



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

Councillors S Blank, D Kelly and K Sarvent – Site Visit 1
Councillors L Blakemore, J Flood and K Miles – Site Visit 2
Councillors H Borrell, P Niblock and S Niblock – Site Visit 3
Councillors M Kellman, N Redihough and T Snowdon – Site Visit 4

30 December 2022

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 9 JANUARY 2023 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 10:20am. Ward members wishing to be present should attend on site as indicated below:-

- | | | |
|----|---------|--|
| 1. | 10:40am | Royal Hospital, Chesterfield Road, Calow, Chesterfield
CHE/22/00675/FUL |
| 2. | 11:10am | 211 Langer Lane, Birdholme, Chesterfield |

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

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

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- | | | |
|----|---------|---|
| 3. | 11:45am | CHE/22/00488/FUL
Park Hall Farm, Walton Back Lane, Walton,
Chesterfield |
| 4. | 12:10pm | CHE/22/00438/FUL
38 Lake View Avenue, Walton, Chesterfield
CHE/21/00131/REM |

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 9 January, 2023. 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 - 84)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 85 - 184)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 185 - 198)
6. Applications to Fell or Prune Trees (P620D) (Pages 199 - 204)
7. Appeals Report (P000) (Pages 205 - 208)
8. Enforcement Report (P410) (Pages 209 - 210)

Yours sincerely,

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

Head of Regulatory Law and Monitoring Officer

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PLANNING COMMITTEE**Monday, 12th December, 2022**

Present:-

Councillor Callan (Chair)

Councillors Borrell
Brady
BrittainCouncillors D Collins
Marriott
Miles

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

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; 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 of Northeast to Markham Vale and employment site and M1 and the Southwest of B6419 for MVNE LLP and Devonshire Property (M Vale) Limited.

Councillors Borrell, Brittain, Callan and Marriott.

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 blocks to North of site (2-one bed flats). Alterations to be made to the conversion of the pub with a small first floor extension of the rear allowing for on site communal meeting facilities and site officer for supported living at All Inn, Lowgates, Staveley, Chesterfield for Rockie White.

Councillors Borrell, Brittain, Callan and Marriott.

CHE/22/00335/FUL – Change of use of existing public house to form four 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.

Councillors Borrell, Brady, Brittain, Callan and Marriott.

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.

Councillors Borrell, Brady, Brittain, Callan and Marriott.

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.

Councillors Borrell, Brady, Brittain, Callan and Marriott.

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

*Matters dealt with under the Delegation Scheme

78 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Barr, Bingham, Catt, Caulfield, Davenport, Gilby, Falconer and Mann.

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

Agenda 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 blocks to North of site (2-one bed flats). Alterations to be made to the conversion of the pub with a small first floor extension of the rear allowing for on site communal meeting facilities and site officer for supported living at All Inn, Lowgates, Staveley, Chesterfield for Rockie White.

Councillor Brady declared an interest in this application as he was related to the applicant.

80 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 31 October, 2022 be signed by the Chair as a true record.

81 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

CHE/20/00700/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)
LAND SOUTH OF WORKSOP ROAD, MASTIN MOOR FOR DEVONSHIRE PROPERTY (MM) LTD

In accordance with Minute No. 299 (2001/2002) Mr David Peck (Agent) addressed the meeting.

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to an agreement under S106 of the Town and Country Planning Act 1990 to secure the following requirements:-

- £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
- £60,000 contribution for cycle connections for route between the development and Markham Vale
- Bolsover Road contribution of £7,500 contribution to investigate speed limit changes
- £80,000 contribution for revisions to traffic lights at Norbriggs
- £1,500 contribution per year until the development is complete for Travel Plan monitoring
- £200,000 contribution for bus stops.

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.
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.
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.

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.

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.
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.
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.
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.
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.

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.

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.
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.
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.

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.
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.
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.

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.
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.
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.
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.

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.
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.
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.
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.

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

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.

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.
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 sit 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.

Ecology and Biodiversity:

- 35. 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.
- 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.
- 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.

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.
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.

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.
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.

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;
 - d) 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.

- 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.

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.
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.

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.

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.
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.
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.
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.
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.

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.

B. That a CIL liability notice be issued as per section 5.16 of The officer's report.

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.

In accordance with Minute No. 299 (2001/2002) Mr Carl Carnell (Objector) addressed the meeting.

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

***RESOLVED –**

That the officer recommendation be upheld and the application be approved subject to an agreement under S106 of the Town and Country Planning Act 1990 to secure the following requirements:-

- £20,000 contribution for the improvements of two bus stops along Seymour Link Road

- £5,075 contribution for travel plan monitoring

- £478,200 (based on a cost of £30,018.08 per habitat unit) contribution 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.

- Employment and Skills Strategy with 10-year monitoring

And subject to the following 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.

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.

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

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.
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.

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 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). Such approved measures will be implemented in full.
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.
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.

- 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.
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.

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.
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.
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.
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.
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.

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.
- 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.

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.

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

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.

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
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.
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.
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.
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.
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.

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.
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.

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.
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.

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.
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.

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.”
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.
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).
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.
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.
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.
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.

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.
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.
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.
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.

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.

In accordance with Minute No. 299 (2001/2002) Mrs Megan Braca (Agent) addressed the meeting.

***RESOLVED –**

That the officer recommendation be upheld and the application be approved 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 and that a CIL liability notice be issued as set out in section 5.12 of the officer's report:-

A

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.
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.

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.

- 4. No development shall commence until:
 - a) A scheme of intrusive site investigation 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 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,
- 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.
- 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.

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.

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.
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.
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.
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.

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).
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.
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.
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.
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
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.
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.
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.
 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.
 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.

- 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.
- 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.
- 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. FGFB

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.

- 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.
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.
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.

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.
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'.
- B. That a CIL liability notice be issued as per section 5.12 of the officer's report.

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, S43 3TX FOR ROCKIE WHITE

Councillor Brady declared an interest in this item and left the meeting at this point.

***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 set out in section 6.8 of the Officer's Report:-

A

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/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)
2. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
3. 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

4. No building or other obstruction shall be located over or within 3 (three) metres of the line of the sewer, which crosses the site.
5. 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.
6. 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 maneuvering of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
7. 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.
8. 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.
9. 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.

10. The external materials for the development shall be in accordance with the details agreed under discharge of condition application CHE/22/00497/DOC.
11. 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.
12. 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.

13. The development shall be carried out in accordance with the agreed Employment, Skills and Local Investment Plan
14. 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.

B. That a CIL liability notice be issued for £9,337.50 as per section 6.8 of the officer's report.

Councillor Brady returned to the meeting at this point.

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

***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 set out in section 5.10 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.
 - Revised plan submitted 21/10/22 - Location Plan, Block Plan, Proposed Elevations and Floor plans

 - Existing Elevations and floor plans

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.

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.

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.
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.
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.
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).

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.

- B. That a CIL liability notice be issued for £15,655 as per section 5.10 of the officer's report.

CHE/22/00554/FUL - 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

***RESOLVED –**

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

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

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

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

(a) Approvals

CHE/21/00455/FUL	Side extension and raised decking area at 8 Boythorpe Road, Boythorpe, Chesterfield S40 2NE for Mr Sanders
CHE/21/00717/FUL	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
CHE/21/00889/RET	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 Mr J Evans
CHE/22/00065/FUL	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
CHE/22/00143/REM	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

- CHE/22/00176/FUL 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
- CHE/22/00216/FUL 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
- CHE/22/00273/REM 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
- CHE/22/00291/FUL Replacement and repair of retaining walls at Royal Court Rear Car Park, Basil Close, Chesterfield S41 7SL for The Rc Managment Company Ltd
- CHE/22/00296/FUL 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) at 72A Hawksley Avenue, Chesterfield S40 4TL for Mr Daniel Power
- CHE/22/00302/FUL 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 at 390 Sheffield Road, Whittington Moor, Chesterfield S41 8LF for Mrs S Barlow
- CHE/22/00322/FUL Dropped kerb to create access and retention of hardstanding to frontage at 37 Ringwood Road, Brimington S43 1DF for Mrs Jane Barnston

CHE/22/00325/FUL	Removal of existing timber shed and erection of new single storey side extension, internal refurbishment and associated works at 37 Coupland Close, Old Whittington S41 9TB for Mr Andy White
CHE/22/00329/FUL	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
CHE/22/00334/OUT	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
CHE/22/00373/COU	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
CHE/22/00388/FUL	Rear/side extension to factory at Units 1 – 4 Highlands Place, Foxwood Road, Sheepbridge, Chesterfield S41 9RN for Direct Engineering
CHE/22/00427/FUL	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
CHE/22/00433/FUL	Single storey side garage extension as 148 Walton Road, Walton S40 3BU for Mr David Allen
CHE/22/00444/FUL	Single storey side and rear extension at 256

	Ashgate Road, Chesterfield S40 4AW for Mr Mark Brookes
CHE/22/00465/FUL	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
CHE/22/00470/FUL	Raised patio to the rear of the property at 6 Kennet Vale, Chesterfield S40 4EW for Mrs Kay Loftus
CHE/22/00479/FUL	External alterations to building, new canopy to loading bay, installation of external plant and erection of external plant enclosure t Ravenside Retail Park, Park Road, Chesterfield S40 1TB for Marks and Spencer
CHE/22/00499/ADV	Replacement of existing signage at 8 Littlemoor Centre, Newbold S41 8QW for PCT Healthcare Ltd
CHE/22/00501/ADV	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
CHE/22/00502/FUL	New shop front at 8 Littlemoor Centre, Newbold S41 8QW for PCT Healthcare Ltd
CHE/22/00512/FUL	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

CHE/22/00526/FUL	Two storey front extension with front canopy at 110 Hady Crescent, Hady, Chesterfield S41 0EA for Mr Mohammad Zubair
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 at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow S44 5BL for Derbyshire Healthcare NHS Foundation Trust
CHE/22/00542/LBC	Demolition and replacement of veranda room at Highfield Hall Primary School, Highfield Lane, Newbold S41 8AZ for Derbyshire County Council
CHE/22/00549/FUL	First floor rear extension and single storey rear extension at 152 Park Road, Chesterfield S40 2LG for Mr Peter Fairhill
CHE/22/00555/FUL	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
CHE/22/00563/FUL	Single storey side and rear extension and tarmacking of frontage at 3 Spital Brook Close, Spital, Chesterfield S41 0GD for Ms Butcher
CHE/22/00574/FUL	Single storey side extension and installation of 6 velux windows to roof space at 16 Churston Road Chesterfield S40 1HP for Mrs Emily Wigston
CHE/22/00576/FUL	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

- CHE/22/00583/FUL 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
- CHE/22/00588/FUL New boundary wall/fence at 5 Westwood Drive, Inkersall, Chesterfield S43 3DF for Mr Adrian Bingham
- CHE/22/00589/TPO 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
- CHE/22/00596/FUL 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
- CHE/22/00601/FUL 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
- CHE/22/00605/LBC 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

- CHE/22/00611/LBC 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
- CHE/22/00612/FUL Single storey rear extension at 47 King Street, Brimington, Chesterfield S43 1HU for Mr Peter Rhodes
- CHE/22/00619/REM 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
- CHE/22/00628/TPO Beech (T1) crown thinning by 25%. Fallen branches and seeds causing damage to property, blocking drainage, guttering caused leaks through the roof at 15 Balmoak Lane, Tapton S41 0TH for Mrs Susan Leighton
- CHE/22/00632/LBC Replace leaking roof slates in a like-for-like fashion at Farmhouse, Inkersall Farm, Inkersall Road, Staveley S43 3YH for Mr Stephen Crooks
- CHE/22/00636/FUL First floor side extension and reconfiguration of existing roof at 86 Church Street North, Old Whittington, Chesterfield S41 9QP for Mr and Mrs Wales
- CHE/22/00639/TPO Tree Removals at 1 Hulford Street, Chesterfield S41 9SF for Raworth

CHE/22/00642/TPO	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
CHE/22/00645/FUL	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
CHE/22/00660/RET	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
CHE/22/00666/TPO	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
CHE/22/00667/TPO	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
CHE/22/00670/FUL	Relocation of 2. existing external ATM's, with associated glazing replacement works at 2-4 Knifemithgate, Chesterfield S40 1TE for Lloyds Banking Group
CHE/22/00671/ADV	New internally illuminated ATM tablet signs, following relocation of ATM's. Existing illuminated surrounds to be removed at 2-4 Knifemithgate, Chesterfield S40 1TE for Mr Abha

- CHE/22/00678/RET Retention of existing hardstanding incorporating engineering works to decrease existing land levels
at 8 Valley Road, Mastin Moor S43 3AR for Mr Ian Newton
- CHE/22/00679/TPO 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 at 1 Rose Hill East, Chesterfield S40 1NU for Mr Gary McCarthy
- CHE/22/00697/TPO 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
- CHE/22/00702/TPO Crown reduction at 115 Storforth Lane, Chesterfield S41 0PZ for Ms Rachael Brooksby
- CHE/22/00703/FUL Replacement single storey extension to front of building and new single storey extension to rear, with associated external works t Rowland Hill House, Block B, Boythorpe Road, Boythorpe, Chesterfield S49 1HQ for Mr Mike Kaciubskyj
- CHE/22/00705/TPO T1 London Plan - cut tree to pollard at 101 Whitecotes Lane, Walton S40 3HJ for Mr Chris Maggs
- CHE/22/00709/TPO 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 Irvine
- CHE/22/00710/TPO 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 identified 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
- CHE/22/00726/TPO 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, footpath and driveway. T18(beech)
clear telephone wires at 670 Chatsworth Road, Chesterfield S40 3NU for Dr Laura Pemberton
- CHE/22/00732/TPO TPO 226 Oak - pruning of branches that are almost touching the house at 1 Loxley Close, Ashgate, Chesterfield S40 4DQ for Mr Ian Griffin
- CHE/22/00733/TPO 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
- CHE/22/00746/TPO Root prune ash tree in the front garden of 15 McMahon 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
- CHE/22/00782/TPO 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

(b) Refusals

CHE/22/00448/OUT	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
CHE/22/00571/CLO	Erection of a single storey rear extension with a flat roof at 2 Deben Close, Walton, Chesterfield S40 3HE for Mr Stephen Potter
CHE/22/00694/NMA	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 at Land To West of Inkersall Road, Staveley, Chesterfield for Barratt David Wilson Homes
CHE/22/00701/DOC	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

(c) Discharge of Planning Condition

CHE/21/00665/DOC	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
CHE/22/00251/DOC	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
- CHE/22/00330/DOC 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
- CHE/22/00417/DOC 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
- CHE/22/00428/DOC 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
- CHE/22/00481/DOC 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

- CHE/22/00558/DOC 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
- CHE/22/00559/DOC 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
- CHE/22/00595/DOC 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
- CHE/22/00626/DOC 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
- CHE/22/00627/DOC 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 A61 Known As Chesterfield
Waterside, Brimington Road, Tapton for
Chesterfield Waterside Limited
- CHE/22/00641/DOC 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
- CHE/22/00646/DOC Discharge of condition 3 (biodiversity) of CHE/20/00487/FUL at 374 Ashgate Road, Chesterfield S40 4DD for Mr Rob Hannan
- CHE/22/00647/DOC 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
- CHE/22/00656/DOC 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
- CHE/22/00663/DOC Discharge of condition 2 (biodiversity) of CHE/22/00069/FUL at 21 Miriam Avenue, Somersall S40 3NF For Mr Michael Long
- CHE/22/00700/DOC 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
- CHE/22/00735/DOC Discharge of condition 7 (landscaping details) of

- CHE/20/00760/FUL at Land Adj. 72 Walton Road,
Walton S40 3BY for Mr Adam Bowler
- CHE/22/00758/DOC 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
- CHE/22/00767/DOC Discharge of condition 2 (slate samples) of CHE/22/00632/LBC at Farmhouse, Inkersall Farm, Inkersall Road, Staveley S43 3YH for Mr Stephen Crooks
- (d) Other Council no objection with comments
- CHE/22/00688/CPO Demolition and replacement of veranda room at Highfield Hall Primary School, Highfield Lane, Newbold S41 8AZ for Derbyshire County Council
- (e) Split Decision with Conditions
- CHE/22/00687/TPO T18 willow tree- prune crown reduce by 50% at Upper Close, 17 Somersall Lane, Somersall S40 3LA for J Salway
- (f) Conditional Consent for Non-material Amendment
- CHE/22/00727/NMA 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

- CHE/22/00752/NMA 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
- CHE/22/00760/NMA 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
- (g) CLUD granted
- CHE/22/00676/CLU 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
- (h) Prior approval not required
- CHE/22/00658/TPD Single storey rear extension at 24 Hazel Drive, Walton S40 3EN for Mr Philip Allen
- (i) Prior approval
- CHE/22/00575/PA 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 Pembroly Rentals Ltd
- (j) Unconditional Permission

CHE/22/00677/NMA	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
CHE/22/00728/NMA	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
CHE/22/00783/CA	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
(k) Withdrawn	
CHE/22/00295/FUL	Single storey flat roof rear extension and pitched roof attached garage at 72A Hawksley Avenue, Chesterfield S40 4TL for Mr Daniel Power
CHE/22/00464/FUL	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
CHE/22/00485/REM	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 at Dunston Hole Farm, Unnamed Road Accessing Dunston Hall and Hole Farm, Chesterfield S41 9RL for Mr and Mrs K. Heppenstall

CHE/22/00486/REM

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 at Dunston Hole Farm, Unnamed Road Accessing Dunston Hall and Hole Farm, Chesterfield S41 9RL for Mr and Mrs K Heppenstall

CHE/22/00600/FUL

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

83 **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/22/00667/TPO Consent is granted to 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

- CHE/22/00702/TPO Consent is granted to the pruning of one Poplar tree reference T1 on the Order Map and which is situated to the rear of 115 Storforth Lane, Hasland
- CHE/22/00705/TPO Consent is granted to the pruning of one London Plane tree reference T1 on the Order Map which is situated to the frontage of 101 Whitecotes Lane with an extended consent to prune the tree on a 3 year cycle (decision will be reviewed 10 years from the date of issue)
- CHE/22/00709/TPO Consent is granted to the pruning of 3 trees consisting of x1 Beech, x1 Sycamore and x1 Willow within in W1 at 15 Foxwood Close, Hasland.
- CHE/22/00710/TPO Consent is granted to the felling of 3 dead Elm trees within W1 on the Order map for at 33 Coupland Close, New Whittington 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 Consent is granted to the pruning of two trees reference T18 Beech and T19 Oak on the Order Map for Dr Pemberton of 670 Chatsworth Road.
- CHE/22/00746/TPO Consent is granted to the root pruning of one Ash tree reference T1 on the Order map at 15 McMahan Avenue, Inkersall.
- CHE/22/00732/TPO Consent is granted to the pruning of one Oak tree reference T1 on the Order Map and which is situated in the garden of 1 Loxley Close, Ashgate.
- CHE/22/00782/TPO Consent is granted to the pruning of two tree reference T12 Maple and T13 Sycamore on the Order Map and which are situated at 7 Hedley Drive, Brimington.
- CHE/22/00687/TPO Consent is refused to the pruning of one Willow tree reference T18 on the Order Map and which is

situated in the garden of 17 Somersall Lane, Somersall.

However, 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.

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

<p>CHE/22/00783/CA The felling of two dead Cherry trees in the grounds of 17 Somersall Lane, Somersall.</p>	<p>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. The trees are within the Somersall Conservation Area.</p>
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(c) Hedgerow Removal Notice (Regulation 5(l))

84 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.

85 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.

86 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.

87 UNAUTHORISED DEVELOPMENT AT 2 PARK HALL AVENUE, CHESTERFIELD, DERBYSHIRE, S42 7LR

The Development Management and Conservation Manager submitted a report to inform members to a breach of planning legislation for the erection of a large section of timber fencing and the enlargement of stone columns across the front garden boundary of 2 Park Hall Avenue, Walton, Chesterfield. Authorisation was being sought for enforcement action to facilitate the removal of the unauthorised fencing and new stonework.

***RESOLVED –**

That authority be granted for the issue of an enforcement notice requiring the removal of the unauthorised fence and stone piers with a compliance period of 28 days.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	9 th January 2023
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 9th January 2023**

ITEM 1	CHE/22/00675/FUL - CONSTRUCTION OF A TEMPORARY CAR PARK AND ASSOCIATED WORKS AT CHESTERFIELD AND NORTH DERBYSHIRE ROYAL HOSPITAL, CHESTERFIELD ROAD, CALOW, CHESTERFIELD FOR DERBYSHIRE NHS FOUNDATION TRUST.
ITEM 2	CHE/22/00438/FUL - DEMOLITION OF MODERN FARM BUILDING AND CONSTRUCTION OF A DWELLING IN GROUNDS OF GRADE II LISTED BARN WITH ASSOCIATED LANDSCAPING WORK PARK HALL FARM, WALTON BACK LANE, WALTON, CHESTERFIELD FOR MR M TAYLOR.
ITEM 3	CHE/21/00131/REM - APPROVAL OF RESERVED MATTERS OF CHE/19/00088/OUT - ERECTION OF DETACHED DWELLING INCLUDING ACCESS AT LAND BETWEEN 34 AND 38 LAKE VIEW AVENUE, WALTON, CHESTERFIELD FOR MR AND MRS LONG.
ITEM 4	CHE/22/00488/FUL - ERECTION OF A RESIDENTIAL DWELLING ON LAND AT 211 LANGER LANE, BIRDHOLME, CHESTERFIELD FOR MITCHELL AND PROCTOR

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ITEM 1**Construction of a temporary car park and associated works at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow, Chesterfield for Derbyshire NHS Foundation Trust**

Local Plan: Unallocated
Ward: St Leonards

Committee Date: 9th January 2023

CONSULTATIONS

Derbyshire Wildlife Trust	Comments made see report
Yorkshire Water	Conditions recommended
Lead Local Flood Authority	No comments to make on this application
CBC Tree Officer	Comments made see report
CBC Forward Planning	Policy CLP10 allows for the expansion of the facilities, which this supports. Temporary use would not be inappropriate.
CBC Design Services Drainage	The site is not at risk of flooding, as the surface is permeable, we have no concerns.
CBC Environmental Health	No adverse comments to make
Highway Authority	No highway safety comments to make recommend one condition regarding the layout of the parking.
Coal Authority	Not within the high risk area so refer to standing advice.
Archaeology	No requirement for archaeological input
Publicity	Site notices and Press contained an error and therefore the full publicity period has not fully expired. See the recommendation below.

2.0 THE SITE

2.1 The application site is an area of green field where the land has been partially raised at some time in the recent past. The land inclines towards the southerly boundary with the field falling away to the north.

The site is outside of the Hospital grounds yet immediately adjacent to car park 7A close to the Macmillan building at the rear of the hospital grounds.

- 2.2 Plover Hill Farmhouse and former Threshing barn are Grade II listed buildings are located to the north east in close proximity to the application site.



3.0 SITE HISTORY

- 3.1 No relevant recent planning history relating to this parcel of land.

4.0 THE PROPOSAL

- 4.1 Planning permission is sought to create a temporary car park of 219 spaces for the construction workers and staff on an area of land of approximately 558 sq metres. 186 spaces will be for contractors and 33 spaces for hospital staff to replace car park 8 which contains 45 spaces and is unavailable due to the construction works. Access to the contractor area will be via a barrier system. Signage is proposed to identify the parking restrictions.
- 4.2 The car park will be accessed from the hospital ring road only with no access to be provided from Wetlands Lane. It is noted that Heras fencing will be installed around the perimeter of the site for security with bulkhead light fittings attached to this.

4.3 The submission notes that the car park is required until works on the Mental Health Unit are completed which is currently anticipated to be in the summer 2024 and the site will then be restored. It is also noted that the car park will ensure that dangerous ad hoc parking due to lack of space within the site will be avoided during the construction process. The developer has confirmed that 220 operatives are intended to be working on the mental health unit at peak times setting out the scale of the car park necessary.

4.4 Proposed layout plan, as amended:



- 4.5 The site has been selected due to proximity to the construction site and ring road around the Hospital. As the car park is temporary the agent has noted that there will be no adverse impacts in the long term.
- 4.6 The application notes the removal of one category C tree to the southern boundary, all other trees will be retained and be protected. A low level lighting scheme is proposed to ensure safety. Further discussions have confirmed that lighting will be activated on a photocell and timer for a period of 3 to 4 hours maximum per day, being in the winter months, from 6.30am to 8am and then 4pm to 6.30pm only.
- 4.7 Through the application process the site of the car park has been moved to the west to ensure appropriate separation from the adjacent trees.
- 4.8 The surfacing of the site is to be tarmac within the circulation spaces and crushed stone for the parking spaces, this is due to likely wear and tear through the period of use particularly during the winter months.
- 4.9 Site images:



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

CLP10 Social Infrastructure

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance
- Impact on Heritage Assets
- Impact on residential amenity
- Highways safety
- Biodiversity and Trees
- Ground conditions and drainage

5.5 Principle of Development

5.5.1 Policy CLP10 states in relation to the Hospital: The quality, functionality and accessibility of existing social infrastructure facilities will be improved at sites including Chesterfield Royal Hospital, Walton Hospital and Chesterfield College, so as to allow for their future expansion. Masterplans will be required to accompany proposals to ensure the sustainable and co-ordinated development of the hospital and college sites.

5.5.2 Whilst the site is outside of the Hospital grounds this remains a relevant policy in terms of being necessary to allow for the approved hospital expansion. However, the policy should be given more limited weight due to being outside the hospital grounds on a green field site.

5.5.3 Policies CLP1 and 2 seek to locate development within walking or cycling distance of key services. In this case the Hospital site is well connected in terms of cycling and public transport routes. Although the site is outside of the hospital grounds it is well connected to the wider site. Policy CLP15 seeks to protect or enhance landscape character (considered under section 5.6 below) and therefore ordinarily such a development on a greenfield site outside of the grounds would not be favourably considered. However, the proposed temporary car park is necessary to allow for the construction works associated with the approved new mental health facility which will bring required infrastructure to the town. Therefore, the provision of a temporary car park to facilitate these works is considered acceptable in principle despite being outside the Hospital Grounds as a temporary and necessary exception to the usual consideration of Hospital expansion. The detailed impacts are considered below.

5.6 Design and Appearance

5.6.1 Policy CLP20 requires that: All development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context. The Council will support outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, provided that they complement the character and appearance of their surroundings.

5.6.2 Policy CLP15 notes that; Development proposals should demonstrate that they will not adversely affect, or result in the loss of, green infrastructure, unless suitable mitigation measures or compensatory provision are provided. The policy also refers to development protecting or enhancing landscape character.

5.6.3 The existing green field has a rural character compared with the hospital site. In terms of appearance the construction of a car park onto this existing green field will adversely impact the character and appearance of the area. However, whilst there will be visual harm the need for the car park as an essential requirement for the functioning of the Hospital site throughout the temporary construction works has to be considered. Whilst there will be some harm as a result of the works proposed, the temporary nature of the works and the need for these are considered to be sufficient to justify that temporary visual harm.

5.7 Impact on Heritage assets

- 5.7.1 Policy CLP21 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.
- 5.7.2 Similarly with the visual impacts noted above, the loss of part of the greenfield will adversely impact the setting of the adjacent listed farm building which are fundamentally associated with their landscaped setting. The harm in this case is considered to be less than substantial harm at the lower end of the scale due to the temporary nature of the works, which in accordance with para 205 of the NPPF can be outweighed by public benefits. The public benefits in this case are the necessary works to enable the construction of the mental health Unit and to avoid dangerous parking with the Hospital grounds as a result of the construction works. Again, the temporary nature of the works ensures that this harm is temporary and will removed once the site is restored.

5.8 Impact on Residential Amenity

- 5.8.1 Policy CLP14 states that; All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts.
- 5.8.2 As raised by local residents there is likely to be some impact from the development which will bring the parking area of the hospital effectively closer to the neighbouring dwellings. This will have impacts in terms of noise and lighting. However, these additional impacts are not considered to be wholly unacceptable given the proximity of the hospital site itself and the lighting being controlled to be within the necessary working hours within the winter time only as set out in para 4.6 above. On this basis the amenity impacts are considered to be reasonable in terms of the temporary nature of the proposal, it should be noted that the temporary time period will be controlled via condition.

5.9 Highways Safety and Parking Provision

- 5.9.1 Policy CLP22 requires proposals to have acceptable impacts in terms of highway safety.

- 5.9.2 The Highway Authority has considered this case and noted that; considering that the mental health unit is granted there are no highway safety comments to make to this application. It is recommended that a condition is included in any permission to ensure the parking is suitably laid out before being brought into use.
- 5.9.3 In line with this advice it is considered that the proposal raises no adverse impacts in terms of highway safety.

5.10 Biodiversity and Trees

- 5.10.1 Policy CLP16 requires development to consider ecological impact and biodiversity gains.
- 5.10.2 This is a temporary car park proposal where net gains are not considered to be a reasonable requirement.
- 5.10.3 Derbyshire Wildlife Trust has considered the scheme and commented that:
“After a review of the proposals, the arboricultural assessment and the PEA, we do not have any significant concerns regarding the temporary car parking arrangements. Category A and B trees appear to be retained outside of proposals and protection measures are specified.

The opportunity could be taken to provide biodiversity enhancements, both during the use of the car park and at the restoration stage. For example, bat and bird boxes could be attached to field and hedgerow trees and boundary features could be strengthened by native hedgerow planting and tree planting, if appropriate.

We do advise that a strategy for restoration should be provided, to include timescales and specifications for any restorative landscaping. We recommend that all restoration works should be sensitive to the rural setting and comprise native species of trees, shrubs, grassland mixes etc, as appropriate

We also advise that a Lighting Plan is secured via condition for the duration the car park is in use, with all lighting to be removed at the end of the temporary period. It is essential that lightspill to the mature field and boundary trees is avoided to avoid potential impacts to bats. Further detail is provided in the Recommendations section of the PEA.”

- 5.10.4 Whilst it is not considered necessary to provide a net gain for the development it is considered reasonable to ensure that the removal of the car park following the temporary use is done in an appropriate way, and a condition is proposed to ensure this with an appropriate restoration scheme.
- 5.10.5 In terms of lighting impacts it is considered that the timing restriction proposed by the agent will ensure that during the majority of the darker hours in the winter the site will be unlit thereby having minimal impact in terms of any wildlife bearing in mind the existing lighting of the wider hospital site.
- 5.10.6 Subject to these conditions the proposal is considered to be acceptable in terms of biodiversity impacts.
- 5.10.7 In terms of tree impacts the Council's Tree Officer has considered the case noting:
"There is a footpath and an area of trees to the west of the site and two individual Oak trees located within the field adjacent to the proposed car park parking area. At the entrance of Ploverhill Farm there is also an old, large Horsechestnut which is approximately 15m from the proposed development site.

Arboricultural Impact Assessment and site layout

An Arboricultural Impact Assessment (AIA) by Temple dated 17th October 2022 has been submitted with the application along with site layout and location drawings RG0004-RYD-00-ZZ-DR-A-2800-S2-P2 & RG0004-RYD-00-ZZ-DR-A-2802-S2-P1.

It is proposed that one low quality Elder tree is removed to facilitate the development which is referenced T10 within the AIA. Section 3.11 of the assessment also states that no tree protection fencing is required for the development as it is assumed the site security fencing (referred to as Heras temporary fencing) will be erected along the boundary of the proposed temporary car park, outside the Root Protection Areas (RPAs) of all retained trees. Prohibited construction activities within the retained tree RPA's are detailed at section 3.16. The Heras fencing was erected at the time of a site visit on the 31st October 2022 and it was noted that the site is outside the RPA's of all the retained trees.

A rising barrier and lighting is proposed so any excavation for the services should be outside the designated RPA's.

Landscaping and restoration

No details have been provided of how long the temporary car park will be in use or when the restoration of the field will be carried out.

There are also no landscaping or screening proposals whilst the car park is in use, or any details of the restoration landscaping. It is therefore recommended that a condition is attached for a landscaping scheme to enhance the character and amenity of the area and to provide a biodiversity net gain. It is also recommended that the temporary car park is moved slightly to the west by approximately 3 metres to allow for any screening and create a buffer zone between the trees and footpath to the east.

Conditions should therefore be attached if consent is granted to the application.”

- 5.10.8 Following these comments the scheme has been revised to provide the buffer zone between the proposed car park and the existing trees. It is not considered that a landscaping scheme should be imposed given the temporary nature of the development, which would not allow for an effective landscaping scheme. However, as part of the restoration of the site landscaping details will be required, including a replacement of the removed tree, this is included in recommended condition 1.

5.11 Ground conditions and drainage

- 5.11.1 Policy CLP14 requires that ground conditions are appropriate to ensure site safety. Policy CLP13 requires that development does not increase the risk of flooding elsewhere.
- 5.11.2 In terms of ground conditions the Coal Authority has noted that the site is outside of the high-risk area for former coal mining activity and therefore a standard informative should be included in any decision notice.
- 5.11.3 In terms of drainage Yorkshire Water has noted: “If planning permission is to be granted, then a condition should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.”
- 5.11.4 The Lead Local Flood Authority has not made comment and the Council’s Design Services Drainage team has raised no concerns. The surfacing of the site is to be porous which will ensure that the site can still allow any surface water to soak into the ground. On this basis the proposal is considered to be acceptable in line with policy CLP13.

6.0 **REPRESENTATIONS**

6.1 8 objections received from local residents raising the following concerns:

- The site is adjacent to Grade II listed Plover Hill Farm and Threshing barn.
- The submission implies the temporary car park is not visible from the listed properties, whereas it is separated by a footpath and sparse tree cover. It is very visible from the listed buildings.
- The development would have a detrimental effect on the open rural character of the fields behind the hospital, it is visually inappropriate and will adversely impact biodiversity.
- It is intended to be in place until the mental health unit is completed which is not an insignificant period.
- The proposal would have a negative impact on the setting of adjacent listed buildings.
- The extent of vehicle movements and lighting will adversely impact the peaceful nature of the setting and residents amenity.
- Recent cycle route proposals are supposed to encourage walking and cycling, the car park as part of this route would have an adverse impact.
- No clear duration of the car park is proposed, and permission should be for a set period and with a reinstatement.
- Have all other options for the provision of parking been considered?
- The mental health unit application included site cabins, why is this car park now necessary?
- 186 contractor parking spaces seems excessive. This should only be allowed for the minimum necessary parking spaces.
- Why are the 33 spaces for the staff needed with hybrid working and the drive to reduce commuting, could this be absorbed within the hospital grounds?
- Recent building works have seen an increase in surface water run off. The site of the car park is low lying and prone to being water logged any run off should not impact neighbouring properties.
- Grass reinforcement systems should be considered.
- The site is raised spoil from the construction of the Macmillan unit. How is this spoil to be dealt with?
- We do not want this to become a permanent car park.
- It should be removed within 6 months of the new unit being opened.
- This will be harmful to the character of the area.
- No justification is provided as to why this is necessary

- This is out of scale with other major construction schemes undertaken at the site.
- This will cause disturbance to local residents.
- Wildlife has declined in the area in recent years, this will impact on wildlife, particularly any lighting.

6.2 Officer response:

It is noted in the submission that the area used during the construction of the Macmillan Unit only accommodated 30 vehicles so this would not be an appropriate alternative as suggested by local residents.

Other matters raised are covered 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 works will adversely impact the visual amenity of the area and the setting of listed buildings. However, the temporary nature of the proposed car park is considered to be acceptable subject to conditions relating to the temporary period, a restoration scheme and restriction of lighting. On this basis the proposal is considered to be necessary for the infrastructure growth of the Hospital site in line with policy CLP10.

10.0 RECOMMENDATION

10.1 As the corrected publicity has not expired the committee is requested to give delegated authority to the Development Management and Conservation Manager to grant permission in line with detailed recommendation below once the publicity period has expired and on the basis that no new issues are raised through that remaining publicity period.

On this basis it is recommended that the application be **GRANTED** subject to the following conditions:

Conditions

1. This permission is valid for a limited period only, expiring on a date 2 years from the date of this decision or within 2 months of the occupation of the Mental Health unit, whichever comes first. On or before that date the hard surfacing, barrier and fencing hereby approved shall be removed from the site. The land shall be restored to its former condition, in line with a detailed landscaping scheme and associated timing schedule, which shall be submitted to and

agreed in writing by the Local Planning Authority before the expiry of this permission.

Reason: The development is of a type not considered suitable for permanent retention in accordance with policies CLP20 and 21 of the of the Adopted Local Plan.

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).

Amended layout plan 2802 Rev P4 received 15.12.2022

Location plan 2800 Rev P2 received 29.09.2022

Heras fencing specification received 22.09.2022

Rising barrier specification received 22.09.2022

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

3. No 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

4. The security fencing as shown on drawing RG0004-RYD-00-ZZ-DR-A-2802-S2-P1 shall also be used as tree protection fencing and there shall be no storage of materials, machinery, or any other construction activity to the north, east and west boundaries unless the Local Planning Authority gives its written consent to any variation. The fencing shall remain in situ until the development and restoration of the site is completed.

Reason: In the interest of protecting adjacent trees in line with policy CLP16 of the Adopted Local Plan.

5. The tree protection measures contained within the Arboricultural Impact Assessment (AIA) by Temple dated 17th October 2022 shall adhered to throughout the development of the temporary car par and restoration phase unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of protecting adjacent trees in line with policy CLP16 of the Adopted Local Plan.

6. There shall be no excavations for the security barrier or lighting within the designated root protection areas of the retained trees.

Reason: In the interest of protecting adjacent trees in line with policy CLP16 of the Adopted Local Plan.

7. The lighting serving the proposed car park shall only be illuminated (switched on) between the hours of 6.30am to 8am and then from 4pm to 6.30pm within the winter months. At all other times there shall be no on-site illumination (the lights shall be switched off).

Reason: in the interests of residential amenity and wildlife in accordance with policies CLP14 and 16 of the Adopted Local Plan.

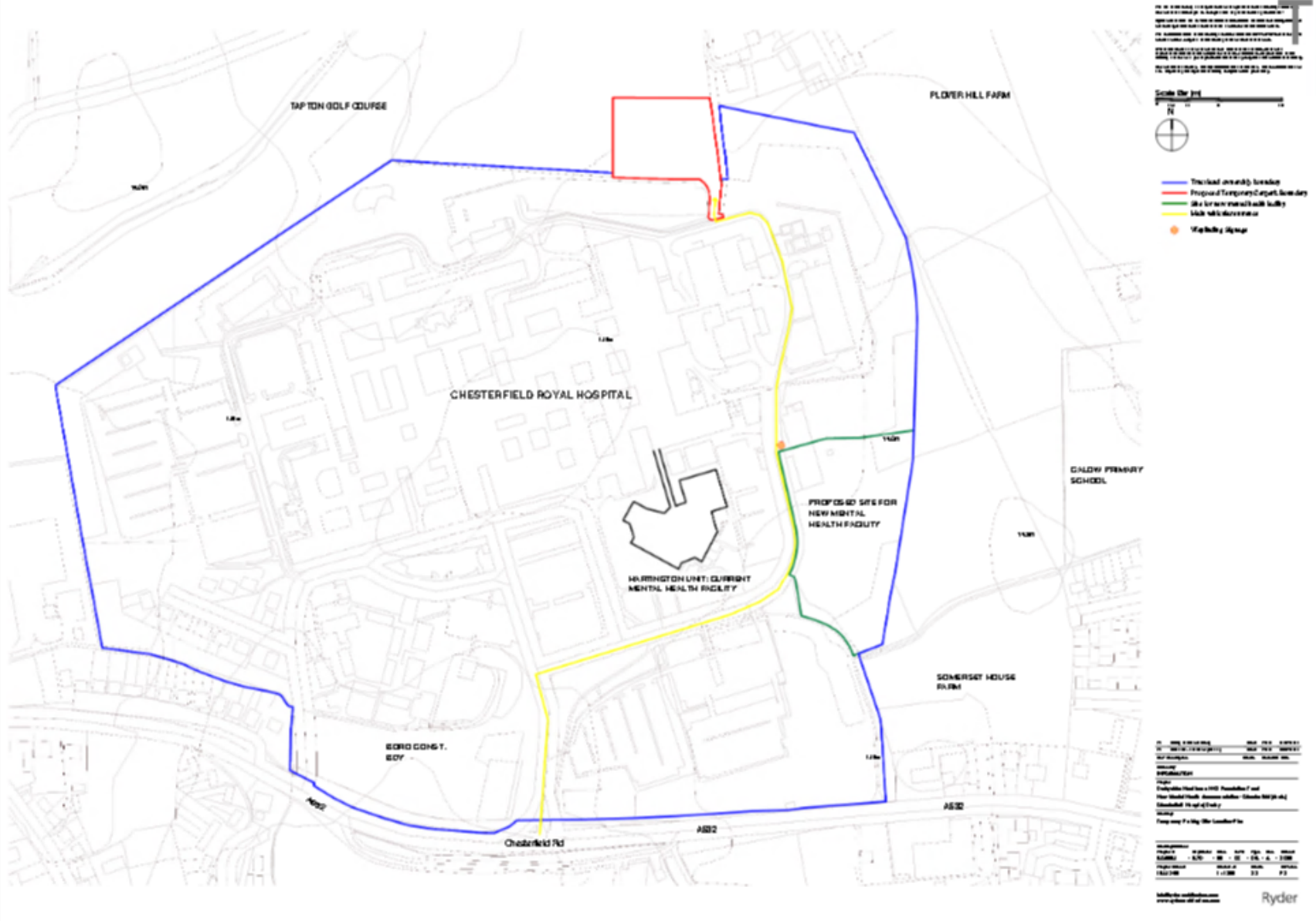
8. The car park shall not be taken into use until space has been fully provided within the application site in accordance with the application drawings, laid out, surfaced and which shall be maintained throughout the life of the development free from any impediment to its designated use.

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

Informatives:

1. Yorkshire Water Note:

The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site. The landowners consent will be required for the construction of a new outfall structure.



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ITEM 2**DEMOLITION OF MODERN FARM BUILDING AND CONSTRUCTION OF A DWELLING IN GROUNDS OF GRADE II LISTED BARN WITH ASSOCIATED LANDSCAPING WORK PARK HALL FARM, WALTON BACK LANE, WALTON, CHESTERFIELD FOR MR M TAYLOR**

Local Plan: Unallocated, within the built up area

Ward: West

1.0 CONSULTATIONS

Ward Members	No comments received
Local Highways Authority	No objections to the application in principle. Existing access off Walton Back Lane benefits from acceptable levels of emerging visibility in either direction within highway limits due to width of fronting footway/margin. Existing driveway would benefit from an increase in width at either end of the driveway are intervisible therefore considered there are no grounds for a highway objection. Proposal demonstrates sufficient levels of off-street parking. Space for parking in front of the garage serving unit 4 appears to exceed 6.5m setback and the drainage layout indicates provision of a channel drain across the site entrance to mitigate surface water run off to the public highway. Conditions recommended covering site compound arrangements, provision of parking, removal of pd rights for garaging, no gates/barriers and informatives.
Tree Officer	No objections subject to tree protection measures contained within the submitted AIA and TPP be imposed by condition
DCC Tree Officer	No comments received
DCC Rights of Way Officer	No objections to the proposal as the route will be ultimately unaffected by the proposed works. Recommended informative notes

Design services drainage	Site located within flood zone 1 and not in area impacted by surface water flooding. Developer will need to consider the hierarchy of surface water disposal. There appears to be unmapped surface water and foul water public sewers running through the site from 209 Walton Back Lane that run underneath the proposed development. The developer has mentioned the diversion of the surface water sewer which will require prior arrangement with Yorkshire Water and may require a building over agreement and easements. Connections to existing public sewerage systems will require prior approval from Yorkshire Water and any amendments to drainage may require building control approval.
Yorkshire water	No comments received
Environmental health Conservation officer	No comments received Regarding the proposed separate dwelling, I have no objections. In terms of scale, design and materials it is appropriate in my view and will enhance the setting of the barn (given that the existing structure on the site is a functional corrugated agricultural building with no character or significance).
Chesterfield civic society	We are happy to support all three applications. The scheme has been designed by a reputable local architect with considerable relevant experience and will produce two attractive dwellings from a barn which is no longer used for its original purpose, together with one new dwelling. We can see nothing to object to in the proposals. – comments made in respect of submitted heritage, design and access statement, written scheme of investigation and history of building
DCC Archaeology	I submit that there will be a loss of historic fabric, legibility and authenticity to the historic building, meriting production of a pre-conversion historic building record as indicated at NPPF para 205. There will also be impacts to below-

ground archaeology associated with the early post-medieval activity on and around the site, occasioned by the lowering of ground levels within the barn and other external groundworks to create access, landscaping and the new build dwelling. These should also be addressed by archaeological recording (monitoring during groundworks) in line with NPPF para 205. I recommend that the submitted WSI is acceptable in each case, and that the following condition is therefore attached to *each separate consent* granted against any of the three applications

Derbyshire
Wildlife Trust

Comments received – modern barn

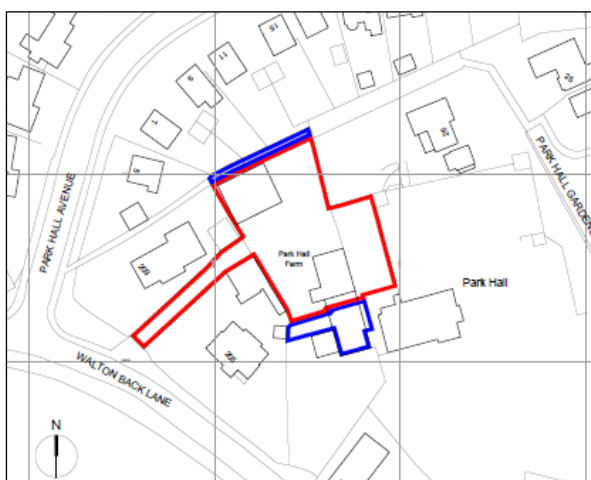
Representations 3 representations received – see report

2.0

THE SITE

2.1

The site subject of this application comprises of barns and land associated with Park Hall Farm, with vehicular access taken from Walton Back Lane. On the site there is a listed stone barn and a modern barn adjacent to the northern boundary of the site. The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Extract of submitted location plan ©



Aerial photograph taken from
Google maps ©

- 2.2 The site forms part of the setting of Grade II listed barn, historic England reference 'Barn incorporating cottage at Park Hall Farm', listing entry number 1334697 (listed in 1977). The official listing is as follows;
- '2. C17/early C18. large barn of coursed stone rubble with quoins and stone slate roof (some patching). Coped gables. Eastern facade has end doors with massive quoins and lintels. Centre door also with quoins originally but now partly filled in With brick and a window. Opposite this former western wagon entrance projects under stone slate roof. A cottage contrived in the south end of the barn probably during the earlier C19.'*
- 2.3 The listed barn is subject to separate applications for residential conversion to two residential units (see site history applications CHE/22/00436/FUL and CHE/22/00437/LBC). Determination of the applications is currently pending with ongoing discussion regarding protected species and associated bat surveys. The southern end of the barn has already been converted to a residential dwelling and is occupied.
- 2.4 To the east of the listed barn is Grade II listed 'Park Hall', list entry number 1203414 (listed 1968). The official listing is as follows;
- '2. Generally of C17 date but some features stylistically earlier and suggest C16 work. The entrance has a reset panel above it inscribed:- 1661 A P I F I. Of coursed rubble with quoins. Main or southern facade of 2 storeys but with eastern projecting gabled wing of 3 storeys. Stone slate roof with copied gable. Diagonal chimney stacks (probably rebuilt). A blocked window on each floor in angle between gabled wing and rest of building. 3 windows, stone mullions, those in gabled wing and all ground floor with dripstone moulds. Of 2, 3 and 4 lights, casements with glazing bars, the top lights with shallow arches. Former off centre door with cambered head, now modern glazing. 1 slope top dormer. 1 storey western outshut contains entrance. Rear gable looks earlier. Interior has some plaster moulded ceilings decorated with roses, oak leaves acorns and blackberries possibly of C16 date. Fireplace and some 6 panelled doors'*
- 2.5 The site is level and provides vehicular access to the existing partially converted listed barn (referred to in the submission as unit 1). The private access also serves to No 209 Walton Back Lane.

2.6 The site is bound by trees protected by Tree Preservation Order (DCC Order 52 – Area 8) including a large sycamore immediately adjacent to the modern barn structure (see photos).



Photos of the application site and modern barn building



Private access from
Walton Back Lane

Listed barn and existing
converted dwelling

2.7 Consent was granted in 2018 for the redevelopment of the site (see site history). The previously approved scheme expired in June 2022 and the current proposal is a re-submission of the previous scheme. The current proposal is largely the same, however the application has been split into a detached dwelling (subject of this application) and works to the listed barn (CHE/22/00437/LBC and CHE/22/00436/FUL). The design and layout of the current proposal

reflects the previous submission, the only alteration is the location of the detached garage which is now proposed to be situated closer to the northern boundary to provide a larger driveway parking space.

3.0 SITE HISTORY

- 3.1 CHE/22/00437/LBC - Renovation and conversion of part of grade II listed barn to create two dwellings with associated landscaping work – **pending determination**
- 3.2 CHE/22/00436/FUL - Renovation and conversion of part of grade II listed barn to create two dwellings with associated landscaping work – **pending determination**
- 3.3 CHE/18/00692/LBC - Renovation and conversion of part of grade II listed stone barn to create two dwellings, construction of new single-storey dwelling in grounds with associated landscaping work – **conditional permission (11.06.2019)**
- 3.4 CHE/18/00691/FUL - Renovation and conversion of part of grade II listed stone barn to create two dwellings, construction of new single-storey dwelling in grounds with associated landscaping work – **conditional permission (11.06.2019)**
- 3.5 CHE/0990/0641 - Outline application for the erection of one bungalow - **refused 19.02.1991.**
- 3.6 CHE/0990/0642 - Conversion of barn into two residential units - **conditional permission 19.02.1991.**

RELEVANT SITE HISTORY AT PARK HALL

- 3.7 CHE/0600/0397 - Listed Building Consent for alterations to form caretakers flat – **conditional permission (25.08.2000)**
- 3.8 CHE/0395/0149 - Conversion of outbuilding to habitable accommodation – **found to be permitted development (19.04.1995)**

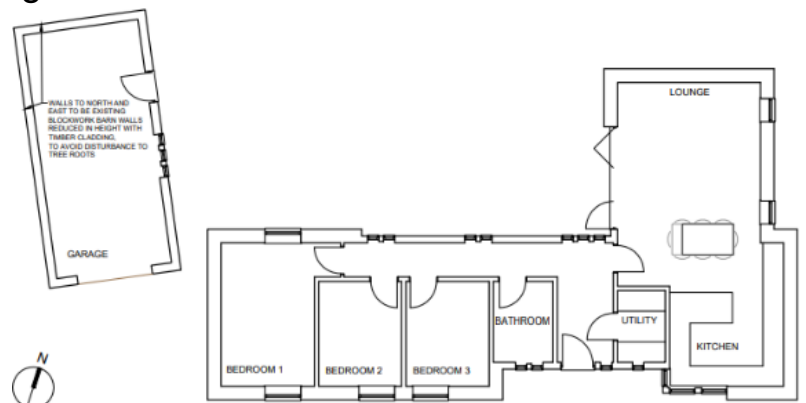
4.0 THE PROPOSAL

- 4.1 The application proposes the demolition of the modern farm building and the construction of a residential dwelling. Proposed dwelling is single storey in character with a dual pitched roof form and 'L-shaped' footprint. The submitted plans propose a slate roof with facing stone walling, timber windows and stone cills with feature glazing and timber cladding.



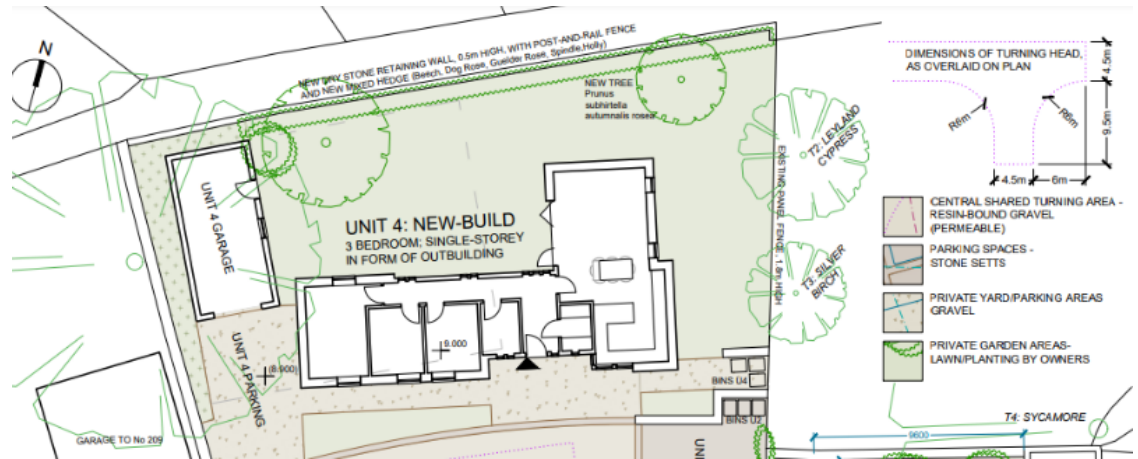
Proposed elevations

4.2 The overall gross internal floorspace of the dwelling is approximately 111sqm and will create three bedrooms, a shared bathroom, utility and open plan kitchen/lounge. A separate detached garage is proposed to the north west of the dwelling which is designed to reflect the new dwelling. To limit potential impacts on the root protection area of the protected tree existing blockwork of the barn will be retained to the north and east elevations and faced in timber cladding to minimize root disturbance.



Proposed floorplan

4.3 The proposal will provide an acceptable level private amenity space which exceeds the minimum recommendations as set out by the adopted Supplementary Planning Document 'Successful Places'. The submitted site plan indicated a proposed new dry stone retaining wall to the northern boundary running adjacent to the existing public footpath (Chesterfield FP 157) linking Walton Back Lane/Park Hall Avenue with Park Hall Gardens. Landscaping plans propose a new mixed native hedge adjacent to the northern boundary, tree planting and gravel parking.



Extracted of proposed site plan

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

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

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

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

Supplementary Planning Documents

- Successful Places

5.3 **National Planning Policy Framework**

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport

- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment
- Part 16. Conserving and enhancing the historic environment

5.4 Principle of Development

Relevant Policies

- 5.4.1 The application site is unallocated and is positioned within the built up area therefore policies CLP1 and CLP2 are of relevance.
- 5.4.2 Policy CLP1 sets out 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.
- 5.4.3 Policy CLP2 states that when *'Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council's Spatial Strategy (policy CLP1);*
 - b) are on previously developed land that is not of high environmental value;*
 - c) deliver wider regeneration and sustainability benefits to the area;*
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
 - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
 - h) are not on the best and most versatile agricultural land;'*

Considerations

- 5.4.4 The principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The application site is located within walking and cycling distance of key services located in the defined Walton Local Centre with access to public transport therefore the proposal is considered to accord with the principles of CLP1 and would largely accord with CLP2. The

proposal is within the settlement boundary and would introduce additional housing within the existing built up area and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

5.5 Historic Environment, Listed Buildings and Archaeology

Relevant Policies

- 5.5.1 Local Plan policy CLP21 states that in assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.
- 5.5.2 Section 16 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance and continues to states 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. Paragraph 205 require 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 accessible⁶⁹. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 5.5.3 Consultation was undertaken with the Council's Conservation Officer, Derbyshire County Council Archaeologist and the local Civic Society.
- 5.5.4 The Conservation Officer raised no objections to the development with the following comments *I have no objections. In terms of scale, design and materials it is appropriate in my view and will enhance the setting of the barn (given that the existing structure on the site is a functional corrugated agricultural building with no character or significance)*. Conditions were recommended covering works to the listed barn and external materials.

5.5.5 The Derbyshire County Council Archaeologist provided comments in respect of all applications on the site. Key extracts of the full comments are set out below;

'Park Hall Farm contains two Grade II Listed Buildings, the 17th century house at Park Hall itself, dating from 1661 (Derbyshire HER 3957 and an associated barn thought to date between the 17th and early 18th century, with a cottage 'contrived in the south end of the barn probably during the earlier 19th century'. The north end of the barn forms the subject of the current applications. The ensemble represents an early focus of activity within the former medieval deer park at Walton (HER 14619).

Should the local planning authority be minded to grant consent against these policies, I submit that there will be a loss of historic fabric, legibility and authenticity to the historic building, meriting production of a pre-conversion historic building record as indicated at NPPF para 205. There will also be impacts to below-ground archaeology associated with the early post-medieval activity on and around the site, occasioned by the lowering of ground levels within the barn and other external groundworks to create access, landscaping and the new build dwelling. These should also be addressed by archaeological recording (monitoring during groundworks) in line with NPPF para 205.

The previous applications on the site were for the conversion and new build elements as a piece, and the consents included an archaeological condition requiring historic building recording and archaeological monitoring as per the comment above. A WSI for this work was submitted this year by the applicant's archaeological consultant as we indicated that the document was acceptable. This WSI is now submitted as part of each of the three separate applications made here (the conversion now separated out as 22/00436-00437 and the new build covered by 22/00438). I recommend that the submitted WSI is acceptable in each case, and that the following condition is therefore attached to each separate consent granted against any of the three applications'

5.5.6 A condition was recommended by the Archaeologist requiring the development to be undertaken in accordance with the agreed written scheme of investigation.

5.5.7 The local Civic Society raised no objections to the development and made additional comments regard the detail submitted in the heritage, design and access statement, written scheme of investigation and history of building

5.5.8 The proposed demolition of the existing modern barn and the erection of a new single storey dwelling will impact the setting of the listed barn and wider setting of Park Hall. It is considered that the impact of the development on the significance of the heritage assets amounts to less than substantial harm to its significance. The introduction of a new detached dwelling within the courtyard setting of the listed building creates additional built form surrounding the existing stone barn. In allowing further development within the site this will enable the renovation and repair of the listed barn which requires notable works as set out in the submitted structural investigation and heritage, design and access statement. The single storey nature of the proposed development reflects traditional smaller scale stone outbuildings and is considered to be appropriate in this setting which is surrounded by modern residential development (see further discussion on design in the following section). On balance the proposal accords with the provisions of Local Plan policy CLP21 and the NPPF.

5.6 Design and Appearance of the Proposal

Relevant Policies

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

Considerations

5.6.2 The proposed dwelling is single storey in character formed of a dual pitched slate roof with facing stone and timber cladding detail. The massing and scale of the development reflects single storey subservient traditional farm buildings and is acceptable in the site context. Proposed materials requires careful consideration in the immediate site context and should be controlled by condition. The application proposes facing stone, timber windows, timber cladding and a slate roof which is considered to be acceptable in principal in

the context of the character and appearance of the surrounding area.

- 5.6.3 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21.

5.7 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.7.1 Local Plan policy CLP14 states that *'All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts'*
- 5.7.2 Local Plan policy CLP20 expects development to *'k) have an acceptable impact on the amenity of users and neighbours;'*

Considerations

- 5.7.3 The proposed development is single storey in character and therefore the development will not adversely impact upon adjoining or adjacent neighbouring properties and adequate separation distances are secured between the development and all neighbours.
- 5.7.4 As the application site is surrounded by residential dwellings it is recommended that a condition be imposed controlling the hours of construction works in the interests of neighbouring amenity
- 5.7.5 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.8 Highways Safety, Parking Provision, Air Quality and Impact on Public Footpath

Relevant Policies

- 5.8.1 Local Plan policy CLP20 expects development to *'g) provide adequate and safe vehicle access and parking and h) convenient and attractive environment for pedestrians*

5.8.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking.

Considerations

5.8.3 The Local Highways Authority raised no objections to the application in principle. In the submitted comments the Highways Officer stated that the existing access off Walton Back Lane benefits from acceptable levels of emerging visibility in either direction within highway limits due to width of fronting footway/margin. The Highways Officer highlighted that the existing driveway would benefit from an increase in width at either end of the driveway are intervisible therefore considered there are no grounds for a highway objection. The proposal is considered to demonstrate sufficient levels of off-street parking and the space for parking in front of the garage serving unit 4 appears to exceed 6.5m setback. The proposed garage meets the minimum internal dimensions as set out in the adopted SPD Successful Places to be classified as a parking space. The submitted drainage layout indicates provision of a channel drain across the site entrance to mitigate surface water run off to the public highway. Conditions recommended by the Highways Officer covering site compound arrangements, provision of parking prior to occupation, removal of pd rights for garaging, no gates/barriers and included a list of informatives to be attached to the decision

5.8.4 The Public Rights of Way Officer reviewed the scheme and raised no objections to the proposal as the route will be ultimately unaffected by the proposed works and recommended informative notes by attached to the decision

5.8.5 In so far as Air Quality, one electric charging point should be installed per dwelling as part of the build phase and controlled by condition.

5.8.6 Subject to conditions as detailed above the development complies with the requirements of CLP20 and CLP22.

5.9 Flood risk, Drainage and Water Efficiency

Relevant Policies

5.9.1 Local Plan policy CLP13 states that *'The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that*

developments are made safe for their lifetime without increasing flood risk elsewhere.

Development proposals and site allocations will:

a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;

b) be directed to locations with the lowest impact on water resources;

c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.

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

Considerations

- 5.9.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water
- 5.9.4 The Design Services (Drainage) Team reviewed the application and highlighted that the developer will need to consider the hierarchy of surface water disposal and noted that there appears to be unmapped surface water and foul water public sewers running through the site from 209 Walton Back Lane that run underneath the proposed development. The developer has mentioned the diversion of the surface water sewer which will require prior arrangement with Yorkshire Water and may require a building over agreement and easements. No comments were received from Yorkshire Water.
- 5.9.5 Subject to the imposition of relevant conditions the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.10 Ground Conditions and Land Stability

Relevant Policies

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

use and shall include:

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

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

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

Considerations

- 5.10.3 The application site is not located in area considered to be at ‘high risk’ of former Coal Mining Legacy, therefore standing advice from The Coal Authority applies.
- 5.10.4 Having regards to the provisions of CLP14 and the NPPF the application was referred to the Council’s Environmental Health Officer for comments. No comments were provided by Environmental Health, however they previously offered no objections to the submissions in 2018.
- 5.10.5 The proposal is considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

5.11 Biodiversity Including Impact on Protected Trees and Landscaping

Relevant Policies

- 5.11.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity'*
- 5.11.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

Considerations

- 5.11.3 The application is supported by a biodiversity enhancement plan, bat activity survey report (dated 2019), arboricultural impact assessment (AIA) and bat survey reports.
- 5.11.4 Immediately to the west of the existing modern barn building is a mature sycamore protected by Derbyshire County Council Tree Preservation Order. The DCC Tree Officer was consulted on the scheme and no comments were provided.
- 5.11.5 Chesterfield Borough Council Tree Officer reviewed the submitted documents and highlighted that the main tree impacts as set out in the submitted AIA follows;
- Two proposed areas for parking within trees' RPAs are to be constructed using an above-ground installation of 3-dimensional cellular surfacing (Cellweb or similar).
 - A garage proposed within a sycamore's RPA is to be constructed within the footprint of an existing barn (itself to be demolished).
 - All new drainage and underground services are to be routed outside of all trees' RPAs.
- 5.11.6 The CBC Tree Officer raised no objections to the development and stated that a Tree Protection Plan (TPP) has been included within the AIA at section 5 of the report which follow the guidelines in BS5837: 2012 'Trees in relation to design, demolition and construction: Recommendations' and provide adequate protection measures so that there are no significant or noticeable effect on the health of any of the retained trees, neither in the short or long-term subject to the development complying with the tree protection measures within the AIA and TPP by Jon Coe Tree Consultancy which should be controlled by condition.

- 5.11.7 The submitted bat activity survey which stated that the open fronted steel barn had negligible suitability for roosting and/or hibernating bats as it lacked any suitable features. Derbyshire Wildlife Trust reviewed the submitted details and confirmed that there would be no protected species constraints with regards to the steel framed barn.
- 5.11.8 Proposed landscaping is indicated on the submitted site plan and it is recommended that full details should be controlled by condition.
- 5.11.9 Subject to conditions as recommended above the development accords with the requirements of CLP16 and the NPPF.

5.12 Developer Contributions and Community Infrastructure Levy

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

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	111	0	0	£80.00 High Zone	355	288	£10,945

Calculation:

CIL Charge (E) is calculated as outlined below:

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

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

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

$$\frac{111 \times £80 \times 355}{288} = £10,945$$

288

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and site notice. Three representations have been received and are summarised below (see representations for full comments). It is necessary to note that some aspects of the comments refer to works proposed to the stone barn under separate application CHE/22/00436/FUL

- Overlooking/loss of privacy - Planting to obscure windows may not be effective in short term. Proposed development encroaches on privacy, noted that it falls with regulations (separation distances) but this does not alter concerns
- Waste disposal - Proposed development is to west of property and direction of prevailing winds therefore concerns raised regarding the removal of any asbestos cladding to the barn. Concerns regarding removal of waste and issues with smoke arising from bonfires on the site
- Has applicant considered converting barn into a single two storey dwelling with internal garaging to reduce development costs
- Occupation of dwellings - Proposed development may be intended for investment purposes which could result in a higher turnover of occupancy and higher noise disturbance levels to neighbours and higher traffic pollution
- Noise/disturbance from occupants - Existing issues with noise disturbance from surrounding properties on Park Hall Avenue. Development may lead to such issues becoming worse
- Highway safety, access and parking - There is already one rented property on the site with tenants who have three vehicles. The proposal seeks to create two – four bedroom dwellings and one – three bedroom dwelling which will mean the driveway will service around 8 vehicles not including the occupants at No 209. Frequently find that a vehicle has to wait at the entrance to the driveway until the driveway is clear due to the width which could be a potential hazard to traffic flow on Walton Back Lane and to traffic turning into the lane from Park Hall Avenue. Entrance to the road is shared and two vehicles cannot pass side by side. Noted an incident where there was not enough space to wait on the pavement with a vehicle coming down the road leading to a vehicle waiting/sticking out in the highway on Walton Back Lane nearly causing an accident

- Protected species - Noted that there is to be a review of bat nesting/roosting site during the course of the summer. Bats have been seen in the area but unable to identify nesting/roosting site.
- Stone barn - Concerns raised regarding the maintenance of the grade II listed barn and stone roof tiles falling
- Bin storage - Plans state that a bin store will be on the pavement which could be up to 12 bins on collection day

6.2 Officer comments

- Overlooking/loss of privacy – acceptable levels of separation are proposed between the new detached dwelling and surrounding residential properties which meet the recommendations set out in the adopted SPD Successful Places
- Waste disposal – the applicant would be required to comply with relevant waste disposal regulations if asbestos was present. Concerns regarding bonfires which lead to nuisance should be raised with Environmental Health
- Occupation of dwellings – the proposal is for C3 residential use which could be let or sold.
- Noise/disturbance from occupants -undue disturbance arising from neighbours such as barking dogs, noise/music etc can be raised with Environmental Health for investigation
- Highway safety, access and parking – the Local Highways Authority reviewed the scheme and raised no objections to the proposal. See section 5.8 of report
- Protected species – see section 5.11 of report
- Stone barn – works to the stone barn are to be considered separately under applications CHE/22/00437/LBC and CHE/22/00436/FUL
- Bin storage – the submitted site plan shows bin storage areas for each unit within the application site. The site plan shows that there is sufficient space to leave bins on the pavement on bin collection day.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

9.0 CONCLUSION

9.1 The proposal would introduce additional housing within the existing built up area and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. The proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area and less than substantial harm to the setting the listed buildings. Subject to conditions the proposal will therefore accord with the provisions of policy Local Plan policy CLP20 and CLP21. Due to the siting and scale of the proposal the proposal is not considered to cause significant adverse impacts on the residential amenity of the adjoining neighbours and therefore accords with the amenity considerations of Local Plan policies CLP14 and CLP20. Subject to conditions no highways safety concerns arise and it is considered the site can accommodate sufficient parking for the proposed dwellings therefore subject to conditions the proposal accords with the requirements of CLP20 and CLP22. Subject to conditions and the submission of further details controlled by condition covering drainage and biodiversity the proposal is considered to accord with the principles of CLP13 and CLP16 and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

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

Conditions

Standard time frame

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

Reason - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

Approved plans and documents

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

The approved plans relate only to the demolition of the existing modern barn and for the construction of a new detached single storey dwelling.

- Site and Block Plan – New build, drawing number P-10
- New Build Unit 4, drawing number P-06
- Parking details, drawing number P-10

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

Development undertaken in accordance with submitted WSI

3. No development shall take place other than in accordance with the agreed Written Scheme of Investigation for historic building recording and archaeological monitoring: Park Hall Farm Barn, Walton Back Lane, Walton, Derbyshire. Written Scheme of Investigation for Historic Building Recording (The Jessop Consultancy, May 2022). All elements of work within the WSI will be completed as approved unless otherwise agreed in writing by the local planning authority

Reason – In accordance with the requirements of the NPPF and paragraph 205.

Tree protection measures

4. The tree protection measures outlined in the Arboricultural Impact Assessment and Tree Protection Plan by Jon Coe Tree Consultancy Ltd reference JC/343/220518 shall be adhered to at all times throughout any demolition and construction phases. The development shall be implemented in strict accordance with the approved details unless otherwise agrees in writing by the Local Planning Authority.

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.

Highways - site compound

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

Reason – To ensure adequate space is retained for site storage during the construction period in accordance with CLP22.

Highways - parking provision provided prior to occupation

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

Reason - In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22.

Highways - removal of pd rights for garaging

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

Reason – In the interests of highway safety

Separate foul and surface water

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

Reason - In the interest of satisfactory and sustainable drainage and in accordance with CLP13

Hours of construction

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

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

Landscaping details

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

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

Reason - In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with CLP16 of the Local Plan.

Retention of soft landscaping

11. 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.

Reason- To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

Materials

12. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the

local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

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

Removal of pd rights for outbuildings, extension, fencing, gates, walls

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling, no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To ensure appropriate development is maintained within the setting of the listed buildings Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

No gates or barriers

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

Reason - To ensure clear unobstructed access to the site in the interests of highway safety and in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Electric vehicle charging

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.

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

Water efficiency

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

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

Biodiversity enhancements

17. The biodiversity enhancements as set out on approved drawing 'Biodiversity – New Build Unit 4', drawing number P-12 shall be implemented in full prior to the occupation of the development and maintained thereafter.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL

charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

4. 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

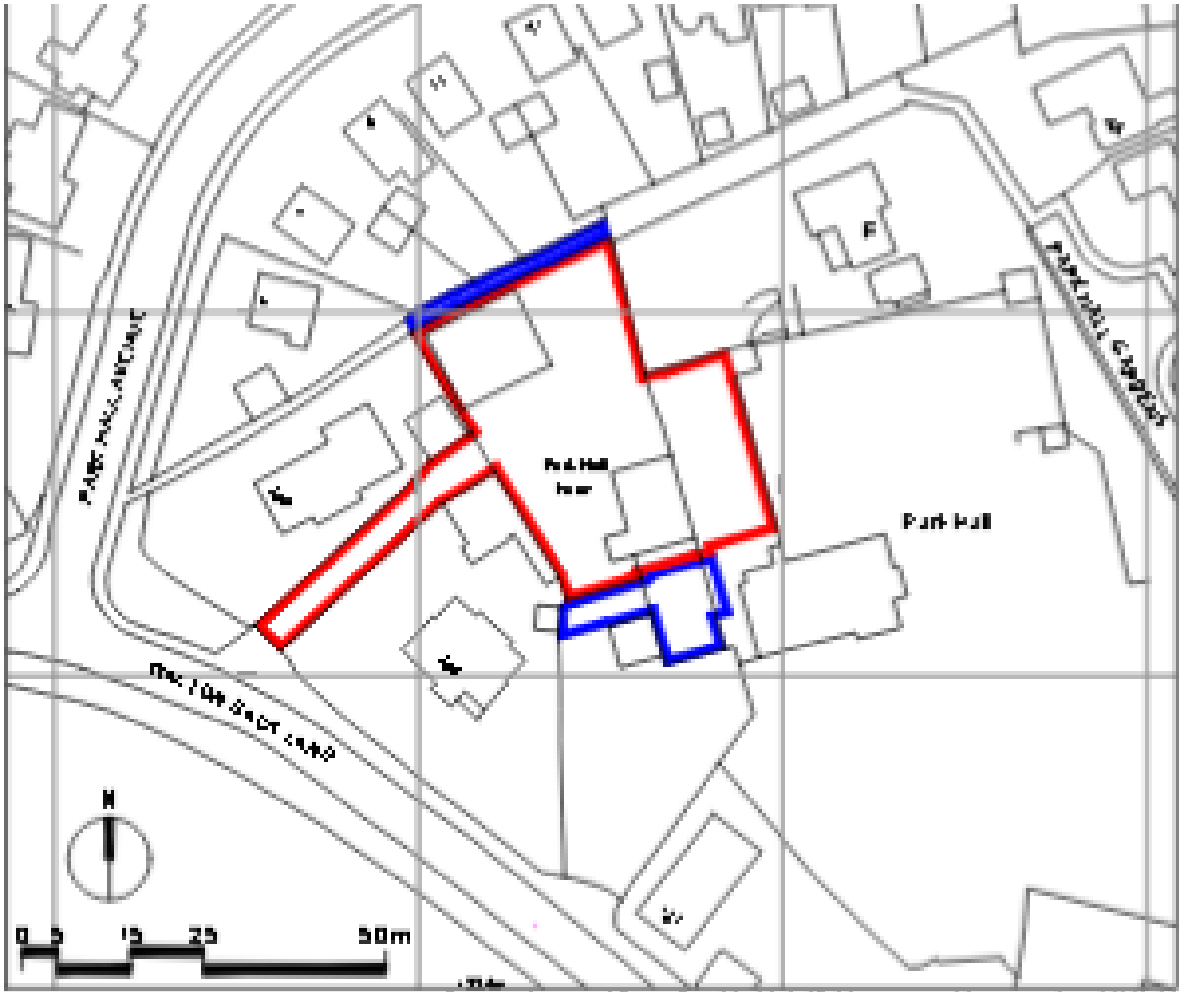
5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
6. The application site is adjacent to a Public Right of Way (Footpath number 157 Chesterfield on the Derbyshire Definitive Map). The route 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. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).
7. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.
8. The Highway Authority recommends that the first 6m of the 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.

9. 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.
10. The application site is adjacent to a Public Right of Way (Footpath No157, Chesterfield 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 and asking for the Rights of Way Duty Officer.
11. Car parking spaces should measure 2.4m x 5.5m (2.4m x 6.5m where in front of garage doors) with an additional 0.5m of width to any side adjacent to a physical barrier e.g. fence, hedge, wall, etc. Single garages should be of 3.0m x 6.0m minimum dimension to be included as a part of off-street parking provision.
12. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
13. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter which would be an offence under relevant regulations. Planning consent for a development does not provide a defence

against prosecution under European and UK wildlife protection legislation.

14. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.



SITE LOCATION 1:1250

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ITEM 3**APPROVAL OF RESERVED MATTERS OF CHE/19/00088/OUT - ERECTION OF DETACHED DWELLING INCLUDING ACCESS AT LAND BETWEEN 34 AND 38 LAKE VIEW AVENUE, WALTON, CHESTERFIELD, S40 3DR FOR MR AND MRS LONG**

Local Plan: Unallocated, within the built up area

Ward: Walton

1.0 CONSULTATIONS

Ward Members	No comments received
Local Highways Authority	Local Highways Authority raised no objections to the application in principle at outline stage which included consideration of access and made recommendations for conditions. The Highways Authority were re-consulted as part of the reserved matters and had no further comments to make.
Strategic Planning	Principal of development of a dwelling has already been accepted. Further consideration is required as part of the reserved matters with regards to design (CLP20), biodiversity (CLP16) and water efficiency (CLP13)
Environmental Health	No objections
Design Services Drainage	No comments received
Yorkshire Water	No comments received
Derbyshire Wildlife Trust	Supportive of the retention of some of the existing trees and incorporation of two tree mounted bird boxes. Recommends of an integral bat box be installed as part of the development

Environmental health No objections

Coal Authority No specific comments to make. The Coal Authority will comment on the findings/analysis of the site investigations as part of the discharge of condition 4 of the outline consent.

Representations 18 representations received in total – see report

2.0 **THE SITE**

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



Extract of submitted location plan ©



Aerial photograph taken from Google maps ©

2.2 The site and surrounding properties were originally sold as private self-build plots by Chesterfield Borough Council. The site subject of this application was known as 'Plot 59' and was never developed, instead bought by the owners of No 38 Lake View to extend the garden curtilage. The surrounding streetscene is formed of single storey, 1.5 and 2 storey dwellings of similar age which are mixed in character.

2.3 The plot has a narrow frontage facing on Lake View Avenue consists of a gated access. The existing boundary treatments are

varied, including a conifer hedge to the eastern boundary, timber fence to the south boundary and a retaining brick wall to the north/north western boundary. The land levels within the site increase towards the eastern boundary and as such the plot is elevated above No 34 Lake View Avenue to the West.

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

3.0 SITE HISTORY

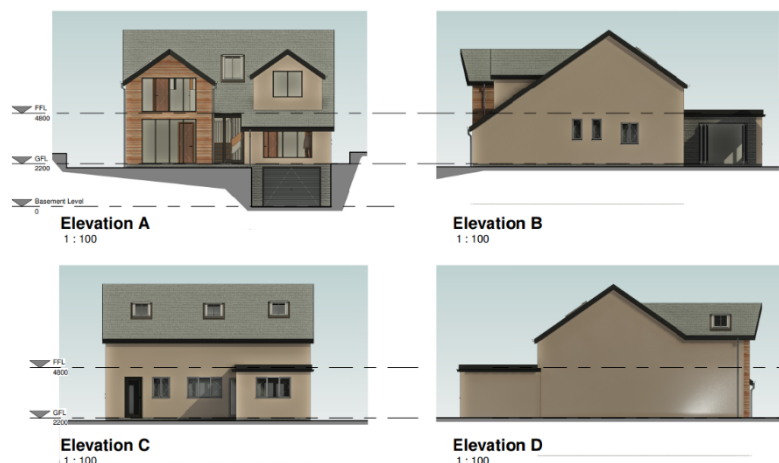
3.1 CHE/19/00088/OUT - Outline application for one residential property including access - **conditional permission (24.04.2019)**

3.2 CHE/16/00019/OUT - Outline application for residential development of a single chalet bungalow with all matters reserved – **conditional permission (31.03.2016)**

3.3 CHE/596/247 – Construction of a greenhouse/conservatory at 38 Lake View Avenue – **conditional permission (28.06.1996)**

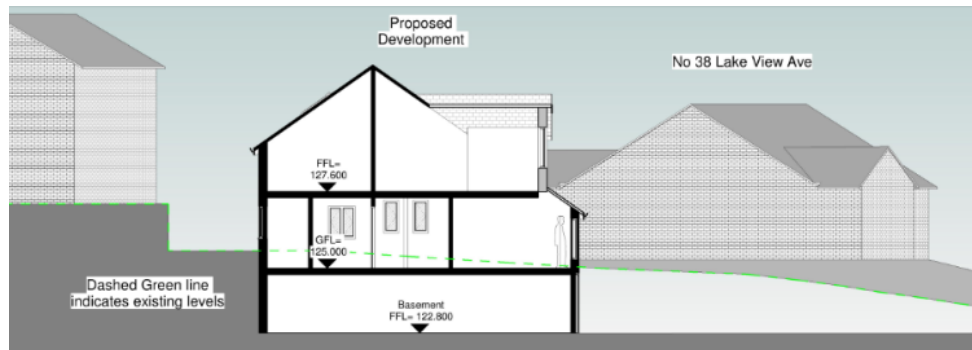
4.0 THE PROPOSAL

4.1 In line with the outline application, planning permission is now sought for the detailed reserved matters for a detached dwelling. Further information/details have been provided during the application process to clarify the site boundary in accordance with the previously approved outline. Revised plans have been submitted to reduce the footprint of the proposed development and the proposal is assessed on the basis of the revised plans.



4.2

The proposed dwelling is set over three floors with a lower ground basement, and rooms within the roofspace. The proposal features two storey glazing with timber cladding and a pitched roof dormer to the principle elevation. Render is indicated to the remaining elevations.



ROPOSED SITE SECTION A
2/4 1:50

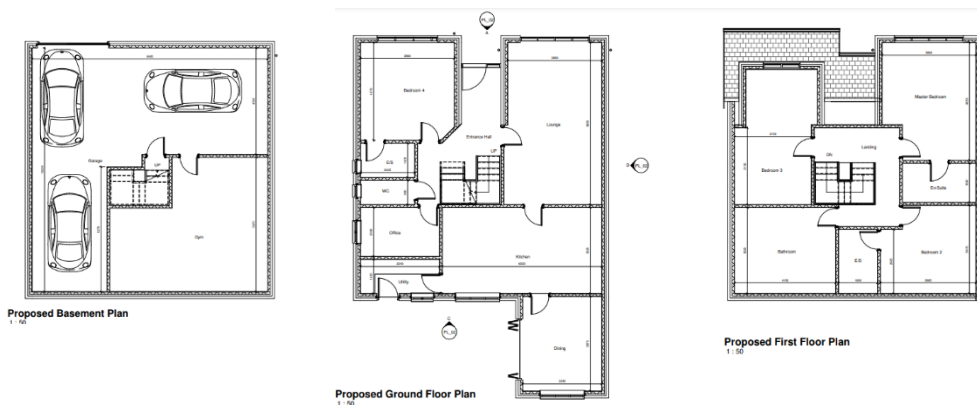


ROPOSED SITE SECTION B
2/4 1:50

Sections of proposed dwelling

4.3

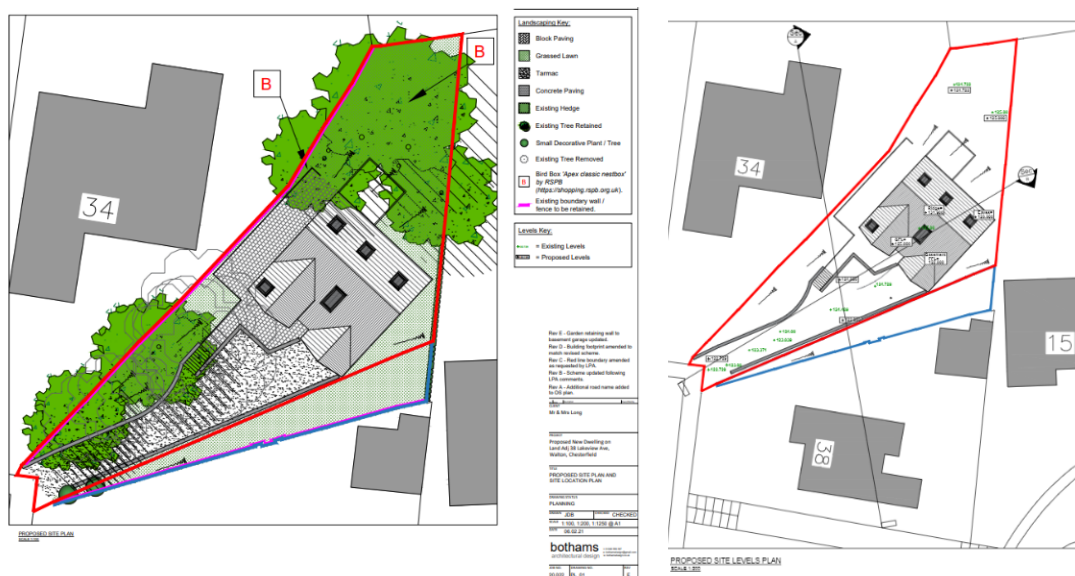
The gross internal floorspace of the dwelling is approximately 303sqm overall. The proposal will create a three car garage and gym within the basement. The ground floor will form a lounge, kitchen, dining room, utility, office, w.c and a bedroom with en-suite. The first floor will comprise of three bedrooms two with en-suites and a shared bathroom.



Proposed floorplan

4.4

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



Extracts of proposed site plan

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

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

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

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

Supplementary Planning Documents

- Successful Places A Guide to Sustainable Housing Layout and Design

5.3 National Planning Policy Framework

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

5.4 Principle of Development

- 5.4.1 The principle of development is established by the outline permission, this application therefore considers the detailed reserved matters only. The approved outline determined that the principle of development for a single infill dwelling in this location was acceptable.

5.5 Design and Appearance of the Proposal

Relevant Policies

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

Considerations

- 5.5.2 The application site comprises of a triangular shaped plot with a narrow frontage to the public highway. In response to the constraints of the site the dwelling is set back approximately 25m from the public highway. The proposal is formed of an asymmetrical dual pitched roof with intersecting gable to the principal elevation and pitched roof dormer. Revised plans reduced the width of the dwelling moving the structure away from the boundary with No 34.

- 5.5.3 The surrounding streetscene is predominately characterised by single storey bungalows however a number have more than one living level (No 28, 32) and there is a two storey property visible in the immediate vicinity (No 47 and 15 Sandiway). As the proposed dwelling will be cut in to the sloping ground of the site to create a below ground basement level, it is acknowledged that the proposal will introduce a development which is two/three storeys in character.
- 5.5.4 The nature of the site with narrow frontage and notable set back of the proposed dwelling is considered to reduce the visibility of the proposed dwelling within the streetscene. The submitted plans indicate the retention of a number of trees which also will provide a degree of additional screening. The proposal is two/three storeys in character, however visibility of the third basement level is restricted to the garage door only. As the proposal will be cut into the existing land levels the prevailing visual scale will be two storeys. In planning terms it is considered that the site can accommodate a dwelling of this scale and would not result in significant adverse impact on the character and appearance of the streetscene.
- 5.5.5 Proposed materials incorporate timber cladding and indicate render to the remaining elevations. Render is not a feature of the surrounding streetscene and it is considered that render is not acceptable in this context. It is recommended that a condition be imposed requiring the submission of proposed materials for consideration and it is suggested that either a brick or stone should be specified to reflect the local vernacular.
- 5.5.6 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21.

5.6 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.6.1 Local Plan policy CLP14 states that '*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts*'

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

Considerations

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

No 34 Lake View Avenue

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



5.6.5 The submitted revised plans reduce the width of the proposed dwelling setting in the footprint approximately 3.4 from the boundary to create additional separation. The principal elevation of the proposed dwelling has been angled to the south west to create an oblique angle between the proposed principal elevation windows of the dwelling and the existing windows serving No 34. In addition no windows are proposed in the side (north west) elevation of the proposed dwelling facing towards the side elevation of No 34. It is noted that the proposed dwelling will be elevated above the ground level of No 34 and the structure will be two storey in height closest to the boundary. The proposed revised layout serves to address concerns raised regarding the impacts and on balance it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.

No 38 Lake View Avenue

- 5.6.6 No 38 is a detached single storey dwelling situated to the south of the proposal. Existing boundary treatments comprises of a large brick wall and timber fence with concrete panels



- 5.6.7 The submitted revised plans orientate the principal elevation of the proposed dwelling to the south west which faces towards the side elevation of No 38 at an angle. An acceptable separation distance exists between the side elevation of No 38 and the proposed dwelling such that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.

No 15 Sandiway

- 5.6.6 No 15 Sandiway is a split level two storey dwelling situated to the south east of the proposed dwelling. The property is served by a window in the lower ground floor to a utility and two windows at first floor serving a bathroom and en-suite. A mature hedge and brick wall forms the boundary with the application site (see photos below)



- 5.6.7 The application has been revised to remove first floor windows in the side/rear elevation of the proposed dwelling to prevent overlooking. The proposed dwelling is formed of an asymmetric dual pitched roof served by roof lights only in the rear roof pitch. The

footprint of the proposal has been angled to the south west away from the rear elevation of No 15 to limit potential overshadowing impacts. No 15 is served by an elevated patio and conservatory structure which is positioned adjacent to the eastern boundary of the site. The proposed revised layout serves to address concerns raised regarding the impacts and on balance it is considered that whilst the proposal will result in a degree of overshadowing at the sun sets in the west the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.

No 11 Raneld Mount.

5.6.8 No 11 is a detached split level dwelling situated to the north of the application site.



5.6.9 The submitted revised plans removed first floor windows in the side and rear elevations with the rooms in the roofspace served by roof lights. An acceptable separation distance exists between the proposed dwelling and existing windows serving No 11. The proposal will therefore not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted.

Impacts on other surrounding neighbours

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

5.6.11 A condition controlling the hours of construction has already been imposed as part of the outline in the interests of the amenity of the surrounding residential occupants.

5.6.12 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.7 Highways Safety, Parking Provision and Air Quality

Relevant Policies

5.7.1 Local Plan policy CLP20 expects development to ‘g) provide adequate and safe vehicle access and parking and Local Plan policy CLP22 also requires consideration of parking provision.

Considerations

5.7.2 The Local Highways Authority raised no objections to the application in principle at outline stage which included consideration of access and made recommendations for conditions. The Highways Authority were re-consulted as part of the reserved matters and had no further comments to make.

5.7.3 The proposed dwelling will be served by driveway parking and additional parking will be provided within the below ground basement. Revised plans have been submitted widening the access drive to provide opportunity for passing and for smaller vehicles to turn within the site and responds to the constraints of the site and narrow site frontage.

5.7.4 In so far as Air Quality, a condition was imposed at outline requiring the provision of an electric charging point as part of the build phase.

5.7.5 Overall taking into account the previously approved outline which considered access arrangements and parking provision condition attached, the development complies with the requirements of CLP20 and CLP22.

5.8 Flood risk, Drainage and Water Efficiency

Relevant Policies

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

Development proposals and site allocations will:

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

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

Considerations

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

5.8.4 Subject to the submission of foul/surface drainage details prior to commencement of development in line with the outline the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.9 Ground Conditions and Land Stability

Relevant Policies

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

- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
- b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*

c) a strategy for any necessary mitigation and/or remediation and final validation.

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

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

Considerations

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

5.10 Biodiversity Including Impact on Trees and Landscaping

Relevant Policies

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

- *provide a net measurable gain in biodiversity'*

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

Considerations

5.10.3 The application site plan states that two bird boxes will be installed within the site and indicates trees to be retained.

5.10.4 The Derbyshire Wildlife Trust reviewed the submission and raised no objection and recommended that an integral bat box be installed into one of the elevations at eaves level to further enhance the biodiversity value of the site.

5.10.5 Subject to condition requiring the biodiversity enhancements to be installed and thereafter maintained as recommended above the development accords with the requirements of CLP16 and the NPPF.

5.11 Developer Contributions and Community Infrastructure Levy

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

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	303	0	0	£80.00 High Zone	355	288	£28,879

Calculation:

CIL Charge (E) is calculated as outlined below:

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

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

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

$\frac{303 \times £80 \times 355}{288} = £28,879$

6.0

REPRESENTATIONS

6.1

The application has been publicised by neighbour notification letters and site notice. 7 objections were received in response to the original submission. The neighbours have subsequently been re-consulted twice on revised schemes, one re-consultation took place in October 2021 which resulted in 4 further objections and most recently a second re-consultation took place in November 2022 which resulted in 7 further objections. Therefore 18 Letters of representation have been received in total from 8 properties (including two representations where no address was provided). The main concerns raised are summarized below, full representations are available to read on the website.

- scale/height of dwelling
 - proposal is for a two storey dwelling which is not in keeping with the surrounding single storey dwellings. Scale of new dwelling is far larger than anything nearby. Proposal ignores the prevailing characteristics of the area which are predominately bungalows with selected level variations. Current submission fails to respond to site context and is inappropriate in the setting. Proposal will dominate the surrounding properties and is overdevelopment. General concerns raised regarding the concept characteristic of the development
 - Outline consent was granted in 2016 for a chalet bungalow which was renewed at expiry in 2019. Had plans for a taller property been submitted in 2019 we would've objected to the height on the grounds of amenity impacts. A chalet style bungalow would've been more compatible with the area.
 - Surrounding sites were purchases from the Council as self-build dwelling which were stipulated to be Bungalows (see section below on covenants).
- residential amenity
 - proposal will have a serve impact on No 34 due to the difference in land levels between site and existing dwelling and increase in number of storeys. Proposal will adversely impact No 34 due to the siting of the proposal in relation to No 34, the proposed levels, massing will result in overshadowing and overbearing impacts due to proximity. The loss of screen vegetation and trees will impact No 34. The lack of adequate turning on site and potential traffic movements will impact No 34.

- Will result in overlooking and loss of privacy to surrounding residential properties and gardens. concerns raised in respect of siting of proposal, levels, massing, overshadowing and overbearing impacts.
- Overlooking implications due of loss of screen vegetation and trees.
- Separation distance and potential overlooking arising from oblique angle between habitable room windows resulting in overlooking.
- Mass of proposal will be overbearing and result in overshadowing. Adverse impact on neighbours due to massing, scale and siting of proposal.
- To prevent overlooking windows facing Raneld Mount could be obscurely glazed. Level changes don't show that the application site is elevated about Raneld Mount is set at a lower level to the north.
- Adverse impact on the rear garden and conservatory of No 15 Sandiway resulting in overshadowing and dominating impact – impact light and privacy. Overall height of the dwelling will result in overshadowing and impact light levels achieved to the garden especially in the afternoon and would block light to the side of the house where three windows allow light into the basement corridor and upstairs bathroom which would make the areas in the house darker. Proposed development is much closer to our shared boundary therefore anything more substantial than a bungalow would overlook No 15 and block sunlight
- Loss of existing trees - will contribute to openness of proposal and intrusion of overlooking. The trees are mainly deciduous and expect that the proximity to the new build will result in the potential; loss of approximately 50% as a consequence of the construction. There are some attractive trees on the site which should be served to reduce CO2 build up and in the interests of ecology
- Highway safety concerns
 - Length and narrowness of the access with lack of on-site turning will result in vehicles reversing along the drive onto the highway turning head due to lack of turning space within the site. Resulting in highway safety concerns.
 - Development will result in increase in traffic to cul-de-sac which is already congested when deliveries and refuse disposal are taking place. Insufficient space for vehicles to park/load and unload etc which will lead to vans/lorries

- parking outside of neighbour residential homes due to lack of space on plot.
 - Concerns regarding highway safety and safety of residents during build period due to construction vehicles and trades over a long period of time.
- Scheme is different than the outline submission - proposal is not a clarification of details of the first proposal it is a total transformation. Submitted application form does not set out reasons for variation in the plans between the original proposal and current submission and the applicants have not sought advice from the planning department. The proposals are so different it seems to be an attempt to submit a new scheme under the guise of a reserved matters application. Proposal not an amendment to original permission as it has no resemblance to previous plan as the structure is far more imposing and considerably higher than as originally proposed
- Red line - Issues surrounding the red line of the reserved matters application
- Ecology assessment - A more substantial wildlife survey should be carried out as the maturity of the plot is a haven for wildlife and more species than currently considered
- Covenant on land requiring single storey dwellings - Stipulated that as part of sale plots should only have development of one height structures. When the estate of self builds were released in the 1980's a specific condition was that they should be one storey in height(except for some builds on Lake View Avenue), this building contravenes that condition as excluding the basement it has two clear levels(not a loft conversion) as shown on the front elevation plan. original documentation from that period can be provided.
- Concerns arising during the construction period - not enough room for parking for trade/builders/deliveries to access the site with limited parking on the public highway. Proposal will cause chaos for residents and road users during the build in an area which already gets congested
- Noise/disturbance – measure should be put in place to avoid disruption to residents such as restriction construction hours and use of machinery to business hours on Monday to Friday
- Comments on revision 1 of scheme – amendments do not address the previous objections raised regarding impact on character of neighbourhood/design and adverse impact on amenity of residents, overdevelopment of site, issues with parking/lack of access, inadequacy of parking/loading/turning, noise/disturbance. Believe that the submission of revised plans is

a strategy in the hope objections will be reluctant to object again. Scheme is no smaller than first submission and does not address concerns raised. Building has not significantly changed apart from moving slightly due to revised boundary therefore original objections remain. Concerns regarding proximity remain and levels remain unchanged, all other points raised previously regarding siting, levels, massing, overshadowing and overbearing impacts, loss of vegetation/trees and screen, traffic movement and lack of on-site turning and general concept characteristics remain unchanged

- Comments on revision 2 of scheme – concerns remain regarding the height or building, difference in levels with respect to surrounding bungalows therefore previous concerns and comments still apply. Proposal will result in the removal of self set trees which impact on the adjacent properties. Minor changes to the scheme which do not address previous concerns raised. Due to narrow access to site construction vehicles and trade vans will likely block access to neighbour properties due to poor access. Concerns remain with regards to impacts on neighbouring properties and amendments made to scheme to not address the detailed list of concerns set out previously.
- Objectors confirmed that points raised previously still apply

6.2

Officer comments

- ***scale/height of dwelling – an assessment has been made as part of the report on the height and scale of the proposed dwelling (see section 5.5 and 5.6). The outline application in 2019 had all matters except access reserved and any forthcoming reserved matters scheme would therefore be assessed on an individual basis based on the design and layout put forwards.***
- ***Residential amenity – an assessment has been made as part of the report with regards to residential amenity (see section 5.6).***
- ***Loss of existing trees – the proposal does seek to retain a number of trees on the site as part of the landscaping***
- ***Highway safety concerns - an assessment has been made as part of the report with regards to highway safety and parking provision (see section 5.7)***
- ***Scheme is different to outline submission - The outline application in 2019 had all matters except access served, any forthcoming reserved matters scheme would therefore be assessed on an individual basis based on the design and layout put forwards.***

- **Red line boundary – issues regarding the red line boundary have been addressed**
- **Ecology assessment – the Derbyshire wildlife trust reviewed the submission and raised no objections (see section 5.10 of report)**
- **Covenant on land requiring single storey dwellings – representations have indicated that residents believe there is a restrictive covenant on the land restricting the development to a single storey dwelling. The application has been ongoing for a lengthy period of time as it is understood discussions have taken place between the applicant and the Borough Council Estates Team. It is important to note that restrictive covenants are classified as non-material planning considerations and therefore cannot be given weight in the determination of the planning application. This matter would be a private matter for the applicant, land owner and Council as former owner imposing the covenant to resolve.**
- **Concerns arising during the construction period – disturbance during the construction period is classified as a non-material planning considerations and therefore cannot be given weight in the determination of the planning application. Any visitors/trades/deliveries to the site would be expected to observe highway safety regulations as would any highway user.**
- **Noise/disturbance – a condition was imposed on the outline restricting hours of construction/work.**
- **Comments on revision 1 of scheme – noted**
- **Comments on revision 2 of scheme - noted**

7.0 HUMAN RIGHTS ACT 1998

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

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

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation

scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

9.0 CONCLUSION

9.1 The proposal would introduce additional housing within the existing built up area and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. The principal of a new residential dwelling was previously determined to be acceptable under outline CHE/19/00088/OUT. The proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area Subject to conditions the proposal will therefore accord with the provisions of policy Local Plan policy CLP20. The proposal is not considered to cause significant adverse impacts on the residential amenity of the adjoining neighbours and therefore accords with the amenity considerations of Local Plan policies CLP14 and CLP20. It is considered the site can accommodate sufficient parking for the proposed dwelling and in accordance with the conditions stipulated on the outline therefore the proposal accords with the requirements of CLP20 and CLP22.

10.0 RECOMMENDATION

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

Conditions

Approved plans and documents

1. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment.
 - Proposed Site Plan and Site Location Plan, drawing number PL_01 Revision E
 - Proposed Plans and Elevations, drawing number PL_02 Revision C
 - Proposed Site Levels and Site Sections, drawing number PL_03 Revision A

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

Materials

2. This consent shall not extend to the use of render as shown on drawing PL_02 Revision C. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

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

Water efficiency

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

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

Biodiversity enhancements

4. The biodiversity enhancements as set out on approved drawing 'proposed Site Plan', drawing number PL_01 Revision E for the installation of two bird boxes and one integral bat box shall be implemented in full prior to the occupation of the development and maintained thereafter.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

4. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
5. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
6. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter which would be an offence under relevant regulations. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
7. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

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SITE LOCATION PLAN
Scale: 1:500



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PROPOSAL: ERECTION OF A RESIDENTIAL DWELLING**LOCATION: 211 LANGER LANE, BIRDHOLME, CHESTERFIELD**

Planning Committee Date: 09/01/2023

1.0 CONSULTATION RESPONSES

Ward Members:	No comments received
Design Services Drainage	No objections, subject to separate systems of foul and surface water drainage
Coal Authority	Material consideration, subject to conditions. Ironstone is also a potential issue, with no comment on this.
Strategic Planning	No objection to principle, but request inclusion of conditions
Derbyshire Wildlife Trust	No comment
Local Highways Authority	No objection
Tree Officer	No objection, subject to conditions re landscaping and tree planting
Environmental Health	No objection, subject to conditions regarding noise, lighting, air quality and land contamination.
Representations	2 representations received. Objecting on the grounds of the potential impact of the scheme to their dwelling from the intrusive site investigations and the impact to wildlife.

2.0 THE SITE

- 2.1 This application relates to land which is positioned to the west of no.211 Langer Lane and it is currently used as part of their garden. It is a grassed area with several trees on it and surrounded by hedges and fences to the north, south and west. There is no existing boundary treatment between the existing house and the proposed site. The site is within a residential area and is surrounded by housing on all sides.
- 2.2 The existing house is a stone built detached bungalow. The dwelling types in the area include many design variations but there are several detached bungalows within the local vicinity of this site.

2.3 The site includes a long driveway from the main road with 3 larger trees adjacent to this. There are 2 mature lime street trees sited on the main road in front of site, these are protected trees.

3.0 SITE HISTORY

3.1 CHE/19/00520/FUL - Erection of a new dwelling - revised plans received 15/10/2019, 28/10/2019 and 10/12/2019 – Conditional Permission – 20/01/20

3.2 CHE/0786/0389 - Permission for bungalow on land at rear of 213 Langer Lane – Conditional Permission - 22/12/86

4.0 THE PROPOSAL

4.1 The proposal seeks permission to erect 1 dwelling and a detached double garage which will be positioned to the west of the existing house at no.211. The dwelling's proposed width would be 13m and length would be 10.8m. It would also have a height of 5.6m. It is proposed to be constructed out of matching materials to the existing dwelling on site which is artificial stone interlocking concrete tiles and artificial stone headers and cills. It would also have quoins on the corners of the building, although it is not stated what sort of stone is proposed. It would be a 3 bedroom unit, with separate living rooms and kitchen/diner, with a bathroom, en-suite bathroom, hall and utility room.

4.2 The garage would be 6.4m in width and 6.2m in depth, with two separate doors and a pitched roof. It would have a height of 2.5m at eaves and 4.4m at the ridge. It is assumed that this would also use matching materials to the existing house, although this is not clear.

4.3 The proposal includes the existing dwelling on the site (no.211) moving a window from the western elevation to the northern elevation. A 1.8m high wooden fence would be erected to separate the 2 dwellings to the rear, with a 0.9m high brick wall separating the two dwellings to the front. A native hedge is also proposed behind this wall and further shrub planting on site and potentially two trees on site, although this is unclear.

4.4 The proposal would have parking for at least 2 vehicles. The existing house would also have 2 parking spaces to the front.

4.5 Both the existing and proposed dwellings have at least 70 sqm in private amenity space.

4.6 The proposal also includes changes to the driveway area to allow for a passing space to facilitate vehicles to being able to pass one another whilst off road. This would include the removing of a section of land and wall and to replace this with a new section of walling.

4.7 Some information has been provided regarding soft landscaping and other biodiversity matters. Two trees would be removed on site.

4.8 The submission is an alternative scheme to that which was agreed under CHE/19/00520/FUL on 20th January 2020

5.0 PLANNING POLICY

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

5.4 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- 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 2021

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.6 Supplementary Planning Documents

- Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

6.1.1 The Council's Strategic Planning team was consulted on the scheme and they commented that the principle of development should primarily be assessed through the application of policies CLP1 and CLP2 and primary amongst these considerations is that new development should be directed to regeneration areas and those within walking distance of a range of key services. The council's Residential Design SPD sets out (on page 41) that a walkable neighbourhood is one with a local centre/shop within 600-800m and a primary school within 800-1000m, depending on the safety and convenience of the route. The site is within the built-up area.

6.1.2 The site is around 0.5 miles (800m) on foot to the nearest local centre at Grangewood (which includes GP and pharmacy), located uphill from the site to the north. It is 1.2km to Birdholme local centre via Derby Road and Langer Lane, with convenience retail approximately 800m from site at on Derby Road.

The site is 1.3km to the nearest infant school (Spire Infant) and 1.7km to the nearest primary school (Spire Junior). Parkside and Outwood secondary schools are both approximately 2.5km from the site, as is Chesterfield Town Centre. The nearest employment centre at Storforth lane is around 950m.

- 6.1.3 With regard to policy CLP2 the proposal would not fully meet its criteria in particular criterion b), given that the site is not on 'previously developed land'. No wider regeneration or sustainability benefit of any significance is likely (criterion d). However, the site does perform relatively well against criterion (f), being less than 400 m to a bus stop and playing field, and within 800m of pharmacy, GP's surgery and convenience retail, all accessible on relatively level, hard surfaced, lit and overlooked routes (albeit segregated cycle/multi-user routes not being prevalent). Other key services are accessible using public transport with bus top under 400m from the site. As such the proposal would appear to a greater degree to accord with policy CLP2.
- 6.1.4 As the site is within the built up area CLP3 does not apply. It is considered that the proposal is acceptable in principle and in this respect is already the subject of a planning permission for a dwelling which remains live and can still be implemented. This is a significant fall back position in the application of the planning balance.
- 6.1.5 Overall, the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up area, therefore broadly accords with the strategy of 'concentration'. The proposal would be broadly consistent with the requirements of the NPPF. On this basis there is no objection in principle to this proposal, subject to conditions.

6.2 Design and Appearance of the Proposal

- 6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 6.2.2 The previous scheme on site was approved, and this application is very similar to that scheme in so far as size, design and layout.
- 6.2.3 The proposal utilises land which is currently a garden for a residential dwelling but which is set back from the road behind an existing bungalow and so will not be generally visible from the streetscene, with no demonstrable change to the area.
- 6.2.4 The scheme proposes the addition of another bungalow adjacent to an existing bungalow and will be of comparable design, scale and height to the existing dwelling.
- 6.2.5 The proposed dwelling will add to the mix of dwelling types and styles in the area and will 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, subject to condition regarding materials and boundary treatments.

6.3 Residential Amenity

- 6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The proposal includes reasonable sized rear gardens for both existing and proposed properties. In terms of overshadowing or loss of daylight/sunlight the proposal is not considered to have an impact on other neighbouring residents.
- 6.3.3 In terms of overlooking there is a side window on the eastern elevation of the proposed dwelling and no boundary treatment separating the two dwellings. It has been proposed to move an existing window on the western elevation of the existing house and move this to the northern elevation to ensure there is not an overlooking issue between the two dwellings. This would ensure that there wouldn't be any direct overlooking issues between the two dwellings, or other surrounding dwellings.
- 6.3.4 The siting of a garage to the south of the site would be positioned near to the boundary of the dwelling to the south of the site at no.213. The application site is positioned above the site of no.213, with a mature hedge of approximately 2m in height on the boundary. The garage would be positioned adjacent to the boundary and would be approximately 2.5m in height at the eaves and 4.4m in height at the ridge. No objection has been received from residents of dwelling no.213. It is considered to be designed to be traditional residential garage and would be built out of matching materials. It isn't considered that this would be unacceptable structure in this location.
- 6.3.5 The proposal includes a bin store area to the side of the garage, this is considered to be a good location for the bins, as it's setback from the frontage and integrated into a proposed building.
- 6.3.6 No objections have been received on this issue. The proposal includes reasonable levels of outlook and an acceptable sized amenity space for a dwelling of its size. A condition can be included to ensure that the window alterations are completed on site and to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Flood Risk, Drainage and Stability of River Bank

- 6.4.1 The site is in a low risk area in relation to risk of flooding (zone 1). CBC's drainage team has been consulted on the scheme and they comment that any new connection will require prior approval from Yorkshire Water and that the site should utilise separate systems of foul and surface water and further information is required in regards the proposed use of soakaways. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

6.5 Highways Safety

- 6.5.1 The Highways Authority has been consulted on the scheme and they have not objected to the proposal, in line with their position on the previous submission on site.
- 6.5.2 The proposal is for a 3 bedroom dwelling and would have at least 2 parking spaces on site. It would use an existing access road which is currently utilised by the residents of no.211. There would also be a turning area to the front of no.211 for service vehicles.
- 6.5.3 The scheme includes a passing space to the southern end of the existing driveway and removal of a soft landscaping area of the western side of the bend in the driveway. This will facilitate the passing of vehicles on the driveway. The proposed passing space would mean that for a 6m long section of road the driveway would be 5.2m in width, allowing two vehicles to safely pass without leading to vehicles waiting on the road.
- 6.5.4 The proposal includes two parking spaces which is appropriate for a 3 bed dwelling and this is therefore considered to be acceptable. The applicant has also shown that the scheme would have acceptable visibility splays when exiting the site. The scheme raises no highway issues which weren't considered and accepted as part of the 2020 permission. Having regard to policies CLP20 and CLP22 of the Local Plan, in respect of highway safety it is considered that the development proposals do not pose an adverse risk to highway safety.

6.6 Biodiversity including trees and landscaping

- 6.6.1 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”.
- 6.6.2 The Council's tree officer has been consulted on the scheme and provided these comments:

A single dwelling and a detached double garage are proposed on land to the west of 211 Lager Lane.

No Tree Survey has been submitted with the application, however the trees and vegetation on the site along with the species and retention details are provided on the site layout drawing 19-757-01 G. Two trees are proposed for removal which are an apple and a small unidentified tree. Both trees have no public amenity value and are not significant due to their size and location. There is also some low-level vegetation to be removed along the existing driveway to allow for vehicular passing.

To the frontage of the site are three Lime trees of the above mentioned Tree Preservation Order within the highway verge that may be affected by the proposals.

A condition should therefore be attached if consent is granted to the application to protect the retained trees on the site and the protected Lime trees to the frontage from any accidental damage from construction vehicles, parking on the highway verge or storage of materials etc.

There are no objections to the application, but I am also mindful of the comments by the Coal Authority which recommends intrusive site investigations and possible remedial works which may affect the retained trees on the site. As the effects of these investigations are unknown at this stage it is worth noting that evidence is required to demonstrate that a net gain in biodiversity can be achieved. Should permission be granted, the biodiversity measures will need to be secured by condition if more of the existing vegetation is removed as a result of the intrusive investigations.

- 6.6.3 Derbyshire Wildlife Trust was not consulted on the proposal. The site is a residential garden, surrounded by a mature hedge and includes mature ornamental trees and others with 2 smaller trees proposed to be removed, with a native hedge, an area of shrubs, 2 bird boxes and two trees planted on site post-development. Some details have been provided on the matter but further information is required regarding soft landscaping including tree and hedge planting on site. The proposed planting is considered to be acceptable in regards biodiversity net gain, as it would most likely lead to a net gain on site.
- 6.6.4 In regards the impact of the scheme on wildlife, the proposal will lead to the increase of built form in the area, but the garden of no.211 is considered to be very large and mainly set to lawn, with room to accommodate additional buildings whilst still accommodating wildlife and biodiversity on site. The existing mature hedge round the site will be retained and additional trees, shrubs and bird boxes are proposed on site.
- 6.6.5 It is therefore considered reasonable and necessary to impose a condition for measures to secure further information on the biodiversity net gain/landscaping details for the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 Environmental Health - Land Condition / Contamination

- 6.7.1 Land condition and contamination need to be considered having regard to policy CLP14 of the Core Strategy.
- 6.7.2 The Council's Environmental Health team has reviewed the proposals and commented that they have no objections to the plans. It has been considered that conditions should be imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties, as well as the inclusion of electric charging points, to reduce air pollution. A lighting condition has also been requested to control glare to nearby properties. The environmental services team also consider that the

area is in an area with the potential to have land contamination issues and that a condition should be included to investigate this further.

6.7.3 In relation to noise from the construction of the proposed dwellings; the workers on site would be restricted with the working hours to be 8am-6pm Monday to Friday, 9am-5pm on Saturdays and no work on Sundays or Bank holidays. These restrictions will assist in limiting the noise from the site to normal working hours and reduce impacts in the interests of the amenity of local residents.

6.7.4 In respect of potential Coal Mining Risk, the site lies within the High Risk Area and The Coal Authority has provided these comments:

Coal Authority records indicate that the site is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings. In addition, the records indicate that the application site is likely to have been subject to historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop. 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 within a Surface Coal Resource Zone.

In addition to the above, the Coal Authority records indicate that the site contains a mine entry (shaft ref. 437368-019) close to the centre of the site. We hold no treatment details for this mine entry and therefore its recorded location may be subject to significant departure. However, significantly in this case, the mine entry was used for the extraction of ironstone and the Coal Authority has no responsibility for this feature. The Coal Authority would have raised an objection in relation to such a mine entry if it was used to extract coal in terms of its relationship with the development proposal for which detailed planning permission is sought. As you will be aware, any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks. Accordingly, it is the responsibility of the Local Planning Authority to ensure that the site is safe and stable with regard to the identified mine entry before the application is determined.

Notwithstanding the above, the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (August 2019, prepared by Chevin Geoenvironmental Associates Ltd) to accompany the planning application.

The report is able to identify that owing to recorded worked coal beneath the site and the possibility of historically unknown coal mine workings at shallow depth, an intrusive site investigation is recommended. Even though the report author includes the search for the mine entry within this recommendation, it is reiterated that the Coal Authority has no responsibility for this feature.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the 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.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

With respect to Mine Gas the Coal Authority comment 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. The Planning and Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; namely that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works in relation to shallow underground coal mine workings should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

- 6.7.5 Two objections have been received from neighbours concerning the risk from coal mining and other mining activities. A Coal Mining Risk Assessment has been received and considered by the Coal Authority in the above comments. They have raised no objection to the coal mining issues on site but have requested that further investigations and a report is completed to understand the situation in more detail. On the coal mining risk assessment the mine shaft plan shows multiple mines in the area, some of which are in gardens or under or very near housing, which shows that some form of development is possible nearby to mining works. These works will be required to be advised by and completed by competent persons, however any damages to surrounding dwellings will be a private matter.]
- 6.7.6 As stated above, by the Coal Authority, they do not wish to comment on the level of risk on the development of historical ironstone mining in the area. The Council's Technical Services department has been consulted, and a Senior Structural Engineer has agreed with the findings of the Coal Mining Risk Assessment and the Coal Authority's response. It is considered that further investigations are required to consider ironstone mining on site and pre-commencement conditions are required to be included to investigate ironstone mining matters further.

6.8 Community Infrastructure Levy

6.8.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liabile.

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

			A	B	C	D	E
Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Plot 1	145 (officer)	0	145	£50	355	288	£8,358

$$\frac{\text{Net Area (A) x CIL Rate (B) x BCIS Tender Price Index}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

$$\frac{145 \times 50 \times 355}{288} = \text{£8,937}$$

288

7.0 REPRESENTATIONS

7.1 2 representations have been received in response to the application (5 and 7 Rushen Mount) objecting on the following grounds

- potential impact of the scheme to their dwellings from the intrusive site investigations. The mining report sets out a plethora of warnings which is a huge concern.
- Impact on property boundary and potential damage
- Noise and disturbance from ground works and building
- Should be restrictions on windows facing the neighbours boundary
- impact to wildlife.

8.0 HUMAN RIGHTS ACT 1998

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

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

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is

considered that the recommendation accords with the above requirements in all respects.

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

10.0 CONCLUSION

10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan, subject to relevant conditions.

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

- Site Location Plan
- Proposed Floor plans
- Proposed Elevations
- Biodiversity Plan and Site Plan (submitted 06/12/22)

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

3. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) a scaled plan showing the trees and plants to be planted:
 - b) a scaled plan showing the trees and plants to be removed:
 - c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
 - d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
 - e) Sufficient specification to ensure successful establishment and survival of new planting.
 - f) Details of the types of bird boxes, bat boxes and bee bricks that are proposed.
- Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).
- The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

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

4. No development shall commence until;
- a) a scheme of intrusive site investigations in relation to shallow underground mine workings has been carried out on site to establish the risks posed to the development by past mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from 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.

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

5. Prior to the first occupation of the dwelling 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 mining activity.

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

6. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

Reason: In regards residential amenity and ecology, in regards to policies CLP14.

7. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard, in relation to policy CLP14.

8. 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 amenity and CLP14

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

Reason: In the interests of air pollution and policy CLP14.

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

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 153 of the National Planning Policy Framework.

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

Reason: In regards visual amenity and policy CLP20.

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

Reason: In regards highway safety and policies CLP20 and CLP22.

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

Reason: In regards highway safety and policies CLP20 and CLP22.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the garage to be provided in connection with the development shall not be used other than for the parking of vehicles except with the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: In regards highway safety and policies CLP20 and CLP22.

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

Reason: In the interests of the amenity of occupants of adjoining dwellings, CLP14 and CLP20

16. Prior to occupation a scheme of separate foul and surface water drainage which demonstrates that sustainable techniques have been used where feasible and viable shall be submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

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

Reason: To prevent the increased risk of flooding, in relation to policy CLP13.

18. Prior to the occupation of the dwelling hereby approved, the existing driveway shall be modified in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

Reason: in the interests of highway safety

19. There shall be no gates within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason: in the interests of highway safety

20. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) A specification for protective fencing to safeguard trees during both land clearance and construction phases and a plan indicating the alignment of the protective fencing.
- b) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area (Details to include how T87, T88 & T90 Lime of Tree Preservation Order 289 to the frontage of the site will be protected).
- j) details of temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

The 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.

21. The development shall not be occupied until details of the means to ensure no overlooking of the adjoining property at no.211 Langer Lane have been submitted to the Local Planning Authority for consideration, and the agreed details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority and been carried on site. This shall include the details for the proposed removal of the window on the western wall and replacement of this with a new window on the northern elevation of no.211 Langer Lane.

Reason: In the interests of the privacy and amenity of occupants of both dwellings.

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. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - bird/owl/bat boxes

(Locating your nest box: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.

The number of nest boxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nest box close to a bird table or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
- holes in fences and boundary treatment to allow species such as hedgehog to move across the site
- bee bricks

3. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action 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 developer'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.
4. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross

Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

5. 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. 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, developers should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.



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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	9 th January 2023
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00103/DOC	St Helens	Discharge of planning conditions 6 (vehicular access) and 21 (boundary treatments) of CHE/21/00324/FUL - Proposed residential development of 9 bungalows with associated infrastructure, roadway, garaging and parking At Former Shrubberies 46 Newbold Road Newbold S41 7PG For Peppermint Grove Ltd	DPC	15/12/2022
CHE/22/00111/FUL	Dunston	Alteration and conversion of existing outbuilding to create a new ancillary function room associated with the use of Dunston Hall as a holiday let and wedding venue. At Dunston Hall Dunston Road Chesterfield S41 9RL For Mr David Harrison	CP	19/12/2022
CHE/22/00112/LBC	Dunston	Listed Building Consent for alteration and conversion of existing outbuilding to create a new ancillary Function Room associated with the use of Dunston Hall as a holiday let and wedding venue. At Dunston Hall Dunston Road Chesterfield S41 9RL For Mr David Harrison	CP	19/12/2022
CHE/22/00225/FUL	Barrow Hill And New Whittington	Change of use and alterations from barber shop to a two-bedroom flat At 1A-1B South Street North New Whittington Chesterfield S43 2AA For Baxsters Retail Stores Ltd	REF	19/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00350/FUL	Rother	Demolition of outbuilding and erection of detached double garage and workshop At 155 Langer Lane Birdholme Chesterfield S40 2JP For Mr Mick Bown	CP	15/12/2022
CHE/22/00593/FUL	Linacre	Erection of a detached garage and conversion of existing integral garage to living space At 5 Catchford View Upper Newbold S41 8XE For Paul Batty	CP	06/12/2022
CHE/22/00606/COU	Middlecroft And Poolsbrook	Change of use of chapel from religious use to use for Hollistic Health opportunities and treatments, community gatherings, events, services and fitness activities. Change vestry to a kitchenette (description amended 19.10.2022) At Staveley Cemetery Inkersall Road Staveley Chesterfield S43 3JL For Hollistic Health Hub Derbyshire	CP	05/12/2022
CHE/22/00620/DOC	Hollingwood And Inkersall	Discharge of condition 4 (Measures to protect public sewerage infrastructure) of application CHE/19/00375/FUL- Underground storm water storage associated with development of 33 dwellings approved under CHE/18/00768/REM At Land To The West Of Rectory Road Duckmanton For Woodall Homes	DPC	01/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00622/FUL	Brimington South	Single storey side extension At 22 Brooke Drive Brimington S43 1PD For Mr and Mrs Wood	CP	05/12/2022
CHE/22/00623/FUL	Dunston	Single storey extension to existing shop At Dunston Inn Dunston Lane Newbold Chesterfield S41 8HA For Mr Sekhon Manvesh	CP	19/12/2022
CHE/22/00631/FUL	Brimington South	Erection of a two storey side extension At 7 Brooke Drive Brimington Chesterfield S43 1PD For Mr Jones	CP	05/12/2022
CHE/22/00643/FUL	Lowgates And Woodthorpe	Erection of a single storey side extension, two storey rear extension, front entrance porch and elevational treatments to property At 18 Bridle Road Woodthorpe Chesterfield S43 3BY For Mr and Mrs Nathan and Charlotte Townsley	CP	08/12/2022
CHE/22/00644/FUL	Brimington South	Single storey rear extension (revised drawing received 15th November 2022 to reduce the height of the roof) At 30 Wayside Court Brimington Chesterfield S43 1BS For Mr and Mrs Butcher	CP	06/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00648/FUL	Barrow Hill And New Whittington	Driveway access from a dropped kerb At 144 High Street Old Whittington S41 9LF For Mr Ben Watkinson	CP	15/12/2022
CHE/22/00652/FUL	St Leonards	Ground floor extension to rear and side elevation. Re-submission of previously approved application CHE/17/00103/FUL At 223 Hady Lane Hady S41 0DA For Mr Neil Bowden	CP	15/12/2022
CHE/22/00681/FUL	West	Demolition of existing conservatory and erection of a two storey side and rear extension At 20 Miriam Avenue Somersall Chesterfield S40 3NF For Miss Isabelle Barker and Mr Ben Smithurst	CP	13/12/2022
CHE/22/00684/FUL	Old Whittington	Erection of a detached double garage with a room above At 113 High Street Old Whittington Chesterfield S41 9LB For Parkvale Developments (UK) Ltd	WDN	15/12/2022
CHE/22/00686/FUL	Dunston	Installation of a roller door to front elevation (single height) At Radio House Peak Business Park Foxwood Road Sheepbridge S41 9RF For Topstream Properties	CP	12/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00691/RET	Hollingwood And Inkersall	Retention of raised car hardstanding to front of property. Lowering of kerbs At 28 Laburnum Street Hollingwood Chesterfield S43 2JL For Mr Vincenzo Mercuri	CP	15/12/2022
CHE/22/00696/FUL	Lowgates And Woodthorpe	Side extension with access ramp - resubmission of application CHE/22/00147/FUL At 10 Spencer Avenue Woodthorpe S43 3BX For Mr Jamie metcalfe	CP	05/12/2022
CHE/22/00712/FUL	West	Erection of a 2.0m high wooden curved panel fence with concrete posts to the eastern boundary of the property At 34 Miriam Avenue Somersall Chesterfield S40 3NF For Mr Jonathan Simms	REF	08/12/2022
CHE/22/00714/FUL	Hasland	Two storey rear extension and single storey side extension and rendering of whole house At 76 Broomfield Avenue Hasland Chesterfield S41 0ND For Mr Mark Franks	CP	08/12/2022
CHE/22/00718/ADV	Old Whittington	4 internally illuminated fascia signs, 1 free standing internally illuminated totem sign, 1 set of 3 flags and flagpoles At Eastside Park, Unit 2 Eastside Road Chesterfield S41 9BU For Car Store	CP	05/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00722/FUL	Brimington South	Demolition of car wash and creation of charging zone, erection of EV chargers, erection of canopy, sub-station enclosure and associated forecourt works At Jet Petrol Filling Station and Premises High Street Brimington Chesterfield S43 1DE For Motor Fuel Group	CP	05/12/2022
CHE/22/00723/DOC	Moor	Discharge of conditions 3 (Scheme of intrusive site investigations), 4 (Declaration of safety of site), 5 (Details of proposed extraction plant) and 6 (Biodiversity) of application CHE/21/00752/FUL- New vehicle smart repair/photo building At Arnold Clark Motorstore Meltham Lane Chesterfield S41 7LG For Arnold Clark Automobiles	PDOC	08/12/2022
CHE/22/00729/FUL	Brockwell	Demolition of existing garage and proposed side extension to form carer's overnight accommodation and wheelchair storage/charging At 288 Newbold Road Newbold Chesterfield S41 7AJ For Mr and Mrs Peter Dillon	CP	12/12/2022
CHE/22/00731/DOC	Lowgates And Woodthorpe	Discharge of condition 10 (Site investigation) of application CHE/21/00883/FUL- Re submission of CHE/21/00078/FUL for demolition of existing bungalow and detached garage and erection of a 2 bed bungalow At 4 Woodthorpe Road Woodthorpe Chesterfield S43 3BZ For Mr Kevin Hodgetts	DPC	15/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00740/FUL	St Leonards	Retention of use granted in permission CHE/20/00671/COU for change of use of former garage to salon facility and utility room At 7 Kirkdale Close Chesterfield S40 2UX For Mr Ian Kirk-Ellis	CP	15/12/2022
CHE/22/00741/FUL	Barrow Hill And New Whittington	Single storey rear extension, new gable end over front entrance, and new render to walls. At 213 Handley Road New Whittington Chesterfield S43 2ES For Mr and Mrs Buckley	CP	12/12/2022
CHE/22/00745/FUL	Holmebrook	Two storey side and rear extension together with associated internal and external alterations At 32 Walton Crescent Boythorpe Chesterfield S40 2PJ For Mr and Mrs Cauldwell	CP	06/12/2022
CHE/22/00747/FUL	Walton	Internal and external remodelling to existing mental health in-patient ward including replacement windows and doors, new link corridor and landscaping to inner courtyard At Walton Hospital Whitecotes Lane Walton Chesterfield S40 3HW For Derbyshire Healthcare NHS Foundation Trust	CP	19/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00751/FUL	Moor	<p>Single storey rear extension with cladding, raise roof height on side elevation to form additional first floor space, raised patio to the rear and associated alterations</p> <p>At 30 Dukes Drive Newbold Chesterfield S41 8QG For Mr Jonthan Heathcote</p>		19/12/2022
CHE/22/00759/DOC	Moor	<p>Discharge of conditions 4 (Site investigation), 5 (Remediation scheme), 6 (Sewer protection/diversion), 8 (Surface water drainage design and associated management and maintenance plan), 9 (Mitigation of additional surface water run-off), 13 (Site compound details), 17 (Details of materials), 19 (Landscaping details), 21 (External lighting details), 22 (Scheme for investigation and recording of contamination report) of application CHE/19/00775/FUL- Erection of coffee shop drive-thru restaurant and associated works</p> <p>At Arnold Clark Motorstore Meltham Lane Chesterfield S41 7LG For Arnold Clark Automobiles Ltd</p>	PDOC	15/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00764/DOC	Old Whittington	Discharge of conditions 5 (railings to steps), 6 (plot 5 window), 8 (boundary treatments), 9 (materials) of application CHE/22/00413/REM1 - Redevelopment of Manor Syck Farm, including conversion of three barns, refurbishment of existing farmhouse and new build detached farmhouse garage and detached property. (Amended plan 08.09.22 removing upper floor rear window from plot 4) At Manor Syck Farm 132 Church Street North Old Whittington S41 9QP For Marsh Green Construction Ltd	PDOC	14/12/2022
CHE/22/00766/TPO	Brockwell	Oak tree overhanging 7 Leyburn Close garden needs trimming and shaping, other trees need trimming back At 7 Leyburn Close Brockwell Chesterfield S40 4DW For Mr Geoffrey Thorp	CP	20/12/2022
CHE/22/00768/DOC	St Helens	Discharge of conditions 8 (cellular confinement system) and 9 (hard surfacing within the RPA) of CHE/21/00284/REM1- Residential development of 5 houses with associated landscaping and parking. At Site Of Former Old Farm Inn Highfield Road Newbold Chesterfield For Urbana World	DPC	15/12/2022
CHE/22/00774/TPO	Brockwell	T13 and T14 reduce crown. Crown reduce Blackthorn hedgerow. At 12 Leyburn Close Brockwell Chesterfield S40 4DW	SC	20/12/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00787/FUL	Hasland	Side and rear extension At 75 Norwood Avenue Hasland S41 0NJ For Mrs Cooper	CP	14/12/2022
CHE/22/00793/TPO	West	TPO 143 Popular fell due to rot in base of tree. Tree next door exactly same, came down last winter breking clean off in gales At 694 Chatsworth Road Chesterfield S40 3PB For Mr J Salway	CP	06/12/2022
CHE/22/00801/TPO	West	Remove trees: T6 Sycamore, T7 Sycamore, T8 Sycamore, T10 Sycamore, T20 Sycamore, T21 Sycamore, T23 Sycamore, T28 Pine, T34 Lombardy Poplar, T35 Lombardy Poplar, T36 Poplar, T37 Poplar, G10 Poplar, G11 Poplar At Brampton Manor 107 Old Road Chesterfield S40 3QR For HP General Partners Ltd	CP	07/12/2022
CHE/22/00830/TPO	Barrow Hill And New Whittington	The trees requiring removal are T1 and T4 The trees requiring pruning management are T2, T3, T5 and T6 At Whittington Road Generation Site Whittington Road Barrow Hill S43 2PW For Mr Adam Winson	CP	20/12/2022

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	9 th January 2023
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/22/00793/TPO TPO 4901.43 06/12/22	The felling of one Poplar tree reference T143 on the Order Map and which is situated to the rear of 694 Chatsworth Road, Brookside. The tree has decay in the lower stem.	Consent is granted to the felling of one Poplar tree with a condition that one new Oak tree is planted as a replacement in the same location.
CHE/22/00801/TPO TPO 4901.01 TPO 4901.42 TPO 4901.83 TPO 4901.158 07/12/22	The felling of 6 Sycamore trees, 8 Poplar trees and 1 Pine tree. Also, the pruning of 63 various species of trees on the Order Map and which are situated in the grounds of Brampton Manor, Brampton.	Consent is granted to the felling of 15 trees by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season. A condition is therefore attached for the planting of 15 new trees consisting of Oak, Lime, Field Maple and a Pine tree. Consent is also granted to the pruning of 63 trees to crown lift over the driveway to

		Brampton Manor and the removal of dead wood and epicormic growth to all trees on the site subject to a Preservation Order.
CHE/22/00774/TPO TPO 4901.281 20/12/22	<p>The crown reduction to one side of T13 & T14 Oak and the reduction in height of G2 Blackthorn hedge on the Order map at 71 Pomegranate Road.</p> <p>The applicant wishes to crown reduce the Oaks due to pigeon droppings and the Blackthorn hedgerow for a solar panel.</p> <p>The applicant also wishes to construct a 1 metre high wall along the rear boundary which would require the root pruning of the Blackthorn trees within G2.</p>	<p>Consent is refused to the crown reduction of two Oak trees as the pruning works would make the two trees unbalanced and reduce their visual amenity. The dropping of pigeon residue is not a sufficient reason to justify the crown reduction of a healthy and well-balance trees when there are alternative solutions.</p> <p>Consent is also refused to the crown reduction in height of a section of Blackthorn hedgerow which is at a suitable distance away from the property and the reduction would reduce it visual amenity and natural appearance as a whole unit to the rear of the properties which is in general uniform in height and naturally growing along its whole length.</p> <p>Consent is granted to crown lift the two Oak trees and the Blackthorn hedgerow to 3.5m removing the lower branches overhanging into the garden. Consent is also granted to root prune the Blackthorn trees with conditions attached.</p>

<p>CHE/22/00766/TPO TPO 4901.281 20/12/22</p>	<p>The pruning of T11 Oak and Blackthorn trees within G2 on the Order Map and which are situated to the rear of 7 Leyburn Close.</p>	<p>Consent is granted to crown lift the Oak tree T11 and the Blackthorn hedgerow to 3.5m to remove the lower branches overhanging into the garden.</p>
<p>CHE/22/00830/TPO TPO 4901.86 20/12/22</p>	<p>The felling of 2 Willow trees and the pruning of 2 Alder and 2 Willow trees within G1 on the Order Map and which are situated at Whittington Road Generation Site, Whittington Road, Barrow Hill.</p>	<p>Consent is granted to the felling of two Willow trees by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season. A condition is therefore attached for the planting of 2 new Alder trees.</p> <p>Consent is also granted to re-pollard two Willow trees and crown lift two Alder trees which are low over the site and highway.</p>

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 9th January 2023
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)	
2/3651	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	
2/4150	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	

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FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 9TH JANUARY 2023
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

