

**ITEM 6**

**VARIATION OF CONDITION 2 (EXTERNAL DIMENSIONS AND ELEVATIONAL TREATMENTS) OF APPLICATION CHE/19/00083/FUL-CONVERSION OF EXISTING PUB (6-ONE BED FLATS), NEW 3 STOREY BUILDING TO FRONT (6-ONE BED FLATS) TWO NEW SINGLE STOREY BLOCKS ARRANGED PARALLEL TO THE EAST AND WEST SITE BOUNDARIES (2-ONE BED FLATS) AND 1.5 STOREY BLOCK TO NORTH OF SITE (2-ONE BED FLATS). ALTERATIONS TO BE MADE TO THE CONVERSION OF THE PUB WITH A SMALL FIRST FLOOR EXTENSION TO THE REAR ALLOWING FOR ON SITE COMMUNAL MEETING FACILITIES AND SITE OFFICE FOR SUPPORTED LIVING AT ALL INN, LOWGATES, STAVELEY, CHESTERFIELD, S43 3TX FOR ROCKIE WHITE**

**Planning committee: 12<sup>th</sup> December 2022**

**Ward: Lowgates and Woodthorpe**

**1.0 CONSULTATION RESPONSES**

Ward Members:	No comments received
Staveley Town Council	No comments received
Strategic Planning	The proposal is considered to be acceptable in principle given the link with the residential use of the site. It would however be reasonable to apply a condition to any grant of planning permission that ensures that the site office / meeting space can only operate in conjunction with the residential units.
Environmental Health	No adverse comments
Design services drainage	No further comments to make regarding this application
Economic development	No comments received
Community housing	No comments received

Local highways authority (DCC)	No comments received
Yorkshire water	No comments received
Derbyshire constabulary	No comments received
DCC Policy	No comments received
Lead Local Flood Authority	No comments required
North Derbyshire CCG	No comments received
Derbyshire Fire and Rescue	No comments received
Derbyshire Wildlife Trust	No comments received
Representations	11 objections received – see report

## **2.0 THE SITE**

- 2.1 The application site comprises of the All Inn PH and its associated car park and grounds which are located off Lowgates in Staveley. The site is 'L' shaped and extends to approx. 0.16ha in area. Consent was grant in 2019 under application CHE/19/00083/FUL for the conversion of the public house to 6 one-bed flats and new residential development of new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats). Works have commenced on site implementing the 2019 permission.

## **3.0 SITE HISTORY**

- 3.1 CHE/22/00497/DOC - Discharge of condition 11 (materials) of CHE/19/00083/FUL – condition discharged 27.07.2022
- 3.2 CHE/22/00289/DOC - Discharging of condition 11 (materials) and condition 14 (employment and training scheme) relating to application CHE/19/00083/FUL – condition 14 discharged 09.06.2022
- 3.3 CHE/22/00262/NMA - Minor amendments to the footpath and landscaping arrangement – unconditional permission 17.05.2022

- 3.4 CHE/21/00899/DOC – Discharge of planning conditions 4 (Site Drainage), 8 ( Bin Storage), 13 ( Hard and Soft Landscaping) of CHE/19/00083/FUL - Conversion of existing pub (6-one bed flats) , new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats) - condition 4 discharged 13.04.2022
- 3.5 CHE/21/00220/DOC - Discharge of planning condition 4 (foul and surface water drainage) of CHE/19/00083/FUL - Conversion of existing pub (6-one bed flats), new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats) – condition 4 outstanding 14.05.2021
- 3.6 CHE/20/00664/DOC - Discharge of conditions 6 (Site Containment) 8 (Bin Storage) 13 (hard and soft landscaping), and 15(roosting bats and nesting birds strategy) of consent CHE/19/00083/FUL- Conversion of existing pub (6-one bed flats) , new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats) – condition 6, 15 discharged and conditions 8, 13 outstanding (06.01.2021)
- 3.7 CHE/19/00083/FUL - Conversion of existing pub (6-one bed flats) , new 3 storey building to front (6-one bed flats) two new single storey blocks arranged parallel to the east and west site boundaries (2-one bed flats) and 1.5 storey block to north of site (2-one bed flats) - revised plans and information received 15/05/2019, 23/05/2019, 24/05/2019 and 10/06/2019 – conditional permission 11.09.2019
- 3.8 CHE/11/00719/FUL - Proposed snooker room extension and store to rear - Conditional permission approved 12.12.2011.
- 3.9 CHE/1185/0735 - Display of illuminated advertisement signs - Conditional permission approved 18.12.1985.

#### **4.0 THE PROPOSAL**

- 4.1 The application is made under Section 73 of the Town and Country Planning Act 1990 (As Amended) for the variation of condition 2 of application CHE/19/00083/FUL (which lists the ‘approved plans’) to allow a change to the approved plans including internal alterations to

the building to create a communal room at ground floor, an extension at first floor to create an office space and alterations to window openings.

4.2 The agent has confirmed that the intended user of the building will be for adults with learning or physical disabilities and the accommodation will provide individual self-contained flats with onsite staff and communal facilities. Use Class C3 allows for individual dwelling house units for occupants receiving care therefore the residential use of the building as originally approved remains.

4.3 Condition 2

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

*AE-101 - Existing Floor Plans*

*AE-102 - Existing Elevations*

*AP-000 - Site Location Plan*

*AP-001 Rev A - Proposed Site Plan*

*AP-002 - Proposed Site Elevations*

*AP-003 - Proposed Site Elevations*

*AP-004 - Proposed Floor Plans*

*AP-005 - Rev A - Proposed Site Sections*

*AP-006 - Existing Site Levels*

*AP-007 - Proposed Site Levels*

*AP-008 - Site Containment*

*AP-102 - Pub - Proposed Floor Plans*

*AP-103 - Pub - Proposed Elevations*

*AP-201 Rev A - Block 1 - Proposed Floor Plans / Elevations*

*AP-202 Rev A - Block 3 - Proposed Floor Plans / Elevations*

*AP-203 Rev A - Block 2 and 4 - Proposed Floor Plans / Elevations*

*Design and Access Statement*

*Viability Valuation - private and confidential (received 23/05/2019)*

*Ecological Appraisal (received 24/05/2019)*

## Previously approved floorplan - application CHE/19/00083/FUL



## Proposed floorplan - current application CHE/22/00619/REM1

4.4

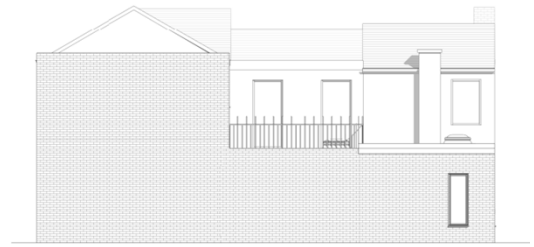


Alterations at ground floor include the creation of a communal room and separate communal toilet. The layout of the flats has changed to accommodate the communal rooms. All flats exceed 37sqm and provide acceptable living accommodation for future occupants. At first floor an extension is proposed above the existing flat roof addition to the rear of the building to create an office space. The layout of the first floor flats largely reflects the previously approved layout.

## Previously approved elevations - application CHE/19/00083/FUL



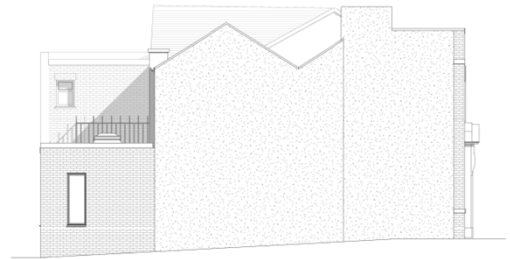
Existing Elevation 1  
1:50



Existing Elevation 2  
1:50



Existing Elevation 3  
1:50



Existing Elevation 4  
1:50

## Proposed elevations - current application CHE/22/00619/REM1



4.5

Proposed external alterations to the building include removing one ground floor window to the east elevation, removing a ground floor window to the west elevation, altering a ground floor window to the north elevation to a high level window and introducing two windows at first floor level in the side (west) elevation of the first floor extension to serve the office.

## **5.0 PLANNING POLICY**

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

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

CLP1 Spatial Strategy

CLP2 Principles for Location of Development (Strategic Policy)

CLP11 Infrastructure delivery

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP22 Influencing the Demand for Travel

### **5.5 National Planning Policy Framework**

## **6.0 CONSIDERATION**

### **6.1 Principle of Development**

6.1.1 The principle of development was established by the earlier permission, which concluded that the development was acceptable. In considering a Section 73 submission, the Planning Act only allows the Local Planning Authority to consider the issue of the condition. It cannot re-open the principle of the development, i.e. the previously approved conversion of the pub to four residential flats. The sole issue in relation to this application is therefore to consider the implications of the alterations to the previously approved plans and to assess the impact of the changes. A Section 73 application will however result in the requirement to issue a new planning permission.

6.1.2 The Strategic Planning (Policy) Team reviewed the variation of condition application and provided the following comments;

*'An application has been made to vary the plans approved under CHE/19/00083/FUL (Condition 2). The alterations include a small first floor extension to the north of the site which would be used as a*

*communal meeting facility and site office. The proposal is considered to be acceptable in principle given the link with the residential use of the site. It would however be reasonable to apply a condition to any grant of planning permission that ensures that the site office / meeting space can only operate in conjunction with the residential units. As the variations relate to elevations and creating an on-site office it would be unreasonable to apply the policy requirements from the adopted Local Plan (2018-2035) such as the affordable housing threshold and the requirement for the lower water standard'.*

- 6.1.3 The proposed alterations to the previously approved scheme will retain a C3 residential use with ancillary facilities in the form of an office and communal room to support future residents. The use of the building will remain as C3 which was previously determined to be acceptable under application CHE/19/00083/FUL.

## **6.2 Residential Amenity**

- 6.2.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 6.2.2 The proposed conversion of the building to residential use was previously determined to be acceptable under application CHE/19/00083/FUL. Minor alterations to the proposal including the amended window openings including a high level window at ground floor to prevent overlooking/loss of privacy. The proposed first floor extension is situated to the south of the nearest residential dwelling on Netherfield Close (No 9). It is noted that there is a small secondary window in the side (south facing) elevation of No 9 at first floor level. Due to the location and size of the window it is assumed to be a secondary window.
- 6.2.3 On balance the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. In addition the Council's Environmental Health Officer reviewed the submission and raised no adverse comments. The proposal will accord with the provisions of policies CLP14 and CLP20 of the Local Plan.

## **6.3 Highway Safety**

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



- 6.3.2 The variation of condition application does not include alterations to the previously approved parking layout or existing vehicular access.
- 6.3.3 The Local Highways Authority were consulted on the S73 application and had no additional highway safety comments to make. The proposal is considered to accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

## **6.4 Design and Appearance of the Proposal**

- 6.4.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.
- 6.4.2 The proposed alterations to the previously approved scheme are considered to be acceptable in design and appearance. The proposed first floor extension reflects the existing flat roof addition at the rear of the building and is proportionate in scale. The proposed works would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20.

## **6.5 Biodiversity**

- 6.5.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.5.2 As part of the original application a condition was imposed requiring details of biodiversity enhancements. Details to address the condition were subsequently submitted and the condition was discharged under application CHE/20/00664/DOC. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

## **6.6 Flood risk and drainage**

6.6.1 Policy CLP13 requires flood risk to be managed for all development commensurate with the scale and impact of the proposed development.

6.6.2 The proposed variation of condition application does not impact previously agreed drainage plans/details which includes additional details discharged under application CHE/21/00899/DOC. In addition re-consultation with the Lead Local Flood Authority raised no further comments on the submission. The proposal therefore complies with Local Plan policy CLP13.

## **6.7 Land Condition**

6.7.1 In respect of land condition the site the subject of the application lies within a defined 'standing advice' area of the Coal Authority which means there is a lower risk of the site being affected by the presence of unrecorded coal mining legacy. In such areas the Coal Authority does not require a Coal Mining Risk Assessment and they simply ask that if permission is granted an advisory note be appended to any planning decision notice as follows:

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

6.8.1 The development was previously determined to be CIL liable. The proposed variation of condition application will result in the creation of approximately 17sqm of additional floorspace as part of the development which should result in the issuing of an updated CIL notice to reflect the change to the overall net area of the development.

		<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Proposed Floorspace (GIA in Sq.m)</b>	<b>Less Existing (Demolition or change of use) (GIA in Sq.m)</b>	<b>Net Area (GIA in Sq.m)</b>	<b>CIL Rate</b>	<b>Index (permissi on)</b>	<b>Index (charging schedule)</b>	<b>CIL Charge</b>
<b>691 + 17 = 708</b>	303	405	£20 (Low Zone)	332	288	<b>£9337.50</b>

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

## **7.0 REPRESENTATIONS**

7.1 At the time of writing this report 11 letters of representation have been received objecting to the development. A brief summary of the main concerns raised is set out below, all letters will be available to view in full on the website prior to determination.

- Loss of public house which has clubs and events for local people and for social gathering.
- Loss of pub would be a loss to the community, valuable service to local area
- Should not close a thriving/viable business pub for more residential building, closure will impact local people who visit the pub
- Use of building, residents – flats/HMO – site is near school
- Access from site to residential footpath
- Location of bin store and impacts on residential dwelling
- Traffic/highway concerns. Concerns about number of spaces, access to site and existing issues with congestion

7.2 Officer comments

- The change of use of the public house to residential flats was previously granted in 2019 along with the creation of new flats. The development has commenced on site therefore the change of use of the pub can be undertaken.
- The use of the building will be maintained as a C3 use for four individual dwelling units.
- The existing footpath at the rear of the site will be retained, however is not formally adopted on the DCC maps.
- The proposed bin store will be moved to be located centrally within the site away
- No highway safety concerns have been raised by the Local Highways Authority as part of the development. The site is situated in a sustainable location with access to public transport connections.

## **8.0 HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

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

## **9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

9.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of July 2021 National Planning Policy Framework (NPPF).

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

## **10.0 CONCLUSION**

10.1 The principle of the development was established by the earlier permission, which concluded that the development was acceptable. The submitted revised drawings do not result in adverse impacts on the amenity of surrounding occupiers or users and matters surrounding biodiversity, drainage, land condition, highways controlled by condition.

## **11.0 RECOMMENDATION**

10.1 That an amended CIL Liability notice be issued as per section 6.8 above.

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

**Conditions list includes previous wording of conditions imposed on CHE/19/00083/FUL and proposed amendments**

**Condition number**      **Condition wording and reason**

~~4                      The development hereby permitted shall be begun before the expiration of three years from the date of this permission.~~

~~Reason – The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.~~

**Deleted – development has already commenced on site**

~~1-2.                    All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.~~

~~AE-101 – Existing Floor Plans  
AE-102 – Existing Elevations  
AP-000 – Site Location Plan  
AP-001 – Proposed Site Plan  
AP-002 – Proposed Site Elevations  
AP-003 – Proposed Site Elevations  
AP-004 – Proposed Floor Plans  
AP-005 – Proposed Site Sections  
AP-006 – Existing Site Levels  
AP-007 – Proposed Site Levels  
AP-008 – Site Containment  
AP-102 – Pub – Proposed Floor Plans  
AP-103 – Pub – Proposed Elevations  
AP-201 – Block 1 – Proposed Floor Plans / Elevations  
AP-202 – Block 3 – Proposed Floor Plans / Elevations  
AP-203 – Block 2 and 4 – Proposed Floor Plans / Elevations  
Design and Access Statement  
Viability Valuation – private and confidential (received 23/05/2019)  
Ecological Appraisal (received 24/05/2019)~~

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

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

- AP-000 – Site Location Plan
- AP-002 – Proposed Site Elevations
- AP-003 – Proposed Site Elevations
- AP-004 – Proposed Floor Plans
- AP-005 – Proposed Site Sections
- AP-006 – Existing Site Levels
- AP-007 – Proposed Site Levels
- AP-008 – Site Containment
- 18-043-P01 Revision A Planning Drawings  
Proposed Floor Plans
- 18-043-P02 Revision A Planning Drawings  
Proposed Elevations
- 18-043-P03 Revision A Planning Drawings GA  
Sections and Roof Plan
- 18-043-SK13 Revision A Sketch Proposals Site  
Plan
- AP-201 – Block 1 – Proposed Floor Plans /  
Elevations
- AP-202 – Block 3 – Proposed Floor Plans /  
Elevations
- AP-203 – Block 2 and 4 – Proposed Floor Plans  
/ Elevations
- Design and Access Statement
- Viability Valuation – private and confidential  
(received 23/05/2019)
- Ecological Appraisal (received 24/05/2019)

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

**Condition amended to reflect revised plans**

02.-03

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

Reason - In the interest of satisfactory and sustainable drainage.

### **Condition retained**

03.-04

~~No development shall take place until details of the proposed means of disposal of foul and surface water drainage (including details of any balancing works and off-site works) have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.~~

~~Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.~~

The development shall be carried out in full accordance with the approved plans and documents for the means of disposal of foul and surface water drainage (listed below). The approved foul and surface water drainage systems shall be installed prior to the first occupation of the development.

- Percolation Test and Hierarchy of Drainage Report, February 2022 produced by Brightman Clarke Architects
- BCA-1591-01-DR-001 drainage general arrangement
- BCA-1591-01-DR-002 Drainage Construction Details Sheet 1
- BCA-1591-01-DR-003 - Drainage Construction Details-Sheet 2
- BCA-1591-01-DR-004 - Catchment Area Plan
- BCA-1591-01-DR-005 - Surface Water Management During Construction
- BCA-1591-01-DR-006 - Manhole Schedule
- Surface Water Calculations Outflow 3.5l

- BCA-1591-01-DR-005 Surface Water Management During Construction

Reason - To ensure that the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.

**Condition amended to reflect agreed drainage details agreed as part of discharge of condition application CHE/21/00899/DOC**

04 05 No building or other obstruction shall be located over or within 3 (three) metres of the line of the sewer, which crosses the site.

Reason - In order to allow sufficient access for maintenance and repair work at all times.

**Condition retained**

05 06 ~~Before any other operations are commenced (with the exception of the condition above), space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.~~

~~Reason – In the interests of highway safety.~~

Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out in accordance with drawing 'AP-008 – Site containment plan'. Once implemented the facilities shall be retained free from any impediment to



their designated use throughout the construction period.

Reason – In the interests of highway safety.

**Condition amended to reflect agreed site containment plan agreed as part of discharge of condition application CHE/20/00664/DOC**

06 07 The premises the subject of the application shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In the interests of highway safety.

**Condition retained**

07 08 No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason – In the interests of highway safety.

**Condition retained**

08 09 A residential charging point shall be provided for the additional dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with policies CLP20 and CLP22 of the Local Plan.

**Condition retained**

09 40 Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason - In the interests of residential amenities.

**Condition retained**

10 41 ~~Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.~~

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

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

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

**Condition amended to reflect agreed site containment plan agreed as part of discharge of condition application CHE/22/00497/DOC**

11 42 Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

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

### **Condition retained**

12 43 ~~Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered.~~

~~Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.~~

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

Within 2 months of the date of this decision full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root

protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

**Ongoing discussion with agent/applicant regarding landscaping plans and anticipated to be resolved shortly. Condition wording altered to reflect this.**

13 14

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

~~Reason – In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.~~

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

Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of SS5 of the Local Plan

**Condition amended to reflect agreed site containment plan agreed as part of discharge of condition application CHE/22/00289/DOC**

14 45

~~Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.~~

~~Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long term.~~

~~Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against, prior to any development taking place, in accordance with policy CS9 and the wider NPPF.~~

The development shall be undertaken in accordance with the approved biodiversity enhancement plan 'Drawing – AP-013 – Proposed Bat and bird box strategy' and implemented in full prior to the occupation of the development and maintained thereafter.

Reason – To ensure an appropriate biodiversity enhancement is provided as part of the development in accordance with Local Plan policy CLP16.

**Condition amended to reflect agreed site containment plan agreed as part of discharge of condition application CHE/20/00664/DOC**

**Notes**

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

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

02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Traffic Management at Derbyshire County Council - telephone 01629 538686.
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

07. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three month's notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
09. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development.

Further information can be found on the Council's website using the following web address  
[www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx](http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx)  
or alternatively please contact the Infrastructure Planning Officer (Rick Long)