



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

Councillors Caulfield, Marriott,
Rayner, Rogers and Simmons – Site
Visit 1
Councillors Catt and A Murphy – Site
Visit 2

10 February 2023

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 20 FEBRUARY 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 11:10am. Ward members wishing to be present should attend on site as indicated below:-

1. 11:30am Avenue Road, Chesterfield, S41 8TA
CHE/22/00829/FUL
2. 12:00pm Loundsley Green Road, Chesterfield
CHE/21/00879/FUL

Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items, unless a

reasonable adjustment is in place by prior arrangement. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it.

A reasonable adjustment meeting will take place at 10:50am in Committee Room 1 for those not able to attend the site visits.

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 20 February. 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 - 22)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 23 - 104)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 105 - 122)
6. Applications to Fell or Prune Trees (P620D) (Pages 123 - 126)
7. Appeals Report (P000) (Pages 127 - 140)
8. Enforcement Report (P410) (Pages 141 - 144)
9. Local Government Act 1972 - Exclusion of Public

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

Part 2 (Non Public Information)

10. 94 Chester Street, Chesterfield (Pages 145 - 152)

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, 30th January, 2023**

Present:-

Councillor Callan (Chair)

Councillors Bingham
Brittain
Catt
Caulfield

Councillors D Collins
G Falconer
Marriott
Miles

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

CHE/22/00796/FUL – Conversion of existing bar/former chapel to form 9 residential flats. Resubmission of CHE/22/00463/FUL, at the Sports Bar, adjacent 37 Holywell Street for Urbana Town Planning.

Councillors Brittain, Callan, Caulfield, G Falconer and Marriott.

CHE/22/00743/COU – Change of use of residential dwelling from small shared house (C4 use class) to a house of multiple occupation (use class sui generis) at 16 Albion Road, Chesterfield for Dovedale Property Lettings LTD.

Councillors Brittain, Callan, Caulfield, G Falconer and Marriott.

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

Councillor D Collins was unable to attend the site visits or receive relevant site information by other means and therefore did not take part in determining applications CHE/22/00796/FUL or CHE/22/00743/COU.

*Matters dealt with under the Delegation Scheme

Apologies for absence were received from Councillors Barr, Borrell, Brady, Davenport, and T Gilby.

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

Agenda Item 2 - CHE/22/00796/FUL – Conversion of existing bar/former chapel to form 9 residential flats. Resubmission of CHE/22/00463/FUL, at the Sports Bar, adjacent 37 Holywell Street for Urbana Town Planning.

Councillor Caulfield declared an interest in this application.

98 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 9 January, 2023 be signed by the Chair as a true record.

99 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

CHE/22/00743/COU - CHANGE OF USE OF RESIDENTIAL DWELLING FROM SMALL SHARED HOUSE (C4 USE CLASS) TO A HOUSE OF MULTIPLE OCCUPATION (USE CLASS SUI GENERIS) AT 16 ALBION ROAD, CHESTERFIELD FOR DOVEDALE PROPERTY LETTINGS LTD.

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

***RESOLVED –**

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

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

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

- Site location plan
- Block Plan
- Existing Floor plans
- Proposed Floor plans

CHE/22/00796/FUL - CONVERSION OF EXISTING BAR/ FORMER CHAPEL TO FORM 9 RESIDENTIAL FLATS. RESUBMISSION OF CHE/22/00463/FUL, AT THE SPORTS BAR, ADJACENT 37 HOLYWELL STREET FOR URBANA TOWN PLANNING.

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

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

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

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

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

***RESOLVED –**

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A. That the officer recommendation be upheld and the application be approved subject to the following conditions and that a CIL liability notice be issued as per section 5.11 of the officer's report:-

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

Location plan 200 received 23.11.2022

Ground floor plan as proposed no. 301 received
23.11.2022

First floor and roof plan as proposed no. 302 received

Proposed elevations sheet 1 of 2 303 received
23.11.2022

Proposed elevations sheet 2 of 2 304 received
23.11.2022

Design and access statement received 23.11.2022

Noise assessment received 23.11.2022

3. A - Notwithstanding the elevational detail of the garden store openings shown on plan no 304 to the south east facing elevation; prior to works commencing on this element of the build, and following demolition of the single storey extension; photographs of this elevation of the building and any remaining features (such as windowsills) shall be incorporated into a revised design detail of the elevation showing the opening and treatment of these, all details to be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

B – Notwithstanding the elevational detail of the bin and cycle store openings shown on plan no 303 to the south west facing elevation; prior to works commencing on this element of the build, and following demolition of the single storey extension; photographs of this elevation of the building and any remaining features (such as windowsills) shall be incorporated into a revised design detail of the elevation showing the opening and treatment of these all to be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

C - The agreed design of the garden, bin and cycle stores shall be installed and ready for use prior to first occupation of the accommodation.

4. The windows to the upper floor corridor area shall be fixed and non-opening and shall remain so throughout the life of the development.
5. The ground floor windows to unit 5 and upper floor windows to unit 9 as identified on plans 302 and 301 shall be fully blocked, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, the agreed works shall be fully installed prior to first occupation.
6. Prior to any works commencing on the installation of new windows a detailed schedule of window and door details, including those to be retained and /or repaired, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details. The schedule shall include:
 - a. Elevational design of all windows and doors including sections to align with an elevational plan of the building.
 - b. Window design to accord with the details contained within the Noise Assessment.
 - c. A detailed assessment of the existing windows and schedule of those to be retained and repaired along with full justification and method of repair.
 - d. Details of secondary glazing to the retained windows
 - e. Details of non-openable windows to the frontage of the building on Holywell Street to address air quality concerns.
7. Prior to first occupation the building shall be insulated in accordance with a detailed scheme which shall include a testing regime, to be submitted to and agreed in writing by the Local Planning Authority, works shall be completed in accordance with the agreed details and shall be retained thereafter throughout occupation.
8. Prior to any works taking place to the ground floor of the existing building, below the existing floor level or to any exterior hardstanding; a detailed heritage assessment to inform the need for

and where necessary details of a Written Statement of Investigation (WSI) all to be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include where necessary an assessment of the significance and research questions; and

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for the publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a suitably qualified, competent and experienced archaeological contractor or organisation to undertake the works set out within the Written Statement of Investigation.

The building shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out within the approved Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Any historic or archaeological features not previously identified which are revealed when carrying out the works hereby permitted shall be retained in-situ and reported to the Local Planning Authority in writing within 2 working days. Works shall cease in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing by, the Local Planning Authority.

Works shall be completed in full accord with the agreed details.

9. Prior to the occupation of the accommodation hereby approved details of swift boxes to be installed/integrated into the building shall

be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be installed on site prior to first occupation and retained and maintained throughout the life of the development.

10. 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.

11. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, with planting to be carried out within the first planting seasons following first occupation. The details of which shall include :-

- a) all plant species, planting sizes, planting densities, the number of each species to be planted in order to aid biodiversity;
- b) means of enclosure;
- c) hard surfacing materials;
- d) external lighting details;

12. 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.

13. Prior to the commencement of development details as to how the remaining internal historic features of the building (e.g. beams

and arched detail above the stairway) will be treated and ideally left exposed within the conversion scheme shall be submitted to and agreed in writing by the local planning authority. Work shall be completed in accordance with the agreed details.

B. That a CIL Liability Notice be issued for £52,633 as per Section 5.11 of the Officer's Report.

Councillor Caulfield returned to the meeting at this point.

100 **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/21/00800/FUL	Demolition of 1 no. existing dwellinghouse and outbuildings, and construction of 33 no. 2, 3 & 4 bed dwellinghouses and associated access, parking and gardens at adjacent 929 Sheffield Road, Sheepbridge S41 9EJ for Vistry Partnerships Yorkshire
CHE/21/00932/FUL	Re-submission and amendment to approved scheme CHE/19/00383/FUL for Detached House with Annex and Raised Patio at Brimington House, Heywood Street, Brimington S43 1DB for Mr Paul Spencer
CHE/22/00424/FUL	Conversion of garage and summer room to bedroom shower room and dining room including level access though out house at 5 Salcey Square, Walton, Chesterfield S40 2DX for Mr Howitt
CHE/22/00447/FUL	Erection of a detached split level dormer bungalow with garage attached to the side at 1A

Whitebank Close, Hasland, Chesterfield S41
OTS for Arncliffe Homes Ltd.

- CHE/22/00484/REM Approval of reserved matters for the erection of 7 dwellings in relation to Outline permission CHE/19/00214/OUT - (Demolition of factory buildings and erection of 8 dwellings) at Ryro Engineering, Shaw Street, Whittington Moor S41 9AY for Mr Darrell J. Rynott
- CHE/22/00535/RET Retrospective application for a large shed to be used as a sensory room for additional needs at 19 Badger Croft, Chesterfield S40 4PJ for Chesterfield Borough Council
- CHE/22/00553/FUL Single storey/two storey rear extension at 47 Highbury Road, Newbold, Chesterfield S41 7HL for Mr Jason Briggs
- CHE/22/00561/FUL Attached garage on the side elevation at 40 Westmoor Road, Brimington S43 1PT for Mrs Jane Conneely
- CHE/22/00562/FUL Demolition of the existing conservatory and erection of a replacement single storey side extension and a single storey east front/side extension. Timber fencing, raised terracing and associated landscaping works at Upper Close, 17 Somersall Lane, Somersall, Chesterfield S40 3LA for Mr and Mrs Young
- CHE/22/00602/FUL Two storey rear extension at 77 Whitecotes Lane, Walton, Chesterfield S40 3HJ for Mr Bobby Singh
- CHE/22/00618/LBC Repair of Listed (former) farm outbuildings associated with Dunston Hall, including repairs to external and internal walls, roofs, floors, windows and doors. The insertion of a contemporary steel framework to provide necessary structural support at Dunston Farm Buildings To North East Of Farmhouse, Dunston

	Hall, Dunston Road, Chesterfield S41 9RL for Mr David Harrison
CHE/22/00633/FUL	Erection of a single storey rear extension at 42 Salisbury Crescent, Newbold, Chesterfield S41 8PP for Mr Sam Lovie
CHE/22/00635/FUL	Ground floor single storey extension to front elevation of dwelling to form kitchen with pantry and installation of ornate canopy to front door at 12 Cranborne Road, Newbold, Chesterfield S41 8PG for Mr and Mrs Roberts
CHE/22/00640/FUL	Demolition of existing boiler house, bay window and porch and erection of new kitchen and lounge extension at Hartington House, Eckington Road, Staveley, Chesterfield S43 3YG for Mr and Mrs Browne
CHE/22/00657/FUL	Side and rear extensions and extended dropped kerb with front car hardstanding at 6 Woodleigh Close, Holme Hall, Chesterfield S40 4XW for Mrs Wolstenholme
CHE/22/00668/FUL	Conversion of barn to one dwelling including associated alterations, air source heat pump, amenity space and parking - revised drawings received 12.12.2022 at Woodthorpe Grange Farm, 27 Bridle Road, Woodthorpe, Chesterfield S43 3BY for Sally and Graeme Crowder & Reddish
CHE/22/00672/FUL	Alterations to the front boundary wall and associated works at 78 Sycamore Road, Hollingwood, Chesterfield S43 2HH for Mr and Mrs Pickering
CHE/22/00690/FUL	Two storey side extension, single storey rear extension and Loft conversion including rear dormer at 4A Littlemoor, Newbold, Chesterfield S41 8QN for Mr Jack Rodgers

- CHE/22/00698/LBC Full refurbishment including internal demolitions at Old Birdholme House, Derby Road, Birdholme, Chesterfield S40 2EX for CCS Media Ltd
- CHE/22/00699/FUL Replacement windows, additional of external fire exit door and alterations to existing external fixed heating plant, at Old Birdholme House, Derby Road, Birdholme, Chesterfield S40 2EX for CCS Media Ltd
- CHE/22/00721/FUL Proposed upgrade to existing telecommunications equipment located at Chesterfield Telephone Exchange at BT Cellnet Telephone Exchange, Saltergate, Chesterfield S40 1UH for Cellnex
- CHE/22/00738/FUL Replace the existing concrete sectional garage with a new steel construction, single storey olive green garage at 3 Inkersall Farm Cottages, Inkersall Road, Staveley S43 3YJ for Mr Peter Ravey
- CHE/22/00757/FUL Detached garage with store above at 7 Fairfield Court, Holme Hall, Chesterfield S42 7PT for Adam Wilkins
- CHE/22/00773/FUL Demolition of existing conservatory and erection of single storey side extension (Resubmission of CHE/22/00076/FUL) at 2 Tansley Way, Inkersall, Chesterfield S43 3DT for Georgia and Ella Smart
- CHE/22/00775/PA Change of use of barn to residential dwelling under Class Q of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 at St John's Farm, Bridle Road, Woodthorpe, Chesterfield S43 3BY for Mr Mick Hobson
- CHE/22/00780/FUL Demolition of existing rear conservatory and erection of a single storey side and rear extension and erection of canopy over front door

- at 48 Yew Tree Drive, Somersall, Chesterfield S40 3NB for Mr and Mrs Stanford
- CHE/22/00853/TPO Routine maintenance works to T1 to T95 for up to ten years as per the attached report ref:SBS34141601 at Langer Lane, Birdholme for Derbyshire County Council
- CHE/23/00002/TPO Fell one Beech tree which has fungus Meripilus at the base at Penmore House, Penmore Business Centre, Hasland Road, Hasland, Chesterfield S41 0SJ for Salt and Pritchard Properties
- CHE/23/00003/TPO Fell 1 Horsechestnut tree and crown lift 3 Beech trees at Willersley Court, Newbold Road, Newbold S41 8AR for Derbyshire County Council
- CHE/23/00006/TPO Tree Species - Silver Birch (identified as T9 to T13 on sketch plan). Proposed work: 1. Felling of Tree T10 as it is diseased and 1 branch has already fallen into highway. 2. Crown lift to 5 metres over highway of remaining silver birch (T9 & T11 to T13) as they are causing potential obstruction of public pavement and highway. 3. Request to dispense with requirement to replant due to proximity of remaining trees in group at 146 St Johns Road, Newbold, Chesterfield S41 8PE for Ms Sue Atkin
- CHE/23/00011/TPO 34T1- Horse Chestnut- Remove deadwood and epicormic growth throughout the crown, shorten lower laterals by 1-1.5m. T2- Lime- Thin crown by up to 15%, remove deadwood and epicormic growth throughout the crown, shorten laterals encroaching on property by up to 2m. T3- Horse Chestnut- Remove deadwood and Ivy throughout the crown and on stem, crown thin by approx 10% at 50 Netherleigh Road, Ashgate, Chesterfield S40 3QJ for Mrs Karreen Pinder

CHE/23/00018/TPO Planning is already in place to include removal of trees identified for the build. To facilitate further with the build G2 Pine trees, T1 and T2 within the boundary of the building will need to be crown lifted to 4.5m. T4 Horse chestnut tree which is not included in the TPO to be raised by 4.5m as this is located within the turning area for vehicles. Any major deadwood 60mm in diameter to be removed so construction workers can work safely at Land West of Wash House Lane, Wash House Lane, Chesterfield for Mr Chris Allenby

(b) Refusals

CHE/22/00621/FUL Additional storey first floor extension over existing garage and change existing flat roof over garage/porch to pitched roof. Timber cladding to porch and garage front/side elevations at 40 Newbold Back Lane, Chesterfield S40 4HQ for Mr and Mrs Sargeson

CHE/22/00742/FUL Two storey extension to the side of the house for ground floor garage and first floor bedroom at 26 Netherthorpe Close, Staveley S43 3PX for Miss Stephanie Mcmanus

(c) Discharge of Planning Condition

CHE/21/00391/DOC Discharge of planning conditions 4 (desk top study). 10 (materials), 12, 14 (drainage) and 15 (landscaping) of CHE/19/00383 - Demolition of workshop and erection of a new dwelling with attached granny annexe at Brimington House, Heywood Street, Brimington S43 1DB for Mr Paul Spencer

CHE/22/00730/DOC Discharge of condition 2 (Design and materials of the site infrastructure) 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 for Low Carbon UK Solar Investment Company Limited

(d) Other Council no objection with comments

CHE/22/00665/CPO Construction of the initial approximately 160 m stretch of link road from the junction of Hollis Lane and Spa Lane, the works will include; the realignment of the Spa Lane/Hollis Lane junction, new pedestrian crossings and a shared foot/cycleway along the eastern boundary of the carriageway and a new cycleway adjacent to the A61 off-slip at Hollis Lane and Spa Lane, Chesterfield for Derbyshire County Council

(e) CLOPUD granted

CHE/22/00833/CLO Certificate of Lawfulness for the proposed change of use from C3(a) to C3(b) at 89 Troughbrook Road, Hollingwood, Chesterfield S43 2JW for Safe Haven ACG Ltd

(f) Other Council no objection without comments

CHE/22/00578/CPO Reserved Matters approval for Plot 6 of Markham Vale development relating to outline application 15/00497/OL for four no. proposed buildings, site layout, scale and appearance plus site access and landscaping proposals at Land At Enterprise Way, Enterprise Way, Duckmanton for Mr Hinds.

101 **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/23/00002/TPOEXP Consent is granted to the felling of one Beech tree infected with Meripilus fungus reference T3 on the Order Map and which is situated to the frontage of Penmore House, Hasland Road, Hasland with a condition to plant one new small leaved Lime Tree in the same location this planting season.
- CHE/23/00003/TPOEXP Consent is granted to the felling of one Horsechestnut tree reference T54 and the pruning of three Beech trees reference T53, T56 & T57 and one Horsechestnut T55 on the Order Map and which are situated to the frontage of the former Derwent House residential home, Newbold Road, with a condition that one new Hornbeam tree is planted as a replacement in the same location.
- CHE/22/00853/TPO Consent is granted to the pruning of 93 Lime trees reference T1 to T95 (excluding replacement trees T4 & T49) on the Order map for Derbyshire County Council Highway at Langer Lane, Birdholme. Decision has been extended for 10 years to avoid repeat applications.
- CHE/23/00006/TPO Consent is granted to the felling of one dying Silver Birch and pruning of 3 Birch trees within G1 on the Order map at 146 St John's Road, Newbold.
- CHE/23/00011/TPO Consent is granted to the pruning of two Horsechestnut trees reference T35 & T38 and one Lime tree reference T37 on the Order Map and which are situated in the grounds of 50 Netherleigh Road, Brampton
- CHE/23/00018/TPO Consent is granted to the pruning of 1 Maple tree reference T1, 3 Ash trees reference T3, T4 & T5 along with Birch trees within G1 and

Pine trees within G2 on the Order Map and which are situated on land to the north of Orchards Cottage, Wash House Lane, Brampton.

102 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.

103 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.

104 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.

**105 FORMER HARDYS SITE, 194-196 NEWBOLD ROAD,
CHESTERFIELD, DERBYSHIRE**

The Development Management and Conservation Manager submitted a report to inform members of unauthorised development at the former Hardys Builders Merchants site on Newbold Road.

***RESOLVED –**

That an enforcement notice be served requiring the removal of the frontage fencing and the forecourt retail sales at the former Hardys site at 194-196 Newbold Road with a compliance period of 28 days beyond the 10th April 2023 (10th May 2023 to ensure no appeal received by PINs) in the event of no appeal being lodged or in the event of an appeal being lodged, 28 days after a dismissal for the appeal.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	20 th February 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 20th February 2023**

ITEM 1	CHE/22/00829/FUL - TWO 3 STOREY BLOCKS OF 18 ONE BEDROOM SHELTERED HOUSING FLATS (USE CLASS C2) AND ASSOCIATED COMMUNAL AREAS, PLUS CAR PARKING, PEDESTRIAN AND CYCLE ACCESS AND LANDSCAPED GARDEN AREAS AT FORMER SITE OF AVENUE VILLA, AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8TA FOR DIGNUS HEALTHCARE
ITEM 2	CHE/21/00879/FUL - RESIDENTIAL DEVELOPMENT OF 15 DWELLINGS WITH ACCESS, LANDSCAPING AND ASSOCIATED WORKS ON DEVELOPMENT LAND WEST OF LOUNDSLEY GREEN ROAD, LOUNDSLEY GREEN FOR STRATA.

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ITEM 1

TWO 3 STOREY BLOCKS OF 18 ONE BEDROOM SHELTERED HOUSING FLATS (USE CLASS C2) AND ASSOCIATED COMMUNAL AREAS, PLUS CAR PARKING, PEDESTRIAN AND CYCLE ACCESS AND LANDSCAPED GARDEN AREAS AT FORMER SITE OF AVENUE VILLA, AVENUE ROAD, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 8TA FOR DIGNUS HEALTHCARE

Local Plan: Unallocated, within the built up area defined by Policy CLP3

Ward: Dunston / Moor

1.0 CONSULTATIONS

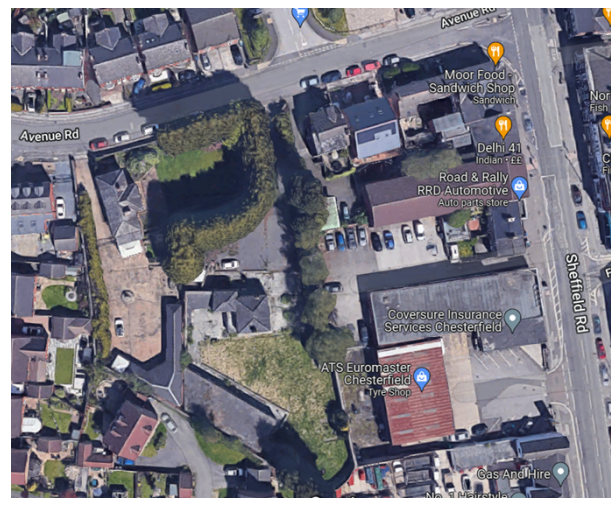
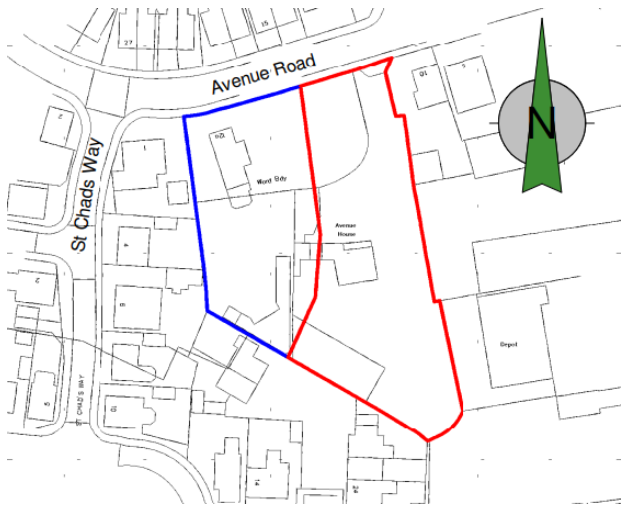
Ward Members	No comments received.
Local Highways Authority	Comments received – see report.
Lead Local Flood Authority	Further information required – see report.
DCC Planning Policy	No comments regarding infrastructure and services.
Derbyshire County Archaeologist	Comments received – see report.
The Coal Authority	Objection due to no Coal Mining Risk Assessment being provided.
Yorkshire Water	Conditions recommended.
Derbyshire Constabulary	No objections in principle, concerns raised regarding appropriate care of potential occupants and security arrangements relating to the application site and adjoining site.
Derbyshire Fire and Rescue	No comments received.

NHS ICP	No comments received.
Derbyshire Wildlife Trust	No comments received.
Chesterfield Cycle Campaign	No comments received.
CBC Strategic Planning	No comments received.
CBC Design Services – Drainage	No comments received.
CBC Estates	No comments received.
CBC Economic Development	Local labour condition recommended.
CBC Leisure Services	No comments received.
CBC Environmental Health	No adverse comments. Conditions recommended regarding construction working hours and the provision of electric vehicle charging infrastructure.
Representations	1 representation received – see report.

2.0 THE SITE

- 2.1 The site subject of this application is situated on the south side of Avenue Road, adjacent to the recent development at St Chad’s Way and to the rear of industrial and commercial uses fronting on to Sheffield Road. To the north are residential properties fronting Avenue Road and the entrance to the Lidl, to the east are residential properties along Avenue Road and commercial units fronting Sheffield Road, to the south and west are properties on St Chad’s Way.
- 2.2 The site is in a sustainable location in walking distance to a range of services in Whittington Moor District Centre (the application site abuts the District Centre boundary) which contains a range of Key Services and is also a main route for a range of high frequency public transport routes. Part of the Strategic Cycle network is also

close by, adjacent to the A61. The application site is within the defined Built up Area as defined by Policy CLP3 of the Chesterfield Local Plan 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 ©

- 2.3 As can be shown from the site plan above, the owners of the site have split the whole site into two, with the other portion of the site (blue line area) receiving planning consent on 31st August 2022 for the erection of a new care home facility with separate detached day units and creation of new access and auxiliary car parking areas (application reference: CHE/21/00926/FUL)

- 2.4 The application site plot is broadly rectangular in shape covering approximately 0.23hectares in area (2300sqm). The prior use of the site was for residential with a number of residential buildings on site and onsite landscaping. As a result of anti-social behaviour issues, the buildings on site were demolished and the site is currently level. The landscaping shown on the Google earth image above has been removed.



Photo taken from within the site looking north to Avenue

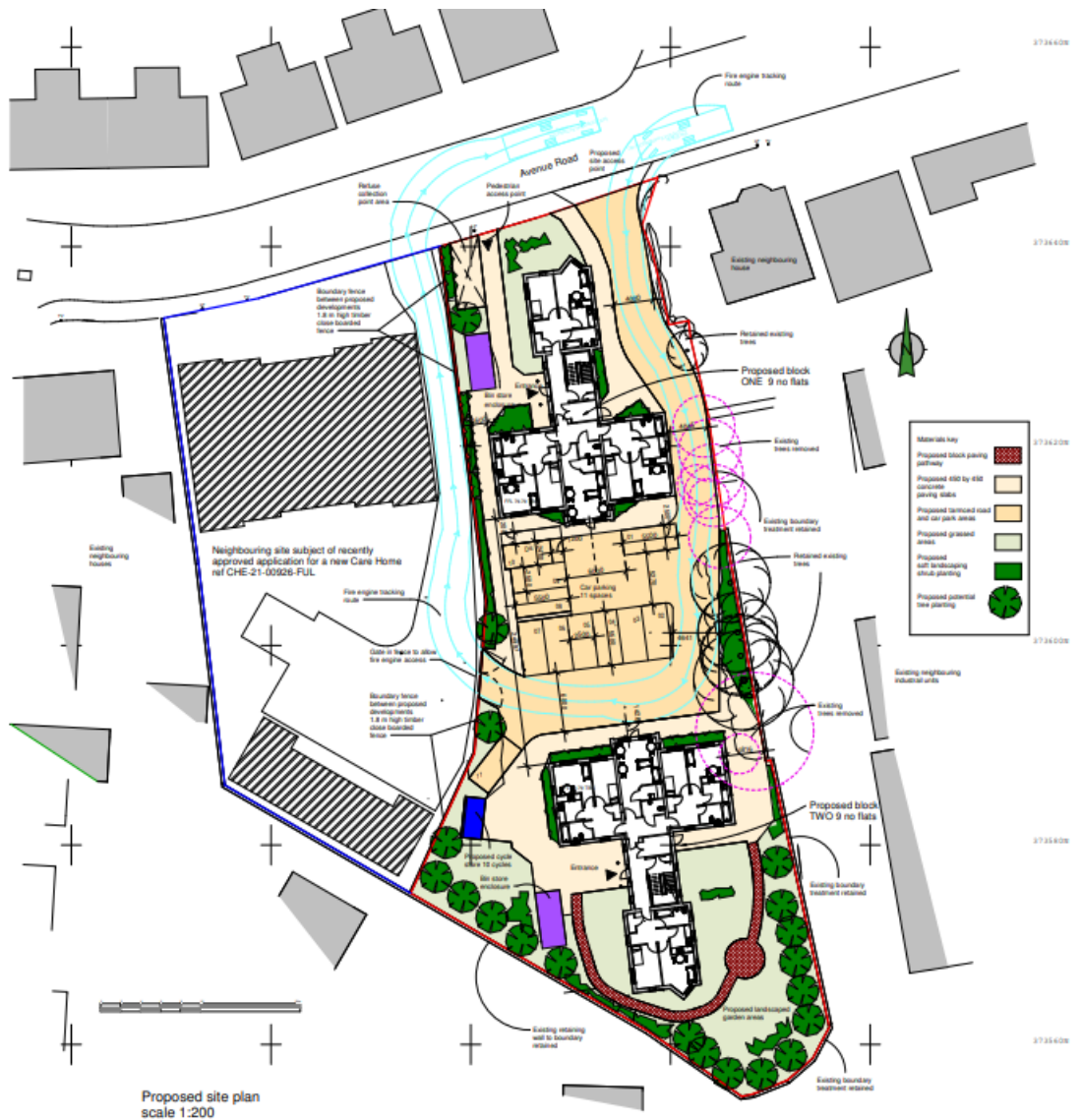


Photo taken from within the site looking east

3.0 SITE HISTORY

- 3.1 CHE/1085/0642 – Permission for the erection of dwelling
CONDITIONAL PERMISSION (19/11/1985)
- 3.2 CHE/0690/0452 – Single storey extension to form multi gym
bedroom sauna room and laundry room
CONDITIONAL PERMISSION (11/07/1990)
- 3.3 CHE/13/00453/FUL – Two storey extension
CONDITIONAL PERMISSION (12/09/2013)
- 3.4 CHE/21/00926/FUL – Erection of a new care home facility with
separate detached day units and creation of new access and
auxiliary car parking areas.
CONDITIONAL PERMISSION (31/08/2022)
- 3.5 CHE/22/00034/OUT - 3 storey residential block with associated
parking and access (revised plans received 24/05/2022 and
20/06/2022)
CONDITIONAL PERMISSION (31/08/2022)

4.0 THE PROPOSAL



- 4.1 The application seeks full planning permission for the development of 2 no. 3 storey residential blocks which will provide a total of 18 units of C2 sheltered housing accommodation with associated communal areas, a centralised parking area and some landscaping to the south of the site.
- 4.2 The proposed layout for the northernmost block of accommodation (block 1) is similar to that approved under CHE/22/00034/OUT however the area to the south of the site, identified within the outline application for amenity space has now been used to provide a further block of accommodation.
- 4.3 The application proposes two blocks of residential development. To the northern extent of the plot, the application proposes a 3-storey block (block 1) in an inverted 'T' shaped form with frontage

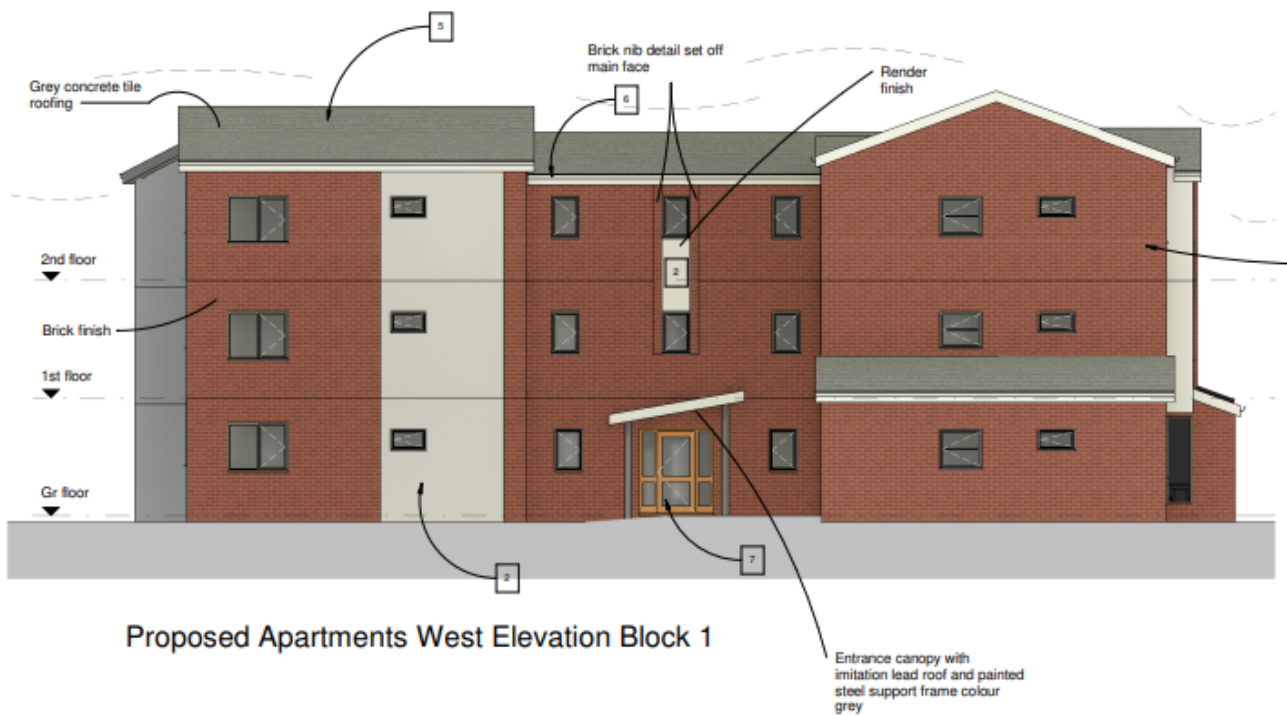
landscaping, bin store enclosure (timber), refuse collection area, with a vehicular access route to the east of the building which leads to a rear car park (space for 11 cars provided) and a further east-west access route to the adjacent site shown as a “fire engine tracking route” which creates a loop between the two sites to provide access / egress for larger vehicles. A separate pedestrian / cycle access is shown from Avenue Road to the western boundary of the application site which provides access to the central car park area.

- 4.4 To the south of the site a second ‘T’ shaped 3 storey block of accommodation is proposed (block 2), alongside a cycle storage area (10 cycles), a further bin store enclosure (timber), and some landscaping. The existing boundary treatment to the east and south boundaries is shown as being retained, with the boundary between the application site and the application site approved under CHE/21/00926/FUL being shown as a 1.8m close boarded timber fence, with a gap to enable the vehicular route as described.
- 4.5 Block 1 will have a narrow frontage to the Avenue Road (north) elevation (approx. 6.9m) with a triangular oriel window bay facing the street, with a false lead roof which sits below the ridge of the projecting gable that will form the principal elevation fronting Avenue Road. The gable ridge sits at approx. 10.10m and intersects with a cross gable to the rear of the block which widens the building to approx. 17.7m. The widest point of the building will feature two “lean to” style hips to the ground floor to provide additional ground floor accommodation and will be approx. 13.4m at first floor level and above. The cross gable ridge height sits at approx. 10.55m with an eaves height of approx. 8.6m. The building will be approx. 26.8m deep in total.
- 4.6 To the rear, the proposed elevations show a rear entrance way in which sits below a rear-facing gable which has been “split” which reflects, to a degree, the front-facing elevation of the approved care home on the adjacent site (CHE/21/00926/FUL). To the western elevation an entrance way is shown which provides an entrance for pedestrians using the side access route.



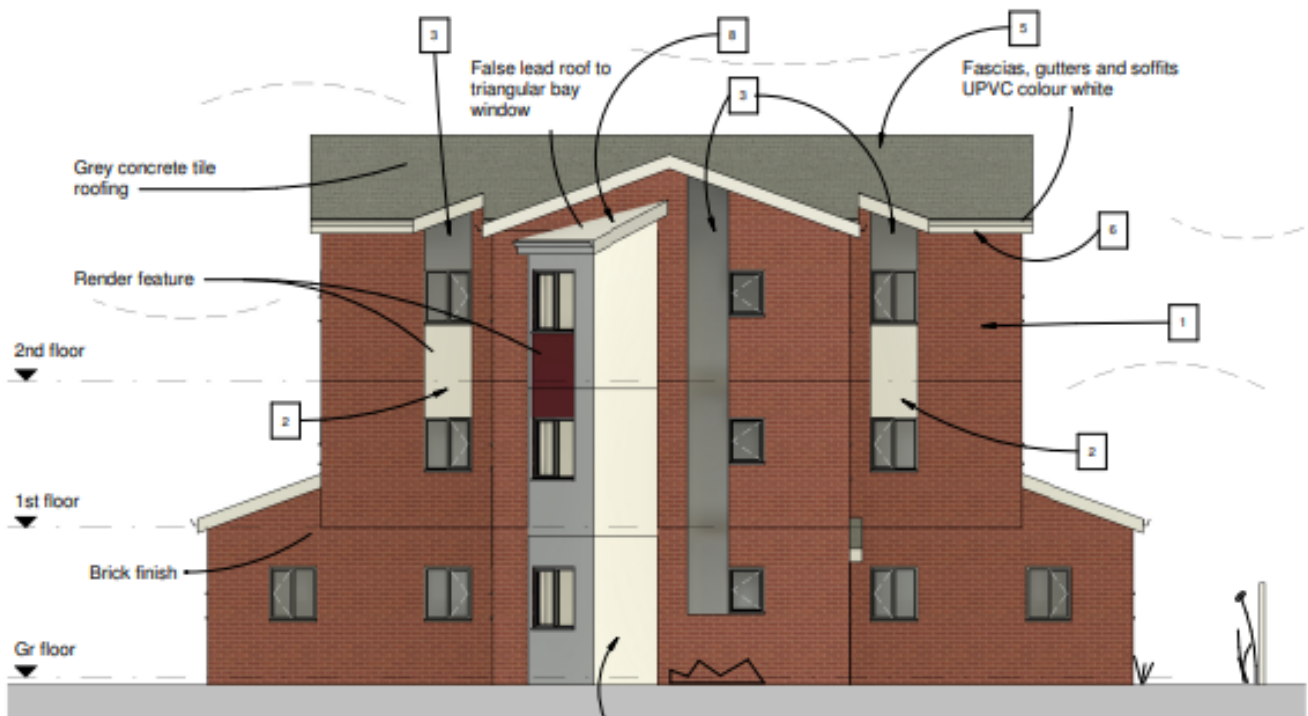
Proposed Apartments East Elevation Block 1

Proposed east (side) elevation – Block 1



Proposed Apartments West Elevation Block 1

Proposed west (side) elevation – Block 1



Proposed north (front) elevation – Block 1



Proposed south (rear) elevation – Block 1

4.7 Block 2 is shown as a “mirror image” to block 1.

4.8 The proposed accommodation blocks are shown to be finished in red brick with grey concrete roof tiles and mixed coloured (white, graphite and earth red) rendering shown throughout to provide an

architectural feature. White upvc windows, doors, fascias and gutters are shown throughout. The majority of the windows are shown as misted windows on the proposed floor plans.

- 4.9 The application proposes 18 units of C2 (residential institutions) accommodation. The sheltered accommodation flats are proposed to be operated by the applicant, Dignus Healthcare, alongside their care home (approved under CHE/21/00926/FUL) on the adjacent site. The applicant has submitted a “statement of purpose” within the application material. This erroneously refers to “School House”, understood to be another accommodation block within the applicant’s portfolio. However, the statement provides a description of the services that will be provided at the site.
- 4.10 The proposed accommodation will be run as a supported living scheme for those who are unable to live independently, for example through mental health issues or learning disabilities. The proposed staffing arrangements for the site are to be 4 no. full time staff for each block during the day (8 in total) with 2 full time staff on site over night (4 in total). Residents are to be aged sixteen and upwards. Dignus is registered with the Care Quality Commission.
- 4.11 Within each block 9 sheltered flats are proposed, 3 no. across each level. Each of the proposed flats range between 47.3 – 48sqm in size and provide a single bedroom, separate kitchen, dining / living area, bathroom and storage. To the ground floor level a common room is provided accessed via the main entrance (for both blocks the main entrance faces inwards within the site, towards the central car parking area), as well as an office, plant room and disabled wc. A central stair case / corridor area connects the three levels of accommodation and those flats to the front & rear of the buildings.
- 4.12 The application is supported by the following documents:
- Design and access statement
 - Statement of purpose

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

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 Supplementary Planning Documents

- Successful Places: A guide to sustainable housing layout and design SPD (2013)

5.5 Principle of Development

Relevant Policies

- 5.5.1 The application site is unallocated and is positioned within the built up area of Whittington Moor therefore policies CLP1 and CLP2 are of relevance.
- 5.5.2 Policy CLP1 states that *'The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that*

need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'

- 5.5.3 Policy CLP2 states that when *'Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council's Spatial Strategy (policy CLP1);*
 - b) are on previously developed land that is not of high environmental value;*
 - c) deliver wider regeneration and sustainability benefits to the area;*
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
 - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
 - h) are not on the best and most versatile agricultural land;'*
- 5.5.4 The principle of development is therefore assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.5.5 The application site is previously developed land, within the settlement boundary, and sits adjacent to the boundary of the Whittington Moor District Centre, which provides a range of key services and facilities and good public transport accessibility and connections to the strategic cycle network. The application will serve to bring a vacant and under-used site back into use and will help to provide additional supported living accommodation in a sustainable location within the borough.
- 5.5.6 On this basis it is considered that that the principle of residential development is acceptable on this site (as accepted through the approval of outline application CHE/22/00034/OUT) and is therefore in accordance with the Council's spatial strategy as established by policies CLP1 and CLP2 of the Chesterfield Local Plan.

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...*”

All development will be expected to:

- a) promote good design that positively contributes to the distinctive character of the borough, enriches the quality of existing places and enhances the quality of new places;*
- b) respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials;*
- c) be at a density appropriate to the character of the area whilst not excluding higher densities in and close to designated local, district and town centres;*
- d) Contribute to the vitality of its setting through the arrangement of active frontages, accesses, and functions, including servicing;*
- e) Ensure that the interface between building plots and streets and also the boundaries of development sites and their surroundings are attractive and take account of the relationship between public and private spaces;*
- f) Provide appropriate connections both on and off site, including footpath and cycle links to adjoining areas to integrate the development with its surroundings;*
- g) Provide adequate and safe vehicle access and parking;*
- h) Provide safe, convenient and attractive environment for pedestrians and cyclists;*
- i) Preserve or enhance the landscape character and biodiversity assets of the borough;*
- j) Be designed to be safe and secure and to create environments which reduce the potential for crime;*
- k) Minimise the impact of light pollution; and*
- l) Be able to withstand any long-term impacts of climate change.”*

- 5.6.2 The proposal is considered to be an over-development of the site and of a poor level of design quality which fails to satisfy Policy CLP20.

- 5.6.3 The previous outline application established the in-principle acceptability of residential development at this site. However, the full

application proposal doubles the density of the site from 9 to 18 residential units (79dph) which is considered to exceed the capacity of the site and undermine its ability to provide a high-quality development scheme and attractive living environment for future residents.

- 5.6.4 Policy CLP20 encourages higher densities close to district centres, however the proposed density of the site is considered to be inappropriate to the character of the area. Avenue Road is a residential street typically of terraced and semi-detached dwellings Victorian dwellings, with one known block of flats within a converted property adjacent to the application site. The proposed volume of built development would be inappropriate in this context and within the site and is considered to be excessive in respect of the size and shape of the application site. Insufficient external amenity space would be provided which would not off-set the scale of the two blocks of 3 storey development within the site. Therefore, it represents an over-intensive development of the plot which fails to reflect the prevailing pattern of development within the locality and would result in adverse impacts on the amenity of existing and future occupiers (see section 5.7).
- 5.6.5 The two blocks of accommodation face inwards to a central courtyard rather than providing a main entrance to the development along Avenue Road. This provides a poor relationship to the street scene with no active frontage which would be harmful to the vitality of the wider street by not creating a positive relationship between public and private realm. The pattern of development along Avenue Road is terraced or close-knit semi-detached dwellings with small front gardens and buildings relatively close to the highway edge. The proposed form of block 1 towards the site frontage would represent an incongruous addition to the street scene which does not reflect the grain of development.
- 5.6.6 The inwards facing blocks would enclose a central courtyard completely dominated by car parking, which provides a poor quality environment for future occupants and does not create a sense of place within the development, nor contribute positively to the locality.
- 5.6.7 Block 2, to the rear of the site, is out of character and represents back land development. Whilst on the adjacent site (CHE/21/00926/FUL) a small block of 2 accommodation units has been approved, this is single storey and nestled against the rear retaining wall within the site which has little impact on surrounding

uses by virtue of its scale. The proposed 3 storey block would be out of character within this part of the site and would be over dominant with respect to the residential properties to the south. Existing vegetation which would have provided a degree of screening has been removed. This is considered to be harmful to the character, form and setting of the site and represent inappropriate development.

- 5.6.8 The proposed materials do reflect the surrounding palette of materials which is predominantly red brick with slate or grey concrete roof tiles and are therefore considered acceptable in this context. The proposal for rendered panels of varying colours would tie the proposed blocks in with the design of the adjacent care home (CHE/21/00926/FUL) which will, if built out, be finished completely in differing colours of render. The proposed materials in this application will help to tie the two schemes together whilst also reflecting the prevailing palette of materials locally.
- 5.6.9 Pedestrian and cycle accessibility into the site will be provided via a separate access to the western side of the proposed accommodation blocks. No information is provided in support of the application relating to enhancing connectivity to the local pedestrian and cycle network.
- 5.6.10 The site is not located within a particularly sensitive area of landscape and is not considered to be significantly harmful. Biodiversity is considered in Section 5.11.
- 5.6.11 Regarding designing for safety and security, Derbyshire Constabulary has been consulted on the proposed application and have no objections in principle. However, concerns have been raised regarding the apparent conflict between the boundary treatments and security measures required by condition under application CHE/21/00926/FUL for the adjacent care home (which included a secure and gated access), to protect the safety of future occupants of the care home and to control access, and the proposed “through” route between the two sites detailed in this application which will enable fire vehicle access. It is not considered that the proposed route through both sites is satisfactory from a safety and security perspective, given the need for appropriate security arrangements to be in place for the adjacent care home approved under application CHE/21/00926/FUL.

- 5.6.12 Derbyshire Constabulary has raised concerns relating to the potential vulnerability of future occupants of the proposed scheme, noting that “large settlements of unsupported individuals with learning difficulties or other special needs are disproportionately affected by incidents of exploitation, abuse or cuckooing of residents”. The supporting statement submitted with the application details staffing arrangements for the site to be 8 staff members during the day, with 4 staff members over night, which is considered to sufficiently address this concern.
- 5.6.13 Policy CLP20 also states that:
- “Major development should, as far as is feasible and financially viable minimise CO2 emissions during the construction and occupation, and also maximise both the use of and the generation of renewable energy.*
- Planning applications for major new development should be accompanied by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:*
- i) Following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy*
 - ii) Optimising the efficient use of natural resources*
 - iii) Reducing emissions through orientation and design”*
- 5.6.14 No information relating to how the proposal will seek to minimise CO2 emissions through the construction or occupation of the development or how the proposal seeks to use less energy, source energy efficiently, or make use of renewable energy, reduce emission through orientation and design, or optimise the use of natural resources.
- 5.6.15 Having consideration for the observations above the proposal is considered to be unacceptable in terms of the proposed form, scale, density, and relationship to the wider locality and therefore fails to accord with the provisions of Policy CLP20 or take into account the guidance provided by the Successful Places SPD. Furthermore, the NPPF, National Design Guide, and National Model Design Code place great emphasis on enhanced designed quality, with the NPPF stating at para 134 that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account

any local design guidance and supplementary planning documents such as design guides and codes”. It is considered that the proposed scheme is of an unacceptable design quality, taking into account the requirements of Policy CLP20 and the guidance set out through the Successful Places SPD, owing to the reasons stated above, which are not outweighed by any benefits brought about by the scheme. Furthermore, insufficient information has been provided regarding any climate change measures to be included within the scheme, and to satisfy expectations relating to designing for safety and security.

5.7 Impact on 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 *“have an acceptable impact on the amenity of users and neighbours”*
- 5.7.3 The proposal will retain an acceptable separation distance between the proposed dwellings and the existing residential dwellings opposite which will be generally in line with what currently exists along Avenue Road.
- 5.7.4 To the west, the adjacent part of the site has been granted permission for a care home under application CHE/21/00926/FUL and there are existing residential dwellings to the east. The layout of the proposed accommodation requires that the majority of windows in the elevations of the property are obscured in order to provide sufficient privacy and reduce the potential for overlooking between the application site and adjacent dwellings or uses. Whilst this is generally an acceptable solution to address specific overlooking impacts arising from a small number of openings, a review of the proposed floor plans indicates that the intention is to obscure 39 out of 70 windows to Block 1, and 37 out of 70 windows to Block 2. The result of which is that only 2 or 3 of the windows in each flat will be clear glazing.

- 5.7.5 Given the proposed care nature of the accommodation, which seeks to improve the health and wellbeing of residents and support them into living independently, obscuring the majority of the windows is not considered to provide an adequate level of amenity of future occupants nor to provide a satisfactory level of outlook.
- 5.7.6 To the east, the proposed building is separated from the residential block adjacent (10 Avenue Road) by the vehicular access route into the site which leads to the rear car park and by external space within the curtilage of 10 Avenue Road, with a separation distance of approximately 12m, which is considered to be acceptable in a residential setting.
- 5.7.7 Block 2 is sited within 5m of the boundary to the south which raises concerns regarding the potential for overlooking and overdominance to the residential properties to the south of the application site. Whilst it is acknowledged that the proposed obscuring of windows will help to mitigate concerns relating to overlooking, there are concerns relating to the extent of obscured windows on the amenity of the future occupants of the development as described above. Furthermore, the 3-storey nature of the proposed blocks with an overall height of 10m to the projecting gable end to the south of block 2 is considered to be excessive and will result in overdominance to the rear garden of the properties to the south on St Chad's Way. The removal of the trees has worsened the potential impact as their retention would have provided mature screening to this part of the site and although the proposed site plan shows planting to this area, no detail is provided within a proposed landscaping plan on species in order to make an assessment as to the extent to which the screening would be replaced.
- 5.7.8 It is not considered that the proposal will have any amenity impacts on the commercial uses along Sheffield Road, however there are concerns that these uses (which include 2 automotive uses) will have a potentially adverse impact on the future occupiers of the development due to noise and odour.
- 5.7.9 The proposed central space between the two blocks of accommodation is entirely dominated by the car parking provision which is considered to be an unacceptable design solution which would result in the lost opportunity to provide a high-quality shared garden area that connects the two blocks of accommodation. This is considered to provide a poor quality environment for future occupiers that will have a detrimental impact on their amenity.

5.7.7 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will have an adverse impact on the amenity of future occupants due to the extent to which obscured glazing is required in order to reduce the potential for overlooking to adjacent properties and as a result of the dominance of the central car parking area. Furthermore, Block 2 is considered to give rise for the potential for an unacceptable overdominance impact to the residential properties to the south due to the height of the building and proximity to the site boundary, failing to accord with the requirements of Local Plan policies CLP14 and CLP20.

5.8 **Highways Safety, Access, Parking Provision and Air Quality**

Relevant Policies

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

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

‘The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:

i. The size of any dwellings proposed.

ii. The type, mix and use of the development.

iii. The proximity of facilities such as schools, shops or employment

iv. The availability of and capacity for safe on-street and public car parking in the area.

v. Proximity to and availability of public transport and other sustainable transport options.

vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.

vii. Local car ownership levels.

5.8.3 The Council’s Environmental Health Officer has electric vehicle charging points be installed as part of the building phase in accordance with policy.

5.8.4 The Local Highways Authority Derbyshire County Council have queried the level of parking provision and the reduction between the approved outline scheme (CHE/22/00034/OUT), which provided for 9 no. market flats, and the proposed scheme which provides for 18 supported living flats. The LHA have also queried the proposed location for the refuse location.

Parking Provision

- 5.8.5 The siting of the proposed parking court within the centre of the site is considered to dominate the scheme and reduce the level of potential outdoor amenity space for the residents. In addition, no justification is provided for the reduction in parking spaces from 17 spaces in the outline application, to 11 spaces in this application, despite the residential capacity being doubled from 9 residential units to 18. Whilst the Borough Council does not have minimum parking standards either within Local Plan policy or guidance within the Successful Places SPD, there is an expectation that parking provision should be appropriate taking into account the size, type, mix and use of the proposed development, the proximity of the site to local employment opportunities and public transport provision, the likelihood of on-street parking issues arising and local car ownership levels.
- 5.8.6 As noted in section 5.5 above, the site is in a sustainable location in close proximity to the services provided by Whittington Moor District Centre, which is well served by public transport, which could justify the proposed reduction in parking provision within the site. However, the supporting information submitted with the application provides no indication of anticipated levels of car ownership or staff parking required to support the functioning of the sheltered living scheme.
- 5.8.7 Furthermore, the proposed layout of the car parking is likely to cause issues in terms of vehicular movements, particularly in spaces 01, 08, 09 and 10 where it would be difficult for vehicles to manoeuvre into and out of these spaces if the surrounding spaces were occupied. Vehicle tracking hasn't been provided within the parking areas which does not provide sufficient confidence that parking spaces would function appropriately without raising safety concerns relating to the pedestrian entrance to Block 1 immediately adjacent to the parking area.
- 5.8.8 External cycle storage (10 spaces) is to be provided which would be less than one space per unit and does not include for any staff

wishing to cycle to work. Given the highly sustainable location of the site, the proximity to the cycle network, and the objective to provide supported independent living for future residents, proposed cycle storage provision is considered to be insufficient when considering the proposed level of accommodation and staffing levels at the site.

Refuse collection

- 5.8.9 The proposed site plan shows a refuse collection area and bin storage area to the front of the site adjacent to the Avenue Road frontage. A further bin storage area is shown to the south of the site which is presumed to service Block 2. The southern bin storage area is some 63m away from the refuse collection area to the site frontage, the Successful Places SPD and British Standard 5906:2005 recommend a maximum carrying distance for refuse collectors of 15m. No information has been provided which details anticipated collection methods or responsibility for the transport of refuse from the southern bin storage area to the site frontage.

Fire Service Vehicles

- 5.8.10 The proposed site layout shows the provision of a fire vehicle tracking route entering the site and travelling through the car park into the adjacent site via a gated access. The development approved under CHE/21/00926/FUL requires secure gated access in order to protect the safety of future occupants of the approved care home. No information has been provided which details the operation of the shared gate between the two sites and how this would function in the event of an emergency whilst maintaining the safety and security of residents.
- 5.8.11 The provision of the fire route through the site would enable fire servicing to the southern accommodation block (block 2), however details are insufficient to provide an assessment of the functionality of this solution. The Fire Procedure section within the Statement of Purpose submitted as part of the application material provides no information relating to this issue. No comments have been received from Derbyshire Fire and Rescue service.
- 5.8.12 On the basis of the above considerations, the proposal is not considered to satisfy the requirements of Policies CLP20 and CLP22 relating to access and parking provision. The proposed parking layout is considered to give rise to safety concerns relating specifically to manoeuvring into and out of spaces 01, 08, 09 and

10. The proposed refuse storage and collection arrangements remain unclear. The proposed fire access into the adjacent site (which has security requirements to protect the safety of future occupants) and through the application site is considered to be unsatisfactory with insufficient information provided relating to the operation between the gated access between the application site and the adjacent site.

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 Policy CLP13 further states:
- “Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.”*
- 5.9.3 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 Lead Local Flood Authority, the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water. The application is supported by a drainage strategy (drawing 101 Rev P3).

- 5.9.4 The Lead Local Flood Authority have requested that further information is provided in order to make an informed comment on the application, as follows:
- Site plan and impermeable area
 - Topographic survey of the site
 - Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)
 - A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
 - Basic ground investigation (desktop survey as a minimum)
 - Major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per NPPF para 165). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout. Underground storage tanks do not offer any other form of amenity or benefit so please explain why other forms of SUDS can not be used
 - How the sustainable drainage systems integrate with the open space and green infrastructure should be described and hat multifunctional benefits they provide should be stated, as per para 59 of Planning Practice Guidance.

5.9.5 Yorkshire Water reviewed the application and raised no objections, with conditions recommended.

5.9.6 On the basis of the insufficient information provided relating to the proposed drainage strategy, as detailed by the LLFA comments, it is not considered that the proposal satisfies the requirements relating to the management of surface water as stated in Policy CLP13 or para 165 of the NPPF.

5.10 Ground Conditions, Land Contamination 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 183 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.’*
- 5.10.3 The application site is located in defined Development High Risk Area of former Coal Mining Legacy, therefore a Coal Mining Risk Assessment should be prepared which examines and assesses any risk to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, in order to satisfy the LPA that the application site is safe and stable to accommodate the proposed development.
- 5.10.4 No Coal Mining Risk Assessment information has been provided and on that basis the Coal Authority has objected to the application.
- 5.10.5 The application therefore fails to satisfy the requirements of Policy CLP13 and paragraphs 183 and 184 of the NPPF relating to coal mining legacy risks as insufficient information has been provided which demonstrates that the site is suitable for the proposed use and level of development.

5.11 Biodiversity 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 174 d).
- 5.11.3 Following demolition of the residential buildings that occupied the site, the site has been levelled and existing landscaping removed. For major applications it is expected that applications are accompanied by a DEFRA Biodiversity Metric 3.0 compliant baseline assessment of the site.
- 5.11.4 No information has been submitted in support of the application which provides a biodiversity baseline assessment, assesses the impact of the scheme, or which identifies biodiversity net gain opportunities in line with the DEFRA Biodiversity Metric 3.0.
- 5.11.5 The previously approved proposal (CHE/22/00034/OUT) which provides for half of the development floorplate as the subject application was noted to have a biodiversity deficit (when considered in combination with the adjacent site – approach considered to be acceptable by Derbyshire Wildlife Trust) and required a scheme of net gain to be implemented (secured by condition). Given that the development floorplate has doubled within this application, it is likely that a more substantial biodiversity loss will arise as a result of the proposal.
- 5.11.6 In addition, the application proposes modest landscaping to the south of the site, however this is a significant reduction in comparison to the indicative landscaped area approved under CHE/22/00034/OUT. In total the application proposes approx. 597sqm of landscaped garden area, as opposed to approximately 1195sqm of outdoor landscaping indicated as part of the approved outline application. This is considered to constrain the opportunity provided to secure biodiversity gains within the site area. The reduction in landscaping within the site is also considered to be detrimental to the overall design quality of the scheme and to amenity of future occupants.
- 5.11.7 On the basis of insufficient information provided and the likely level of biodiversity loss as a result of the proposal (with no mitigation

provided for within the application), the proposal fails to satisfy the provisions of Policy CLP16 and the NPPF.

5.12 Historic Environment

Relevant Policies

- 5.12.1 Para 194 of the NPPF expects LPAs to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.12.2 Derbyshire County Council's archaeology service was consulted on the application on the basis that it is a major application and has noted that there is "clearly some heritage interest in the site" owing to the presence of buildings on the site on the 1st Edition 1:25 Ordnance Survey, which means that it is possible "Avenue House may retain evidence of the earliest incarnation in its fabric and below ground evidence relating to the earliest life of the property."
- 5.12.3 It is the view of the archaeology service that insufficient baseline information is provided under NPPF para 194 in order to form a view on the application however it has to be accepted that this issue did not arise on the previous application since there was no consultation requirement.
- 5.12.4 The buildings within the site have been demolished under Permitted Development Rights in order to address anti-social behaviour occurring at the site. However, there is the potential for below ground evidence to exist within the site.
- 5.12.5 On the basis of insufficient evidence being provided, it is not considered that the proposal satisfies the requirements of NPPF Para 194 relating to appropriate assessment of the potential impact of the proposal on any heritage assets contained within the site.

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by neighbour notification letters and site notices. 1 representation has been received and is summarised below (see representations for full comments).

- 6.2 Objections based on the following:
- Residential amenity
 - Traffic or highways
 - Visual impact and overdominance relating to surrounding properties
 - Impact of planting near to site boundaries on adjacent properties
 - Impact of parking on nearby streets and insufficient parking
- 6.3 The above comments are noted and are considered to have been sufficiently addressed within the report.

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 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 The Local Planning Authority has considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation, due to the significant changes that would be required to the design of the proposal. On this basis, the requirement to engage in a positive and proactive manner is considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity, thereby allowing the applicant to exercise their right to appeal or amend the scheme through pre-application discussion and the submission of a new planning application.

9.0 **CONCLUSION**

- 9.1 The proposal is considered to be over development of the site which leads to the proposal being unacceptable from a design, amenity, access and parking perspective for the reasons as set out in this report, failing to meet the requirements of policies CLP14, CLP20 and CLP22 of the Chesterfield Local Plan, Successful Places SPD, and provisions within the National Planning Policy Framework.
- 9.2 Insufficient information has been provided in relation to climate change measures, ground conditions, coal mining risks, drainage, biodiversity, and the historic environment, which prevents a full consideration of how the proposal accords with other policies within the Local Plan policies and provisions within the NPPF.

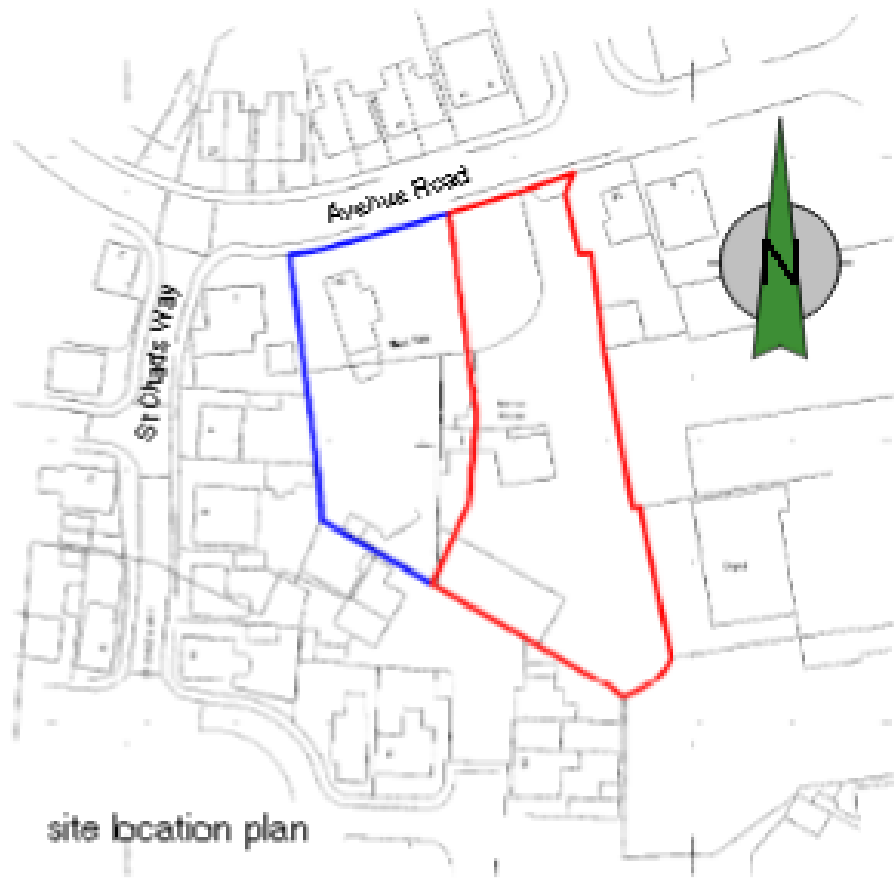
10.0 **RECOMMENDATION**

- 10.1 It is recommended that the application be **REFUSED** for the following reasons:
1. The proposal is considered to constitute over development of the site which would compromise the amenity, health and wellbeing of future occupants of the development and amenity of surrounding occupiers, due to the scale and density of development, which would be out of character within the site and locality, contrary to Local Plan policies CLP14 and CLP20. The proposed design would be incongruous within the streetscene and provide a poor relationship to Avenue Road by way of its form and layout. The proposed design quality is considered to be of an unacceptable standard, dominated by car parking, with insufficient landscaping and external amenity space and a reliance on obscure glazed windows, contrary to Local Plan policies CLP14 and CLP20, the Successful Places SPD, para 134 of the NPPF, and the National Design Guide.
 2. The southern block (block 2) would be overdominant and have an unacceptable adverse impact on the amenity of residents to the south of the site, contrary to Local Plan policy CLP14.
 2. Proposed parking and access arrangements are inadequate and are not commensurate with the scale of development and would give rise to pedestrian safety issues. Access between the application site and the adjacent site has not been sufficiently addressed, contrary to Local Plan policies CLP20 and CLP22.

3. The application provides insufficient information relating to climate change, coal mining risks, ground conditions, drainage, biodiversity and the historic environment, contrary to Local Plan policies CLP20, CLP13, CLP14, CLP16 and CLP21, and paras 183 – 184 and 194 of the NPPF.

11.3 Informative Notes

The Local Planning Authority has considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation, due to the significant changes that would be required to the design of the proposal. On this basis, the requirement to engage in a positive and proactive manner is considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity, thereby allowing the applicant to exercise their right to appeal or amend the scheme through pre-application discussion and the submission of a new planning application.



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ITEM**Residential development of 15 dwellings with access, landscaping and associated works on development land west of Loundsley Green Road, Loundsley Green for Strata.**

Local Plan: Unallocated
 Ward: Loundsley Green
 Plot No: 3513

Committee Date: 20th February 2023

SUMMARY OF CONSULTATIONS

DCC Policy	Comment made see report
DCC Rights of way	Comment made see report
Coal Authority	Based on submitted report – recommended conditions
Yorkshire Water	Recommended conditions
Lead Local Flood Authority	Recommended conditions
Highway Authority	Comment made see report
Derbyshire Wildlife Trust	Comment made see report
CBC Strategic Planning	Comment made see report
CBC Tree Officer	Comment made see report
CBC Climate Officer	Comment made see report
CBC Urban Design Officer	Comment made see report
CBC Environmental Health	Comment made see report
CBC Housing	Awaiting comments
CBC Design Services Drainage	Comment made see report
Representations	Two received summarised in section 6.0 below

2.0 THE SITE

2.1 The application site is an undulating parcel of land situated between the housing development of Loundsley Green to the south and east, Ashgate Plantation to the west and Holme Hall to the north. There is a

water course to the north and north eastern boundaries of the site and a public right of way leading along the north eastern border of the site.

2.2 The Ashgate plantation to the west is protected woodland and a wildlife site. The site itself is grassed and lowers to the northern boundary.

2.3 The site is served by public transport with a bus stop to the site frontage.
Images:



3.0 **SITE HISTORY**

3.1 CHE/15/00835/OUT Proposed residential development - CMRA rec'd 17/03/2016 - Conditional Permission

3.2 CHE/19/00093/REM Reserved matters for CHE/15/00835/OUT - new build residential development consisting of 13 new build detached properties - revised plans received 27/08/2019, 03/09/2019, 04/09/2019, 06/09/2019 and 1/09/2019

4.0 **THE PROPOSAL**

4.1 Planning permission is sought for the erection of 15 dwellings at the site with access formed from Loundsley Green Road.



4.2 The layout of housing is a single road with turning head to the northern end. The housing is set to either side of the road with a footpath link to the north eastern tip of the site.



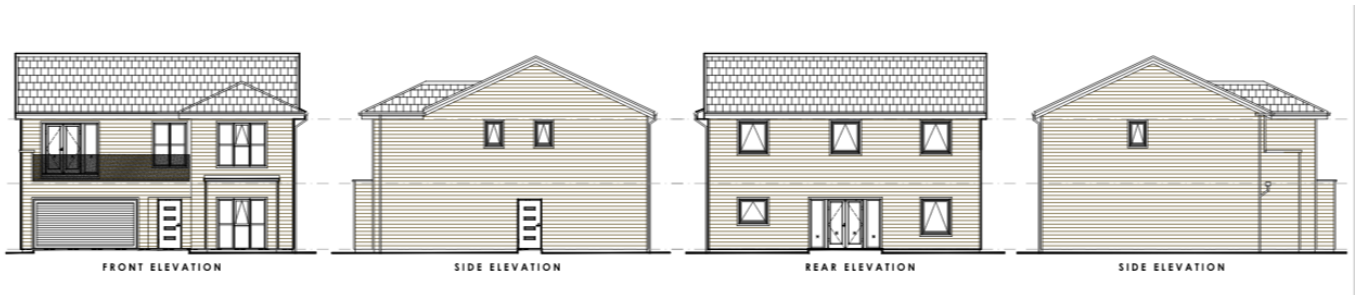
Link to adjacent public right of way which leads into Holme Hall centre

The houses to the eastern side of the site would be rear facing to the footpath and road. The most visually prominent housing Plots 1 and 15 are proposed to front the site entrance.

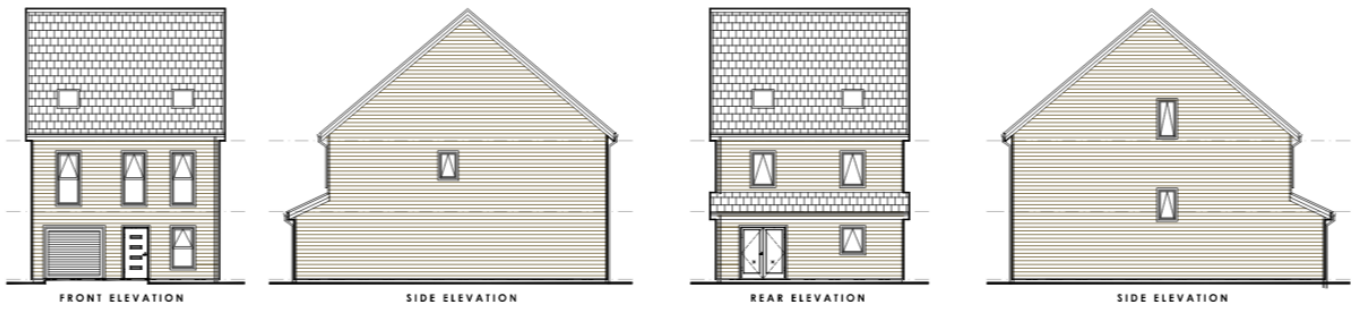
An area of open space would be formed to the site frontage where the site narrows to a triangular parcel adjacent to the woodland.

4.3 Two house types are proposed, the Valencia (x7) and the Naples (x8), with 15 dwellings proposed altogether.

Valencia: A 5 bedroom dwelling with integral double garage and balcony to the front elevation.



Naples: A 5 bedroom dwelling with integral garage



4.4 A street scene of the proposed scheme as a section through the site showing the level changes has been provided:



4.5 Whilst a detail for the front of the site has not been provided it is known from the levels information provided that the first unit adjacent to Loundsley Green Road, Plot 1, will be elevated from the adjacent verge level by around 1 to 1.5m. the land would then fall away from this plot as demonstrated in the detailed section above.

4.6 The design of the units is somewhat different to housing in the area due to these being of timber construction, factory made to maximise sustainable credentials in the build, with the intention of achieving net zero carbon:





4.7

The application is accompanied by a sustainability statement, the key points of which are:

- Talo method of construction – factory production allowing greater quality control.
- This modern method of construction is designed to be as thermally efficient as possible with the lowest carbon footprint practically possible to respond to the climate change emergency declared in 2019.
- A typical 4 bed house superstructure will be erected to watertight with windows and doors installed, insulated and plaster boarded within 4 days with wider process taking 8 weeks from delivery to completion.
- The units are made of timber from sustainable forest.
- The factory is carbon neutral, utilising waste material from the sawmill to heat and provide power.
- The levels of insulation will significantly exceed the building regulations.
- Highly efficient space and water heating system coupled with an intelligent home management system, will be installed, allowing control over heating and lighting to maximise efficiency.
- A mechanical ventilation heat recovery system will be utilised to recover heat and maintain an appropriate indoor climate in a highly efficient manner.
- EV charging will be provided for each dwelling.
- Photovoltaic panels will be installed as part of the zero carbon strategy.
- Award energy has compared the specification that will achieve minimum compliance with building regulations with the intended enhanced specification:

Element	Value required by Part L1a 2013* (u-value)	Enhanced specification (u-value)	% Improvement over Building Regulations Requirements
Walls (w/m ² k)	0.30	0.14	53.33%
Roofs (w/m ² k)	0.20	0.10	50%
Floors (w/m ² k)	0.25	0.12	52%
Windows (w/m ² k)	2.0	0.80	60%
Doors (w/m ² k)	2.0	0.70	65%
Design air pressure test (m ³ /h/m ²)	10	0.60	94%
Additional Specification Items			
Ventilation	Mechanical Ventilation with Heat Recovery		
Energy Generation	7.5 kWp of Photovoltaic Panels per plot (112.50 kWp in total)		

* For U-values: See Approved Document L1a 2012

The following table shows the predicted carbon emission for the house types against the building regulations:

House Type	Carbon Emissions (KgCO ₂ /Year/m ²) Baseline TER	Carbon Emissions (KgCO ₂ /Year/m ²) Enhanced DER	% reduction in Carbon Emissions	Carbon Emissions per plot t/year	Total Carbon Emissions t/year
MY-505 (x 8)	23.20	0.00	100%	-0.25	-2.00
MY-502 (x 7)	24.56	0.00	100%	-0.22	-1.54

*calculated using SAP2012 software

- Water consumption is intended to be below the 110 policy requirement.
- This demonstrates that the proposed Talo construction dwellings will be Net Zero Carbon

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)
CLP3 Flexibility in Delivery of Housing (Strategic Policy)
CLP4 Range of Housing
CLP11 Infrastructure Delivery
CLP13 Managing the Water Cycle
CLP14 A Healthy Environment
CLP16 Biodiversity, Geodiversity and the Ecological Network
CLP17 Open Space, Play Provision, Sports Facilities and Allotments
CLP20 Design
CLP21 Historic Environment
CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

National Planning Policy Framework (NPPF)

Part 2. Achieving sustainable development

Part 4. Decision-making

Part 5. Delivering a sufficient supply of homes

Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport

Part 11. Making effective use of land

Part 12. Achieving well-designed places

Part 14. Meeting the challenge of climate change, flooding and coastal change

Part 15. Conserving and enhancing the natural environment

Part 16. Conserving and enhancing the historic environment

Supplementary Planning Document - Successful Places' Residential Design Guide

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highway safety
- Biodiversity
- Trees
- Ground conditions
- Drainage

- CIL liability

5.5 Principle of Development

- 5.5.1 The application site is an unallocated parcel of land where planning permission for residential development has previously been approved but has since expired. The site is immediately adjacent to the allocated GW2 green wedge and the Holme Hall Regeneration Priority Area. The site is within the area noted to be the built-up area to which policies CLP1 and 2 relate.
- 5.5.2 Policies CLP1 and 2 direct new development to locations within walking access to a range of key services. The application site is well related to the Holme Hall local centre and local schools with public transport routes available and where there is a bus stop immediately to the frontage of the site. The proposal includes the provision of footpath improvements via a contribution of £21,000 with 10% contingency, along with a new footpath from the site into the adjacent public right of way, in order to improve connectivity. Subject to this upgrading of the footpath which can be secured via S106 agreement, it is considered that the site is easily accessible being within a sustainable location and therefore meets the requirements of policies CLP1 and 2.
- 5.5.3 Subject to more detailed consideration the principle of the development is in line with Adopted Local Plan policy.
- 5.5.4 Affordable Housing:
Policy CLP4 states in part that: In order to increase local housing choice, respond to emerging needs and promote the creation of sustainable communities, in new housing developments the council will seek a range of dwelling types and sizes based on the council's most up to date evidence of housing needs and the location and characteristics of the area.
The policy goes on to note that the percentage requirement aligns with the CIL charging zones of the Borough.
- 5.5.5 The Council's Housing Delivery Officer has negotiated the affordable housing provision in this case, concluding: *As 10% of the units should be affordable a contribution or single unit with 0.5 contribution would be appropriate, at a total contribution of £397,471.* This will be secured via S106 agreement.

- 5.5.6 This off-site provision is considered appropriate in this case as an RSL would not wish to manage a single unit on a site, this financial contribution will be used for the provision of affordable housing within the borough and as such meets the requirements of policy CLP4 of the Adopted Local Plan.
- 5.5.7 Adaptable and accessible housing:
Policy CLP4 also requires that: On sites totalling 10 or more dwellings (including phases of those sites) 25% of dwellings should be built to building regulations standard M4(2).
- 5.5.8 The 25% requirement would equate to 3.75 dwellings. The submission relates to the 7 Valencia units which is above the 25% provision, more than meeting the policy requirement.
- 5.5.9 Climate change:
In regard to climate change Policy CLP20 requires that: Major development should, as far as is feasible and financially viable minimise CO2 emissions during construction and occupation, and also maximise both the use of and the generation of renewable energy. Planning applications for major new development should be accompanied by a statement (as part of or in addition to a design and access statement) which sets out how the development would do this in terms of:
i. following the steps in the energy hierarchy by seeking to use less energy, source energy efficiently, and make use of renewable energy before efficiently using fossil fuels from clean technologies;
ii. optimising the efficient use of natural resources;
iii. reducing emissions through orientation and design.
- 5.5.10 The Council's Climate Officer was consulted on the application noting: Impressed with the quality of the building specification and low climate impact.
Query clarity over solar PV panels.
Query whether there will be a gas connection.
Query biodiversity net gain.
Query good connectivity, including connections to the plantation.
Query cycle infrastructure.
Query cumulative impact of this and adjacent scheme on Linacre Road.
- Following further information the climate officer again reiterated the need for connectivity including to the east and west of the northern end of the site.

- 5.5.11 The issues of connectivity are considered under the highway section of the report below and are noted in para 5.5.2 above.
- 5.5.12 The consideration of climate change in this submission is fundamental to the design and construction method proposed and is a welcome carbon neutral scheme which will be a good example to other house builders in the locality and is a factor substantially in favour of the development.
- 5.5.13 Other matters:
To address the need to provide local skill strategy requirement a detailed employment and training scheme has been submitted and will be conditioned.
- 5.5.14 DCC policy have noted:
Education provision will be via the CIL provision. There is capacity within Holme Hall Primary school for additional pupils. However, there would not be that capacity at the normal area secondary school Outwood Academy in Newbold.
The digital ambition is that 98% of homes and business in Derbyshire will have broadband speeds of at least 24 Mbps by the end of 2020s]. Therefore, the development should provide NGA broadband infrastructure, but it is acknowledged this is not required to make the development acceptable in planning terms.
The mix of housing is not appropriate being all 5 bedroom units, 15 dwellings on this parcel of land is not considered to be efficient use of land. The need for older peoples accommodation does not appear to have been taken into account.
- 5.5.15 In response to the comments from DCC it is noted that there is a limited mix of housing types on the site and that this is a development of only 15 units specifically seeking a type of family house that meets the climate agenda.
Policy CLP4 does refer to seeking a mix of housing and then specifically refers to the affordable housing and accessible and adaptable housing requirements as set out above, these are met within the development. There is no specific requirement for housing for older people to be provided on sites other that the accessible and adaptable housing noted above. Equally the policy does not require a specific housing mix on sites.

5.6 Design and Appearance

- 5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 5.6.2 The proposed development being substantial dwellings of timber construction and with a dark clad finish are somewhat different to the nearby housing of Loundsley Green. However, this site sits in a relatively isolated setting adjacent to woodland where the design approach is considered to be suitable for this setting. The dark cladding to the buildings will minimise their visual impact within the wider area ensuring the development assimilates well with this sylvan setting.
- 5.6.3 The Council's Urban Design Officer recommended the provision of hedging to the frontage boundary which has now been provided and recommended the footpath link to the northern tip of the site which has also been provided. It was also suggested that the blank side elevations of Plots 1 and 15 should have windows. However, due to the factory build of the units individual design changes to the house types cannot be made and therefore this change has not been made. Nevertheless, the design overall is considered to be acceptable.
- 5.6.4 There is a listed building to the opposite side of the road and to the south of the site close to the roundabout with Ashgate Road, it is not considered that this development will impact upon the setting of that heritage asset being remote from the site with the plantation and existing housing forming the intervening gap.
- 5.6.5 Subject to appropriate boundary details and landscaping it is considered that the scheme is acceptable in terms of design in line with policy CLP20.

5.7 Impact on Residential Amenity

- 5.7.1 Policy CLP14 requires that: All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare) and other environmental impacts.

- 5.7.2 There are no immediately adjacent properties to this site and therefore no adverse impacts in terms of overlooking or overshadowing. The separation distances at the closets points face to face between the new dwellings are approximately 17.5m to 19.5m. These distances are across the highway and are considered to meet the requirements set out in the Council's SPD which sets a minimum of 12m minimum.
- 5.7.3 The Council's Environmental Health Officer initially raised concern regarding noise from the highway and required a noise assessment to be carried out. This was completed and submitted, the noise report notes that the higher specification of the dwellings means that further measures to the dwellings are not required. For the gardens to the eastern boundary a 2m high close boarded fence without gaps is recommended. It is noted in the report that the acoustic fence detailed by Strata will meet these requirements.
- 5.7.4 Environmental Health has also recommended conditions relating to lighting, EV charging, minimising air borne dust, contaminated land and hours of operation. The applicant has requested earlier start times on site for staff to arrive at 0730 with operations and deliveries from 0800. The normal Saturday hours of 0900 to 1300 are considered too limited for workers to shifts and therefore an 0800 to 1400 time is preferred. Given the specifics of the build in this case and the likely shorter time period for construction along with the relatively isolated nature of the site these times are considered reasonable. The Environmental Health Officer raised concern about an earlier start time on Saturdays as this is a standard for construction but considering the merits of this case the earlier times are within reasonable limits however it is noted that this may not apply to other developments.
- 5.7.5 Subject to conditions relating to lighting, operating times, dust and noise fencing the proposal is considered to be appropriate in terms of amenity impacts for future and neighbouring residents in line with policy CLP14.

5.8 Highways Safety and Parking Provision

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

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

5.8.2 The application site is well connected to public transport routes to the north and south of the site. Parking for 2 vehicles plus garaging is proposed for each dwelling and this is considered to be appropriate for the type of development.

5.8.3 The Highway Authority has been in discussion with the applicant's agent regarding the proposal and has concluded that:
"You will be aware of the Highway Authority's previous consultation response raised a number of issues and in the intervening period discussions have taken place to resolve the highway issues, which has culminated in the recently submitted revised drawings, so from a highways aspect the drawings are now considered acceptable in principle.

As the access road is proposed to be adopted by the County Council, the highway Authority will need to ensure the streets are appropriately constructed and maintained to a satisfactory standard.

Therefore, it is considered that the remaining issues may be addressed by appropriate conditions appended to the consent issued for this development."

Those initially recommended conditions have been discussed and amended with the applicants agent and the conditions which are considered to be in accord with that discussion and which meet the tests for planning conditions are contained within the recommendation.

5.8.4 On this basis the proposal is considered to be acceptable in terms of highway safety in line with policy CLP22.

5.8.5

Matters of connectivity have been discussed above. Comments from the Public Rights of Way officer have been received in regard to the adjacent footpath routes:

“Chesterfield Public Footpath No. 66 runs adjacent to the application site, as shown on the attached plan. This public right of way connects to two unnumbered footpaths that cross the site, and are visible on the ground and on aerial photography. These can also be seen on the attached plan. It is likely that these footpaths have acquired rights along them through established use. These paths then connect to other established routes through Ashgate Plantation, and beyond to residential areas. The unnumbered paths that cross the application site are vital for connectivity in the area. This is an area that has seen public rights of way obstructed by the building of large housing developments in the past, including parts of Chesterfield Public Footpath No. 66. It is therefore all the more important to retain the remaining network of paths. The Rights of Way Section therefore objects to the proposed layout of the development. I should be grateful if you would advise the applicant as follows: -

- The unnumbered footpaths that cross the site must remain open, unobstructed and on their current alignments.*
- There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.*
 - Consideration should be given to the safety of members of the public using the paths during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.*
- There should be no encroachment of the path, and no fencing should be installed, or hedgerow planted without consulting the Rights of Way Section.*
- In planning the incorporation of the footpaths into the development, preference should be given to the use of made-up paths through landscaped or open space areas away from vehicular traffic.”*

5.8.6

Following these comments and in line with other comments received it has now been agreed with the applicant's agent that a sum of money is provided to ensure the upgrading of the public footpath route adjacent to the site. It has also been agreed that an informal link to this footpath will be provided to the northern tip of the site. This is considered to ensure appropriate connectivity. However, the suggestion that a footpath link should also be provided onto the adjacent Ashgate plantation is inappropriate due to other land ownership rights likely to come forward and due to this being a wildlife site with protected trees,

for these reasons a connection into that land is not considered appropriate or necessary to ensure the connectivity of the site.

5.9 Biodiversity, impact on protected species, enhancement and Trees

5.9.1 Policy CLP16 requires that; The council will expect development proposals to:

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

5.9.2 The strategic planning officer has commented on the case regarding biodiversity noting in part that;

“Although a revised assessment using the Defra metric has been submitted, as currently proposed the application does not demonstrate a net gain in biodiversity and is therefore in conflict with policy CLP16 of the adopted Local Plan. A scheme to demonstrate a net gain that accords with the council’s policy should be provided before the application is determined. The payment of a commuted sum towards off site provision should be the last resort in such circumstances. As I understand that the applicant also owns the adjacent Ashgate Plantation, which is an LNR, I would strongly recommend that, if the applicant cannot achieve a net gain on the application site, improvements to the quality and management of the Plantation should be investigated in preference to payment of a commuted sum for an unspecified off site provision.”

5.9.3 Derbyshire Wildlife Trust has also commented on the proposal:

“We previously responded to this application on 28th March 2022 raising some questions regarding the Biodiversity Metric. The information now submitted includes a Biodiversity Metric and a revised Ecological Impact Assessment (Whitcher Wildlife Ltd, May 2022). The EIA and the metric are considered to provide sufficient information for the Council to understand the likely biodiversity impacts at the site. Whilst the development does include proposals for habitat retention, enhancement and creation on site there is still a small net loss of biodiversity at the site due to the loss of grassland and hedgerow. In relation to the loss of the grassland habitat there is a net loss of 2.5 units. Hedgerow loss is

calculated to be 0.05 units. As far as we are aware the applicant has not proposed any off-site compensation scheme or reached any kind of agreement with the Council regarding the biodiversity loss. The Council is advised to seek an off-site compensation scheme or contribution to address the net loss of biodiversity at the site. Without this the development does not fully comply with the NPPF or the Councils Biodiversity Policy CLP16 requiring a measurable gain in biodiversity.. If the Council is minded to approve the application we would advise that conditions will be needed to ensure that mitigation and enhancement measures are fully implemented.”

5.9.4 It is always the intention with biodiversity enhancement to provide these on site and if not possible then on other land owned by the applicant and only where this is not possible by another provider such as the Council or Derbyshire Wildlife Trust. It was concluded that biodiversity was maximised appropriately on site but known that the applicant owns the Ashgate Plantation as this was considered the best place to off set the enhancement.

5.9.5 Following discussion with the applicant’s agent it was confirmed by them that; *“We looked into whether BNG credits could be offset into the adjacent woodland. However, given the woodland’s well-established nature and the habitats within the woodland being of a very high quality it was considered that it will not be possible to enhance the Ashgate Plantation enough to offset the required biodiversity units here. See attached email from our Ecologists.*

In addition to this, following numerous site visits it is clear that the woodland is well used by the public with several well-trodden paths within it. Therefore, any works to the woodland to improve biodiversity (if this was possible) would be negatively impacted by the public use of this woodland. In addition, our private management company have advised that if Strata were to retain ownership of the woodland, due to public access, residents would be subject to an annual management fee of more than Strata would feel comfortable with residents paying.”

5.9.6 After receiving confirmation from their ecologist that this was not feasible it has been agreed that an alternative off site contribution is appropriate in this case. This will be provided to CBC as part of the Biodiversity Net Gain project where an initial number of sites have been selected as being appropriate for off site enhancements. Not all schemes are detailed as yet but this will happen as the project gathers pace.

5.9.7 The submitted metric for Biodiversity shows the baseline of the undeveloped site to be (5.70 habitat units, 0.44 hedgerow units, 0.01 river units) 6.15 units. The post site intervention will be (3.19 habitat units, 0.39 hedgerow units, 0.01 river units) 3.59 units. A net gain of 10% on site would require 6.76 units, which leaves a 3.17 unit requirement, which at £20k per unit would equate to a contribution of £63,400. This contribution will then be used to provide the biodiversity net gains over a 30 year period on sites within the Borough. A condition will be required to secure the net gains on site which are provided by planting and bat and bird boxes over a 30 year period. On this basis it is considered that the proposed development secures a net gain as required by policy CLP16 thereby addressing the concerns of the Trust.

5.9.8 The submitted ecological report notes that; the application site is mainly semi improved natural grassland with some tall ruderal species to the boundary and dense scrub forming some of the boundary with woodland to the edge and scattered trees to the frontage. The report recommends sensitive lighting so as not to impact the Plantation woodland and appropriate planting through the site to enhance biodiversity with clearance outside of the bird breeding season. Bat boxes are recommended to be fitted to plots 1 and 15, and swift boxes to the remaining buildings. These matters can be secured by condition.

5.9.9 On this basis it is considered that subject to conditions and the contribution the proposal meets the requirement to mitigate against ecological impacts and provide a net gain in biodiversity as required by CLP16.

5.10 Trees

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

5.10.2 There are two Tree Preservation Orders reference 4901.64 Ashgate Plantation (1969) and 4901.342 Land to the West of Sedgemoor Close and Loundsley Green, Road, Loundsley Green (2016) that may be affected by the proposed application.

Tree Preservation Order 4901.64 'Ashgate Plantation' is a mixed species woodland to the west and on the boundary of the site reference W1 on the Order map.

Tree Preservation Order 4901.342 'Land to the West of Sedgemoor Close and Loundsley Green, Road, Loundsley Green' consists of 4 individual London Plane trees located in the extensive grass verge off Loundsley Green Road adjacent to the east boundary of the site.

The Council's Tree Officer has therefore commented on the case but remains concerned that the scheme will have an adverse impact on the protected woodland of the Ashgate Plantation, the initial concern being: *"Plots 11-15 are too close to the woodland edge and every effort should be made to conserve the woodlands integrity and provide a clear and extensive buffer zone. The proposals offer no effective buffer zone which increases pressure on the trees to have them pruned back or even felled. The woodland trees will also restrict any natural light and sunlight into the rear gardens and properties putting pressure on the trees to be heavily pruned back on a regular basis which would place a financial burden on the households.*

Further details are also required for the new access as highlighted by Derbyshire County Council Highways and a revised arboricultural impact assessment carried out if the proposal affect the protected trees to the frontage. Once these details have been submitted I can comment further and any impacts assessed.

Recommendations

In view of my previous objection to application CHE/19/00093/REM and the location of plots 11 – 15 with no suitable buffer zone between the development and woodland I recommend that any decision on the application is deferred, and the plots moved further to the east away from the woodland edge.

To the frontage of the site there are also four significant London Plane trees on the grass verge which are all subject to TPO 342. These trees are to be retained in the scheme, however the outer canopies of T82 (TPO T2), T88 (TPO T3) and T80 (TPO T4) will overhang significantly into the proposed gardens of plots 1 and 2 and may also affect plots 3. There is therefore an opportunity to reduce any future risk or pressure to prune these trees at the design stage by moving the plots further away from the east boundary and trees.

It is also a proposed to install a sub-station to the south of the new access which is adjacent to T88 London Plane (TPO T1). From the information provided, no impacts to the trees are shown. Further details should however be submitted of any planned excavations for the underground services which should be outside the trees designated RPA."

Following discussion and the receipt of amended plans the latest comments of the Tree Officer are;

“Ashgate Plantation/Buffer Zone/land levels

No details have been submitted of the assessment and considerations given to the trees crown position in relation to the development/dwellings as stated in the Arboricultural Impact Assessment and the revised site layout drawing 21-CL6-SEGD-CHL-01 REV H does not address any of my comments made on the 25th July 2022 regarding the location of the plots along the woodland edge which remain the same.

The rear gardens of the properties will be shaded by Ashgate Plantation and the new dwelling structures to the frontage. The response that ‘Future plot purchasers will be made aware through sales information that the surrounding trees are covered by a Tree Preservation Order and they will be made aware that any required works to the trees will require Local Authority consent which will allow Chesterfield to retain control over the future of these trees’ does not provide a solution to the inevitable problem the woodland trees will cause to the rear gardens and it is not acceptable to place pressure to have the trees pruned or even felled when the problem could be resolved at the design stage.

Plots 1 & 2 and T1 – T4 London Plane of TPO 4901.342 (T80, T82, T83 and T88 in the AIA).

The revised layout drawing and the external works drawings now shows the retaining wall to the east of plots 1 & 2 outside the root protection areas of TPO trees T82 & T86 London Plane which is welcomed. The dwellings for plots 1 & 2 are however in the same location and moving plot 1 to the north-west and plot 2 slightly to the west would reduce any perceived nuisance through shading and future growth reducing any pressure to have the trees pruned unnecessarily. It is unclear from the applicant’s response how this would ‘lead to the RPAs of surrounding trees being negatively impacted by elevated levels’ when the dwellings would be moved further away from trees T82 & T86, and the roadway would stay in the same location as demonstrated in figure 1 of my previous comments of the 25th July.

Retaining wall at Plot 11

The retaining wall feature adjacent to Plot 11 previously located near to Ashgate Plantation has now been removed and will therefore will not impact the woodland although it is noted that a new connecting footpath is now shown. Any new construction within the designated root protection areas should be constructed above ground 'no dig' using an approved cellular confinement system.

Conclusion

The new information provided does not address the issues previously raised and my objection to the application therefore still stands due to the future impacts and perceived nuisance in relation to the protected trees to the frontage of the site and trees along the woodland edge of Ashgate Plantation.”

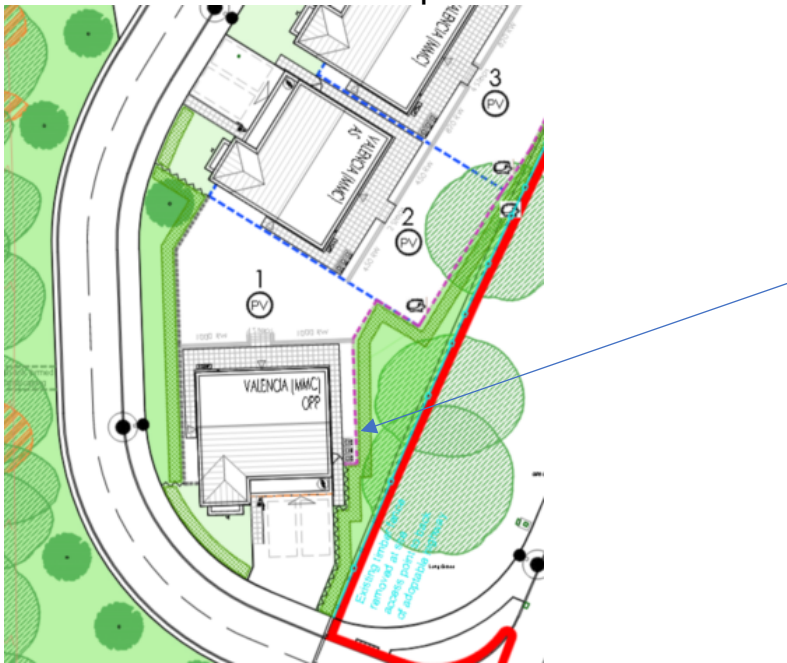
- 5.10.3 Despite some minor amendments and substantial discussion regarding the impacts of the proposed development to the adjacent trees the concerns remain and have not been fully addressed. Following negotiation the applicant's agent has now confirmed that no further changes will be made to the plans. It is therefore important to consider these impacts in detail.
- 5.10.4 As can be seen from this image the separation distances between the dwellings to the western side of the site and the plantation are limited, with the least being plot 14 which is approximately 9.6m from the woodland, with less distance when considering the canopy of the trees.

Measurements of distances from dwelling to woodland



5.10.5 It is accepted that this close proximity will result in rear gardens being overshadowed by the woodland and will lead to possible pressure to prune or fell trees within the woodland edge. Whilst it is acknowledged that such works will be within the Council’s control it becomes more difficult to argue against such proposals when the dwellings have been approved in such close proximity.

5.10.6 A further issue relates to plot 1 as can be seen from the image below:



As can be appreciated on this plan the side elevation of Plot 1 is close to the canopy of the adjacent trees on the site frontage and again, this will likely lead to pressure to prune or fell the adjacent trees.

- 5.10.7 It is the case however that the development retains all the protected trees on the site and which are provided with a similarly close separation distance to that previously agreed on CHE/19/00093/REM. Furthermore, the tree officer concern relates primarily to the pressure on the trees from occupants wishing to undertake pruning or removal however the Borough Council retains control over this. The potential impact on the trees to the west and frontage of the site is therefore a negative of the scheme but which needs to be considered in the wider planning balance and is not considered to be sufficient on its own to justify a refusal given what has previously been accepted on the site, the delivery of new houses and the fact that they will be carbon neutral units.

5.11 Ground conditions

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

- 5.11.2 In terms of contamination the applicant has provided detailed information in regard to the recommended standard contamination condition noting:

“Items a-c of the recommended condition can be satisfied:

The submitted reports (identified below and attached) provide all information requested via items a-c of the recommended condition.

- *Phase 2 Geo-Environmental Assessment (Ref: NTE2269)*
- *Coal Mining and Geotechnical Appraisal (Ref: 4158/2 Date: November 2021)*
- *Earthworks Specification (Ref: 4158/4 Date: December 2021)*
- *Specification for the Treatment of Shallow Workings & Mine Entries (Ref: 4158/3 Date: December 2021)*

The report titled Phase 2 Geo-Environmental Assessment (Ref: NTE2269) confirms that the site is classed as uncontaminated. Subsequently, no remediation strategy is required.

Strata inherited this report and therefore as standard practice instructed Lithos to carry out a peer review. The submitted Lithos report titled: Coal Mining and Geotechnical Appraisal (Ref: 4158/2 Date: November 2021)

therefore confirms and clarifies all matters identified within the report titled Phase 2 Geo-Environmental Assessment (Ref: NTE2269). Lithos and BWB have therefore confirmed that the only works required are earthworks to provide a suitable development platform - please find attached the following: Earthworks Specification (Ref: 4158/4 Date: December 2021) and Specification for the Treatment of Shallow Workings & Mine Entries (Ref: 4158/3 Date: December 2021)."

- 5.11.3 The Council's Environmental Health Officer has considered this information and concluded that: *"I agree with the interim findings and look forward to the submission of the remediation strategy and subsequent validation on completion."* It appears from the comment of the applicant's agent that the remediation and mitigation is not required based on the report findings.
- 5.11.4 The submitted report relates to 12 trial pits, 5 dynamic samples boreholes and 6 rotary probe holes and 3 rounds of gas monitoring. This found evidence of coal workings and a risk of coal near the surface of the site. Foundation design and detailed engineering solutions will resolve these risks, it is noted that excavation of the coal seam should be considered. Contamination findings it notes can be mitigated through basic gas protection measures and further chemical testing will clarify these requirements. Testing of removed waste from site will also be needed. Further gas monitoring is recommended to inform the gas protection measures and foundation design. The made ground is to be treated as a hotspot for arsenic.
- 5.11.5 The Lithos peer review report concludes that there are likely to be unknown mine entries/bell pits across the site and that works to remediate will be necessary.
- 5.11.6 It is clear from these reports that an amount of mitigation and further testing is required and that this needs to be secured via a suitably worded condition. An appropriate condition is included within the recommendation below.
- 5.11.7 In terms of coal mining risk the Coal Authority have advised imposing standard conditions, these are also included within the recommendation.
- 5.11.8 Subject to condition matters of ground conditions have been appropriately considered in line with policy CLP14.

5.12 Drainage

- 5.12.1 Policy CLP13 requires that; The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Sustainable Drainage Systems (SuDS) and clear arrangements for their ongoing maintenance over the lifetime of the development should be incorporated into all major development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance. Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.
- 5.12.2 Yorkshire Water raised no objection to the scheme but requested conditions be imposed, these are included in the recommendation.
- 5.12.3 The Lead Local Flood Authority similarly raised no concerns with the proposal subject to standard conditions. Again, these conditions are included in the recommendation.
- 5.12.4 It is noted that the applicant has submitted additional information to limit the conditions required by the LLFA and Yorkshire Water unfortunately as no further comments regarding these matters have been received it will be necessary to impose the originally recommended conditions albeit with reference to below ground attenuation.
- 5.12.5 It was noted that originally the submission seemed to include above ground attenuation for surface water that would have been within the turning head area of the site. This has now been amended to have water storage below ground to the east and western sides of the northern end of the site. There is also proposed to be a connection on the adjacent CBC owned land which has been the subject of discussion with our estates team as a matter separate to this application. This was initially the cause of concern for the Council's Design Services Drainage Team as follows;
"We have some major concerns about the route of the foul and surface water sewers for the Section 104 agreement that is currently planned. The route appears to run straight through the middle of Chesterfield Borough Council's surface water attenuation basin. The basin retains

surface water to the West of Loundsley Green Road preventing flooding further downstream in the Loundsley Green area.

The retention basin discharges to the Yorkshire Water public surface water sewer at regulated rate through a small diameter pipe in the headwall and a higher level overflow structure.

The Section 104 sewers would bypass the surface water storage basin entering the YWS sewer directly bypassing the storage area.

Also both the foul and surface water sewers in the storage area could be susceptible to both infiltration and surcharging in and also potentially a pollution issue. Any infiltration into the Section 104 sewers would in the end compromise the flood storage area.

It is noted from the FRA that the levels would preclude the discharge of the surface water directly into the ordinary watercourse by the site, has the option to discharge directly into the basin or further downstream been investigated.”

- 5.12.6 However, the details of this have now been amended with connections shown from the northern end of the site into the adjacent land to the east, which addresses the concerns raised with the latest comments from the drainage team being;

“In regard to the above planning application, we have no objections in principle to the revised drainage layout submitted on the 25th January 2023 on the condition that manhole S5 and F5 are constructed so that the cover levels are 500mm above the maximum fill level of the storage basin.”

As these specific requirements relate to land outside of the application site it is not necessary to condition this element.

- 5.12.7 Subject to conditions it is considered that the application is acceptable in regard to drainage matters in line with policy CLP13.

5.13 Development Contributions and CIL Liability.

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

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

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

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3) or Class E/Retail (former A1-A5)	2,863	0	2,863	£50 (<i>Medium</i>)	355	288	<u>£176,452</u>

6.0 REPRESENTATIONS

6.1 Two received which are summarised:

6.2 Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £38k.

6.3 Derbyshire Swift Conservation Project:
The ecologist recommends two non-species specific bird boxes. The creation of new urban habitat presents an opportunity to provide nesting sites for the rapidly declining Sparrow, Swift, Starling and House martin. Swift provision is considered a universal next site. The build is unsuitable for bricks being integrated into the walls of the dwelling so externally located swift boxes could be specified at 1 per dwelling.

6.4 ***Officer response:***
The contribution request for the Chesterfield Hospital is misplaced and cannot be secured via S106 as central government funding of the NHS is provided for such physical infrastructure to regionally and sub regionally important health provision. The CCG regarding GP practice contributions do not make requests on schemes below 50 units.

The ecological enhancements suggested are covered by the conditions.

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 2021 National Planning Policy Framework (NPPF).

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

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

9.0 CONCLUSION

9.1 Planning permission has been granted for the development of this site previously. The enhanced connectivity to come from the upgrading of the existing public right of way and connection to this from the northern end of the site will ensure that the nearby services and facilities are

accessible. Therefore, as the site is within close proximity of local services and facilities and bus routes it is considered a sustainable location for residential development in line with policies CLP1 and 2.

Affordable housing will be provided by an off site contribution.

The proposal will not result in any adverse impacts in terms of noise and nuisance or impacts to the amenity of neighbouring residents.

Biodiversity will be enhanced as far as possible on site with an off site contribution proposed via CBC.

There will be potential adverse impacts on trees to the site frontage and to the edge of the adjacent plantation from future pressure to prune or fell due to the proximity of the dwellings particularly plots 1, 12, 13 and 14. This is a negative of the scheme to be considered in the planning balance.

The scheme is the first carbon zero housing scheme proposed in the Borough. Whilst it is anticipated that such housing will become common place in years to come, this will provide an early exemplar for sustainable housing at this time and which weighs heavily in favour of the proposal.

Therefore, considering the planning balance which weighs heavily in favour of a zero carbon housing scheme the proposal is recommended for approval subject to a S106 legal agreement and conditions.

10.0 RECOMMENDATION

10.1 It is therefore recommended that the application be **GRANTED** subject to securing the following via a s106 legal agreement:

- A commuted sum of £21,000 to CBC with 10% contingency, to be paid on commencement for upgrade of footpath to the east of the site.
- Payment of an affordable housing contribution of £397,471 in lieu of onsite provision to be paid prior to first occupation.
- A commuted sum Biodiversity net gain of 3.17 habitat units at £20,000 per unit to CBC = £63,400 to be spent within the Borough and paid prior to first occupation.

Conditions

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

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

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

- Location plan: received 29.1.2021 received 29.11.2021
- Site layout: 21-CL6-SEGD-CHL-01 Rev G 23.11.2022
- House Type Naples: TA-(21)-501 received 29.11.2021
- House Type Valencia: TA-(21)-502 received 29.11.2021
- Landscaping plan: P21-2648.001 Rev E received
- Off site drainage connections 0461 Rev P2 received 25.01.2023
- Off site drainage connections 0460 Rev P3 received 25.01.2023
- Materials plan: plan no. 21-CL6-SEGD-MBSP-01 Rev B received 29.06.2022
- Boundary plan SD10.EX.24 Rev A acoustic fence received 29.06.2022
- Knee rail SD10.EX.22 Rev S received 29.06.2022
- Fence detail Destination 18 EX.17 received 29.06.2022
- Street scene Rev A received 29.06.2022

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

3. Works shall be completed on site in full accord with the submitted construction management and mitigation plan and the production management plan no. BM00108-PMP Rev A.

Reason: In order to ensure the construction works do not adversely impact on highway safety or local residential amenity in accordance with policies CLP14 and 22 of the Adopted Local Plan.

4. Within 2 months of the commencement of development details of all the highway works (including; finished levels, gradients and

surfacing) shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

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

5. The carriageways and footways shall be constructed in accordance with the details approved plans, up to and including binder 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/proposed public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

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

6. The dwellings, the subject of the application, shall not be occupied until the site has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority in writing. In the case where interim turning arrangements are constructed these must remain available until any permanent turning head is available, in accordance with the approved designs.

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

7. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, all to be laid out, constructed and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

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

8. 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)

a) no means of enclosure (other than those hereby permitted) shall be erected within the curtilage of any dwelling where it is in line with or forward of the principal elevation of that dwelling, and

b) no outbuildings or extensions shall be erected to the side or rear of plots 1, 11, 12, 13, 14 and 15;

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

Reasons: To safeguard the adjacent woodland and in the interests of highway safety, in accordance with policies CLP16 and 22 of the Adopted Local Plan.

9. The development shall be completed in full accordance with the sustainability statement dated November 2021, including the provision of solar PV and EV charging to each dwelling hereby approved.

Reason: In accordance with policy CLP20 of the Adopted Local Plan.

10. Prior to the installation of services and lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. The woodland edge habitats shall be protected from lightspill, as far as practicable. The Strategy should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan will be required to demonstrate acceptable levels of lightspill to sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Reason: In the interest of protecting habitats and species throughout the construction process in accordance with Policy CLP16 of the Adopted Local Plan.

11. The development shall be constructed and completed in full accordance with the submitted ecology report and enhancements

- bat boxes to Plots 1 and 15.
- swift boxes to all remaining plots.
- gaps 130 mm x 130 mm in garden fencing to maintain connectivity for hedgehogs.

Reason: Reason: In the interest of enhancing habitats in accordance with Policy CLP16 of the Adopted Local Plan.

12. Prior to the commencement of the development tree protection measures shall be installed on site in strict accordance with the submitted Arboricultural Method Statement dated November 2021 and under the supervision of a suitably qualified tree specialist. Such measures shall be retained in place throughout construction works. The development shall be completed in full accordance with the AMS.

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

13. The soft landscaping of the site shall be completed in full accordance with plan P21-2648.001 Rev E, all completed prior to final occupation of the development.

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

14. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The LEMP shall cover all retained and created habitats, as identified in the agreed Ecological Impact Assessment by Whitcher Wildlife Ltd dated 18.05.2022, to meet the habitat gains set out in the Biodiversity metric calculation and landscaping of the site agreed under condition 13 above. The content of the LEMP shall include the following;
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;

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

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

15. In line with the proposed street scene sections a scheme detailing all proposed finished floor and land levels, with street scene and sections provided across the site frontage and within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to development platforms being completed. The development shall be carried out in accordance with the approved scheme.

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

16. The pedestrian link to the adjacent public right of way shall be installed on site and be available for use prior to the occupation of the 5th unit on the site.

Reason: to ensure appropriate connectivity of the site in accordance with Policies CLP1 and 2 of the Adopted Local Plan.

17. All external materials and hard surfacing shall be in line with the details on plan no. 21-CL6-SEGD-MBSP-01 Rev B.

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

18. The development shall be completed in accordance with the recommendations of the noise impact assessment dated 30.05.2022 by ENS Ltd.

Reason: To ensure appropriate noise attenuation in accordance with policy CLP14 of the Adopted Local Plan.

19. a) Boundary treatments shall be in accordance with the details on plan no. 21-CL6-SEGD-CHL-01 Rev G.
b) In line with the above plan and prior to their installation, details including materials, of all retaining boundary walls shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

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

20. Construction work shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 8:00 am to 2:00 pm on a Saturday. Staff shall be allowed access only onto site Monday to Friday from 7.30am. Construction work shall not be carried out on Sundays or Public Holidays. The term construction work shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason: To protect residential amenity in accordance with Policy CLP14 of the Adopted Local Plan.

21. No development above ground shall commence until; Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary,

have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure a safe development, safeguarded from former mining activity in line with policy CLP14 of the Adopted Local Plan.

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

Reason: To ensure a safe development, safeguarded from former mining activity in line with policy CLP14 of the Adopted Local Plan.

23. 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.

24. The site shall be developed with separate systems of drainage for foul and surface water on and off site. In addition, the peak pumped foul water discharge shall not exceed 4.75 litres per second.

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

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

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

26. 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. The Site Specific Flood Risk Assessment Dated November 2021, Doc Ref: P21025- SsFRA_A Loundsley Green Strata “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
 - b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

28. The above surface water attenuation should not be brought into use until such a time as it is fully designed and constructed in line with a

scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

30. The development shall be completed in line with the submitted Employment and Training Scheme received 14.04.2022.

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

31. Following completion of 50% of the dwellings and secondly at the stage of the final completion of the remaining 50% of the dwellings, a post construction Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority;
- Which and how many dwellings within the development have satisfied M4 (2)* accessible and adaptable dwellings standards
 - Which and how many dwellings within the development have satisfied M4 (3)* wheelchair adaptable dwellings standards
 - Which and how many dwellings within the development have satisfied M4 (3)* wheelchair accessible dwellings standard.
- (*contained within Part M Volume 1 (Approved Document) of The

Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same.))

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

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

32.a) Works on site shall be undertaken in accordance with the recommendations of the following reports:

Phase 2 Geo-Environmental Assessment (Ref: NTE2269)

Coal Mining and Geotechnical Appraisal (Ref: 4158/2 Date: November 2021)

Earthworks Specification (Ref: 4158/4 Date: December 2021)

Specification for the Treatment of Shallow Workings & Mine Entries (Ref: 4158/3 Date: December 2021)

Including any additional chemical and gas testing for on site material or for material for movement and deposition off site along with the formulation of appropriate remediation based on the findings of the recommended assessments.

b) 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 above reports then the revised remediation shall be submitted to and approved in writing by the Local Planning Authority;

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

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

Informatives:

Highways:

- i. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and

- constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow at least 16 weeks in any programme of works to obtain a Section 38 Agreement.
- ii. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 - iii. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
 - iv. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website:
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, Email - ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
 - v. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This normally takes the form of a cash deposit equal to the calculated construction costs of the street and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where the developer wishes for the development

- to remain private it is expected that the streets are constructed to an acceptable standard and a management company set up, by the developer, to take on the future maintenance responsibilities for the estate streets on the development.
- vi. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow at least 16 weeks in any programme of works to obtain a Section 278 Agreement.
 - vii. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).
 - viii. Construction works will require Temporary Traffic Management and possibly road closures/diversions. Advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.
 - ix. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

- x. The applicant is advised to obtain a technical approval for all drainage within the proposed adopted highway by obtaining details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition (5) of this consent.
- xi. Any affected Highway Maintainable at Public Expense (HM@PE) on the Derbyshire Definitive Map) must remain unobstructed on its legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Please note that the granting of planning permission is not consent to divert or obstruct the HM@PE. If it is necessary to temporarily obstruct the HM@PE to undertake development works then a temporary closure/diversion is obtainable from the County Council. If the HM@PE is required to be permanently diverted then the Council that determines the planning application (The Local Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a HM@PE must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the HM@PE to facilitate public safety during the works may then be granted by the County Council.
- xii. Any affected Public Right of Way (PROW) on the Derbyshire Definitive Map) must remain unobstructed on its legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 08456 058058 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058058 for further information and an application form. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Local Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- xiii. The developer must contact Derbyshire County Council's Public Transport Unit for advice by emailing ETC.PublicTransport@derbyshire.gov.uk. Should the development be approved and necessitate the creation or re-siting of a bus stop/shelter all relevant costs of these works will be recharged to the developer.

- xiv. All highway-related structures, whether to be adopted or not, shall be designed and constructed in accordance with current relevant Highways England standards, codes of practice and technical memoranda unless agreed otherwise. Design is normally subject to the technical approval procedure set out in BD 2/12 within DMRB and in the context of this design guide, the technical approval authority is the relevant LHA. The applicant must employ a qualified civil or structural engineer with experience in highway structures, with approval from the relevant LHA, to carry out design and oversee construction. Prior to construction, the applicant shall provide the LHA with a programme of supervision for approval. This programme shall give details of the level and amount of supervision provided and contain proposals for materials testing. The works will then be audited by the LHA at regular intervals for compliance with the construction programme.

Yorkshire Water:

If the development is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991) he/she should contact our Developer Services Team (tele: 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption – a Design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

Lead Local Flood Authority:

- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

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

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

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

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

I. Surface water drainage plans should include the following:

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

J. On Site Surface Water Management;

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

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the

1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

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

Volume Control

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

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

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

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

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

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

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

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

- Ground percolation tests to BRE 365.

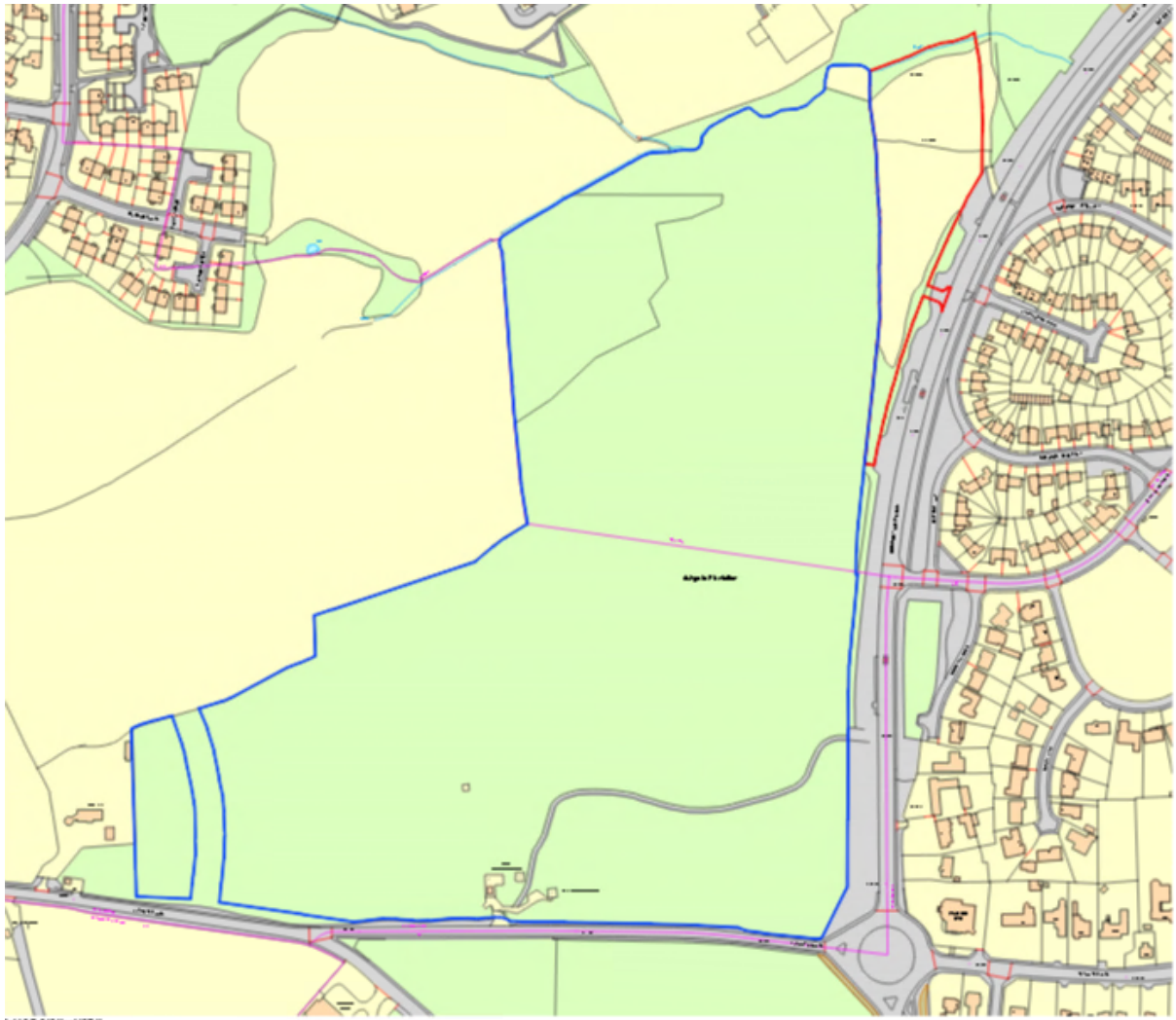
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.

- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

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

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

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



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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	20 th February 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/21/00252/FUL	Rother	Erection of one 4 bedroomed house. At Land Adj 20 Rushen Mount Birdholme S40 2JU For Mr Andrew Parsons	CP	31/01/2023
CHE/22/00297/DOC	Old Whittington	Discharge of conditions relating to CHE/17/00645/FUL (Office Code No. CHE/21/00835/REM1), In relation to conditions 4 (Pendragon Chesterfield Site Set Up Plan wk1_2), 9 (Pendragon Chesterfield Site Set Up Plan wk2-7) and 14 (Kingfisher- Employment and training plan). At Development Site At Eastside Park Eastside Road Chesterfield For Pendragon PLC	DPC	26/01/2023
CHE/22/00306/DOC	Old Whittington	Discharge of Conditions 4 (Construction management), 9 (Space for parking/loading etc) and 14 (Employment and Training Plan) Relating to application CHE/21/00598/REM1. At Development Site At Eastside Park Eastside Road Chesterfield For Pendragon PLC	DPC	26/01/2023
CHE/22/00370/OUT	Old Whittington	Outline application for the erection of a dwelling with reserved matters for access and layout At 30 Holland Road Old Whittington Chesterfield S41 9HF For Mr J Cocker	CP	27/01/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00386/FUL	Barrow Hill And New Whittington	Side extension to provide annexe accommodation for dependent relative. At 222 Handley Road New Whittington Chesterfield S43 2ER For Mr Alan Clarke	CP	27/01/2023
CHE/22/00396/DOC	Middlecroft And Poolsbrook	Discharge of condition 6 (car parking scheme) and 7 (residential electric car charging points), 8 (cycle store) and 9 (bin store) of application CHE/21/00371/FUL - Conversion of existing dwelling into 1 one bed flat and 1 two bed flat. At 109 Chesterfield Road Staveley S43 3QJ For Mr. J McGuinness	PDOC	20/01/2023
CHE/22/00406/DOC	St Leonards	Discharge of condition 4 (Tree Protection) of CHE/22/00142/FUL - A new purpose built link corridor through existing courtyard, Infill of existing undercroft, replacement of 9 windows, and one new window At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL For The Manser Practice	DPC	01/02/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00491/REM	Hollingwood And Inkersall	Approval of all reserved matters for Plot 6 (in connection with outline permission CHE/15/00291/REM1 for CBC and outline permission: 15/00479/OL for NEDDC) for the erection of 4 no. Class B2/B8 units with office space and associated works. At Land At Enterprise Way Enterprise Way Duckmanton Chesterfield S44 5FD For HBD	CP	27/01/2023
CHE/22/00582/FUL	Dunston	Canopy extension to existing service yard At Rillatech Ltd Prospect Park Dunston Way Chesterfield S41 9RD For Rillatech Ltd / Dalziel Ltd	CP	19/01/2023
CHE/22/00608/DOC	Middlecroft And Poolsbrook	Discharge of condition 8 (Surface Water Drainage) of CHE/20/00432/FUL - Construction of a solar photovoltaic farm, with battery storage and other associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping. At Land To West Of Inkersall Road Staveley Chesterfield For Inkersall Solar Farm Limited	DPC	02/02/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00653/FUL	Dunston	Demolition of existing single storey side extension, erection of 2 storey side extension and internal alterations. Reduction to the land level at a section of the frontage and installation of retaining walls with guard rails, to allow for car parking At Delgan 5 Coniston Road Newbold Chesterfield S41 8JE For Mr Sekhon Manvesh	CP	24/01/2023
CHE/22/00674/FUL	West	Demolition of existing garage and car port, and erection of a single storey side extension At 46 Orchard View Road Loundsley Green Chesterfield S40 4BU For Mr and Mrs Foster	CP	20/01/2023
CHE/22/00693/DOC	Brimington South	Discharge of conditions 3 (Materials), 8 (Disposal of foul and surface water drainage), 10 (Details of surface water drainage works), 11(Landscaping treatment) and 12 (Ecological measures) of application CHE/19/00322/FUL- Demolition of car-port and erection of dwelling At Land Adj 63 Station Road Brimington Chesterfield S43 1JU For Ms Andrea Collins	PDOC	20/01/2023
CHE/22/00704/FUL	St Leonards	Proposed first floor bedroom over side garage At 36A Houldsworth Drive Hady S41 0BS For Mr A Nicholas	CP	06/02/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00711/FUL	West	Single storey rear extension with cladding At 19 Mayfield Road Chesterfield S40 3AJ For Mrs Kaye Wallis	CP	19/01/2023
CHE/22/00713/DOC	West	Discharge of condition 4 (Pile Foundation Detail and Design) of application CHE/20/00790/FUL- First floor side extension above existing garage and rear two storey extension At 31 Storrs Road Chesterfield S40 3QA For Mr and Mrs Pogson	DPC	18/01/2023
CHE/22/00715/FUL	Hasland	Pitched roof over existing rear extension and replacement of boundary hedge with a wooden panel and concrete plinth fence At 126 Broomfield Avenue Hasland Chesterfield S41 0ND For Mr James Bentley	REF	27/01/2023
CHE/22/00724/DOC	Old Whittington	Discharge of conditions 4 (Car Parking Management Plan) and 10 (Construction methodology to minimise effects on bats) of application CHE/21/00602/FUL- Demolition of existing restaurant (Use class E) and erection of a drive thru restaurant (Suis Generis), circulation road and associated works At Burger King Brimington Road North Chesterfield S41 9BE For E G Group	PDOC	20/01/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00736/DOC	Rother	Discharge of conditions 3 (materials) and 4 (biodiversity) of CHE/22/00344/FUL - Replacement of existing porch roof to a hip roof and erection of canopies over the windows to the left and right of the porch At 3 Branton Close Boythorpe Chesterfield S40 2NL For Mr Wills Brady	DPC	01/02/2023
CHE/22/00744/FUL	West	Demolition of existing conservatory and erection of a single storey rear extension, alterations to front elevation to include new gable with window and new render to walls. At 538 Chatsworth Road Chesterfield S40 3AY For Mr and Mrs Foster	CP	20/01/2023
CHE/22/00753/DOC	Hasland	Discharge of condition 4 (biodiversity measures) of CHE/22/00288/FUL - First floor extension to the side elevation At 17 Southfield Avenue Hasland Chesterfield S41 0LX For Mr Ashley Thompson	DPC	01/02/2023
CHE/22/00756/FUL	St Helens	Two storey rear extension (revised drawings received 28.12.2022) At 25 Selhurst Road Newbold Chesterfield S41 7HR For Cutler and Green	CP	02/02/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00770/FUL	St Leonards	Demolition of existing conservatory boot room and replacement with new brick built boot room matching the style of the previous orangery extension. At Hady House 75 Hady Hill Hady Chesterfield S41 0EE For Mr C Fletcher	CP	20/01/2023
CHE/22/00771/LBC	St Leonards	Listed building consent for demolition of existing conservatory boot room and replacement with new brick built boot room matching the style of the previous orangery extension. At Hady House 75 Hady Hill Hady Chesterfield S41 0EE For Mr C Fletcher	CP	20/01/2023
CHE/22/00777/FUL	Barrow Hill And New Whittington	Installation of external wall insulation, and application of its rendering At 39 Handley Road New Whittington S43 2DU For Mr Alain Augère	CP	18/01/2023
CHE/22/00781/FUL	Dunston	Removal of uneven steps. Installation of new stairs, wall and handrailing and replacement of brick paved drive with concrete. At 177 Keswick Drive Newbold Chesterfield S41 8HQ For Mr Ian Leverton	CP	26/01/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00785/REM	Dunston	Variation of condition 4 (Opening hours) of application CHE/21/00042/COU- To extend permissible hours for licensing activities to from 10am-2:30am daily At 10 Station Road Whittington Moor Chesterfield S41 9AQ For Mason's Bar Ltd	REF	07/02/2023
CHE/22/00790/ADV	Moor	Erection of 1 x 9m totem pole sign, 1 x height restriction bar, 1 x menu board and 5 x freestanding menu and directional signage associated with drive-thru coffee shop/restaurant. At Arnold Clark Motorstore Meltham Lane Chesterfield S41 7LG For 1 Oak	CP	30/01/2023
CHE/22/00792/FUL	Walton	First floor extension above existing dining room and study and demolition of existing garage and conservatory and erection of single storey side/rear extension At 8 Lake View Avenue Walton Chesterfield S40 3DR For Mrs Hannah Harison-Denby	CP	19/01/2023
CHE/22/00798/FUL	West	Erection of two single storey outbuildings At 35 Oakfield Avenue Chesterfield S40 3LE For Mr Robert Bradshaw	CP	27/01/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00802/PA	Dunston	<p>Conversion of existing office building to a single, 4- bedroom dwelling (Class C3)</p> <p>At Existing Offices Dunston Hole Farm Unnamed Road Accessing Dunston Hall and Hole Farm Chesterfield S41 9RL</p> <p>For Mr and Mrs K. Heppenstall</p>	CP	26/01/2023
CHE/22/00805/ADV	Lowgates And Woodthorpe	<p>One free roadside sign to Farndale Road, 3 totem signs at the service yard entrances and 6 building mounted fascia signs (one on each unit)</p> <p>At Land Accessed From Farndale Road Staveley Chesterfield</p> <p>For Devonshire Property (B2D) Limited</p>	CP	26/01/2023
CHE/22/00806/TEL	Lowgates And Woodthorpe	<p>Telecommunications installation - 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works</p> <p>At Verge Between Hillside Drive and Worksop Road Mastin Moor Chesterfield S43 3AE</p> <p>For CK Hutchison Networks (UK) Ltd</p>	PA	26/01/2023
CHE/22/00807/CLO	Brimington South	<p>Certificate of Lawfulness for the proposed use of the building for ancillary booking, admin and IT office functions associated with an app-based private taxi/minicab/private hire service; with no private hire vehicle parking or visiting members of the public</p> <p>At Tapton Park Innovation Centre Brimington Road Tapton Chesterfield S41 0TZ</p> <p>For Bolt Services UK Limited</p>	GR	26/01/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00809/FUL	Dunston	Alterations to existing office building, including partial demolition (part-retrospective) At Dunston Hole Farm Unnamed Road Accessing Dunston Hall and Hole Farm Chesterfield S41 9RL For Mr and Mrs K. Heppenstall	CP	24/01/2023
CHE/22/00816/DOC	Brockwell	Discharge of conditions 8 (Soft landscaping scheme) and 9 (Hard landscaping works) of application CHE/17/00798/FUL- Change of use from Office (B1) to Residential - 30 apartments over 3 floors (C3) and internal alterations to Listed Building At Knightsbridge Court West Bars Chesterfield S40 1BA For ARC Capital	DPC	23/01/2023
CHE/22/00818/FUL	Hasland	Single storey front and side extensions At 61 Mansfield Road Hasland Chesterfield S41 0JE For Victoria Sweetmore	CP	06/02/2023
CHE/22/00826/PA	Brockwell	Application for prior approval for a change of use of offices into two flats At Crush 31 West Bars Chesterfield S40 1AG For James Steer	REF	01/02/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00827/FUL	Loundsley Green	Demolition of garage and erection of a single storey front and side extension with internal alterations. Alterations to front entrance canopy At 64 Peak View Road Brockwell Chesterfield S40 4NN For Mr and Mrs John Hill	CP	01/02/2023
CHE/22/00836/TPD	St Leonards	Prior approval for a proposed larger home extension At Trevilla 73 Hady Hill Hady Chesterfield S41 0EE For Mrs Lorraine Fletcher	PANR	18/01/2023
CHE/22/00839/FUL 07/02/2023	Hasland	First floor extension over existing garage At 18 Challands Way Hasland S41 0ER For Mr & Mrs Day		CP
CHE/22/00848/TPD	Walton	single storey rear extension At 24 Hazel Drive Walton S40 3EN For Mr Philip Allen	PANR	18/01/2023
CHE/23/00008/DOC	Walton	Discharge of condition 4 (Declaration of DPC site safety) of application CHE/20/00760/FUL- Conversion and extension of existing garage to form new dwelling At The Bungalow 2A Delves Close Walton S40 2BU For Mr Adam Bowler		07/02/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00012/DOC	Old Whittington	Compliance with condition 25 (Submission of method statement for Network Rail approval) of CHE/20/00496/FUL- Demolition of 7 buildings and erection of 12 new units use B2/B8 use with ancillary offices, associated car parking and external vehicular areas/landscaping At Land Off Station Road Old Whittington Chesterfield S41 9AW For MSAndrew Butler Castings Ltd	DPC	07/02/2023
CHE/23/00023/AGR	Lowgates And Woodthorpe	Application to determine whether prior approval is required for the erection of an agricultural building At St John's Farm Bridle Road Woodthorpe Chesterfield S43 3BY For Mr Mick Hobson	PPR	02/02/2023
CHE/23/00028/DOC	Hollingwood And Inkersall	Discharge of condition 3 (biodiversity) of application CHE/22/00601/FUL At McDonalds Restaurants Ltd Markham Vale Services Enterprise Way Duckmanton S44 5HB For InstaVolt LTD	DPC	23/01/2023

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/23/00037/CPO	Old Whittington	<p>The Proposed Development will facilitate the requirement to meet new obligations for phosphorous removal from wastewater, specifically to achieve compliance with the Water Industry National Environment Programme (WINEP) driver of 0.25mg/l total annual average phosphorous content. Along with associated permitted development the proposed development will comprise the following four kiosks. - Motor Control kiosk - Ferric sulphate dosing kiosk - Ferric sulphate dosing kiosk - Sodium hydroxide dosing kiosk</p> <p>At Whittington Sewage Works Station Lane Old Whittington S41 9EY</p> <p>For Yorkshire Water Services LTD</p>	OC	03/02/2023
CHE/23/00038/TPO	Barrow Hill And New Whittington	<p>Oak situated on fence between garden and vegetable plot/field crown cleaning due to damaged branches falling near property</p> <p>At 33 Coupland Close Old Whittington S41 9TB</p> <p>For Mrs June Macdonald</p>	CP	02/02/2023
CHE/23/00046/CA	Old Whittington	<p>Flowering Cherry (T1) - crown thinning 20%, crown reduction: height approx 15m, spread approx 8m. To resintate reasonable light levels and prevent damage</p> <p>At 95A High Street Old Whittington S41 9LB</p> <p>For Mr Robert Oles</p>	UP	08/02/2023

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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	20 th February 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 2**NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/23/00046/CA The pruning of one Cherry tree in the grounds of 95a High Street, Old Whittington. Page 125	The trees are within the Old Whittington Conservation Area and the applicant wishes to prune the tree because it is close to the neighbouring property and lamp stand.	Agreement to the pruning of one Cherry tree to crown reduce to leave a 15 metres high tree with a crown spread of 8 metres to previous reduction points. The pruning of the tree will have no adverse effect on the character and amenity of the area.	07/02/23

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 20th February 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	Dismissed 01/02/2023 see appendix A
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/22/00250/TPO – Felling 2 Beech trees at 25a Storrs Road Refusal	Officer delegation	21/06/22	Hearing	
2/4431	Holmebrook ward	Claire Hancock	CHE/21/00171/FUL - Pair dwellings on land at 33 Boythorpe Avenue Refusal	Planning Committee against officer advice	28/09/22	Written Reps	
2/156	Lowgates and Woodthorpe ward	Miss S McManus	CHE/22/00742/FUL – extension at 26 Netherthorpe Close - Refusal	Officer delegation	16/01/23	Written Reps	
2/2518	West ward	Mr J Simms	CHE/22/00712/FUL – fencing at 34 Miriam Avenue - Refusal	Officer delegation	12/01/23	Written Reps	

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Appendix A

Appeal by Mr and Mrs C Franczak

Two detached dwellings and Gugaes at City Farm, off Dark Lane, Tapton, Chesterfield.

CHE/21/00809/FUL

1. Planning permission was refused on 11th November 2021 for a pair of dwellings on land at City Farm off Dark Lane. The reasons for refusal were:

1. The proposed development is contrary to policies CLP1, CLP2, CLP3 and CLP15 of the Chesterfield Local Plan 2018 - 35 and paragraph 105 of the NPPF. The proposed development would result in an unsustainable form of development, reliant upon the private car for access to services and facilities. It would also be contrary to paragraph 80 of the NPPF as it would result in the development of isolated dwellings in the countryside. The proposal will also conflict with the open landscape character of the defined Strategic Gap introducing a built form which would be an intrusive and incongruous feature in the landscape adversely impacting the rural character and openness of the site and surrounding context.

2. Insufficient information has been provided to assess the impact of the required visibility splays and access to Dark Lane considering the potential adverse impact on landscape character and biodiversity. The absence of any visibility splays would not be in the best interests of highway safety contrary to policy CLP20 of the Chesterfield Local Plan 2018-35.

3. Insufficient information has been provided to address the archaeological potential of the site and to understand harms proposed by the application. The application therefore does not comply with paragraph 194 of the NPPF and the Chesterfield Local Plan 2018 - 35 policy CLP21 part d and g which requires development proposals to demonstrate appropriate consideration of archaeological impact.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.

3. The third reason for refusal refers to archaeological potential of the site and harm associated with the proposal. A non-technical summary of the Archaeological Desk-Based Assessment (ADBA) supported the appeal concluding that the potential for the site to yield prehistoric, Roman, Saxon, or medieval archaeological features is negligible (to low) and high for post-medieval and modern periods. The Council accepted these findings and that proposed archaeological mitigation measures could be conditioned. In light of this, the inspector has only concerned himself with the remaining reasons for refusal.
4. The main issue is therefore whether the proposed development would provide a suitable site for housing, having regard to the Council's spatial strategy and:
 - the protection afforded to the functional aim of and openness provided by the Brimington and Tapton Strategic Gap;
 - the effect of the proposed dwellings on the rural character, form and setting of the site and its surroundings;
 - the effect of the proposed access works on biodiversity, and the rural character and highway safety of Dark Lane; and
 - its accessibility to services and facilities.

Policy Background

5. The appeal site is situated outside of a built-up area, within open countryside in the Strategic Gap between Brimington and Tapton (SG), as defined by policy CLP1 of the Chesterfield Borough Local Plan1 (CBLP). The policy explains the SG prevents these settlements from merging into one another and maintains open space. In such locations, policy CLP3 sets out that new residential development will only be permitted where it meets one or more criteria. There are two criteria relevant to the appeal proposal, namely the redevelopment of previously developed land (PDL), where it would not harm the intrinsic character of the countryside; and demonstration of reasonable access to a range of key services. Policy CLP15 reiterates the status of the SG's function and character.
6. Policy CLP2 also introduces a further exception to the spatial strategy with respect to proposals required to regenerate sites that could not otherwise be addressed. It also supports proposals that maximise opportunities to access key services through their location for cycling, use of public transport, and by walking on safe, lit, and convenient routes.

7. Policy CLP20 also requires adequate and safe vehicle access; and promotes good design that positively contributes to the distinctive character of the borough and expects development to respect the character, form, and setting of a site and its surroundings.

Strategic Gap and Site and Surroundings

8. The Landscape and Visual Appraisal (LVA) supporting the appeal identifies that the landscape surrounding the site is close to a bowl shape, incorporating small rectangular fields enclosed by managed hedgerows, interspersed with scattered built form including individual or groupings of farmhouses and agricultural buildings, set against a backdrop of vegetation. These include the appellants' existing home and agricultural buildings northwest of the site. The LVA also stresses the significance of longer views to the south and east over higher ground. Houses to the north and east of the SG also present a significant hard edge to the large areas of generally open and undeveloped countryside.
9. Up until the 1960s, when they were demolished, the site was occupied by two rows of dwellings. Given the prominence of the site, particularly from the north and east, the dwellings would have been perceptible in the landscape for some time prior to their demolition. The Inspector for the previous appeal at the site, for holiday cottages, confirmed evidence of the dwellings but vegetation on the site helped them blend into the surrounding countryside. This has since been cleared and remnants of the former dwellings that remain in situ are clearly apparent. Accordingly, the site constitutes PDL in the context of the definition contained in Annex 2 of the National Planning Policy Framework (the Framework). The remains of the dwellings have not integrated into the landscape, but they do not amount to prominent features and the character of the landscape has changed notably, largely due to the considerable timeframe of their absence.
10. As with the earlier appeal, the site remains prominent within the landscape due to its proximity to public rights of way (PROW) and the views available from higher ground to the north and east. Despite its unkept appearance, it continues to contribute positively to the openness of the SG and the rural character, form and setting of its surroundings.

11. The site is relatively small and the proposal would be unlikely to affect the functional aim of the SG to be able to distinguish the physical separation between Brimington and Tapton. In particular, the site is within part of the SG that the Council's review notes as being of sufficient scale to ensure merging of these settlements would not occur in this direction. Nevertheless, it would be some distance from the settlements so would be read as part of the countryside separate from the appellants' existing house and agricultural buildings. While these are visible within their surroundings, the proposed dwellings would be of greater prominence and less contained within the landscape, particularly in views from higher ground to the north and east and in closer proximity from the PROW. Like the holiday cottages proposed at the site, they would increase the extent of development surrounded by fields which, in turn, would significantly and permanently erode the longstanding contribution made by the site to the openness of the landscape within the SG.
12. Despite claims advanced in the appellants' evidence that they would be seen in the context of the canopy of trees behind them and not against the skyline, there was no substantive evidence before the inspector to demonstrate how the dwellings would relate in this way, including the viewing location. Moreover, the LVA accepts they would be new features that would be perceptible. The appellant has also committed to adding more planting to the site, but this would be unlikely to mature for some time and soften the impact of the development from certain viewpoints. The inspector was also mindful that vegetation is subject to seasonal change and is, in any event, ephemeral.
13. The proposed dwellings have been designed having regard to the architectural detailing of the properties that previously occupied the site, using a traditional palette of materials. While the appearance of the dwellings would not, of itself, be harmful to the rural character and openness of the landscape it would not lessen the effect of their physical presence.
14. The proposal relates to previously developed land and would result in a more efficient use of the site. However, for the reasons identified above, it would not safeguard and improve this particular environment, a key component of the

Framework's objective of making effective use of land. For the same reasons, addressing the visual impacts of decline associated with absence of a use for the site should not be at all costs and should come in the form of development that is responsive to its current context. The evidence before the inspector did not clearly demonstrate that the appeal scheme is required to regenerate the site or that its environmental and visual enhancement could not be addressed by other, less intrusive and cost effective, means including tidying of rubble and a greater extent of planting to boundaries in addition to that already proposed.

Proposed Access Works

15. The site is accessed from Dark Lane, a curving route with well-maintained mature hedgerows and established trees of varying condition. These conditions mean that forward visibility in either direction is short and contained by the vegetation. Despite gaps in planting to joining roads and accesses to fields and properties, including the domestic appearance of the site access, Dark Lane retains a rural character, to which planting of the appellants' land adjoining it makes a significantly positive contribution.
16. The existing access would need to be improved to serve the proposal through visibility splays in either direction. The appellants undertook speed survey work and recorded 85th percentile speeds in the vicinity of the access of 28.2 mph eastbound and 25.4 mph westbound. The splays shown in the appellants' *Appeal Statement Highway Matters* would terminate within the carriageway, thereby reducing visibility of bicycles or motorcycles travelling east in the edge of the carriageway. However, the appellants own sufficient land either side of the access for safe splays to be provided in either direction to the carriageway edge, in accordance with the highway safety aims of CBLP policy CLP20. Separate evidence from the appellants also provides sufficient assurance of biodiversity net gain (BNG) associated works to implement splays.
17. Notwithstanding these points, hedgerows and trees would need to be removed for some distance in either direction, which would have a significantly detrimental effect on the extent of enclosure of the lane and the contribution this makes to its rural character. The appellants propose replacement planting,

behind the splays but, like other proposed planting, this is likely to take some time to grow to the scale and have the same effect as the existing planting.

Location and Accessibility

18. The site neighbours the appellants' house and other agricultural buildings but, together, they do not constitute a settlement and are some distance from Brimington and Tapton. It is therefore 'isolated' in the Framework's language and its development would only add to existing development encircled by open countryside beyond these settlements. The proposal would also not be for any of the exceptions to housing referred to in paragraph 80 of the Framework.
19. While the aforementioned settlements offer a very good range of services and facilities, they are not close on foot or by bicycle. The walking and cycling route, along Dark Lane, does not include street lighting or footways and the lane is narrow, curving, and steeply banked on either side. This means there are few opportunities for vehicles to pass one another and limited opportunities for pedestrians to seek refuge clear of the carriageway. I accept that recorded vehicle speeds are less than its upper limit, but it does not guarantee it would be convenient or realistic, particularly for occupants with young children or mobility issues and especially after dark or during inclement weather. There would also be similar issues with the public footpaths available through fields to the north and east, including to bus stops, as these are also unlit, generally on unmade routes and include stiles.
20. Future occupants of the proposed dwellings could cycle to Brimington and Tapton, but it is highly likely they would need to travel regularly by private motorised transport to access their day-to-day needs. Many of the required journeys may be shorter and a greater dependency on car use is inevitable in more rural locations, the inclusion of space in one dwelling for homeworking could also reduce the need to travel to some places of work. Nevertheless, the cumulative effect of allowing developments in locations such as this would be likely to increase the amount of unsustainable journeys made.

Conclusion on the Main Issue

21. For the reasons outlined above, while the proposed development would not conflict with the functional aim to protect against settlements merging it would reduce openness within the SG. Moreover, even though the appearance of the dwellings would be acceptable, their physical presence would have a significant detrimental effect on the rural character, form and setting of the site and its surroundings. Similarly, safe vehicular access could be provided to serve the proposal, which would result in BNG, but visibility splays for the access would require significant removal of planting along Dark Lane and its replacement would take time to establish. This would result in harm to the rural character of the lane. The site would also be located such that it would be likely to be reliant upon the use of private motorised transport to reach services and facilities.
22. Accordingly, the proposed development would not provide a suitable site for housing, having regard to the Council's Spatial Strategy, the protection afforded to the openness provided by the SG, the effect on the rural character, form and setting of the site and its surroundings, including Dark Lane; and its accessibility to services and facilities. Hence, it would conflict with the aims of the spatial strategy; the principles for locating development, including housing and the SG; and in respect of design, as expressed by CBLP policies CLP1, CLP2, CLP3, CLP15 and CLP20; and paragraphs 80 and 105 of the Framework.

Other Matters

Precedents

23. The appellants' Design and Access Statement refers to the appeal decision at *land to the northwest of Northmoor View*. While no location plan of that site is before me, it is described as being adjacent to the northeast built-up edge of Brimington. It therefore appears to be somewhat north of the SG, so is not comparable with the appeal scheme.
24. The site at Oldfield Farm has a closer relationship to the built-up area of Brimington Common and relates to replacement of existing buildings. It is also close to dedicated footways, with streetlighting, in Westmoor Road and there are hard surfaced areas or grass verges beyond either side of the carriageway. This would likely be more palatable to pedestrians. The site

opposite6 for three dwellings also has a footpath serving its access. As such, circumstances of the accessibility of these sites would not be comparable with the appeal before the inspector.

Fallback Position

25. The appellants have shown how their existing agricultural buildings could be converted to two separate dwellings. However, prior approval has not been secured and there is no assessment as to how it would meet the conditions set out in Class Q to Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the Order).
26. With cognisance of the caselaw to which the inspector referred, this could potentially amount to a 'fallback' position. In comparing both schemes, the inspector was mindful it is not the intention of the Order to consider accessibility of sites, as Class Q was evidently introduced to increase the supply of housing through the conversion of agricultural buildings in the countryside.
27. In terms of the other issues to be considered under Class Q, the alterations required to convert the agricultural buildings would have very different effects to the appeal scheme, particularly in respect of their size, as the new dwellings proposed would be much taller. Unlike the caselaw, the existing buildings are also situated within a different part of the appellant's land and the proposal would be of significantly greater prominence in the landscape given their proximity to two footpaths and visibility from a greater distance to the east.
28. The inspector had not explored consideration of matters relevant to the existing access from Dark Lane, as he had not been referred to any considerations regarding the extent of movements associated with the agricultural buildings, which could have a bearing on the need for any access improvements for visibility. Even if I were to arrive at a different conclusion regarding comparison of the effect of the schemes, there is no legal mechanism before me to prevent the agricultural buildings being converted under the Order alongside the proposal. The appellant has referred to use of a planning condition to remove permitted development rights but I am not convinced this would

be reasonable regarding something that is completely unrelated to the appeal scheme. In any event, such a condition could only take effect at the point that planning permission would be implemented for the proposal, which would not prevent works to the agricultural buildings taking place before the permission was implemented. The appellants would not be in breach of the condition, as the Council could not enforce it. There would therefore be no means of preventing both schemes from going ahead and the inspector afforded the identified fallback position limited weight.

Planning Balance and Conclusion

29. While the CBLP predates the current Framework, the inspector was satisfied that the policies relevant to the determination of the appeal are in accordance with the aims of the Framework to recognise the intrinsic character and beauty of the countryside and locate housing where it can best be served by facilities and services. The conflict of the proposal with CBLP policies is therefore a significant concern.
30. The inspector had not been referred to a lack of deliverable housing sites in the borough, but the Government is seeking to significantly boost the supply of housing. The proposal would contribute to supply in the borough and greater choice. It would also be a small site that the Framework recognises as more likely to be built relatively quickly. Nevertheless, the magnitude of the contribution to housing supply would be modest, so would attract limited weight.
31. There would be short-term benefits to the local and wider economy from the application of the New Homes Bonus and the purchase of materials and direct and indirect employment associated with construction of the dwellings. Future occupants would support local shops and services through expenditure but would be likely to do so through use of private vehicular transport, which I have identified as being harmful. These would all constitute benefits in social and economic terms, but the magnitude of the proposed development means they would be afforded limited weight.
32. The ADBA submitted with the appeal suggests archaeological evaluation to be undertaken in connection with the proposal would better reveal the historic interest to the construction and

use of the site. However, the inspector was mindful that there is no evidence to suggest archaeology would be at risk of being harmed or lost, were the proposal not to go ahead. This would therefore only amount to a social benefit of limited weight.

33. The BNG that could be achieved through the proposal would amount to an environmental benefit of limited weight given the extent of works to be undertaken and the harm they would cause to the rural character of Dark Lane.
34. Taking the above together, collectively there would be limited benefits associated with the appeal scheme. While the harm to the rural character of Dark Lane would be localised, so the conflict with the development plan would be limited, the other harms that would be caused by allowing development would be of greater significance.
35. The proposed development would be contrary to the development plan and there are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given, the inspector concluded the appeal should be dismissed.

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 20TH FEBRUARY 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

Enforcements currently Authorised: 10

ENFORCEMENT REPORT

09 February 2023

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>			<i>Authorised to Issue Average: 540 days</i>				
York Street	2 <small>1,236</small>	23/09/19 <small>1,236</small> balcony, canopy and french door	17/00800/FUL	16/03/21 <small>540</small>	16/03/21 <small>696</small>	16/04/21 <small>665</small>	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>18/03/21</small>	Ha
Enforcement Notice		<i>Total currently Authorised: 6</i>			<i>Authorised to Issue Average: 31 days</i>				
Markham Road	Markham House <small>5,471</small>	18/02/08 <small>5,471</small> storage of commercial vehicles		20/03/08 <small>31</small>	18/04/08 <small>5411</small>	20/10/08 <small>5226</small>	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> <small>14/11/19</small>	HI
Newbold Road	194-196 - former Hardy's Site <small>11</small>	30/01/23 <small>11</small> Awaiting instructions					Awaiting instructions	<input type="checkbox"/>	N
Old Hall Road	76-88 <small>164</small>	30/08/22 <small>164</small> shipping containers					28 days for removal, seeking voluntary compliance. Awaiting instructions	<input type="checkbox"/> <small>10/11/22</small>	

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Park Hall Avenue	2	12/12/22 60	timber fencing and stone columns on frontage					Awaiting instructions	<input type="checkbox"/> 21/12/22	Wa
Pottery Lane West	10	18/07/22 207	Storage of vehicles					Instructed	<input type="checkbox"/> 20/10/22	Mo
York Street	2	09/10/17 1,950	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> 19/12/18	Ha
Section 215 Amenity Notice			<i>Total currently Authorised: 3 Authorised to Issue Average: days</i>							
Edinburgh Road	12	10/10/22 123	unroadworthy vehicle, trailer and miscellaneous building materials etc.					Did not comply with 3 months given. Instructed.	<input type="checkbox"/> 28/10/22	SH

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Highfield Road	80	05/10/20 <i>858</i>	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> 15/02/21	SH
Tapton Terrace	26	05/10/20 <i>858</i>	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> 15/02/21	SL

Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

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

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

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

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