds of 38 Foxbrook Drive, Walton |
| CHE/22/00666/TPO | Consent is granted to the pruning of one Oak tree reference T58 on the Order Map and which is situated in the frontage of 756 |

Chatsworth Road

- CHE/22/00628/TPO Consent is granted to the pruning of one Beech tree reference T1 on the Order Map and which is situated in the grounds of 15 Balmoak Lane, Tapton
- CHE/22/00679/TPO Consent is granted to the pruning of 46 trees reference T1-47 (excluding T33 Maple) on the Order Map and which are situated on the boundary of Chesterfield Town Hall Car Park, Rose Hill, the junction of Rose Hill West/Saltergate and adjacent to the Masonic Hall, Saltergate
- CHE/22/00639/TPO Consent is granted to the felling of nineteen dead or dangerous trees referred to as T45 & T46 Ash, T50, T52, T56, T66 & T67 Sycamore T54, T58, T59, T60, T62 Elm and T65 Holly in the submitted AWA report and within W1 and T18, T32, T34 Ash, T22, T24 & T30 Sycamore within A1 on the Order map with a condition that 19 replacement trees are to be planted within the cleared open space woodland 1 to create a woodland edge in the first available planting season after felling.
- Consent is also granted to the pruning of nineteen trees referred to as T57, T61, T63, T68 Sycamore, T47, T48, T49, T51, T64 Ash, T53 Elm and T55 Poplar (Please note this tree is shown as red to be felled on the submitted tree plan but confirmed to be reduced to a 4m stem) within W1 and T19, T20, T21 & T28 Ash, T23, T26, T27, T29 Sycamore within A1 on the Order Map and which are situated in the woodland off Hulford Street and Dunston Road. .
- CHE/22/00733/TPOEXP Consent is granted to the felling of one dangerous Beech tree reference T2 on the Order map for Mr Littlewood of 1 Quarry Lane,

Brampton with a condition to plant a replacement cut leaved Beech tree in the first available planting season after felling.

74 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.

75 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.

76 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.

77 HASLAND HOTEL, CALOW LANE, HASLAND, CHESTERFIELD, DERBYSHIRE

The Development Management and Conservation Manager submitted a report to inform Members of a Breach of Planning Condition in relation to the permission to extend the Hasland Hotel and to consider the expediency of taking enforcement action.

***RESOLVED –**

That enforcement action not be instigated against the unauthorised development of the frontage wall or in relation to the breach of condition 1 of CHE/17/00462/RET in relation to the 3 parking spaces to the Calow Lane frontage of the site.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	12 th December 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 12th DECEMBER 2022**

ITEM 1	CHE/21/00554/OUT - OUTLINE PLANNING APPLICATION FOR ERECTION OF WAREHOUSE UNITS (CLASS B2/B8) UP TO 68,000 SQ. M GROSS, WITH ANCILLARY OFFICE ACCOMMODATION; CONSTRUCTION OF NEW ACCESS ROAD; PROVISION OF SERVICE YARDS AND INTERNAL VEHICLE CIRCULATION AND PARKING AREAS; ERECTION OF COVERED CYCLE PARKING AREAS, PUMP HOUSE AND SPRINKLER TANK, GATE HOUSES AND PERIMETER FENCING; ASSOCIATED DRAINAGE WORKS, SITE LEVELLING AND LANDSCAPING; AND REALIGNMENT OF EXISTING PUBLIC RIGHT OF WAY. (ADDITIONAL DRAINAGE INFORMATION RECEIVED 18.11.2021) AT LAND AT NORTH EAST TO MARKHAM VALE AND EMPLOYMENT SITE AND M1 AND THE SOUTH WEST OF B6419 FOR MVNE LLP AND DEVONSHIRE PROPERTY (M VALE) LIMITED.
ITEM 2	CHE/20/00700/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 650 DWELLINGS, A RESIDENTIAL CARE FACILITY WITH EXTRA CARE, A LOCAL CENTRE (INCLUDING LOCAL RETAIL, HEALTH FACILITIES, LEISURE FACILITIES, OTHER LOCAL FACILITIES AND SERVICES, OFFICES), OPEN SPACE, COMMUNITY GARDEN EXTENSION, COMMUNITY BUILDING, PARKING AND ASSOCIATED INFRASTRUCTURE AND EARTHWORKS. (AMENDED INDICATIVE PLANS, DESIGN AND ACCESS STATEMENT, FLOOD RISK ASSESSMENT AND ACCESS PLANS RECEIVED 21.07.2021) FOR DEVONSHIRE PROPERTY (MM) LTD.
ITEM 3	CHE/22/00109/OUT - OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING OFFICE PREMISES AND ERECTION OF RESIDENTIAL DWELLINGS, WITH ALL MATTERS RESERVED EXCEPT ACCESS AT MANOR OFFICES, OLD ROAD, CHESTERFIELD FOR CSC COMPUTER SCIENCES LTD.
ITEM 4	CHE/22/00335/FUL - CHANGE OF USE OF EXISTING PUBLIC HOUSE TO FORM 4 FLATS (REVISED DRAWINGS RECEIVED AND DESCRIPTION AMENDED 19.10.2022, REVISED DRAWINGS RECEIVED 21.10.2022) AT DEVONSHIRE HOTEL, 17 OCCUPATION ROAD, NEWBOLD, CHESTERFIELD FOR MR

	AMRIK VIRK.
ITEM 5	CHE/22/00554/FUL - SINGLE STOREY SIDE AND SINGLE STOREY REAR EXTENSION, RENDER ON THE FRONT ELEVATION AND CANOPY ROOF ON THE FRONT ELEVATION AT 51 SOMERSBY AVENUE, WALTON, CHESTERFIELD FOR MR CHARLES STATON
ITEM 6	CHE/22/00619/REM1 - VARIATION OF CONDITION 2 (EXTERNAL DIMENSIONS AND ELEVATIONAL TREATMENTS) OF APPLICATION CHE/19/00083/FUL-CONVERSION OF EXISTING PUB (6-ONE BED FLATS), NEW 3 STOREY BUILDING TO FRONT (6-ONE BED FLATS) TWO NEW SINGLE STOREY BLOCKS ARRANGED PARALLEL TO THE EAST AND WEST SITE BOUNDARIES (2-ONE BED FLATS) AND 1.5 STOREY BLOCK TO NORTH OF SITE (2-ONE BED FLATS). ALTERATIONS TO BE MADE TO THE CONVERSION OF THE PUB WITH A SMALL FIRST FLOOR EXTENSION TO THE REAR ALLOWING FOR ON SITE COMMUNAL MEETING FACILITIES AND SITE OFFICE FOR SUPPORTED LIVING AT ALL INN, LOWGATES, STAVELEY, CHESTERFIELD FOR ROCKIE WHITE

ITEM 1

Outline planning application for erection of warehouse units (Class B2/B8) up to 68,000 sq. m gross, with ancillary office accommodation; construction of new access road; provision of service yards and internal vehicle circulation and parking areas; erection of covered cycle parking areas, pump house and sprinkler tank, gate houses and perimeter fencing; associated drainage works, site levelling and landscaping; and realignment of existing public right of way. (Additional drainage information received 18.11.2021) at Land At North East To Markham Vale and Employment Site and M1 and The South West Of B6419 for MVNE LLP and Devonshire Property (M Vale) Limited.

Local Plan: Not allocated

Ward: Lowgates and Woodthorpe

Plot No:

Committee Date: 12th December 2022**SUMMARY OF CONSULTATIONS**

Derbyshire Wildlife Trust	Comments made see report
Highway Authority	Comments made see report
National Highways	Conditions recommended
Lead Local Flood Authority	Conditions recommended
Yorkshire Water	Conditions recommended
CBC Design Services Drainage	This site is shown to be located partly in flood zones 2 and 3. Concur with those comments of Derbyshire County Council, as Lead Local Flood Authority and those of Yorkshire Water as the Sewerage Authority for Chesterfield.
DCC Policy including Landscape, Archaeology and Heritage	Comments made see report
DCC Rights of Way	Comments made see report
HS2	Comments made see report – safeguarded land would not be impacted
Environment Agency	Recommend condition

CBC Conservation Officer	Comments made see report
CBC Environmental Health	Recommend conditions regarding hours of work, lighting, EV charging and contaminated land phase 2.
Derbyshire Constabulary Designing Out Crime Officer	Comments made see report
Historic England	We have no detailed comments to offer and refer you to the advice of the County Archaeologist and your own Conservation Officer.
Ramblers Association	Comments made see report
Peak and Northern Footpaths	Comments made see report
Coal Authority	Comments made see report
CBC Economic Development	Detailed local labour clause required via condition or S106 and supporting comment in terms of economic growth and job creation – see report
Representations	7 comments received summarised in section 6.0 below

2.0 **THE SITE**

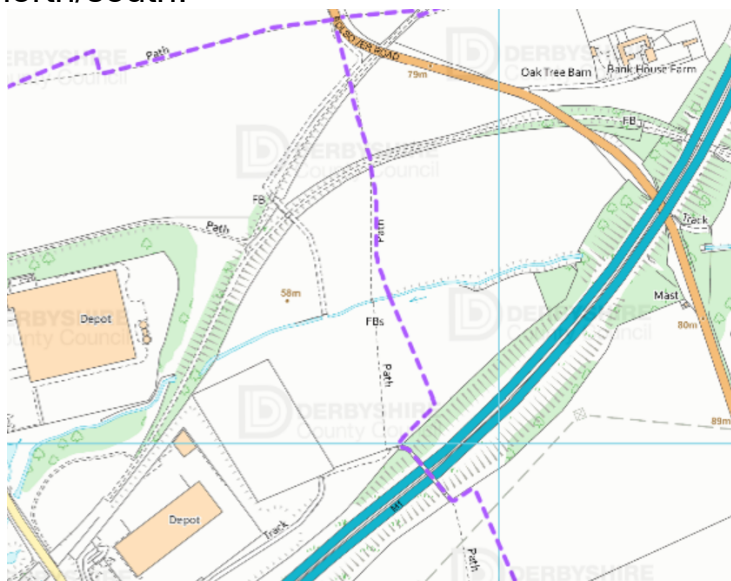
2.1 The application site covers both the Borough of Chesterfield but also part of Bolsover District Council land. Therefore, the same application has been submitted to both Local Planning Authorities. As Chesterfield has the larger site area the matter is being considered first by CBC before Bolsover District Council then consider their assessment of the case. The administrative boundary between the two local authority areas is marked by a stream known as Hawk Brook, which is a linear feature flowing broadly westerly/south-westerly direction towards the River Doe Lea.



Application site and access road edged red

2.2

The site is an elevated parcel of land nestled between the M1 to the south east, Bolsover Road to the north, the Clowne Branch Line Greenway to the north west and Seymour Link Road with associated commercial developments to the south west. The site is approximately 27.6 hectares in area and is open green field agricultural land with some wooded areas. Footpath route Staveley Footpath 29 crosses the site north/south.



2.3

The former mineral railway line now dismantled and used as a recreational route for walking and cycling is to the north-west. This area is safeguarded for HS2:



2.4

The site inclines steeply from the Seymour Link Road access point and is then undulating in its topography with a central corridor for the water course. The features and topography can be seen from google earth images:



Site images:

Proposed access from Seymour Link Road adjacent to 'Gist'-



Elevated area adjacent to proposed Building A looking towards adjacent 'Gist' building and yard with the M1 –



Looking across the area of Building A –



From the area of Building A to the lower water course and area of Building B –





From adjacent the Oxcroft Branch Line in the area of Building B towards the elevated area of building A –



The Oxcroft Branch Line –



The Clowne Greenway –



The site from the Clowne Greenway-



3.0 SITE HISTORY

- 3.1 CHE/20/00688/EIA Screening opinion under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 for the proposed development of land for B2/B8 uses – Environmental Assessment not required 15.10.2020.

4.0 THE PROPOSAL

- 4.1 The application is for the erection of two large commercial units noted as buildings A and B as set out below. These building are proposed alongside access and parking and circulation areas, with the provision of large service yards and ssoicated structures; which is proposed to be constructed on the existing greenfield site. This is an outline application considering access, landscaping, layout and scale at the outline stage with appearance being the only reserved matter left for future consideration. It should be noted that this is a speculative development and therefore the final user is unknown.
- 4.2 The application includes the access route from the existing road serving Gist Ltd off the Seymour Link Road and seeks full flexibility between B2 (General Industrial) and B8 (Storage and distribution) uses, it is not anticipated that B2 floorspace will exceed 35% of the total.

The size of the potential units are:

Unit A –

22,540 sq. m (242,622 sq.ft.) warehouse (which includes ancillary offices with a floorspace of 1,161 sq.m (12,500 sq.ft.) provided over two storeys

35 lorry parking spaces

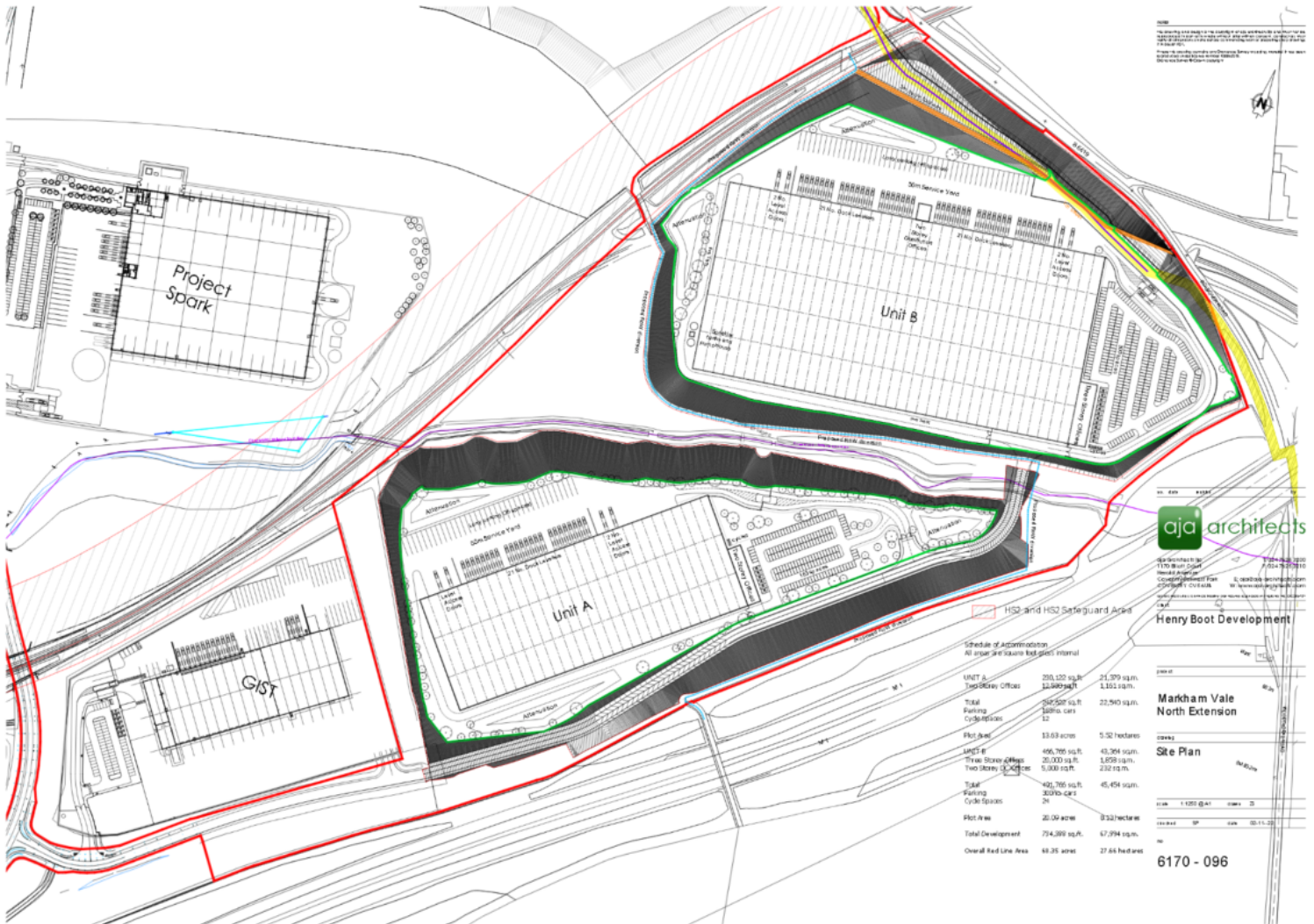
163 parking spaces including 6 disabled spaces

Unit B –

45,454 sq.m. (491,766 sq.ft.) warehouse (which includes ancillary offices with a floorspace of 2,090 sq.m (25,000 sq.ft.) provided over two storeys.

49 lorry parking spaces

300 parking spaces including 12 disabled spaces

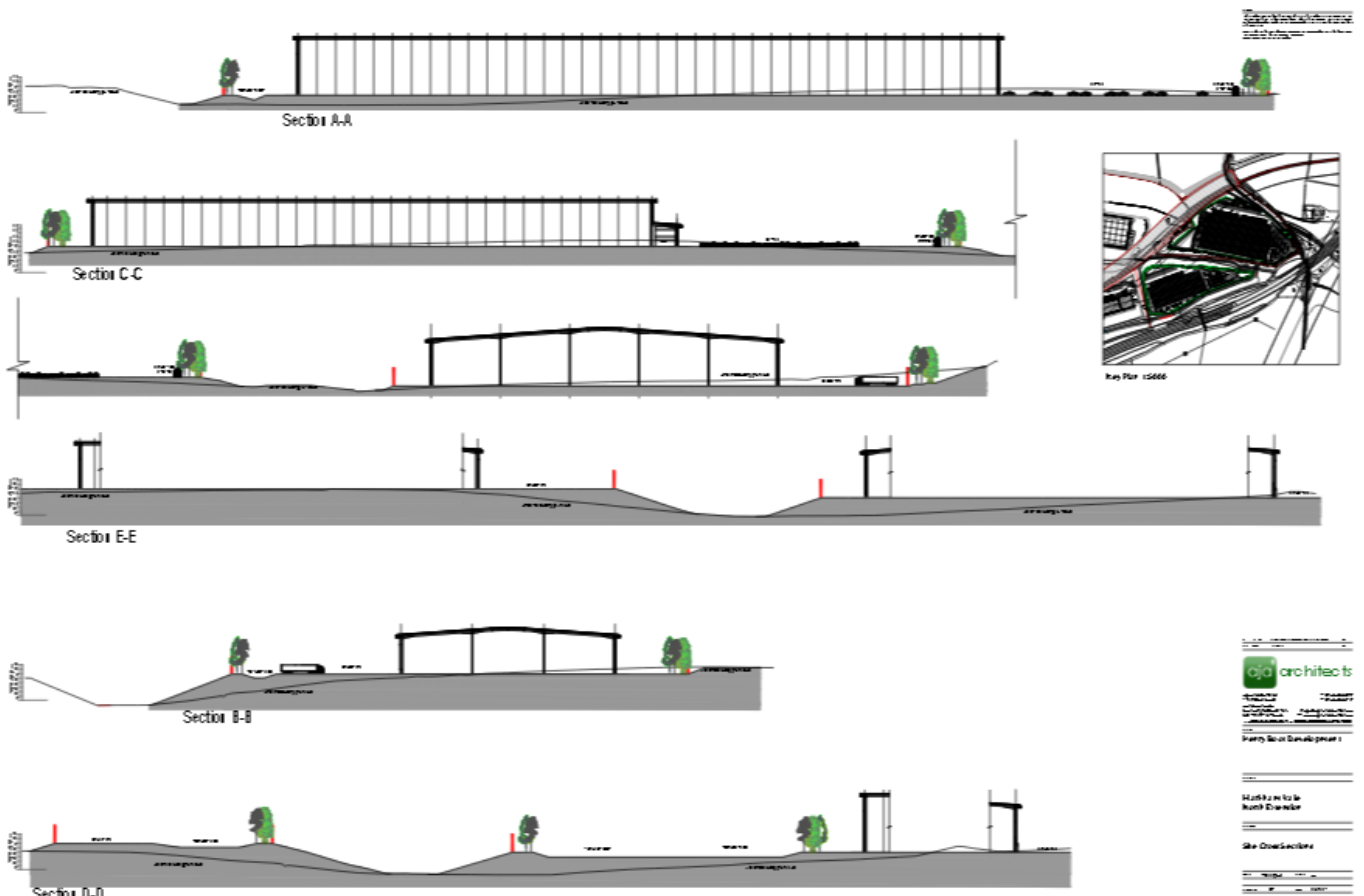


4.3

To enable the development it is proposed that the route of the existing public right of way across the site will be diverted. The realignment of

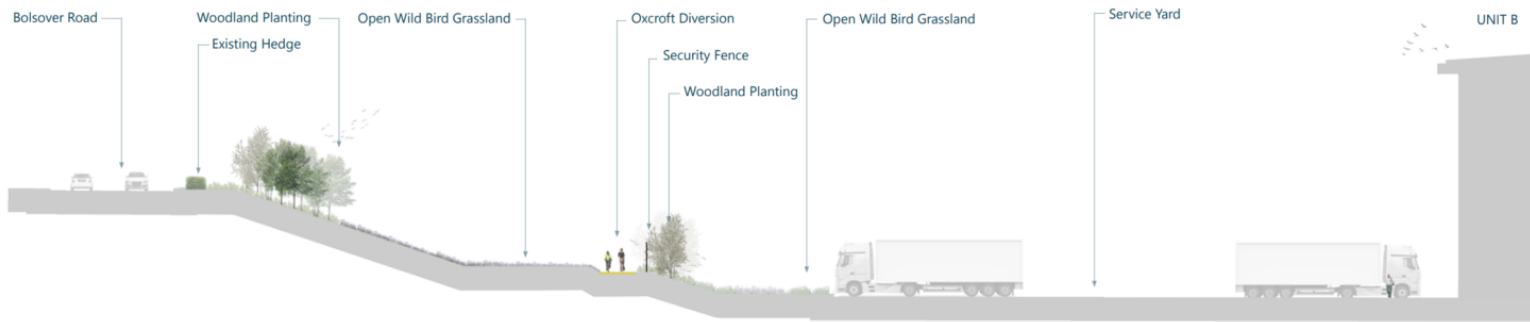
the footpath is intended to be broadly along the line of the watercourse. It is noted that whilst footpath diversion needs to be considered under this application, there is a separate legislative process that would need to be followed to seek the diversion of a footpath. It is noted in the submission that the redirection along the water course will provide added interest to the footpath route which will also be enhanced through the provision of additional planting in this area.

4.4 Due to the topography of the land substantial movement of earth would be necessary to create development platforms for the construction of the substantial buildings and associated external parking and manoeuvring areas as is shown in these sections:



In this detail the buildings are shown to be at a maximum 25m in height at the ridge and approximately 20m to the eaves and the level changes within the site to be within the region of 7.5m and 9m at the maximum.

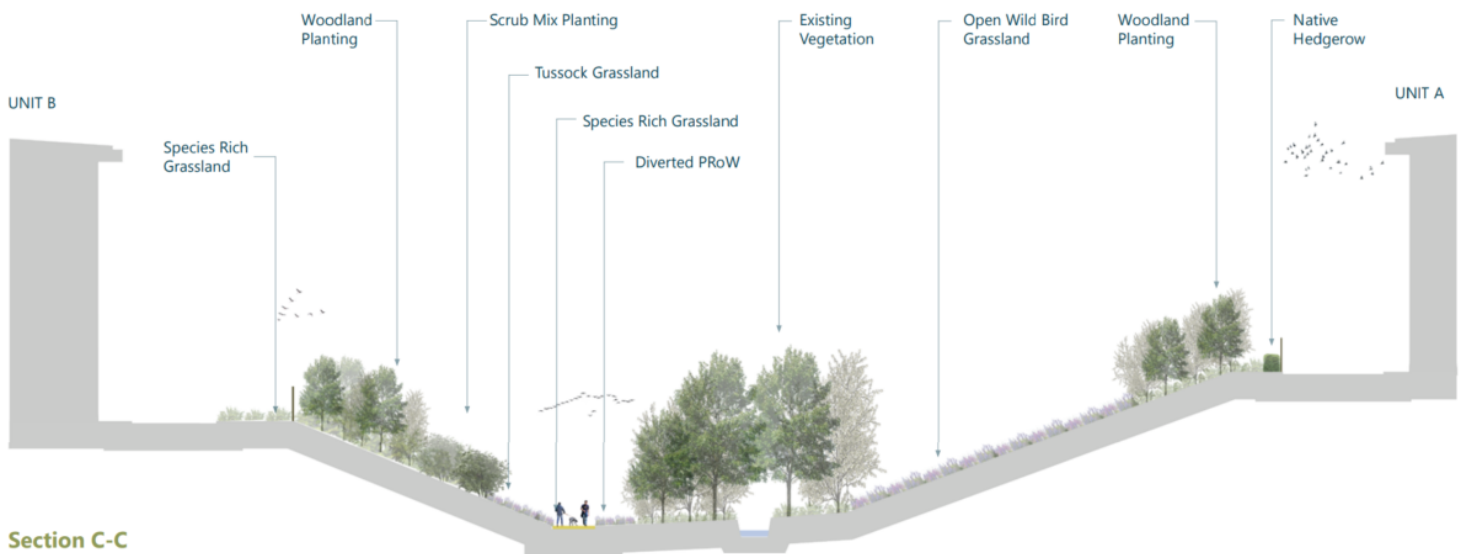
4.5 Later plans show the landscaping in association with the level changes in more detail:



Section A-A

4.6

The central corridor with water course is also detailed with the re-routed footpath:



Section C-C

4.7

The applicant has submitted a detailed planning statement the key points of which are noted:

- The emphasis on growth as set out in the NPPF is noted.
- Built development will fall entirely within the area of the site which is identified as Flood Zone 1.
- The proposed development would result in the expansion of the hugely successful Markham Vale employment area which extends across approximately 120 hectares of land in Bolsover, Chesterfield and North East Derbyshire.
- This area has been the subject of substantial private sector investment over a number of years, with Henry Boot Developments having invested substantial sums in providing a wide range of commercial units. Since the first occupier began trading in 2009, the site has grown to provide accommodation for a wide range of businesses, including manufacturing and distribution firms.

- Derbyshire County Council records indicate that as of April 2020 the wider Markham Vale site supported 2,236 jobs.
- All units at Markham Vale are under offer or occupied.
- There are no remaining areas of land within the allocated employment sites that provide opportunities for further expansion or units in excess of 50,000 sq. ft.
- Without additional land being made available for development, the potential for Markham Vale to continue contributing towards economic growth will be extremely limited, with the only areas of land left undeveloped being limited in size and only capable of providing for a relatively small area of the market, particularly in the industrial and logistics sectors.
- Demand is highest for units between 50,000sq. ft to 500,000sq. ft range, which require correspondingly large site areas which the allocated sites at Markham Vale are no longer able to provide for.
- Demand for space in this sector remains strong and growing with take-up of space in this sector in 2020 representing the highest figure for Grade A floorspace, 64% higher than in 2019.
- While a proportion of this may be attributable to the unique circumstances of the Covid-19 pandemic, this is believed to reflect a wider trend towards online retailing which is driving demand for logistics and distribution space in this sector.
- A limited and specific expansion of the existing employment site would therefore represent a unique opportunity to capitalise on the success of Markham Vale, and provide additional space for prospective occupiers, particularly those with requirements for larger units.
- Without the proposed expansion of the existing employment site, there is every prospect that potential investment in the economy of Bolsover and Chesterfield may end up locating elsewhere.
- As has been demonstrated in the Built Heritage Assessment which forms part of this application, the indicative development would not result in significant impacts on designated or non-designated heritage assets, while the Archaeological Desk Based Assessment and the subsequent Geophysical Survey and Trial Trenching measures have provided an assessment and recording of the archaeological value of the site.
- In the context of this location, a key consideration for the two local planning authorities is whether the benefits of the indicative development outweigh the general presumption against development outside of the defined limits of existing settlements or land allocated for a specific purpose in the Development Plan.

This underlined wording is considered to be the key issues to consider under this application.

- 4.8 The submitted report goes on to set out further the economic benefits:
- The economic benefits of the proposal include the provision of warehouse premises of a scale and nature and in a location where there has been strong demand for sites and premises as evidenced by the take-up rates which compare favourably with other locations.
 - The take-up of land at Markham Vale has been particularly strong with an average of 5.3ha per year across the various parts of the site which have come forward for development since 2009. This is in contrast to an average annual take up of 6.42 hectares across the district of Bolsover over an 11 year period, and 7.29 hectares across the Borough of Chesterfield between 2011 and 2019.
 - The supply of larger units in the wider region is now particularly constrained with only four known sites providing units of the requisite size currently, none of which in Chesterfield or Bolsover.
 - There are very few potential sites in the sub-region which are capable of providing for the requirements of units in excess of the 300,000 sq. ft.
 - Other allocated employment sites in either Bolsover District or Chesterfield Borough not providing for the requirements of this sector of the market for sites and premises which has evidently experienced strong growth in recent years, there is evidence of an unmet need for larger sites.
 - While there may be other sites which could be capable of providing for a proportion of these requirements in the longer-term, there is clearly an identifiable, short term need, which the indicative development would seek to provide.
 - The need for land in Bolsover is specifically noted in line with The Council's 'Economic Development Needs Assessment' (EDNA, October 2015).
 - Based on the comparable evidence from recent developments of a similar scale and nature in the area, it is anticipated that the indicative development would result in the creation of between 650-880 jobs as well as providing employment opportunities during the construction phase.
- 4.9 The report notes specifically the Impact on the Bolsover Coalite Site:
- While the attributes of the site mean it is potentially suitable for redevelopment, it is evident that there are constraints associated

with its delivery and which limit its potential to provide land for new employment in the short-to-medium term.

- While this site has been identified as a regeneration for a number of years, there remains some uncertainty about when this site may come forward or reach a stage where it will provide land for economic development purposes. The ongoing remediation work means that this does not appear to represent a short-term option which could respond to the requirements of the market for larger commercial premises, whereas this site is unconstrained.
- It is also evident that a significant proportion of the Coalite site has been safeguarded for use in the construction of the main HS2 route between Birmingham and Leeds.

5.0 CONSIDERATIONS

5.1 Planning Policy

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP6 Economic Growth (Strategic Policy)
CLP10 Social Infrastructure
CLP11 Infrastructure Delivery
CLP12 Renewable Energy (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
SS4 Markham Vale (Strategic Policy)

5.3 Other Relevant Policy and Documents

National Planning Policy Framework (NPPF)

Part 2. Achieving sustainable development
Part 4. Decision-making
Part 6. Building a strong, competitive economy
Part 8. Promoting healthy and safe communities
Part 9. Promoting sustainable transport
Part 10. Supporting high quality communications
Part 11. Making effective use of land
Part 12. Achieving well-designed places
Part 14. Meeting the challenge of climate change, flooding and coastal change
Part 15. Conserving and enhancing the natural environment
Part 16. Conserving and enhancing the historic environment

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highway safety
- Biodiversity
- HS2
- Climate
- Ground conditions
- Drainage
- Contributions

5.5 Principle of Development

5.5.1 As set out in the applicant's submission above 'In the context of this location, a key consideration for the two local planning authorities is whether the benefits of the indicative development outweigh the general presumption against development outside of the defined limits of existing settlements or land allocated for a specific purpose in the Development Plan.' This underlined wording is considered to be the key issues to consider under this application.

5.5.2 Planning legislation requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF paragraph 2). The issue to be considered in this case is whether such material considerations exist, and the weight to be given to them.

- 5.5.3 The policy consideration of this extent of development within open countryside set out below, it is noted that the applicant has drawn on the consideration of policies which refer to specific allocation in the Local Plan. Land to the north of the site is protected under the strategic gap policy CLP15. The land to the west is the allocated employment land of Markham Vale to which policy CLP6 relates. Therefore, whilst adjacent to land that is covered by specific allocations the application site is unallocated and therefore development on the site has to be considered on policy principles not on the policies relating to the adjacent allocated sites.
- 5.5.4 The overall approach to growth set out in policy CLP1 is to concentrate new development within walking distance of a range of Key Services (as set out in policy CLP2), and to focus on areas that need regenerating. The application site is a greenfield site and is not in need of regeneration however it is within close proximity of the regeneration area of Mastin Moor.
- 5.5.5 Policy CLP1 in relation to economic growth states: “To maintain economic growth and quality of provision, the council will make provision for 50 hectares of new employment land (B1, B2 and B8 uses) over the period 2018 to 2035. The key areas for employment land are at the already committed Markham Vale development, and at Staveley and Rother Valley Corridor. Policy CLP6 and the Policies Map set out broad locations for employment uses.” These are the allocated employment sites including an area at Markham Vale. The application site is outside of this area of allocated employment land. Therefore, such a development in this location is a departure from the local plan.
- 5.5.6 Policy CLP2 notes that: Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:
- a) deliver the council’s Spatial Strategy (policy CLP1);
 - b) are on previously developed land that is not of high environmental value;
 - c) deliver wider regeneration and sustainability benefits to the area;
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;

- f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;
 - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;
 - h) are not on the best and most versatile agricultural land;
- Exceptions to the Council's Spatial Strategy will be considered where development proposals can clearly demonstrate that the proposed use:
- i. needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses; or
 - ii. is required to regenerate sites and locations that could not otherwise be addressed or to support existing community facilities that otherwise would be at risk of closure.

5.5.7

The extent to which the proposal meets these criteria is set out below:

- (a) the development is not within walking distance of a range of key facilities
- (b) The development is not on previously developed land
- (c) The site itself is not in need of regeneration, and there are no obvious sustainability benefits to development in this specific location, although there are regeneration benefits to the associated employment generation, and this is explored further below
- (d) The extent to which the development in this location can maximise opportunities for walking access to a range of key services is generally considered to be poor
- (e) This is the same as (d)
- (f) The development does not utilise existing social infrastructure. Although supporting facilities (such as small scale retail and food and drink uses) have been developed as part of the Markham Vale development (at Duckmanton), they would only be realistically accessible to employees on this site by car, and no dedicated support facilities are proposed on site.

In terms of the allowed exceptions the second criteria noted at ii, is not relevant as the site is not in need of regeneration. However, the transport connections here are key and are considerations under i.

5.5.8

Policies CLP2, CLP22 and the NPPF all seek to maximise walking and cycling as means of transport, followed by public transport. CLP22 notes: "To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to

maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices. To secure this aim, the council will expect development proposals to demonstrate the following in order of priority:

a) site specific and area wide travel demand management (measures to reduce travel by private car and incentives to use walking, cycling and public transport for appropriate journeys including travel planning);

b) improvements to walking and cycling facilities and public transport services that are provided early in the build out period of new developments and that are sufficient to encourage sustainable modes of transport;

c) optimisation of the existing highway network to prioritise walking, cycling and public transport such as measures to prioritise the needs of pedestrians above the car and improved or new cycle and bus lanes, provided early in the build out period of new developments; and

d) mitigation including highway capacity enhancements where the initiatives required under points (a) to (c) above are insufficient to avoid significant impacts from the development on the transport network in terms of capacity and congestion;

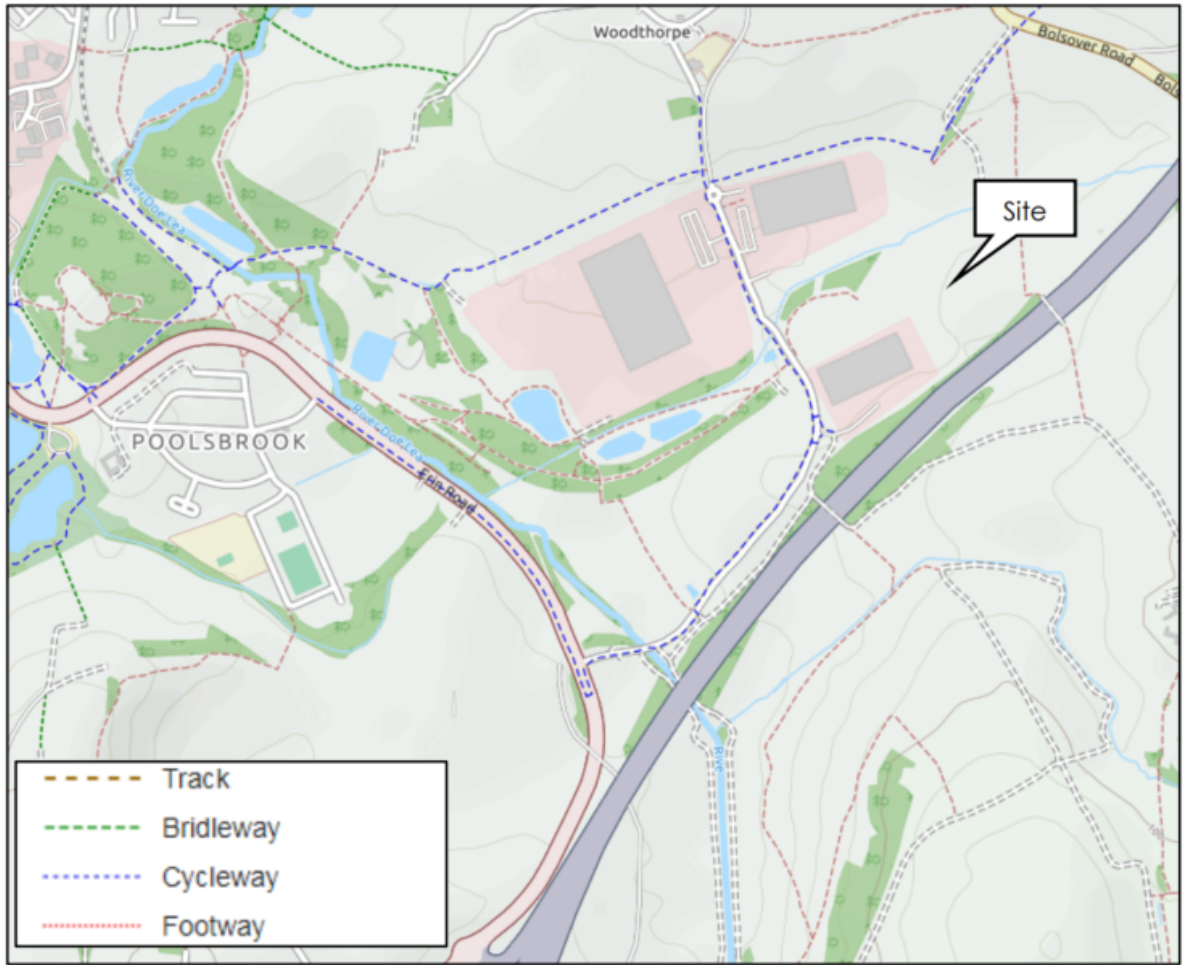
and

e) provision of opportunities for charging electric vehicles where appropriate.”

5.5.9

The proposals as set out rely largely on existing public transport and connections. It is noted that the application includes a new route for the Oxcroft Branch line to meet with the Clowne Branch line greenway, and re-direct the existing footpath route through the site. The nearest residential area is Woodthorpe, approximately a kilometre away on foot via the Seymour Link Road, with any other areas significantly further away. The bus stops on Woodthorpe Road, are over a kilometre away from the nearest point of the site, and served only by the number 80/81 service, which runs approximately hourly during the day and provides no services between 11pm and 8am. The same service runs along Bolsover Road which has limited footpath access. The majority of these services do not serve Chesterfield (only a very few services operating between 8:30pm and 10:30pm), providing links primarily between Bolsover and Sheffield. For connections to Brimington and Chesterfield Town centre employees would need to walk to stops on the A619 for services 74 and 77, approximately 2km away.

- 5.5.10 Whilst covered in the Highway section below it is noted that the Highway Authority has requested £20K for bus stops on Seymour Link Road. However, Stagecoach have confirmed that they would be unwilling to reroute the 90 and 74 Services, and DCC have confirmed that service 81 also could not be re-routed (BWB response to DCC Highways Page 3). It is noted that DCC have recommended (comments dated 18th October 2021) that the developer should provide bus ‘taster’ tickets as part of their Travel Plan, and the Travel Plan recommends information on public transport and loans for bus tickets. However, in the absence of any bus services within a reasonable distance on which these could be used, none of these measures would achieve the policy objectives of prioritising walking and the use of public transport.
- 5.5.11 The lack of suitable access is also likely to harm the economic performance of the site. It is noted that employers on the adjacent existing employment site have raised concerns over the lack of bus services hampering their ability to secure employees, as set out in a recent newspaper article.
- 5.5.12 The applicant has submitted a report on connectivity which sets out the connected cycle route from the site into Staveley, the cycle network being along the route of the former Midland Railway Clowne Branch Line from Creswell via Clowne to the former Seymour Colliery site (currently Markham Vale North) for 7.4km.
The report also notes that The Chartered Institution of Highways and Transportation (CIHT) publication ‘Guidelines for Providing for Journeys on Foot’ (2000) describes what are considered acceptable walking distances for pedestrians without mobility impairment. The Guidance suggests that for commuting, up to 0.5km is the desirable walking distance, up to 1km is an acceptable walking distance, and 2km is the preferred maximum walking distance. The 2km maximum catchment shows that three residential areas are within walking distance from the Site, Woodthorpe, Shuttlewood and Mastin Moor.
In relation to cycling, it is generally accepted that cycling has the potential to substitute short car trips, particularly those under 5km, and to form part of a longer journey by public transport. There is a sizeable residential catchment area within cycling distance using existing infrastructure as demonstrated in the report:



5.5.13 The report also sets out bus availability which is known to be below that required to service such a development. The tables show the Woodthorpe Road and Erin Road bus services and the report notes these are 7 days a week.

Table 2.1: Woodthorpe Road Bus Services Summary

Service	Route (two-way)	Time of Operation & Frequency		
		Weekday	Saturday	Sundays
80A	Sheffield – Woodthorpe – Staveley – Chesterfield	20:34-22:34 (every 60 minutes)	20:34-22:34 (every 60 minutes)	08:34-18:34 (every 60 minutes)
81	Bolsover – Shuttlewood – Woodthorpe – Staveley – Markham Vale	07:31-17:06 (every 60 minutes)	07:31-17:06 (every 60 minutes)	No Service

Sources: <https://www.stagecoachbus.com>, <http://www.tmtravel.co.uk>

Table 2.2: Erin Road Bus Services Summary

Service	Route (two-way)	Time of Operation & Frequency		
		Weekday	Saturday	Sundays
74	Duckmanton – Staveley – Inkersall – Chesterfield	06:35-17:20 (every 60 minutes)	07:42-17:17 (every 60 minutes)	No Service
90	Staveley – Barrow Hill – Chesterfield – Yew Tree	18:34-23:34 (every 60 minutes)	18:34-23:34 (every 60 minutes)	09:34-22:34 (every 60 minutes)

Sources: <https://www.stagecoachbus.com>, <http://www.tmtravel.co.uk>

- 5.5.14 Despite the information provided in the connectivity report the development is considered to fall short of what would be considered good walking and public transport provision. However, in line with the connectivity report it is acknowledged that the existing cycle connections to Seymour Link Road including the Clowne Branch Line Greenway will connect into the site and a diversion of the Oxcroft Branch Line which runs towards Stanfree will be provided through the site from the Clowne Branch line green way. There are also cycle connections into Staveley as set out above.
- 5.5.15 It is also worth noting that the housing development at Mastin Moor will include cycle connections and will therefore create additional routes into the northern part of Mastin Moor. It is also hoped, but not guaranteed, that the housing development will also lead to better connectivity in terms of bus provision. It will inevitably bring the proposed development closer to the local population which will grow substantially as part of the proposed Mastin Moor housing development.
- 5.5.16 From the above it is clear there is some conflict with policies CLP2 and CLP22. However, it is noted that the Travel Plan could be improved to include such measures as direct financial support for improved bus services, car clubs, provision of or loans for bikes and e-bikes, or support for the existing ‘wheels to work’ programme, and this can be secured as part of a S106 legal agreement, to which the agent has noted agreement.
- 5.5.17 In addition to looking at local plan policy it is also necessary to consider national policy as this scheme is in effect a departure from the local plan.
- 5.5.18 Para 82 of the NPPF states: “Planning policies should... be flexible enough to accommodate needs not anticipated in the plan, allow for new

and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

- 5.5.19 Para 83 of the NPPF states “Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”
- 5.5.20 Comment made by CBC Forward Planning note:
The proposed development is not being aimed at meeting any needs not identified in the Local Plan (as per NPPF para 82). Provision has been made in the plan for other sites that could meet the requirement for manufacturing, and storage and distribution operations – sites include Hartington Tip and the former Staveley Works, which both benefit from access to the Staveley Northern Loop Road, and from there to J29a on the M1. The Staveley Works site would also benefit from the Chesterfield-Staveley Regeneration Route (CSRR), currently being progressed by DCC with an anticipated start date of 2025, and forms part (along with Hartington Tip and the remaining land at Markham Vale) of the proposed North Derbyshire Innovation Zone, for which an Expression of Interest has just been submitted by DCC, although it is now understood that this will not be progressed.
- 5.5.21 The applicant has submitted a report on the market for new warehouse accommodation noting that there is a rising demand, and a social profit report which notes that the investment proposed will bring forward substantial social benefits in association with:
1. Fiscal savings to Government and Taxpayers,
 2. Economic Benefits to HMRC and in increased earnings,
 3. Social Value through improved wellbeing.
- Whilst the market report makes reference to the Coalite site in terms of alternative provision in the area. It does not mention the former Hartington Tip site, or the former Staveley Chemical Works, both of appear to be able to meet this employment need. However, as the construction of the CSRR is expected to commence in 2025 at the earliest, there remains an issue in terms of available land in the short to medium term.
- 5.5.22 The recently adopted Local Plan 2020, demonstrated that there was sufficient land for employment uses, including Storage and Distribution uses, to meet identified need over the plan period. Given how recently

the Local Plan was adopted, it is considered that a high bar should be set in terms of any evidence suggesting that this is not the case. However, it also needs to be recognised that the market has changed significantly during this relatively short time period along with the economic forecast and matters such as HS2.

5.5.23 Input from the Council's Economic Development Unit on the economic benefits and the wider issue of employment land need and supply has been provided and is in favour of the development, it states in part: Following the successful development of Markham Vale, site provision for large-scale warehousing uses in Chesterfield (that can realistically be brought forward in the near-term) is limited with only the former Hartington Tip site (currently under-going reclamation) likely to become available. However, a market assessment prepared by consultants JLL (submitted as part of the evidence base supporting this application) highlights that the warehousing market is strong and likely to remain so for some time to come, with levels of demand outstripping supply for the foreseeable future. As such, it seems reasonable to assume that there is sufficient demand in the market to support both developments in future (assuming they both come forward for warehousing related uses). On-going action is required to build a more resilient local economy that can create and sustain a range of employment opportunities that are accessible to local people. Key regeneration initiatives have not yet delivered the scale of jobs anticipated, meaning that additional interventions need to be considered if new employment is to be secured. The growth of on-line retail and service delivery is driving structural change in key business sectors and the local area needs to be better placed to secure a share of this growth in future, rather than just experience the related down-side of declining retail employment in its town centres.

5.5.24 Derbyshire County Council note the economic benefits arising from the scheme but also note the site is open countryside to which restrictive planning policies relate. The landscape impacts of the scheme are considered below section 5.7.

5.5.25 In terms of the Coalite site and considerations from Bolsover area it is noted that there are comparable sites available within their District and therefore the need is not comparable with the Chesterfield Borough area.

It is noted by BDC that:

The site in question is identified as countryside within the Local Plan for Bolsover District and beyond the identified northern limit of the Markham

Vale Existing Employment Site. If developed it would extend the Markham Vale development further along the M1 corridor from Junction 29A and approximately half way towards Junction 30.

Policy SS9: Development in the Countryside is the adopted Local Plan's strategic policy that seeks to restrict urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy.

As such, it states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within a number of stated categories. It is noted that the stated categories do not include new urban development of the type being applied for and therefore the proposal is contrary to the Development Plan and should only be approved if material considerations indicate otherwise.

With regard to the need for additional employment land BDC comment that at this very early stage of the monitoring of the delivery of the Local Plan's employment land target, there is no compelling case to justify the release of further greenfield land to help the Local Plan meet its target. Rather, the Local Plan has only recently been adopted after its target and the sites planned to meet that target within the Local Plan were found to be sound by the Inspector leading the Examination of the Local Plan for Bolsover District (Inspector's Report published in January 2020).

In so far as the impact on the delivery of the Former Coalite Priority Regeneration Site BDC comment that given that the Council still strongly supports the remediation and development of the former Coalite site and has identified it as a Priority Regeneration Area, they would be concerned that the release of additional greenfield land could undermine the Council's priority to see the brownfield Coalite site successfully brought forward into beneficial use.

It is noted that there have been positive signs of progress with securing planning permission and that marketing activity is now taking place of the units on the former Coalite site.

The units on the proposed Markham Vale expansion site are generally larger than the majority of the units being offered on the former Coalite site but that Unit A is comparable with Units 4B, 1 and 2 on the former Coalite site. This strongly suggests that the Markham Vale expansion site would compete somewhat with the units on offer at Coalite. It is also

possible that the Markham Vale units would be classified higher grade opportunities than the Coalite units due to them being in a slightly more desirable location.

The market analysis suggests that while the Markham Vale expansion units would compete and most likely be favoured over the former Coalite site units, market demand remains so strong that units on both sites will get taken up by the market. Whilst this is difficult to prove beyond doubt in advance of the units being taken up, it would suggest that concerns about the release of additional greenfield land undermining the Council's priority to see the brownfield Coalite site successfully brought forward into beneficial use should prove unfounded.

From an assessment of the principle of this proposal, it is considered that the proposal would be contrary to the policies of the Local Plan for Bolsover District, their Policy comment would recommend that the proposal be refused unless:

- a) the economic benefits of the proposal are judged to outweigh the loss of further countryside to development over and above that planned through the Local Plan site allocations; and
- b) the impact of the release of further greenfield land is judged to not undermine the Council's priority for the brownfield Coalite site successfully brought forward into beneficial use; and
- c) the proposal is able to demonstrate a high degree of performance against the factors set out in Policy SS1: Sustainable Development.

In the event that the above three points were satisfied, it is considered that a decision-taker may be able to conclude that the material considerations in this case could indicate a decision to approve.

5.5.26 Conclusion on the principle of the development:

The comments and concerns of BDC are noted and acknowledged. However, it is for CBC to determine the application in line with adopted policies in the CBC local plan and bearing in mind issues relating to Chesterfield Borough, as BDC have the opportunity to determine the application as they see fit in line with their Adopted Local Plan.

5.5.27 Whilst the site is not well connected in terms of public transport provision there are reasonably good cycling routes to the site and to which the development will provide improvements; through funding and the provision of the sites Oxcroft Branch line route. The site is walkable albeit at a substantial distance. This lack of connectivity is a failing of the scheme and therefore a negative in consideration of the planning

balance. The site is also unallocated land and therefore the connectivity of the site in this case is of paramount importance in line with policy CLP2 although it should be acknowledged that there is no 'in principle' restrictive countryside policy as such.

- 5.5.28 There is a material consideration here in terms of the need for economic growth in the Borough as a whole but particularly to the east of the town, and the substantial creation of jobs this development will provide. It is clearly noted by the Council's Economic Development Team that growth within the town has been substantially below where it should be for some time and that there is a need for additional investment and jobs.
- 5.5.29 The local plan has allocated sufficient land for economic growth. However, the change in market direction to larger distribution sites and the lack of available sites for this elsewhere in the Borough is also a factor to consider. It is known that the Hartington site will provide an opportunity to provide this type of unit, but it is acknowledged that the timeline for the delivery of this site is uncertain and it is reasonable to conclude that in the short term the application site provides for the identified need without having an adverse impact on any other sites coming forward due to the specific and growing market demand. Taken together these issues weigh in favour of the development.
- 5.5.30 It is possible to mitigate the lack of connectivity through the travel plan to provide possibly for direct financial support for improved bus services, car clubs, provision of or loans for bikes and e-bikes, support for the existing 'wheels to work' programme, all of which can be provided by the employer.
- 5.5.31 To aid growth and to seek to address local deprivation the agent has worked with the economic development team to create a high-quality local labour scheme with apprenticeships and connections with local education. This scheme can be secured, monitored and amended over a 10-year period to ensure it is delivering appropriately for local labour through a S106 agreement both through the construction and operational stages of the development.
- 5.5.32 The other impacts arising from the development are considered in detail in the remainder of the report including; impact on heritage assets, landscape impacts, impact on residential amenity, impacts on highway safety and impacts in terms of biodiversity. As set out in the report below and in the conclusion there are competing issues to consider in regard to this proposal. There are substantial disbenefits arising from the scheme

from the loss of biodiversity and harm to landscape setting but also benefits from financial investment and job creation. The report considers these conflicting issues concluding that, on balance, in regard to the principle of development it is considered that the development is acceptable.

5.6 Impact on local list asset adjacent

- 5.6.1 Policy CLP21 requires consideration of heritage assets and notes:
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.
- 5.6.2 In this case the nearby heritage assets which maybe impacted by the development are:
Grade II listed Church of St Peter at Woodthorpe (CBC area)
Grade II listed Ruins of Romily Hall (BDC area)
Grade II listed Brockley Primary School (BDC area)
Grade II Listed Woodhouse farm (BDC area)
Whilst some of these assets are outside of Chesterfield Borough the impact on these is required to be considered. These listed buildings all some distance from the site but even further away is the more considerable Grade I Bolsover Castle and Scheduled Monument and the Grade I listed Sutton Scarsdale Hall and Scheduled Monument. The impact of such a scale of development on the setting of these listed buildings has to be carefully considered.
- 5.6.3 Historic England have noted no comment on the application and have referred consideration of the case to the Council's Conservation Officer. The comments from the Officer are:
"The landscape has and will continue to change. Our responsibility is to manage the impact of that change. The Derbyshire County Council team has provided comment on the archaeological impact, and upon HER heritage assets.
It would be my preference for any new development to take place on former developed Brownfield land, to maintain (to an extent) the surrounding agricultural and forestry land in the setting of the Grade I Bolsover Castle, which given its elevated position, enjoys long ranging views from its grounds. The colours, undulations and land use provide a link to the former landscape shape and views in which the Castle was established. Development of any sort impacts upon this setting, the impact being more apparent when the development is a large unbroken

expanse, with associated infrastructure, thus altering the character or the land. The topology is affected, the colours and focal points disturbed. Previously approved schemes have impacted upon the views, and thus setting and character of Bolsover Castle. Large reflective buildings are visible, breaking the gradual undulations and range of colours and character. Even on a Google image from Bolsover Castle, the points I make are apparent in the views: (this is dated 2017)



Should all other factors be acceptable in planning terms, I make the following suggestions:

- Building size ideally small units, rather than large as example in the image above - and work with the existing topography
- Building materials to be matt to prevent reflective impact
- Building materials to be tonal to reduce visual impact
- Surrounding infrastructure to be of a minimum to prevent expanses of additional car parking and further removal of landscape features – surfaces of car parking areas, for example, to be considered for material and colour tone.”

5.6.4

DCC Heritage have also commented on the case as follows:

“The proposed development presents itself as no exception to this generalisation adding a further extension to the Markham Vale site. The new warehouses differ in height measuring (approximately) between 15-18m to eaves level and 20-25m ridge height. Derbyshire County Council’s records indicate that there are no designated heritage assets within the development site, and so Officers are in agreement with the supporting Heritage Statement (HS) in that no direct impacts are anticipated. However, and as acknowledged in the HS, the proposed development is likely to have an indirect visual impact on designations that surround it. These impacts principally concern Bolsover Castle and Sutton Scarsdale Hall, both of which are Grade I listed buildings and are

considered to be amongst some of the most highly significant and revered historic buildings in the county. Impacts on these designations are likely to be felt in their wider landscape setting given that they are in the order of 2.5-3.5km away from the proposed development site.

Visual impacts on the setting of the Church of St Peter, a Grade II listed building, which is located just a few hundred metres to the north of the proposed development site, are also anticipated.

The HS suggests that the proposed development will be visible from both Bolsover Castle, to the south east, and Sutton Scarsdale Hall, to the south west of the site. Their distance from the site and level of visibility of the proposed development is such that the magnitude of impact is considered to be roughly equal. The level of change to the setting of these designations, brought about through the introduction of the two warehouses in their wider landscape setting, is considered to be relatively small, but nonetheless considered to be harmful to their setting. The rural landscape setting of both these designations contributes greatly to their significance as, very generally speaking, both rely on the ability to be able to interpret them as commanding historic buildings in what is still largely a rural landscape. A significant amount of harm to their setting has already been caused through the effects of the introduction of the M1, and, in more recent years, it has been further harmed by developments within the Markham Vale area.

Therefore, the proposed development is likely to have a further cumulative urbanising impact on the landscape setting of both of these designated heritage assets. It is therefore Officer's opinion that, under the current NPPF, this level of harm should be considered as less than substantial harm albeit at the lower end of the scale in this respect.

The Church of St Peter is much closer, within 350m, of the development site. The map regression exercise referred to in the HS illustrates that historically this would have been a very rural church, but in more recent years its setting has been urbanised through the introduction of surrounding residential developments. The building's significance has been further impacted on through its deconsecration and conversion to residential use.

The HS refers to existing and proposed visuals within the LVIA document which clearly shows that the proposed development will impact further on the ability to interpret the former rural setting of the church. This is because it will be built in line with what is probably the last remaining vistas from the church into the surrounding countryside. Given the significance of the building and the magnitude of change likely to be experienced it is the opinion of Officers that the level of harm is likely to be less than substantial. However, taking into consideration the existing urbanising effect of recent modern developments that presently surround

the building this is considered to be at the lower end of the scale of less than substantial harm.

In order to mitigate the visual effects of the proposed development the measures offered up within the documentation include the use of a 'grey' metal cladding system and landscaping to the site boundaries. While this approach is supported in principle, it is difficult to comment further on the suitability of any specific proposals given the absence of any detailed information submitted within the outline application.

Some of the proposed visuals/photomontages within the LVIA suggest that the warehouse units would feature a dark grey cladding to the roof and lighter colour panels, of varying tone and colour, applied to the elevations. However, Officers consider that this approach would look disjointed and this could result in the buildings appearing more visually incongruous in their countryside surrounds. Officers would therefore advise that this approach should be rationalised and the choice of cladding colour should be done very carefully. It would be Officer's preference to see a building that is as dark and recessive as possible, using a very dark grey or green cladding system."

5.6.5 It is clear that from distant views the loss of green fields as a result of this development will lead to less than substantial harm to the setting of the both the Grade I listed buildings at Bolsover Castle and Scarsdale Hall and less so to the Grade II listed former church in Woodthorpe through change to the historic landscape setting of these buildings. This harm is considered to be to the lower end of the scale of less than substantial harm given the physical distance of the development from these structures and due to the intervening development in each case. Para 202 of the NPPF advises: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.6.6 In this case the public benefits arising from the scheme are the economic benefits and job creation. Given the low level of harm identified these benefits are considered to outweigh the low level less than substantial harm to the setting of these listed buildings in this case. The cladding of the building as demonstrated in the documents is not considered to be appropriate but as appearance is a reserved matter the final appearance would be considered at a later stage.

5.6.7 Archaeology have also commented on the scheme as follows:
The proposal site is adjacent to known sites with later prehistoric or Romano-British archaeology, at Seymour Colliery, Staveley and

Buttermilk Lane, Long Duckmanton. The applicant has therefore undertaken geophysical survey and trial trenching evaluation in order to establish archaeological significance in line with NPPF para 189.

The geophysical survey identified what is clearly an archaeological landscape of the Iron Age or Roman-British period – a rectilinear enclosure with internal house gullies and other features is at the SW of the site (Field 5), with field system type features and perhaps further areas of settlement to the east (Field 4). Further north the evidence is less clear cut, with further linear features and medieval ridge and furrow but also significant areas of disturbance (Fields 1-3).

The trial trenching evaluation did not include Field 5 as the significance of this area was felt to be already sufficiently established on the basis of the geophysics. The remainder of the site was subject to trenching to verify geophysical features and establish significance. The southern area of the site was found to contain a Romano-British field system with a small but significant pottery assemblage. The remainder of the site was of low significance with linear features traceable to field boundaries on post-medieval mapping.

The area of archaeological interest in the southern half of the site should therefore be subject to archaeological excavation and recording before the commencement of development, in line with NPPF para 199. This will aim to recover the research value in relation to the Romano-British settlement and fields, and is likely to comprise a full area strip, followed by open area excavation of significant remains.

5.6.8 A condition has been recommended to secure the archaeological works required and appropriate recording, the condition is considered to secure these matters sufficiently to safeguard the detail of any potential below ground archaeology.

5.6.9 It is considered that whilst there is less than substantial harm to the identified heritage assets as this is low level harm in line with Para 202 of the NPPF this is considered to be outweighed by the public benefits of additional jobs and investment arising from the development.

5.7 Design and Appearance

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

detailing, height and materials. Policy CLP15 notes that development proposals should f) protect or enhance Landscape character.

5.7.2 As the application is outline with appearance being considered at a later reserved matters stage the issue to consider in terms of design and appearance is the scale of the building and the overall visual impact of this within the landscape setting.

5.7.3 In this regard DCC policy have noted:

“The potential impacts of the proposed development on the open character of the countryside are compounded by a range of other environmental impacts particularly impacts on landscape and landscape character; archaeology; and built heritage.

Overall, the LVIA adequately assesses both the landscape and visual context for the development site to generally conclude that there will be significant adverse effects on both the character of the site and its immediate area, and on those visual receptors (people) closest to the site including residents and the users of local footpaths and the local road network. Officers would generally concur with that judgement and in that regard, it is difficult to see how this development proposal would be considered acceptable with regard to the relevant planning policies.

Officers are concerned that the Zone of Theoretical Visibility (ZTV) supporting the selection of viewpoints suggests that there may be longer distance views of the site from locations to west, north-west and east. These more distant vantage points don't appear to have been particularly considered in the final viewpoint selection, so it is difficult to determine how far reaching the landscape and visual effects of this development might be without this evidence. The fact that this application relies on the Markham Vale Design Framework is worrying. The existence of the Markham Vale development is seen as a mitigating factor to this proposed development when in reality it should have been assessed as part of the cumulative impacts.

As with much of the Derbyshire landscape there are no particular environmental values attached to this land such as a local landscape designation, and its value is very much in a local context where it forms part of the agricultural landscape surrounding the settlement of Woodthorpe, buffering it from the adverse effects already attached to the M1 motorway and the Markham Vale growth zone, and helping maintain some spatial separation from neighbouring settlements or isolated farmsteads. It is served by a number of existing footpaths many of which connect directly into the local communities; this is very much part of the local landscape. The photomontages produced in support of this application have also been very poorly selected and are not particularly

helpful in understanding the overall effects of this proposal. The ZTV suggest that there would be no view from Bolsover Castle and this is substantiated by field work. Equally the photomontage prepared for the view from the Church of St Peter in Woodthorpe would have been much more helpful if it had been prepared from the footpath rather than from the building to reflect what people will actually see from the edge of the settlement at this location. Officers have only been able to find the photographs for the selected photomontage locations and not from the other reference points identified on Figure 7 in the supporting document to the LVIA. If this is the case then Officers are certainly of the opinion that the five selected locations are not adequate in assessing the overall impact of this proposal, particularly when some show no view, and Officers would urge CBC to seek additional viewpoints such as from the edge of Woodthorpe, footpaths in the area including the recently reclaimed Clowne branch line, and Bolsover Road immediately north-east of the site, and would recommend that some of these are also supported by the production of further photomontages to fully appreciate the scale and extent of any landscape and visual impact assessment. This feels like a highly speculative planning application and as such has not had the robustness of assessment that it merits to fully understand the full extent of potential impacts and in this context it is difficult to appreciate how the relevant policies affecting this site can be found to be acceptable particularly those relating to development in the countryside, landscape character and design quality.”

- 5.7.4 Given the topography of the site and the need to create development platforms for these substantial buildings, it is clear that the proposal will result in harm to the immediate landscape character and appearance of the site. Whilst more views and details from the agent could be provided to demonstrate this, the impact is clear and will be a substantial change to the site and the immediate locality which is demonstrated through the site sections.
- 5.7.5 It is noted that the elevated land at the application site (location of Building A) provides a level of screening of the adjacent development at Makrham Vale and of the M1 adjacent to the site. The development of the site with such high buildings at an elevated level will not result in the loss of that screening but will adversely impact on the landscape character of rolling fields and hedgerows with a wooded water course.
- 5.7.6 It is possible to a minor extent to mitigate against the harm in the long term through a detailed planting scheme which would need to be managed over a long period of time. This is referred to in the Biodiversity

section of the report below. It is also noted as set out by DCC that there are cumulative impacts arising from the existing Markham Vale development along with the proposed development. However, what exists also has to be considered, which is the context of the site being bound by Bolsover Road, the M1 and the existing Markham Vale development with only the north westerly view being the open fields providing the strategic separation between the site and Woodthorpe and this is primarily where the landscape harm will be. This context is considered to reduce to a minor extent the visual harm in terms of landscape character, albeit there will still be a substantial visual change which will result in harm to the landscape setting.

- 5.7.6 Whilst conditions can be included regarding hard and soft landscaping along with contouring of the site and the appearance and materials will be considered under the reserved matters, the scheme will result in visual and landscape harm. It is noted that a design framework exists for the remainder of the Markham Vale development and whilst this development would not be tied to this the document would be referred to in considering the detailed design and colours of the development. Nevertheless, the visual harm resulting from the development is recognised as a negative of the scheme to be considered in the overall planning balance.

5.8 Impact on Residential Amenity

- 5.8.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 5.8.2 Concern has been raised by local residents of Woodthorpe at the noise and nuisance arising from existing developments at Markham Vale noting that in this scheme the main parking areas are facing towards Woodthorpe which will worsen impacts in terms of noise and nuisance, in particular from vehicles with reversing beepers.
- 5.8.3 The Council's Environmental Health Team has not raised any concerns with regard to noise but have recommended construction hours, lighting, contamination and EV charging conditions.
- 5.8.4 The applicant has not addressed the noise concerns specifically, but it is possible to mitigate against such issues through the detailed design of the buildings and through a conditional scheme for managing the movement of vehicles on the site, for example, no reversing noise from

vehicles during night-time hours. Such a scheme can be secured via condition.

- 5.8.5 It is assumed that such a development may wish to operate on a 24 hour or shift basis even though the occupier is as yet unknown. It is recognised that such a scale of development will result in an increased level of activity on site which is a negative of the scheme but due to the separation between the site and the local residents of Woodthorpe and Poppy Farm it is not considered that residential amenity would be so substantially impacted that a refusal would be warranted on these grounds alone. Therefore, subject to conditions it is considered that noise and nuisance can be satisfactorily mitigated such that the scheme accords with policy CLP14 of the Adopted Local Plan.

5.9 Highways Safety and Parking Provision

- 5.9.1 Local Plan policy CLP20 and CLP22 Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.9.2 The scheme involves a vehicle access to the site from Seymour Link Road and the diversion of a public footpath which currently runs diagonally through the site in a north / south direction. The proposed development would interrupt that route and therefore the footpath would be diverted to turn from the main access, via building A along the water course then along the north western edge of building B linking into the Oxcroft Branch Line cycle route. The proposed route would be a longer and less direct route. The existing route of the footpath is not well signposted or easy to follow other than where it leads over the fields where the route is more visible. There are numerous hazards on the existing footpath route including a narrow route around the culverted area to the top of the site and the lack of appropriate access to the embankments of the Oxcroft Branch Line where the steps seems to have disintegrated over time. The existing route is poor and in need of improvement. The following images show the issues:



Routes onto the Oxcroft Branch Line where the steps have disintegrated, and a steep stoned embankment is difficult to access.



Narrow access to the side of a culverted ditch

5.9.3 Footpath:

Rights of way have commented on the scheme: Footpath no. 29 in Staveley parish passes from north to south through the site, continuing over the Borough boundary as Bolsover footpath no. 34. The line of the two footpaths passes through the sites of the two proposed industrial units. As has been recognised by the applicant, a formal diversion of the footpaths under section 257 of the Town & Country Planning Act 1990 would be needed if the development were to go ahead. The impact of the development on the footpaths is a material consideration when deciding whether to grant planning consent. Relevant factors include the extent and type of use the footpaths currently receive and are expected to receive in future if the development does not

proceed; the usefulness of the route for utility travel; the amenity value of the route (views, wildlife, heritage etc), and whether the proposed alternative routes would offer suitable compensation.

Evaluating these points would require some research, but without this it is nevertheless obvious that the development would make the footpath experience less rural, the views more closed-in and the route less direct. However, if the current use of the route is predominantly for leisure rather than utility travel, the loss of directness may not be a significant factor. If the development went ahead the urbanisation of the route would be mitigated to some extent by the proposed tree planting to screen the buildings, and the provision of a surfaced path for the diverted route could also potentially represent an improvement.

The proposed diversion would most likely provide a valuable amenity for future employees at the site during breaks and possibly as routes to and from work, also maintaining a link to the adjacent greenway.

Notwithstanding the considerations outlined above, the proposed diversion appears to provide the most practical route through the site as proposed, with other options being to the south, west and north of Unit A, and to the south, east and north of Unit B. Both of these lack the streamside amenity of the existing proposal, and the eastern option may be impractical due to insufficient space.

5.9.4 Derbyshire Constabulary has raised some concern regarding potential risks associated with possible increased footfall to high level highway structures. Highways England noted this was a matter for the Route Manager rather than a matter for the planning process.

5.9.5 The Ramblers Association have also commented on the proposal: We note that this proposal has the potential to significantly affect Bolsover FP (footpath), 34 and the ongoing Staveley FP 29. Effectively the proposals to divert the two paths referred to will more than double the distance of the existing FP's between points A to G. In relation to the requirements in relation to the diversion of footpath this could be considered to fail to meet the requirement that "the path or way will not be substantially less convenient. The potential to create a pleasant walking section along the Hawk Brook is noted, it is considered that this will, to some extent, offset the inconvenience of the increased distances, i.e. it may be considered of advantage, i.e., provide more enjoyment, with respect to the aesthetics of the path. However, it is suggested that convenience and enjoyment aspects relating to a diversion should be considered separately. With specific respect to the subject of the re-routing of the footpaths, we can see no obvious alternatives to the

proposal as drawn. However, we would reserve the right to offer further comment once the final plans are complete.

5.9.6 Peak and Northern Footpaths have also commented on the scheme: The relevant section in Chesterfield Borough is Staveley Footpath 29. Whilst recognising the need to provide jobs in the area and income for the Authority, we note that the impact on the footpath is a severe one. Its proposed circuitous route, caused by the layout of the two units, is unfortunate to say the least. Whilst a section of the footpath will run through a 'green corridor' along the borough boundary (the Hawke Brook), this hardly compensates for the proposed path's circuitous nature, post diversion. It is a pity that the proposed pond adjacent to the unit north of Hawke Brook prevents a more logical line for the diverted footpath 29, but no doubt the decision to separate the pond from the footpath by security fencing is logical. In conclusion, there is no doubt that a diversion will be necessary if this indicative layout is kept as it is. Therefore, we are reserving our right to object to any Public Path Order published as a consequence of an unchanged application being granted consent.

5.9.7 Footpath Conclusion:

It is clear from the comments above that the changes to the route of the footpath will result in a more circuitous footpath route through the site due to the need to divert around the buildings, and this is a negative of the scheme. However, the route itself is intended to be an attractive tree lined route along the water course, it will also be a surfaced route rather than walking across the centre of the field, and the existing hazards will be addressed. Therefore, there is considered to be sufficient mitigation and enhancement of the footpath route arising from the proposal sufficient to ensure the diversion is appropriate. The comments of Peak and Northern Footpaths is noted and there will be the right to make objections under the statutory process for footpath diversions under S 257 of the Town and Country Planning Act.

5.9.8 Access, parking and network capacity:

Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In terms of parking the policy goes on to note that; The level of vehicle and cycle parking provision appropriate to any individual proposal will take

into account the circumstances of the particular scheme, including in particular:

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

5.9.9 This site is close to the M1 junction and therefore as part of the consideration of the impacts on the highway networks Highways England have been consulted and have noted:

Following ongoing discussions with the applicant's transport consultant BWB, additional information was provided and reviewed, following which National Highways considered the traffic modelling to suitably represent realistic performance of the highway network. From review of the traffic modelling results, we are now content that the development traffic shall not result in capacity issues on the roundabouts which serve the M1 slip roads at junction 29a. We can therefore confirm that no further assessment of traffic impacts will be required.

5.9.10 There has been ongoing discussion between the developer and the Highway Authority regarding the layout of the scheme, the uses, the parking layouts and highway capacity.

5.9.11 It has been acknowledged that in terms of public transport provision through discussions with the local bus company it has not been possible to agree a diversion of existing services to the development site due to; reduced patronage, bus driver shortages, reduced services, pending bus service improvements plan and funding uncertainty and the speculative nature of the development where shift patterns are unknown.

5.9.12 It has been requested by the Highway Authority that the bus stop infrastructure on Seymour Link Road will be provided with a contribution of £20,000 to be secured via S106 agreement. Whilst it is acknowledged there is no bus route along this road at present, this contribution will future proof the route should a bus service in this area be feasible in the future. It is acknowledged that despite the matter being raised with the Highway

Authority there are no upgrades to existing bus stops on Woodthorpe Road or Bolsover Road required as part of this application. It is also noted that no cycle network contributions are requested as part of the development notwithstanding that a new cycle route is proposed through the site itself.

5.9.13 A contribution of £5,075 for the travel plan monitoring is required via S106 as requested by the Highway Authority. A detailed travel plan has been submitted which includes aims for promoting sustainable travel including walking, cycling (maps and apps and cycle to work scheme), public transport and car sharing. The aims are summarised in the following table, but the aim of monitoring is to ensure this is updated and amended as needed to encourage sustainable travel:

Table 5.1 provides a summary of these measures along with designated responsibility and timescales for implementation.

Table 5.1: Timescales for Initiatives

Measure	Description of Initiative	Action By	Timescale
M1	Prepare Travel Information Packs.	Travel Plan Coordinator	Prior to first occupation
M2	Investigate providing loans for public transport users	Travel Plan Coordinator	3 months after first occupation
M3	The TPC will review cycle demand and provide additional cycle parking if required	Travel Plan Coordinator	Throughout the life of the TP
M4	Onsite cycle storage facilities for 36 bikes	Developer	Prior to first occupation
M5	Lockers/shower facilities	Developer	Prior to first occupation
M5	Monitor Cycle parking demand	Travel Plan Coordinator	Throughout the life of the TP

5.9.14 Details of the transport assessment were queried but have now been resolved using updated information following the pandemic to which Highways England have raised no concerns.

5.9.15 It is noted that there remains a concern that if more than 35% floor space of Building A is used for as B2 uses (general industrial) then a revised parking layout will be required. This matter has been considered in the requested conditions now proposed by the Highway Authority.

5.9.16 In terms of junction capacity and the M1 slip road it is also noted that beyond certain percentages of floor space use there will be a need for some minor junction works to be carried out as established in the

sensitivity testing. Again, a condition relates to this requirement to secure the improvements should they be necessary based on the final use of the premises.

5.9.17 Access, parking and capacity conclusion:

The Highway Authority have noted they have no concerns remaining with regard to access, parking and road network capacity subject to the conditions they have recommended and the S106 requirements in regard to the travel plan and bus stop provision. These conditions are included within the suite of recommended conditions. On this basis the proposal is considered to be acceptable in terms of highway and parking in accordance with Local Plan policies CLP20 and 22.

5.10 Biodiversity, impact on protected species, enhancement and Trees

5.10.1 Local Plan policy CLP16 sets out the requirements in terms of the consideration of Biodiversity:

The council will expect development proposals to:

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

If significant harm to biodiversity resulting from a development cannot be avoided, or through conditions or planning contributions adequately mitigated, or, as a last resort, compensated for (including off-setting), then planning permission will be refused.

5.10.2 The NPPF in paragraph 174 notes in part that Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

5.10.3 NPPF paragraph 179 notes in part that:

To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

5.10.4 The NPPF paragraph 180 notes:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

5.10.5 The development of this green field site for commercial development with the land level changes and engineering works required will result in a loss of biodiversity on the site. This has been considered in detail and revised plans now show landscaping details from which an updated Biodiversity Metric has been provided noting delivery on site will be 59.16 habitat units with a post development off site delivery of 15.93 units for an overall 10%

net gain. This demonstrates that even with on-site landscape mitigation the scheme will require substantial off-site compensation for the loss of habitat arising from the development. The agent has been in detailed discussion regarding the extent of off-site compensation and the location of this. It has been concluded that the off-site works needed will take place on land within the ownership and control of DWT as part of their offsetting strategy, as detailed below in para 5.10.15 onwards.

5.10.6 Through the application process detailed matters of species and habitat impacts have been considered through survey work which Derbyshire Wildlife Trust have considered in detail the conclusions of which are as follows:

5.10.7 **Hawke Brook:**
The Trust originally questioned the impacts on the Brook and this has now been resolved through the more detailed plans (para 4.5 and 6 above) of the central brook area and the construction exclusion zone being put forward.

5.10.8 **Bats:**
The loss of foraging habitat and commuting routes particularly the disused railway line which will impact 5 species of bat, and through construction works will lead to an adverse impact on bat activity across the site. The railway line provides a route for Daubenton's bat which roost within the railway bridge and brown long eared bats roost in the culvert. It is likely there are other roosts in the locality. These features will not be lost but may be impacted by the development.

The mitigation for this harm is landscaping proposals and new areas of woodland, wetland and grassland around the edges of the warehouses. As bats will find alternative foraging areas the loss of commuting routes and foraging habitat within the site is not considered likely to threaten the favourable conservation status of the local bat population once the mitigation is taken into account.

The loss of the railway line will have more impacts to the Daubenton bat species; however this is a widespread bat species and it seems unlikely that the favourable conservation status of this species would be detrimentally affected, the proposed habitat creation along the Clowne greenway and at the attenuation pond may increase foraging opportunities over time. In terms of culvert 2 there is potential for roosting which requires further consideration.

5.10.9 **Potential bat roosting features on site:**

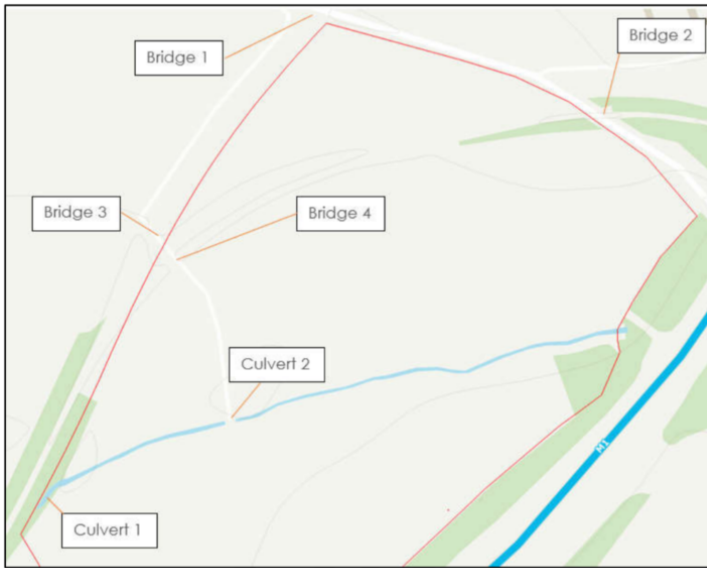


Figure 3.6: Location of Structures with Bat Roosting Potential



White numbers refer to Stopping Points. Yellow numbers indicate commuting/foraging corridors.

- 5.10.10 Following the above comments further bat survey work was undertaken which demonstrated that bats are not using bridges 1, 2, 3 or 4 or culvert 2, but could be using culvert 1 which could be indirectly impacted by the development. This can be mitigated via sensitive scheme for construction works agreed through a construction environment management plan condition.
- 5.10.11 **Breeding Birds:**
The site supports red list farmland birds such as skylark, yellow hammer, grey partridge and linnet but as this will be dependent on a wider area, the development site the impacts are difficult to determine. The species mix could be of county level consideration. The loss of arable land, hedgerows and the railway line are likely to have an adverse impact. However, due to the footpath and the size and shape of the fields they are likely sub-optimal habitats for nesting skylarks.
- 5.10.12 **Badgers:**
Detailed badger surveys have been undertaken and precautionary approach is required along with an immediate pre commencement survey.
- 5.10.13 **Brown Hare:**
There are species in the area but these are unlikely to be adversely affected, but precautionary working methods will be required.
- 5.10.14 **Small Heath Butterfly:**
Habitat will be lost. Proposals for on-site habitat creation will need to be detailed to ensure optimal conditions. It is not known whether there are

nearby populations which will re-populate the site. Translocation of grassland turf and species grassland creation will be needed as part of the off-site compensation.

5.10.15 As there will be a loss of biodiversity on site there needs to be a scheme for off site mitigation as required by Policy CLP16 of the Adopted Local Plan. This has recently been considered by the LPA through the provision of an off site contribution at £20k per habitat unit to be managed by the Council. However, in this case the off site habitat provision is substantial including a 10% net gain and therefore the developer has agreed a scheme of off setting on a site at Old Whittington in Chesterfield which is owned and will be managed by Derbyshire Wildlife Trust in accordance with a scheme for habitat creation drawn up by the Trust specifically to provide appropriate mitigation for the on site loss of biodiversity. The following table sets out the habitat unit figures:

Table 1. BNGA Figures Summary

Baseline	10% of Baseline	10% Net Gain Total to Reach	Delivered on Site	Change in Units i.e. to be delivered off-Site	To be delivered off site including 10%)	10% Net Gain Total to Reach (on and off site combined)
68.26	6.83	75.06 [68.26+6.83]	59.16	-9.10	15.93 [9.10+6.83]	75.06 [59.16+15.93]

5.10.16 This sets out that the post development delivery on site will be 59.16 habitat units with a post development off site delivery of 15.93 units for an overall 10% net gain. The contribution to Derbyshire Wildlife Trust for the creation and long term management of the off-site habitat as compensation has been calculated by the Trust at £478,200 (this works out to be £30,018.08 per habitat unit) and will be secured via S106 agreement at a cost per habitat unit to which the Trust will need to be a signatory.

5.10.17 The site of the habitat creation is located within fields owned and managed by the Trust set to the north of Woodmere Drive at Old Whittington as shown below:



- 5.10.18 The proposed habitat creation is to be part of the biodiversity strategy for this parcel of land the detail of which is contained within the Biodiversity Design and Access Strategy for the land at Old Whittington dated November 2022 by Derbyshire Wildlife Trust which is specifically designed to address the loss of biodiversity from this proposed development.
- 5.10.19 The on-site habitat creation measures as illustrated on the Landscape plans (LAP- 20-P101 1001 and 1002) are considered to be acceptable by the Trust and do try to address some of the habitat as well as species impacts at the site. The proposed habitats primarily include wetlands, species rich grassland, open wild bird grassland mix, open ground for colonisation, amenity grassland, hedgerow margins, shrubs, scrub, woodland and hedgerows. This is a complex mix of habitats and process of creating and establishment the habitats as well as the successful long term habitat management will be quite challenging. It will therefore be important to ensure that there is a clear plan and strategy in place for this and that monitoring with remedial measures are built into that plan. A condition is recommended to secure the on-site enhancement and management.
- 5.10.20 The off-site compensation scheme includes the following:

Woodland: 2.91 ha of broad-leaved woodland will be created through natural regeneration. This is feasible and is in line with Forestry Commission advice.

Scrub: 2.23 ha of scrub will be created to the south of the woodland, the scrub will be encouraged to develop naturally (rewilding).

Grassland: 2.23 ha of 'other neutral grassland' will be created on former arable land. The proposals currently suggest waiting 1 year to see if any grassland species emerge from the seedbank, but also refer to over sowing with species rich seed mixes.

Green corridor enhancement for bats: The off-site scheme also includes the creation or enhancement of a scrubby corridor in the south east of the off site area.

Small heath butterfly and translocation of grassland:
The current proposal to benefit small heath butterfly is to seed 2 ha of the Old Whittington site with a grassland seed mix.

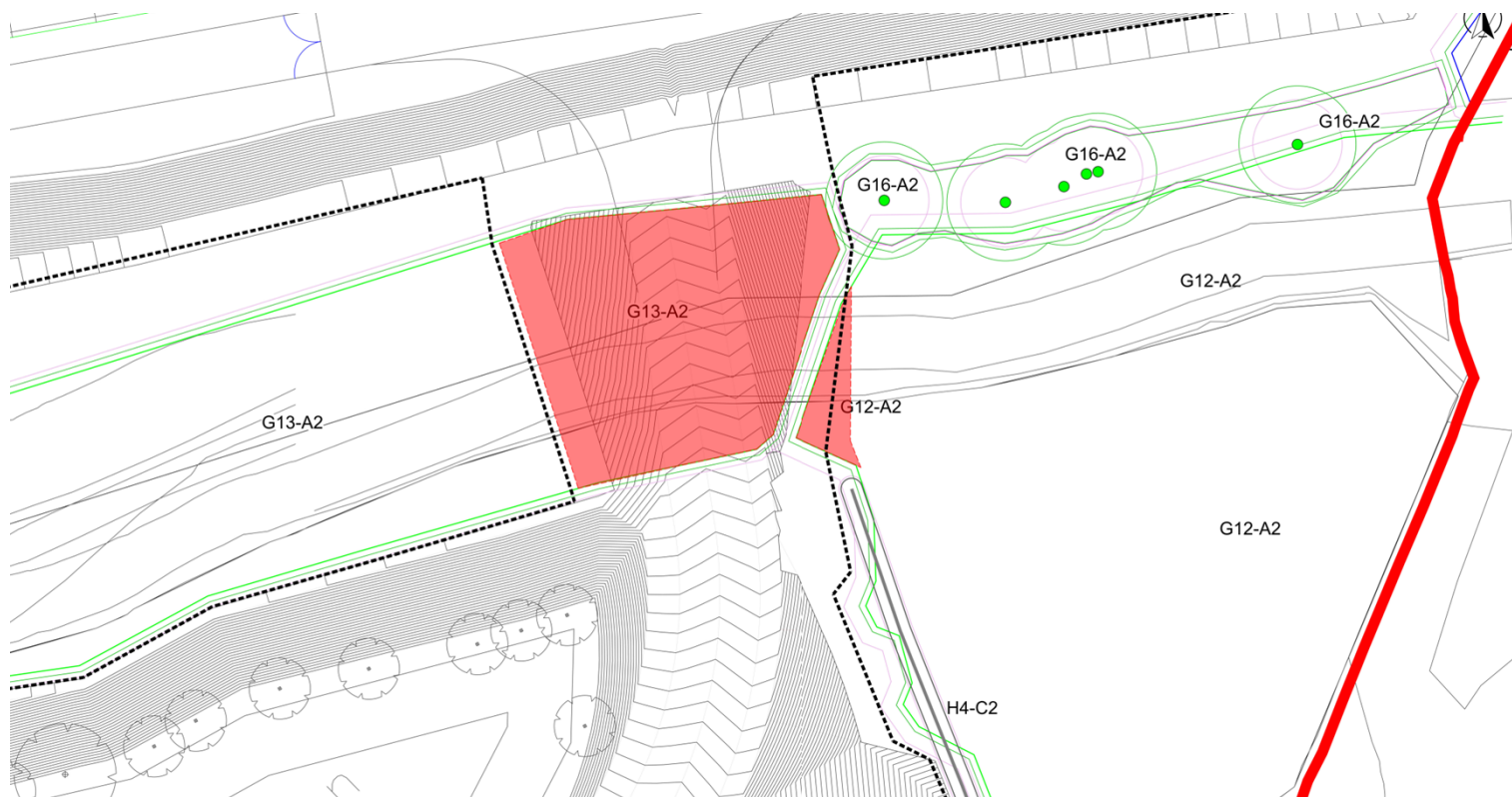
Hawke Brook: Hawke Brook has not been included as part of the Biodiversity Metric primarily because impacts on the brook are unlikely according to the ecological assessments undertaken. However, there is a proposed road bridge which will result in localised impacts to that section of the riverbank. The ecology overlay (MVNE Ecology Overlay v2) and site sections plan (MVs-BWB-HGT-XX-DR-D- 620 Site Sections S1 P02) provide detail for the location of existing habitat within the brook and the construction exclusion zone. It would be advisable to review the potential for impacts on the brook at reserved matters to ensure that any changes are accounted for in the biodiversity metric. The construction exclusion zone should be clearly demarcated prior to development commencing and captured within the Construction Environmental Management Plan (CEMP) recommended condition.

- 5.10.21 Whilst the development will result in a loss of biodiversity at the application site this can be mitigated by on site and off-site delivery of landscaping and habitat creation. To secure this planning conditions and a S106 will be required not only to secure the contribution but also to ensure the monitoring and long term management of the habitat. Subject to the legal agreement and conditions the proposal is considered to meet the requirements of Policy CLP16 and the aim for a 10% net gain in biodiversity.

5.10.21 Trees:

Policy CLP16 goes on to note that: Development proposals resulting in the loss or deterioration (including fragmentation) of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons and the need for, and public benefits of, the development in that location demonstrably outweigh the loss or harm, and a suitable compensation/off-setting strategy has been secured with planning conditions or obligations.

5.10.22 The proposed development will lead to a loss of some woodland, open fields and hedgerow. The requested and now submitted Arboricultural Impact Assessment shows that some trees within groups G12 and G13 will need to be removed adjacent to the water course to enable the road construction to Unit B – note the area in red on the plan below:



This overlay plan shows the existing trees against the site layout plan:



5.10.23 The Council's Tree Officer has commented on the case, initially requesting a detailed Arboricultural Impact Assessment which has now been provided. In response to this the Officer has commented:

5.10.24 An Arboricultural Impact Assessment (AIA) by Environment-Arbiculture reference MVN-BWB-ZZ-XX-RP-LE-0001_AIA Rev 2 has been submitted as requested to assess what impacts the access road will have on the group trees within G13. The AIA is based on the development proposals as shown on AJA architects drawing ref. 6170-096 'Site Plan' dated 02-11-22 and Tree Constraints Plan LDH 2217 (Sheets 1 and 2). The focus of the AIA is on the infrastructure enabling works and the formation of new access routes to plot B. The proposed will require the partial removal of two tree groups reference G13 and G12 with some minor loss to both in the formation of the new access route which is expected to have a negligible/ low impact on the character of the site and local landscape. Approximately 616m² of Group G13 – A2 and 45m² of Group G12- A2 (total of 661 m²) will need to be

removed to facilitate the new Unit B access road aspects of the development proposals.

Group 12 is described as dense area of predominantly young ash woodland. All stems exhibit healthy growth with no signs of ash dieback, full canopy cover with no dieback in outer crowns.

Group 13 is categorised as A2 with trees of high quality with an estimated remaining life expectancy of at least 40 years of particular visual importance as arboricultural and/or landscape features. The tree constraints table 1 in the tree report described 'the group of trees and vegetation on steep embankments down to stream. Forms dense area of mature canopy and a green corridor through the site. High value landscape and environmental feature providing good habitat'. It is also stated in section 4.4 of the tree report that 'G13 is a group of trees which are located on the steep embankments along the stream which dissects the site. These are large trees of mixed species containing ash, oak, elm and willow. The group provides a continuation of the canopy from G12, with tall tree growth providing significant landscape value'. The construction of the new access road will therefore separate these two groups.

Demolition, ground clearance and construction operations linked to the development are further expected to have an adverse effect on any retained trees on site unless adequate protection measures are provided. It is therefore recommended in the AIA that protective fencing is installed along the retained sections of groups 12 & 13 and G11-B2 and H4-B2 to prevent impacts on the rootzones from the associated earth works.

Section 3.3 of the AIA provides the residual impact of development on retained trees and are as follows:

- Demolition and construction operations near retained trees are likely to cause accidental damage of tree trunks and low hanging branches. In particular Tree group G11 – B2 and Hedgerow H4-C2;
- Vehicle and plant movement during construction may further cause ground compaction which could lead to irreversible damage of tree roots and the rooting environment within the RPA of retained trees in particular to Group G11 – B2 and Hedgerow H4 - C2;
- Any built structures, including new buildings, retaining walls, boundary treatments and street furniture, which require foundations within the RPA of retained trees may have an adverse impact on the health and growth of these trees; and
- Excavations for underground services may have an impact where they are proposed within the RPA of retained trees. Proposed above ground services may further conflict with parts of tree canopies. Where this

occurs, the contractor is to apply the recommendations outlined in the preliminary AMS and follow correct guidelines and procedures.

There are no objections to the proposals and if consent is granted to the application, all methodologies specified in the revised Arboricultural Method Statement (AMS) reference MVN-BWB-ZZ-XX-RP-LE-0001_AIA Rev 2, Chapter 4.0 dated 29th November 2022 and the Tree protective fencing locations as shown on the Tree Impact Plan reference 775.002-ENZ-XX-XX-DR-AR-00-001 PL01 at Appendix 2 should be implemented in full to ensure the retained trees are adequately protected during site set-up, demolition and construction.

Landscape proposals have been submitted on drawing 1001 REV J & 1002 Rev H which provides a general description and location of the proposed soft landscaping, however if consent is granted to the application a more detailed scheme should be provided along with mitigation planting around the new access road adjacent to G12 & G13 where trees will be removed. Conditions recommended.

- 5.10.25 The conditions recommended by the Tree Officer are included with the suite of conditions below. On this basis subject to appropriate protection of the retained trees through construction and a soft landscaping plan for the whole site to ensure appropriate new planting in line with the biodiversity net gain to be achieved, the matter is considered to be acceptable in terms of tree loss and biodiversity.

5.11 Climate

- 5.11.1 In regard to climate change Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Planning applications for major new development should be accompanied by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:
- i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
 - ii. optimising the efficient use of natural resources;
 - iii. reducing emissions through orientation and design.
- 5.11.2 The applicant has submitted an energy and sustainability statement to support the proposal which notes:

- The development will comply with building regulations in terms of reducing heating and cooling and passive solar gains.
- District heating has been considered but is not available within the locality, but will be built to accommodate any future connections.
- As the development is expected to comply with Part L 2013 requirements via passive and energy efficient design measures, the use of renewable/low carbon energy technology is not recommended, unless if cooling is required, in which case an ASHP via an Air-to-Air system (VRF) could be incorporated at the client's discretion.

5.11.3 Whilst it appears that some renewable energy systems such as solar would be suitable for the building none are detailed in the application, this is due to the end user of the buildings being unknown at this stage. It is therefore considered that a condition be imposed requiring that the reserved matters application shall be accompanied by clear proposals to minimise carbon emissions and use renewable energy sources as well as a scheme to ensure the slow release of carbon from any trees felled on site, all in order to meet the aims of policy CLP20.

5.12 HS2 Safeguarded Area

5.12.1 The site is adjacent to the safeguarded land for HS2, who have been consulted on the matter and have noted:

I can confirm that areas of the red line boundary fall within land safeguarded for HS2 East. Specifically, three locations which are required for utility works which are likely to interface with the proposal and proposed HS2 works in that location. However, having reviewed the plans associated with the proposal, it is clear that no part of the of the built development will extend into safeguarded land. HS2 Ltd have been involved in extensive dialogue with the applicant on previous developments, including this proposal, as to how both parties may interact with the identified interface. Following those discussions, HS2 Ltd are content that a no objection response with informative would be acceptable in this circumstance and that the development could proceed in line with the submitted plans.

5.12.2 On this basis the proposal does not result in any adverse impacts on the HS2 safeguarded land and therefore this does not pose a barrier to the development.

5.13 Ground conditions

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

5.13.2 The Coal Authority has commented that:
I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.
The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings and probable shallow coal mine workings associated with thick coal seam outcrops. Our records also indicate that part of the site has been subject to past surface mining operations and that there is one recorded mine entry (shaft) within the planning boundary, of which has been stabilised and need not be considered further as it does not affect the development. The Coal Authority notes the supporting Coal Mining Risk Assessment & Shallow Mine Workings Investigation Report (June 2021, prepared by BWB Consulting Ltd), the content of which confirms the results of an intrusive site investigation undertaken comprising the drilling of rotary boreholes. On the basis that the boreholes confirm that the high wall of the former surface extraction does not affect the development area and that there is sufficient competent rock cover above identified shallow coal mine workings, the Coal Authority is satisfied the site is safe and stable to accommodate the proposed development and has no objections to this planning application.

Mine Gas:

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

SUDS:

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the

implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

- 5.13.3 The Council's Environmental Health team has requested a land contamination condition in regard to phase 2 investigations based on the outcome of the initial phase 1 report, this will include any potential ground gases. That report noted that underlying ground condition at the site are expected to compromise Alluvial superficial deposits following the water course on site, overlying the Pennine Middle Coal Measures Formation – mudstone, siltstone and sandstone bedrock, directly underlying much of the site. topsoil is anticipated across most of the site, with limited Made Ground and/or infilled ground associated historical features including a former mill and possible infilled pit. The main risk on the site is migration and accumulation of ground gases, further investigations will confirm ground conditions, assess the ground gas regime and consider contaminant concentrations, foundation design and earthwork specification.
- 5.13.4 Subject to a condition on land contamination the matter of ground conditions is appropriately considered in line with policy CLP14.

5.14 Drainage

- 5.14.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.
- 5.14.2 The applicant has submitted a drainage strategy which has been considered by the consultees:
The LLFA have commented that - Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for

this application, which was received on 31/03/2022. The LLFA has no objection subject to conditions.

Yorkshire Water have recommended Conditions and footnotes be added to any permission. These are included within the recommendation.

- 5.14.3 Subject to these conditions the proposal is considered to have met the requirements of Policy CLP13.

5.15 Development Contributions

- 5.15.1 The main contribution requested in this case relates to the provision of biodiversity net gain in terms of the off-site contribution which is £478,200 based on the up to date habitat numbers required for a 10% net gain. Also requested is a contribution for bus stop improvements on the Seymour Link Road at £20,000 and a Travel Plan monitoring scheme of £5,075. These are all to be secured via a S106 agreement.

6.0 REPRESENTATIONS

- 6.1 7 comments have been submitted from residents of: Norbriggs Road, Woodthorpe Road and Seymour Lane, raising concerns about the application, these are summarised:

- There are already 2 empty warehouses on Seymour Link Road. Why build more warehouses to stand empty just for the sake of building them.
 - Response – The Council’s Economic development team have noted that all of the units are now under offer or occupied.
- There will be more light pollution adversely impacting on residents and wildlife.
 - Impacts on wildlife are covered in the report above but a lighting scheme can be secured via conditions to ensure minimal light spill in the interests of local wildlife.
- Residents already have noise from the warehouses on Seymour Link Road, we do not want more warehouses to add to it.
- What is the point of building more warehouses to probably generate more warehouse work when they are struggling to fill vacancies at the existing ones.
 - Response – this is a matter for market forces in regard to wages and whether these jobs are attractive to workers.
- There are numerous empty units in the Markham Vale area which have been empty for over 12 month. If each of these units became occupied they will be filled with workers causing more traffic with only

limited people living local as the need or want for employment at a warehouse isn't present in the area.

- Response – as set out above.
- There is no necessity to build these 2 new warehouses on agricultural land when there are new warehouses being built on the old Coalite site (brownfield), which is not far from the proposed warehouses. It is within easy access to the M1 just as these proposed warehouses will be.
 - Response – the Coalite issue is covered in the report above.
- The area has lots of wildlife habitat and as wildlife are already in decline generally, we should be helping them not taking away more habitat.
- There will need to be full wildlife surveys completed again because, due to the new warehouses that were built last year on Seymour Link Road, the wildlife have been displaced already, but that is after the last surveys were done on the proposed site.
- Damaging local wildlife but claiming they will help it by planting a few trees simply doesn't cut it.
- Reports from planners and professionals already submitted about this application (and other applications close to the MV area) raise concerns about creeping urbanization and the "gap filling" of spaces. Spaces which should remain green to ensure a balance and distance between local communities and the hard landscape of units, roads, motorway, and traffic and air pollution. The spaces also provide valuable habitat for wildlife and leisure opportunities for local communities. In our current climate where we should be protecting the green environment for the good of everyone, it is all the more important to protect these spaces.
 - Response – the site does not form part of a strategic gap as set out in the Local Plan.
- Most units in the MV Park do not do enough within their boundaries to maintain and enhance the green space, nor provide a discreet green space (picnic benches, green screening etc) for employees to take a break outside in pleasant surroundings. Small improvements to increase planting, but these could be built into the local planning approval conditions, to eventually improve the landscape and benefit the atmosphere for employees and for the local community.
We do not want to see all the gaps filled around the wider Markham Vale area.
- The land is agricultural land and as a planning application has been approved to build 650 homes on the agricultural land south of

Worksop Road, it doesn't seem to be the right thing to do to use more agricultural land to build on.

- Response – the land is not protected agricultural land, the loss of the land for agriculture is noted but is outweighed by the investment and job creation from the proposed development.
- There are plenty of other brownfield sites where warehouses could be built rather than on agricultural land, in an area that is already having too much construction done, eg, new houses, Markham Vale as it is now, potentially HS2 in the future.
 - Response – as set out in the report the supply for this type of commercial unit is limited.
- The siting of the 2 massive tin boxes so close to the Bolsover Road is not acceptable.
- The completed development site looks an eye sore but that was industrial prior to this and the additional paths and ponds makes it bearable (almost).
- We look over countryside adding more warehouses to the skyline is ruining that view.

- I know you state you will direct the water course and build additional ponds but we don't need any of it.
- They state that 65 individual businesses employ just over 2,000 people and yet 2 new buildings could generate up to 40% more ???.
 - Response – the Council's Economic development Unit have considered the suggested job creation and consider it to be a cautious estimate.
- They have also stated in their "independent" report that the social and economic impact could be in excess of £200 million, over what area and how many decades?
 - Response – it is difficult to quantify this, the assessment of the application has been based on the investment from the initial proposal and the job creation which has been assessed to be a cautious estimate.
- The £1.5 million rates bill to the council is questionable to say the least.

What also has to be considered is the construction work soon to be started just up the road - 650 houses on 2 sites and then HS2 on the other side of the road. All of this is eating up valuable arable land much needed since our departure from the EU.

- Response - The applications relating to the local area are considered on their own merits based on the local plan.

- We already have too much traffic in the area and air pollution from the M1 is bad at times. Walking on the footpaths around Markham Vale can sometimes be an unhealthy activity because of this.
- This area has one of the worst air pollution ratings in the country due to the M1 traffic and commercial uses. Increasing traffic with more warehouses will adversely effect the health of local residents.
 - Response – in terms of air pollution, whilst this may be increased by any development proposal the site is not within an air quality management area and therefore it would be unreasonable to refuse permission on this basis. All applications seek EV charging to ensure that the move towards electric vehicles with reduced emission is feasible.
- The proposed loading bays are facing the village, so there will be noise impacts on local residents. This is already a problem in normal working hours, at nights and at weekends.
- Due to satnavs delivery vehicles often try to access via Seymour lane which is not possible.
- The Local Plan, which says, [It]...”is about providing for the future development of an area in a way that benefits people the most. It helps to deliver places with a high quality of life where people want to live, work, and visit. Perhaps most importantly it offers a means for people to shape the future of the communities in which they live.” This application is very closely located to where local communities live.
- The Design Framework Review undertaken by HBD says specifically that any future development of Markham Vale Industrial Park must mitigate against the “harm done” If any more units are built in proximity to local communities and the heritage landscape.
- My reading of the reports suggests that remedies to mitigate against the effects of expanding the MV Industrial Park do not go far enough.
- PV provision should be a requirement on the roof of these huge units. It will relieve green fields of having to provide this.
 - Response – details of the buildings and measures to provide renewable technologies and address climate will be considered under any reserved matters application, a condition is imposed to secure a statement on sustainability and climate measures.

7.0 HUMAN RIGHTS ACT 1998

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

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

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

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

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

9.0 CONCLUSION

9.1 This application is for the construction of two substantial commercial units on greenfield land which is unallocated. The proposal will result in harm in terms of landscape impact, biodiversity and the setting of heritage assets. The connectivity of the site for public transport is also weak with

elongated walking and cycling routes necessary to access local areas. The proposal would also require the diversion of the existing footpath at the site. These are considered to be the negatives of the scheme.

- 9.2 The loss of biodiversity will be mitigated by the on site and off site creation of new habitat and long term management of this. To a limited degree the landscape harm can be mitigated by the proposed landscaping of the site and the built up context of the site also has to be considered. The footpath diversion will be more circuitous but surfaced and more pleasantly located route with landscaped context. The scheme will include the provision of the Oxcroft branch line cycle link. Any harm to the setting of heritage assets is considered to be at the lower level of less than substantial harm and would be outweighed by the public benefits arising from the development. Therefore, some of the negatives of the development will be mitigated, nevertheless harms will remain.
- 9.3 Although speculative, the scheme will bring much needed investment into the Borough and will provide for a scale of commercial unit which in the short to medium term is unlikely to be available for development elsewhere in the Borough and for which demand is extremely high following the Covid pandemic. The proposal is also anticipated to bring forward up to 880 jobs within the Borough which is considered an appropriate approximation of job growth by the Council's Economic development team. The proposal would also be subject to an employment and skills strategy monitored over a 10 year period to ensure jobs and skills in the local area. These are considered to be substantial positives of the development.
- 9.4 The case is therefore considered to be finely balanced. When considering the adverse impacts against the benefits of the scheme it is considered that the harm is outweighed by the economic benefits which will arise from the development in a more deprived area of the Borough.
- 9.5 On this basis when considering all matters the development is considered, on balance, to meet the wider policy objectives of the local plan and national guidance which promotes economic growth and is therefore recommended for approval.

10.0 RECOMMENDATION

- 10.1 It is therefore recommended that the application be **GRANTED** subject to a S106 to secure the following matters:

- The DCC Local Bus Team has advised to secure £20k financial contribution for the improvements of two bus stops along Seymour Link Road via S106.
- The DCC Sustainable Transport Team has advised to secure £5,075 financial for travel plan monitoring contribution.
- Contribution of £478,200 (based on a cost of £30,018.08 per habitat unit) for off-site Biodiversity Net Gain, in regard to habitat creation and long-term management and monitoring in line with DWT’s Biodiversity Design and Access Strategy for the land at Old Whittington dated November 2022. (Including: A 30-year management plan for the compensation site including aims, objectives, prescriptions and actions together with a schedule of works for a five-year period that can be rolled forward throughout the 30-year management period. Ongoing monitoring and remedial measures including benchmarking of the site creation/enhancement areas against the DEFRA conditions sheets reportable to the authority at 2, 5, 10-, 15-, 20- and 30-years post creation. Monitoring of small heath butterfly and farmland birds at 2, 5 and 10 years.)
- Employment and Skills Strategy with 10-year monitoring

And subject to the following **conditions**:

Conditions

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
 - the external appearance of the development;
 The development shall thereafter be implemented in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. 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).

Site location plan 6170-078

Tree Constraints plan Sheets 1 and 2 – LDH2217 Rev 1

Viewpoint A sections 6170-097A

Typical Sections plan LAP-20-P101 1003 Rev C

Landscape proposals 1/ 2 and 2/2 LAP-20-P101 1001 Rev J, 1002 Rev J

Site sections - 620 S1 Rev P02

Site plan 6170-096

Site cross sections 6170-082 A

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

Biodiversity:

4. There shall be no removal of hedgerows, trees, shrubs or brambles from the site between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

5. Immediately prior to the commencement of development a detailed hibernation survey of all structures on site as recommended in the Ecological Impact Assessment prepared by BWB dated March 2022, shall be undertaken and submitted to and approved in writing by the LPA to address concerns relating to the possible use of these structures by bats. Works shall be commenced and completed in accordance with any mitigation or other recommendations arising from the survey.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

6. 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. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

7. A survey for any recently excavated badger setts on the site or within 30 metres of the site boundary together with an assessment of any other evidence for badger presence shall be undertaken prior to the immediate commencement of any groundworks on the site and submitted to the LPA for approval. Works shall be commenced and completed in accordance with any mitigation or other recommendations arising from the survey.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones” including Hawke Brooke, hedgerows, trees and adjacent features.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements for bats, badger, water vole, amphibians, aquatic invertebrates and other species at risk).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

9. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation and management of habitats and enhancements in accordance with the MVNE Impacts Summary and BNGA Update prepared by ECUS 31st October 2022 and the accompanying Biodiversity Metric 3.1. The plan shall be suitable to provide to the management body responsible for the site and shall include the following: -
- a) A revised Biodiversity Metric 3.1 as necessary to take account of any changes resulting from design or other changes to the development
 - b) Description and location of features to be retained, created, enhanced and managed
 - c) A plan for the eradication of any invasive species
 - d) Aims and objectives of management.
 - e) Appropriate management methods and practices to achieve aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring and remedial measures including benchmarking of the site creation/enhancement areas against the DEFRA conditions sheets reportable to the authority at 2, 5, 10-, 15-, 20- and 30-years post creation.
 - j) Habitat enhancements for nesting birds to include 10 bird boxes positioned within the site on suitable trees or the exterior of buildings where conditions are suitable.
 - k) Roosting opportunities for bats to be provided in accordance with section 7.3 of the EIA prepared by BWB, March 2022.
 - l) Requirement for a statement of compliance upon completion of planting - and enhancement works.

The on-site LBEMP shall also include details of the legal and funding mechanism(s) by which the 30-year implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

10. In line with the signed S106 agreement, a Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the BEP is to enhance the biodiversity value of land off-site to ensure there is a measurable net gain of biodiversity in accordance with the MVNE Impacts Summary and BNGA Update prepared by ECUS 31st October 2022 and the accompanying MVNE Biodiversity Metric 3.1. It shall be suitable to provide to the management body responsible for the site and shall include the following: -
- a) Location of compensation site
 - b) A revised Biodiversity Metric 3.1 as necessary to take account of any changes resulting from design or other changes to the development
 - c) Detail of the habitats that will be created and/or enhanced including habitat creation methods and location/extent within the compensation site
 - d) Details of enhancement measures targeted at farmland birds, bats and small heath butterfly (if different to above).
 - e) A 30-year management plan for the compensation site including aims, objectives, prescriptions and actions together with a schedule of works for a five-year period that can be rolled forward throughout the 30-year management period.
 - f) Ongoing monitoring and remedial measures including benchmarking of the site creation/enhancement areas against the DEFRA conditions sheets reportable to the authority at 2, 5, 10-, 15-, 20- and 30-years post creation.
 - g) Monitoring of small heath butterfly and farmland birds at 2, 5 and 10 years.
 - h) Details of the body or organization responsible for implementation of the plan.
- The off-site BCP shall also include details of the legal and funding mechanism(s) (as agreed within the S106 agreement or equivalent mechanism) by which the 30-year implementation of the plan will be secured by the developer with the management body(ies) responsible for

its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

11. A Grassland Translocation Plan (GTP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the GTP is to translocate areas of species rich grassland together with a colony of small heath butterfly and the plant grass vetchling to a suitable receptor area or areas either on-site or off-site in accordance with the MVNE Impacts Summary and BNGA Update prepared by ECUS 31st October 2022. It shall include the following: -
- a) Location of area to be translocated and receptor areas / sites
 - b) Detail of the method of translocation and subsequent 30-year management regime for the grassland
 - c) Details of costs and funding for translocation and management
 - d) Ongoing monitoring of grassland plant diversity, small heath butterfly and grass vetchling at 1, 2, 5, 10, 20 and 30 years.
 - e) Details of remedial measures if the translocation fails with respect of grassland plant diversity/community type, small heath or grass vetchling.

Reason: In the interests of habitat and biodiversity in accordance with policy CLP16 of the Adopted Local Plan.

12. In line with conditions 9 and 10 above and landscape proposal plans 1/2 and 2/2 numbered LAP-20-P101 1001 and 1002, prior to the commencement of development a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
- a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) soil preparation, cultivation and improvement;
 - e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - f) tree pit design and underground modular systems;
 - g) grass seed mixes and sowing rates;
 - h) means of enclosure;

- i) car park, footpath and cycle layouts;
- j) hard surfacing materials;
- k) minor artefacts and structures (e.g. cycle store, furniture, refuse and other storage units, signs, lighting etc);
- l) retained historic landscape features and proposed restoration, where relevant.

Reason: To ensure a satisfactory landscaped setting for the development and appropriate biodiversity enhancement in accordance with Policies CLP16 and 20 of the Adopted Local Plan.

13. There shall be no land clearance, demolition or construction activities on the site until all tree protection measures as stated in Chapter 4.0 of the revised Arboricultural Method Statement (AMS) reference MVN-BWB-ZZ-XX-RP-LE-0001_AIA Rev 2 have been implemented with tree protective fencing installed to the specifications within the AIA Appendix 1 and locations as shown on drawing 'Tree Impact Plan' reference 775.002-ENZ-XX-XX-DR-AR-00-001 PL01 at Appendix 2 of the revised AIA.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies CLP16 and 20 of the Local Plan.

14. A scheme detailing sections of existing and proposed finished land levels and contours including the attenuation basins, shall be submitted to and approved in writing by the Local Planning Authority prior to any works on site commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

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

15. 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.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Local Plan.

Yorkshire Water:

16. No building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre line of the public sewer i.e. a protected strip width of 10 metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the local planning authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with policy CLP13 of the Adopted Local Plan

17. 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 point of discharge to be agreed.

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

18. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the local planning authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with policy CLP13 of the Adopted Local Plan.

Climate:

19. As part of the reserved matters submission a detailed scheme/strategy shall be submitted setting out;
- a) measures to reduce carbon emissions through construction works and for the operation of the premises.
 - b) measures to slow the release of carbon from any trees to be felled on the site

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

Environment Agency:

20. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref. Jun 2021 / MVN-BWB-ZZ-XX-RP-YE-0002_FRA) and the following mitigation measures it details:
Development will be strictly limited to Flood Zone 1.
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.

Reason: To reduce the risk of flooding to the proposed development and future occupants in line with policy CLP13 and 14 of the Adopted Local Plan.

Highways:

21. Prior to any works exceeding demolition and site clearance, a construction management plan or construction method statement shall be submitted to and be approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions

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

22. Throughout the period of construction, wheel washing facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous materials on the public highway.

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

23. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawing 6170-096 for the parking of cars and cycle and manoeuvring of visitors, staff, customers, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

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

24. Unit A shown on plan - 6170-096 shall not be used for B2 use, unless a revised parking layout has been submitted to and agreed in writing by the Local Planning Authority detailing the on-site parking for the B2 use. The approved scheme shall be implemented in full on site and made available for use prior to any use under use class B2 taking place.

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

25. Before the commencement of any operations on site, a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

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

26. The premises, the subject of the application, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

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

27. The maximum floorspace hereby approved is 68,000 sq. m gross. Before more than 35% of the approved floorspace (i.e. 23,800 sq. m gross across both buildings) may be brought into use for B2 purposes, and 65% of the approved floorspace (i.e. 44,200 sq. m gross across both buildings) may be brought into use for B8 purposes, the M1 Junction 29A Slip Roads shall be amended as per Drawing MVN-BWB-GEN-XX-DR-TR-204 and A6192 Erin Road/A6192 Markham Lane/Enterprise Way/Markham Road as per Drawing MVN-BWB-GEN-XX-DR-TR-205 (as submitted in the Transport and Infrastructure Planning B2 sensitivity test Rev P1, dated 18.06.2021) to address any traffic increase in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the approved scheme prior to any additional floorspace above the 35% being brought into use under B2 use class and 65% being brought into use under B8 use class.

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

28. The reserved matters application for the development shall include details of secure and covered bicycle storage/parking facilities serving that development for visitors and staff prior to the occupation of the units hereby permitted and shall be permanently retained for purpose of bicycle parkin, all in accordance with the scheme approved in writing by the Local Planning Authority.

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

National Highways:

29. No part of the development shall commence until geotechnical information has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways to demonstrate that the proposed earthworks associated with the development will have no adverse effect on the structural integrity of the SRN.

Reason: To ensure that the M1 motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety in accordance with policy CLP22 of the Adopted Local Plan.

30. No part of the development shall commence until details of the boundary treatment adjacent to the M1 motorway boundary have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved boundary treatment shall therefore be constructed in accordance with the approved plans and maintained in perpetuity.

Reason: To ensure that the M1 motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety in accordance with policy CLP22 of the Adopted Local Plan.

Lead Local Flood Authority:

31. 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. BWB. 07/07/2022. *Flood Risk Assessment*. Rev P05.
 - b. BWB. 07/2022. *Sustainable Drainage Statement*. Rev P02.
 - c. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
 - d. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and

maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted in accordance with policy CLP13 of the Adopted Local Plan.

32. Flood plain storage compensation:
No development shall take place until a satisfactory scheme for compensatory flood storage has been submitted for the consideration and approval of the Local Planning Authority in consultation with the Lead Local Flood Authority. The applicant will need to demonstrate that there will be no loss of floodplain storage post development with any loss of floodplain storage to be compensated for on a volume by volume, level by level basis and in a suitable location. The approved scheme shall be implemented prior to the raising of land within the flood plain. In accordance with the principles outlined within:
a. BWB. 07/07/2022. *Flood Risk Assessment*. Rev P05. b. BWB. 29/04/2022. Floodplain Compensation Analysis. MVS-BWB-ZZ-XX-DR-YE-0004. Rev DRAFT. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

33. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.”

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

into the ground (infiltration);
to a surface water body;
to a surface water sewer, highway drain, or another drainage system;
to a combined sewer.

In accordance with policy CLP13 of the Adopted Local Plan.

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

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

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

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 in accordance with policy CLP13 of the Adopted Local Plan.

36. Prior to the first completed building being brought into use a scheme for provision of electric vehicle charging points for each unit shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details prior to first occupation and the provision to remain available for use throughout the life of the development.

Reason: In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

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

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

38. Archaeology:

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 reporting 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 publication and dissemination of results and archive deposition has been secured.

Reason: to ensure the preservation and recording of any potential below ground archaeology in accordance with policy CLP21 of the Adopted Local Plan and Part 16 of the NPPF.

39. Prior to either building being brought into use a detailed scheme for mitigating noise and nuisance from the site including managing the movement of vehicles on the site during night-time hours shall be submitted to and agreed in writing by the LPA. The scheme shall operate in accordance with the agreed scheme until and unless otherwise agreed in writing by the LPA for example due to a change in operator at the site.

Reason: To minimise any potential noise and nuisance arising from the operation adversely impacting on local residents in accordance with policy CLP14 of the Adopted Local Plan.

40. As part of the reserved matters application a sustainability statement shall be submitted detailing; consideration of climate change in design and construction, use of renewable technologies, a statement on how emissions will be reduced through the construction process, and an assessment of the opportunities to create or connect the development to an energy centre/heat network.

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

41. Prior to any tree removal taking place on site a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

Reason: To minimise the carbon impacts of the development in accordance with Policy CLP20 of the Adopted Local Plan.

42. Prior to either building being completed details showing how the cycle and pedestrian routes will link into existing pedestrian and cycle routes shall be submitted to and agreed in writing by the LPA, works shall be completed in accordance with the agreed details prior to first occupation.

Reason: To ensure appropriate cycle connectivity in accordance with policy CLP2 of the Adopted Local Plan.

43. In association with condition 42 above, the cycle link and diverted footpath route as shown on plan 6170-069 received 07.11.2022 shall be fully implemented on site and available for use prior to first occupation.

Reason: In order to ensure appropriate connectivity of the site in accordance with policies CLP1 and 2 of the Local Plan.

Informatives:

1. YW:
Notes For The Developer:
i) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity.

sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements;

ii) The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network;

iii) Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network; and

iv) Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

2. Highways

- The application site is affected by a Public Right of Way (Staveley FP29/Bolsover FP34), would be diverted the Derbyshire Definitive Map). 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 533190. Please note that the granting of planning permission is not consent to divert or obstruct 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 01629 533190 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. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.

- Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new internal roads should be laid out and constructed to adoptable standards. Advice regarding the technical, legal, administrative and financial processes involved may be obtained from emailing ETE.DevControl@derbyshire.gov.uk in Development Control at County Hall, Matlock (tel: 01629 538658).
- Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing ETE.DevControl@derbyshire.gov.uk in Development Control 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.
- Pursuant to Section 163 of the Highways Act 1980, where the site curtilages slopes down towards the public highway/new estate street, 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.
- Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3.

EA informative:

Flood Warnings and Alerts

Parts of the site, including access roads, fall within a flood alert area. The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text End 2

message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Environmental permit - advice to applicant

The watercourse that runs through the site is classified as an ordinary watercourse. Any work that will directly affect the watercourse must be agreed with the Local Authority before work begins on site. Any work that may affect the River Doe Lea may require a permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

4. HS2 Informative:

The applicant is advised that the part of the application site falls within land that may be required to construct and/or operate Phase 2b of a high speed rail line (HS2 East), known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. As a result the application site may be compulsorily purchased. More information can be found at: <https://www.gov.uk/government/organisations/high-speed-two-limited>.

5.

LLFA:

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

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

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

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

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

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

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

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

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

J. On Site Surface Water Management;

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

Peak Flow Control

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

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1%

probability annual rainfall event must not exceed the greenfield runoff volume for the same event.

- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.

- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
 - Drawing details including sizes and material.
 - Details of a sedimentation chamber (silt trap) upstream of the inlet should be included. Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
- L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)
- M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.



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Item 2

Officer: HF

Application No: CHE/20/00700/OUT

ADDENDUM TO THE COMMITTEE REPORT

Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks. (Amended indicative plans, design and access statement, flood risk assessment and access plans received 21.07.2021)

Committee date: 12th December 2022.

This report should be considered in conjunction with the report at Appendix A submitted to Planning Committee on 15th February 2021.

Summary of consultation responses:

CBC Environmental Health	Refer to previous comments
Highway Authority	Need a condition for street lighting review in the area. Recommend conditions. Require contributions: <ul style="list-style-type: none">• £60k cycle connections for route between the development and Markham Vale.• Bolsover Road contribution of £7.5k to investigate speed limit changes.• £80k for revisions to traffic lights at Norbriggs.• £1.5k per year until the development is complete for Travel Plan monitoring.• £200k for bus stops.

CBC Design Services Drainage	Refer to previous comments. Would like clarity on the calculations submitted which may not correlate with the strategy plan.
Lead Local Flood Auhtority	Conditions recommended.
Yorkshire Water	Refer to previous comments.
Representations received after the committee determination:	<p>1. Resident of Bolsover Road: Shocked there is only one access road from the proposed low and high riddings (phases 3 and 4). Bolsover road will be packed with cars. 300-400 cars Bolsover Road will have to relief up to the A619. There will be queues morning and evening.</p> <p>2. Resident of Worksop Road: Do you consider the impact of putting 650 up homes on the residents and the already congested Worksop Road. This will have a massive effect on an already busy road and wildlife. Environmental impact will impact everyone in the area. I will lose my view. It will take 3 hours to get off my driveway.</p>

1.0 **Background**

- 1.1 The above referenced application was previously included on the agenda for planning committee on 15th February 2021 where it was resolved that; the officer recommendation be upheld and the application be approved subject to the signing of a Section 106 agreement and subject to conditions. Since that decision the signing of the S106 agreement has not progressed as issues of highway safety and flooding have been further considered at the request of the applicant.
- 1.2 This report is therefore an update on the case, the S106 agreement and the recommended conditions.

2.0 Updated Scheme

- 2.1 A letter from the applicants agent dated 21st July 2021 notes that: Since the determination of the planning committee further consideration as been given by the applicant to issues needed to support the detailed design and delivery of the site, notably topographical constraints and slope engineering. This has resulted in changes to the indicative masterplan. Whilst layout remains a reserved matter the indicative plan will inform the detailed design stages. The amended details relate to; access design plans, rationalisation of surface water drainage basins.
- 2.2 The access points remain the same or within a few metres of the previous proposals. A signalised junction continues to be proposed from Worksop Road. Two priority-controlled junctions from Bolsover Road, one to the east and one to the west. A priority-controlled junction continues to be proposed from Woodthorpe Road.
- 2.3 There has been adjustment to the design and location of the proposed surface water attenuation basins, without impacting on their function. An updated flood risk assessment is provided although detailed drainage proposals will be considered by condition as agreed by statutory consultees. The principles relating to modelling and off-site flows remain in line with the original scheme.
- 2.4 The masterplan as originally considered is as follows:



2.5 The masterplan as now proposed is as follows:



2.6 The differences from the previously considered scheme are:
More detail is provided on the renewed plan. The local centre and main areas of housing development remain unchanged. The attenuation features to the south of the eastern parcel appear to be reduced in number, although this will be finalised through reserved matters and conditions. The road layouts appear somewhat simplified but with the central treed boulevard remains. The Design and Access Statement retains reference to character areas and road design all as considered previously.

3.0 Flood risk:

3.1 Flood risk from the site has been considered in all aspects to be low risk with only mine drainage being high risk due to the unknowns associated with this. There is also a band of high risk where the water course dissects the site flowing north east to south west. Due to this risk and site topography the overflow route may be at high velocity. Surface water management is therefore required to increase storage in times of high flow. This is intended to be designed to 1 in 100 year event plus 40% for climate change. Therefore, whilst there are some flood risks associated with the site these can be suitably managed through appropriate mitigation measures.

3.2 The Lead Local Flood Authority has considered all updated drainage information and has recommended a number of conditions to ensure drainage details are considered through the reserved matters and prior to commencement on site.

3.3 On this basis the consideration of flooding matters in in with policy CLP13 remains acceptable with a need to update the conditions as recommended.

4.0 Highway safety:

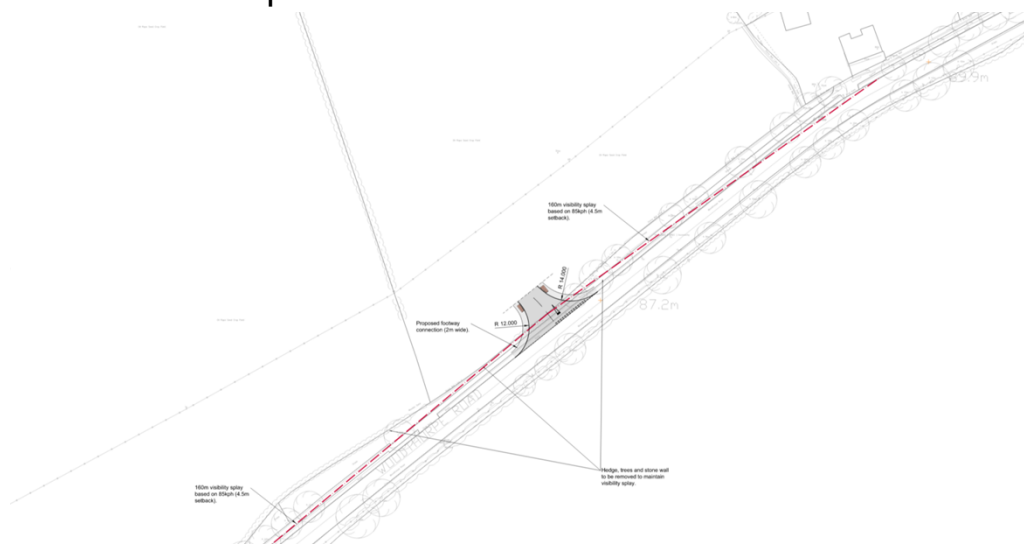
4.1 The access plans have been updated in line with more detailed discussions with the Highway Auhtority, pre-empting the S278 process with the Highway Authority. The details are now sufficiently resolved such that conditions have been recommended by the

Highway Authority. Subject to these conditions the proposal is considered to be acceptable in terms highway safety impacts in line with policies CLP20 and 22 of the Adopted Local Plan.

4.2 The additional comments from residents are noted, however it is not considered that the proposal will result in harm to highway safety subject to the conditions recommended.

4.3 The access proposed onto Woodthorpe Road is noted to result in the removal of hedge, trees and walling to accommodate the visibility splay. To protect the character of Woodthorpe Road a scheme for reinstalling such features outside of the visibility splays is required.

4.4 Woodthorpe Road access Plan SK102 Rev 02:

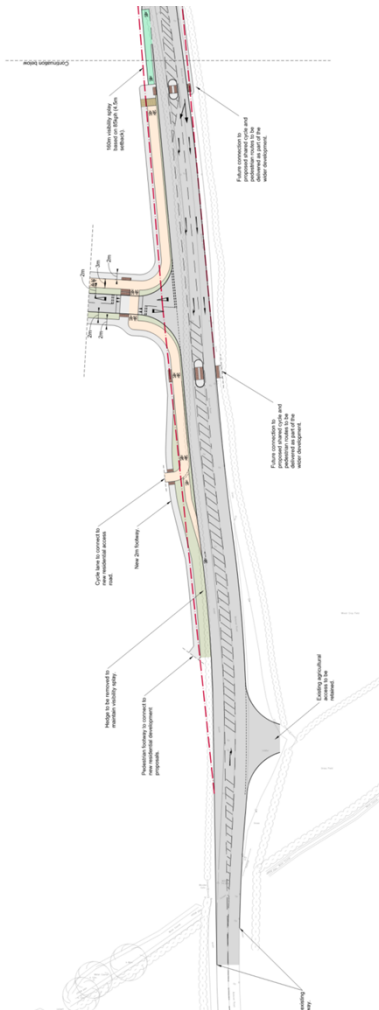


4.5 Accesses to Bolsover Road plan SK101 Rev 06:

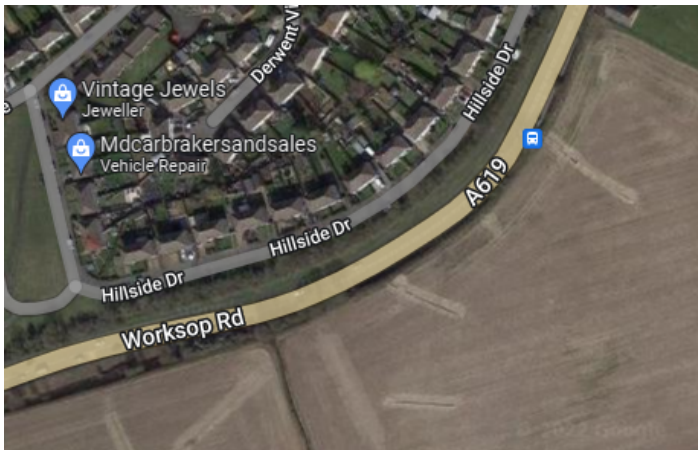
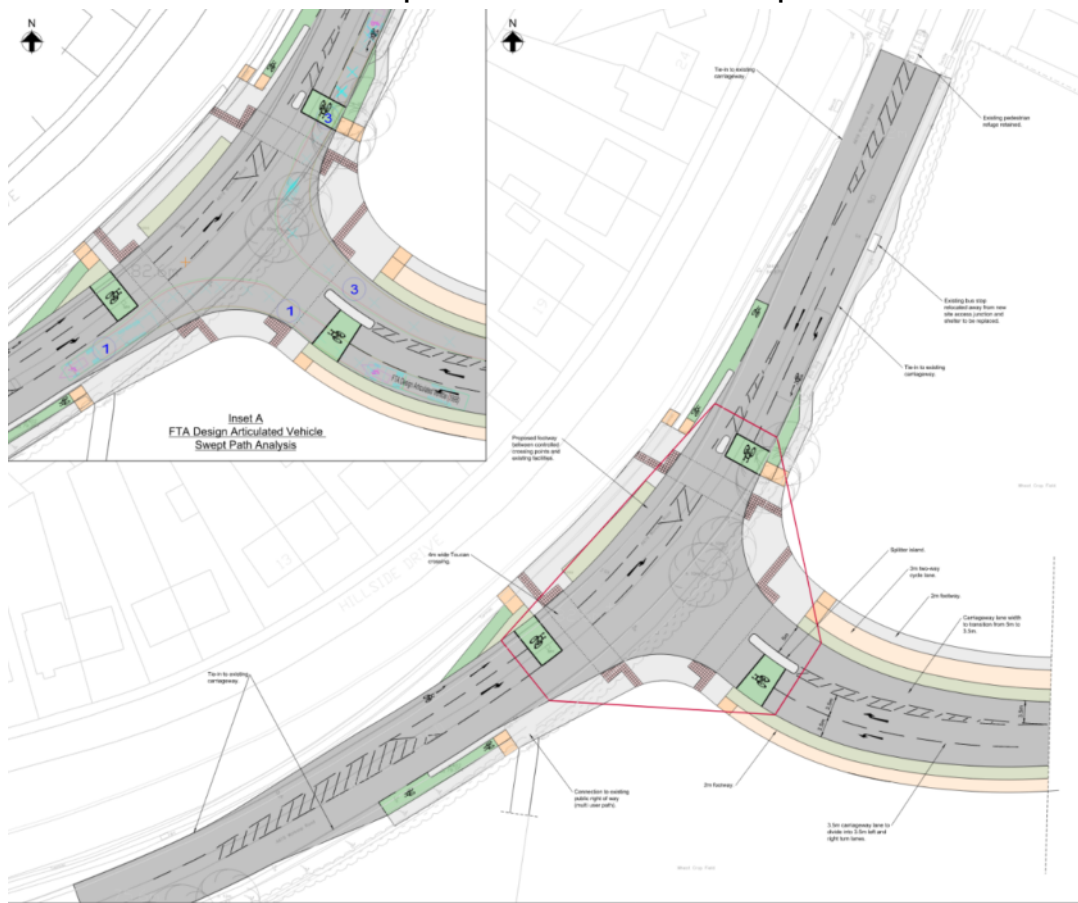
Access to the east -



And access to the west -



4.6 Access to Worksop Road onto the A619 plan SK100 Rev 05:



5.0 Other matters to be updated

5.1 Matters relating to climate change have become more urgent since the earlier original consideration of this case at appeal. In line with other recent decisions of the Local Planning Authority it is considered that a condition should be imposed to identify through each reserved matters submission how the development will mitigate against climate change through reduced carbon emissions.

5.2 Matters have also progressed in terms of seeking biodiversity net gains, whilst this as considered under the previous swathe of conditions, the need for a metric has now been added into the recommendation to ensure the net gain is measurable.

5.3 The additional resident comment in regard to wildlife and environmental impacts are noted, however the matter has been considered in detail and a net gain in biodiversity is achievable through the conditions recommended.

6.0 Recommendation – including an updated suite of conditions

6.1 That the application be determined in accordance with the recommendations set out at paragraph 10 of the report at Appendix A, namely:

6.2 It is recommended that the application be **GRANTED** subject to the signing of a S106 agreement covering the following matters, all as previously recommended:

- £247,260 – CCG for the expansion/alteration of Royal Primary Care and Barlborough Medical Practice
- Affordable housing at 5% with a 90:10 split on rent and shared ownership
- On site management of open space, attenuation features and play areas
- £60k cycle connections for route between the development and Markham Vale.
- Bolsover Road contribution of £7.5k to investigate speed limit changes.
- £80k for revisions to traffic lights at Norbriggs.
- £1.5k per year until the development is complete for Travel Plan monitoring.
- £200k for bus stops.

6.3 and subject to the following conditions:

Time limits

1. The development for which permission is hereby granted shall not begin before detailed plans for the relevant part/phase of the development showing the layout, scale, external appearance and landscaping and the remaining access details beyond the 4 key entry points at Worksop Road, Bolsover Road and Woodthorpe Road already approved (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details for each corresponding phase.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Applications for approval of all the reserved matters shall be made to the local planning authority not later than 10 years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

3. The development hereby approved shall be begun either before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters whichever is the later.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

4. This planning permission shall relate to the following plans unless otherwise required by a condition of this permission or unless otherwise agreed with the local planning authority: Location Plan M5328-003 D05 dated 22.04.16 received 12.10.21; Access Plans (the 4 key entry points

referenced in condition 1 above as demonstrated on plan no's. 276927-00 Rev 01; SK-200, SK-100, SK-101, SK-102 received 12.10.2021), Indicative Masterplan P20181-00-001-100 Rev 02 dated 06.08.20 received 12.10.2021.

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.

Phasing

5. The first reserved matters submission required by condition 1 shall include a phasing scheme for the whole of the outline permission site area, including maximum housing numbers within each phase.

Reason: For clarification and to secure appropriate phasing of the development in accordance with policy RP1 of the Adopted Local Plan.

6. The first reserved matters submission required by condition 1 shall include a programme for the delivery of the Local Centre and supporting facilities no later than the first occupation of the third phase of operational/physical development.

Reason: To secure appropriate phasing of the development ensuring the regeneration benefits of the scheme in accordance with policy RP1 of the Adopted Local Plan.

7. The first reserved matters submission required by condition 1 shall include an overarching delivery strategy including broad locations for 25% of units within the whole of the outline development to be constructed to the optional requirement for Adaptable and Accessible dwellings in Part M4(2) of the Building Regulations.

Reason: In order to ensure the appropriate delivery of Adaptable and Accessible dwellings in line with policy CLP4 of the Adopted Local Plan.

8. The phasing scheme required by condition 5 shall include details of the

proposed sequence of development across the whole site, including strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths, the extent and location of individual development phases and the associated access arrangements and timescales for implementation of the off-site highway improvements.

Reason: To ensure appropriate delivery of these elements of the scheme in accordance with policy RP1 of the Adopted Local Plan.

9. The development shall be carried out in accordance with the details approved by conditions 5, 6, 7 and 8 or any subsequent amended details submitted to and approved in writing by the local planning authority in compliance with those conditions.

Reason: For clarification and to ensure appropriate control over the whole development in accordance with Policy RP1 of the Adopted Local Plan.

10. No development shall commence until the site wide phasing programme required by condition 5 has been approved in writing by the local planning authority. Thereafter each subsequent reserved matters application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance for approval by the local planning authority. Thereafter the development shall be carried out in accordance with the phasing programme as approved and/or updated.

Reason: For clarification and to ensure appropriate control over the whole development in accordance with Policy RP1 of the Adopted Local Plan.

Design/Masterplan

11. Prior to or no later than concurrent with the first reserved matters application, a Design Code/Framework shall be submitted to the local planning authority for approval in writing. The Design Code/Framework shall set out the overarching design approach for the whole site and set a site wide open space, green infrastructure and accessibility framework to inform any phased reserved matters proposals. The Design Code/Framework should be compatible with, and expand upon, the principles set in the Design and Access Statement (DAS) dated and

received July 2021 no. P20181-00-001-GIL-0703-08. All reserved matters applications shall accord with the approved site wide Design Code/Framework.

Reason: To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CLP3, RP1 and CLP20 of the Adopted Local Plan and the 'Successful Places' SPD.

12. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the Design and Access Statement (DAS) dated and received July 2021 no. P20181-00-001-GIL-0703-08; and the Indicative Masterplan P20181-00-001-GIL-104 Rev 01 dated 16.07.2021, 0101 Rev 03 dated 25.06.2021 and 0103 Rev 01 dated 16.07.2021 all received 21.07.2021.

Reason: To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CLP3, RP1 and CLP20 of the Adopted Local Plan and the 'Successful Places' SPD.

13. Prior to or concurrent with the submission of the first reserved matters application for the 'layout' of any phase of the development hereby permitted, an Adaptable and Accessible Homes Scheme for that phase shall be submitted in writing to the local planning authority and shall include details of how the phase of development will accord with the overarching strategy for delivery of Adaptable and Accessible Homes approved under condition 5 identifying on a 'layout' plan the individual dwellings to be constructed to the M4(2) standard within that phase. The construction of any dwellings in a phase shall not commence until the Accessible and Adaptable Homes Scheme for that phase has been approved in writing by the local planning authority. Development for a phase shall be carried out in accordance with the associated approved Accessible and Adaptable Homes Scheme and the accessible and adaptable homes shall be maintained as such thereafter.

Reason: In order to ensure the appropriate delivery of Adaptable and Accessible dwellings in line with policy CLP4 of the Adopted Local Plan.

Highways

14. No part of the development within each phase (identified in accordance with conditions 5 and 10 above) shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details as set out in conditions 15 to 19 below.

Reason: In order to ensure appropriate and safe access in the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

15. Before any other operational development is commenced within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), detailed designs of a multi-user route link to Seymour Link Road, 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.

Reason: In order to ensure appropriate and safe access in the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

16. Before any other operational development is commenced within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above) a new vehicular access on A619 Worksop Road shall be formed generally in accordance with the submitted plan 'SK100/Rev 5 Potential Site Access onto A619 Worksop Road (Site Access 1), but more specifically in accordance with detailed designs which shall be submitted to and be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority.

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

17. Prior to the first occupation/use of any unit/building, hereby approved, commenced within any phase (or in line with part of any phasing programme as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above) improvements to signal timing/ staging at the existing junctions of the A619 Worksop Road/ B6419 Bolsover Road and the A619 / Norbriggs Road (CIII) and the proposed signalised junction (Site access 1) on A619 Worksop Road needs to be reviewed in accordance with the detailed designs which shall be submitted to and be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority.

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

18. Before any other operational development is commenced within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above) excluding any necessary demolition and site clearance, two new vehicular accesses on Bolsover Road shall be formed in the exact location shown on drawing 'SK101/Rev 6 Potential Site Access onto Bolsover Road (Site Access 2 and 4)' and one vehicular access on Woodthorpe Road shall be formed in the exact location shown on drawing 'SK102/Rev2 Potential Site Access onto Woodthorpe Road (Site Access 3)' to serve the proposed site.

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

19. Before any other operational development is commenced within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above) excluding any necessary demolition and site clearance, a scheme (in line with the informal plan '276927-00/Rev C Bolsover Road Pedestrian Crossing') to improve pedestrian connectivity from the proposed eastern Bolsover Road access towards the junction of Bolsover Road and the A619 Worksop Road shall be submitted to and agreed by the Local Planning Authority. The approved scheme shall be implemented prior to the first

occupation of any dwelling served by the proposed eastern Bolsover Road access.

Reason: In order to ensure appropriate and safe access in the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

20. No development shall take place within any phase (or subphase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), including any works of demolition until a Construction Management Plan or Construction Method Statement has been submitted to and been approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the construction period of that associated phase of development. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Hours of operation
- Method of prevention of debris being carried onto highway / wheel washing
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions

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

21. No development shall take place within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the local planning authority. Works shall be completed in accordance with the agreed details.

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

22. The carriageways of the proposed estate roads shall be constructed in accordance with condition 21 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. 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 12 months (or 3 months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the local planning authority.

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

23. No part of the development shall be occupied until the Local Planning Authority have approved in writing details pertaining to:

- i) The detailed design of all access junctions with the supporting Road Safety Audits as per GG119,
- ii) The width, alignment, visibility splays, gradient and surface materials for the proposed carriageway/footways/footpaths/cycleways,
- iii) bus access if required, egress and turning; and bus stop civil works on public highways and within development including all relevant horizontal and longitudinal cross sections showing existing and proposed levels, designed to a standard capable of adoption under Section 278 or 38 of the Highways Act 1980 and in agreement with the Local Highway Authority.

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

24. Before any other operations are commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), (excluding creation of the

proposed temporary accesses for construction purposes), all existing vehicular and pedestrian accesses to the public highway made redundant as a result of the development shall be permanently closed with a physical barrier and the existing vehicle crossovers reinstated as footway or verge in accordance with a scheme and programme first submitted to and approved in writing by the local planning authority.

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

25. No part of the development shall be occupied until shall not be occupied or brought into use until space has been provided within the site for the parking / cycle parking or loading and unloading/picking up and setting down passengers; manoeuvring of residents, visitors, staff, customers, service and delivery vehicles (including secure/covered cycle parking and also disabled parking spaces), located, designed, laid out and constructed in accordance with written details (including plans) to be submitted with and agreed as part of a subsequent Reserved Matters. These facilities shall be fully implemented and made available for use prior to the occupation of the development permitted and shall thereafter be retained available for use at all times.

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

26. Prior to the commencement of the development within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), a scheme for the disposal of highway surface water via a positive gravity-fed system, discharging to an outfall on public sewer, highway drain or watercourse, shall be submitted to and approved by the Local Planning Authority. The drainage scheme shall be implemented and thereafter managed and maintained in accordance with the details and timetable as approved.

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

27. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

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

28. No development shall be commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), 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 S38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

29. Before occupation of any unit, a scheme for the storage of refuse bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details and the facilities retained for their designated purposes at all times thereafter.

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

30. The proposed access roads shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent

highway. Once provided such facilities shall be maintained in perpetuity free from any impediment to their designated use.

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

31. Before any other operations are commenced within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), the internal layout/ internal design of the roads shall be submitted as part of any and each Reserved Matters application. The scheme of the internal layout must include information such as detailed design of internal roads, dimensioned plan, swept path assessments for refuse vehicle and fire tender vehicle, waste strategy management document, drainage proposal, dimension of carriageway and footways, road radii, turning head dimension, visibility splays at junctions, at driveways and garages, cross-corner visibility, forward visibility, pedestrian visibility etc. should be provided, all in accordance with current guidance in a manner be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

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

Flood Risk and Drainage:

32. No individual dwelling approved as part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above) 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.

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.

Yorkshire Water:

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

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

34. No piped discharge of surface water within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the local planning authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with policy CLP13 of the Adopted Local Plan.

35. Development shall not commence within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a scheme to ensure that on-site and off-site foul and/or surface water sewerage, designed to serve the whole development, of adequate capacity to ensure proper disposal to the receiving public sewer network has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme and the number of properties to be constructed within that phase, or within any other period or number of properties as may subsequently be approved in writing by the local planning authority. Furthermore, occupation of the development shall not commence until the approved drainage works have been constructed in accordance with the approved plans.

Reason: To ensure the site can be properly drained without risk of flooding / pollution to the local aquatic environment, public health and public amenity in accordance with policy CLP13 of the Adopted Local Plan.

Lead Local Flood Authority:

36. No development shall take place until:

- I. A full investigation into existing mine drainage within the site has been undertaken,
- II. An investigation into the condition and capacity of the watercourse within the site and up to a point beyond Worksop Road and modelling of the watercourse has been undertaken,
- III. And 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) Idom Merebrook (July 2021). Flood Risk Assessment Land off Worksop Road Mastin Moor, FRA-19412-17-31 R8 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
 - b) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted. In accordance with policy CLP13 of the Adopted Local Plan.

37. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

In accordance with policy CLP13 of the Adopted Local Plan.

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development. In accordance with policy CLP13 of the Adopted Local Plan.

39. The attenuation ponds should not be brought into use until such a time as they are fully designed and constructed in line with CIRIA SuDS manual C753 and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753, is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future. In accordance with policy CLP13 of the Adopted Local Plan.

40. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or

detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753. In accordance with policy CLP13 of the Adopted Local Plan.

Land Condition and Contamination:

41. In respect of each individual phase of development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), prior to the submission of reserved matters approval for each phase, a scheme of intrusive site investigations for the opencast high walls and shallow coal workings shall be submitted to the local planning authority for written approval. Thereafter those intrusive investigations shall be carried out as approved to inform any subsequent reserved matters application.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with Policy CLP14 of the Adopted Local Plan.

42. Concurrent with each reserved matter submission (including any phased development) in accordance with the provisions of condition 32 detailed above there shall be a report detailing the following: findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken; the submission of a layout plan which identifies the opencast high walls and appropriate zones of influence for the recorded mine entries within the site, and the definition of suitable 'no-build' zones; - the submission of a scheme of treatment for the recorded mine entries for approval; and the submission of a scheme of remedial works for the shallow coal workings for approval. Only those remedial details that receive detailed written approval alongside any reserved

matters consent, or separate approval under the provisions of this condition shall be implemented on site.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with Policy CLP14 of the Adopted Local Plan.

43. A. Development shall not commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), 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 ensure appropriate mitigation and remediation of the site in accordance with Policy CLP14 of the Adopted Local Plan.

Ecology and Biodiversity

44. Prior to the commencement of any development on site in any phase or sub phase, a metric to measure existing biodiversity on site to deliver a measurable net gain in biodiversity on-site post development as informed by a detailed metric and site wide landscaping parameters plan, shall be submitted to and approved in writing by the Local Planning Authority. Detailed landscaping schemes shall form part of each reserved matters application in full accordance with the approved site wide scheme for biodiversity net gain.

Reason: To ensure that a net gain for biodiversity can be gained on site in accordance with policy CLP16 of the Adopted Local Plan.

45. No vegetation clearance works shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To mitigate against any harm to habitat prior to any development taking place, in accordance with policy CLP16 of the Adopted Local Plan.

46. Prior to building works commencing above foundation level within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a detailed lighting strategy shall be submitted to and approved in writing by the local planning authority 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. A lux contour plan shall be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved measures will be implemented in full.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

47. Prior to development commencing on any phase or sub phase, a detailed badger survey shall be carried out for any recently excavated badger setts on the site or within 30m of the site boundary and the survey, along with any necessary mitigation measures, shall be submitted to and be approved in writing by the local planning authority. Development will be carried out in accordance with the approved mitigation measures.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

48. No development shall take place (including demolition, ground works, vegetation clearance) within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), until a Construction Environmental Management Plan – Biodiversity (CEMP - Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP - Biodiversity shall be informed by the existing ecological survey work and include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of “biodiversity protection zones”;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;

- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

49. No works which include the creation of trenches or culverts or the presence of pipes shall commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include the creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 200mm outside diameter being blanked (capped) off at the end of each working day.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

50. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The LEMP will set out how the phase (or sub phase) will deliver the requirement for a net measurable gain in biodiversity (as set out in condition 45) and should combine both the ecology and landscape disciplines and 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 in perpetuity, with reviews);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met;
- i) locations of bat boxes, bird boxes, hedgehog holes and habitat piles (including specifications/installation guidance/numbers).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term (30+ years following final occupation) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason: To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit, in accordance with Policy CLP16 of the Adopted Local Plan.

Landscaping

51. In accordance with condition 44 and 50 as part of each reserved matters application concerning landscaping within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), 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:

- 1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;
- 2) location, type and materials to be used for hard landscaping including

specifications, where applicable for:

- a) permeable paving;
 - b) tree pit design;
 - c) underground modular systems;
 - d) sustainable urban drainage integration;
 - e) use within Tree Root Protection Areas (TRPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
 - 5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the local planning authority.

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

52. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a scheme for the protection of the retained trees, hedgerows and habitats 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 or landscaping works within the RPA that may impact on the retained trees and habitats;
- c) a full specification for the installation of boundary treatment works;
- 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, hedgerows and habitats during both land clearance and construction phases and a plan indicating the alignment of the protective fencing;

g) a specification for scaffolding and ground protection within protection zones;

h) tree, hedgerow and habitat 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 as concrete mixing and use of fires;

j) boundary treatments within the RPA;

k) methods to improve the rooting environment for retained and proposed trees, hedgerow and landscaping. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality in accordance with policy CLP16 of the Adopted Local Plan.

53. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the local planning authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in accordance with the approved details.

Reason - To avoid any irreversible damage to retained trees in accordance with Policy CLP16 of the Adopted Local Plan.

54. The landscaping details submitted to accompany any reserved matters application for any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (any areas not proposed to be contained within the curtilage of any individual properties/dwellings) at all times following completion of that phase or sub-phase of development, including timescales for implementation. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason: To ensure that appropriate means for the long term management and maintenance of all public areas is provide in the interest of the amenity, character and appearance of the development and its wider setting, in compliance with policy CLP16 of the Adopted Local Plan.

Heritage and Archaeology

55. a) No development shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a Written Scheme of Investigation for archaeological work for that phase has been submitted to and approved by the local planning authority in writing, and until the fieldwork elements of the scheme for that phase are complete to the written satisfaction of the local planning authority. The Written Scheme of Investigation for each phase will comprise a detailed statement of methodology in line with Land at Mastin Moor, Derbyshire.

Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019), and will include on a phased basis:

1. an assessment of significance and research questions;
2. the programme and methodology for archaeological evaluation, to take place before the consideration of reserved matters with details of layout for that phase;

3. the programme and methodology for further archaeological work following evaluation, comprising preservation in situ or mitigation excavation as appropriate;
 4. the programme of post-investigation assessment;
 5. provision to be made for analysis of the site investigation and recording;
 6. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 7. provision to be made for archive deposition of the analysis and records of the site investigation; and
 - 8 nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation.
- b) No development in any phase shall take place other than in accordance with the archaeological Written Scheme of Investigation approved for that phase under this condition part (a) and in accordance with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, September 2020).
- c) No phase of the development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved for that phase under this condition part (a), and in accordance with Land at Mastin Moor, Derbyshire Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, September 2020), and until the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CLP21 of the Adopted Local Plan.

Other:

56. Prior to development commencing within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), an Employment and Training Scheme shall

be submitted to and be approved in writing by the local planning authority. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and the scheme. Development shall be carried out in accordance with the approved scheme.

Reason: In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

57. For each new dwelling provided with dedicated parking provision, a residential charging point shall be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32amp 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 first occupation and shall be retained and maintained as useable for the life of the development.

Reason - In the interests of reducing emissions in line with policy CLP22 of the Adopted Local Plan.

58. Construction work shall only be carried out on site between 0800 hours and 1800 hours Monday to Friday, 0900 hours to 1700 hours 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 amenity in accordance with Policy CLP14 of the Adopted Local Plan.

59. Before construction works commence or ordering of external materials takes place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), precise specifications or samples of the walling and roofing materials to be used shall be submitted to the local planning authority for

consideration. Development shall be carried out in accordance with the approved details.

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 in accordance with Policy CLP20 of the Adopted Local Plan.

60. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the local planning authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition 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 amenity of neighbours and the area as a whole in accordance with Policy CLP20 of the Adopted Local Plan.

61. The submission of reserved matters applications shall be made in accordance with the recommendations of the Noise and Vibration Assessment by Waterman Infrastructure & Environment Ltd dated October 2020 and each phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), shall be accompanied by a statement or report of compliance for approval by the local planning authority. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason: In the interest of amenity and to ensure that appropriate mitigation measures are designed into the site layout and the new

development / dwellings to protect existing neighbours and new occupiers in accordance with policy CLP14 of the Adopted Local Plan.

62. Along with the submission of reserved matters relating to the Woodthorpe Road area of the site, a detailed scheme for the reinstatement of hedges and walls outside of the visibility splay (Woodthorpe Road) shall be submitted. Works shall be completed in accordance with the agreed details prior to final occupation of that phase of development.

Reason: To ensure an appropriate edge to Woodthorpe Road in accordance with policy CLP20 of the Adopted Local Plan.

63. As part of each reserved matters submission a sustainability statement shall be submitted to and agreed in writing by the Local Planning Authority detailing;

- Use of renewable technologies
- Construction methods to reduce carbon emissions
- A statement as to how emissions will be reduced through the construction process
- An assessment of the opportunities to create or connect the development to an energy centre/heat network
- A scheme of EV charging for each dwelling and for each commercial unit (as relevant to each reserved matters)
- A scheme to reduce the speed of carbon release from any trees to be felled on site

Works shall be completed in accordance with the agreed statement.

Reason: To seek to reduce emissions from development and address climate change in accordance with Policy CLP20 of the Adopted Local Plan.

Informative Notes:

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any

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

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

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

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

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

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

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

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

3. 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.

4. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.

5. Local Highway Authority -

In addition to the above conditions, the following notes should be appended to any consent for the applicant's information: -

- The application site is affected by a Public Right of Way (Footpath numbers 25 and 26 Staveley on the Derbyshire Definitive Map) on the Derbyshire Definitive Map). 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 533190. Please note that the granting of planning permission is not consent to divert or obstruct 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 01629 533190 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. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning

authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.

- Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing ETE.DevControl@derbyshire.gov.uk in Development Control at County Hall, Matlock CONTROLLED (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

- Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from emailing ETE.DevControl@derbyshire.gov.uk in Development Control 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.

- The Highway Authority recommends that the first 6m of the proposed access driveways 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 landowner.

- Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

- Pursuant to Section 163 of the Highways Act 1980, where the site curtilages slopes down towards the public highway/new estate street, 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 gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

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

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

6. Lead Local Flood Authority -

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

the drainage conditions set by the LPA):

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

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

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert).

It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to

proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

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

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

G. Surface water drainage plans should include the following:

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

H. On Site Surface Water Management;

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

Peak Flow Control

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

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface

water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

I. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.

- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

J. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA.

(Other methods of drainage calculations are acceptable.)

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

Appendix A – Previous report to committee 15th
February 2021 for information:

Case Officer: HF
CHE/20/00700/OUT

Application No:

ITEM

Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks on land south of Worksop Road, Mastin Moor for Devonshire property (MM) Ltd.

Local Plan: Housing Site H35 as defined in table 4 to Policy CLP3 and Policy RP1.

Ward: Lowgates And Woodthorpe

Plot No: 2/

Committee Date: 15.02.2021

CONSULTATIONS

Derbyshire Fire and Rescue:

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the proposed premises at a minimum 32mm water supply capable of delivering the required volumes.

Environment Agency:

No comments to make as there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. The Lead Local Flood Authority should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the development

Chesterfield Canal Trust:

Whilst the development does not directly affect the main line of the Chesterfield Canal, it is close to the end of the Norbriggs Cutting and the remains of a horse-drawn tramway, which we understand was one of the earliest in Derbyshire, linking the canal and the Norbriggs Colliery. We would like to request that a full archaeological survey be carried out to investigate the tramway and then interpretation be provided both on the development site and at the end of the Norbriggs Cutting. We would also request the developer puts together and then implements a Landscape and Ecological Management Plan for the old canal cutting with the aim of providing varied habitats for different wildlife along its length.

Ramblers :

Providing Staveley footpaths 25 and 26 are preserved we would offer no objection to the proposals. We note that Staveley footpath 26, where it passes through the Curtilage of Pump House Farm, does not follow the definitive line. We would request that the eastern entrance for the definitive line is maintained in the proposed layout at least until such time that the definitive line is formally diverted. We would further request that every effort is made to keep the footpaths as mentioned above in a safe and usable condition during the period of any and all works.

In terms of new paths, we would request that every effort is made to maintain the countryside character of RoW Staveley footpaths 25 and 26. Staveley Footpath 26 is shown passing through Pump House Farm as being retained. We would remark that this section of footpath is currently unavailable, i.e. blocked off on the eastern side and reported as such to Rights of Way.

CBC Design Services:

The site is not shown to be at risk of flooding from rivers according to the Environment Agency flood maps and is therefore classed as Flood Zone 1 and compatible with housing development. Some areas of the site are shown to be at risk from surface water flooding on the EA maps. This includes the area to the watercourse along the south-eastern boundary and across the centre of the western part of the site. These seem to be mostly avoided by proposed development on the masterplan but may need further consideration at detailed design stage. Just downstream of the site is a known flooding problem with the watercourse passing between housing and culverted under Norbriggs Road. Any application should ensure that this flooding is not exacerbated and a development would also provide an opportunity to reduce any flood risk to this area, which could be achieved by reducing existing runoff or attenuating the watercourse upstream. It is noted at this stage that sustainable drainage methods may be utilised to attenuate runoff. We would support the

utilisation of SuDS systems as much as possible for ecological and amenity benefits as well as managing water quantity and water quality. We would need to see full details of proposed drainage designs prior to full planning approval, which should be carried out in accordance with DEFRA and CBC standards for flood risk. We would also need to proposals for the maintenance and management of any drainage features to ensure these will managed in the long-term. Any connection to the public foul sewer network will require consultation and approval from Yorkshire Water. A foul sewer is present in Norbriggs Road although may have limited capacity to accept flows from a major development. Derbyshire County Council should also be consulted in their role as Lead Local Flood Authority regarding the flood risk and site drainage for the application.

Sport England:

The site is not considered to form part of, or constitute a playing field. The scheme still does not look to include any proposals for on-site formal sports facilities, including playing fields. In view of the above, Sport England wishes to reaffirm comments made in respect of CHE/17/00469/OUT (appended below), and again recommends that the council considers the additional sporting needs generated by occupiers of the development, and directs proportionate CIL monies to deliver new/improved facilities for sport reflecting those needs.

Development Control Archaeology:

The previous application was informed by an archaeological desk-based assessment and detailed geophysical survey which indicated the presence of sub-surface archaeological remains of a range of periods. These included an ovoid enclosure which appears to be associated with a field system which is of possible pre historic date. A range of features relating to coal extraction were also identified. It is known that coal extraction occurred here during the 18th and 19th century with Norbriggs Colliery operating in the south-western sector of the site. The line of the late 18th century horse drawn tramway built to take coal from the colliery to the Norbriggs cutting was also clearly identified in the western sector of the proposed development site.

In addition, geophysical anomalies which reflected the sites of demolished buildings as well as industrial archaeological remains, traces of possible former field boundaries and ridge and furrow ploughing were evidenced. We initially recommended that a scheme of trial trenching be conducted at a pre- determination stage across the site in order to sample the below ground remain indicated by the geophysical survey. It was ultimately agreed that the further archaeological evaluation be conducted post

planning permission. The reason for this was that the site was to be developed in phase, likely by a range of independent developers. In order to secure the necessary further archaeological evaluation and mitigation including where necessary preservation of in-situ an overarching WSI which scoped these details was agreed. Whilst this is referred to in some of the indicative layouts for the scheme the text relating to cultural heritage does not.

The recommendations previously made are reiterated. The proposed development phasing depicted in fig 1 of the submitted overarching WSI would need to be followed in this application. Please confirm with the applicants.

Derbyshire Constabulary:

No objection to the application in principle, recommendations for future detail to align with your adopted Successful Places document, for pedestrian movement routes to be well supervised with an open aspect, and considering the expanse of open space and footpath connections, for strategically placed measures to reduce misuse of footpaths by motorised vehicles to be included within landscaping proposals. It would be strongly recommended that the applicants engage in pre-application discussions for the reserved matters.

The Coal Authority:

This application represents a resubmission of CHE/17/00469/OUT and nothing appears to have been submitted concerning coal mining legacy over and above that which was previously submitted. The Coal Authority does therefore not wish to raise any specific observations, but would reiterate our comments of 1 August 2017, in response to that planning application, which remain valid in respect of this application.

Highways England: No objection

CBC Economic Development:

There will be significant employment, training and supply chain opportunities created during the construction phase and operational phase of the development. It is recommended that a local labour/ supply chain clause is negotiated which would encourage local employment, training and supply chain opportunities during the construction phase to promote these opportunities to local businesses and local people. The Economic Development Unit would also be keen to engage with the applicant to extend any activity that falls under this condition to the operational phase of the development. This will ensure that there is a

strategy for promoting the additional employment and training opportunities resulting from the operational phase. The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and the Chesterfield Local Plan Core Strategy 2018 – 2035.

DCC Policy:

Primary schools -

The proposed development spans the normal area of 2 primary schools, namely Woodthorpe CE Voluntary Controlled Primary School and Norbriggs Primary School. Approximately 273 of the dwellings fall within the normal area of Woodthorpe CE Voluntary Controlled Primary School, generating 66 primary pupils. Analysis shows that the 66 primary pupils generated from this section of the development could not be accommodated in the normal area school.

The other 377 dwellings fall within the normal area of Norbriggs Primary School, generating 90 primary pupils. Analysis shows there is a surplus of 67 places at Norbriggs Primary School. Therefore, for this part of the site, 23 out of the 90 pupils generated could not be accommodated within the normal area school.

Therefore, across the two primary phase schools the County Council therefore anticipate a shortfall of 89 places.

Secondary School –

The proposed development falls within and directly relates to the shared normal area of Netherthorpe School and Springwell School. The proposed development of 650 dwellings would generate the need to provide for an additional 182 secondary phase (with post 16) pupils. Analysis shows that the shared normal area secondary schools would not have sufficient capacity to accommodate the 182 secondary phase (with post 16) pupils arising from the proposed development.

Mitigation is therefore required.

Mitigation Primary –

There is insufficient scope to expand Woodthorpe CE Voluntary Controlled Primary School.

There is capacity to expand at Norbriggs Primary School, sufficient to accommodate the primary pupils. However, there are challenges to the delivery of a scheme on this scale, due to trees and site conditions. Derbyshire County Council will continue to explore whether there is any

scope for some increase of capacity at Woodthorpe, CE Voluntary Controlled Primary School should a lesser scale of development be feasible at Norbriggs Primary School.

Mitigation Secondary –

Netherthorpe School and Springwell School have recently been substantially rebuilt and only have space for their current capacities. Any expansion at these schools would be in the form of additional new build accommodation.

Funding for the above will be sought through the CIL process in order to provide the additional primary and secondary places required in the most efficient way possible.

Broadband - All developers proposing housing developments should look to provide for NGA broadband infrastructure and services as part of the design of their development schemes at the outset – an advisory note for this is required.

Waste - Based on the capacity at the local Household Waste Recycling Centre, a contribution from CIL may be requested to enable additional measures to increase capacity.

Libraries - Where capital improvements to the local library are required to accommodate the additional population resulting from this development proposal a CIL bid may be made.

Chesterfield Cycle Campaign:

Welcome the inclusion of a network of multi user trails within the site and potential connections outside the site. It is vital the development is linked to existing local centres and schools by sustainable transport means otherwise it will create a huge increase in vehicle traffic. There needs to be a cycle link between this development, the existing houses at Mastin Moor past Netherthorpe school and on to the Trans Pennine Trail. This link would also facilitate cycle journeys to local Schools. CIL/other funding from the development should be used to facilitate these links.

The only way to get by bicycle from this development to Staveley, let alone Chesterfield, without using very busy roads is a rather roundabout route via Poolsbrook. Without these cycling and walking links being place on the completion, it just adds up to yet another development which is bound to increase motor traffic at a time when reducing it should be imperative. It is not clear what route could take them to Netherthorpe school. What

footpath & cycle links are there to Barlborough Links and into Barlborough?

DCC Lead Local Flood Authority:

The Lead Local Flood Authority have requested more detailed information including; an indication of the condition and capacity of the watercourse, the discharge rate proposed along with further investigation into the mine water drainage infrastructure to ensure that potential associated flood risks are understood and mitigated against.

CBC Tree Officer:

To the west of Woodthorpe Hall Farm and adjacent to the Woodthorpe Road and the B6419 road junction is a small group and area of trees that are covered by a Derbyshire County Council Tree Preservation Order reference TPO 42. It is proposed that the area adjacent to these trees, as shown on the masterplan layout

drawing is planted with a broadleaf tree buffer and further into the site residential properties are to be constructed. Although off site, these trees and their rooting environment should be protected during any construction and land preparation activities as they provide a valuable screen to any development and contribute in general to the character of the area.

The site encompasses some 46.2ha of mainly agricultural land comprising primarily

of arable fields, along with hedgerows and scattered trees which are mainly featured

on the boundaries with four mature pedunculate oak trees found within the centre of the arable fields on the western side of the site and two mature ash trees within the Pumphouse private grounds.

There is no objection to the application in principle however, no detailed tree/ hedgerow surveys have been submitted with the application or a tree retention plan

to enable a full assessment of the trees and hedgerows on the site and associated

boundaries which may be affected. As this is an outline planning application, further

details should be provided if consent is granted to the application.

Conditions recommended.

Yorkshire Water:

In recognition of the fact that the area could have significant housing and employment growth as a result of emerging Local Plan proposals, Yorkshire Water completed a Drainage Area Plan (DAP) in 2015.

However, in order to assess the impact of this development on the local sewerage (sewers and pumping stations) and to then identify new infrastructure requirements, detailed site-specific sewer modelling will be required. Yorkshire Water will be happy to work with the developer, but any modelling will have to be developer funded.

The developer has stated that: "the nature of the proposed development means that

residential foul flows will be generated from the 650 dwellings. At the stage of an initial consultation with the local water authority, Yorkshire Water indicated that the public sewer network does not have adequate capacity available to accommodate the anticipated foul water discharge from the proposed development. The network capacity issues to be addressed via Section 104 agreement at the detailed design of the proposed development and agreed with Yorkshire Water as the local water authority for this area." This is totally wrong. The network capacity issue must be addressed by YWS way before the Section 104 stage (ie construction).

The developer has further stated that: "it is assumed that Yorkshire Water would have already made provision for accommodating the additional demand of sewers at least that level of development (650 dwellings)". This assumption is incorrect; as noted above, YW has for some time been aware of the proposals for significant development in the Mastin Moor area and so undertook a Drainage Area Plan that would inform additional work as sites come forward. However, we would not commence more detailed investigation such as site specific modelling until a site is allocated in a Local Plan and/or has grant of at least outline permission. Given the site was only allocated in July and the appeal allowed in October 2020 it is unreasonable of the developer to assume that YW has undertaken detailed investigative studies which in any case can take many months to complete.

Given the above, the drainage details submitted on drawing 19412 200-001 (revision D) dated 08/06/2017 prepared by Idom Merebrook are NOT acceptable to Yorkshire Water without the detailed investigative work suggested above. The public sewer network (irrespective of where any individual parcel within the site could discharge) does not currently have adequate capacity available to accommodate the anticipated foul water discharge from this site; the existing sewerage in the vicinity is designed to accommodate the current relatively small rural population and significant reinforcement will be required.

The development must be appropriately phased, and thus be in compliance with national planning practice guidance, to ensure that the

development will align with YW's investment plans and be properly served by wastewater infrastructure that will not cause detriment to other properties in the vicinity. Planning Practice Guidance states that; policies "can be used to ensure that new development and mains water and waste water infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and waste water have been carried out. Local planning authorities can use planning conditions and/or obligations to secure mitigation and compensatory measures where the relevant tests are met". The guidance also notes that "timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out"

So far as I am aware the developer has not approached YW with a view to commencing a feasibility study and they should do so at the earliest opportunity.

The receiving wastewater treatment works (WWTW) does not currently have capacity to serve the whole i.e. completed development. However, provided the development is phased, YW will be able to ensure capacity is available for this site and others within the works catchment, that may come forward during the Local Plan period.

It is understood that surface water will discharge to watercourse. If planning permission is to be granted, the conditions should be attached in order to prevent flooding, protect public health and the local aquatic environment and YW infrastructure.

Derbyshire Wildlife Trust:

The proposed site for the development does not have any statutory or non-statutory nature conservation designations. Hedgerows are present and it is likely that some or most of these will be of sufficient interest to meet the definition UK BAP Priority habitat type. There are watercourses within and adjacent to the site and small areas of woodland. This general area supports populations of breeding and wintering birds associated with farmland, woodland, wetland and garden habitat types, that there are significant populations of grass snake present in this area, that parts of the site may be used by foraging bats and that badger and common lizard have been reported from nearby. The watercourse is connected to the Norbriggs Flash Local Nature Reserve and Local Wildlife Site and possibly also relates hydrologically to the Netherthorpe Flash. Issues of water quality are therefore an issue for consideration.

Having reviewed the Extended Phase I Survey Report, Breeding Bird Report and Bat Survey Report prepared by Penny Anderson Associates, October 2020 together with other relevant documents submitted with the planning application, the scope and standard of survey to be acceptable.

We have concerns regarding the wider impact on nearby Local Wildlife Sites and the Norbriggs Flash Local Nature Reserve both in relation to hydrology and to the potential for increased human pressure on these sites.

The Phase I report does not provide any details of proposed biodiversity enhancements. The bat and breeding bird report do provide recommendations to avoid and mitigate for impacts on these species and also very broadly refers to potential enhancements that could be delivered within the proposed areas of public open space and naturalistic parkland.

The latest Indicative Masterplan (P20181-00-001-100 Rev 02 dated 6/08/2020) includes the retention of many of the boundary hedgerows and the establishment of open space, naturalistic parkland, community orchard, community gardens and a SUDS within the parkland. This plan would buffer the watercourse and mitigate for water quality issues. The details of the plan are still very broad brush and the plan is indicative at this stage.

The mitigation measures proposed for bats have been taken on-board with trees with bat roosts being retained. It will be important to ensure that badger activity is monitored/re-surveyed to enable mitigation and changes in design of the layout where necessary. There are no specific measures proposed for incorporating nesting opportunities for bats and birds into the development or for accommodation of any hedgehog activity.

The proposals include the creation of what is termed a 'naturalistic park'. This area offers opportunities to create a variety of habitat types and if achieved it should be possible to achieve a net gain for biodiversity. To ensure a net gain is achieved we would recommend that a biodiversity metric assessment be submitted with any future biodiversity enhancement plan so that gains and losses can be clearly recorded along with long term management.

The implementation of the measures identified in the indicative layout should address our concerns regarding hydro-ecological issues and by providing an attractive and accessible greenspace close to people's

houses it should help to mitigate for any increase in pressure on nearby greenspaces. Conditions recommended.

Representations:

Received from 12 parties living on; Norbriggs Road, The Paddocks and Bolsover Road (not all addresses provided):

- Require an archaeological survey of the colliery tramway with interpretation boards.
- Traffic is already congested, this would be worsened through the extent of housing.
- The impact on traffic on the A619 is of particular concern.
- Dangerous highway impacts close to 2 primary schools and local secondary school.
- Pollution from traffic.
- Extra pressure on doctors, dentist, schools and leisure.
- The provision of a care home is just to boost the number of social/affordable housing.
- The homes will not be affordable for those who are struggling to find employment.
- Loss of valuable farmland/prime arable land
- Wildlife habitat destroyed.
- Development of green fields will lead to a risk in local flooding.
- Open spaces are needed for mental health.
- Noise impacts.
- Litter and noise from pedestrians and motorists.
- The development is overbearing and out of scale in terms of existing developments.
- Woodthorpe is a village that does not want to be joined to Staveley.
- The development is disproportionate to the area.
- Village not townships.
- The site is too vast and would destroy the village feel of Woodthorpe and Mastin Moor.
- This is not to raise the standard of the area but for financial gain.
- Brownfield sites in the ownership of the applicant should be developed first.
- No thought for the local community.
- Public footpaths would be lost or compromised
- The scheme proposes a footpath to a private driveway (The Paddocks), which is not acceptable. The historic footpath was not intended to serve this many houses and will adversely impact on

the amenity of residents, the new footpath should be re-directed to the proposed multi use path.

- Quiet cul de sac's in the area will be used as a short cut.

2.0 THE SITE

- 2.1 The application site is a large swathe of land to the south of existing development at Mastin Moor, and to the east of Woodthorpe. The site is bound by the Worksop Road to the north and the Woodthorpe Road to the South with Bolsover Road cutting through the site north to south.
- 2.2 The overall site forms a pastoral valley sloping from the ridge lines along Worksop Road and Woodthorpe Road towards a watercourse that runs through the valley bottom in a westerly direction through the site. Other than the existing development of Pump House Farm located within the low-lying valley to the western area of the site, the area consists of agricultural fields, boarded by hedgerow with interspersed and occasional scattered trees forming an attractive pastoral landscape. There are two public rights of way affected by the development these are; Staveley footpath 25 leading from The Paddocks in a north east direction to Worksop Road and Staveley footpath 26 leading from The Paddocks in a south easterly direction to Woodthorpe Road.

View from Worksop Road:



View from Woodthorpe Road:



View from Bolsover Road looking south west:



View from Bolsover Road looking north west:



3.0 SITE HISTORY

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

4.0 THE PROPOSAL

- 4.1 Outline planning permission is sought with consideration of the access only at this stage, for the residential development of the application site which extends to 46.18 hectares with open space, a local centre, footpath and cycle links, extended community gardens and new crossing to Workop Road.

- 4.2 This application is similar to that recently approved on appeal under application reference CHE/17/00469/OUT.

The description in that case was:

Residential development of up to 650 dwellings (including elderly care and specialist accommodation), a Local Centre (including local retail, health facilities, other local facilities and services), open space, community garden extension (including community building and parking) and associated infrastructure

The description in this case differs:

Outline application for residential development of up to 650 dwellings, a residential care facility with extra care, a Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices), open space, community garden extension, community building, parking and associated infrastructure and earthworks.

- 4.3 The main difference in this submission being a residential care facility with extra care which is slightly different to that in the original application and the inclusion of leisure facilities and offices within the local centre which was not in the original description.
- 4.4 Part 6 of the submitted planning statement states that: The current proposal is broadly the same as the previous application proposal, as determined. Changes include the more explicit inclusion of 'extra care' as part of the residential care facility and provision for leisure facilities and offices within the Local Centre. These changes allow the opportunity for local community needs to be better met, including additional on-site employment opportunities, and for improved commercial flexibility, to ensure deliverability. The proposal therefore remains in-line with the Local Plan's allocation, and proposals that the Council has (at appeal) not opposed.
- 4.5 On this basis it is clear that this latest scheme is largely as approved in the recent appeal. That permission is within date and can be implemented and therefore is a material consideration in this case.
- 4.6 The Master Plan indicates housing spanning both sides of Bolsover Road with a swathe of land within the valley bottom for open space and habitat with SUD's features. The housing then links back up to Woodthorpe Road to the edge of the woodland area leaving an open field to the rear of properties at the southern end of Woodthorpe.

The local centre would be set to the south of Worksop Road and to the west of the development leading from the existing centre at the cross roads with Bolsover Road and Worksop Road.

4.7 Key aspects of the proposal include:

- Up to 650 dwellings
- A residential care facility with extra care
- A Local Centre (including local retail, health facilities, leisure facilities, other local facilities and services, offices)
- A new signal-controlled junction on Worksop Road providing access to the new Local Centre and residential areas, incorporating pedestrian and cyclist crossing facilities
- New priority-controlled junctions on Bolsover Road and Woodthorpe Road
- An extension to the Community Garden (approximately doubling its existing size), including provision for a new community building and associated car park
- Areas of parkland, play and other open space
- Additional landscape planting and ecological enhancements
- New walking and cycling connections
- New drainage infrastructure including surface water storage ponds



- 4.8 The application sets out the following key benefits of the scheme as follows:
- Provision of new, high quality housing
 - New development in a locality that has acknowledged regeneration needs
 - Greater variety of housing type and tenure (including Affordable Housing) to better meet the diverse needs of the local community, including housing to buy and rent
 - Extension of the Community Garden and new building (approximately doubling its existing size)
 - Improved local services and facilities, including provision for retail, health and other local and community services within a Local Centre
 - Areas of parkland, play and other open space available to existing and new residents with landscape planting and ecological enhancements
 - New housing in a location where future residents will have a realistic choice of walking, cycling or using public transport, in preference to using private motor vehicles
 - Opportunities for skills and learning through training programmes during construction and operational phases of the development
 - New employment opportunities
 - New traffic signal controlled junction on Worksop Road to include pedestrian and cyclist crossing facilities
 - On-site water storage that could help reduce existing off-site flood risk
 - Resolution of opencast ground conditions.

4.9 The application states that the proposal will provide opportunities and benefits for all sections of the local communities, including existing and future residents. Benefits will accrue in the short and longer term. It will help to overcome issues that can lead to deprivation and will contribute to regeneration in line with Local Plan objectives.

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, Adopted July 2020.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)
CLP2 Principles for Location of Development (Strategic Policy)
CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP4 Range of Housing
CLP6 Economic Growth (Strategic Policy)
CLP9 Retail
CLP10 Social Infrastructure
CLP11 Infrastructure Delivery
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP15 Green Infrastructure
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP17 Open Space, Play Provision, Sports Facilities and Allotments
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel
RP1 Regeneration Priority Areas (Strategic Policy)

5.3 Other Relevant Policy and Documents

National Planning Policy Framework (NPPF)

5.4 Supplementary Planning Documents

Designing Out Crime
Successful Places' Residential Design Guide
Historic Environment

5.4 Key Issues

- 5.5 Principle of development
- 5.6 Landscape character and visual impact
- 5.7 Residential Amenity
- 5.8 Highway safety
- 5.9 Archaeology
- 5.10 Heritage assets
- 5.11 Biodiversity
- 5.12 Trees and landscaping
- 5.13 Air quality and Climate Change
- 5.14 Contamination and Ground conditions
- 5.15 Land drainage and flood risk
- 5.16 Capacity of existing facilities and contributions

5.5 Principle of Development

5.5.1 As stated above legislation requires that, ‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035, Adopted July 2020.

5.5.2 Policy CLP1 of the Adopted Local Plan sets out the Spatial Strategy for development in the Borough; The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas. In the Regeneration Priority Areas; The council will maximise regeneration benefits to existing communities offered by development opportunities in the following areas:

- Eastern Villages– Barrow Hill, Duckmanton, Mastin Moor, Poolsbrook
- Holme Hall
- Staveley and Rother Valley Corridor

In terms of Housing Growth the policy states; The council will make provision for the delivery of a minimum Objectively Assessed Need (OAN) of 240 new dwellings per year, (4,080 dwellings over the period 2018 to 2035). New housing development will be in line with the strategy of ‘Concentration and Regeneration’.

5.5.3 The application site as proposed is an allocated Housing Site H35 as defined in table 4 to Policy CLP3 as set out in the Adopted Local Plan. Table 4 to Policy CLP3 allocates the site for 650 dwellings.

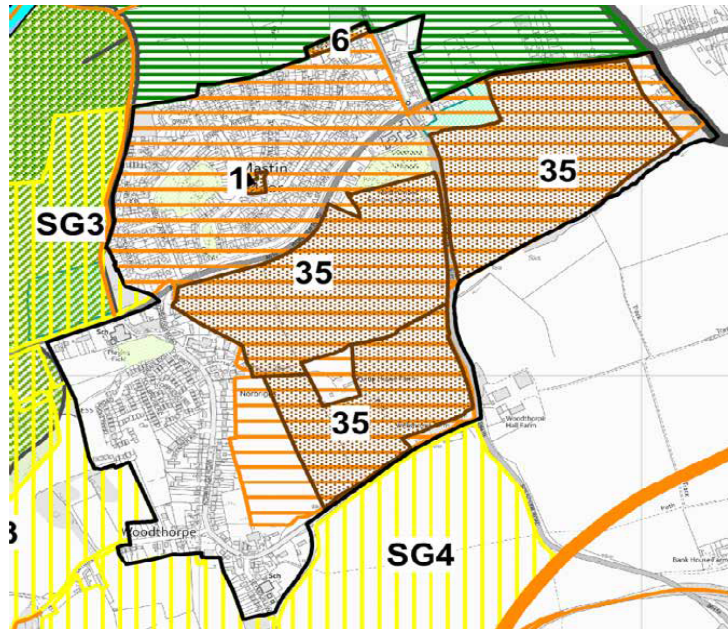
5.5.4 The site is also designated under Policy RP1 where it requires that; the council will grant planning permission for development which supports regeneration and where it would:

- a) extend the type, tenure and quality of housing; and
- b) deliver environmental and biodiversity benefits; and
- c) support or enhance existing services and community facilities;
- d) provide recruitment, training and procurement to benefit the local economy (via a Local Labour Agreement in line with Policy CLP6), with the priority being to maximise training and employment opportunities for existing residents of the RPA within which the development is located; and
- e) increase trees and tree groups to enhance landscape character; and
- f) have an acceptable impact on the wider highway network (taking account of cumulative effects of other developments within the RPAs) and provide any necessary mitigation.

5.5.5 In respect of the Mastin Moor Regeneration Priority Area RP1 the policy sets out that the development is expected to:

- i. deliver up to 670 new homes on sites H1, H6 and H35 (H35 providing 650); and
- ii. provide safe and convenient walking and cycling access to job opportunities at Markham Vale, the community garden and Norbriggs and Woodthorpe Primary Schools; and
- iii. provide a new Local Centre with additional community facilities and the opportunity for provision of health facilities; and
- iv. provide safe and convenient walking and cycling connections to the surrounding rights of way network, including connections to The Cuckoo Way and Chesterfield Canal; and
- v. promote design that positively contributes to the surrounding area, and conserves or enhances the significance of heritage assets including the former pumping engine and tramway; and
- vi. deliver a new and/or improved pedestrian and cycle crossing over the A619 ; and
- vii. protect and enhance the setting of and access to the community garden; and
- viii. minimise visual impact on the ridgelines along Worksop Road and Woodthorpe Road; and

- ix. provide a defined edge of development and a clear break to prevent continued coalescence and extension of ribbon development along Worksop Road; and Chesterfield Borough Council Local Plan Proposed Modifications
- x. maintain the distinct identities and settings of Mastin Moor and Woodthorpe through the use of landscaping and open space.



5.5.6 The issues and restrictions considered under Policies CLP3 and RP1 are for consideration at the reserved matters stage of the development as the outline being considered under this application only seeks permission for the access with all other matters reserved. However, the submitted indicative masterplan is considered to generally accord with the specific requirements of these policies which can therefore be appropriately met. Therefore, the development complies with recently adopted policy in terms of the principle of the development. In addition, the recent granting of planning permission on appeal is a materials consideration in this case.

5.6 Landscape Character and Visual Impact

5.6.1 Policy CLP20 requires in part that; “All development should respond positively to the character of the site and surroundings and respect the local distinctiveness of its context. All development will be expected to: a) enriches the quality of existing places and enhances the quality of new places, b) respect the character, form and setting of the site and surrounding area, c) be at a density appropriate to

the character of the area, f) provide appropriate connections both on and off site, i) preserve or enhance the landscape character”.

5.6.2 In terms of the general landscape impact of the development the submitted Landscape and Visual Impact Assessment recognises that the development of open fields will result in a change to local views which is unavoidable when developing on greenfield land. This will be more so in this case given the valley side of the pastureland to be developed. However, the Landscape and Visual Impact Assessment notes that; “Effects on visual amenity as a result of the scheme which could be considered to be important are, at worse, confined to a limited number of higher susceptibility residential receptors in close proximity to the proposed development. These would be those around the junction of the A619/Bolsover Road and the eastern end of Hillside Drive, Pumphouse Farm and the cluster of properties at the eastern end of Woodthorpe Road) and users of the Mastin Moor Community Garden.” These considerations are considered to be a reasonable assessment of the case. In addition, given that this land does not have protected status and the specifications set out in policies CLP3 and RP1 have been met it is considered that the landscape impacts in this case whilst resulting in harm are nevertheless acceptable in line with Adopted Local Plan policy. The detail of the scheme in terms of the layout of the housing, the landscaped swathes and retention of existing substantial trees and hedgerows will adequately mitigate the visual harm resulting from the scheme.

5.6.3 The policy requirements (CLP20 a), b), c), f)) to enrich the quality of the environment, respect the character, form and setting of the site and surrounding area can be met through the reserved matters. The indicative masterplan demonstrates how swathes of open space incorporating sustainable drainage features, running through the valley of the application site to the north western corner of the site will assist in assimilating the development into the landscape setting.

5.6.4 The consideration of an appropriate density is met through the submission of a housing scheme that meets the requirements of the allocation. Whilst the proposal will not preserve the landscape (CLP20 i) the visual impact of the scheme can be softened through appropriate layout, design and landscaping features which whilst demonstrated on the indicative masterplan is nevertheless a

reserved matter. The enhancement of connectivity is considered under the Highway section below.

5.6.5 The submitted design and access statement sets out a clear vision for the development in terms of street design, SUD's, density and heights, creating village character areas as well as a distinctive local centre. The details provided whilst indicative are encouraging in terms of the aspirations of the development and align with those of plan policy in seeking wider regeneration benefits from an attractive development. It is considered reasonable therefore to ensure that any submitted reserved matters application relates to the aims of the design and access statement, this can be secured through condition.

5.6.6 In terms of visual impact, as far as can be considered at this outline stage, the proposal is considered to meet the requirements of policies CLP3, RP1 and CLP20 of the Adopted Local plan. It is also considered that the detail of the scheme to be considered at the reserved matters stage is able to meet the specifications of the adopted policies.

5.7 Impact on Residential Amenity

5.7.1 Concern has been raised regarding potential noise and amenity impacts arising from the development. Policy CLP14 of the Adopted Local plan requires that; "The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers."

5.7.2 This outline application is only considering the principle of the development and not the detail. The indicative masterplan shows a layout that is able to protect to an appropriate degree the amenity of existing residents. However, it is acknowledged that the development in itself will impact on the outlook and environment of local residents. However, these impacts do not override the allocation of the land for housing and appropriate consideration of the detailed impacts of specific plots will be considered through the reserved matters.

5.7.3 In addition the proposal seeks a commercial centre and community building. Due to the application being in outline minimal detail has

been submitted regarding these elements. Again, the impacts of the proposed uses when detailed will need to be considered as part of the reserved matters, where the Local Planning Authority can then impose further conditions if necessary.

5.7.4 The applicant has submitted a noise report which concludes that based on noise levels across the site mitigation will only be required on the boundaries with Worksop Road and Bolsover Road due to traffic noise. It is noted that suitable glazing and a ventilation strategy for the dwellings will likely be suitable. However, the detail will not be known until the reserved matters stage and therefore a condition is necessary to ensure the amenity of future occupiers of the dwellings is appropriately mitigated.

5.7.5 The proposal, in its outline form, is considered to meet the requirements of policy CLP14. To protect local residents from undue impacts of construction work it will be necessary to impose conditions to control the hours of operation for the construction works and dust mitigation measures.

5.8 Highways Safety and Parking Provision

5.8.1 Concern has been raised that the development will result in harm to highway safety and the loss of local footpaths. Policy CLP22 requires that; To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices. This will be done by seeking ways in which to reduce travel by private car and seeking enhancements of and incentives for walking, cycling and use of public transport. Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Plan of the potential highway network as set out in the Design and Access Statement showing 4 access points:



5.8.3 The requirements for this site under policy RP1 sets out the need to secure cycle and walking links to Markham Vale, The community Garden, and the local primary schools and connections to The Cuckoo Way and Chesterfield Canal as well as improved crossing facility over the A619. Along with policy RP1, Policy CLP15 requires that; the Borough’s green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting enhancing, linking and managing the network, and creating new green infrastructure where necessary. The policy goes on to note in part that; development proposals should “c) enhance connectivity between, and public access to, green infrastructure; d) (i) protect and enhance access to the multi-user trails network as shown on the Policies Map; and (ii) increase the opportunities for cycling, walking and horse riding f) protect or enhance Landscape Character g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality” In addition, monies received through CIL will also contribute to the enhancement of green infrastructure within the Borough.

5.8.4 The policy requirements (CLP15 c), d)) to enhance connectivity and access to the multi-user trails network is appropriately demonstrated on the indicative masterplan.

5.8.5 The Design and Access Statement sets out the Design principles and parameters of the development. In relation to access and connectivity it notes the following: the pedestrian and cycle network have been designed to encourage active travel. Internal path networks are linked with the wider public rights of way to integrate the site with existing development. Multi user paths form the strategic links through open space where these pass through the development cycle lanes will be incorporated within the carriageway. Links to the wider footpath and cycle network will allow access to the Chesterfield Orbital Strategic Cycle path which links with Staveley, Rother valley, Duckmanton and Markham Vale. Within the site pedestrian and cycle networks are proposed with circular trails and trim trails.

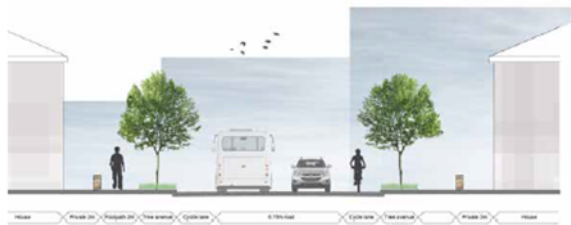
5.8.6 Concerns have been raised by residents of The Paddocks regarding the inclusion of multi users trail along the private drive. However, it is shown on the indicative plan that the existing footpath in this location is to be retained and the multiuser path would be located further towards the north east emerging onto Worksop Road. Such detail will be considered under the reserved matters.

5.8.7 The existing cycle path route is located to the south west of the site beyond Woodthorpe Road and beyond Staveley Footpath no. 27. No details are provided as to how the site will link with the existing trail, although it appears that appropriate links from the site to the trails can be achieved along Woodthorpe Road and Seymour Lane to the Seymour Link Road. The recent appeal secured appropriate provision for the link through the S106 agreement, which is a permission that can be implemented. The path links proposed to the edges of the development site will also ensure appropriate walking potential to the local primary schools.

5.8.8 In terms of public transport almost all of the development with appropriate footpath network will be within 400m of an existing bus stop. To make the entire site able to be within 400m of a bus stop will require changes to services which cannot be guaranteed. However, the road network is proposed to be designed to enable bus routes should local operators choose to improve their services into the development.

5.8.9 The road hierarchy includes the provision of tree lined avenues forming the spine roads, it is noted that commuted sums will likely be required for these. The intention is for the street design to be in

line with current guidance and where necessary to include SUD's features and distinct areas for walking, cycling, vehicles and parking. A suitable condition can ensure that any reserved matters application considers the parameters of the development established in the Design and Access Statement.



5.8.10 There are 4 main access points into the site from the existing road network, as considered in the appeal case; 1 from Worksop Road, 2 from Bolsover Road and 1 from Woodthorpe Road. Access is a matter to be considered under the remit of this application. The Local Highway Authority have not yet commented on the proposed development.

5.8.11 Whilst the Highway Authority have not provided comment on this application it is reasonable to consider the comments of the Inspector in the recent appeal case. The Inspector noted that the main concerns related to the effect on the free flow of traffic on roads and junctions immediately around the site and the cumulative effect of the appeal site and the Clowne Garden Village¹ development on the operation of Junction 30 of the M1 and the nearby A616/A619 roundabout.

5.8.12 The Inspector noted that the parameters of the Transport Assessment (TA) were agreed with DCC as highway authority. As well as creating new junctions onto Worksop Road and Bolsover Road, the TA involved capacity assessments of the existing traffic light-controlled junctions at Worksop Road/Bolsover Road and Worksop Road/Norbriggs Road. Whilst it was concluded there would be some adverse impacts on the operation of these junctions, the TA concludes that these effects could be mitigated through modifications to the staging sequences to increase capacity and minimise queuing. Thus, the immediate highways and junctions would operate satisfactorily with adequate levels of reserve capacity. In addition, the scheme includes improvements to bus

stops, pedestrian crossings and footpaths both within and outside the site, all of which can be secured through condition and legal agreement. Taking these factors together, DCC confirmed that the proposal would be acceptable and the residual cumulative impacts on the immediate road network would not be severe. The Inspector agreed with this view.

5.8.13 In terms of the operation of Junction 30 and the A616/A619 roundabout, the former local plan anticipated large-scale residential development at Mastin Moor and the Chesterfield and Bolsover2 LPs are recently adopted. Both plans were, subject to the “duty to cooperate” including the identification of cross-boundary infrastructure and a shared transport evidence base, with updates commissioned by BDC. In addition, there is the 2016 Clowne Transport Study and a 2017 TA for the Clowne Village planning application. In assessing the impact of development on and recommending improvements to highway infrastructure, which are to be included in the S106 Agreement, this latter study treated development on the appeal site as a committed scheme. There is no indication that, in the light of the adoption of the LPs and progress on the proposals for the application site and Clowne Garden Village, that Highways England or the Local Highway Authority require the Mastin Moor TA to be updated.

5.8.14 The inspector therefore concluded that subject to the imposition of appropriate planning conditions, the proposal would not have an unacceptable effect on the safety and free flow of traffic on the local or wider highway network and as such the proposal accords with Policies RP1 and CLP22 of the Adopted Local Plan.

5.8.15 Given the detailed assessment and measures to be secured through the S106 and conditions as set out below, it is considered that there is no substantive change in circumstances from the appeal decision to reach a different conclusion in this case.

5.9 Archaeology

5.9.1 As raised by the Chesterfield Canal Trust and the Development Management Archaeologist whilst the development does not directly affect the main line of the Chesterfield Canal, it is close to the end of the Norbriggs Cutting and the remains of a horse-drawn tramway, which is thought to be one of the earliest in Derbyshire, linking the canal and the Norbriggs Colliery.

- 5.9.2 In terms of potential below ground archaeology, this is a non-designated heritage asset where Policy CLP21 of the Adopted Local Plan requires that; In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will:
- d) identify and, where appropriate, protect important archaeological sites and historic environment features;
 - g) within...other areas of archaeological significance, require relevant development proposals to demonstrate appropriate consideration of archaeological impact.
- 5.9.3 The potential for below ground archaeology was considered in detail in the appeal application and in this case the development Control Archaeologist has advised that; The previous application was informed by an archaeological desk-based assessment and detailed geophysical survey which indicated the presence of sub-surface archaeological remains of a range of periods. These included an ovoid enclosure which appears to be associated with a field system which is of possible prehistoric date. A range of features relating to coal extraction were also identified. The line of the late 18th century horse drawn tramway built to take coal from the colliery to the Norbriggs cutting was also clearly identified in the western sector of the proposed development site.
- In addition, geophysical anomalies which reflected the sites of demolished buildings as well as industrial archaeological remains, traces of possible former field boundaries and ridge and furrow ploughing were evidenced.
- 5.9.4 Through the processing of the previous application the Development Management Archaeologist initially recommended that a scheme of trial trenching be conducted at a pre-determination stage across the site in order to sample the below ground remain indicated by the geophysical survey. However, it was ultimately agreed that the further archaeological evaluation be conducted post planning permission. The reason for this was that the site was to be developed in phases, likely by a range of independent developers. In order to secure the necessary further archaeological evaluation and mitigation including where necessary preservation of in-situ an overarching Written Scheme of Investigation which scoped these details was agreed and would need to be followed in this application. The applicant's agent has confirmed agreement to the imposition of

the same condition as previously imposed through the appeal. Subject to this condition which will secure the necessary investigation and mitigation to be agreed and carried out it is considered that any non-designated archaeological assets will be appropriately assessed, and mitigation measures agreed.

5.10 Heritage assets

5.10.1 Policy CLP21 advises that in respect of heritage assets; In assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.

5.10.2 Paragraph 196 of the NPPF requires that; Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.10.3 The heritage statement submitted in support of the application notes; A total of six designated heritage assets located within the 1 km study area, all of which are listed buildings, one of which is Grade II* listed with the other five Grade II listed. Of these six, two Grade II listed buildings (Norbriggs House and the Church of St Peter) as well as the cluster of listed buildings at Bolsover Castle have been scoped into further setting assessment, on the basis of the potential for harm to their significance from a change within their setting arising from development within the Site. The remaining four designated heritage assets within the Study Area have been scoped out because either the setting does not contribute to their significance or the Site does not interact with any setting that contributes to their significance.

5.10.4 The report assesses the impacts on the setting of these buildings as follows:

Norbriggs House: The asset derives its significance from its historic and architectural interest as a remaining element of the mid-19th century landscape. It also draws some limited significance from its immediate garden setting, but not from its location within the wider landscape.

Church of St Peter: The asset draws its significance from its historic and architectural interest as a surviving element of the 19th-century settlement of Woodthorpe. Its setting within the settlement and its location at the corner in the road makes a positive contribution to its significance.

Bolsover Castle: The landscape in the surrounding area has undergone a significant amount of change particularly in the past 50 years with the construction of the motorway in the 1970s and distribution warehouses within the last 10 years. In addition, the construction of new housing estates and the extensions of villages and towns have also substantially altered the landscape. The significance of these assets is complex and multifaceted drawing elements from their historic interest, architectural interest and archaeological interest. They also derive significance from their setting, particularly from their historic relationship to each other and the settlement at Bolsover but from the purposefully selected position of topographical prominence overlooking the wider landscape.

- 5.10.5 The impact of the development upon heritage assets was considered under the appeal application. The Council's Conservation Officer concluded that; the submitted Assessment concludes that any impacts on heritage assets caused by the development are minimal and can be mitigated by appropriate design methods. This is a reasonable and informed conclusion and one I would agree with.
- 5.10.6 The Officer report which recommended approval of the appeal application considered that; the submitted Assessment states that the development proposals will have a 'minor' impact upon the setting of Bolsover Castle; a 'negligible' impact upon Norbriggs House and Netherthorpe Grammar School; and a 'moderate' impact upon the Church of St Peter. In mitigation it is recommended that appropriate landscaping / screening can be secured to provide a visual buffer to mitigate against the negative effects of the new development, but it is accepted that wider effects upon the historic setting of Bolsover Castle cannot be mitigated against.
- 5.10.7 In accordance with paragraph 196 of the NPPF, it is considered that the harm in this case is generally at the lower end of 'less than substantial' harm. Given the multiple public benefits of; the provision of housing to meet the identified needs of the Borough, the provision

of affordable housing, provision of public open space including biodiversity measures, enhanced community garden, CIL contributions, jobs created, increased resident spend and benefits to the supply chain from construction, these benefits outweigh the less than substantial harm to heritage assets, which in this case is noted to be at the lesser end of the scale of less than substantial harm.

5.11 Biodiversity and Impact on Protected Species

5.11.1 Concern has been raised that the development will adversely impact local wildlife. Policy CLP16 of the Local Plan requires that; The council will expect development proposals to:

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

5.11.2 The submission includes the provision of a number of ecological reports; a badger report, a bat survey report, a breeding bird assessment report and an extended Phase 1 survey report. In general terms these reports made the following conclusions:

There are no habitats of high national conservation value on the site. The habitats with the highest value are the hedgerows with native species, semi-improved neutral grassland verges and the woodland bordering the stream. It is recommended to retain the hedgerows where possible as they provide an important habitat for wildlife. Due to the plant species present in the verges along Bolsover Road it is recommended that the verges are retained where possible as a valuable nectar source for invertebrates. The woodland strip adjacent to the stream is recommended to be retained as buffer to the stream and wildlife habitat.

5.11.3 Bats:

In terms of the existing bat presence/habitat; a number of trees with potential to support bat roosts were identified, with bat surveys being undertaken. A total of 5 species of bat have been recorded: Common Pipistrelle, Brown Long-eared, Soprano Pipistrelle, Myotis species (likely natterer’s and Daubenton’s), Noctule and two trees

were found to be roosts for a small number of common bat species. The site overall is considered to provide a foraging resource for low numbers of bats. There were no obvious 'hotspots' of activity, although the stream corridor and boundary hedgerows in the central and southern parts of the site were more frequently used than the northern and western boundaries which abut Worksop Road and a residential area respectively. The site is considered to provide a resource of value to foraging and commuting bats at a site/local level only.

5.11.4 In terms of adverse effects construction of access routes through the stream corridor and hedgerows have the potential to result in fragmentation of foraging and commuting corridors. In general terms the development and associated lighting has the potential to disrupt roosting and feeding behaviour for some species. However, it is noted that the creation of gardens and areas of public open space has the potential to increase the habitat resource for roosting and foraging bats compared with the intensively managed interiors of the existing arable fields.

5.11.5 The following recommendations have therefore been suggested to safeguard and enhance the roosts and foraging/commuting habitat for bats:

- Retain T2 and T7 with a suitable undeveloped buffer zones to safeguard the roost in situ.
- Extend the buffer zone along the adjacent stream corridor to ensure uninterrupted access to foraging habitats, and continuity with off-site habitats;
- Retain a substantial buffer zone (8-10m) along the stream corridor as a key foraging/commuting corridor for wildlife to be managed as public open space;
- retain existing boundary hedgerows and internal hedgerows with suitable undisturbed buffer zones (3-5m) to maintain connectivity of bat foraging habitats. These can be incorporated into areas of public open space and managed for biodiversity benefits;
- adopt a lighting strategy which minimises impacts on key bat foraging habitats, in particular the stream corridor and hedgerows in the central and southern parts of the site;
- selected areas of the buffer/boundary habitats could be left as unmanaged grassland and tall herbs to encourage abundant invertebrates as food source for bats; and

- plant areas of landscaping with nectar rich shrubs to encourage invertebrates, in particular night-flying insects.

5.11.6 With these mitigation measures in place the report recommends that there would be no significant harm to the local bat population, and that the introduction of rich landscape planting may increase the value of the site for bats and other wildlife. In line with current good practice, the suite of bat surveys should be repeated if development has not begun within two years of this report, to re-assess the features for bat use.

5.11.7 Breeding Birds:

Due to the presence of valued hedgerow within the site a bird breeding assessment was recommended. This found that the significant majority of breeding bird species and activity are focused on the site's hedgerows and therefore site clearance and construction may result in disturbance to nesting birds if this is conducted during the breeding season (peak season is considered to be March to September, inclusive).

5.11.8 In terms of adverse effects the proposed development would result in a change of habitat type in the area from open arable land to enclosed residential gardens and public open space. It is likely that a number of species will continue to utilise the substantial boundary hedgerows, but if shorter hedgerows within the site are lost there is likely to be some displacement, however these do not support a high diversity of species. In addition, many of the recorded species are known to breed within or adjacent to residential developments. The potential displacement caused by the removal of interior hedgerows is not, therefore, considered to be significant. It is assumed that a proportion of the new residents may own pet cats which may prey on wild birds.

5.11.9 To mitigate the harm, the report sets out a number of features are recommended to avoid or minimise disturbance to, and displacement of, breeding birds during and after construction comprising:

- retain as many hedgerows as possible, in particular perimeter hedgerows;
- retain mature trees where possible, including those within field interiors;
- retain and enhance a 3-5m buffer between the development and retained hedgerows;

- retain and enhance a 8-10m buffer to the stream which runs centrally through the site;
- provide public open space which incorporates wildlife habitat;
- incorporate appropriate nesting aids into new buildings; and
- incorporate new hedgerows/appropriate shrub planting of native species into the development.
- potential breeding bird habitats within the application site, should be removed outside the breeding season which runs from March to September (inclusive), unless first checked by a qualified ecologist within 48 hours.

5.11.10 Badgers :

There is potential for badger activity at the site and therefore appropriate mitigation is required. The report notes that activity appears to have decreased between 2015 and 2020. The habitats within the site represent sub-optimal foraging resources for badgers, as there are very narrow field boundaries. Despite this, the hedgerow networks are considered to form important commuting and foraging routes for badgers across the site and into the wider countryside. The corridor of the watercourse is considered to form an important foraging/dispersal route and is likely to represent a large proportion of a badger clan territory. It is therefore important that the development proposals retain optimal foraging habitat which badgers can gain access to and that commuting/dispersal corridors are retained.

5.11.11 The proposed loss of up to 46.2ha of cereal fields and the new access roads through the site will have an adverse impact. However, the proposed development may provide additional foraging opportunities for badgers, including areas of managed grassland associated with public open space and residential gardens.

5.11.12 To mitigate against the harm to badgers buffer zone areas are required. Due to the changeable habits of badgers it is advised to re-survey for badger activity two months before works are due to commence. In terms of the layout the following is recommended in the report:

- To retain suitable badger foraging habitats and corridors and to minimise disturbance
- Erection of boundary fencing along the eastern site boundary adjacent to the woodland.

- Suitable badger runs/gaps should be incorporated to allow access by badger;
- retain existing boundary hedgerows and internal hedgerows with suitable undisturbed buffer zones (3-5m) to maintain connectivity of badger foraging habitats.
- retain a substantial buffer zone (8-10m) along the stream corridor
- incorporate areas of grassland within the site layout, in particular amenity grassland
- selected areas of the buffer/boundary habitats could be left as unmanaged grassland
- plant areas of landscaping with native fruit and nut bearing shrubs to ensure a food supply over the autumn and winter period.
- consider inclusion of small-scale bunds to provide opportunities for badgers to excavate new setts.

With the recommended mitigation and compensation measures in place it is anticipated that there would be no significant harm to the local badger population.

5.11.13 In terms of other ecological matters the report notes that Grass snake are protected and therefore site clearance should take account of their potential to be present within suitable habitat on site. The presence on Himalayan balsam and Japanese knotweed need to be considered under any future Construction Environmental Management Plan and Landscape and Ecology Management Plan prepared for the Site.

5.11.14 Derbyshire Wildlife Trust have considered the submitted reports referred to above and found the scope and standard of surveys to be acceptable. The Trust note that the Indicative Masterplan (P20181-00-001-100 Rev 02 received 12.102020) includes the retention of many of the boundary hedgerows and the establishment of open space, naturalistic parkland, community orchard, community gardens and a SUDS within the parkland. This plan would buffer the watercourse and mitigate for water quality issues associated with the nearby Local Wildlife Sites and nature reserve. The details of the plan are still very broad brush but it is noted that the plan is indicative at this stage.

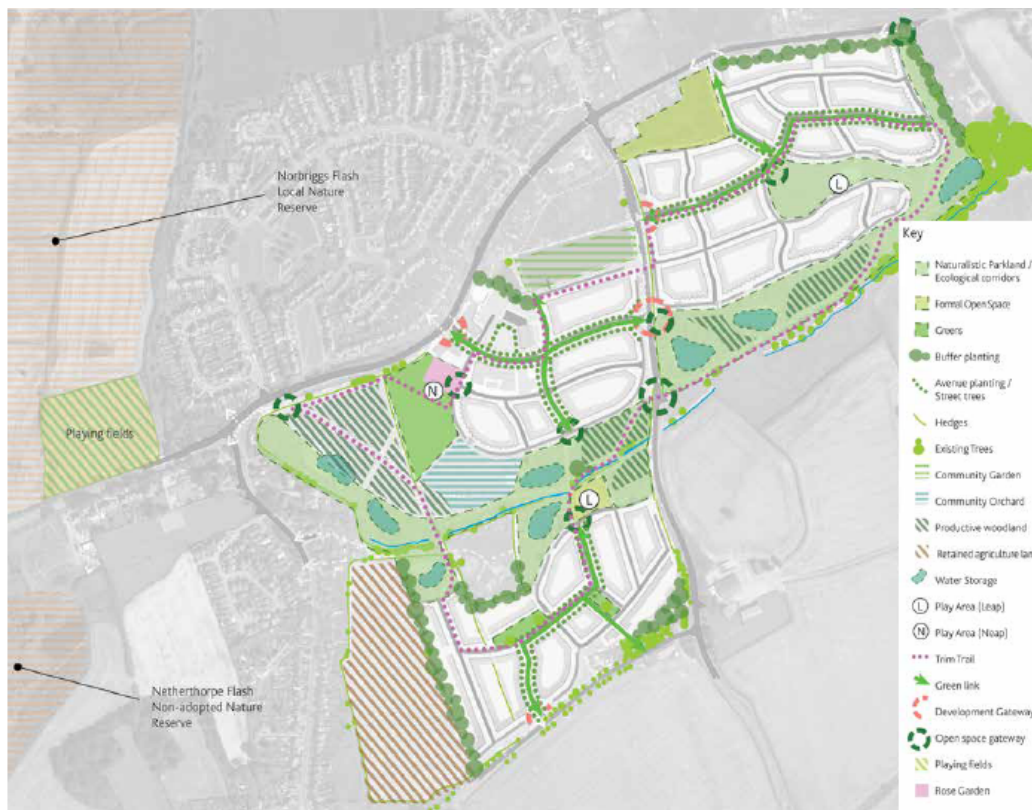
5.11.15 The appropriate mitigation measures proposed for protected species are noted. The proposed development includes the creation of a 'naturalistic park' which offers opportunities to create a variety of habitat types where it should be possible to achieve a net

gain for biodiversity. To ensure a net gain is achieved the Trust recommend that a biodiversity metric assessment be submitted with any future biodiversity enhancement plan so that gains and losses can be clearly recorded along with long term management.

5.11.16 It is therefore considered that the implementation of the measures identified in the indicative layout should address concerns regarding hydro-ecological issues and by providing an attractive and accessible greenspace close to homes it should help to mitigate for any increase in pressure on nearby greenspaces. On this basis it is considered that the impact of the development on protected species and in terms of the required net gain for biodiversity can be met subject to a series of conditions and further assessment through the reserved matters.

5.12 Trees and landscaping

5.12.1 The importance of Green Infrastructure in terms of environmental quality, air quality and ecology is noted in policy CLP15 where it requires that development proposals; g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality.



5.12.2 Whilst landscaping is a reserved matter the submitted Indicative Masterplan clearly shows an intention to provide a green swathe through the valley bottom including woodland areas where tree planting can provide the necessary biodiversity benefits. It is noted in the Design and Access Statement that existing important trees will be integrated into the development with a network of open spaces and distinctive features. The creation of tree planted avenues and tree planting within front gardens and curtilages throughout the development is noted in the design parameters to create a high-quality environment as well as proposing a coppiced woodland as part of the community garden. It is also important to note that the provision of trees within the highway as is proposed will result in the need of a contribution which can be secured directly to DCC as Highway Authority through the S38 agreement of approximately £1,200 per tree. Tree planting is also noted in the envisaged landscaping proposals where specific planting is proposed to minimise visual impact such as retaining the tree line along Worksop Road.

5.12.3 The tree officer has considered the submission and has commented that;

The protected woodland at the Junction of Woodthorpe Road and the B6419 should be protected during any construction. The indicative masterplan shows most of the existing hedgerows and trees are retained, with additional landscaping and planting. Whilst there is no objection to the application no detailed tree/hedgerow surveys have been submitted with the application or a tree retention plan to enable a full assessment of the trees and hedgerows on the site and associated boundaries which may be affected. As this is an outline planning application, further details should be provided if consent is granted to the application. The Tree Officer recommended conditions which are included in the recommendation.

5.13 Air quality and climate change

5.13.1 Policy CLP14 of the Adopted Local Plan requires in part that; The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining

occupiers, taking into account ... air quality and other environmental impacts.

5.13.2 In terms of Air Quality the policy goes on to note that; Where appropriate, development proposals will include an assessment of impact on air quality and incorporate measures to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality. Development that would make the air quality in a declared Air Quality Management Area (AQMA) materially worse either in isolation or cumulatively when considered in combination with other planned development, will not be permitted.

5.13.3 Whilst there is no air quality management zone in Mastin Moor it is recognised that new development will introduce potential air quality impacts overall. The Council's environmental health section have been consulted on this application but have made no comment. It is considered that in order to minimise the potential impacts on air quality overall it is necessary to ensure that new dwellings have electric vehicle charging, whilst mentioned in the Design and Access Statement it is not detailed as to whether all housing and commercial premises will have this infrastructure. Ensuring this infrastructure will ensure that all new residents will be able to use an electric vehicle which overall aims to reduce harmful emissions. In addition, the landscaping of the site will assist in minimising the impacts of development. It is recognised that through the construction process dust and noise will result and therefore a condition to control the construction process will be required. Subject to these measures it is considered the development is acceptable in terms of air quality impacts.

5.13.4 Whilst there are no specific policy considerations for tackling climate change the Adopted Local Plan overall seeks to secure this through the provision of sustainable development with an emphasis on walking and cycling and easy access to services and facilities. The proposed footpath and cycle routes as identified on the indicative master plan along with the provision of a local centre demonstrate that the development is sustainable with residents having the ability to walk and cycle from the site and utilise public transport routes.

5.14 Contamination and ground conditions

5.14.1 Policy CLP14 of the Adopted Local plan requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:

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

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

5.14.2 The submitted Geo-Environmental Assessment concludes that the desk-based study and site walkover have not highlighted potential for significant chemical contamination that would be a constraint to development. Localised contamination may be present which could require remediation as well as considering the naturally occurring radon gas. In this case a Phase II Intrusive Investigation was recommended resulting in a widely spaced sampling strategy across the site as well as soil gas monitoring. The results indicate that no significant soil contamination has been identified and there were no recorded elevated concentrations of hazardous gases. However, due to naturally occurring gasses in the area mitigation through appropriate membrane to floor construction will be required for the dwellings and health centre. It is also noted in the report that additional exploratory investigation will be required to confirm the depth and extent of the opencast mining in the area north of the site for detailed foundation design.

5.14.3 The Coal Authority have considered the detail of the submission and considered the previous grant of permission on appeal and have reiterated their comments made under application CHE/17/00469/OUT which did not raise an objection subject to conditions being imposed on any permission. The Coal Authority concluded that; the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards. Appropriate mining information for the proposed development site has been obtained on behalf of the applicant and has been used to

inform the Geo-Environmental Assessment Report. In addition to the mining of deep coal seams, The Coal Authority records indicate that unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. In addition, 11 mine entries are recorded within, or within 20m of the planning boundary, and the site has also been subject to past surface mining activities.

5.14.4 The Geo-Environmental Assessment Report has been informed by an appropriate range of sources of information and based on a review of these sources, the Report identifies that underground shallow coal mining; the recorded mine entries; and high walls pose risks to development at the site. These Coal mining hazards will need to be examined in relation to any layout, which at this present time is indicative, but which does appear to have been designed around the recorded mine entries. The Report concludes by making appropriate recommendations for the carrying out of further intrusive ground investigations in order to delineate the extent of the high wall and ascertain the ground conditions to identify any necessary remedial measures to address instability risks posed shallow mine workings. The Report also recommends that the mine entries are located and any necessary remedial measures applied. Planning conditions were recommended by The Coal Authority and are included within the suite of conditions below. On this basis the development is considered to be acceptable in terms of policy CLP14 in respect of ground conditions.

5.15 Land drainage and flood risk

5.15.1 Concern has been raised regarding the impact of the development on flooding in the area. Policy CLP13 Adopted Local Plan advises that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. It goes on to note that; The council will seek opportunities to increase the capacity of the floodplain safely, make space for water across the whole borough, and to remove problems from the drainage network, particularly in connection with new development. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water

run-off rates based on the SFRA or most recent national guidance. In addition, the policy notes 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.

5.15.2 The Indicative Masterplan demonstrates a series of SUD's features within the site to manage surface water running through the valley area of the development. The application site is within flood zone 1 where residential development is acceptable.

5.15.3 The Design and Access Statement notes that; Sustainable urban drainage methods will be incorporated within the site to ensure that the post development runoff rate will mimic the pre-development flows of a greenfield site. This will be achieved by building attenuation ponds and swales within the site as part of the surface water drainage system that will allow for the infiltration, storage and eventual discharge (with consent from DCC) into unnamed tertiary watercourse running in a westerly direction across the site and subsequently into the river Doe Lea. The Flood Risk Assessment (FRA) submitted with the application notes that there is potential high risk of surface water flooding where overland runoff forms a potentially deep, high velocity flow-path along the route of the ordinary water course and flooding of sewers. There is also a mine water discharge point on site that may pose a risk but for which further investigation is required. Given the risks highlighted Mitigations are proposed to manage runoff from the Site to pre-development (Greenfield) rates, meaning that there will be no increase in volumes up to and including the 1% (1 in 100) annual exceedance probability event.

5.15.4 The Lead Local Flood Authority have considered the application and requested more detailed information including; an indication of the condition and capacity of the watercourse, the discharge rate proposed along with further investigation into the mine water drainage infrastructure to ensure that potential associated flood risks are understood and mitigated against.

5.15.5 CBC Design Services Team consider flooding and drainage issues and, in this case, advise that; Some areas of the site are shown to be at risk from surface water flooding which need to be considered at the detailed design stage. There is a known flooding problem with

the watercourse passing between housing and culverted under Norbriggs Road, and any application should ensure that this flooding is not exacerbated. The utilisation of SuDS systems is welcomed as much as possible for ecological and amenity benefits as well as managing water quantity and water quality. The Design services team requested to see full details of proposed drainage designs prior to full planning approval and details of long-term maintenance.

5.15.7 In terms of sewerage capacity the FRA goes onto note that; Yorkshire Water has confirmed that the public sewer network does not have adequate capacity available to accommodate the anticipated foul water discharge from the proposed development site; and that the local waste water treatment works at Staveley may only have limited spare capacity available. Significant strategic off-site reinforcements to the public sewer network and possibly the Staveley wastewater treatment works are expected to be required to serve the proposed development. Yorkshire Water has also identified that further developer funded modelling investigation will be required to assess the impact of the proposed development and in order to determine the scale and scope of the reinforcement works required.

5.15.4 Through consultation on the application Yorkshire Water (YW) have considered the case and advised that; the developer has made a number of incorrect assumptions statements in their submission. The network capacity issue must be addressed by YWS well in advance of the construction stage. YW has for some time been aware of the proposals for significant development in the Mastin Moor area and so undertook a Drainage Area Plan that would inform additional work as sites come forward. Given the site was only recently allocated and granted permission YW have not yet undertaken more detailed investigative studies.

5.15.5 Therefore the drainage details submitted are not acceptable to Yorkshire Water without the detailed investigative work required. The public sewer network does not currently have adequate capacity available to accommodate the anticipated foul water discharge from this site. YW advise that the development must be appropriately phased to comply with the national planning practice guidance, to ensure that the development will align with YW's investment plans and be properly served by wastewater infrastructure that will not cause detriment to other properties in the vicinity. The developer will need to liaise with YW with a view to

commencing a feasibility study at the earliest opportunity. Conditions were recommended by YW.

5.15.6 Whilst the additional information required by the LLFA and CBC Design services has been requested, it has not yet been received. However, it is important to note that these matters were considered recently by an appeal Inspector for a similar quantum of development where the Inspector considered it appropriate to agree the imposition of conditions to address any matters regarding flooding and drainage on the site. Whilst not all matters pertaining to drainage have been fully resolved at this point it is considered that these matters can be appropriately dealt with though a suite of conditions being imposed. The conditions imposed by the Planning Inspector have been reiterated in the recommendation below. On this basis the proposal meets the requirements of Policy CLP13 of the Adopted Local Plan.

5.16 Capacity of existing facilities and contributions

5.16.1 Concern has been raised that the development will lead to pressure on local services. In 2016 the Council adopted Community Infrastructure Levy as a means to ensure that infrastructure requirements could be provided for by obtaining funds from development. Policy CLP11 of the Adopted Local Plan requires that; Developer contributions will be used to mitigate the impact of new development and ensure that appropriate infrastructure is in place to support growth. The Borough Council will normally require that on-site infrastructure requirements are met via planning conditions or a Section 106 agreement. Developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development, and where appropriate arrangements are in place for its subsequent maintenance. Where the provision of infrastructure is considered to be a strategic need then development, if liable, will be required to contribute via the Community Infrastructure Levy (CIL). All infrastructure requirements will be co-ordinated and delivered in partnership with other authorities and agencies. Where new development would result in the loss of existing essential infrastructure, appropriate replacement provision should be provided as part of the new development proposals.

5.16.2 As this is an outline application the assessment of CIL payments will take place alongside the reserved matters applications. The development would be CIL liable and the site is within the low charging zone which for residential is charged at £20 per sqm of and for retail this area is at £80 per sqm. This is calculated utilising the formula set out in Part 5 of the CIL Regulations:

CIL Rate x Chargeable Floor Area x BCIS Tender Price Index (at Date of Planning Permission)

BCIS Tender Price Index (at Date of Charging Schedule)

5.16.3 The CIL funding provides the necessary school provision. In this case DCC as Local Education Authority have provided information regarding the need for mitigation. The proposed development is within the area of two primary schools; Woodthorpe and Norbriggs. Approximately 273 of the dwellings fall within the normal area of Woodthorpe CE Voluntary Controlled Primary School, generating 66 primary pupils which could not currently be accommodated.

5.16.4 The other 377 dwellings fall within Norbriggs Primary School area, generating 90 pupils. Analysis shows there is a surplus of 67 places at Norbriggs Primary School, therefore 23 out of the 90 pupils generated could not currently be accommodated.

5.16.5 This gives an anticipated shortfall of 89 primary places. Whilst there is concern about the capacity to expand Woodthorpe CE Voluntary Controlled Primary School, there is capacity to expand at Norbriggs Primary School although it is noted that there are challenges to the delivery of a scheme on this site, Derbyshire County Council will continue to explore the options available.

5.16.6 In terms of Secondary School places, the development relates to the shared normal area of Netherthorpe School and Springwell School in Staveley. The development would generate the need to provide for an additional 182 secondary phase (with post 16) pupil places which cannot currently be accommodated. Mitigation for secondary will need to be in the form of additional new build accommodation.

5.16.7 Funding for the required mitigation at primary and secondary level will be sought through the CIL process in order to provide the

additional primary and secondary places required in the most efficient way possible.

5.16.8 However, the CIL process does not secure all necessary funding or site-specific requirements such as highway improvements, health, affordable housing and the provision of play/open space and maintenance of these areas as well as the drainage features on site. All of which need to be considered under S106 legal agreement.

5.16.9 Whilst they have not responded to this application the CCG under the 2017 application requested £247,260 for for the expansion/alteration of Royal Primary Care and Barlborough Medical Practice.

5.16.10 The Highway Authority requested funding for upgrading of existing bus stops, investigation into, and any implementation of, revisions to the speed limits on the B6419 Bolsover Road, the provision of a multi user link with Seymour Link Road, investigation into, and any implementation of, revisions to traffic lights at Norbriggs Road / A619 to enable multi usage and Travel Plan monitoring. All of the above matters were previously secured by a signed S106 agreement as part of the appeal process. It is likely that this development will require a modification to that agreement in order to ensure all necessary contributions to provide the needed infrastructure and on site provisions are secured.

5.16.11 In terms of Affordable housing provision policy CLP4 requires that; affordable housing will be required in line with the charging zones set in the Council's most recently adopted CIL Charging Schedule, which in the low zone as in Mastin Moor, this equates to 5% affordable housing provision with 10% of that being affordable home ownership.

5.16.12 In addition policy CLP4 sets out the need for adaptable and accessible housing requiring; 25% of dwellings should be built to building regulations standard M4(2) (where a site includes affordable housing this should normally be proportionately split between tenures).

5.16.13 In this case no comments have been received to specify any particular affordable or adaptable needs in this area. It is therefore reasonable to consider the detail of the S106 on the appeal case. The S106 secures 5% affordable housing with rent to buy at a

proportion of 90:10 in accordance with policy CLP4. It is also reasonable to require the 25% Adaptable and Accessible dwellings in line with policy CLP4 via condition as was agreed through the appeal process.

5.16.14 In terms of the provision of open space and play space Policy CLP17 requires that; Where proposed development would result in a need for new open space and outdoor sports facilities, development must contribute to public open space, sports facilities and play provision in accordance with the council's adopted standards as set out in Appendix B of the Local Plan and in line with the following requirements:

a) on-site in a suitable location taking account of accessibility wherever possible;

c) where new public open space is to be provided on site, as multifunctional, fit for purpose space that supports local communities health and wellbeing and activity levels and the ecological network.

5.16.15 There is ample space for on-site provision within the development to ensure sufficient open and play space in line with the requirements of Appendix B, as agreed through the appeal, including allotment provision in the form of the community garden. It will be necessary to secure suitable management and maintenance arrangements of the open space and drainage features through the S106 agreement.

6.0 Conclusion

6.1 The proposed development is similar to that agreed in the recent appeal decision relating to CHE/17/00469/OUT which is a permission that can be implemented and therefore is a substantial material consideration in this case. In addition, the site is allocated in the local plan for housing development in policy CLP3 and RP1. The proposed development accords with the allocation and other relevant policies of the local plan as set out above.

6.2 There are no material considerations that would indicate a decision other than to grant planning permission subject to planning conditions and the signing of a S106 Agreement to ensure the following:

- Affordable housing contribution (inc. viability review and escalator clause)
- £247,260 towards GP facilities / upgrade
- Appointment of a management company to maintain any communal / green open spaces; including any drainage infrastructure not formally adopted by the Water Authority
- Funding for upgrading of existing bus stops
- Funding for investigation into, and any implementation of, revisions to the speed limits on the B6419 Bolsover Road
- Funding for the provision of a multi user link with Seymour Link Road
- Funding for investigation into, and any implementation of, revisions to traffic lights at Norbriggs Road / A619 to enable multi usage
- Travel Plan monitoring contribution sum of £1,500 per annum for 5 years minimum, longer if dictated by build out rate

7.0 REPRESENTATIONS

6.1 The representations relating to the following matters are covered under the following sections of the report:

Highway safety - Section 5.8

Pollution – Section 5.13

Pressure on existing services – Section 5.16

Affordable Housing – Section 5.16

Flooding – Section 5.15

Footpaths – Section 5.8

Noise and amenity – Section 5.7

Wildlife – Section 5.11

The following additional concerns raised are considered:

Litter – the potential for littering is no different to any housing development and is not a reason to reject the development. Through the detailed consideration of the open space it is anticipated that litter bins will be provided.

Loss of farmland – whilst the proposal will result in the loss of farmland this is an allocated site for development which will inevitably result the loss of a greenfield which is necessary to enable the quantum of development required to meet the housing needs of the Borough.

Settlement coalescence – in accordance with the requirements set out in policy RP1 sufficient space is proposed on the indicative master plan to prevent settlement coalescence.

Size of development – the extent of the development is in accordance with the local plan allocation.

Brownfield development first – in order to provide the development required for the Borough in the locations preferred it is necessary to have some developments on green fields as now prescribed in the Local Plan.

8.0 HUMAN RIGHTS ACT 1998

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

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

8.2 It is considered that the recommendation is objective and in accordance with clearly established law.

8.3 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.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

9.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the 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.

- 9.3 The local planning authority has acted in a positive and proactive way in seeking the swift determination of an acceptable application.
- 9.4 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.

10.0 RECOMMENDATION

- 10.1 It is recommended that the application be **GRANTED** subject to the signing of a S106 agreement and subject to the following conditions:

Time Limits

1. The development for which permission is hereby granted shall not begin before detailed plans for the relevant part/phase of the development showing the layout, scale, external appearance and landscaping and the remaining access details beyond the 4 key entry points at Worksop Road, Bolsover Road and Woodthorpe Road already approved (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details for each corresponding phase.

Reason: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Applications for approval of all the reserved matters shall be made to the local planning authority not later than 10 years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

3. The development hereby approved shall be begun either before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters whichever is the later.

Reason: This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

4. This planning permission shall relate to the following plans unless otherwise required by a condition of this permission or unless otherwise agreed with the local planning authority: Location Plan M5328-003 D05 dated 22.04.16 received 12.10.21; Access Plans (the 4 key entry points referenced in condition 1 above as demonstrated on plan no's. 276927-00 Rev 01; SK-200, SK-100, SK-101, SK-102 received 12.10.2021), Indicative Masterplan P20181-00-001-100 Rev 02 dated 06.08.20 received 12.10.2021.

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.

Phasing

5. The first reserved matters submission required by condition 1 shall include a phasing scheme for the whole of the outline permission site area.

Reason: For clarification and to secure appropriate phasing of the development in accordance with policy RP1 of the Adopted Local Plan.

6. The first reserved matters submission required by condition 1 shall include a programme for the delivery of the Local Centre and supporting facilities no later than the first occupation of the third phase of operational/physical development.

Reason: To secure appropriate phasing of the development ensuring the regeneration benefits of the scheme in accordance with policy RP1 of the Adopted Local Plan.

7. The first reserved matters submission required by condition 1 shall include an overarching delivery strategy including broad locations for 25% of units within the whole of the outline development to be

constructed to the optional requirement for Adaptable and Accessible dwellings in Part M4(2) of the Building Regulations.

Reason: In order to ensure the appropriate delivery of Adaptable and Accessible dwellings in line with policy CLP4 of the Adopted Local Plan.

8. The phasing scheme required by condition 5 shall include details of the proposed sequence of development across the whole site, including strategic drainage and SuDS infrastructure, green infrastructure, cycle routes and footpaths, the extent and location of individual development phases and the associated access arrangements and timescales for implementation of the off-site highway improvements.

Reason: To ensure appropriate delivery of these elements of the scheme in accordance with policy RP1 of the Adopted Local Plan.

9. The development shall be carried out in accordance with the details approved by conditions 5, 6, 7 and 8 or any subsequent amended details submitted to and approved in writing by the local planning authority in compliance with those conditions.

Reason: For clarification and to ensure appropriate control over the whole development in accordance with Policy RP1 of the Adopted Local Plan.

10. No development shall commence until the site wide phasing programme required by condition 5 has been approved in writing by the local planning authority. Thereafter each subsequent reserved matters application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance for approval by the local planning authority. Thereafter the development shall be carried out in accordance with the phasing programme as approved and/or updated.

Reason: For clarification and to ensure appropriate control over the whole development in accordance with Policy RP1 of the Adopted Local Plan.

Design/Masterplan

11. Prior to or no later than concurrent with the first reserved matters application, a Design Code/Framework shall be submitted to the local planning authority for approval in writing. The Design Code/Framework shall set out the overarching design approach for the whole site and set a site wide open space, green infrastructure and accessibility framework to inform any phased reserved matters proposals. The Design Code/Framework should be compatible with, and expand upon, the principles set in the Design and Access Statement (DAS) dated October 2020 no. P20181-00-001-GIL-0703-03 received 12.10.2020. All reserved matters applications shall accord with the approved site wide Design Code/Framework.

Reason: To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CLP3, RP1 and CLP20 of the Adopted Local Plan and the 'Successful Places' SPD.

12. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the Design and Access Statement (DAS) dated October 2020 no. P20181-00-001-GIL-0703-03 received 12.10.2020; and the Indicative Masterplan P20181-00-001-100 Rev 02 dated 06.08.20 received 12.10.2021.

Reason: To ensure that the development is constructed to appropriate design quality / standard in accordance with the requirements of policies CLP3, RP1 and CLP20 of the Adopted Local Plan and the 'Successful Places' SPD.

13. Prior to or concurrent with the submission of the first reserved matters application for the 'layout' of any phase of the development hereby permitted, an Adaptable and Accessible Homes Scheme for that phase shall be submitted in writing to the local planning authority and shall include details of how the phase of development will accord with the overarching strategy for delivery of Adaptable and Accessible Homes approved under condition 5 identifying on a 'layout' plan the individual dwellings to be constructed to the M4(2) standard within that phase. The construction of any dwellings in a phase shall not commence until the Accessible and Adaptable Homes Scheme for that phase has been approved in writing by the local planning authority. Development for a phase shall be carried out in accordance with the associated approved Accessible and Adaptable Homes Scheme and the accessible and adaptable homes shall be maintained as such thereafter.

Reason: In order to ensure the appropriate delivery of Adaptable and Accessible dwellings in line with policy CLP4 of the Adopted Local Plan.

Highways

14. Before any other operational development is commenced within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), detailed designs for any proposed temporary accesses for construction purposes and the approved new accesses with the A619 Worksop Road, B6419 Bolsover Road (including a new footway link and pedestrian refuge crossing points) and CIII Woodthorpe Road (including multi-user route link to Seymour Link Road) [whichever is needed to serve that particular phase], 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 within each phase (identified in accordance with conditions 5 and 10 above) shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details.

Reason: In order to ensure appropriate and safe access in the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

15. The temporary accesses for construction purposes, the subject of condition 14 above, shall be retained in accordance with the approved scheme and development phase throughout the construction period, or such other period of time as may be approved in writing by the local planning authority, free from any impediment to its designated use.

Reason: In order to ensure appropriate and safe access in the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

16. No development shall take place within any phase (or subphase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), including any works of demolition until a Construction Management Plan or Construction Method Statement has been submitted to and been approved in writing by the local planning authority. The approved plan/statement shall be

adhered to throughout the construction period of that associated phase of development. The statement shall provide for:

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

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

17. No development shall take place within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the local planning authority.

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

18. The carriageways of the proposed estate roads shall be constructed in accordance with condition 17 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. 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 12 months (or 3 months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the local planning authority.

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

19. Before any other operations are commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), (excluding

creation of the proposed temporary accesses for construction purposes), all existing vehicular and pedestrian accesses to the public highway made redundant as a result of the development shall be permanently closed with a physical barrier and the existing vehicle crossovers reinstated as footway or verge in accordance with a scheme and programme first submitted to and approved in writing by the local planning authority.

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

20. Any dwelling and/or premises, the subject of the outline or reserved matters approval, shall not be occupied or brought into use until space has been provided within the site curtilage for the parking or loading and unloading/picking up and setting down passengers; manoeuvring of residents, visitors, staff, customers, service and delivery vehicles (including secure/covered cycle parking and also disabled parking spaces), located, designed, laid out and constructed in accordance with written details (including plans) submitted to and approved in writing by the local planning authority. The approved details shall be maintained throughout the life of the development free from any impediment to its designated use.

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

21. Prior to the commencement of the development within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), 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 development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.

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

22. The approved Travel Plan dated 8th October 2020 and received 12.10.2020, shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the local planning

authority. The approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

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

23. No development shall be commenced within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), 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 S38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

24. As part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), details shall be submitted showing the arrangements for storage of bins and collection of waste. Those details shall include for the provision of refuse bin stores within private land in close proximity to the street to avoid prolonged obstruction of the streets by refuse vehicles. The development shall be carried out in accordance with the agreed details prior to the first occupation or use of the dwelling or development to which they relate and shall be retained free from any impediment to their designated use thereafter.

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

Flood Risk and Drainage

25. No individual dwelling approved as part of the reserved matters for any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above) 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.

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.

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

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

27. No piped discharge of surface water within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the local planning authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with policy CLP13 of the Adopted Local Plan.

28. Development shall not commence within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a scheme to ensure that on-site and off-site foul and/or surface water sewerage, designed to serve the whole development, of adequate capacity to ensure proper disposal to the receiving public sewer network has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme and the number of properties to be constructed within that phase, or within any other period or number of properties as may subsequently be approved in writing by the local planning authority. Furthermore, occupation of the development shall not commence until the approved drainage works have been constructed in accordance with the approved plans.

Reason: To ensure the site can be properly drained without risk of flooding / pollution to the local aquatic environment, public health and public amenity in accordance with policy CLP13 of the Adopted Local Plan.

29. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for each phase of the development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), in accordance with the principles outlined within:
- a. Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA- 19412-17-31 R7 (October 2020 by Idom Merebrook Ltd);
 - b. Surface Water Drainage Strategy (as submitted under appeal ref: CHE17/00469/OUT Sheet 1 – Drawing No 200-002, Surface Water Drainage Strategy Sheet 2 – Drawing No 200-003, Surface Water Drainage Strategy Sheet 3– Drawing No 200-004; and c. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.

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

30. No reserved matters application to confirm the layout of any respective phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), shall be approved until information confirming the viability and location of SuDS techniques as outlined within the Flood Risk Assessment has been provided to and approved in writing by the local planning authority.

Reason: To ensure an appropriate drainage and flooding mitigation in accordance with Policy CLP13 of the Adopted Local Plan.

31. All phases of development approved by this planning permission shall be designed and carried out in accordance with the principles contained within the Flood Risk Assessment Land Off Worksop Road, Mastin Moor, Chesterfield, Chatsworth Settlement Trustees – FRA-19412-17-31 R7 (October 2020 by Idom Merebrook Ltd).

Reason: To ensure an appropriate drainage and flooding mitigation in accordance with Policy CLP13 of the Adopted Local Plan

Land Condition and Contamination

32. In respect of each individual phase of development (or subphase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), prior to the submission of reserved matters approval for each phase, a scheme of intrusive site investigations for the opencast high walls and shallow coal workings shall be submitted to the local planning authority for written approval. Thereafter those intrusive investigations shall be carried out as approved to inform any subsequent reserved matters application.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with Policy CLP14 of the Adopted Local Plan.

33. Concurrent with each reserved matter submission (including any phased development) in accordance with the provisions of condition 32 detailed above there shall be a report detailing the following: findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken; the submission of a layout plan which identifies the opencast high walls and appropriate zones of influence for the recorded mine entries within the site, and the definition of suitable 'no-build' zones; - the submission of a scheme of treatment for the recorded mine entries for approval; and the submission of a scheme of remedial works for the shallow coal workings for approval. Only those remedial details that receive detailed written approval alongside any reserved matters consent, or separate approval under the provisions of this condition shall be implemented on site.

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with Policy CLP14 of the Adopted Local Plan.

34. A. Development shall not commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the

terms of condition 5 and 10 above), 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 ensure appropriate mitigation and remediation of the site in accordance with Policy CLP14 of the Adopted Local Plan.

Ecology and Biodiversity

34. Prior to or no later than concurrent with the first reserved matters application submitted for the site, a scheme to deliver a measurable net gain in biodiversity shall be submitted to and approved in writing

by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CLP16 of the Adopted Local Plan.

36. No vegetation clearance works shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To mitigate against any harm to habitat prior to any development taking place, in accordance with policy CLP16 of the Adopted Local Plan.

37. Prior to building works commencing above foundation level within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a detailed lighting strategy shall be submitted to and approved in writing by the local planning authority 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. A lux contour plan shall be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). The approved measures will be implemented in full.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

38. Prior to development commencing on any phase or sub phase, a detailed badger survey shall be carried out for any recently excavated badger setts on the site or within 30m of the site boundary and the survey, along with any necessary mitigation measures, shall be

submitted to and be approved in writing by the local planning authority. Development will be carried out in accordance with the approved mitigation measures.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

39. No development shall take place (including demolition, ground works, vegetation clearance) within any phase (or sub-phase as may be approved in writing by the local planning authority under the terms of condition 5 and 10 above), until a Construction Environmental Management Plan – Biodiversity (CEMP - Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP - Biodiversity shall be informed by the existing ecological survey work and include the following:
- a) risk assessment of potentially damaging construction activities; b) identification of “biodiversity protection zones”; c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) the location and timing of sensitive works to avoid harm to biodiversity features; e) the times during construction when specialist ecologists need to be present on site to oversee works; f) responsible persons and lines of communication; g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) use of protective fences, exclusion barriers and warning signs.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

40. No works which include the creation of trenches or culverts or the presence of pipes shall commence within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include the creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end

of each working day; and open pipework greater than 200mm outside diameter being blanked (capped) off at the end of each working day.

Reason: To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, in accordance with policy CLP16 of the Adopted Local Plan.

41. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The LEMP will set out how the phase (or sub phase) will deliver the requirement for a net measurable gain in biodiversity (as set out in condition 35) and should combine both the ecology and landscape disciplines and 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 in perpetuity, with reviews);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met;
- i) locations of bat boxes, bird boxes, hedgehog holes and habitat piles (including specifications/installation guidance/numbers).

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 approved plan will be implemented in accordance with the approved details.

Reason: To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit, in accordance with Policy CLP16 of the Adopted Local Plan.

Landscaping

42. Concurrent with any reserved matters application concerning landscaping within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), 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:

1) a scaled plan showing all existing vegetation and landscape/habitat features to be retained and trees/plants to be planted and new habitats created;

2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

a) permeable paving; b) tree pit design; c) underground modular systems; d) sustainable urban drainage integration; e) use within Tree Root Protection Areas (TRPAs);

3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees, hedgerows and habitats unless agreed in writing by the local planning authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written 5-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or 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 5 years of planting shall be replaced. Unless further specific permission has been given by the local planning authority, replacement planting shall be in accordance with the approved details.

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

43. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), a scheme for the protection of the retained trees, hedgerows and habitats 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 or landscaping works within the RPA that may impact on the retained trees and habitats;
 - c) a full specification for the installation of boundary treatment works;
 - 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, hedgerows and habitats during both land clearance and construction phases and a plan indicating the alignment of the protective fencing;
 - g) a specification for scaffolding and ground protection within protection zones;
 - h) tree, hedgerow and habitat 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 as concrete mixing and use of fires;
 - j) boundary treatments within the RPA;
 - k) methods to improve the rooting environment for retained and proposed trees, hedgerow and landscaping. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality in accordance with policy CLP16 of the Adopted Local Plan.

44. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the local planning authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in accordance with the approved details.

Reason - To avoid any irreversible damage to retained trees in accordance with Policy CLP16 of the Adopted Local Plan.

45. The landscaping details submitted to accompany any reserved matters application for any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (any areas not proposed to be contained within the curtilage of any individual properties/dwellings) at all times following completion of that phase or sub-phase of development, including timescales for implementation. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason – To ensure that appropriate means for the long term management and maintenance of all public areas is provide in the interest of the amenity, character and appearance of the development and its wider setting, in compliance with policy CLP16 of the Adopted Local Plan.

Heritage and Archaeology

46. a) No development shall take place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), until a Written Scheme of Investigation for archaeological work for that phase has been submitted to and approved by the local planning authority in writing, and until the fieldwork elements of the scheme for that phase are complete to the written satisfaction of the local planning authority. The Written Scheme of Investigation for each phase will comprise a detailed statement of methodology in line with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for

Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, August 2019), and will include on a phased basis:

1. an assessment of significance and research questions;
2. the programme and methodology for archaeological evaluation, to take place before the consideration of reserved matters with details of layout for that phase;
3. the programme and methodology for further archaeological work following evaluation, comprising preservation in situ or mitigation excavation as appropriate;
4. the programme of post-investigation assessment;
5. provision to be made for analysis of the site investigation and recording;
6. provision to be made for publication and dissemination of the analysis and records of the site investigation;
7. provision to be made for archive deposition of the analysis and records of the site investigation; and
8. nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development in any phase shall take place other than in accordance with the archaeological Written Scheme of Investigation approved for that phase under this condition part (a) and in accordance with Land at Mastin Moor, Derbyshire. Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, September 2020).

c) No phase of the development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved for that phase under this condition part (a), and in accordance with Land at Mastin Moor, Derbyshire Overarching Written Scheme of Investigation for Archaeological Programme (Wessex Archaeology Document Ref: 104084.01, September 2020), and until the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CLP21 of the Adopted Local Plan.

Other Conditions

47. Prior to development commencing within any phase (or subphase as may be agreed in writing by the local planning authority under the terms of conditions 5 and 10 above), an Employment and Training Scheme shall be submitted to and be approved in writing by the local planning authority. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development and the scheme. Development shall be carried out in accordance with the approved scheme.

Reason: In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

48. For each new dwelling provided with dedicated parking provision, a residential charging point shall be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32amp 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 first occupation and shall be retained and maintained as useable for the life of the development.

Reason - In the interests of reducing emissions in line with policy CLP22 of the Adopted Local Plan.

49. Construction work shall only be carried out on site between 0800 hours and 1800 hours Monday to Friday, 0900 hours to 1700 hours 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 amenity in accordance with Policy CLP14 of the Adopted Local Plan.

50. Before construction works commence or ordering of external materials takes place within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), precise specifications or samples of the walling and roofing materials to be used shall be submitted to the local planning authority for consideration. Development shall be carried out in accordance with the approved details.

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 in accordance with Policy CLP20 of the Adopted Local Plan.

51. Prior to the commencement of the development within any phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), details of the existing and proposed land levels and the proposed floor levels of the dwellings hereby approved shall be submitted to the local planning authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition 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 amenity of neighbours and the area as a whole in accordance with Policy CLP20 of the Adopted Local Plan.

52. The submission of reserved matters applications shall be made in accordance with the recommendations of the Noise and Vibration Assessment by Waterman Infrastructure & Environment Ltd dated October 2020 and each phase (or sub-phase as may be agreed in writing by the local planning authority under the terms of condition 5 and 10 above), shall be accompanied by a statement or report of compliance for approval by the local planning authority. The agreed details shall thereafter be implemented and maintained in a manner as approved in perpetuity.

Reason: In the interest of amenity and to ensure that appropriate mitigation measures are designed into the site layout and the new development / dwellings to protect existing neighbours and new occupiers in accordance with policy CLP14 of the Adopted Local Plan.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the

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

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

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

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

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

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

Authority Permit for such activities is trespass, with the potential for court action.

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

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

3. 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.
4. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
5. Local Highway Authority -
 - a. The Highway Authority recommends that the first 6m 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 landowner
 - b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/ new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
 - c. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway 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.

d. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538578).

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

f. 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 (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

g. The application site is affected by a Public Rights of Way (Footpath number 25 and 26 Staveley on the Derbyshire Definitive Map). The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).

h. Car parking provision should be made in accordance with the Local Planning Authority guidelines. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.

i. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the

carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

j. The applicant is advised that to discharge Condition 16 that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

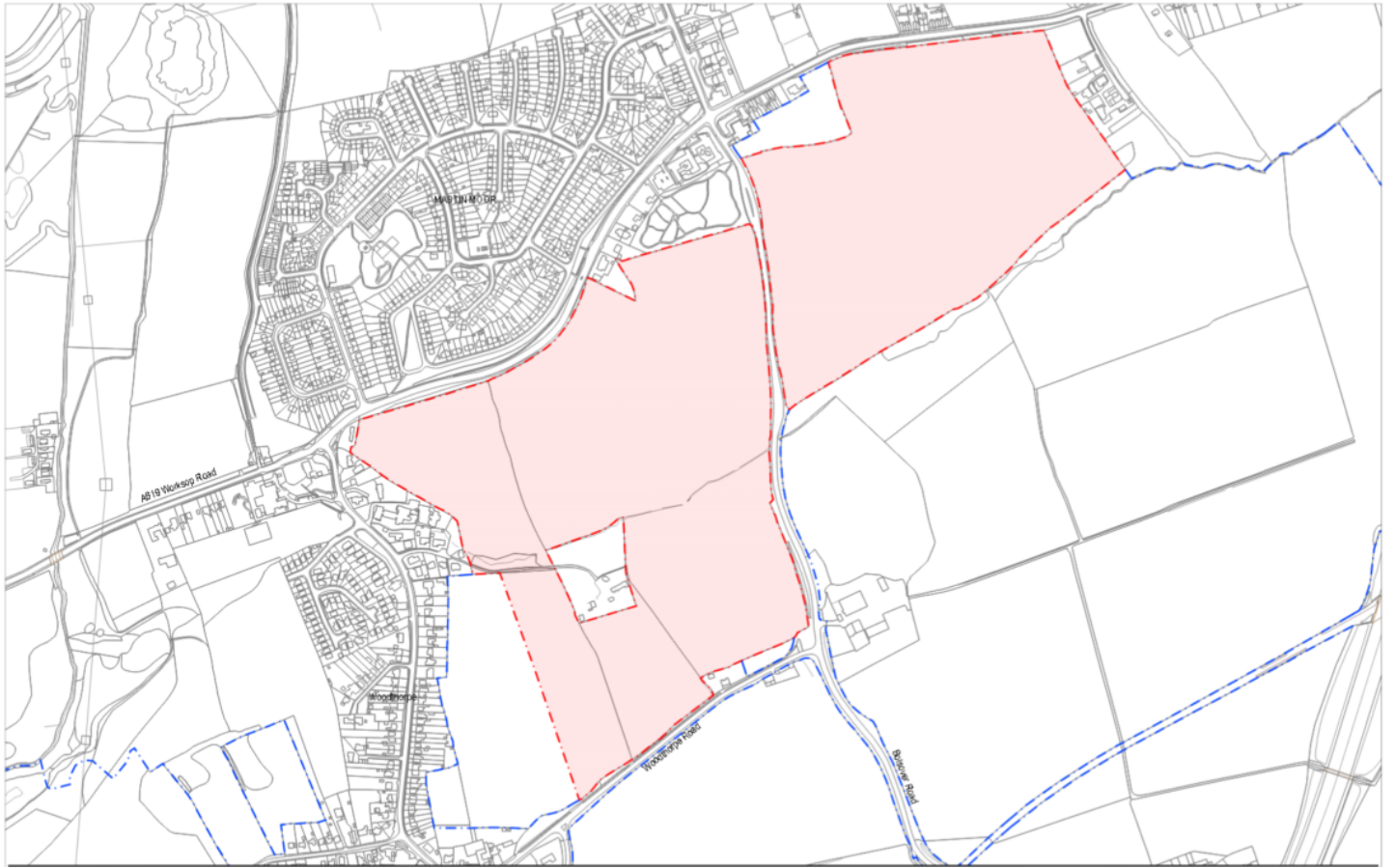
6. Lead Local Flood Authority -

a. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

b. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.

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

d. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual 7353. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status.



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ITEM 3**Outline application for the demolition of existing office premises and erection of residential dwellings, with all matters reserved except access at Manor Offices, Old Road, Chesterfield for CSC Computer Sciences Ltd.**

Local Plan: Unallocated

Ward: West

Committee Date: 12th December 2022**CONSULTATIONS**

Highway Authority	Comments made see report
Coal Authority	Comments made see report
CBC Tree Officer	Comments made see report
CBC Housing	20% provision should be made with a mix of 90% rent and 10% shared ownership. The demand in the area is for family homes of 2, 3 and 4 bedrooms.
Derbyshire Wildlife Trust	Comments made see report
CBC Conservation Officer	Comments made see report
Archaeology	Comments made see report
Historic England	No advice offered, consult internal advisors
CBC Climate change officer	Comments made see report
CBC Economic development	The EDU is supportive of the proposal. There is a good supply and availability of high-grade office accommodation more centrally located within the borough and therefore it is considered that a housing development is on this site would not have a detrimental impact to supply of office accommodation within the borough. Recommend a condition on local labour/supply.
Yorkshire Water	Condition recommended
Lead Local Flood Authority	Conditions recommended
CBC Design services drainage	Disposal of foul and surface water via public system would need consent. SUD's should be investigated and the surface water hierarchy considered.
NHS CCG	Request contribution of £27,840

Derbyshire Constabulary Designing Out Crime Officer	No objections. The layout would need to consider; rear gardens boundaries adjacent to open space, garden access for central terraced units, open aspect to Old Road footpath link to ensure natural surveillance.
Representations	Six comments received including one in support

2.0 THE SITE

2.1 The application site is 2.3 hectares of vacant buildings, open space and hard surfaced areas. The premises on site have been vacant for some years and a new use for the site is therefore required. The boundaries of the site are generally well planted/landscaped. The site is in a built-up area surrounded by residential development and a vacant commercial unit to the north east at Brampton Manor. There are TPO trees on the adjacent site associated with the Manor.

2.2 To the north east of the site is Brampton Manor which includes the Grade II listed Manor, the Grade II* listed Gazebo and scheduled monument and Grade II listed barn to the north of the Manor.

2.3 The housing surrounding the site is largely 1930's render finished and more modern housing to the west and north and Victorian/Edwardian red brick to the south.

2.4 The site has undulating levels with a large level change to the west of the site, the site levels off to the north lowering to the south east. The site is elevated from Old Road with planting along the frontage.

Location plan and google image:



Site images:



3.0

SITE HISTORY

3.1

Planning history only relating to the development of the site for office accommodation.

4.0 **THE PROPOSAL**

- 4.1 Outline planning permission is sought for the demolition of the existing buildings on site and for residential re-development. All matters other than access are reserved for future consideration. Whilst the description of development does not indicate a final number of units the application form refers to the provision of 58 dwelling units.
- 4.2 An indicative master plan has been provided which shows how 58 units could be accommodated on the site:



- 4.3 This indicative layout shows the retention of vegetation to the edges of the site and the soft landscaping to the frontage thereby retaining the verdant character of the site within the street scene.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

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

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP17 Open Space, Play Provision, Sports Facilities and Allotments

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Impact on Heritage Assets and Design
- Impact on residential amenity
- Highways safety
- Biodiversity and trees
- Ground conditions
- Drainage
- Contributions

5.5 Principle of Development

5.5.1 Policy CLP1 notes that in regard to the Spatial Strategy for development in the Borough; The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2.

- 5.5.2 Policy CLP2 notes in part that:
Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:
a) deliver the council's Spatial Strategy (policy CLP1);
b) are on previously developed land that is not of high environmental value;
c) deliver wider regeneration and sustainability benefits to the area;
d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;
e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;
- 5.5.3 The application site is vacant previously developed land where the Council's Economic Development Unit has confirmed this is a location where the retention of such office uses are not required with better more centrally located office space available within the Borough. Therefore, the loss of the commercial use is not a concern. Being vacant previously developed land and buildings within a location where there is good access to local facilities means the site is suitable for residential development in line with policies CLP1 and 2 of the Adopted Local Plan. In considering the principle of development, other matters need to be considered in detail.
- 5.5.4 Affordable Housing:
Policy CLP4 states in part that: In order to increase local housing choice, respond to emerging needs and promote the creation of sustainable communities, in new housing developments the council will seek a range of dwelling types and sizes based on the council's most up to date evidence of housing needs and the location and characteristics of the area. The policy goes on to note that the percentage requirement aligns with the CIL charging zones of the Borough. The tenure mix required by policy CLP4 is for a split of 10% affordable home ownership and 90% affordable rent.
- 5.5.5 As the site contains vacant buildings the floor space of these needs to be discounted from the affordable housing requirement of the floor space of the new housing, this is known as vacant building credit. Given the buildings on site are of considerable size it is likely there will be little if any affordable housing requirement arising from the development. As the final number of units and their floorspace are unknown at this outline stage it is important to ensure the S106 agreement includes an

appropriate caveat for the provision of affordable housing beyond any discounted floorspace. On this basis the proposal will meet the requirements of policy CLP4 in terms of affordable housing.

5.5.6 Adaptable and accessible housing:

Policy CLP4 also requires that: On sites totalling 10 or more dwellings (including phases of those sites) 25% of dwellings should be built to building regulations standard M4(2) (where a site includes affordable housing this should normally be proportionately split between tenures). Where the council has identified evidence of a specific need for a wheelchair accessible standard M4(3) property (for which the council is responsible for allocating or nominating a person to live in that dwelling) that is relevant to a site, this will be negotiated with the developer and secured by planning obligation, subject to consideration of viability and suitability.

5.5.7 As the final numbers of units and their design are unknown at this stage a condition to secure 25% of the units as M4(2) will be sufficient to ensure compliance with policy CLP4.

5.5.8 Open space:

Policy CLP17 requires that; Where proposed development would result in a need for new open space and outdoor sports facilities and/or exacerbate existing deficiencies in provision, development must contribute to public open space, sports facilities and play provision in accordance with the council's adopted standards as set out in Appendix B of the Local Plan.

5.5.9 The Council's Forward planning team has noted that the site sits within the Brockwell, Ashgate and Loundsley Green Analysis Area for open space provision. The analysis area is deficient against the CBC quantity standard in terms of parks and gardens, provision for children and young people and natural and semi-natural greenspace. The deficiency within the analysis area would meet the threshold for the provision of a new area of natural and semi-natural green space on site when applying the standards set out in the Local Plan. There will therefore be a requirement for a Natural and Semi-Natural open space within the development. On the indicative site plan 0.5 hectares of open space is shown. Some open spaces may perform a dual or multi-function purpose for example, semi-natural greenspace incorporating naturalistic play features, also providing opportunities to meet biodiversity net gain.

5.5.10 It is therefore considered that as the site is close to existing play areas the identified need on site for natural areas which is also needed for biodiversity will ensure sufficient open space/informal play in the area as a result of this development. The reserved matters application will assess this provision in more detail once the layout is known.

5.5.11 Climate change:

The local plan primarily considers matters of climate change in regard to the sustainable nature of sites in terms of access to services and facilities primarily through walking and cycling and use of public transport.

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

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

5.5.12 The Council's Climate Change officer has noted:

It is difficult to assess the mitigations proposed by the applicant at this stage without detailed specifications for building works proposed, I recommend that the applicant be asked to provide evidence that they are taking steps to reduce the emissions of building works and end-use of the proposed development; in particular, reference to:

- Embodied carbon in building materials (e.g. minimising cement use, maximising timber use etc.)
- A high standard of insulation
- Low carbon heating / heat recovery
- Minimising energy demand from buildings
- Meeting the higher water efficiency standard
- Installing microgeneration technologies
- Providing adequate storage for recycling bins
- Installing charging points for electric vehicles
- Providing a justification of the inclusion of a gas main to the site (if proposed)
- A commitment to not install log / coal burning devices

I recommend that the applicant be asked to provide evidence that they are taking steps to reduce the vulnerability of site users to the effects of climate change over the projected lifetime of the dwellings. In the Chesterfield area, the Environment Agency projection suggests that we could expect to see approximately 30% less rain in the summer, approximately 30% more rain in the winter, around 20% higher peak rainfall intensity and up to 6°C increase in peak summer temperatures by 2050. Essentially, an increase in floods, droughts, and heatwaves. I accept that the site is not considered appropriate for a SUDS scheme, or discharge directly to a watercourse (relying on discharge to the sewer network). I would, however; hope to see reference in the design for the installation of rainwater collection devices as standard on dwellings for garden irrigation / vehicle washing etc. I would also expect to see reference to building design taking appropriate consideration for future changes to the climate which could include:

- Passive cooling technologies / tree planting
- Enhanced insulation

From the point of view of natural ecosystems (CLP14, CLP16), I accept that the designs have considered biodiversity net gain. Although, I would add my support to the proposal (in the biodiversity statement submitted by Peak Ecology) for the introduction of native species rich hedgerows to the south of the site.

5.5.13 As the detail of the proposed housing will not be known until the reserved matters stage, it is considered that the comments of the Climate Change Officer can be addressed through a condition which requires these matters to be addressed in a statement as part of the reserved matters submission. On this basis given the sustainable nature of the site it is considered matters of Climate Change have been adequately addressed.

5.5.14 Infrastructure:
Concern has been raised by local residents that the development will impact on existing services and facilities such as schools and GP practices.

5.5.15 Through the provisions of the Community Infrastructure Levy monies are collected from developments such as this and are coordinated into spending on matters such as school expansion. There is also the ability to secure other matters via legal agreement and direct contributions which in this case will for matters such as the NHS through the CCG who have requested £27,840 towards expansion of GP practices. Such contributions will only secure physical improvements as funding for

patients and school pupils remains via direct government funding. In this respect the contribution request for the Chesterfield Hospital is misplaced and cannot be secured via these mechanisms as central government funding of the NHS is provided for this.

5.5.16

Conclusion:

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

5.6

Impact on Heritage Assets and Design

5.6.1

Policy CLP21 notes in regard to the Historic Environment:

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.

5.6.2

In this case there are important heritage assets adjacent to the site whose setting may be impacted by the development. The Council's Conservation officer has commented:

There are three listed buildings to the east of the site: grade II* listed 'Gazebo at Manor House'; grade II listed 'Manor House'; and grade II listed 'Brampton Manor Barn'. The latter is also designated a Scheduled Monument. The Manor House dates from circa 1600 and the barn was built at around the same time to serve the Manor House. The Gazebo was added later circa early C18.

The emphasis in adopted Local Plan policy (CLP21) and in NPPF Policy 'Conserving and enhancing the historic environment', is on protecting built heritage assets, including their settings. The applicant's Design and Access Statement (DAS) includes a concept plan: which acknowledges these heritage assets and the need for site design to take their settings into account. Development areas 7 and 8 may have some impact on the setting of the Manor House and wider curtilage, though again boundary tree cover provides screening. Given the topography of the site, the existing boundary tree screening, the Manor House car park, and distance between the site and the Barn and Manor House, the impacts on the settings of these two buildings is likely to be less than

substantial, though this would be subject to building heights, building orientation and boundary treatments.



However, development area 7 would appear to potentially abut the mature tree lined avenue which provides an attractive access to the listed buildings and is a part of the Manor House curtilage, so impacts on this element of the Manor House's curtilage could be substantial and potentially negative, but again this would be subject to building heights and positioning, building orientation and boundary treatments.

The eastern section of development site is adjacent to the Gazebo (2), from which it can be viewed, albeit partly screened by tree cover (photograph below) so there is the potential for the development to have substantial impacts on the setting of this grade II* building. The applicant's concept plan shows a landscaped buffer zone of planting and trees which would provide some distance between new built form and the Gazebo (2). The applicant acknowledges (DAS, p. 14) that there is potential to create a formal setting for this asset through the provision of open space and retention of trees, as well as orientation of

highways to frame views of the Gazebo when looking west. It is noted that the DAS inaccurately describes the Gazebo as grade II listed when it is in fact grade II*. The concept plan also recognises that there is the potential for conflict between the development and the Manor House so the proximity and orientation of dwellings will be an important consideration. Overall, the concept plan places a great deal of emphasis on the protection of existing boundary treatments, including the existing trees, which at present form an attractive and natural screening between the development site and the listed buildings and wider curtilage. Rather than seeing the existing trees as a constraint, the concept plan incorporate them into the proposed general landscaping, which the Conservation Officer confirms support. He would also support the proposal to retain the attractive existing natural stone wall along the southern edge of the site which provides an element of local distinctiveness. The Conservation Officer comments that the applicant's DAS is comprehensive and has been informed by robust pre-application advice, hence the heritage assets adjacent to the site have been recognised and the applicant's concept plan reflects a requirement to protect or enhance their settings. However, much will depend on the design concept in the final reserved matters application, in particular proposed building heights, building orientation and boundary treatments, particularly in respect of the grade II* listed Gazebo, which is a building with regional national significance.

5.6.3

Archaeology have also commented on the proposal:

The Proposed Development Area is shown on the Derbyshire HER to lie adjacent to a listed building MDR5363, an early 18th century Gazebo associated with what appears to be formal terraced gardens associated with Brampton Hall. Brampton Hall is a listed building (MDR5403), its present iteration dating initially to c. 1585 but being possibly on an earlier site. Finally, the site lies some 63 metres to the south-west of a 16th century crooked barn which is a scheduled Monument (MDR 5383), and is also associated with Brampton Hall.

The 1898 Ordnance Survey suggests that a raised earthwork which defined the southern edge of the formal gardens was preserved, it also demonstrates that earthworks (possibly a hollow way), lay at the southeast corner of the site. Buildings to the west of the Manor House but within the site at its eastern and northern extent also seem to be shown on Ordnance survey.

A desk based assessment "An Archaeological Desk Based Assessment of land at Brampton Manor, Chesterfield, Derbyshire" (Sidebottom 2018) which can be accessed at the HER does not include the site

explicitly but does cover the adjacent plot to the east and could be usefully consulted.

As the site itself seems to have been open space until the mid 1960s, because the site is on land formerly described as Lower Common, and because the site since development seems to have been largely open space (and car parking), there is a reasonable chance that buried archaeological remains may be preserved within the site associated with:

- medieval settlement
- construction of the formal gardens
- Occupation and buildings along the line of the putative Holloway and to the west of Brampton Manor

Archaeology is a material consideration under the planning process and para 205 of NPPF (2021) requires “developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.”

The scope of any archaeological work should be informed by reference to the Geotechnical Investigation, background research and development design/plan and should be discussed with this office. A condition is recommended for a written scheme of investigation.

5.6.4 The archaeological interest of the site can be accommodated through the recommended condition which will ensure any found archaeology is suitably recorded. The impact of the development on the setting of the adjacent heritage assets is more difficult to assess given the outline nature of the application. The adjacent assets are of high value and their setting needs to be carefully assessed. The proposed layout as shown on the indicative plan does reflect appropriately on the setting of the assets in providing space within the development to retain an open aspect of the Gazebo in particular. It is therefore considered that with careful consideration the development of the site, which is already developed with modern buildings, could be appropriately designed to respect the setting of the adjacent buildings. At this stage it is not considered that the proposal will result in less than substantial harm as the impacts are largely unknown and can be mitigated through design and layout. It will be important when considering the reserved matters to ensure these principles for the development are maintained.

5.6.5 In design terms the mix of surrounding development in terms of age and type and the commercial development on site all result in a site that is well contained and would be appropriate for a variety of building styles.

The layout plan shows the area to the site frontage retained which is considered important for the street scene as the soft landscaping here is a strong characteristic of the site. A condition to secure a development framework for the site prior to the submission of the reserved matters would aid in the consideration of design styles for the site linking into the indicative layout and ensure that the setting of heritage assets is taken into account at the earliest stage.

- 5.6.6 Subject to more detailed consideration at the reserved matters stage it is considered feasible to develop the site without adversely impacting on the setting of adjacent heritage assets to an unacceptable degree. A condition to secure a development framework will ensure the indicative layout is considered at the reserved matters stage in mitigating against any harm. Whilst the development may result in low level less than substantial harm due to having a wider area of the site for development, it is considered that this would be outweighed by the public benefits arising from additional housing and the redevelopment of a vacant site with substantial unoccupied buildings in line with policy CLP21 and Part 16 of the NPPF.

5.7 Impact on Residential Amenity

- 5.7.1 Concern has been raised that the development will result in noise and nuisance to existing residents from construction works and that the proposed development will result in overlooking and loss of light and privacy. It is important to note that at this stage the detail of the development is not being considered.
- 5.7.2 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.
- 5.7.3 Whilst concerns about the impacts in terms of privacy and light have been raised these cannot be resolved at this stage as this would be for consideration at reserved matters stage. It is feasible with this size of site to ensure that any potential amenity impacts are within the appropriate separation distances as set out in the Council's Residential SPD.
- 5.7.4 There will always be impacts from noise and nuisance as a result of construction works taking place on any site but conditions to limit the

hours of works on site and to ensure measures to minimise dust and dirt onto the road will minimise these impacts and are included in the recommendation.

5.8 Highway Safety and Parking Provision

- 5.8.1 There are concerns that the development will adversely impact on highway safety and parking. Policy CLP22 requires that: Development proposals will not be permitted where they would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In terms of parking the policy goes on to note that; The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:
- i. The size of any dwellings proposed.
 - ii. The type, mix and use of the development.
 - iii. The proximity of facilities such as schools, shops or employment
 - iv. The availability of and capacity for safe on-street and public car parking in the area.
 - v. Proximity to and availability of public transport and other sustainable transport options.
 - vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.
 - vii. Local car ownership levels.
- 5.8.2 The Highway Authority has noted that: As the application is for the access only and all other matters are reserved, it is noted that the submitted Design and Access Statement proposes to retain and use the existing vehicle access, but update it to include pedestrian access and ensure safe movement in and out of the development. Therefore, to ensure the proposed access upgrade meets the County Council approval, it is recommended that a condition regarding the access is included in any determination.
- 5.8.3 The proposed development may result in increased traffic from the site however it has to be noted that the site was previously an office development with substantial areas of car parking which would have had a large number of vehicles movements to and from the site. This is a fall back position whilst ever the buildings on site remain. The proposal to redevelop the site has to consider highway impacts. Given the Highway Authority comments and the previous use of the site it is considered that the development is appropriate in terms of highway safety.

5.8.4 The concerns regarding parking and the potential of overspill parking onto existing heavily parked roads nearby is understood but cannot be considered in detail as part of this application. This matter will be considered as part of the reserved matters application.

5.9 **Biodiversity, impact on protected species, enhancement and Trees**

5.9.1 Policy CLP16 requires that; The council will expect development proposals to:

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

5.9.2 Derbyshire Wildlife Trust has commented on the proposal: We have reviewed the Preliminary Ecological Appraisal (Peak Ecology, 01/02/22). Most existing trees appear to be retained within proposals. Whilst those on the eastern and western boundaries will fall within gardens, a large proportion will be located within open space, providing greater long-term security for these trees. A single nocturnal bat survey is recommended for Building 2 and this should be completed prior to determination. Precautions and enhancements are recommended for other species, which can be secured through conditions.

A Biodiversity Net Gain Statement (Peak Ecology, 25/02/22) has also been submitted. Proposals will result in a net gain of habitat units of +55.53 %. This is based on the creation of “other neutral grassland” in areas of open space, which must contain more than nine native species, along with native scrub planting. Currently a net loss of -38.14 % of hedgerow units is predicted. The report recommends new native hedgerow planting within the southern open space to avoid this loss. These details should be added to the landscape plans ensure a net gain is realised.

Notwithstanding the outstanding bat survey, we recommend that the following conditions (omitted) are attached to any approval. If bats are recorded, an additional condition may be required regarding mitigation and licensing. Conditions recommended.

- 5.9.3 The bat survey work found roosting potential within the Grade II* listed gazebo which is to remain unaltered as part of this proposal therefore no further work is required in regard to this building. The single storey building to the south east of the site was considered to have low level potential for bats but the ecological report recommended further survey work be carried out prior to determination. As the application is outline only and needs a further reserved matters submission it is considered that due to the low level potential noted, a condition can be imposed to ensure a bat survey is undertaken before the submission of reserved matters which shall be undertaken at the correct time of year and the results of this can then inform the reserved matters application. Other than ensuring the protection of nesting birds through demolition/site works there are no other protected species issues relating to the site.
- 5.9.4 From the biodiversity report submitted it appears that due to the largely developed nature of the site a biodiversity net gain can be achieved on site without the need for off-site provision. This will be considered in detail at the reserved matters stage taking into account the indicative layout and the open spaces proposed which will provide important green corridors, a condition is required to ensure a detailed metric is also submitted in support of any reserved matters application.
- 5.9.5 Subject to conditions ecological and biodiversity impacts are considered to be acceptable in accordance with policy CLP16 of the Adopted Local Plan.
- 5.9.6 There are protected trees adjacent to the site along the eastern boundary and a mature trees and planting within the site, primarily to the perimeter boundaries.



The Council's Tree Officer has commented on the case: There are two Chesterfield Borough Council Tree Preservation Orders No. 42 & 52 that may be affected by the development (boundaries of Brampton Manor). There are also areas of soft landscaping around the perimeter of the site and buildings, comprising numerous trees, bushes and grassed areas.

The illustrative development proposals comprise 58 new dwellings with associated parking and gardens, vehicular and pedestrian routes and open green spaces along the frontage and northern and eastern boundaries along with existing retained trees as shown on STEN Architecture, Illustrative Masterplan December 2021_Drawing no:2181.01 The Design and Access statement states 'The proposal is characterised by the retention of existing trees and delivery of pleasant open spaces' and 'the key to the success of the landscaping scheme is the retention of trees and boundaries.' To the frontage of the site off Old Road there is an open grassed area and an existing copse of trees within the site boundary close to the southern edge. The large, grassed area and trees provides an attractive feature close to the site entrance

and should therefore be retained in any development. The existing site boundaries to the west and north are adjacent to residential properties and are consolidated by existing trees belts. Any new development should retain these features which provide a suitable screen, retain the amenity and wildlife corridor provided on the site. It is proposed to utilise the existing entrance off Old Road for the new development although so improvements may be required.

Arboricultural Impact Assessment

An Arboricultural Impact Assessment by The Tree and Woodland Company dated January 2022 has been submitted with the application. A total of 35 individual trees and 22 groups of trees have been recorded. The survey highlighted 6 Category A tree/group features, 18 Category B features, 29 Category C features and 4 Category U features. The indicative proposals will require the removal of 11 individual trees and 5 groups, 3 of which are part groups. This includes 1 Category B moderate value feature, 11 Category C low value features and 4 Category U value features.

The report comments that 'The tree cover on site is largely defined by well established tree groups along the site boundaries and within an area of green space to the front of the site. There are significant offsite trees running alongside Old Road and adjacent to the site's eastern boundary within the grounds of Brampton Manor.

The majority of trees are in good/fair condition and provide valuable arboricultural and landscape value to the site and local surroundings' and that 'Under the current indicative proposals, there are a few retained trees/groups (T1, T7, T16, G13) that indicate minor encroachments within Root Protection Area's (RPA's). These encroachments are mainly in areas where there is current hardstanding which is likely to limit root growth and it is therefore considered that any root impingements are likely to have minor impacts'.

Comments

It is considered that the retained trees can be appropriately safeguarded if a detailed planning application is based on the indicative proposals and as part of a more detailed design layout. Suitable construction methods and protection measures can be detailed within an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) and should be conditioned.

- 5.9.7 Again as this application is outline the details of retained and removed trees, other than demonstrated on plan are somewhat unknown at this stage, in line with the submitted report their retention is preferred and

will impact on biodiversity at the site. It is therefore welcomed that the indicative layout seeks to retain trees to the boundaries, and this will be expected to be followed through at the reserved matters stage. The conditions requested by the Tree Officer are included within the recommendation. It is also noted that the boundary to the west of the site has substantial level changes and mature planting and it will be important for this boundary to be carefully considered as part of the reserved matters case including any level changes with detailed sections. Subject to the recommended conditions and a condition for the reserved matters to include level details to the western boundary it is considered the proposal meets the requirements of policy CLP16.

5.10 Ground conditions

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

5.10.2 The Coal Authority has noted that:
The application falls within the defined Development High Risk Area. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies in a surface coal resource zone.

A coal mining risk assessment accompanies the application. The report identified that a coal seam, assumed to be the three quarters coal outcrops beneath the site and is present beneath the northern half of the site at shallow depth. Two further coal seams are likely present beneath the site. There is considered to be high risk of unrecorded mine workings and a moderate risk of unrecorded mine entries to be present associated with the three coal seams. Therefore, intrusive investigation will be required to assess these risks.

Intrusive investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary. A permit will be required.

Wherever coal resources or coal mine features exist at shallow depth or at the surface there is potential for mine gases to exist which needs to be considered by the LPA.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek advice to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability including implications for mine workings which may be present beneath the site. Conditions recommended.

5.10.3 A Phase 1 Environmental Assessment has been submitted to support the proposal. This report concludes that the only significant source of potential contamination on the site is current and historical storage of hydrocarbons to fuel a backup generator and a former diesel fired heating system. There is limited potential for Made Ground to be present associated with earthworks undertaken in the 1950s to 1970s as part of the construction of the current buildings, a further ground investigation is therefore recommended, this can be secured via condition.

5.10.3 Subject to conditions to secure further ground investigations and potential remediation the proposal is considered to meet the requirements of Policy CLP14.

5.11 Drainage

5.11.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.

5.11.2 The application is supported by a Flood Risk Assessment which notes: the site is within flood zone 1 of low probability of flooding. The report notes that the existing nearby sewer pipe is of small diameter and its capacity may be exceeded, therefore suitable mitigation of raising floor levels to the southern site boundary by 150mm above existing ground

levels so that no basements are formed. On this basis the development of the site will result in a significant reduction in the surface water run off rate from the site into the adjacent adopted sewer network and will therefore provide betterment on the existing situation by decreasing the risk of sewer flooding to the benefit of the site and wider catchment. It is noted that a detailed strategy would be part of a subsequent submission.

5.11.3 Yorkshire Water has recommended a condition be imposed and note that:

Yorkshire Water has no objection to:

i) The proposed amount of domestic foul water to be discharged to the public combined water sewer located on Old Road to the south of the site.

ii) The proposed amount of curtilage surface water to be discharged to the public combined water sewer located on Old Road to the south of the site, (at a restricted rate of 5 (five) litres/second). submitted on SuDS Strategy 3316-SUDS dated December 2021 by Integra Consulting. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel: 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

5.11.4 The Lead Local Flood Authority has recommended detailed conditions.

5.11.5 Subject to conditions the proposal is considered to be acceptable in terms of drainage implications in line with policy CLP13.

5.12 Development Contributions and CIL Liability.

5.12.1 Further to para 5.5.15 above the NHS CCG have noted:

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices.

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

- Chatsworth Road Medical Centre
- The Surgery at Wheatbridge
- Inspire Health – Avenue House
- Royal Primary Care Ashgate including Holme Hall and Grangewood sites.

We would like to discuss the potential for S106 funding to be used to provide additional capacity within the vicinity of the development, the immediate area is identified in the Primary Care Estates Strategy as Chesterfield and Surrounds.

This area has been identified as a high priority for investment, as a result of planned housing developments and population growth.

The contribution has been worked out to be £27,840.

- 5.12.2 The proposed development will also be liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. This will be finalised once the detailed scheme is known.

6.0 REPRESENTATIONS

- 6.1 Six comments received which raise the following concerns:

- Request made for contributions for the Hospital at £147,000.
- The building will be along the entire aspect of the border of my property impacting quality of life, privacy and wellbeing. There will be pollution, mess and noise from the demolition and building works. We may be overlooked by 2 or 3 storey houses. The greenery along the boundary will be lost. Adverse impacts on wildlife. There will be additional traffic impacts, know of 2 accidents since we lived here in 1998. Vehicles often travel above the speed limit. Additional GP provision will be needed. Residents have not been considered in this application.
- The proposal will impact on traffic on an already busy road. Additional traffic will be a danger to children using the pavements. This will impact air quality and health. There is wildlife including bats in the area.

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- From the plans we cannot discern the proposed buildings. Building higher than 2 storeys would impact on light for properties on Old Road due to the level change. Will the new access be adopted? There may be traffic overspill onto Old Road where parking is already difficult.
- The green areas of the site need to be protected and not within gardens. The Arboricultural report notes most of the western boundary vegetation to be of low value to be replaced. We would like the hedge to remain. Trees should be retained for wildlife and to combat climate change. Additional traffic will make local roads busier. The application notes 116 parking spaces but this may include garage parking. Additional parking spilling out from the site will cause issues in the local area. Two storey houses to existing site boundaries should not have loft rooms to respect privacy. Additional school places and GP provision will be needed.
- We live locally and strongly support the proposal which could bring back life to a site which would otherwise stand derelict for a number of years and bring a fresh centre to the community.

These comments are addressed in the report above.

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 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 proposal for the redevelopment of this vacant brownfield site in a sustainable location is considered to be appropriate in line with policies CLP1 and 2 of the Local Plan. Climate matters will be considered in more detail through the reserved matters, noting that the main way in which climate is considered is through sustainable development ensuring homes are within easy access of services and facilities, as on this site.
- 9.2 The indicative layout considers the setting of the adjacent listed buildings which are of high value and sensitivity through green spaces and layout of highways, it is important therefore that any reserved matters application also considers the indicative layout in this respect. The green spaces on the indicative plan also provide important wildlife corridors and opportunities for biodiversity through new planting and retention of trees.
- 9.3 Through a subsequent reserved matters application issues of concern such as amenity impacts, parking, design and layout will be considered in detail.

9.4 Conditions are recommended to deal with matters such as ground conditions and drainage.

9.5 The proposal meets the requirements of planning policy and there are no material considerations arising to indicate a determination not in accordance with the Local Plan.

10.0 RECOMMENDATION

10.1 It is therefore recommended that the application be **GRANTED** subject to a S106 to secure:

- Affordable housing for floorspace beyond the vacant building credit
- CCG contribution of £27,840

and subject to the following conditions:

Conditions

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-

- a) the scale of the development;
- b) the layout of the development;
- c) the external appearance of the development;
- e) the landscaping of the site.

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

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), an Arboricultural Impact Assessment (AIA) shall be submitted to assess the impacts the detailed design layout will have on the retained trees, 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) to be 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) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) Details of construction within the RPA or that may impact on the retained trees.
 - d) a full specification for the installation of boundary treatment works.
 - e) 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.
 - f) 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.
 - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) a specification for scaffolding and ground protection within tree protection zones.
 - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - j) 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
 - k) Boundary treatments within the RPA and any facilitating felling/pruning.
 - l) Methodology and detailed assessment of root pruning

m) 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.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990 and policies CLP16 and 20 of the Local Plan.

4. No development shall commence until:
- a) a scheme of intrusive site investigation has been carried out on site to establish the risks poised 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 order to ensure that the site is made safe and stable for the development proposed.
- The instructive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance,

Reason: To ensure safe ground conditions in accordance with policy CLP14 of the Local Plan.

5. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming 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.

Reason: To ensure safe ground conditions in accordance with policy CLP14 of the Local plan.

6. The access shall be formed (improved) with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres and footway widths of 2m to Old Road in accordance with the application drawings, laid out, constructed and provided and visibility sightlines of 45m measured in each direction to the nearside edge of the carriageway, as measured

from a point located centrally and 2.4m back into the access. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

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

- 7.
- 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, persons or organisation 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 have been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure any below ground archaeology is investigated and recorded in line with policy CLP21 of the Local Plan.

8. The development shall be carried out in accordance with the details on the submitted SuDS Strategy 3316-SUDS dated December 2021 by

Integra Consulting, unless otherwise agreed in writing with the Local Planning Authority.

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

9. 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. 'Land North of Old Road Chesterfield' Design and Access Statement, Issue 1, January 2022 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
 - b. 'Manor Offices Site, Old Road, Chesterfield S40 3QT Proposed Residential Development' SuDS Strategy, Ref: 3316-SUDS including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
 - c. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted In the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Local Plan.

10. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance .

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- i. into the ground (infiltration)

- ii. to a surface water body
- iii. to a surface water sewer, highway drain, or other drainage system;
- iv. to a combined sewer.

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

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

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development. In the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Local Plan.

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

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753. In the interest of satisfactory and sustainable drainage in accordance with policy CLP13 of the Local Plan..

13. No individual dwelling approved as part of the reserved matters for any phase (or sub-phase as may be approved in writing by the Local Planning Authority) of the development 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.

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

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

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

15. In line with the need to provide 25% of the units to M4(2) standard, following completion of 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;
- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards
 - Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards
 - Which and how many dwellings within the development have satisfied M4 (3)* wheelchair accessible dwellings standard. (*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same.))
- The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

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

16. 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. 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 applicant's / developer's control
- e. provision of roadside boundary hoarding behind any visibility zones
- f. any proposed temporary traffic management.
- g. a scheme of wheel washing

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase in accordance with policies CLP14 and CLP22 of the Adopted Local Plan.

17. 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.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

18. Vegetation clearance and the demolition of Building 2 shall only be undertaken outside of the main breeding bird season (March to August inclusive) or else be preceded by a nesting bird check by an ecologist, no more than 48 hours before the commencement of works. If active nests are found, an exclusion zone (~5 m) shall be implemented around the nest until it has been confirmed by the ecologist that chicks have fledged and the nest is no longer in use.

Reason: In the interests of protecting nesting birds in accordance with policy CLP16 of the Local Plan.

19. The two sycamore trees on the eastern boundary located within G7 (Arboricultural Assessment, January 2022, The Tree and Woodland Company) shall be soft felled under the supervision of an ecologist to safeguard roosting bats. See Section 5.1.1 of the Preliminary Ecological Appraisal (Peak Ecology, 01/02/22) for details.

Reason: In the interest of protected species in accordance with policy CLP16 of the Local Plan.

20. Measures to control the spread of invasive species, as set out in Section 5.2 of the Preliminary Ecological Appraisal (Peak Ecology, 01/02/22), shall be implemented in full.

Reason: In the interest of local habitat and ecology in accordance with policy CLP16 of the Local Plan.

21. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LEMP shall ensure that proposed landscaping will result in the predicted biodiversity gains calculated in the Biodiversity Net Gain Statement (Peak Ecology, 25/02/22). This shall include appropriate grassland, scrub and hedgerow mixes and management prescriptions to achieve the target habitats. The LEMP should combine both the ecology and landscape disciplines and 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 five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
- i) details of the enhancement measures detailed in Section 5.3 of the Preliminary Ecological Appraisal (Peak Ecology, 2022) and updated by the British Standard for Integral Nest Boxes (BS 42021:2022).

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 approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate landscape management of the site in the interest of biodiversity net gain in the long term in accordance with policy CLP16 of the Local Plan.

22. In association with condition 21 above, any reserved matters application shall be accompanied by a detailed biodiversity metric and associated biodiversity enhancement scheme to demonstrate the existing and proposed biodiversity on site showing a measurable net gain in habitat units on the site, as near to 10% net gain as possible.

Reason: To secure biodiversity net gain on site in accordance with policy CLP16 of the Local Plan.

23. Prior to the submission of any reserved matters application a further bat survey of Building 2 shall be carried out in accordance with the advice contained within the Preliminary Ecological Appraisal (Peak Ecology, 01/02/22) and submitted to the Local Planning Authority for agreement and should any bat species be found a scheme of necessary mitigation or building retention shall also be submitted and agreed by the Local Planning Authority and the information used to inform the reserved matters application.

Reason: In the interests of protecting bats in accordance with policy CLP16 of the Local Plan.

24. Prior to any demolition, construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:
- a) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other
Monday to Friday: 08:00 – 18:00
Saturday: 08:00 – 13:00
Sundays and bank Holidays - No working
 - b) Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;
 - c) Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the

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

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

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

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

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

- 25.
- 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.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with policy CLP14 of the Local Plan.

26. As part of the reserved matters application a sustainability statement shall be submitted detailing; consideration of climate change in design and construction, use of renewable technologies, a statement on how emissions will be reduced through the construction process, and an assessment of the opportunities to create or connect the development to an energy centre/heat network, all to address the comments of the Council's Climate Change Officer received 10.08.2022.

Reason: To seek to reduce emissions from development in accordance with Policy CLP20 of the Adopted Local Plan.

27. Prior to any tree removal taking place on site a scheme shall be submitted to and approved in writing by the Local Planning Authority to seek to reduce the speed of the carbon release. Works shall be completed in accordance with the agreed details.

Reason: To minimise the carbon impacts of the development in accordance with Policy CLP20 of the Adopted Local Plan.

28. As part of the reserved matters application a detailed scheme for the western boundary of the site detailing final levels, boundary treatments and sections shall be submitted.

Reason: To ensure appropriate and early consideration of the western boundary where there is a substantial change in levels in accordance with policies CLP14 and 20 of the Local Plan.

29. Prior to the submission of the first reserved matters application, a Development Framework Masterplan shall be submitted to the Local Planning Authority for approval in writing. The Framework shall seek to establish the overarching design approach for the entire site reflecting on the submitted Heritage Statement Issue 1 January 2022 and the Illustrative Masterplan no. 2181.01. The Framework should be compatible and expand upon the principles set in the Design and Access Statement (DAS) and those of the adopted Supplementary Planning Document 'Successful Places: Housing Layout and Design'.
Reason - To ensure that the development is designed to an appropriate design quality / standard taking into account the setting of adjacent

heritage assets in accordance with Policies CLP20 and 21 of the Local Plan.

Informatives:

1. Highways -

In addition, the following notes shall be included for the benefit of the applicant.

- Section 184 Licence. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.
- Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to 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 dished channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- If construction works are likely to require Traffic Management, all road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following [link](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp) - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Regarding the internal road layout, it is the policy of the County Council that 'Any street which is being developed to serve six or more properties shall be capable of being laid out to a minimum standard, so that a street can be constructed which can be adopted as a highway maintainable at public expense'.

Before construction begins the developer must either:-

- Complete payment of the estimated cost of highway works in accordance with the Notice served under the Advance Payments Code, or
- Enter into a Section 38 Agreement which provides a bond for due completion of the works.

Where a developer wishes the streets to remain private, the highway authority may enter into planning obligations with the developer where it is advised that the Local Planning Authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. This requires the developer to construct the new streets to the authority's standards and to maintain them in good condition at all times. Such a planning obligation enables the developer to avoid making payments under the Advance Payments Code, as the highway authority can then be satisfied that the streets will not fall into such a condition that a Private Streets Work Scheme will be needed. The planning obligation thus provides exemption to the developer from making advance payments under section 219(4)(e) of the Highways Act 1980.

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

Notwithstanding the above comments, the Highway Authority considers that the development should be constructed, laid out in accordance with the following 6C's Design Guide requirements:-

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

2. The access drives to the proposed development road shall be no steeper than 1 in 12 for the first 6m from the rear of footway and 1 in 6 thereafter.
3. Details of arrangements for storage of bins and collection of waste and suitability of the layout for use by a Large Refuse Vehicle of 11.6m length should be demonstrated by means of appropriate swept paths.
4. Without benefit of details printed to scale, it isn't possible to ascertain the width of the proposed road widths, so carriageways and footways should be shown and annotated to be a minimum of 5.5m and 2.0m width respectively.
5. Off-street parking should be provided at a level to satisfy your own Authority's standards, each space being of 2.4m x 5.5m which should be increased in length to 6.5m where a space is in front of a garage. Single garages with minimum internal dimensions of 3m x 6m and any double garages 6m x 6m minimum dimension with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.
6. Measures to prevent surface water run-off from entering the public highway from any areas at a higher level will need to be shown.
7. The Highway Authority no longer accept shared surfaces within the public highway because of the impact that this has on the blind and partially sighted, so these will remain private.
8. On street residential parking within the public highway is no longer allowed by the Highway Authority. Wherever possible, the parking spaces should be provided within the curtilage of the property.
9. Adoption of the estate streets is a purely voluntary act between the developer and the Highway Authority and acceptance of the proposals for planning purposes does not in any way compel the Highway Authority to enter into an adoption Agreement at a future date.
10. Any redundant vehicular and pedestrian accesses shall be permanently closed with a physical barrier and the existing crossovers reinstated.
11. Pedestrian crossing locations or tactile paving should be shown within the site.
12. Until bedroom numbers per dwelling has been provided, parking provision cannot be assessed and should be made in line with the HA design guide (2 spaces per 2/3 bed property and 3 spaces per 4 bed property).
13. Tracking should be provided for a supermarket delivery/ambulance type vehicle within the turning heads.
14. The proposed highway drainage and road lighting should be submitted as part of the technical approval process. All visibility splays should be shown including onto Old road.

2. Lead Local Flood Authority:

Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order

to discharge any of the drainage conditions set by the LPA):

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

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

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

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

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

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

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84. I. Surface water drainage plans should include the following:

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

J. On Site Surface Water Management;

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

Peak Flow Control

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

Volume Control

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

provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

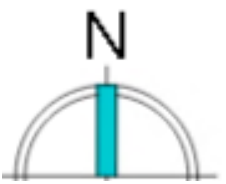
K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689- 1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included. Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

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

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

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ITEM 4

Case Officer: Chris Wright

Application No: CHE/22/00335/FUL

PROPOSAL: CHANGE OF USE OF EXISTING PUBLIC HOUSE TO FORM 4 FLATS (REVISED DRAWINGS RECEIVED AND DESCRIPTION AMENDED 19.10.2022, REVISED DRAWINGS RECEIVED 21.10.2022) AT DEVONSHIRE HOTEL, 17 OCCUPATION ROAD, NEWBOLD, CHESTERFIELD FOR MR AMRIK VIRK

Ward - Dunston

1.0 **CONSULTATIONS**

Derbyshire County Council Highways	No objection, as an objection couldn't be sustained, on the original scheme. No comments on the revised scheme.
Chesterfield Cycle Campaign	No objection
Private Housing	Comments received. No objection
Strategy/Forward Planning	Comments received – see report
Environmental Health	No comments received
Design Services Drainage	No objections
Neighbours and Site Notice	6 public comments received from 5 residents. All objections to the proposal – see report
Ward Members	1 representations received, supporting residential development on site

2.0 **THE SITE**

2.1 The site subject if this application is the former Devonshire Public House/Hotel. The site comprises of a two storey, semi-detached building, orientated towards the Occupation Road highway. The existing building is formed of a hipped roof and is faced in brick. The

site has some interesting architectural features to the principle elevation, including curved topped windows at ground floor and a small feature window (see photographs). The site is served by a yard to the rear with access gates taken from Devonshire Villas, a small private road which forms the southern boundary of the site leading to residential dwellings to the east of the application site.



Principle (west) elevation of the site, taken from Occupation Road



Rear (east) elevation and south (side) elevation of the site, taken from Devonshire Villas



Aerial image of application site



Access to the rear yard taken from Devonshire Villas facing north west

- 2.2 The building appears to have been vacant for a number of years. The premises licence register held by Chesterfield Borough Council shows that in 2011 the premises licence was cancelled and has not been renewed since (application licence reference PL/VF/0289).
- 2.3 The surrounding streetscene is largely residential in character, the site directly adjoins a commercial premise to the north which has been used as a chip shop (No 15 Occupation Road) and a small convenience store is situated to the north west of the site (Nos 2 and

4 Occupation Road). Surrounding residential dwellings are mixed in character, formed of traditional terraces, detached bungalows and semi-detached dwellings.

3.0 APPLICATION SITE PLANNING HISTORY

3.1 CHE/0996/0507 - Single storey flat roof extension for toilet – Conditional Permission -18/10/96)

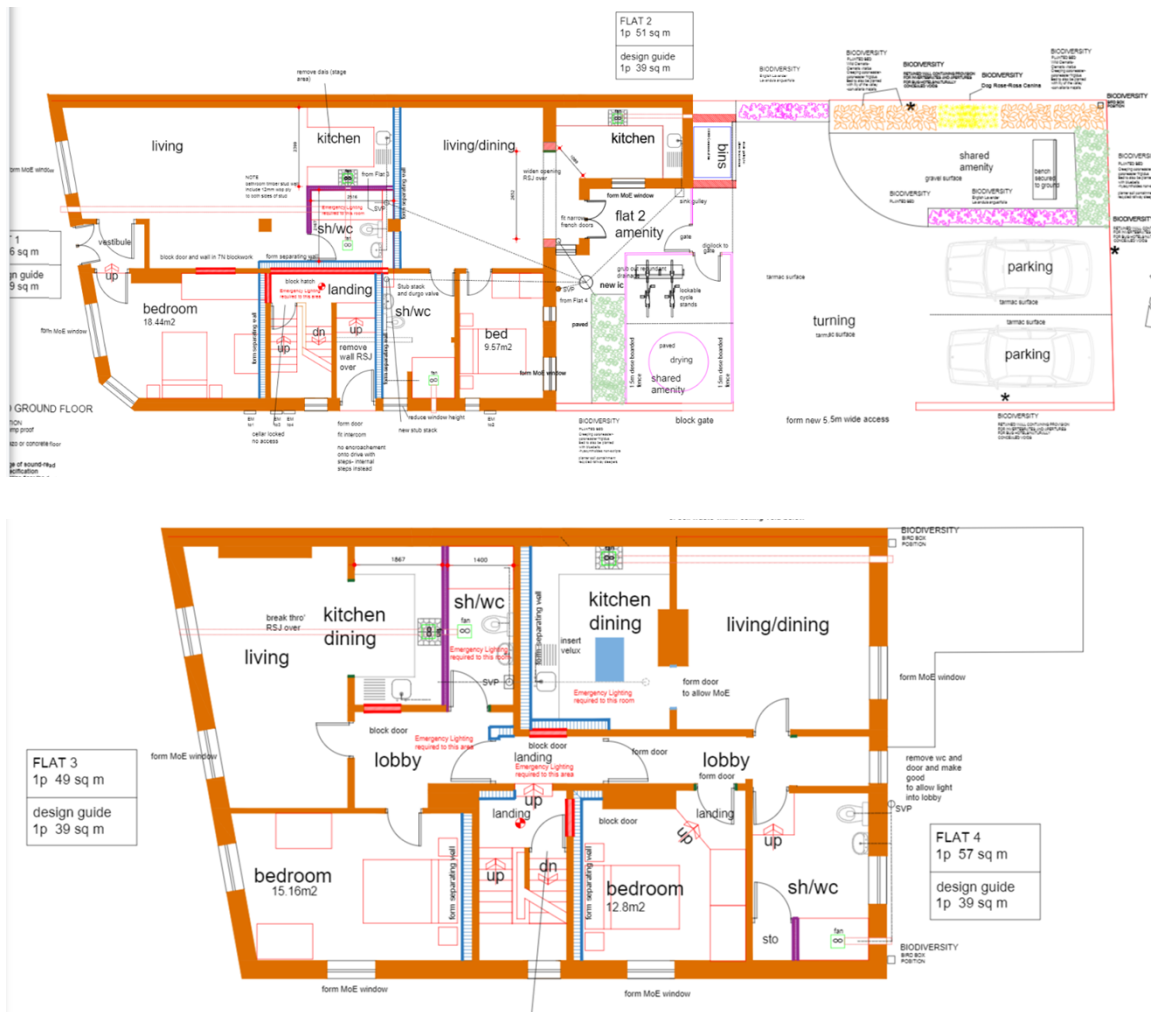
3.2 CHE/19/00437/FUL - Change of use of public house into 4 one bedroomed apartments (revised plans received 22.08.2019) – Conditional Permission – 24/09/19. Permission expired.

3.3 CHE/21/00114/COU - Change of Use from Public House (Sui Generis Use) to Retail Shop/ Supermarket Now (Use Class Ea) – Conditional Permission – 19/04/21

4.0 THE PROPOSAL

4.1 The application proposes the conversion of the building into four, one bedroom apartments.

- Apartment/Flat 1 – ground floor flat accessed from the principle elevation with separate bedroom, bathroom and open plan living/kitchen facilities. Proposed overall floorspace 66sqm
- Apartment/Flat 2 – ground floor flat accessed from the rear courtyard with separate bedroom, bathroom and open plan living/kitchen facilities. An area of private amenity space for flat 2 is shown to the rear with french doors. Proposed overall floorspace 51 sqm.
- Apartment/Flat 3 – first floor flat accessed from side (south) elevation by external doorway via a stairwell serving both first floor flats. The flat has separate bedroom, bathroom and open plan living/kitchen facilities. Proposed overall floorspace 49 sqm.
- Apartment/Flat 4 - first floor flat accessed from side (south) elevation by external doorway via a stairwell serving both first floor flats. The flat has a separate bedroom, bathroom and largely open plan living/kitchen facilities. Proposed overall floorspace 57 sqm.



- 4.2 The application seeks to utilise existing window openings with the exception of a roof light within the northern roof plane, replacing an access door serving flat 2 with french doors and altering the location of the access door for the first floor flats and the adjacent window at ground floor level within the south (side) elevation.
- 4.3 Shared private amenity space for all flats is provided within the rear courtyard, with a separate area for flat 2 to the rear of the building, a cycle store and clothes drying area beyond this and then a separate shared amenity space including biodiversity features to the rear corner of the site. There is space for parking for vehicles plus turning space.
- 4.4 It is proposed to remove a section of the side wall to allow a wider vehicular access. It is proposed to fence off the amenity areas to the rear of the building with 1.5m high close boarded fencing and to building sleeper walls for the biodiversity area to the rear corner of the site.

4.5 The application was originally for 7 units, but after discussions this was revised down to 4 flats, which is comparable with the internal layout of the previous approved scheme from application CHE/19/00437/FUL, although the external area has been revised regarding the layout of the amenity areas, parking numbers, layout and cycle/bin stores.

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 saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

5.2 Chesterfield Borough Local Plan 2018 - 2035

- CLP1 Spatial Strategy
- CLP2 Principles for Location of Development (Stgc Policy)
- CLP10 Social Infrastructure
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Chapter 2 Achieving sustainable development
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural envirmt

5.4 **Key Issues**

- Principle of development
- Design and Appearance – including Impact on the Amenity of Future Occupiers' and Neighbouring Impact
- Highways safety, parking provision and cycle storage;
- Flood risk and Drainage;
- Biodiversity Net Gain;
- Community Infrastructure Levy (CIL);

5.5 **Principle of development:**

5.5.1 The site is situated within the built settlement of Newbold, in an area which is largely residential in nature.

5.5.2 Having regard to the nature of the application policies CLP1, CLP2, CLP6, CLP9, CLP10, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan 2020 2018-2035 and the National Planning Policy Framework (NPPF) apply.

5.5.3 The Strategy/Forward Planning team provided further comments on the proposal prior to the amendments confirming that the application site has been the subject of two previous permissions (CHE/19/00437/FUL & CHE/21/00114/COU) for conversion to four apartments and to a retail shop respectively however neither permission appears to have been implemented.

The policy Officer states that before considering the principle of the residential use, the loss of a community facility must be addressed. This is addressed by policy CLP10 of the Local Plan, which requires development proposals resulting in the loss of a community facility to demonstrate:

“a) there is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; and
b) it can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a continuous 12 month period that includes advertisement for let or sale at a realistic price.”

In terms of a), the Steelmelter's Arms is 130m away, and the Cricketers Arms 350m. This part of the policy is therefore met. In

terms of b), no viability assessment has been provided with the application, however the property has been vacant since 2011 and, in considering the previous applications, it has been accepted that the current use is unviable.

The policy officer is therefore satisfied that the requirements of policy CLP10 are met.

Principle of Residential Development

- 5.5.4 The Local Plan seeks to locate development where it has access to a range of key facilities by walking (as set out in policy CLP2). The proposed development would be within an established residential area with Primary Schools and the Whittington Moor District Centre within easy walking distance. The location is therefore considered to be appropriate for residential development.

Type of Housing

- 5.5.5 The Policy Officer noted reference in the applicant's supporting statement that "The proposal will be to make the accommodation available to the council for the housing / relocation of clients which may be better served by a smaller unit i.e. single person, instead of providing a full housing provision". There is no formal policy requirement for a scheme of this size to provide affordable housing.

Whilst this may impact on any applications for CIL relief it is not a policy requirement and the application is not specifically proposing affordable housing to be secured by a S106 agreement and therefore little weight should be given to this statement in terms of determining the application at this stage.

- 5.5.6 The scheme has been significantly amended since the above comments regarding the size and design of the units. The principle of the scheme is acceptable as it is in a residential area. As detailed above the principle of the loss of the public house was considered previously in the application CHE/19/00437/FUL, and the establishment has been vacant for over 10 years now.

5.6 Design and Appearance – including Impact on the Amenity of Future Occupiers and Neighbouring Impact

- 5.6.1 Policy CLP14 requires that "All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and

sunlight and glare and other environmental impacts.” Policy CLP20 requires (amongst other matters) that “all development will be expected to : ...have an acceptable impact on the amenity of users and neighbours”.

- 5.6.2 Whereas the policy officer raised concerns regarding the initial scheme in terms of the room sizes compared to the Nationally Described Space Standards these are not adopted standards and in any event the scheme has changed significantly and has reverted back to a scheme for conversion to 4 units.
- 5.6.3 The proposal does not include any significant changes to the existing building. The existing building is in a poor state of repair and is boarded up; the proposal would bring the building back into use and would enable the site to be improved in all ways. The car park area would be significantly altered, with new fences, the demolition of the existing outbuildings, removal of the existing overgrown vegetation and the introduction of new soft landscaping. The fencing in the rear yard is proposed to be no more than 1.5m in height and then sleeper beds in the shared amenity area (with an unknown height). A section of the side wall will also be removed to create a 5.5m wide access, but the rest of the wall retained. Further conditions will be requested for more information of the fencing, cycle store and bin store. This ensures that the proposal would offer an improvement to the current situation and is acceptable in terms of visual amenity and policy CLP20, subject to condition.
- 5.6.4 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. This includes noise, disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading and other environmental impacts. The proposal doesn't include any significant changes to the external appearance of the building such that issues concerning outlook, overlooking and shading are not significant issues in this case. The proposed development is considered to provide an acceptable standard of accommodation for future occupants with regards to amenity and outlook. The scheme includes shared outdoor amenity space, a bin store and private amenity space for one of the units. Overall the proposal accords with the requirements of policies CLP14 and CLP20 of the Local Plan and the adopted Successful Places SPD.

- 5.6.5 It is acknowledged that a relatively small separation distance of approximately 9m exists between the side (south) elevation and the row of terraced properties situated to south of the application site, potentially leading to issues of overlooking at first floor level. It is therefore necessary to consider the previous and historic use of the site as a public house. Previous applications were supported by existing plans which showed living accommodation at first floor level. It is acknowledged that the pub has been vacant for a number of years and the windows are now boarded up. Taking into account the previous use of the site, it is not considered reasonable to require the first floor windows to be installed with obscure glazing.
- 5.6.6 It is proposed to utilise the front entrance door for the flat 1, a rear entrance to flat 2 and a side entrance for flats 3 and 4, which is an existing door in the building; it is considered to be reasonable to re-use this side door.
- 5.6.7 The issues of noise and disturbance could be relevant, as the proposal would bring the unit back into use, but in the context of the previous use as a public house and existing shop and chip shop on the street it is not considered that this unit would bring a significant increase in noise and disturbance to what has previously occurred and exists at present.
- 5.6.8 The issue of traffic and highway safety will be considered in the below highways section
- 5.6.9 Having consideration for the observations above and taking into account the historic use of the site, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the provisions of policies CLP14 and CLP20 of the Local Plan and the NPPF.

5.7 Highways Safety, Parking Provision and Cycle Storage

- 5.7.1 The Local Highways Authority confirm they do not object to the proposal, partly due to the previous approval for a change to flats. In relation to application CHE/19/00437/FUL they provided the following comments;

'Occupation Road is one way at this point with traffic approaching from the north westerly direction. The proposed parking would be

served off what is indicated as a shared drive although this is not shown as being included in the area the subject of the application or within the ownership/control of the applicant. You may, therefore, wish to consider whether access would be available.

In addition, however, although this would not be an ideal situation as there is a fair amount of existing on-street parking the shared drive is of restricted width and in view of the limited parking provision and small scale development it may be preferable the development be provided without off-street parking provision. Presumably any future occupants will be aware of the lack of parking provision.

The latest application is for 7 flat and 7 parking spaces have now been provided, so it is considered that it would be difficult to sustain a recommendation of refusal, so it is recommended that the previously recommended condition/informative are again included in any consent. (Condition for site compound and informative for mud etc from development)

On a footnote, the bin storage area appears on the small size for 7 flats, so the applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access including the removal of specialist waste. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days which is a suitable layout for use by a Large Refuse Vehicle of 11.6m length and for planning purposes should be demonstrated by means of appropriate swept paths/turning head.

5.7.2

The previous application included 3 parking spaces for 4 flats and it was considered in the previous application that it was a better solution to offer as many off-street parking spaces as possible, so as not to add to an existing busy on-street parking situation. The option of no parking was also considered as part of the 2019 development. It is considered that in the previous case the officer considered that there was an existing area that was capable of safely accommodating 3 parking spaces, and this was a better solution than all future residents utilising on-street parking. In the previous use as a public house the rear yard area is unlikely to have been regularly used as a car park area, partly because the entrance into the site looks small and difficult to manoeuvre into/out of. The

majority of people who visited the establishment as a pub would have walked or driven and parked on the street.

- 5.7.3 Occupation Road is a one-way road and it is only safe to park vehicles (whilst allowing space for vehicles and pedestrians to pass safely) on the western side of the road. The service road to Devonshire Villas to the south of the site is a narrow one-way lane which is acceptable to use for regular users who are used to its layout and understand that it is a residential access road. In the previous scheme (CHE/21/00114/COU) there was no permission granted for use of the rear car park, as it was considered that the utilisation of this area by drivers who didn't understand the side road's residential use and potential for issues with manoeuvring, had a high chance of causing a highway safety issue.
- 5.7.4 In this case the scheme offers 2 off-street parking spaces, which is considered to be a reasonable solution (which also provides a cycle store, bin store, shared and private amenity, soft landscaping and turning space for vehicles), together with the possibility for some on-street parking. The site is located within walking distance of Whittington Moor District Centre which has access to public transport links in and out of Chesterfield. The scheme also incorporates provision for secure cycle storage. The Cycle Campaign was consulted on the proposal and they raised no objections to the scheme, due to the presence of cycle storage facilities. It is recommended that a condition should be imposed requiring the cycle storage to be provided prior to the occupation of the proposed dwellings and retained free from obstruction for the life of the development.
- 5.7.5 With regards to the safe parking of vehicles and the blocking of pavements, this is not generally a planning issue, as if vehicle owners choose to park unsafely on pavements or the road then this is a police/highways matter. It is also accepted that an under-supply of on-site parking facilities could lead to some issues in the local area, as future residents could put increased pressure on scarce on-street parking spaces, which could also lead to an increase in inconsiderate and dangerous parking in the locality. As the rear yard of the property (and side road) is not considered to be ideal for the parking of 4 vehicles it is considered that this is a reasonable compromise, in the context of the previous permissions on site.

- 5.7.6 Subject to a condition requiring the car parking spaces detailed on the submitted plan be provided prior to the occupation of the development, the proposal is considered to accord with the requirements of policy CLP22 of the Local Plan. The proposed number of car parking spaces is appropriate given the proximity of the site to the district centre and alternative methods of sustainable transport such as bus and bicycle. Electric Vehicle charging points should also be provided as part of the scheme. It is also recommended that a condition be imposed requiring the applicant to comply with the site storage compound as detailed on the submitted plan.
- 5.7.7 The scheme is considered to be acceptable in relation to CLP20 of the Local Plan subject to the inclusion of conditions in relation to the provision and retention of the parking spaces, further details regarding how these will be provided, the provision of electric vehicle charging points and the cycle and bin stores on site. It is also recommended that a condition be imposed requiring the applicant to comply with the site storage compound as detailed on the submitted plan.
- 5.8 **Flood Risk and Drainage**
- 5.8.1 The application submission indicates the developer's intention to connect to existing mains drainage. Consideration is therefore required of the provisions of policy CLP13 of the Local Plan.
- 5.8.2 The application has been reviewed by the Council's Design Services Drainage team and the following comments were provided;
- 5.8.3 *'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps.
Any new connections to the public sewerage system will require prior approval from Yorkshire Water.
Any amendments to existing drainage will require consent from Building Control'.*
- 5.8.4 Yorkshire Water was consulted on the proposal and no comments were received.
- 5.8.5 The application site consists of an existing building which previously operated as a public house with living accommodation at first floor level. The proposal development is not considered to be

substantially different to existing arrangements with regards to drainage and flood risk. It is recommended that a condition is included that requires more details in regards the proposed soakaway on site, to ensure it accords with the requirements of policy CLP13.

5.9 **Biodiversity Net Gain**

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

5.9.2 As a conversion of an existing building, there is not expected to be any significant loss of biodiversity, and the application is for minor development. The applicant has already indicated a number of measures which would be welcomed in the event that planning permission is granted. A number of these (for example relating to the wall) are presented as ‘possible’ measures, so submission of more specific detail via a condition is appropriate.

5.9.3 The proposed development is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will be attached to any decision issued to ensure the application provides the agreed biodiversity net gain measures, as a result of the proposed development. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

5.10 **Community Infrastructure Levy (CIL)**

5.10.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The premises have been vacant since at least 2011 so as a result, the existing floorspace cannot be taken into account when calculating the potential liability.

5.10.2 The site is located within the medium CIL charging zone as set out in the Council's Charging Schedule and at the rate is currently charged at £57.64 per square metre of gross internal floorspace.

5.10.3 Having regard to the nature of the application the development comprises the creation of 4 no. new dwellings and the development is therefore CIL Liable. No CIL forms have been supplied with the scheme.

5.10.3 The CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

	A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
254	254	£50	355	288	£15,655

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 neighbour notification letters and a site notice and 6 comments have been received from 5 local residents prior to the re-design of the scheme.

Of the objections raised their comments were:

- The side road to the south of the pub is narrow, and members of the public could park here, which would block access to the dwellings for residents and emergency vehicles.
- The parking situation and traffic on the street is difficult at present, this would make it worse.
- Too much noise
- Policy – loss of community facility
- Proposed parking to rear of site not realistic and side road not suitable this kind of usage.
- Excess bins added from scheme.
- Disruption from construction.
- Poorly positioned doorway to the side of building

6.2 **Ward members comments**
Councillor Simmons – supports proposal

6.3 **Officer comments** – The above comments have been noted. The issues of highway safety, parking, loss of community facility are all considered in the report.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of the February 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 objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

9.1 Having consideration for the observations above and taking into account the historic use of the site and approved use, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours or a significant impact to highway safety. On the basis of the submitted documents, the proposal is acceptable in relation to the provisions of policies CLP1, CLP2, CLP14, CLP16, and CLP20 of the Local Plan and the NPPF.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.10 above.

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

Conditions

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

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

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

- Revised plan submitted 21/10/22 - Location Plan, Block Plan, Proposed Elevations and Floor plans
- Existing Elevations and floor plans

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

3. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site

accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety.

4. Prior to occupation of the development, on site cycle storage for 4 bicycles shall be provided and maintained throughout the life of the development free from any impediment to its designated use. A drawing shall be provided showing the location of the storage facility with detailed designs of proposed secure parking first submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure cycle storage is provided and retained as part of the development.

5. Construction 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.

6. A residential charging point shall be provided for the units for the use of vehicles in both parking spaces 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.

Reason - In the interests of reducing emissions in line with policies CLP14.

7. No dwelling approved as part of the development 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.

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.

8. Prior to occupation of the development hereby approved, 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 plants to be planted:
 - b) proposed hardstanding and boundary treatment:
 - c) a schedule detailing sizes and numbers of all proposed plants
 - d) Sufficient specification to ensure successful establishment and survival of new planting.
 - e) further drawings/details of the bin store and cycle store.Any new plant(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be 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 properties

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

Reason – in terms of highways safety and policy CLP22.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. Attention is drawn to the Council's 'Minimum Standards for Drainage'.
3. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development.

Further information can be found on the Council's website using the following web address www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx or alternatively please contact the Infrastructure Planning Officer (Rick Long) on 01246 345792.

4. In accordance with condition 8, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - bird/owl/bat boxes(Locating your nestbox:
Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire

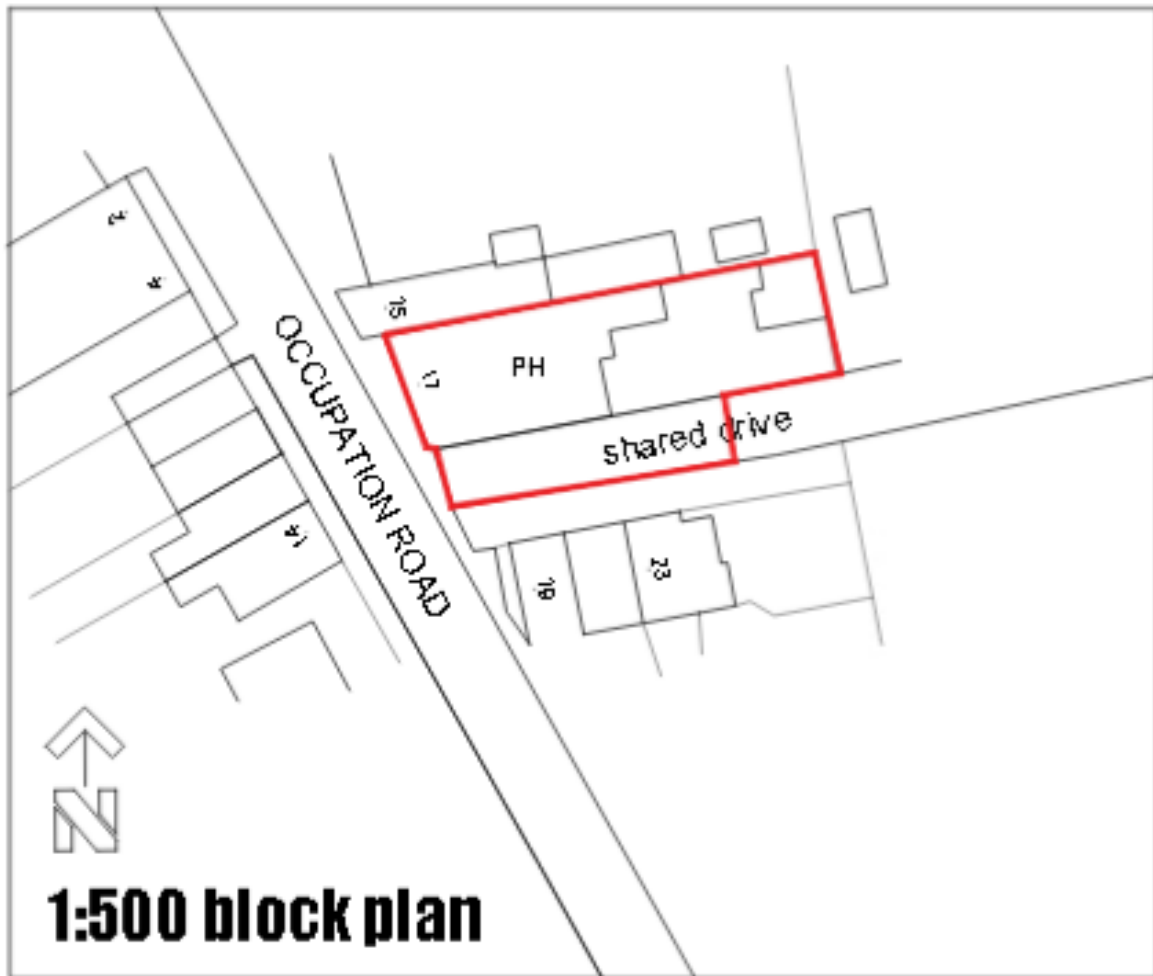
cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance



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ITEM 5

SINGLE STOREY SIDE AND SINGLE STOREY REAR EXTENSION, RENDER ON THE FRONT ELEVATION. CANOPY ROOF ON THE FRONT ELEVATION AT 51 SOMERSBY AVENUE, WALTON FOR MR CHARLES STATON

Local Plan: Not allocated

Ward: Walton

Planning Committee 12th December 2022

1.0 CONSULTATION RESPONSES

Highway Authority	No objection
Ward Members	3 objections received
Neighbours	7 objections received

2.0 THE SITE

- 2.1 The site consists of a modern detached two-storey dwelling, with modest front garden and larger rear garden with side access to the rear. The dwelling has been previously extended with the addition of a rear conservatory and there is a detached garage in the rear garden.
- 2.2 The surrounding area consists of two storey detached houses, all built around the same time, with front and rear gardens, some with hardstanding to the front and of various designs and scales. There are also several bungalows along the street scene.



Figure 1 - showing the main front elevation



Figure 2 - showing the side driveway from the rear of the house



Figure 3 - showing the rear elevation of the site dwelling with the conservatory which would be removed



Figure 4 - view from the rear garden looking south towards No. 49



Figure 5 - view from the rear garden looking towards the rear of No. 53



Figure 6 - side view of the site detached garage from the rear garden

3.0 SITE HISTORY

3.1 No relevant planning history.

4.0 THE PROPOSAL

4.1 The application seeks planning permission for a two-storey side extension, a single storey rear extension and the conversion of the existing garage. The existing rear conservatory would be demolished to make way for the proposals. The front garden is also proposed to include hardstanding for parking with landscaping around the edge.

4.2 The two-storey side extension would project between approx. 2.3 and 2.8 metres from the side elevation of the house, it would have a depth of 9.5 metres on the ground floor (which would then wrap around the rear to form the ground floor extension) and 7 metres on the first floor. The height to the ridge of the dual pitched roof would be approx. 8.2 metres.

- 4.3 The single storey rear extension would project 1.5 metres from the main rear elevation, it would have a width of 8 metres and a height to the ridge of the mono-pitched roof of approx. 3.6 and 4 metres, due to the differences in ground level in the rear garden.
- 4.4 Regarding the existing garage in the rear garden it would be converted to a home office. The area it occupies would remain the same as existing however the roof would be reduced from a 3.5 metre dual pitched roof to a flat roof at a height of 3 meters.
- 4.5 The proposed extensions to the dwelling would consist of a reception room at the side and a larger kitchen/dining room at the rear. On the first floor an additional bedroom with ensuite is proposed. Proposed materials would match existing with the addition of parking hardstanding to the front garden.

5.0 PLANNING POLICY CONTEXT

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

5.2 Chesterfield Borough Local Plan 2018 – 2035

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

5.3 National Planning Policy Framework

Part 2. Achieving sustainable development
 Part 4. Decision-making
 Part 8. Promoting healthy and safe communities
 Part 12. Achieving well-designed places
 Part 15. Conserving and enhancing the natural environment

5.4 Supplementary Planning Documents

Successful Places Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The application site is within a residential area where works to a domestic property are considered to be generally acceptable subject to policies CLP1, CLP2 and CLP20 of the Local Plan, as well as the wider objectives of the NPPF.

6.2 Design and Appearance

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

6.2.2 Amended plans were negotiated and submitted by the applicant and which resulted in changes to the original submission, which can be summarised as:

- First floor side extension stepped back from the main elevation by 1 metre
- Two storey side extension stepped in at the side
- Ridge line of proposed side extension stepped down from main ridge
- Amended layout of the single storey rear extension which connected to the garage
- Removal of the roof lantern window on the garage
- Inclusion of a 2 metre high fence at the shared boundary
- Ground surrounding the garage levelled off with a 0.4m high patio
- Garage roof changed to a flat roof

6.2.3 The projection of the two storey side extension from the side elevation was reduced to leave a gap of 1 metre at the side of the dwelling. Without this it would have adversely impacted the character of the street and the appearance of the dwelling creating a terracing effect along the street due to the close proximity to the neighbours detached dwelling at No. 49 Somersby Avenue to the south of the site. The amended plan in this regard is now considered acceptable as this impact is minimised.

- 6.2.4 The local area is characterised by different house types, with various sizes and widths in the vicinity and the proposals would not adversely detract from this mixed character and appearance along the street scene.
- 6.2.5 Side access was also improved to the rear garden, potentially for the storage of bins at the rear of the dwelling rather than at the front of the dwelling and which has the positive benefit on the appearance at the front elevation without potentially obtrusive bin storage. This side access would allow for access for maintenance however access by neighbours for maintenance is a private civil matter and not relevant to the determination of the submitted application.
- 6.2.6 To ensure that the two storey side extension appears subordinate to the original house the roof ridge height was also decreased to differentiate the side extension from the original house, which at this site was applicable due to the lack of a large side garden and the proximity to the neighbours dwelling. The first floor front elevation was also stepped back 1 metre from the main elevation to help diminish the appearance of the extension in this same regard.
- 6.2.7 Along this street in this vicinity, it is apparent that the size of the original off-street parking spaces have been increased across front lawns and landscaped areas, with several examples. The amended plan shows that the front lawned garden would be changed in appearance to accommodate the parking of vehicles. A grass edge and low height shrubs would surround the parking area in the front garden which would be sufficient to soften the appearance of the proposed hardstanding.
- 6.2.8 At the rear the single storey which originally connected to the garage has been amended to reduce the overall scale of the proposals at the rear. This has been changed to a single storey extension across the rear elevation of the original dwelling and the side extension. Although the proposed sliding doors appear more modern this would be acceptable as the proposed roof is mono pitched and it cannot be seen from the highway or public vantage points. The original house is also quite modern in appearance.
- 6.2.9 With the conversion of the garage the dual pitched roof is proposed to be changed to a flat roof, which would decrease the overall massing of the proposed elements within the site. The proposed two roof lantern windows have been changed to one flat roof light window. In terms of

impacts to the character this would be acceptable as it is located away from public vantage points and is discretely located.

- 6.2.10 At the rear the ground level of the garden appears to be levelled off, which creates a small platform of 0.4 metres in front of the former garage. This is considered to be acceptable as the garden is effectively lowered and the ground level around the former garage, and in front of it, remains the same as existing. The creation of an additional garage window facing the rear garden and the door which faces the house would be accepted due to their placement and their scale.
- 6.2.11 The remaining private garden space in the rear garden would measure approx. 215 square metres which is more than the 90 square metres set out by the *Successful Places SPD (para. 3.11.20)* for a four bedroom dwelling.
- 6.2.12 Overall, the amended development is considered to be acceptable in design and appearance and it is considered that the proposal is appropriate to the existing building and its surroundings and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.3 Residential Amenity

- 6.3.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The removal of the single storey extension at the rear which connected to the garage now removes the overshadowing impact, using the 45 degree guidance, when measured from the nearest rear elevation ground floor window at No. 49 Somersby Avenue. The proposed lantern windows on the converted garage may have also caused an increase in internal light (on dark evenings) emanating from the site. The removal of both lanterns and the creation of one roof light window would lessen this impact especially in relation to the nearest rear windows of No. 49.
- 6.3.3 The creation of a door facing the site dwelling in the front elevation of the garage would be acceptable due to the wooden fence panels on the shared boundary with No. 49 which would act as an effective screen.

- 6.3.4 The inclusion of the 2 metre high fence panels would prevent adverse overlooking from the additional side window in the converted garage, especially in the gap between proposed rear extension and the garage in the rear garden of No. 53 to the north of the site. This would improve privacy levels when compared to the current situation with the conservatory which overlooks this neighbours rear garden/driveway.
- 6.3.5 At the front, the side lean-to at No. 31 Horsewood Road on the opposite side of the road would be approx. 25 metres from the proposed front facing windows on the side extension. This would represent an acceptable separation distance in terms of privacy, furthermore, this lean-to is obscurely glazed.
- 6.3.6 No. 42 Somersby Avenue also opposite the site dwelling, is approx. 34 metres from the proposed windows which would also represent an acceptable separation/privacy distance.
- 6.3.7 At the rear No. 40 Firvale Road would be 20.5 metres away from the rear elevation of the proposed single storey element. This privacy/separation distance would be acceptable in this instance due to the wooden panel fencing at the rear shared boundary which would act as a sufficient screen, especially in regard to the proposed patio doors.
- 6.3.8 On this basis the proposal is considered to accord with the provisions of policy CLP14 of the Local Plan.

6.4 Highway Safety

- 6.4.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 6.4.2 There are no parking restrictions on this road and the front garden, which consists of hardstanding, would be able to accommodate the number of vehicles required for these proposals. The Highway Authority has not objected.
- 6.4.3 On this basis the proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan, subject to the addition of this condition and footnote.

6.5 Biodiversity and Trees

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.5.2 The application has not been accompanied by details regarding how the development will result in a site biodiversity enhancement. The proposed extension would be built on the current patio and hardstanding and would therefore have a minor impact on site biodiversity, however, the applicant is advised to pay particular attention to the biodiversity condition and the associated footnote to introduce a biodiversity enhancement measure on site.
- 6.5.3 On this basis, and subject to compliance with the recommended condition, the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

7.0 REPRESENTATIONS

- 7.1 The standard period of consultation has been carried out for this application. There has been 7 representations in the form of formal objections received from neighbours at 40; 49; 53; 57 Somersby Avenue, 15 Lodge Farm Close, 42 Firvale Road and 31 Horsewood Road and which raise the following issues:
- Not within permitted development
 - Small rear garden
 - 45 Degree Code conflict/overshadowing
 - No rear/side access/bin storage/fire safety
 - Visual appearance of lawn removal/new hardstanding
 - Drainage for Parking/highway safety/parking not sufficient
 - Construction traffic/noise/vehicles
 - Character of detached dwellings/terracing effect
 - Plans don't show surrounding dwellings elevations
- 7.2 The neighbours were re-consulted on the amended plans and 1 additional objection was received from 49 Somersby Avenue commenting regarding:

- Excessive scale
- Character and appearance in relation to surrounding houses
- Rear garden too small

7.3 The representations raised additional concerns which are not material to the planning application determination:

- Side access during construction – the onus lies with the applicant/neighbours to discuss any access issues
- Party wall and boundary line – the onus lies with the applicant to discuss this with any affected neighbours

7.4 The concerns raised regarding permitted development limitations are not of particular relevance given that a planning application has been submitted.

7.5 Representations have also been made regarding the original plans from the following ward Members:

- Councillor MJ Kellman
- Councillor N Redihough
- Councillor T Snowdon

The points they have raised concerned the following planning issues:

- Extensive/excessive changes/scale
- Out of keeping/character/style with surrounding houses
- Access to neighbour's side elevations impaired
- Front garden conversion to parking/biodiversity and drainage
- Garage conversion/habitable space too close to rear neighbours
- 45 Degree Code/Overshadowing
- Over development

7.6 All the planning related objections have been addressed in this report.

8.0 HUMAN RIGHTS ACT 1998

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.2 The Local Planning Authority have considered this application in a positive and proactive way in order to achieve a positive outcome for the application.

10.0 CONCLUSION

10.1 Overall the proposal is considered to be acceptable in accordance with the above referenced policies of the Local Plan.

11.0 RECOMMENDATION

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

11.2 Conditions

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

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

2. The development hereby 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 PLAN - 51SA-CCL-ZZ-XX-DR-S-1030_P2 (Amended)
Received 17-OCT-2022
- GROUND FLOOR PLAN - 51SA-CCL-ZZ-00-DR-S-1000_P2
(Amended) Received 17-OCT-2022
- FIRST FLOOR PLAN - 51SA-CCL-ZZ-01-DR-S-1001_P2
(Amended) Received 17-OCT-2022
- ROOF PLAN - 51SA-CCL-ZZ-RF-DR-S-1002_P2 (Amended)
Received 17-OCT-2022
- GROUND FLOOR PLAN (45 DEREЕ CODE) - 51SA-CCL-ZZ-XX-DR-S-1004_P1 (Amended) Received 17-OCT-2022
- FRONT ELEVATION - 51SA-CCL-ZZ-XX-DR-S-1010_P2
(Amended) Received 17-OCT-2022
- LEFT SIDE ELEVATION - 51SA-CCL-ZZ-XX-DR-S-1011_P2
(Amended) Received 17-OCT-2022
- REAR ELEVATION - 51SA-CCL-ZZ-XX-DR-S-1012_P2 (Amended)
Received 17-OCT-2022
- RIGHT SIDE ELEVATION - 51SA-CCL-ZZ-XX-DR-S-1013_P2
(Amended) Received 17-OCT-2022
- 3D VIEWS SHEET 1 - 51SA-CCL-ZZ-XX-DR-S-1020_P2 (Amended)
Received 17-OCT-2022
- 3D VIEWS SHEET 2 - 51SA-CCL-ZZ-XX-DR-S-1021_P1 (Amended)
Received 17-OCT-2022

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

3. Within 3 months of the commencement of the development hereby approved, a biodiversity and ecological enhancement measure shall be installed/integrated into the development site. Photographic evidence of installation shall be sent to The Local Planning Authority. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted

Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

11.3 Informative Notes

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

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

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other

ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

3. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:

- bird/owl/bat boxes - Locating your nestbox:

Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side. Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
- holes in fences and boundary treatment to allow species such as hedgehog to move across the site
- bee bricks
- tree planting



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ITEM 6

VARIATION OF CONDITION 2 (EXTERNAL DIMENSIONS AND ELEVATIONAL TREATMENTS) OF APPLICATION CHE/19/00083/FUL-CONVERSION OF EXISTING PUB (6-ONE BED FLATS), NEW 3 STOREY BUILDING TO FRONT (6-ONE BED FLATS) TWO NEW SINGLE STOREY BLOCKS ARRANGED PARALLEL TO THE EAST AND WEST SITE BOUNDARIES (2-ONE BED FLATS) AND 1.5 STOREY BLOCK TO NORTH OF SITE (2-ONE BED FLATS). ALTERATIONS TO BE MADE TO THE CONVERSION OF THE PUB WITH A SMALL FIRST FLOOR EXTENSION TO THE REAR ALLOWING FOR ON SITE COMMUNAL MEETING FACILITIES AND SITE OFFICE FOR SUPPORTED LIVING AT ALL INN, LOWGATES, STAVELEY, CHESTERFIELD, S43 3TX FOR ROCKIE WHITE

Planning committee: 12th December 2022

Ward: Lowgates and Woodthorpe

1.0 CONSULTATION RESPONSES

Ward Members:	No comments received
Staveley Town Council	No comments received
Strategic Planning	The proposal is considered to be acceptable in principle given the link with the residential use of the site. It would however be reasonable to apply a condition to any grant of planning permission that ensures that the site office / meeting space can only operate in conjunction with the residential units.
Environmental Health	No adverse comments
Design services drainage	No further comments to make regarding this application
Economic development	No comments received
Community housing	No comments received

Local highways authority (DCC)	No comments received
Yorkshire water	No comments received
Derbyshire constabulary	No comments received
DCC Policy	No comments received
Lead Local Flood Authority	No comments required
North Derbyshire CCG	No comments received
Derbyshire Fire and Rescue	No comments received
Derbyshire Wildlife Trust	No comments received
Representations	11 objections received – see report

2.0 THE SITE

- 2.1 The application site comprises of the All Inn PH and its associated car park and grounds which are located off Lowgates in Staveley. The site is 'L' shaped and extends to approx. 0.16ha in area. Consent was grant in 2019 under application CHE/19/00083/FUL for the conversion of the public house to 6 one-bed flats and new residential development of new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats). Works have commenced on site implementing the 2019 permission.

3.0 SITE HISTORY

- 3.1 CHE/22/00497/DOC - Discharge of condition 11 (materials) of CHE/19/00083/FUL – condition discharged 27.07.2022
- 3.2 CHE/22/00289/DOC - Discharging of condition 11 (materials) and condition 14 (employment and training scheme) relating to application CHE/19/00083/FUL – condition 14 discharged 09.06.2022
- 3.3 CHE/22/00262/NMA - Minor amendments to the footpath and landscaping arrangement – unconditional permission 17.05.2022

- 3.4 CHE/21/00899/DOC – Discharge of planning conditions 4 (Site Drainage), 8 (Bin Storage), 13 (Hard and Soft Landscaping) of CHE/19/00083/FUL - Conversion of existing pub (6-one bed flats) , new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats) - condition 4 discharged 13.04.2022
- 3.5 CHE/21/00220/DOC - Discharge of planning condition 4 (foul and surface water drainage) of CHE/19/00083/FUL - Conversion of existing pub (6-one bed flats), new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats) – condition 4 outstanding 14.05.2021
- 3.6 CHE/20/00664/DOC - Discharge of conditions 6 (Site Containment) 8 (Bin Storage) 13 (hard and soft landscaping), and 15(roosting bats and nesting birds strategy) of consent CHE/19/00083/FUL- Conversion of existing pub (6-one bed flats) , new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats) – condition 6, 15 discharged and conditions 8, 13 outstanding (06.01.2021)
- 3.7 CHE/19/00083/FUL - Conversion of existing pub (6-one bed flats) , new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats) - revised plans and information received 15/05/2019, 23/05/2019, 24/05/2019 and 10/06/2019 – conditional permission 11.09.2019
- 3.8 CHE/11/00719/FUL - Proposed snooker room extension and store to rear - Conditional permission approved 12.12.2011.
- 3.9 CHE/1185/0735 - Display of illuminated advertisement signs - Conditional permission approved 18.12.1985.

4.0 THE PROPOSAL

- 4.1 The application is made under Section 73 of the Town and Country Planning Act 1990 (As Amended) for the variation of condition 2 of application CHE/19/00083/FUL (which lists the ‘approved plans’) to allow a change to the approved plans including internal alterations to

the building to create a communal room at ground floor, an extension at first floor to create an office space and alterations to window openings.

4.2 The agent has confirmed that the intended user of the building will be for adults with learning or physical disabilities and the accommodation will provide individual self-contained flats with onsite staff and communal facilities. Use Class C3 allows for individual dwelling house units for occupants receiving care therefore the residential use of the building as originally approved remains.

4.3 Condition 2

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.

AE-101 - Existing Floor Plans

AE-102 - Existing Elevations

AP-000 - Site Location Plan

AP-001 Rev A - Proposed Site Plan

AP-002 - Proposed Site Elevations

AP-003 - Proposed Site Elevations

AP-004 - Proposed Floor Plans

AP-005 - Rev A - Proposed Site Sections

AP-006 - Existing Site Levels

AP-007 - Proposed Site Levels

AP-008 - Site Containment

AP-102 - Pub - Proposed Floor Plans

AP-103 - Pub - Proposed Elevations

AP-201 Rev A - Block 1 - Proposed Floor Plans / Elevations

AP-202 Rev A - Block 3 - Proposed Floor Plans / Elevations

AP-203 Rev A - Block 2 and 4 - Proposed Floor Plans / Elevations

Design and Access Statement

Viability Valuation - private and confidential (received 23/05/2019)

Ecological Appraisal (received 24/05/2019)

Previously approved floorplan - application CHE/19/00083/FUL



Proposed floorplan - current application CHE/22/00619/REM1

4.4

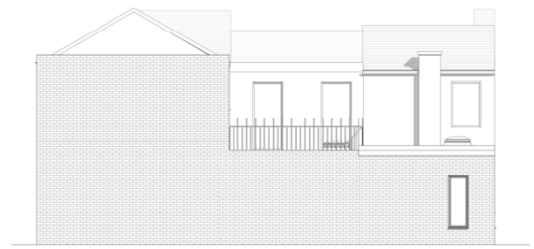


Alterations at ground floor include the creation of a communal room and separate communal toilet. The layout of the flats has changed to accommodate the communal rooms. All flats exceed 37sqm and provide acceptable living accommodation for future occupants. At first floor an extension is proposed above the existing flat roof addition to the rear of the building to create an office space. The layout of the first floor flats largely reflects the previously approved layout.

Previously approved elevations - application CHE/19/00083/FUL



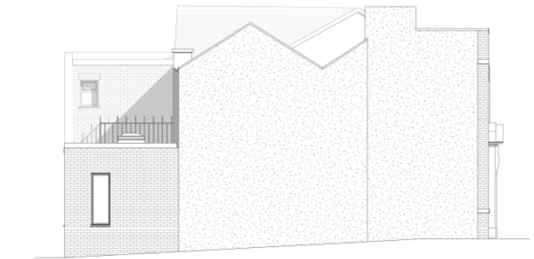
Existing Elevation 1
1:50



Existing Elevation 2
1:50



Existing Elevation 3
1:50



Existing Elevation 4
1:50

Proposed elevations - current application CHE/22/00619/REM1



4.5

Proposed external alterations to the building include removing one ground floor window to the east elevation, removing a ground floor window to the west elevation, altering a ground floor window to the north elevation to a high level window and introducing two windows at first floor level in the side (west) elevation of the first floor extension to serve the office.

5.0 PLANNING POLICY

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

5.4 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy

CLP2 Principles for Location of Development (Strategic Policy)

CLP11 Infrastructure delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP22 Influencing the Demand for Travel

5.5 National Planning Policy Framework

6.0 CONSIDERATION

6.1 Principle of Development

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

6.1.2 The Strategic Planning (Policy) Team reviewed the variation of condition application and provided the following comments;

'An application has been made to vary the plans approved under CHE/19/00083/FUL (Condition 2). The alterations include a small first floor extension to the north of the site which would be used as a

communal meeting facility and site office. The proposal is considered to be acceptable in principle given the link with the residential use of the site. It would however be reasonable to apply a condition to any grant of planning permission that ensures that the site office / meeting space can only operate in conjunction with the residential units. As the variations relate to elevations and creating an on-site office it would be unreasonable to apply the policy requirements from the adopted Local Plan (2018-2035) such as the affordable housing threshold and the requirement for the lower water standard'.

- 6.1.3 The proposed alterations to the previously approved scheme will retain a C3 residential use with ancillary facilities in the form of an office and communal room to support future residents. The use of the building will remain as C3 which was previously determined to be acceptable under application CHE/19/00083/FUL.

6.2 Residential Amenity

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

- 6.2.2 The proposed conversion of the building to residential use was previously determined to be acceptable under application CHE/19/00083/FUL. Minor alterations to the proposal including the amended window openings including a high level window at ground floor to prevent overlooking/loss of privacy. The proposed first floor extension is situated to the south of the nearest residential dwelling on Netherfield Close (No 9). It is noted that there is a small secondary window in the side (south facing) elevation of No 9 at first floor level. Due to the location and size of the window it is assumed to be a secondary window.

- 6.2.3 On balance the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. In addition the Council's Environmental Health Officer reviewed the submission and raised no adverse comments. The proposal will accord with the provisions of policies CLP14 and CLP20 of the Local Plan.

6.3 Highway Safety

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

- 6.3.2 The variation of condition application does not include alterations to the previously approved parking layout or existing vehicular access.
- 6.3.3 The Local Highways Authority were consulted on the S73 application and had no additional highway safety comments to make. The proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.4 Design and Appearance of the Proposal

- 6.4.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 6.4.2 The proposed alterations to the previously approved scheme are considered to be acceptable in design and appearance. The proposed first floor extension reflects the existing flat roof addition at the rear of the building and is proportionate in scale. The proposed works would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

6.5 Biodiversity

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.5.2 As part of the original application a condition was imposed requiring details of biodiversity enhancements. Details to address the condition were subsequently submitted and the condition was discharged under application CHE/20/00664/DOC. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.6 Flood risk and drainage

6.6.1 Policy CLP13 requires flood risk to be managed for all development commensurate with the scale and impact of the proposed development.

6.6.2 The proposed variation of condition application does not impact previously agreed drainage plans/details which includes additional details discharged under application CHE/21/00899/DOC. In addition re-consultation with the Lead Local Flood Authority raised no further comments on the submission. The proposal therefore complies with Local Plan policy CLP13.

6.7 Land Condition

6.7.1 In respect of land condition the site the subject of the application lies within a defined 'standing advice' area of the Coal Authority which means there is a lower risk of the site being affected by the presence of unrecorded coal mining legacy. In such areas the Coal Authority does not require a Coal Mining Risk Assessment and they simply ask that if permission is granted an advisory note be appended to any planning decision notice as follows:

6.8 Community Infrastructure Levy (CIL)

6.8.1 The development was previously determined to be CIL liable. The proposed variation of condition application will result in the creation of approximately 17sqm of additional floorspace as part of the development which should result in the issuing of an updated CIL notice to reflect the change to the overall net area of the development.

		A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
691 + 17 = 708	303	405	£20 (Low Zone)	332	288	£9337.50

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).

7.0 REPRESENTATIONS

7.1 At the time of writing this report 11 letters of representation have been received objecting to the development. A brief summary of the main concerns raised is set out below, all letters will be available to view in full on the website prior to determination.

- Loss of public house which has clubs and events for local people and for social gathering.
- Loss of pub would be a loss to the community, valuable service to local area
- Should not close a thriving/viable business pub for more residential building, closure will impact local people who visit the pub
- Use of building, residents – flats/HMO – site is near school
- Access from site to residential footpath
- Location of bin store and impacts on residential dwelling
- Traffic/highway concerns. Concerns about number of spaces, access to site and existing issues with congestion

7.2 Officer comments

- The change of use of the public house to residential flats was previously granted in 2019 along with the creation of new flats. The development has commenced on site therefore the change of use of the pub can be undertaken.
- The use of the building will be maintained as a C3 use for four individual dwelling units.
- The existing footpath at the rear of the site will be retained, however is not formally adopted on the DCC maps.
- The proposed bin store will be moved to be located centrally within the site away
- No highway safety concerns have been raised by the Local Highways Authority as part of the development. The site is situated in a sustainable location with access to public transport connections.

8.0 HUMAN RIGHTS ACT 1998

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 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 July 2021 National Planning Policy Framework (NPPF).

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

10.0 CONCLUSION

10.1 The principle of the development was established by the earlier permission, which concluded that the development was acceptable. The submitted revised drawings do not result in adverse impacts on the amenity of surrounding occupiers or users and matters surrounding biodiversity, drainage, land condition, highways controlled by condition.

11.0 RECOMMENDATION

10.1 That an amended CIL Liability notice be issued as per section 6.8 above.

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

Conditions list includes previous wording of conditions imposed on CHE/19/00083/FUL and proposed amendments

Condition number **Condition wording and reason**

~~4 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 Compensation Act 2004.~~

Deleted – development has already commenced on site

~~1-2. 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.~~

~~AE-101 – Existing Floor Plans
AE-102 – Existing Elevations
AP-000 – Site Location Plan
AP-001 – Proposed Site Plan
AP-002 – Proposed Site Elevations
AP-003 – Proposed Site Elevations
AP-004 – Proposed Floor Plans
AP-005 – Proposed Site Sections
AP-006 – Existing Site Levels
AP-007 – Proposed Site Levels
AP-008 – Site Containment
AP-102 – Pub – Proposed Floor Plans
AP-103 – Pub – Proposed Elevations
AP-201 – Block 1 – Proposed Floor Plans / Elevations
AP-202 – Block 3 – Proposed Floor Plans / Elevations
AP-203 – Block 2 and 4 – Proposed Floor Plans / Elevations
Design and Access Statement
Viability Valuation – private and confidential (received 23/05/2019)
Ecological Appraisal (received 24/05/2019)~~

~~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.~~

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).

- AP-000 – Site Location Plan
- AP-002 – Proposed Site Elevations
- AP-003 – Proposed Site Elevations
- AP-004 – Proposed Floor Plans
- AP-005 – Proposed Site Sections
- AP-006 – Existing Site Levels
- AP-007 – Proposed Site Levels
- AP-008 – Site Containment
- 18-043-P01 Revision A Planning Drawings
Proposed Floor Plans
- 18-043-P02 Revision A Planning Drawings
Proposed Elevations
- 18-043-P03 Revision A Planning Drawings GA
Sections and Roof Plan
- 18-043-SK13 Revision A Sketch Proposals Site
Plan
- AP-201 – Block 1 – Proposed Floor Plans /
Elevations
- AP-202 – Block 3 – Proposed Floor Plans /
Elevations
- AP-203 – Block 2 and 4 – Proposed Floor Plans
/ Elevations
- Design and Access Statement
- Viability Valuation – private and confidential
(received 23/05/2019)
- Ecological Appraisal (received 24/05/2019)

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

Condition amended to reflect revised plans

02.-03

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

Reason - In the interest of satisfactory and sustainable drainage.

Condition retained

03.-04 ~~No development shall take place 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 by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.~~

~~Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.~~

The development shall be carried out in full accordance with the approved plans and documents for the means of disposal of foul and surface water drainage (listed below). The approved foul and surface water drainage systems shall be installed prior to the first occupation of the development.

- Percolation Test and Hierarchy of Drainage Report, February 2022 produced by Brightman Clarke Architects
- BCA-1591-01-DR-001 drainage general arrangement
- BCA-1591-01-DR-002 Drainage Construction Details Sheet 1
- BCA-1591-01-DR-003 - Drainage Construction Details-Sheet 2
- BCA-1591-01-DR-004 - Catchment Area Plan
- BCA-1591-01-DR-005 - Surface Water Management During Construction
- BCA-1591-01-DR-006 - Manhole Schedule
- Surface Water Calculations Outflow 3.5l

- BCA-1591-01-DR-005 Surface Water Management During Construction

Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

Condition amended to reflect agreed drainage details agreed as part of discharge of condition application CHE/21/00899/DOC

04 05 No building or other obstruction shall be located over or within 3 (three) metres of the line of the sewer, which crosses the site.

Reason - In order to allow sufficient access for maintenance and repair work at all times.

Condition retained

05 06 ~~Before any other operations are commenced (with the exception of the condition above), space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.~~

~~Reason – In the interests of highway safety.~~

Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out in accordance with drawing 'AP-008 – Site containment plan'. Once implemented the facilities shall be retained free from any impediment to

their designated use throughout the construction period.

Reason – In the interests of highway safety.

Condition amended to reflect agreed site containment plan agreed as part of discharge of condition application CHE/20/00664/DOC

06 07 The premises the subject of the application 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.

Condition retained

07 08 No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason – In the interests of highway safety.

Condition retained

08 09 A residential charging point shall be provided for the additional 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.

Reason - In the interests of reducing emissions in line with policies CLP20 and CLP22 of the Local Plan.

Condition retained

09 40 Construction 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.

Condition retained

10 41 ~~Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.~~

~~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~~

The external materials for the development shall be in accordance with the details agreed under discharge of condition application CHE/22/00497/DOC.

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

Condition amended to reflect agreed site containment plan agreed as part of discharge of condition application CHE/22/00497/DOC

11 42 Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (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 without the prior written agreement of the Local Planning Authority.

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

Condition retained

12 43 ~~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 established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered.~~

~~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.~~

Within 2 months of the date of this decision 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 established root

protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered.

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.

Ongoing discussion with agent/applicant regarding landscaping plans and anticipated to be resolved shortly. Condition wording altered to reflect this.

13 14

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

~~Reason – In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.~~

The development shall be carried out in accordance with the agreed Employment, Skills and Local Investment Plan

Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of SS5 of the Local Plan

Condition amended to reflect agreed site containment plan agreed as part of discharge of condition application CHE/22/00289/DOC

14 45

~~Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.~~

~~Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long term.~~

~~Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.~~

The development shall be undertaken in accordance with the approved biodiversity enhancement plan 'Drawing – AP-013 – Proposed Bat and bird box strategy' and implemented in full prior to the occupation of the development and maintained thereafter.

Reason – To ensure an appropriate biodiversity enhancement is provided as part of the development in accordance with Local Plan policy CLP16.

Condition amended to reflect agreed site containment plan agreed as part of discharge of condition application CHE/20/00664/DOC

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. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Traffic Management at Derbyshire County Council - telephone 01629 538686.
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 highway 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. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three month's notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
09. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development.

Further information can be found on the Council's website using the following web address
www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx
or alternatively please contact the Infrastructure Planning Officer (Rick Long)

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	12 th December 2022
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00455/FUL	St Leonards	Side extension and raised decking area At 8 Boythorpe Road Boythorpe Chesterfield S40 2NE For Mr Sanders	CP	30/09/2022
CHE/21/00665/DOC	West	Discharge of condition 4 (render) of CHE/21/00033/FUL - Demolition of existing conservatory and erection of a single storey side and rear extension, loft conversion with roof alterations and rear dormer window as well as rendering of property. At 5 Norton Avenue Somersall Chesterfield S40 3NG For Mrs Hearn	DPC	16/11/2022
CHE/21/00717/FUL	Linacre	Raising roof height and installation of dormer window to the side to facilitate loft conversion for disability adaptations and single storey rear and side extension (revised drawings received 10.10.2022) At 89 Brushfield Road Holme Hall Chesterfield S40 4XF For Susannah Jepson	CP	07/11/2022
CHE/21/00889/RET	Brimington North	Retrospective application for the conversion of void area to form new residential unit, including external decking area (revised plans received 29.06.2022). At 3 Moorview House High Street Brimington S43 1FA For Mrs Evans	CP	14/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00065/FUL	Lowgates And Woodthorpe	Single storey side and rear extension - re-submission of CHE/21/00241/FUL (revised plans received 22.07.2022) At 15 Bridle Road Woodthorpe S43 3BY For Mr Paul Bean	CP	20/10/2022
CHE/22/00143/REM	Rother	Variation of condition 2 (Approved drawings) in relation to CHE/20/00078/FUL Demolition of existing public house and residential development of 12 two-bedroom dormer bungalows - to amend the boundaries of the plots, boundary treatments, the bin store, fencing, landscaping and parking arrangements. At Harehill Mews Harehill Road Grangewood S40 2NG For Erica Developments Wayne Smedley	CP	12/10/2022
CHE/22/00176/FUL	St Helens	Single storey rear extension and change of use of former dance studio to 3 self contained units (resulting in 4no self contained units) for provision of holiday accommodation. At 19 Newbold Road Newbold Chesterfield S41 7PG For Mitchell Proctor	CP	17/11/2022
CHE/22/00216/FUL	Rother	Installation of retaining wall with concrete hardstanding to allow for electric vehicle charging point At 105 Hunloke Avenue Boythorpe S40 2PD For Mr Paul Marples	CP	22/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00251/DOC	Brockwell	Discharge of conditions: 4 (soft landscape), 11 (management of streets), 13 (lighting), 15 (materials), 19 (surface water drainage), in relation to application CHE/21/00324/FUL At Former Shrubberies 46 Newbold Road Newbold S41 7PL For Peppermint Grove Ltd	DPC	01/11/2022
CHE/22/00273/REM	Barrow Hill And New Whittington	Approval of reserved matters of CHE/21/00569/OUT - Construction of a building for storing light goods vehicles/public carrier vehicles and associated goods At 10 Station Road Barrow Hill Chesterfield S43 2NL For Mr Adrian Taylor	CP	10/11/2022
CHE/22/00291/FUL	St Helens	Replacement and repair of retaining walls At Royal Court Rear Car Park Basil Close Chesterfield S41 7SL For The Rc Managment Company Ltd	CP	08/11/2022
CHE/22/00295/FUL	Brockwell	Single storey flat roof rear extension and pitched roof attached garage At 72A Hawksley Avenue Chesterfield S40 4TL For Mr Daniel Power	WDN	04/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00296/FUL	Brockwell	<p>Single storey flat roof rear extension and pitched roof attached dining room - re-submission of CHE/20/00654/FUL (revised drawings submitted 25/07/22)</p> <p>At 72A Hawksley Avenue Chesterfield S40 4TL</p> <p>For Mr Daniel Power</p>	CP	03/11/2022
CHE/22/00302/FUL	Moor	<p>Conversion of domestic dwelling (C3) to Cafe (E(b)) at ground floor level and the creation of a single dwelling at first floor level along with associated internal and external alterations</p> <p>At 390 Sheffield Road Whittington Moor Chesterfield S41 8LF</p> <p>For Mrs S Barlow</p>	CP	29/11/2022
CHE/22/00322/FUL	Brimington North	<p>Dropped kerb to create access and retention of hardstanding to frontage</p> <p>At 37 Ringwood Road Brimington S43 1DF</p> <p>For Mrs Jane Barnston</p>	CP	11/11/2022
CHE/22/00325/FUL	Barrow Hill And New Whittington	<p>Removal of existing timber shed and erection of new single storey side extension, internal refurbishment and associated works.</p> <p>At 37 Coupland Close Old Whittington S41 9TB</p> <p>For Mr Andy White</p>	CP	18/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00329/FUL	Brockwell	Loft conversion and associated roof works to create additional accommodation - Revised drawings received 07.11.22 At 14 Newbold Drive Newbold Chesterfield S41 7AP For Mr and Mrs Boden	CP	23/11/2022
CHE/22/00330/DOC	Brockwell	Discharge of planning condition 5 (materials) of CHE/20/00746/FUL - Single storey front and rear extension, First floor side extension, internal and external alterations At 240 Newbold Road Newbold S41 7AJ For Mr and Mrs Smith	DPC	04/10/2022
CHE/22/00334/OUT	Barrow Hill And New Whittington	Provision of new access road to facilitate the development of the section of the Hartington Employment development to the west of the River Rother together with extension to the development area and the provision of potential rail access. At Land Off Hall Lane Staveley S43 3TP For Tawnywood Ltd	CP	23/11/2022
CHE/22/00373/COU	Brockwell	Change of use of habitable room in the dwelling to be used for beauty treatments At 270 Newbold Road Newbold Chesterfield S41 7AJ For Dr Catherine Oakley	CP	04/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00388/FUL	Dunston	Rear/side extension to factory At Units 1 - 4 Highlands Place Foxwood Road Sheepbridge Chesterfield S41 9RN For Direct Engineering	CP	15/11/2022
CHE/22/00417/DOC	Old Whittington	Discharge of conditions 5 (contamination), 6 (barn owl roosting/nesting box), 7 (nesting barn owls), 8 (barn owls nesting space) ,9 (nesting solutions for swallows) and 23 (external materials) 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. At Manor Syck Farm 132 Church Street North Old Whittington S41 9QP For Marsh Green Construction Ltd	DPC	13/10/2022
CHE/22/00427/FUL	Linacre	Change of use from commercial to residential. Cladding of exterior walls At 43 Newbold Village Newbold Road Newbold Chesterfield S41 8RJ For Mr Darren Gregory	CP	30/09/2022
CHE/22/00428/DOC	Holmebrook	Discharge of conditions 3 (drainage) and 8 (external materials) of application CHE/15/00314/FUL-Demolition of existing garage and erection of new 1 and a 1/2 storey two bed dwelling with access from Central Avenue. At 7 Walton Walk Boythorpe S40 2QQ For Mr Reece Smeiley	DPC	14/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00433/FUL	Walton	Single storey side garage extension At 148 Walton Road Walton S40 3BU For Mr David Allen	CP	01/11/2022
CHE/22/00444/FUL	West	Single storey side and rear extension At 256 Ashgate Road Chesterfield S40 4AW For Mr Mark Brookes	CP	09/11/2022
CHE/22/00448/OUT	St Helens	Outline application for the erection of one 2-bedroom bungalow with all matters reserved At Adj. 214 Tapton View Road Newbold Chesterfield S41 7LB For Mr Mark Pendleton	REF	03/11/2022
CHE/22/00464/FUL	Brockwell	Change of use of office to 8 bed HMO and associated alterations - revised description and drawings received 08 09 2022 At Former Corner House Independence Project 48 Newbold Road Newbold Chesterfield S41 7PL For Mr James Norton	WDN	27/10/2022
CHE/22/00465/FUL	Brimington South	Side and rear extension to bungalow, raised patio and privacy fence. Provision of 1 additional car parking space on frontage. At 3 Half Croft Brimington Chesterfield S43 1NZ For Mr Antony Platt	CP	20/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00470/FUL	Loundsley Green	Raised patio to the rear of the property. At 6 Kennet Vale Chesterfield S40 4EW For Mrs Kay Loftus	CP	08/11/2022
CHE/22/00479/FUL	St Leonards	External alterations to building, new canopy to loading bay, installation of external plant and erection of external plant enclosure. At Ravenside Retail Park Park Road Chesterfield S40 1TB For Marks and Spencer	CP	12/10/2022
CHE/22/00481/DOC	Old Whittington	Discharge of conditions 3 (Lawful right of vehicular access), 4 (Biodiversity measures), 5 (Lighting details), 6 (desktop study), 9 (water consumption), condition 10 (materials' specifications), 11 (Construction method statement), 12 (Space for storage of plant and materials on site), 13 (parking space allocations), 17 (scheme for the provisions of surface water run off), 18 (drainage plan) of CHE/21/00446/FUL. At 5 Mary Ann Street Sheepbridge Chesterfield S41 9EP For Mr Dave Roberts	DPC	24/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00485/REM Dunston		<p>Removal of conditions 3 (Shall be occupied as ancillary accommodation to existing dwelling) and 8 (Permitted development rights) of application CHE/18/00548/FUL- Change of use from offices to residential, extensions to dwelling, demolition of existing conservatory, erection of a new conservatory and demolition of existing stables and erection of new 4 garage.</p> <p>At Dunston Hole Farm Unnamed Road Accessing Dunston Hall and Hole Farm Chesterfield S41 9RL</p> <p>For Mr and Mrs K. Heppenstall</p>	WDN	10/11/2022
CHE/22/00486/REM Dunston		<p>Variation of conditions 2 (External dimensions and elevational treatments) and 7 (material of doors/windows shall be of timber construction) of application CHE/18/00548/FUL- Change of use from offices to residential, extensions to dwelling, demolition of existing conservatory, erection of a new conservatory, demolition of existing stables and erection of a new 4 car garage</p> <p>At Dunston Hole Farm Unnamed Road Accessing Dunston Hall and Hole Farm Chesterfield S41 9RL</p> <p>For Mr and Mrs K Heppenstall</p>	WDN	10/11/2022
CHE/22/00499/ADV Moor		<p>Replacement of existing signage At 8 Littlemoor Centre Newbold S41 8QW</p> <p>For PCT Healthcare Ltd</p>	CP	04/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00501/ADV	West	2 externally illuminated fascia signs and 1 externally illuminated post mounted sign (revised plans received 31.08.2022 and 28.09.2022) At Woodside 343 Ashgate Road Chesterfield S40 4DB For Stonegate Pub Company	CP	04/10/2022
CHE/22/00502/FUL	Moor	New shop front At 8 Littlemoor Centre Newbold S41 8QW For PCT Healthcare Ltd	CP	04/10/2022
CHE/22/00512/FUL	Brockwell	Internal and external alterations to existing club house including retractable canopies, an external store and a bin store. Landscaping works including level terracing and replacement of gravel with tarmac. At Chesterfield Lawn Tennis Club Hawksley Avenue Chesterfield S40 4TW For Chesterfield Lawn Tennis Club	CP	06/10/2022
CHE/22/00526/FUL	St Leonards	Two storey front extension with front canopy At 110 Hady Crescent Hady Chesterfield S41 0EA For Mr Mohammad Zubair	CP	26/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00540/FUL	St Leonards	Construction of a new mental health facility and associated landscaping, groundworks, parking, and access arrangements - re-submission of CHE/21/00887/FUL At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL For Derbyshire Healthcare NHS Foundation Trust	CP	28/09/2022
CHE/22/00542/LBC	St Helens	Demolition and replacement of veranda room At Highfield Hall Primary School Highfield Lane Newbold S41 8AZ For Derbyshire County Council	CP	04/11/2022
CHE/22/00549/FUL	St Leonards	First floor rear extension and single storey rear extension At 152 Park Road Chesterfield S40 2LG For Mr Peter Fairhill	CP	11/11/2022
CHE/22/00555/FUL	St Leonards	Installation of new external prefabricated electricity substation and generator units for critical infrastructure upgrades and associated works to existing adjacent building. At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL For Mr Henry Kay	CP	12/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00558/DOC	Walton	Discharge of conditions 5 (biodiversity measures) and 7 (materials) of CHE/22/00067/FUL - Two storey side extension and single storey rear extension At 11 Moorpark Avenue Walton Chesterfield S40 3RL For Mr Thomas Eaton	DPC	06/10/2022
CHE/22/00559/DOC	St Helens	Discharge of conditions 3 (Site investigation), 4 (Declaration of safety and stability of site), 7 (External materials), 8 (Biodiversity net gain measures) of CHE/21/00815/FUL - Proposed dormer bungalow At Land Between 37 - 39 Highfield Lane Newbold Chesterfield For Mr Stephen Easto	DPC	15/11/2022
CHE/22/00563/FUL	St Leonards	Single storey side and rear extension and tarmacking of frontage At 3 Spital Brook Close Spital Chesterfield S41 0GD For Ms Butcher	CP	09/11/2022
CHE/22/00571/CLO	Walton	Erection of a single storey rear extension with a flat roof At 2 Deben Close Walton Chesterfield S40 3HE For Mr Stephen Potter	RF	28/09/2022
CHE/22/00574/FUL	Holmebrook	Single storey side extension and installation of 6 velux windows to roof space At 16 Churston Road Chesterfield S40 1HP For Mrs Emily Wigston	CP	01/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00575/PA	St Leonards	Conversion of vacant office spaces on 1st floor of previous office space to 4 self contained apartments (revised drawings received 01.09.2022) At First Floor West Bars House West Bars Chesterfield S40 1AQ For Pemberly Rentals Ltd	PA	06/10/2022
CHE/22/00576/FUL	Brockwell	Demolition of existing side and rear extension and erection of a new side and rear extension At 34 Newbold Avenue Newbold Chesterfield S41 7AT For Mr and Mrs Lewishill	CP	15/11/2022
CHE/22/00583/FUL	Walton	Single storey side extension and two storey rear extension. Widening of existing raised decking and 2m high fencing above decking. Resubmission of CHE/22/00343/FUL At 95 Foljambe Avenue Walton S40 3EY For Mr and Mrs Wilmot	CP	06/10/2022
CHE/22/00588/FUL	Hollingwood And Inkersall	New boundary wall/fence At 5 Westwood Drive Inkersall Chesterfield S43 3DF For Mr Adrian Bingham	CP	05/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00589/TPO	Walton	T1 Ash (Fraxinus Excelsior)- Overall crown reduction to BS3998: 2010 - Recommendation for Tree Work, of 1-2m to reduce lateral branch weight and mechanical stress due to the tree being infected with Hymenoscyphus Fraxineus (Ash Dieback) and in close proximity to the house. At 38 Foxbrook Drive Walton S40 3JR For Mrs Sarah Walker	CP	07/10/2022
CHE/22/00595/DOC	Brimington North	Discharge of conditions 3 (Detail of biodiversity net gain measures), 7 (Materials detail), 8 (compound) and 13 (Construction method statement) of application CHE/21/00911/FUL- Construction of a single storey dwelling in the rear garden plot At Land To The Rear Of 9 Dorset Drive Brimington Chesterfield S43 1DS For Mrs Alison Booth	DPC	13/10/2022
CHE/22/00596/FUL	St Leonards	Demolition of existing conservatory and erection of a two storey rear extension with juliette balcony and relocation of existing retaining wall At 104 Spital Lane Spital Chesterfield S41 0HN For Mr and Mrs Janet and Peter Bown	CP	14/10/2022
CHE/22/00600/FUL	Walton	Erection of detached outbuilding for use as hairdressing salon and store (revised drawing received 22.09.2022) At 5 Raneld Mount Walton Chesterfield S40 3RE For Miss Jodie Mallender	WDN	14/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00601/FUL	Hollingwood And Inkersall	Installation of two rapid electric vehicle charging stations within the car park of the site. Two existing parking spaces will become EV charging bays, along with associated equipment At McDonalds Restaurants Ltd Markham Vale Services Enterprise Way Duckmanton S44 5HB For InstaVolt Ltd	CP	09/11/2022
CHE/22/00605/LBC	St Leonards	Installation of a stairlift to the rear staircase travelling from ground floor to first floor. Installation of a handrail on the first floor corridor internal wall. At 42 St Marys Gate Chesterfield S41 7TH For Mr Nik Rawlings	CP	20/10/2022
CHE/22/00611/LBC	St Leonards	Replace like-for-like small wooden window to vestibule, due to rot. Replace like-for like wooden door frame to vestibule, due to rot. Replace/treat wooden lintel above vestibule door, due to rot. Replace/treat wooden lintel above south-west facing lodge window due to rot. Four additional sub-floor vents, to improve ventilation At Lodge To Spital Cemetery 19 Hady Hill Hady S41 0DZ For Mr Alan Rhodes	CP	25/10/2022
CHE/22/00612/FUL	Brimington North	Single storey rear extension At 47 King Street Brimington Chesterfield S43 1HU For Mr Alan Rhodes	CP	26/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00619/REM	Hollingwood And Inkersall	To continue the use of the summer house in the garden for a dog grooming business on a permanent basis by removing condition 1 of application CHE/20/00362/COU At 6 Blue Lodge Close Inkersall S43 3GF For Mrs Tracy Cartwright	CP	25/10/2022
CHE/22/00626/DOC	Middlecroft And Poolsbrook	Discharge of conditions 3 (biodiversity) and 5 (materials) of CHE/22/00136/FUL At 37 High Street Staveley Chesterfield S43 3UU For Mr Brian Hutton	DPC	02/11/2022
CHE/22/00627/DOC	St Helens	Discharge of condition 7 (hard landscaping) of application CHE/19/00116/REM- Approval of reserved matters for layout, scale, appearance and landscaping of the office building pursuant to (CHE/18/00626/REM 1 for a mixed use development including hotel, multi storey car park, office accommodation and apartments together with ground floor retail and leisure uses within the Basin Square area of the development) At Land At East Of A61Known As Chesterfield Waterside Brimington Road Tapton For Chesterfield Waterside Limited	DPC	18/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00628/TPO	Brimington South	Beech (T1) crown thinning by 25%. Fallen branches and seeds casuing damage to property, blocking drainage, guttering casused leaks through the roof At 15 Balmoak Lane Tapton S41 0TH For Mrs Susan Leighton	CP	12/10/2022
CHE/22/00632/LBC	Hollingwood And Inkersall	Replace leaking roof slates in a like- for-like fashion At Farmhouse Inkersall Farm Inkersall Road Staveley S43 3YH For Mr Stephen Crooks	CP	28/10/2022
CHE/22/00636/FUL	Old Whittington	First floor side extension and reconfiguration of existing roof At 86 Church Street North Old Whittington Chesterfield S41 9QP For Mr and Mrs Wales	CP	04/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00639/TPO	Dunston	*Tree Removals At 1 Hulford Street Chesterfield S41 9SF For Raworth	CP	19/10/2022
CHE/22/00641/DOC	Brockwell	Discharge of planning conditions 3 (biodiversity) and 4 (materials) of CHE/21/00574/FUL - Demolition of existing conservatory and erection of a single storey side extension to form kitchen/dining area At 6 Tennyson Avenue Chesterfield S40 4SW For Mr Scott Noble	DPC	11/11/2022
CHE/22/00642/TPO	St Leonards	Crown lifting of 9 sycamore, 1 hawthorn, 1 oak and 1 ash, obstructing street lighting column 18059 on Spital Lane. Fell 1 diseased tree, species unknown. At 4 Dalewood Close Hady S41 0DD For Mr Eric Brown	CP	04/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00645/FUL	Lowgates And Woodthorpe	Installation of a temporary single storey portakabin building with access ramp to be used as additional classroom on a hard standing car park area adjacent to an existing building and playing field At Netherthorpe School Ralph Road Staveley S43 3PY For Cavendish Learning Trust	CP	17/11/2022
CHE/22/00646/DOC	West	Discharge of condition 3 (biodiversity) of CHE/20/00487/FUL At 374 Ashgate Road Chesterfield S40 4DD For Mr Rob Hannan	DPC	28/09/2022
CHE/22/00647/DOC	Holmebrook	Discharge of planning condition 4 (materials) of CHE/20/00595/FUL - Demolition of rear entrance porch and erection of 3 dormers - 2 on the front elevation and one to the rear and new front entrance porch. At 21 Springfield Avenue Chesterfield S40 1DJ For Mr Bright	DPC	15/11/2022
CHE/22/00656/DOC	West	Discharge of condition 3 (materials) of CHE/20/00063/FUL - Porch extension and dormer roof extension At 18 Horsewood Road Walton S42 7LS For Mr Leigh Drummond	DPC	24/10/2022
CHE/22/00658/TPD	Walton	Single storey rear extension At 24 Hazel Drive Walton S40 3EN For Mr Philip Allen	PANR	14/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00660/RET	Rother	Retrospective application for the erection of a single storey garden shed on the rear garden of the property At 9 Branton Close Boythorpe Chesterfield S40 2NL For Mrs Kelly Turner	CP	24/11/2022
CHE/22/00663/DOC	West	Discharge of condition 2 (biodiversity) of CHE/22/00069/FUL At 21 Miriam Avenue Somersall S40 3NF For Mr Michael Long	DPC	05/10/2022
CHE/22/00666/TPO	West	T28 Oak- remove epicormic growth- to keep tree healthy, remove dead wood- due to cars parked underneath and crown thin 15% due to excessive shading At 756 Chatsworth Road Chesterfield S40 3PN For J Salway	CP	12/10/2022
CHE/22/00667/TPO	West	Pollard black poplar- front and rear of property. Pollard ash tree due to location (periodic cycle pollarding). 1 chestnut tree- remove dead branches At 11 Netherleigh Road Ashgate Chesterfield S40 3QJ For J Salway	CP	27/10/2022
CHE/22/00670/FUL	St Leonards	Relocation of 2. existing external ATM's, with associated glazing replacement works. At 2-4 Knifsmithgate Chesterfield S40 1TE For Lloyds Banking Group	CP	17/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00671/ADV	St Leonards	New internally illuminated ATM tablet signs, following relocation of ATM's. Existing illuminated surrounds to be removed. At 2-4 Knifsmithgate Chesterfield S40 1TE For Mr Abha	CP	17/11/2022
CHE/22/00676/CLU	Hollingwood And Inkersall	Certificate of lawful development - erection of front porch (single storey, standard brick & tile construction, built in 2010. Approx 4.1m2) At 27 Avondale Road Inkersall Chesterfield S43 3EQ For Mrs Norah Miller	GRANT	02/11/2022
CHE/22/00677/NMA	Hollingwood And Inkersall	Non material amendment to application CHE/22/00007/FUL -Disabled adaptation to proposed retaining wall and reconfiguration of proposed hard/driveway At 32 North Crescent Duckmanton Chesterfield S44 5EZ For Chesterfield Borough Council	UP	26/10/2022
CHE/22/00678/RET	Lowgates And Woodthorpe	Retention of existing hardstanding incorporating engineering works to decrease existing land levels At 8 Valley Road Mastin Moor S43 3AR For Mr Ian Newton	CP	31/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00679/TPO	Brockwell	<p>Please see attached TPO schedule and site map for species and locations. Works are for routine purposes to ensure clearance over footpaths and parking bays which are encroaching and impeding access</p> <p>At 1 Rose Hill East Chesterfield S40 1NU For Mr Gary McCarthy</p>	CP	13/10/2022
CHE/22/00687/TPO	West	<p>T18 willow tree- prune crown reduce by 50%</p> <p>At Upper Close 17 Somersall Lane Somersall S40 3LA For J Salway</p>	SC	22/11/2022
CHE/22/00688/CPO	St Helens	<p>Demolition and replacement of veranda room</p> <p>At Highfield Hall Primary School Highfield Lane Newbold S41 8AZ</p> <p>For Derbyshire County Council</p>	OC	04/11/2022
CHE/22/00694/NMA And Poolsbrook	Middlecroft	<p>Non material amendment of application CHE/21/00567/REM, Approval of reserved matters of CHE/19/00131/OUT - residential development of 400 dwellings, public open space and associated infrastructure- To remove a section of carriageway from the approved planning layout</p> <p>At Land To West Of Inkersall Road Staveley Chesterfield For Barratt David Wilson Homes</p>	REF	02/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00697/TPO	Dunston	TPO 4901.112, Tree is dead, needs felling and stump grinding At The Co-operative Food 74 Newbold Village Newbold Road Newbold S41 8RJ For Mr Henry Glendale	CP	03/10/2022
CHE/22/00700/DOC	West	Discharge of condition 3 (Biodiversity) of application CHE/21/00862/FUL- First floor side/front extension and alterations At The Limes 161 Walton Back Lane Walton S42 7LT For Mr and Mrs Nigel and Steph Metham	DPC	05/10/2022
CHE/22/00701/DOC	West	Discharge of condition 3 (Tree protection plan and arboricultural method statement) of application CHE/22/00078/FUL-Removal of existing conservatory and erection of a single storey extension At 15 Somersall Lane Somersall S40 3LA For Mr David Goodwin	REF	11/10/2022
CHE/22/00702/TPO	Hasland	Crown reduction At 115 Storforth Lane Chesterfield S41 0PZ For Ms Rachael Brooksby	CP	03/11/2022
CHE/22/00703/FUL	Holmebrook	Replacement single storey extension to front of building and new single storey extension to rear, with associated external works. At Rowland Hill House, Block B Boythorpe Road Boythorpe Chesterfield S49 1HQ For Mr Mike Kaciubskyj	CP	29/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00705/TPO	Walton	T1 London Plan - cut tree to pollard At 101 Whitecotes Lane Walton S40 3HJ For Mr Chris Maggs	CP	03/11/2022
CHE/22/00709/TPO	Hasland	T1 willow- Reduce 3.5m and T2 beech and sycamore- Reduce back by 3.5m to boundary At 15 Foxwood Close Hasland S41 0LQ For Mr Matthew Ervine	CP	04/11/2022
CHE/22/00710/TPO	Barrow Hill And New Whittington	3 Elm (self sets) to remove. 2 Situated approx 12 metres from the top end of the wood on the left side. 1 approx 12 metres from the top end of the wood on the right. All are dead and in danger of damaging younger trees. Oak, aspen, beech. New trees to plant where to canopy allows (2 oaks + 1 other. These three trees were indentified by Ken Portas as spindly self sets dying of dutch elm when I applied in 202 for other work to be carried out At 33 Coupland Close Old Whittington S41 9TB For Mrs June MacDonald	CP	09/11/2022
CHE/22/00726/TPO	West	T18(Beech) and T19(Oak) Crown clean to remove dead wood and any obvious weak branches. T18(Beech) and T19(Oak) Crown lift to clear highways, foothpath and driveway. T18(beech) clear telephone wires At 670 Chatsworth Road Chesterfield S40 3NU For Dr Laura Pemberton	CP	09/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00727/NMA	Dunston	Non material amendment of application CHE/18/00805/REM- Reserved matters submission for the erection of 200 dwellings and associated landscaping (to which CHE/16/00016/OUT refers)- To alter approved materials of dwellings At Land To The West Of Dunston Lane Newbold Chesterfield For William Davis Ltd	CPNMAZ	02/11/2022
CHE/22/00728/NMA	West	Non material amendment of application CHE/22/00353/FUL- front, side and rear two storey extension, with new front porch canopy and render to front and rear elevations- To amend the finish of the side elevation on the south east to white render and the first floor side elevation on the north west to white render, both to match the approved front and rear elevations At 35 Brookside Glen Chesterfield S40 3PG For Mr and Miss Logan and Sarah Mantle and Clark	UP	22/11/2022
CHE/22/00732/TPO	West	TPO 226 Oak - pruning of branches that are almost touching the house At 1 Loxley Close Ashgate Chesterfield S40 4DQ For Mr Ian Griffin	CP	11/11/2022
CHE/22/00733/TPO	West	Felling of one Beech tree reference T2 of Tree Preservation Order 4901.09 due to a large split in the main stem At Haddon House 1 Quarry Lane Chesterfield S40 3AS For J Salway	CP	19/10/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00735/DOC	Walton	Discharge of condition 7 (landscaping details) of CHE/20/00760/FUL At Land Adj. 72 Walton Road Walton S40 3BY For Mr Adam Bowler	DPC	24/10/2022
CHE/22/00746/TPO	Hollingwood And Inkersall	Root prune ash tree in the front garden of 15 McMahan Ave. Minor excavation works within the canopy line of the tree to allow for new footpath. At 15 McMahan Avenue Inkersall S43 3HN For Mr Gary McCarthy	CP	10/11/2022
CHE/22/00752/NMA	St Leonards	Non material amendment of application CHE/22/00540/FUL-Construction of a new mental health facility and associated landscaping, groundworks, parking, and access arrangements - re-submission of CHE/21/00887/FUL- To amend the wording of conditions 2, 3, 5, 11, 13, 14 for clarity and accuracy At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield S44 5BL For Derbyshire Healthcare NHS Foundation Trust	CPNMAZ	07/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00758/DOC	Middlecroft And Poolsbrook	Discharge of condition 10 (Written Scheme of Investigation) of application 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 Chesterfield For Inkersall Solar Farm Limited	DPC	17/11/2022
CHE/22/00760/NMA	Brimington South	Non-material amendment of application CHE/21/00484/REM1 for the addition of a basement within footprint of approved dwelling At Oldfield Farm Wetlands Lane Brimington S43 1QG For Mr Walters	CPNMAZ	02/11/2022
CHE/22/00767/DOC	Hollingwood And Inkersall	Discharge of condition 2 (slate samples) of CHE/22/00632/LBC At Farmhouse Inkersall Farm Inkersall Road Staveley S43 3YH For Mr Stephen Crooks	DPC	04/11/2022
CHE/22/00782/TPO	Brimington South	1 Sycamore reduce and reshape. 2 Acer (platanoides drummondii) crown thin 10% crown lift 5m At 7 Hedley Drive Brimington Chesterfield S43 1BF For Mr Paul Smith	CP	29/11/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00783/CA	West	Remove 2 small dead Cherry trees adjacent to T18 Willow tree, situated either side of footpath from Somersall Willows At 17 Somersall Lane Somersall Chesterfield S40 3LA For J Salway	UP	17/11/2022

Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	12 th December 2022
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

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

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/22/00667/TPO TPO 4901.14 27/10/22	The pruning of 9 trees consisting of 4 Chestnut trees within G5, 3 Poplars and 1 Ash within G6 and 1 Poplar reference T58 on the Order Map and which are situated in the grounds of 11 Netherleigh Road, Brampton	Consent is granted to the re-pollarding of 4 Poplar trees and 1 Ash pruning back to previous pollarding points and the removal of dead wood to 4 Chestnut trees.
CHE/22/00702/TPO TPO 4901.275 03/11/22	The pruning of one Poplar tree reference T1 on the Order Map and which is situated to the rear of 115 Storforth Lane, Hasland.	Consent is granted to the reduction of the crown by 50% pruning back to previous reduction points or sound timber.
CHE/22/00705/TPO TPO 4901.254 03/11/22	The pruning of one London Plane tree reference T1 on the Order Map and which is situated to the frontage of 101 Whitecotes Lane.	Consent is granted to the re-pollarding of one London Plane tree with an extended consent to prune the tree on a 3 year cycle where the decision will be reviewed 10 years from the date of issue.
CHE/22/00709/TPO TPO 4901.27 04/11/22	The pruning of 3 trees consisting of x1 Beech, x1 Sycamore and x1 Willow within in W1 at 15 Foxwood Close, Hasland.	Consent is granted to an all-round crown reduction to one Willow tree by a maximum of 3.5 metres and the reduction of lateral branches of one Beech and one Sycamore growing towards the east and over the neighbouring gardens by a maximum of 3.5

		metres pruning back to suitable replacement branches and leaving a natural appearance to the woodland edge.
CHE/22/00710/TPO TPO 4901.176 09/11/22	The felling of 3 dead Elm trees within W1 on the Order map for at 33 Coupland Close, New Whittington.	Consent is granted to the felling of 3 trees with a condition to plant 3 new Oak trees in the same location and to leave dead standing 3 metres habitat stems and habitat piles within the woodland to benefit wildlife.
CHE/22/00726/TPO TPO 4901.159 09/11/22	The pruning of two trees reference T18 Beech and T19 Oak on the Order Map for Dr Pemberton of 670 Chatsworth Road.	Consent is granted to crown lift the trees to clear the highway, footpath and drive and crown clean to remove dead wood and clear telephone wires.
CHE/22/00746/TPO TPO 4901.337 10/11/22	The root pruning of one Ash tree reference T1 on the Order map at 15 McMahan Avenue, Inkersall.	Consent is granted to the root pruning of one Ash tree to install a new footpath to the frontage of the property. Conditions are attached and where ground conditions allow the new footpath should be constructed above ground using a no dig construction method.
CHE/22/00732/TPO TPO 4901.226 11/11/22	The pruning of one Oak tree reference T1 on the Order Map and which is situated in the garden of 1 Loxley Close, Ashgate.	Consent is granted to the reduction of branches growing towards the property to give a 2 metres clearance from the structure pruning back to suitable replacement branches.
CHE/22/00687/TPO	The pruning of one Willow tree reference T18 on the Order Map and	Consent is refused to a 50% crown reduction as this is considered excessive and would

TPO 4901.43 22/11/22	which is situated in the garden of 17 Somersall Lane, Somersall.	reduce the visual amenity of the tree when viewed from the public highway. Consent is granted to an all-round crown reduction by 3 -4 metres to leave a 10 metre high tree pruning back to suitable replacement branches and leaving a well-balanced crown.
CHE/22/00782/TPO TPO 4901.74 29/11/22	The pruning of two tree reference T12 Maple and T13 Sycamore on the Order Map and which are situated at 7 Hedley Drive, Brimington.	Consent is granted to the re-shaping of T12 Sycamore to create a more evenly balanced crown and a crown lift by 3.5 metres to T13 Maple to clear the lower branches.

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

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/22/00783/CA The felling of two dead Cherry trees in the grounds of 17 Somersall Lane, Somersall.	The trees are within the Somersall Conservation Area.	Agreement to the felling of two dead Cherry trees. The felling of the trees will have no adverse effect on the character and amenity of the area.	17/11/22

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 12th December 2022
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

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

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/1675	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	Dismissed 24/11/22 see appendix C
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	Dismissed 11/11/22 see appendix B
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	Dismissed 02/11/22 see appendix A

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	
2/4431	Holmebrook ward	Claire Hancock	CHE/21/00171/FUL - Pair dwellings on land at 33 Boythorpe Avenue Refusal	Planning Committee against officer advice	28/09/22	Written Reps	

Appendix A

Appeal by Mr M Bellfield

Three dwellings on land at St Josephs Church Chesterfield Road,
Staveley, Chesterfield.

CHE/21/00508/FUL

1. Planning permission was refused on 5th January 2022 for three dwellings on land at St Josephs Church on Chesterfield Road. The reasons for refusal were:

The proposed development is considered to be contrary to Policy CLP15 of the adopted Chesterfield Local Plan 2018-35 having regard to the location of the site within the strategic gap area. The development of the three dwellings on the land together with the building up of land levels, the loss of the tree and scrub covering to the land, the new access and the removal of the A619 frontage hedgerow and trees is considered to cumulatively lead to the erosion of the open character of the site which will certainly diminish the appreciation of the open countryside area for those passing by the site on the A619 or viewing it from the estate to the south and the development will undoubtedly contribute to the erosion of the open land area contrary to the purpose of the strategic gap, which plays a role in maintaining the existing boundary of the urban development of Staveley.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues in this appeal were the effect of the proposed development upon the character and appearance of the area, having specific regard to the functions of the Strategic Gap designation.
4. The appeal site relates to a parcel of land, used at present as a temporary construction area associated with a housing development on neighbouring land. The A619, a main route into Chesterfield, lies to the south, with housing beyond. Land levels fall notably to the north, towards the Chesterfield Canal, separated from the appeal site by open agricultural land. The visual appearance of the site from surrounding areas is mainly

defined by the mature trees and landscaping to its boundaries, giving it an overall verdant appearance. Whilst the site differs in character and appearance from the agricultural land to the north and west, nevertheless, in its present state, it makes a positive contribution to this area in views along the A619 and from the canal towpath.

5. Within the Chesterfield Borough Council Local Plan Adopted July 2020 (LP), the site is designated as part of a strategic gap, which extends beyond the site to the north, northeast and west. LP Policy CLP1, which provides the overarching spatial strategy for growth, recognises that strategic gaps give distinct identity to different areas, prevent neighbouring settlements from merging and maintain open space. It requires that the open character of the strategic gap be protected from development. LP Policy CLP15 requires that new development does not harm the character and function of a strategic gap, in this case SG2 – Ringwood and Hollingwood. Also relevant is LP Policy CLP2, which establishes the locational criteria to be applied to new development not on allocated sites. This policy prioritises the Council's spatial strategy within Policy CLP1 above all other criteria. LP Policy CLP3, which provides flexibility in housing delivery, is relevant insofar as it defines the 'Built Up Area', within which the appeal site lies. However, the text of this policy is less relevant to the proposal because it deals with allocated sites and identifies when new housing on unallocated sites, would be acceptable outside of the defined built up area.
6. In broad terms, this part of the strategic gap is bound by Staveley to the east, Middlecroft to the south, Ringwood to the southwest and Hollingwood to the west. Noting the position of the appeal site within the strategic gap, and its relationship to these urban areas, its development would not result in their merging to any greater extent than exists at present. The retained part of the strategic gap would ensure that there was no significant erosion of the setting or identity to these areas. Therefore, in considering this specific function of the strategic gap, the proposed development would not result in harm.
7. However, a further function of the strategic gap is to support the appreciation and wider perceptual benefits of the open countryside. When travelling along the A619 in either an

easterly or westerly direction, this section of the strategic gap provides some pleasing visual relief from the built form, through either an open vista across agricultural land, or from areas of mature vegetation. This visual relief is experienced for only a relatively short distance. The contribution of this part of the strategic gap to the appreciation of the open countryside is also experienced from the Chesterfield canal towpath to the north (also the Trans Pennine Trail), which offers a pleasant route for walkers and cyclists along the canal, with open vistas across the land to the north. Whilst the Arup report which provided the basis for the strategic gap designation was not provided to the inspector he was able to make his own observations in this regard.

8. Whilst there is some disagreement as to the overall extent of tree and hedgerow removal required to facilitate the development, it is clear that most existing trees along the site frontage would require removal, along with part of the frontage hedge. Whilst these trees may not be high quality specimens, nevertheless, in their mature state, they add positively to this part of the strategic gap in terms of providing visual relief from the built form. Along the northern boundary, a further portion of mature landscaping, along with some individual trees, would also require removal to allow for re-grading and retaining of the land.
9. Whilst the proposed housing would sit at a lower level when viewed from the south, the built form and road infrastructure would not be wholly screened by the retained portion of hedge and any additional planting. Parts of the development would be visible over the hedge and at the access. From the north, the site topography would allow views of the housing and associated terracing, over any retained landscaping. In effect, the site would be urbanised, changing from its present undeveloped state to housing with landscaping. This would reduce the undeveloped frontage of the strategic gap along the A619, whilst also extending the built form into the strategic gap when viewed from the north. This urbanising effect would diminish the contribution the site makes to this designation, and in turn, the appreciation and wider perceptual benefits of the open countryside, derived from it. Whilst the inspector appreciated that the proposal is for three dwellings only, impacting on only part of the strategic gap, the site area is not

small, with a reasonable length of frontage onto this relatively short, open length of the A619. Further, it would have a notable presence when viewed from the north, due to the sloping topography.

10. The inspector considered the supplementary planting proposed and noted the concerns expressed in terms of the achievability of some of these proposals. Notwithstanding this, he was not convinced that the landscaping to be retained and proposed would adequately soften or screen the development to the extent that it could continue to contribute to the character and function of the strategic gap in the positive way it does at present. Therefore, this mitigation planting would not adequately address the identified harm.
11. As such the inspector concluded that this proposal would result in harm to the character and appearance of the site and the surrounding area, and consequently, it would harm the function of the strategic gap. This would not comply with LP Policy CLP15, which seeks to ensure the character and function of strategic gap designations are not harmed, in order to provide relief as well as access to the open countryside. Nor would it comply with paragraph 174 of the National Planning Policy Framework (NPPF), which seeks to ensure that all decisions contribute to and enhance the natural and local environment.
12. The inspector appreciated that the site had been included within the 'Built Up Area' (BUA) on the Council's Proposals Map and that this is a change in status from the previously adopted local plan. Nevertheless, for the reasons outlined above, the inspector found that the site makes a positive contribution to the strategic gap and the proposed development would harm the character and function of that gap. The inclusion of the site within the defined BUA is not sufficient to overcome that harm.

Other Matters

13. Whilst the inspector had not advised of any shortfall in housing land supply or delivery, the proposal would provide additional housing to the local supply, in an accessible location, close to the services and facilities of Staveley. That the appellant is presently building on the adjacent site would

suggest that these houses could be delivered in the shorter term. Such development would bring associated investment and spend to the area, contributing to broader regeneration aims of the Council. However, given the scale of the proposal, these benefits of the development would attract only limited weight.

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Appendix B
Appeal by Mr Michael Ellis Thompson
Pair of Houses on land at 132 High Street, Old Whittington,
Chesterfield.
CHE/21/00809/FUL

1. Planning permission was refused on 5th January 2022 for a pair of dwellings on land at 132 High Street. The reasons for refusal were:

The proposed development is not considered to provide appropriate off street parking provision. The off street parking provision as proposed will result in an access that is tight and difficult to manoeuvre in and out of, especially for the occupants of the proposed dwelling adjacent to no. 132 High Street. In addition, the parking bays for each dwelling have a limited width when adjacent to a solid feature, in this case a boundary wall. This is as a result of the constraints posed from the limited scope for development within the application site and it is an indicator of overdevelopment within the application site. The proposal is therefore at odds with the Local Plan policy CLP20 which states that development will "g) provide adequate and safe vehicle access and parking" and specifically CLP22 which states that "development proposals will not be permitted where they would have an unacceptable impact on highway safety...". The development is thereby not in accordance with the NPPF Part 9 - notably paragraphs 109 and 110.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues in this appeal were:
 - (a) whether the proposed development would make adequate provision for vehicular access and parking, in the interests of highway safety
 - (b) the effect of the proposed development upon the character and appearance of the area, and
 - (c) whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to internal space standards.

4. The proposed development relates to the side garden of a semi-detached dwelling, No 132 High Street. The proposal would require the demolition of the existing garage at No 132 and a re-arrangement of the off-street parking serving this dwelling. This garage sits at a higher level than the dwelling itself and land levels rise gradually to the north. No 132 is positioned on the outside bend of a service road to the main carriageway of High Street, which runs to the north. The site lies on the edge of a housing estate that consists mainly of semi-detached dwellings that share a uniformity of design and layout, interspersed with some flats.

Access and parking

5. The proposed development indicates two off-street parking spaces per proposed dwelling at varying angles to the highway. Whilst not falling within the appeal site, the plans also indicate two compensatory off-street parking spaces to the frontage of No 132. The proposed parking bays achieve the required parking space dimensions of 2.4m width x 4.8m length. Two proposed parking spaces to the western boundary lie adjacent to an existing solid boundary treatment, a low stone wall. In such circumstances, the Council and the Highways Authority indicate an additional 0.5m width is required. To the other side of these parking bays, there remains space between them and the front of the westernmost dwelling. This would allow for some additional room to open and close doors. As such, the inspector was satisfied that these spaces would be of a functional size. No boundary treatment is indicated between the parking bays to the front of the easternmost proposed dwelling and those that would serve No 132. Therefore, these parking spaces would not require an additional 0.5m width. Any concerns regarding the potential for boundary treatment to impact on the functionality of these parking spaces, could be controlled by the imposition of a suitably worded condition.
6. Nevertheless, the access arrangements into and out of the proposed dwellings for both pedestrians and drivers would be constrained by the width of the frontage. There is no clear delineation of pedestrian access to each proposed dwelling in and around the parking bays, (or to No 132 for that matter, which would be left with a narrow strip only). Pedestrian

access is particularly unclear for the proposed plot adjacent to No 132, because there is a lack of information as to how the change in levels within this area would be dealt with. The proposed dwelling adjacent to No 132 would sit in the approximate location of the existing garage, which is at a higher level than No 132. The plans are not clear as to the position, height, and extent of any retaining structures within this frontage and how this would impact on pedestrian routes around the parking bays. Nor is it clear whether any change in levels would impact on the area to the front of the proposed parking bays, which would need to be utilised as a shared space for manoeuvring, due to the nature of the angled parking and the restricted width of the access, to ensure such manoeuvring would be practical.

7. As such, whilst the inspector considered the response from the Highways Authority, he was not satisfied that there is sufficient information provided with the proposal to demonstrate that adequate access provision for both pedestrians and vehicles is achieved. He did not consider that the imposition of conditions to secure this information would be appropriate, given the lack of certainty as to what can physically be achieved.
8. The inspector had no concerns relating to visibility. The position on the outside of the bend provides adequate visibility and existing walls and fences were observed to be low. As such, the imposition of a condition would be suitable in this respect to retain adequate sightlines.
9. The inspector concluded on this main issue, that it had not been demonstrated that the proposal would incorporate adequate provision for vehicular access and parking, to ensure that it would be acceptable in highway safety terms. The proposal does not therefore comply with Policies CLP20 and CLP22 of the Chesterfield Borough Local Plan Adopted July 2020 (LP), which amongst other matters, seek to ensure that new development provides adequate and safe vehicle access and parking, and a safe and convenient environment for pedestrians, as well as ensuring that it does not have an unacceptable impact on highway safety. Nor does it comply with the requirements of the National Planning Policy

Framework (NPPF) in terms of achieving safe and secure access to the site for all users.

Character and appearance

10. Due to the limited size of the site and the width of the frontage, the proposed dwellings would be narrower in width overall than existing houses, with a frontage dominated by parking. In comparison, the majority of other semidetached houses retain open frontages with both garden and parking space. This pair of houses would have a staggered building line, with a notable forward projection to the westernmost dwelling requiring a hipped roof at the front. This design would be a marked contrast to the uniform design and flat frontages of existing housing. In combination, these compromises would result in a design and layout that would be at odds with the character and appearance of the wider estate resulting from its layout and uniformity, resulting in a cramped form of development.
11. To conclude on this issue, the inspector considered that the proposal would be harmful to the character and appearance of the area. It would not therefore comply with LP Policy CLP20, which requires that new development respects the character, form and setting of a site and its surroundings, through careful consideration of matters such as appearance and architectural style, scale, density and massing. Furthermore, the requirements of the NPPF are not met in terms of achieving high quality buildings that are sympathetic to local character.

Living conditions

12. The proposals fall short of the overall space requirement for a two bed, three person dwelling set out within the Technical Housing Standards – Nationally Described Space Standard (NDSS), which states a minimum area of 70 m², although the bedroom sizes and widths appear to be achieved. However, these nationally described standards are not prescriptive. Footnote 49 of the NPPF advises that policies may make use of these standards where the need can be justified. The inspector had not been provided with any policy stating a minimum space standard requirement and so, there is no justification for applying a minimum quantity of floorspace in this case. Nevertheless, the NDSS is a material consideration. The underlying intention to achieve high quality residential

development for future occupiers is consistent with LP Policy CLP14 and paragraphs 126 and 130 of the NPPF. Therefore, I have assessed the proposal in terms of its overall quality and functionality, having due regard to this document as material consideration.

13. The proposed dwellings would have a separate living area and kitchen at ground floor. Bedroom sizes are reasonable. Each dwelling would be dual aspect and the inspector had no concerns in relation to the adequacy of daylight/sunlight and outlook. Nor would these windows be overlooked, providing adequate levels of privacy. Further, the proposed dwellings would be provided with an adequately sized private outdoor space of reasonable quality. However, the shower room appears cramped and circulation space appears tight, and the inspector questioned whether this may need revising at the expense of bedroom space. At a shortfall of approx. 11-12% of the NDSS, the level of overall space is constrained for the intended level of occupation.
14. To conclude on this main issue, the proposed development would not provide satisfactory living conditions for the intended future occupiers. The proposal would not therefore comply with LP Policy CLP14, which amongst other matters, seeks to ensure that proposals have an acceptable impact on the amenity of users. Nor would it comply with Paragraph 130 of the NPPF which requires the creation of places that provide a high standard of amenity for future occupiers.

Other Matters

15. Whilst the inspector appreciated the importance of providing new housing nationally, due to its scale, this proposal would make only a modest contribution to the area's housing requirements to which he gave limited weight.

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Appendix C

Appeal by Mr F Casey

Additional Storey Extension at 35 Spital Lane, Chesterfield.

CHE/21/00314/PA

1. Planning permission was refused on 17th September 2021 for Prior Approval for an additional storey extension at 35 Spital Lane. The reasons for refusal were based on the fact that the title information showed the property to be constructed before 1st July 1948 and therefore the procedure was not appropriate and planning permission would be required.:
2. An appeal against the decision has been determined by the fast track written representation appeal method and has been dismissed.

Procedure

3. Under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse by the construction of additional storeys subject to limitations and conditions, including a requirement to submit an application for prior approval. Paragraph AA.2.3(a) to Part 1 requires the local planning authority to assess the impact of the proposed development in a number of respects, including in terms of the impact on the external appearance of the dwellinghouse.
4. The main issue in this case is whether the development is permitted under the above Order.
5. Development is not permitted by Schedule 2, Part 1, Class AA of the above Order if the dwellinghouse was constructed before 1 July 1948 or after 28 October 2018. Paragraph AA.3(3)(b) provides that an application may be refused where the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
6. The application form asks 'was the current building constructed between 1 July 1948 and 5 March 2018?' and the

response was no. The parties explored this issue further prior to the application being refused. The appellant has submitted a letter on the appeal demonstrating the steps they have taken to determine when the dwelling was constructed. However, none of the documents and historic maps the parties rely on in support of their case was presented to the inspector. As the onus of proof is upon the appellant, it has not been demonstrated that on the balance of probabilities, the dwelling was not constructed before 1948.

7. The inspector therefore concluded that the proposed extension is not permitted under the above Order. As the proposal does not constitute permitted development, the inspector had no need to consider the amenity of adjoining premises or the external appearance of the dwellinghouse.

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 12TH DECEMBER 2022
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

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

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 8

ENFORCEMENT REPORT

01 December 2022

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>			<i>Authorised to Issue Average: 540 days</i>				
York Street	2 <small>1,165</small>	23/09/19 <small>1,165</small> balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>625</small>	16/04/21 <small>594</small>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>18/03/21</small>	Ha
Enforcement Notice		<i>Total currently Authorised: 4</i>			<i>Authorised to Issue Average: 31 days</i>				
Markham Road	Markham House	18/02/08 <small>5,400</small>	storage of commercial vehicles	20/03/08 <small>31</small>	18/04/08 <small>5340</small>	20/10/08 <small>5155</small>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>14/11/19</small>	HI
Old Hall Road	76-88	30/08/22 <small>93</small>	shipping containers				28 days for removal, seeking voluntary compliance. Awaiting instructions	<input type="checkbox"/> <small>10/11/22</small>	
Pottery Lane West	10	18/07/22 <small>136</small>	Storage of vehicles				Instructed	<input type="checkbox"/> <small>20/10/22</small>	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>1,879</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: 3 Authorised to Issue Average: days

Edinburgh Road	12	10/10/22 <i>52</i>	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Instructed. 3 months to comply without formal action.	<input type="checkbox"/> <i>28/10/22</i>	SH
Highfield Road	80	05/10/20 <i>787</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

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
Tapton Terrace	26	05/10/20 ⁷⁸⁷	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> 15/02/21	SL

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

Key to 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

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

Document is Restricted

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