



Please ask for Amanda Clayton
Direct Line: 01246 345237
Email committee.services@chesterfield.gov.uk

The Chair and Members of Planning
Committee

9 April 2021

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 19 APRIL 2021 at 1.00 pm virtually, via Microsoft Teams, the agenda for which is set out below.

This meeting will be held virtually via Microsoft Teams software, for which members of the Committee and others in attendance will receive an invitation. Members of the public will be able to access Part 1 (Public Information) of the meeting online by following the link [here](#)

AGENDA

Part 1(Public Information)

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 16)
Planning Committee 29th March 2021
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 17 - 274)
5. Building Regulations (P880D) (Pages 275 - 282)

6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 283 - 294)
7. Applications to Fell or Prune Trees (P620D) (Pages 295 - 302)
8. Appeals Report (P000) (Pages 303 - 306)
9. Enforcement Report (P410) (Pages 307 - 310)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

PLANNING COMMITTEE**Monday, 29th March, 2021**

Present:-

Councillor Callan (Chair)

Councillors D Collins
Barr
Bingham
Brady
Catt
Caulfield
Davenport

Councillors T Gilby
Miles
Simmons
Borrell
G Falconer
Mann

*Matters dealt with under the Delegation Scheme

55 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Marriott.

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

No declarations of interest were received.

57 MINUTES OF PLANNING COMMITTEE**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 8th March, 2021 be signed by the Chair as a true record.

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

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/20/00733/OUT - OUTLINE APPLICATION FOR UP TO 7 DWELLINGS WITH ALL MATTERS RESERVED, LAND TO SOUTH OF SEAGRAVE DRIVE, HASLAND, CHESTERFIELD FOR TAYLOR TRUSTEES

In accordance with Minute No. 299 (2001/2002) Stuart Wrigley (objector), Linda Billington (objector) and Councillor Stuart Brittain (ward member) addressed the meeting.

That the officer recommendation be upheld and the application be refused for the following reason:-

1. Development of housing on the open fields to the west of the listed Manor House and associated barns will erode the remaining element of the original rural setting of these listed buildings and result in harm to their setting and significance. This harm is considered to be 'less than substantial harm'. As such the proposal is contrary to policy CLP21 of the Adopted Chesterfield Local Plan 2018-35 and Part 16 of the NPPF. The harm in this case is not considered to be outweighed by public benefits arising from this development.

CHE/20/00526/FUL - TO RETAIN STEEL CONTAINERS ON LAND AT THE SIDE OF THE CANAL FOR STORAGE ON A PERMANENT BASIS ON LAND ADJACENT TO, TAPTON LOCK VISITORS CENTRE, LOCKOFORD LANE, CHESTERFIELD, S41 7JB

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

1. The containers hereby permitted shall be removed and the land restored to its former condition on or before 29th March 2031.
 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).
- Revised application form, received 10th Feb 2021
 - Proposed planting scheme - dated 4th December 2021, uploaded 10/02/21

3. The containers to be retained shall be dark green in colour for the lifetime of the development.
4. Within the first available planting season following the siting of the second container previously approved, planting shall be implemented in accordance with the approved planting scheme. The planting shall be retained for the lifetime of the development.
5. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as replacement for it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
6. The containers shall be securely anchored into the ground through the lifetime of the consent.

59 **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/20/00270/FUL	Stand alone storage unit extension (revised plans received 29.08.2020 showing amended location and design of storage unit and 16.10.2020) at Zachrome Works Sheffield Road Sheepbridge S41 8NH for Zachrome
CHE/20/00292/FUL	Two storey rear extension at 27 Barn Close Newbold Derbyshire S41 8BD for Mr Ian Fletcher
CHE/20/00752/FUL	External alterations to existing KFC Drive-Thru including new feature metal cladding, signage and bin store enclosure (revised drawings provided 03/03/21) at Markham Vale Services, KFC

	Enterprise Way Duckmanton S44 5FD for QFM Group
CHE/20/00753/ADV	4 internally illuminated white 'KFC' letters, 1 new internally illuminated colonels sign at KFC Enterprise Way Duckmanton Derbyshire for QFM Group
CHE/20/00755/FUL	Conversion and extension of garage into habitable annexe to main dwelling. Revised drawings received 09.02.2021 at 31 Devonshire Avenue East Hasland S41 0AE for Mr Michael Bond
CHE/20/00786/MA	Material amendment to CHE/18/00461/FUL to change the appearance of the previously approved canopy to match the existing building elevation (Revised plans received 23.02.2021) at Hasland Playhouse 50 Storforth Lane Chesterfield S41 0PW for Mr Andrew Aldred
CHE/20/00812/FUL	Two storey side extension. Revised drawings received 22.01.2021. Revised drawings received 03.02.2021 at 18 Errington Road Chesterfield S40 3EP for Mrs Lisa Ann Share
CHE/20/00835/FUL	Proposed first floor extension a Headland House 10 Headland Close Brimington Derbyshire S43 1QU for Mrs Chen Fenghua
CHE/20/00839/FUL	Single storey side extension at 16 Seymour Lane Woodthorpe Derbyshire S43 3DA for Mr Michael Swinden
CHE/20/00858/FUL	Removal of existing conservatory and erection of a single storey side extension at 27 Whittington Hill Old Whittington Derbyshire S41 9HJ for Mr and Mrs Rutherford
CHE/20/00863/FUL	Single storey rear extension with raised patio, widening of existing driveway with new dropped kerb in front of new extended driveway at 16 Abbeyhill Close Holme Hall Chesterfield S42 7JL

for Mr and Mrs Kaushik

- CHE/21/00001/FUL Proposed garage conversion and raising roof of garage 300mm at 6 Lancelot Close Walton Derbyshire S40 3ET for Mr Marples
- CHE/21/00002/FUL Single storey extension at 4 Mardale Court Mardale Close Newbold Derbyshire S41 8JX for Mr David Farrar
- CHE/21/00010/FUL Removal of rear conservatory and erection of replacement single storey extension and alterations to front porch and windows including removal of existing front dormer and construction of new gable at 5 Quarry Lane Chesterfield S40 3AS for Mr Lewis Spencer
- CHE/21/00021/FUL Resubmission of CHE/20/00559/FUL - Two storey side extension, porch to the front of the property and rear dormer to the existing loft conversion at 50 Highfield Lane Newbold Derbyshire S41 8AY for Miss Jade Quinn
- CHE/21/00027/FUL Ground floor single-storey rear extension at 103 Peveril Road Newbold S41 8SG for Mr and Mrs Kurt and Nicole Callewaert
- CHE/21/00028/FUL Demolition of existing conservatory and erection of a single storey rear extension at 3 Fuller Drive Chesterfield S41 0UG for Susan Brierley
- CHE/21/00085/CA Ash - Fell excessive shade, amenity (not protected) at The Fold 4 Somersall Willows Chesterfield S40 3SR for Mr Peter Watmore
- CHE/21/00107/TPO T6 - Horse chestnut crown reduction by 4m in height and 1-5 m reduction to the sides. Crown lift by 5m from highway. T7 - Crown thin by 25% and crown lift by 5m from highway at 21 Newbridge Lane Brimington Derbyshire S43 1LX for Mr Severino Risorto

- CHE/21/00129/TPO T1 Oak crown raise over highway to 5.2. T2 Sycamore crown raise to 5m removing epicormic growth. T3 Sycamore crown raise to 5m removing epicormic growth. T4 Sycamore crown raise to 5m remove epicormic growth. T5 Oak crown raise over conservatory. T6 Sycamore crown raise to 5m removing epicormic. T7 Sycamore crown raise to 5 M removing epicormic. T8 sycamore raise to 5m reducing epicormic. T9 Sycamore crown raise to 5m removing epicormic at 75 Highland Road New Whittington Derbyshire S43 2EZ for Mr Keith Herrington
- CHE/21/00144/CA The tree is identified as "Acer Platanoides" (Crison King), a vigorous deciduous tree with deep reddish purple leaves - the eventual height and width being 100 ft x 75 ft. The intention is to fell and remove this tree because of excessive shading and low amenity value and replace it in a suitable position with a smaller mature friendly alternative that does not cause light loss to adjoining property owners.
- The tree in question was planted by previous owners approx 10 years ago. It is still a young tree but already 30 ft high, so will totally swamp the small space it is growing in. Although because of its age it is no affecting the wall adjoining the properties it is likely, given its potential size, to do so in future. Owing to the dense, almost black foliage, the tree also dominates the surrounding gardens, blocking out the light to the detriment of air space at 63 Rutland Road Chesterfield S40 1ND for Mrs Catherine Clinton
- CHE/21/00145/CA Conservation area - Remove new growth from felled Ash tree stump located in G9. x1 Ash in the north-west corner of the garden - The reduction of one limb growing over the neighbouring property back to suitable replacement branch at Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW for Mr Andrew Bird

CHE/21/00148/TPO

Proposed work detail: T24 Walnut - Crown lift over footpath by 3m and the reduction of branches growing over the main highway pruning back to the kerb edge and suitable replacement branches. T26 - Maple - Remove one lower branch growing towards the neighbouring property. T27 Sycamore - Crown clean to remove dead wood. G7 - x1 Ash - Crown clean to remove dead wood, the reduction of branches growing over Abercrombie Street in line with the centre of the highway to rebalance the crown and pruning back to suitable replacement branches. x1 Sycamore (next to access) - Removal of 3 lower branches to re-balance lower crown and clear telephone wire. G8 x1 Ash - Clear street lighting by 1m and remove first lower limb growing over Abercrombie Street to clear highway. G9 x1 Lime - Crown clean and crown lift to 1st major fork on the main stem. x1 Sycamore - crown clean, the reduction of one limb which forks into 2 branches growing over Sheffield Road by 2m in line with the main outer crown pruning back to suitable replacement branches, crown lift to first major fork on the main stem. x1 Beech - Prune away from the property to give a clearance of 3m from the structure and the reduction of one lateral leader growing towards the property back to the upper stone works on the chimney and pruning back to suitable replacement branches, crown clean. x1 Ash - Prune away from the property to give a 3m clearance from the structure pruning back to suitable replacement branches and crown clean at Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW for Mr Andrew Bird

CHE/21/00151/TPO

Oak T1 : Crown lift to 5.2m. Removal of 1 limb and 1 secondary branch, 2m back from both houses. Crown clean remove deadwood. T2 Sycamore: crown lift to 5.2 m, clear telephone wires and remove all ivy and deadwood. T3 Sycamore: crown lift to 5.2m at The Oaks 534

Chatsworth Road Chesterfield S40 3AY for Mr
Rockie White

CHE/21/00158/CA

To remove one conifer tree from the front left-hand side (from the road) of front garden as shown on drawing. The conifer is approximately 15 feet tall and is part of a collection of perennial plants in a flower bed. This is to allow the widening of drive to enable vehicles to turn around on the driveway. At the moment any vehicle has to reverse back down the drive onto Somersall Lane into often very busy traffic at 15 Somersall Lane Somersall Derbyshire S40 3LA for Mr David Goodwin

CHE/21/00169/TPO

T1 - Lime re-pollard. T2 - Lime re-pollard. T3 - Lime re-pollard at 22 Netherleigh Road Ashgate Chesterfield S40 3QJ for Mr Dent

(b) Refusal

CHE/20/00507/FUL

Two storey side, rear and front extension and render whole house (change in description agreed 02/09/20) Revised drawings received 09.09.2020. Revised drawings received 14.09.2020. Revised drawings received 30.10.2020 at 255 Walton Back Lane Walton Derbyshire S42 7AA for Mr Andrew Turner

CHE/20/00584/DOC

Conditions 2) External materials used on 2 house types. 10A) Written investigation archaeological evaluation. 18) Noise - assessment report in relation to CHE/16/00229/OUT at Bank Close House Hasland Road Hasland Derbyshire S41 0RZ for Vital Balance Ltd

CHE/20/00732/REM

Approval of reserved matters for CHE/16/00229/OUT - Development of 14 residential units with new access road at Bank Close House Residential Home Hasland Road Hasland Derbyshire S41 0RZ for Vital Balance Ltd

- CHE/20/00756/DOC Discharge of condition 8 (drainage) of CHE/16/00222/FUL - Refurbishment and extension of the existing Bank Close House with provision for new vehicular access off Hasland Road at Bank Close House Residential Home Hasland Road Hasland Derbyshire S41 0RZ for Vital Balance Ltd
- CHE/20/00764/DOC Discharge of planning conditions 7(Reptile Survey), 12, 14 and 15 (Surface water drainage) and 22 (Dimensions/elevations) of CHE/16/00229/OUT Development of 14 no. residential units with new access road at land adjacent to Bank Close House Residential Home Hasland Road Hasland Derbyshire S41 0RZ for Vital Balance Ltd
- CHE/20/00832/DOC Discharge of condition number 2 (Tree protection plan) 3 (Site access statement) 4,5,6 and 7 (general arrangement) 8 (soft landscape proposals) and 10 (biodiversity enhancement scheme) in relation to planning application number CHE/19/00159/REM at land to the west of Bevan Drive Inkersall Derbyshire for Wildgoose Homes
- CHE/20/00844/PNC Change of use of vacant hair salon to 2 bedroomed residential property at 25 High Street Brimington Derbyshire S43 1HH for Mr Richard Martin
- CHE/21/00017/RET Retention of gate and fencing at 232 Old Road Chesterfield S40 3QN for Mr S Calton
- CHE/21/00121/TPO 17 Poplar Trees in a row along the roadside - reduce height to 5 metres. Reduce lateral branches back to two metres. Trees are overhanging Whittington Road. There is another line of poplar trees which are in the same row. These also have TPO's but have already been reduced some years ago at Handleywood Lodge Sheffield Road Stonegravels Chesterfield S43 2PW for Mr Jay Logan

(c) Partial Discharge of Conditions

CHE/20/00800/DOC Discharge of conditions 3 (soakaway), 5 (storage and parking) and 7 (tree root protection) in relation to planning application CHE/17/00804/FUL at Poppy Barn 23 Bridle Road Woodthorpe Derbyshire S43 3BY

(d) Discharge of Planning Condition

CHE/20/00825/DOC Discharge of planning condition 13 (hard and soft landscaping) of CHE/19/00593/FUL - Erection of 4 semi-detached 2/3 bedroomed dwellings with associated car parking and external works served from widened access drive at land to the side and rear of 102Highfield Lane Newbold Derbyshire for JJK Project Services Ltd

CHE/21/00096/DOC Discharge of condition 3 (cycle storage) of CHE/20/00539/COU - Change of use from Class A1 to Class A1/A3 at land at Ravenside Retail Park Markham Road Chesterfield for LS Chesterfield Ltd

(e) Prior notification approval not required

CHE/21/00056/TPD Proposed rear extension at 7 Orchards Way Walton Derbyshire S40 3DA for Mr Bradbury

CHE/21/00059/TPD Demolish existing conservatory and kitchen extension and replace with single storey rear extension at 10 Tennyson Avenue Chesterfield S40 4SW for Mr Craig Martin

CHE/21/00064/TPD Single storey brick and tiled extension to match existing house. To be within permitted height of 3m eaves and 4m overall. Projecting to rear 6m from existing house and 8m wide. Predominantly solid brick walls to east and west elevations, bifold doors and supporting brick pillars to north elevation. Roof part tiled with glass lantern within at 271 Ashgate Road Chesterfield Derbyshire S40 4DB for Mr Frederick Robinson

CHE/21/00083/TPD Proposed rear extension at 45 Miriam Avenue

Somersall Derbyshire S40 3NF for Mr Harris

CHE/21/00084/AGR Prior notification application for extension to existing agricultural building for a general purpose farm store (for fodder, hay/straw) at Ryecroft Farm Unnamed Road from Station Road to Ryecroft Farm Chesterfield S43 1LR for Mr Simon Parker

(f) Split decision with conditions

CHE/21/00076/TPO T1 - Beech Tree (Fagus Sylvatica) - Thin, Crown Clean, T2 - Beech Tree (Fagus Sylvatica) - Thin, Crown Clean, T3 - Beech Tree (Fagus Sylvatica) - Thin, Crown Clean, T4 - Beech Tree (Fagus Sylvatica) - Thin, Crown Clean, T5 - Beech Tree (Fagus Sylvatica) - Thin, Crown Clean, T6 - Beech Tree (Fagus Sylvatica) - Remove Tree - Bad pruning wounds, allow smaller trees to the side to develop, T7 - Beech Tree (Fagus Sylvatica) - Thin, Crown Clean - reduce branches growing over the road by 1-2m, T8 - Beech Tree (Fagus Sylvatica) - Thin, Crown Clean - reduce branches growing over the road by 1-2m at 1 Park Hall Gardens Walton S42 7NQ for Anne Edgar

60 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/21/00107/TPO Consent is granted to the pruning of two Horsechestnut trees reference T6 and T7 on the Order map for Mr Risorto of 21 Newbridge Lane, Brimington.

CHE/21/00129/TPO Consent is granted to the pruning of 9 trees consisting of 7 Sycamores and 2 Oaks within A2 on the Order map for Mark Whatley Tree Services on behalf of 75 Highland Road, New

Whittington.

- CHE/21/00148/TPO Consent is granted to the pruning of 10 trees reference T24 Walnut, T26 Maple, T27 Sycamore, 1 Ash and 1 Sycamore within G7, 1 Ash within G8 and 1 Ash, 1 Sycamore, 1 Beech and 1 Lime within G9 on the Order Map and which are situated in the grounds of 28 Abercrombie Street.
- CHE/21/00151/TPO Consent is granted to the pruning of 3 trees reference T1 Oak and T2 and T3 Sycamore on the Order map for Mr Rockie White at 354 Chatsworth Road.
- CHE/21/00121/TPO Consent is granted to the pruning of 19 Poplar trees reference G1 on the Order map for Mr Jonathan Ross on behalf of Handley Wood Lodge, Whittington Road, New Whittington.
- CHE/21/00169/TPO Consent is granted to the pruning of 3 Lime trees reference G1 on the Order map for Mark Whatley Tree Services on behalf of 22 Netherleigh Road.
- CHE/21/00167/TPO Consent is granted to the pruning of two Lime trees reference T23 and T24 on the Order map for Mr Metham of The Limes, 161 Walton Back Lane, Somersall.

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

- CHE/21/00085/CA - The felling of one Ash tree at 4 Somersall Willows, Somersall. Agreement to the felling of one Ash tree. Although it is considered that the tree is not causing excessive shading, the felling of the tree will have no adverse effect on the amenity value and character of the conservation area due to its location in the rear garden of the property and

other more prominent trees in the area.

The tree is within the Somersall Conservation Area and the applicant wishes to fell the tree due to excessive shading and lack of amenity value.

CHE/21/00144/CA - The felling of one Maple tree in the rear garden of 63 Rutland Road, Chesterfield.

Agreement to the felling of one Maple tree. The felling of the tree will have no adverse effect on the amenity value and character of the conservation area.

The tree is within the Town Centre Conservation Area and the applicant wishes to fell the tree due to its size in the small rear garden and plant a more suitable species.

CHE/21/00158/CA - The felling of one Conifer tree in the front garden of 15 Somersall Lane, Somersall.

Agreement to the felling of one Conifer tree. The felling of the tree will have no adverse effect on the amenity value and character of the conservation area.

The tree is within the Somersall Conservation Area and the applicant wishes to fell the tree to widen the drive.

CHE/21/00145/CA The pruning of one Ash tree in the rear garden of 28 Abercrombie Street.

Agreement to the pruning of one tree. The pruning of the Ash tree will have no adverse effect on the amenity value and character of the conservation area.

The tree is within the Abercrombie St Conservation Area and the applicant wishes to prune the tree to remove

one branch overhanging the neighbouring property.

61 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.

62 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.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	19 April, 2021
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.

This page is intentionally left blank

**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 19th APRIL, 2021**

ITEM 1	CHE/20/00420/FUL - RECONSTRUCTION OF THE CHESTERFIELD CANAL BETWEEN ECKINGTON ROAD AND HAGUE LANE INCLUDING LIFTING LEVEL OF EXISTING EARTH EMBANKMENT, INSTALLATION OF AQUEDUCT OVER RIVER DOE LEA CONSTRUCTION OF TWO VEHICULAR ACCESS BRIDGES, TWO PEDESTRIAN /CYCLE BRIDGES, A NEW LOCK AND ASSOCIATED INFRASTRUCTURE AT ECKINGTON ROAD TO HAGUE LANE, STAVELEY, CHESTERFIELD FOR CHESTERFIELD CANAL TRUST LTD.
ITEM 2	CHE/21/00079/OUT - ERECTION OF A SINGLE DWELLING WITH ACCESS OFF ERRINGTON ROAD ON LAND TO THE REAR 92 FOLJAMBE AVENUE WALTON, CHESTERFIELD
ITEM 3	CHE/20/00658/OUT - OUTLINE APPLICATION FOR A SINGLE STOREY BUNGALOW TO INCLUDE RESERVED MATTERS FOR ACCESS. (DESCRIPTION AND DRAWINGS AMENDED 03/03/21) ON LAND AT 3 AND 5 CORDWELL AVENUE NEWBOLD, CHESTERFIELD
ITEM 4	CHE/21/00114/COU - CHANGE OF USE FROM PUBLIC HOUSE (SUI GENERIS USE) TO RETAIL SHOP/ SUPERMARKET NOW (USE CLASS EA) AT DEVONSHIRE HOTEL, 17 OCCUPATION ROAD, NEWBOLD, CHESTERFIELD
ITEM 5	CHE/20/00356/FUL - RESIDENTIAL DEVELOPMENT OF 2 THREE BEDROOM DORMER REVISED DRAWINGS RECEIVED 21.09.2020. REVISED DRAWINGS RECEIVED 22.01.2021 AT 62 BELLHOUSE LANE STAVELEY, S43 3UA FOR M D STAPLETON (DEVELOPMENTS) LTD
ITEM 6	CHE/20/00432/FUL - CONSTRUCTION OF A SOLAR PHOTOVOLTAIC FARM WITH BATTERY STORAGE AND OTHER ASSOCIATED INFRASTRUCTURE, INCLUDING INVERTERS, SECURITY CAMERAS, FENCING, ACCESS TRACKS ANMD LANDSCAPING ON LAND ADJACENT TO INKERSALL ROAD, STAVELEY, CHESTERFIELD FOR INKERSAL SOLAR FARM LTD

This page is intentionally left blank

ITEM 1

RECONSTRUCTION OF THE CHESTERFIELD CANAL BETWEEN ECKINGTON ROAD AND HAGUE LANE INCLUDING LIFTING LEVEL OF EXISTING EARTH EMBANKMENT, INSTALLATION OF AQUEDUCT OVER RIVER DOE LEA CONSTRUCTION OF TWO VEHICULAR ACCESS BRIDGES, TWO PEDESTRIAN /CYCLE BRIDGES, A NEW LOCK AND ASSOCIATED INFRASTRUCTURE AT ECKINGTON ROAD TO HAGUE LANE, STAVELEY, CHESTERFIELD FOR CHESTERFIELD CANAL TRUST LTD.

Local Plan: Green Belt/Chesterfield Canal

Ward: Lowgates & Woodthorpe

Plot No: 2/2167

Committee Date: 19.04.2021

1.0 **CONSULTATIONS**

Ward Members	No representations received
Environmental Services	No objection
Leisure Services	No comments received
Yorkshire Water Services	Comments received – see report
Environment Agency	No objection – see report
CBC Drainage Engineers	Comments received – see report
Lead Local Flood Authority	Comments received – see report
DCC Highways Authority	Comments received – see report
HS2 Ltd	Comments received – see report
Network Rail	No objection – see report
Coal Authority	No objection – see report
DCC County Archaeologist	Comments received – see report
DCC Planning Policy	Comments received – see report
DCC Countryside Service	No comments received
Severn Trent WA	No comments received
British Gas	No comments received
North East Derbyshire DC	No comments received

Chesterfield Civic Society	Comments received – see report
CBC Conservation Officer	No comments received
Derbyshire Constabulary	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Chesterfield Cycle Campaign	Comments received – see report
Trans Pennine Trail Partnership	Comments received – see report
Sustrans	No comments received
Ramblers	Comments received – see report
Peak & Northern F/P Society	No objection – see report
British Horse Society	No objection – see report
Staveley Town Council	No comments received
Neighbours, Advertisement and Site Notice	27 representations received in support – see report

2.0 THE SITE/SITE DESCRIPTION

- 2.1 The current restored and navigable length of the Chesterfield Canal within the Borough runs approximately north-east from Chesterfield centre, passing through Brimington and Hollingwood to Staveley, in the east of the Borough at which point it links to the recently constructed Staveley basin. Works on restoration of the canal are currently being undertaken in the vicinity of the Staveley Basin area where the canal passes beneath the Eckington Road roadbridge. Beyond and to the north east of this point the canal route, which was abandoned and filled in/removed a number of years ago runs through to the limits of Chesterfield Borough at Hague Lane Renishaw. The canal historically runs all the way to the River Trent at West Stockwith however significant areas require restoration from Staveley through North East Derbyshire to Kiveton Park at the Norwood Tunnel.
- 2.2 The proposed works start at Eckington Road and proceed initially east. The site lies between Staveley and the Hartington Industrial Estate, and runs alongside and under Ireland Close and the Staveley-Seymour railway line. Further east the environment becomes progressively more rural and from the northern end of Bellhouse Lane the proposals are in open countryside.

- 2.3 At the northern end of Bellhouse Lane, the canal alignment turns roughly north-east, and crosses the Doe Lea valley on a raised embankment. Remains of the historic embankment are still visible, particularly adjacent to the River Doe Lea. Over the years several deep cuts have been made through the embankment for services and to open out the river (which used to flow through twin brick culverts under the canal), and the whole valley has suffered due to past mining subsidence. The result is that the original embankment is now up to 3m lower than it was originally and which will require raising as part of the proposed works.
- 2.4 From Bellhouse Lane to the junction with the Norbriggs Cutting the canal forms the natural divide between the arable farmland to the north west and the Norbriggs Flash Local Nature Reserve to the south east. The majority of the adjacent length of the Nature Reserve is farmed. From the junction with the Norbriggs Cutting, the canal turns north until it reaches the end of the proposed works on the south side of the access track from Hague Lane to the sewage treatment works which is the Chesterfield Borough boundary. Throughout this length, the canal runs through arable farmland on both sides.



Looking towards Eckington Road bridge from west



Looking towards Eckington Road bridge from east



Looking east from Eckington Road bridge



Uncovering of railway bridge under DCC Licence



Looking north east along route of former puddlebank



Looking towards puddlebank from south east (from Nature Reserve direction)



Puddlebank showing later cut through



Existing Doe Lea bridge crossing



View to north from Huggester Farm crossing

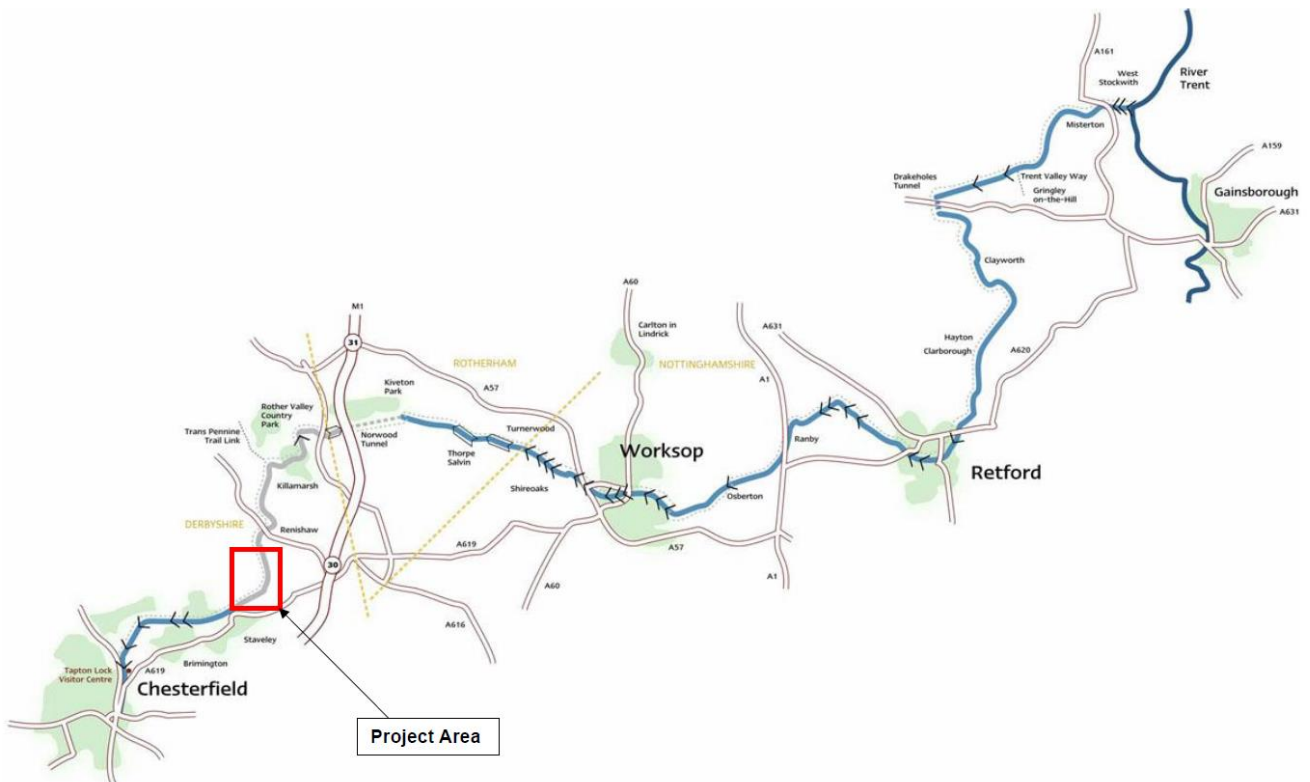
3.0 SITE HISTORY

3.1 CHE/20/00213/EIA – Screening request for scheme concluded that an Environmental Impact Assessment was not required – dated 17/04/20.

3.2 There is no other relevant planning history regarding the application site.

4.0 BACKGROUND TO PROJECT

4.1 The Chesterfield Canal originally opened in 1777 and ran for 46 miles (approx. 74km) from Chesterfield to West Stockwith on the River Trent north of Gainsborough, passing through the towns of Worksop and Retford. The arrival of the Great Central Railway in 1891 in Staveley sealed the fate of the Chesterfield Canal which had until then managed to maintain operation as an extension of the railway network. The construction of the Great Central Railway created a direct competitor to its operations which it was unable to match in speed, and as a consequence its trade dramatically fell. In 1907 a collapse in the Norwood Tunnel close to Kiveton severed the length from Chesterfield to Killamarsh from the national network. The canal further declined in the early 20th century, until in 1968 only the 26 miles (approx. 42km) from Worksop to the River Trent was still navigable. The low profitability of the canal at this time meant it was not financially viable to repair the Norwood tunnel, and as a consequence all trade ceased west of the tunnel between 1914-18. The canal remained open as a source of water for agriculture for a period, but lack of maintenance led to it becoming silted up and overgrown and it was gradually sold off and infilled through the 1960s and 1970s.



4.2 Since 1989, 12 miles (approx. 19km) of the canal have been restored, along with 37 locks, 11 major bridges and 2 new marinas. Navigation has been extended westward from Worksop as far as the eastern portal of the Norwood Tunnel at Kiveton Park. This section is fully navigable and linked to the national canal network via the River Trent. In Derbyshire, over 5 miles (8km) has been restored between the start of the canal in Chesterfield and Eckington Road, Staveley leaving approximately 8.5 miles (14km) to be restored. The current proposal concerns a length of 2.6 km within the Borough.

4.3 The restoration efforts to date have all been completed by the committed partnerships of local and national organisations. The Chesterfield Canal Trust (CCT) is the successor to the Chesterfield Canal Society, formed in 1976 with the aim of restoring the Chesterfield Canal to full navigation. It is a membership organisation, currently with over 1900 members from the local area and all over the world and which has the following objectives:

- To promote the restoration to good navigable order of as much as is considered possible of the Chesterfield Canal and to maintain and improve the Waterway for the use and benefit of the public
- To promote the fullest use of the Waterway for the benefit of the public
- To promote, and educate the public, in the history, use of and associated wildlife of the Waterway

- 4.4 The Chesterfield Canal Partnership (CCP) is a group of organisations that have an interest in achieving the following aims:
- To restore the Chesterfield Canal to full navigation using, wherever possible, the historic route
 - To explore the potential to create and develop a new navigable link between the Chesterfield Canal and the Sheffield & South Yorkshire Navigation
 - To protect, conserve and enhance the natural and built heritage of the canal
 - To improve and widen all forms of public access to the canal
 - To promote the sustainable economic and social regeneration of the Chesterfield Canal corridor in order to improve the quality of life in the surrounding communities
- 4.5 The membership of CCP includes CCT, the Canal & River Trust, all District & County level local authorities along the full route of the canal and the Inland Waterways Association. Previously, CCP has been the coordinating body managing and delivering on the restoration aims however this role is now transitioning to CCT due to the ongoing budgetary pressures placed on local authorities.
- 4.6 Since the CCP was formed in 1995, a significant amount of theoretical work has been done to examine the practicality and the benefits of the restoration. This has included high-level feasibility studies and more detailed examination of the technical feasibility, economic and social benefits, hydrology and ecology. The outcome of all of this work was collated into an overall plan for the restoration, presented in two volumes: Next Navigation West (Staveley to Killamarsh) and Next Navigation East (Killamarsh to Kiveton Park) and which set out all

aspects of the restoration in detail and form the backbone to this application and the wider restoration strategy.



New Lock at Staveley Town Basin

5.0 **THE PROPOSAL**

- 5.1 The full planning application proposes the restoration of 2.6km of the Chesterfield Canal between Eckington Road & Hague Lane which is the remaining length of the Chesterfield Canal to be restored within the boundaries of Chesterfield Borough. To facilitate the works, temporary access roads and compounds will be required and several lengths of Public Rights of Way (PROW) will need to be realigned through the scheme.
- 5.2 The scheme will provide a restored length of canal in furtherance of the partnership goals and be a step towards their long term goal of complete restoration of the Chesterfield Canal in time for the 250th anniversary of the original opening in 2027.
- 5.3 Revised plans have been provided during the course of consideration of the application in an attempt to overcome concerns expressed by

HS2 Ltd. regarding the length of the canal between Eckington Road and Bellhouse Lane and in particular the details of the interface with the Staveley-Seymour railway line that is planned to be reinstated as part of the HS2 Phase 2B eastern leg.

- 5.4 Starting at Eckington Road, the scheme will briefly consist of:
- Construction of a new combination bridge (13b) to allow the railway and towpath users to cross over the canal;
 - construction of Railway Lock (no. 5c) - revised as a deeper lock;
 - construction of an additional lock underneath Eckington Road, to be known as Eckington Road Lock (new no. 5b);
 - construction of an additional discharge weir on the dropped pound between Eckington Road Lock and Railway Lock;
 - changes to the proposed layout for the Public Rights of Way to retain the existing layout west of the new bridge 13b, with only a boater access and emergency path at towpath level between Eckington Road Lock and Railway Lock
 - construction of the 2.6km of canal channel, including approximately 2.1km on a raised embankment, with the formerly embanked central section known as the Puddlebank;
 - construction of 4no. overbridges: Arkwright Trail bridge (no. 13c), Bellhouse Bridge (no. 14), Packsaddle Bridge (no. 15) and Red Bridge (no. 16);
 - construction of a new aqueduct over the river Doe Lea.

5.5 The scheme divides into two lengths with different characteristics:

5.5.1 Between **Eckington Road and Bellhouse Lane**, the canal is within a short transport corridor, including the Staveley-Seymour railway line, Staveley Northern Loop Road and the canal. These run in close proximity and are all crossed by Eckington Road and the disused Great Central Railway route (now the Trans-Pennine Trail), which taken together make the length heavily engineered, with multiple structures and hard surfaces. Added to this, the situation is further complicated by the fact that the Staveley-Seymour railway line is the safeguarded route for the HS2 link to land to the west which is to be used as their Maintenance Depot site. The proposed HS2 link / crossing of the canal dominates this section of the route.

- 5.5.2 The railway line is currently disused, and the track bed has been taken up, however it is still considered to be live by Network Rail as various options remain for its re-use. This includes for use as access to the proposed HS2 Infrastructure Maintenance Depot on the former Staveley Works site. The historic bridge at this location was intended to be reused albeit with modifications and it has recently been excavated under licence from Network Rail in order to examine its condition (see photo above at 2.4). The bridge was infilled by Network Rail following their purchase of the derelict canal from the British Waterways Board in 1980. However, further consultation with HS2 Ltd since the original planning submission has indicated that this will no longer be possible and a completely new structure will be required. The water level through this structure will also need to be lower than the 54.1mAOD originally intended. The amended design therefore starts with an additional lock underneath Eckington Road, before it passes underneath HS2 in a new box culvert structure. Immediately east of the railway, the canal will return to the historic water level of 55.8mAOD using a new lock. Proceeding east, the canal will then pass underneath a new Trans-Pennine Trail high-level bridge, along a short length of engineered channel suitable for visitor moorings and underneath a new access bridge at the northern end of Bellhouse Lane.
- 5.5.3 The intention is that the original historic bridge abutments will be reused in the restoration project.
- 5.5.4 From **Bellhouse Lane to Hague Lane**, the canal is largely on a raised earth embankment with a rural countryside setting. Historically, the canal initially followed the contour of the land, before striking out on a raised embankment, known as the Puddlebank. This carried the canal from one side of the Doe Lea valley to the other, with the river passing underneath the canal through a pair of brick culverts. The canal then followed the contours of the land once again from the north end of the Norbriggs cutting.
- 5.5.5 The structure of the Puddlebank largely remains, although it has suffered from mining subsidence and local breakthroughs for the river

and utilities. The banks of the canal were bulldozed out and used in an attempt to address some of the mining subsidence issues on adjacent farmland. The resulting effect is that the existing structure is now substantially lower than the original water level at up to 3m in places.

5.5.6

The proposal involves new material being imported to raise the height of the Puddlebank to the historic 55.8mAOD water level. This will also mean that the length of embanked canal will be extended in both directions from the original Puddlebank. The brick culverts carrying the Doe Lea through the Puddlebank were removed in the 1970s. They will not be reinstated but replaced by a clear-span aqueduct over the river, in order to suit modern flooding and ecological requirements. This section will include a new pedestrian & cycle bridge to connect the towpath to the multi-user trail along the former Norbriggs cutting, along with a private farm access bridge at Huggester Farm. There will be a weir and spillway opposite the Norbriggs cutting to return excess water to the river Doe Lea, as per the historic arrangement at this location.



Image of Canal on Puddlebank before infilling and bulldozing

5.6

The application is accompanied by the following supporting documents:

- Planning, Design and Access Statement by Chesterfield Canal Trust – June 2020 and revised 1st February 2021;
- Geo-Environmental Assessment – phase 1 plus Historical Mapping and Environmental data Report by Geomatters Consulting Engineers – February 2020;
- Plans (the full of list of plans is itemised in condition 2 of recommendation);
- Flood Risk Assessment by JBA Consulting – February 2020;
- Chesterfield Canal Framework Directive Assessment by Horritt Consulting – March 2020;
- Heritage Statement by The Jessop Consultancy dated March 2020;
- Protected Species Survey by Peak Ecology Ltd – November 2019;
- Ecological Impact Assessment by Peak Ecology Ltd – Confidential – June 2020 and revised August 2020;
- Phase 1 Habitat Survey and Preliminary Ecological Appraisal by Susan White – June 2019;
- Great Crested Newt eDNA Survey by AECOM – July 2019;
- Coal Mining Risk and Mitigation Report by Geomatters Consulting Engineers – March 2020.

6.0 CONSIDERATIONS

6.1 Planning Policy

6.1.1 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.

6.2 Chesterfield Borough Local Plan 2018 – 2035

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

- CLP7 Tourism and Visitor Economy
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP18 Chesterfield Canal
- CLP19 River Corridors
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

6.3 **Other Relevant Policy and Documents**

National Planning Policy Framework (NPPF 2019)

- Chapter 12 – Achieving Well Designed Places;
- Chapter 13 – Green Belt
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15 – Conserving and Enhancing the Natural Environment;
- Chapter 16 – Conserving and Enhancing the Historic Environment.

6.4 **Key Issues**

- Principle of development – National and Local Policy;
- Design and Appearance and Impact on HS2 route;
- Heritage Impact – Archaeology and Setting of Listed Buildings;
- Highways safety including Impact on Footpaths, Bridleways and Cycle network;
- Drainage and Flooding Impact;
- Coal Mining and Ground Stability;
- Biodiversity and impact on Ecology;

6.5 **Principle of Development**

- 6.5.1 A key consideration in the assessment of the application is that the majority of the canal restoration scheme would be located within the North East Derbyshire Green Belt notwithstanding the fact that the proposals map does not show the green belt notation over the CLP18 canal reinstatement area. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open since the essential characteristics of Green Belts are their openness and their permanence. Paragraph 145 of the NPPF indicates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt however exceptions to this are:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy CLP15 Green Infrastructure, also requires that development proposals should not conflict with the aim and purpose of the Green Belt.
- 6.5.2 It is considered that the canal restoration scheme would accord with this policy background and would not compromise either the main purposes of the Green Belt or the openness of the Green Belt in this location. Furthermore, the proposal is covered by a specific Chesterfield Canal allocation on the new local plan (policy CLP18) within which the proposals fall. In green belt terms it is considered that the canal restoration scheme would fall to be considered as an exceptional use that was not inappropriate within the Green Belt under paragraph 145 b) of the NPPF, which includes land that would be used for outdoor sport and recreational uses. The priority is to create a new waterway corridor on the original route, and to endow it with a similar character to that which the original canal would have had if it had survived. The canal would be a linear structure that crosses land within the Green Belt at a very low level within the corridor of the original route of the canal. The main visual impacts would be in the section of the scheme where the restored canal crosses the Doe Lea Valley and would require the reinstatement of the 'Puddlebank, which would need to be raised in height slightly and carried across the valley on a new embankment, raising the canal above the floodplain. It is considered

that the restoration scheme would not have a harmful impact on the openness of the Green Belt or harm any of its key purposes as set out above.

- 6.5.3 Paragraph 8 of the NPPF sets out the principle that achieving sustainable development means that the planning system has to deliver on three overarching objectives, which are interdependent and which need to be pursued in mutually supportive ways. Reference is made to economic, social and environmental objectives.
- 6.5.4 Waterway projects across the UK have a proven record of delivering substantial benefits to the communities through which they run and to the wider surrounding area. There will be undoubted and significant positive effects that restoration of the Chesterfield Canal will have on the quality of life in the area, acting as a focus and catalyst for social, economic and environmental regeneration.
- 6.5.5 In so far as the social benefits are concerned the restored Chesterfield Canal will be a linear water park and greenspace which will be open and accessible to all and which will support a strong, vibrant and healthy community. The canal is already well used for walking, cycling, fishing and canoeing – all activities which will be enhanced and developed as the project proceeds and which will be an enhanced accessible open space area reflecting on the current and future needs which would support local communities. Dedicated events such as the Chesterfield Canal Festival and the Walking Festival also encourage local communities to enjoy the canal, including the opportunity to take a trip on the two trip boats that the Chesterfield Canal Trust operates in the area (from Tapton Lock and Hollingwood). The scheme would support strong, vibrant and healthy communities, by ensuring that a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and which would support communities' health, social and cultural well-being.
- 6.5.6 A restored Chesterfield Canal would also create a range of economic opportunities and benefits. The developments at Staveley Town Basin, the Staveley Works corridor and the Chesterfield Waterside site all take advantage of a waterside location to improve the attractiveness of businesses and residential properties. The Coffee Shop which

operates out of the Chesterfield Canal Trust's headquarters at Hollingwood Hub, is a successful example of the economic benefits.

- 6.5.7 Whilst direct economic benefit is unlikely from the proposed scheme (other than the benefits derived from the construction process), the application is a key link to getting the remainder of the Chesterfield Canal restored and realising the significant benefits of the completed project. Smaller economic benefits are possible through cycle/boat hire and similar activities. The proposed scheme will contribute to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.5.8 The restored canal will become an integral element of the landscape which has previously existed for almost 250 years and which will have considerable environmental benefits. The canal will form both routes and barriers, and their presence has strongly influenced the environment in which locals live. Restoring the rural stretch of canal from Staveley to Renishaw will contribute to the protection and enhancement of the local landscape, whilst also providing an increased diversity of inter-connected terrestrial and aquatic habitats. This connectivity is why waterways form an integral part of the green infrastructure of multi-functional open spaces and natural assets.
- 6.5.9 The NPPF makes it clear that all open space of public value, includes not just land, but also areas of water such as rivers, canals, lakes and reservoirs and which offer important opportunities for sport and recreation and which can act as a visual amenity.
- 6.5.10 In so far as Chesterfield Borough is concerned the adopted CBLP 2018 - 35 contains a specific policy for the Chesterfield Canal under Policy CLP18. The policy states that:
The Council will safeguard the route of Chesterfield Canal as shown on the Policies Map. Development which prejudices the existing character of and/or the future potential for the improvement and

enhancement of the Chesterfield Canal, including public access, environment and recreation, will not be permitted.

Proposals for development associated with the recreation and leisure potential of the canal will be permitted close to its route provided that they do not have an adverse impact on habitats, the environment or public health and accord with other relevant policies of the plan.

Where new development, including infrastructure, is proposed adjacent to the canal, it will be required to conserve and enhance the route of the canal, including restoring the canal along its original route wherever possible. New developments should include provision for safe and convenient walking and cycling access to the canal.

On land at Staveley Basin, as shown on the Policies Map, and subject to an approved masterplan for the whole site, the council will support planning applications that assist in the delivery of:

- an events area adjacent to the canal; and*
- moorings and facilities for visiting boats; and*
- a mix of uses including residential (C3) (as set out in policy CLP3, site H21), food and drink uses (A3 and A5), and/or business and light industrial use (B1(a) and B1(b)).*

- 6.5.11 In setting out support for the principle of such a proposed scheme as above the NPPF and local plan recognise that such projects will also have a range of environmental impacts that may need to be mitigated to make them acceptable. Such matters are dealt with in the sections of the report below.

6.6 Design and Appearance including impact on HS2

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

....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 adaptable and accessible for all;

....k) have an acceptable impact on the amenity of users and neighbours;

....l) be designed to be safe and secure and to create environments which reduce the potential for crime;

n) be able to withstand any long-term impacts of climate change.

6.6.2 The design rationale for the scheme has been based on four key design constraints – water levels, utilities, the supply of water and the railway crossing.

Water Levels:

6.6.3 The relevant water levels are 54.1mAOD at Eckington Road and 55.8mAOD at Renishaw and there is a need therefore to raise the water level by 1.7m by means of one or more locks between these two points.

Utilities:

6.6.4 There are five known utilities that cross the line of the canal between the railway and Bellhouse Lane. Allowing for 1.5m water depth and 0.4m of additional protection slab over the utility, any service with a crown level within 1.9m of the proposed water level at the crossing point would need to be diverted. The five known utility services include: a 450mm diameter sewer with a crown level of approximately

52.8mAOD; a 900mm diameter sewer with a crown level of approximately 53.1mAOD; a 700mm diameter water pipe with a crown level of approximately 51.5mAOD; a 500mm diameter water pipe with a crown level of approximately 53.6mAOD and a 200mm diameter gas main with a crown level of approximately 53.7mAOD.

Supply of Water:

6.6.5 There needs to be a supply of water to the section of canal at Renishaw. The long pound between Hollingwood and Killamarsh was the low point of this length and water was predominantly supplied from two feeds: the River Rother, which supplies the canal in Chesterfield and from where water cascades down the canal at each lock; and the River Doe Lea, which supplied the canal via a lengthy take-off channel that fed into the southern end of the Norbriggs Cutting. The latter has suffered from subsidence and reinstatement of this supply is not currently practical. Therefore, the primary feed to the canal at Renishaw must come from the canal at Staveley, and so water must be supplied around or through any dropped pound. This will necessitate either a passive siphon or active pumping depending on the scheme.

Railway Crossing:

6.6.6 Previously, the railway crossing was not considered as a direct constraint to the design of this section of the canal since the water level at the crossing point had been previously set by the Staveley Town Basin application based on discussions with Network Rail. However, HS2 Ltd objected to the initial proposal based on the water level in the canal being too close to the proposed track levels and the necessity to require the track bed to be lifted, which would in turn require the road bridges over the railway at Eckington Road and Lowgates (the A619) to be lifted. HS2 Ltd has confirmed the highest soffit level they can accept would be 55.595mAOD which is only 1.495m above the existing water level at Eckington Road and which is insufficient for any access underneath the HS2 railway line by boats or towpath users.

6.6.7 The applicant has considered three design options for the water level across the Puddlebank and which were all based on raising the water

level from 54.1mAOD at Eckington Road to 55.8mAOD at Renishaw using locks at different locations. With the additional constraint of the headroom underneath HS2, it has been necessary to reduce the level of the canal further than the existing level at Eckington Road but then to raise the levels to the east of Eckington Road to take account of the clearance required from the utilities which pass through this area. The design option which is being pursued is to adopt a water level across the Doe Lea valley of 55.8mAOD, matching the historic level. This always entailed installing a lock immediately east of the Staveley-Seymour railway and meant that there would be no need for diversion of utilities based on the level.

- 6.6.8 The main design issue in relation to the HS2 concerns has therefore been how the water level is reduced from the existing 54.1mAOD to pass underneath HS2 to achieve a water level of approximately 52.9mAOD which would be required (a further drop of 1.2m from the existing water level). East of the railway, this additional lowering in water level would need to be incorporated into Railway Lock to avoid the need to divert the sewers and this would necessitate a lock with a rise of approximately 2.9m.
- 6.6.9 The applicant has concluded that substantial restoration works have already been completed between Staveley basin and Eckington Road which would preclude use of a single lock anywhere on this stretch and so the additional lowering of the water level from 54.1mAOD to 52.9mAOD must be carried out independently of Staveley Town Lock. The scheme being promoted to resolve the HS2 concerns is to site an additional lock directly underneath Eckington Road.
- 6.6.10 Immediately underneath Eckington Road, the new Eckington Road Lock will lower the water level down to 52.9mAOD. After the lock, there will be a short length of engineered channel before the canal enters a large concrete box culvert to pass underneath the HS2 maintenance line. As the canal enters the culvert, users of the towpath (also the Trans-Pennine Trail) will cross over the canal and take a separate route back to the canal east of HS2. Immediately east of the HS2 box culvert, Railway Lock will raise the water level back to the

original 55.8mAOD. At the head of the lock, the Trans-Pennine Trail will cross the canal on a high-level bridge.

- 6.6.11 When the railway was originally constructed, a bridge was built to carry it over the canal. This was later widened however after the canal fell into decline, Network Rail purchased the canal underneath the structure to enable it to remove the steel girder bridges and infill the canal to form an earth embankment. The railway line is currently mothballed and the track removed however in 2017, a licence was obtained by Derbyshire County Council to enable volunteers of the Chesterfield Canal Trust work party to excavate and investigate the condition of the original bridge structure. It has been found to be in excellent condition, only requiring some minor remedial repairs and given the condition, it was originally proposed to reuse the original structure, however, the design criteria for the proposed use of the line by HS2 has required removal of the original structure and replacing it with a box culvert.
- 6.6.12 The applicant has considered the means to discharge the excess water when the locks are emptied, ideally by gravity to avoid the need for pumping. This has considered the risk of flooding and the need to fit a discharge pipe with a non-return valve to prevent flood water from the river Rother backing up into the canal. The applicant has also taken account of then risks of sudden gate failure where water would be released and which could flood the towpath.
- 6.6.13 The scheme includes two new locks (Eckington Road Lock (No. 5b) and Railway Lock (No. 5c, previously numbered No. 5b). The lock construction for both locks will be very similar in appearance to that of the recently completed Staveley Town Lock (No. 5a), located approximately 450m to the west at Staveley Town Basin with red brick faced walls and topped off with a stone copings. Lock gates will be constructed in timber, with mitred double gates at the bottom end and a single gate at the top end. Both locks will have a standard 22m x 2.3m chamber to allow a single full-length narrowboat to change between pound water levels.

6.6.14 HS2 Ltd has undertaken an internal technical review of the revisions and confirmed their view that the revised proposals do not appear to preclude the HS2 current design on environmental grounds. From an engineering point of view the revised proposals would have no significant impacts on the HS2 scheme that could not be overcome at detailed design. HS2 comment that the applicants acknowledge that Bridleway 47 (BW47) will be replaced and located immediately adjacent to its existing location. However, the exact final location of BW47 will be dictated by HS2 vertical and lateral clearance requirements, while allowing for BW47 to be reconstructed offline and maintaining a right of way within maximum permitted gradients. Given the above, HS2 consider there would be moderate impact on HS2 as the BW47, PRow, earthworks and landscape may be affected however they consider such impact can be overcome during the detailed design stage. Accordingly, the proposed canal restoration scheme is unlikely to have significant implications on the HS2 engineering implications. In so far as **water and flood risk** the proposed reinstatement of the canal follows the low point and as such any land drainage would be captured by the canal and would flow within the canal system. HS2 comment that land drainage ditches proposed at the toe of HS2 embankments may need to discharge into the canal system via formal outfall structures but it is anticipated that where required this would be designed and agreed at the detailed design and construction stage of HS2 and would have limited impact on the operation of the canal. Given the relative levels of the HS2 rail level and the canal pound level, it is unlikely that fluvial or surface water flows will be an issue.

6.6.15 HS2 Ltd recognise the importance of the Chesterfield Canal Trust's aspiration to restore the Chesterfield canal at Staveley and they acknowledge that multiple stakeholders in the area have invested time and resources into the project. They confirm that they are pleased that the applicant has developed an alternative design for canal restoration to work in parallel with the railway. Although the headroom's and levels between the canal, HS2 alignment and the box culvert at this stage of the proposed canal restoration design are now compatible with HS2 scheme, there remains a moderate impact on BW47, PRow,

earthworks and landscape that will need to be overcome during HS2 detailed design. HS2 Ltd confirm that they now have no objection to planning permission being granted for the application proposals in their amended form.

- 6.6.16 Beyond the area affected by the HS2 crossing the Puddlebank is a large earth embankment that allows the canal to cross the Doe Lea valley without having to descend to the valley floor. It was a pioneering structure when first constructed and is believed to be the last part of the Chesterfield Canal to be completed in 1777. Significant elements of the original Puddlebank remain however the landscape in this area has suffered drastically from mining subsidence, and in places the valley floor has dropped by over four metres. In combination, the canal banks were bulldozed out in the 1970s, with the resulting material used to compensate for subsidence in the surrounding farmland, and several channels were cut through for drainage and a pipeline. As a result this means that extensive earth works are necessary to raise the height of the Puddlebank to its historic level.
- 6.6.17 The Puddlebank will begin almost immediately after Bellhouse Lane with the dominating structure extending to the junction with the Norbriggs Cutting, however the remainder of the section will also be on an embankment, albeit much smaller. The raised Puddlebank will utilise imported clay material combined with the existing materials.
- 6.6.18 The Doe Lea Aqueduct (No. 14a) will cross the river Rother and will have a 37m clear span, in order to maintain the current embankment profile. Retaining the existing profile means that the flood profiles remain unchanged and the existing habitat connectivity either side of the Puddlebank will not be affected by the scheme. The new aqueduct will be constructed from concrete or steel subject to detailed design and contractor involvement. It will bear onto piled foundations at either end and will have no intermediate piers. The towpath will be integral to the aqueduct, and as such this will replace the existing steel footbridge across the river at this location.
- 6.6.19 There will be five new bridges over the canal along this section:
- Rail Bridge (No. 13b)

- Trans-Pennine Trail Bridge (No. 13c)
- Bellhouse Bridge (No. 14)
- Packsaddle Bridge (No. 15)
- Red Bridge (No. 16)

The Rail Bridge (No. 13b) will allow the proposed HS2 maintenance link to cross over the canal. Public users of the towpath, which is also the Trans-Pennine Trail, will cross over the canal on an integrated structure.

The Trans-Pennine Trail Bridge (No. 13c) will cross the canal just beyond the head of Railway Lock (No. 5b). This will provide a route for pedestrians, cyclists and equestrians between the Arkwright Trail to the south and the Trans-Pennine Trail (TPT) to the north, replacing the existing circuitous system of ramps and paths that crosses the canal line at approximate towpath level.

Bellhouse Bridge (No. 14) will be located at the end of Bellhouse Lane and replaces an original bridge that has since been demolished. Its primary purpose is to facilitate landowner access to the farmland to the north of the canal, but it will also provide pedestrian, cycle and maintenance vehicle access from Bellhouse Lane onto the canal towpath and also to the TPT. The bridge will be suitable for agricultural vehicles, requiring a wide bridge with a relatively flat deck. The structure will be constructed from reinforced concrete with a brick facing, similar to the style previously used for the reinstatement of Bilby Lane bridge.

Packsaddle Bridge (No. 15) is located across the main line of the canal at the junction with the Norbriggs Cutting. It replaces an original bridge that has since been demolished, and will be a pedestrian and cycle bridge to connect the multi-user trail along the Norbriggs Cutting to the canal towpath. It will be similar in style to Foundry Bridge, Renishaw, with a reinforced concrete structure faced in red-brick, and ramped approaches.

Red Bridge (No. 16) will be sited on the existing farmer's access track north of the Norbriggs Cutting. It replaces an old bridge that has since been demolished. It will be very similar in style and construction to Bellhouse Bridge. An access track will be included linking the towpath

around the bridge, which will only be utilised by maintenance vehicles that cannot access under the bridge. There will be no public access to the farmland.

- 6.6.20 The design of the proposed scheme is led in the main by the technical requirements typical of canal construction with specific consideration given to the achievement of a navigable canal route replicating what historically ran through this area. The materials are to be salvaged materials and materials typical of canal construction and which will appear entirely appropriate in their context.
- 6.6.21 The scheme is designed to accommodate boaters but at the same time for those using the walking and cycling routes and for the major rail intervention of the HS2 route which crosses the site. The scheme, as amended, allows for an operational and connected canal whilst also allowing for the provision of the HS2 route through to the maintenance depot site on the Staveley Works land to the west. Whilst the revised plan involving the addition of major engineering works is likely to be a more expensive option, what is proposed allows the scheme to work in operational terms and allows the applicant to proceed with a workable solution. In the event that the HS2 project does not materialise, and the safeguarding direction is lifted, then there is an opportunity for the applicant to seek amendment to the scheme to revert to the original designed scheme (a single lock option). The appropriateness of such a revision would be considered at such a time in the future however because the water level of the proposed canal to the east remains at the same 55.8AOD level in both options then there is an opportunity to proceed now with the restoration project in the areas to the east first leaving a final decision on the area affected by HS2 until later in the restoration scheme when the certainty of the HS2 project has become clearer.
- 6.6.22 Either way the design and appearance of the scheme is considered to be appropriate and which complies with the requirements of policy CLP20.

6.7 **Heritage Impact**

- 6.7.1 The National Planning Policy Framework sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 189). At paragraph 190 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise and that they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 6.7.2 The Councils adopted Local Plan includes policy CLP21 which states that when assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.
- 6.7.3 The applicant has provided a Heritage Statement by The Jessop Consultancy which refers in detail to the canal which was constructed between 1775-1777 utilising the contours of the landscape to minimise the requirement for large engineering solutions; a practice that was typical of the time and common to those canals already designed by its original chief engineer, James Brindley. The most significant

engineering achievement of the scheme was a singular large embankment known as the Staveley Puddle Bank, that carried the canal over the Doe Lea valley. The structure was designed to avoid extraction of water from the river, which was needed at the time by mills further downstream, and was a pioneering structure at its time. The known structures along the section of canal affected by this scheme include four bridges, a waste weir, and two wharfs. The canal is, as a whole, considered to be of national significance on account of its historical technological interest in achieving a number of firsts in building the longest tunnel, longest flight of locks and largest puddle bank known at the time.

- 6.7.4 The Heritage Statement considers the archaeological potential of the site to be the likely survival of remains of the canal and its structures, the majority of which were cleared during the mid 20th Century. The remains of these structures are considered in the statement to be of local significance, rising to regional significance in respect to the Staveley Puddle Bank, in possessing potential to enhance an understanding into its appearance and details of construction practice.
- 6.7.5 The proposed scheme comprises the restoration of the canal along its former route, including the reinstatement of earthworks and cuttings, and the construction of lost bridges and ancillary structures. Such works will have a direct impact on archaeological resource resulting in partial loss or destruction of its heritage significance. The potential presence of non-designated archaeological remains should, in accordance with para. 197 of the National Planning Policy Framework (NPPF), be taken into account in determining an application, although a balanced judgment should have regard to the wider benefits to the historic environment arising from the restoration of the canal.
- 6.7.6 Section 7 of the Heritage Statement considers the impact of the proposal on the overall historic environment resource of the canal corridor. It is considered that:
The construction of the canal is to principally be constrained by the existing boundaries of the canal track such that the impact arising from the scheme will be constrained to the surviving remains of the 1770s

canal. Any archaeological remains within the area of excavation will be impacted such that their significance would be partially or totally lost. The largest impacts are likely to be to the remains of the canal cut, remains of its associated embankments, and the remains of bridge structures as proposed works will require their direct replacement. It is uncertain whether footings of historic structures will be in a suitable condition for reuse, and it is assumed that total reconstruction will be required necessitating the removal of historic fabric.

- 6.7.7 On this basis the DCC Development Control Archaeologist recommends that an archaeological strategy be produced in support of this application and which would assess, in detail the impact of proposed works on each of the heritage assets identified in the Heritage Statement. Such a strategy would include proposals for the archaeological evaluation of each of these features and recommend appropriate archaeological interventions depending on the results of field evaluation and which could be reflected in an appropriately worded planning condition attached to any grant of planning permission for the scheme.
- 6.7.8 The Chesterfield Civic Society comment that the application is accompanied by an exceptionally thorough, well-informed and well-written Planning Statement, setting out what works are to be carried out and the reasoning behind the decisions taken, bearing in mind that the restoration will remove some features dating from the construction of the canal in the 1770s. The Society also comment that on the other hand the Heritage Statement is poorly written and ill-informed and lacks substance and the Society do not agree with some of the claims set out therein and that the Society considers in these circumstances there is no need to burden the applicant with an obligation to pay for further archaeological investigation. The Society also comment that the Archaeology Section of Derbyshire County Council, has no specialist knowledge of waterways history and they offer no evidence of their own to support the claims made however they still recommend that the applicant should be required to produce an 'archaeological strategy'. The Civic Society assume that both members and officers of the Borough Council will realise that an 'archaeological strategy'

involving two modern bridges, some long demolished older bridges and a culvert is a waste of time and money since none of these features are of the slightest historical interest. The Civic Society make this comment on the basis that archaeology is a method of enquiry where findings are used to interpret the past and for historians of Roman Britain and the early Anglo-Saxon period it is the main method. For historians of any later period it is an ancillary source of evidence to be used alongside written sources. The extent to which archaeology can contribute to the interpretation of the past diminishes as the quantity and quality of written sources increases. The Civic Society comment that it falls to virtually nothing with the onset of the Industrial Revolution in the late 18th century, when the quantity of documentary sources increases enormously. This means that the archaeological investigation of the remains of a canal built in the 1770s contributes little if anything to an understanding of canal building technology and nothing at all to the wider study of transport history. The Chesterfield Civic Society recommend as strongly as possible that the Borough Council ignores both the 'recommendations' of the Heritage Report and the comments of the County Council Archaeology Service and grants consent for the work on the Chesterfield Canal to go ahead on the line proposed by the Canal Trust. The Civic Society cannot imagine that anyone can object to what is clearly a very important step in the reopening of the canal from Chesterfield to the Trent.

6.7.9 It is accepted that there is a limit to the archaeological interest of a former structure which only dates from 1770s and there is a limit on the available finances to carry out such further investigation however it is considered appropriate to proceed on the basis of the way in which the Canal Trust has proceeded with the preceding restoration works to date. On the basis that the canal is being reinstated on its original line it is inevitable that a process of revealing structures which may remain from the original structure, such as the ongoing exposure of the structures through the area immediately east of the Eckington Road bridge (as referred to in paragraph 6.6.11 above), is essentially a process of archaeological investigation. Such careful excavation also allows for the prospect of reusing parts of structures which are revealed. The applicant has provided a Planning Statement along with

the Heritage Statement and which promotes further investigations and it is considered appropriate therefore to proceed on this basis. Whilst a condition requiring a strategy may not be necessary it is appropriate in line with the NPPF to require a scheme of investigation to be agreed and which can be followed in the same way as earlier phases of restoration as the works proceed.

6.7.10 It is considered, with regards to above-ground built heritage and archaeology, that there will be impacts however any potentially adverse impacts should clearly be weighed against the significant public benefits arising from the scheme and on balance, it is concluded that the benefits of restoring a canal along the original line significantly outweigh any harm. Furthermore, the harm can be mitigated as far as possible through the agreement of an archaeological scheme of investigation so that any heritage significance of the site can be safeguarded as far as possible. It is considered that on this basis the proposed development complies with policy CLP21 and is acceptable in so far as impact on heritage assets is concerned.

6.8 Highways Safety including Impact on Footpaths, Bridleways and Cycle network

6.8.1 Policy CLP20 on Design states that all development will be expected to *....g) provide adequate and safe vehicle access and parking*. Policy CLP22 (Influencing the Demand for Travel) focusses on reducing congestion, improving environmental quality and encouraging more active and healthy lifestyles by seeking to maximise walking, cycling and the use of public transport. The policy goes on to state 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.

6.8.2 It is considered that due to the nature of the proposal, only a very limited number of vehicle trips would be generated by the scheme post completion and which would have an insignificant impact on highway safety. The main issues to be considered relate to the impacts during the construction phase, which is also expected to be relatively limited

and the impact on the Public Rights of Way which cross and run along the length of the site.

Construction:

- 6.8.3 The primary construction access points will be from the south-western corner of the scheme, divided into transporting of clay along the railway and road access from Ireland Close. From these access points, the intention is to move materials along the route of the canal. If it is not possible to transport clay along the railway, the clay would need to be transported by road from its origin at the Foxlow tip site to the west. Additional road access may be obtained from the northern limit of the scheme off Hague Lane via an existing access route used for lorries into the Sewage Treatment Plant. Access to the site for the project will require coordination within a suitable Traffic Management Plan which can be secured by a condition of any approval. The applicant has confirmed that no construction access will occur along Bellhouse Lane other than that already approved under scheme CHE/18/00602/FUL for the Chesterfield Canal Trust volunteer work party compound.

Maintenance Access:

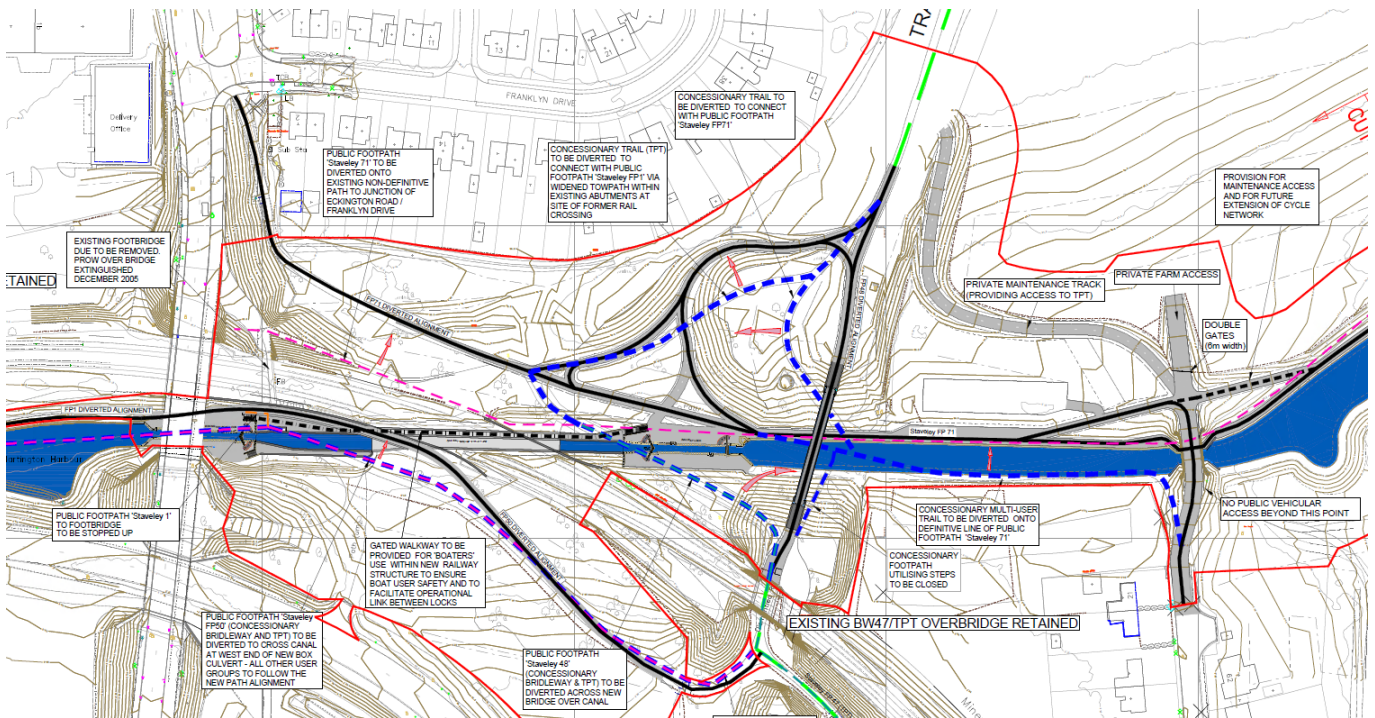
- 6.8.4 The restored canal will require access for routine maintenance, typically including grass cutting and vegetation clearance, bin emptying, management of water control and statutory inspections. Throughout the scheme, the towpath will be suitable for maintenance vehicles with access points to be gated and padlocked to ensure that no unauthorised vehicles can access the towpath.
- 6.8.5 Bellhouse Lane is also currently used for maintenance access to the Trans-Pennine Trail and this route will be preserved, but in order to minimise regular interaction between maintenance vehicles and users of the footpaths, a separate access route will be provided between Bellhouse Lane and the TPT, which will be for maintenance vehicles only. The area between this maintenance access route and the Bellhouse Lane moorings will be retained for silt deposition in the course of routine dredging works along the canal.

Public Rights of Way (PRoW):

- 6.8.6 The canal towpath is dedicated as the Cuckoo Way for the entirety of the 46 miles of the Chesterfield Canal. For the majority of this scheme, the footpath is a public right of way, dedicated as Staveley Footpath No. 71. As part of the proposal the towpath is to be on the left of the canal when travelling from Eckington Road towards Renishaw. This maintains the historic relationship with the canal but does mean that the towpath is on the far side of the canal from the primary adjacent housing areas at Lowgates and Mastin Moor. The water therefore forms a barrier to access from these communities, and so dedicated access points will be provided. This has the benefit of controlling access and not encouraging deviation from the existing footpaths, which is especially beneficial in the Norbriggs Flashes local nature reserve.
- 6.8.7 The towpath from Bellhouse Lane to Hague Lane will primarily be used by walkers, as the Trans-Pennine Trail provides an alternative and preferable route for cyclists and mounted horses. However, some cycling use is to be expected from users joining the towpath at Packsaddle Bridge (from the existing multi-user trail along the Norbriggs Cutting). A 3m wide towpath is therefore proposed for the cycle route proceeding north from Packsaddle Bridge (since this is expected to dominate), with a slightly narrower 2.5m wide towpath across the Puddlebank in order to minimise the earth-moving required.
- 6.8.8 From the restored canal west of Eckington Road, access will continue along the towpath directly from the previously restored canal. This is the existing Staveley FP1 and part of the Trans-Pennine Trail (TPT) and which is also for use by horses and cyclists. From Franklyn Drive, there is an existing undedicated path connecting the canal corridor with the junction between Franklyn Drive and Eckington Road. This will be partially realigned during the scheme and connect into the canal towpath and the TPT and which will be suitable for pedestrians, horses and cyclists. The existing access arrangements from the Trans-Pennine Trail (TPT) and the Arkwright Trail will be the most altered as part of the scheme. At present, the length of the canal towpath designated as part of the TPT connects to the Arkwright Trail via Staveley FP50 & Staveley FP49. Together they connect to the northbound TPT via Staveley BW48. As part of the scheme, Staveley

FP50 will be diverted through the railway crossing to connect with Staveley FP71 (the canal towpath heading east). The existing connections from Staveley FP71 to the northbound TPT will be reprofiled, and a new access bridge will be constructed to connect the Arkwright Trail to the northbound TPT. Therefore, access and will be maintained for all routes and the connections from the Arkwright Trail and the canal towpath to the northbound TPT will be simplified. All of these connections will be suitable for pedestrians, horses and cyclists.

- 6.8.9 At the northern end of Bellhouse Lane, access will be available to pedestrians and cyclists over Bellhouse Bridge, connecting into the canal towpath. This will also maintain the existing connectivity between Bellhouse Lane and the TPT. At the junction with the Norbriggs Cutting, Packsaddle Bridge will be constructed which will allow pedestrians and cyclists to cross over the canal and connect to the towpath from Staveley FP22. The latter is the multi-user trail along the Norbriggs Cutting, and other footpaths within the nature reserve and surrounding farmland connect into this prior to its junction with the main line of the Chesterfield Canal. White Bridge is located immediately to the north of the scheme within the NEDDC area. At present, the access track from Hague Lane to the sewage treatment plant is designated as Eckington FP153 and the canal towpath continuing north is designated as Eckington FP162. Access to both will be available from the end of the restored canal path and will be maintained when White Bridge is constructed as part of any future scheme.
- 6.8.10 Throughout, the canal corridor there will be no steps and gradients will be restricted to a maximum of 1 in 20 to allow for wheelchair access. The paths will typically be constructed from compacted stone similar to the towpath on the existing restored lengths of canal.
- 6.8.11 The plan below shows the proposals for footpaths, bridleways and trail networks in the Eckington Road to Bellhouse Lane area



6.8.12 The Highway Authority has commented that there are no objections in principle to the proposals, but they have expressed a concern regarding the safety for users of the existing Public Footpath that will form the route of the proposed canal towpath and linkage at the northern end of the current phase of works. As a shared use path it will need to be demonstrated as being of suitable width for such use on the narrowed section where the footpath is located between the canal and top of an embankment. Reference is made to the need for a safety audit.

6.8.13 The Highway Authority comment that the current phase is to terminate at the proposed White Bridge, Hague Lane however they are unable to locate any details of how users of the towpath/ existing public footpath, likely to significantly increase as a consequence of the development proposals, are intended to travel to/ from this point from the wider network. They comment that Hague Lane is devoid of a footway between the Treatment Works access and residential development approximately 250m to the north and, as a terminal point, concern is expressed regarding the potential for visitors that will be likely to travel by car in order to use the proposed amenity and that there will be nowhere for such visitors to park. Roadside/ verge parking on Hague

Lane would be considered against the best interests of safe operation of the public highway.

- 6.8.14 In so far as the proposed diversions of existing public rights of way the Highway Authority comment that the routing of these is generally acceptable but which will need to be dealt with as part of a legal process.
- 6.8.15 Derbyshire Constabulary (DC) refer to community safety measures and the need to respond to risk. They comment that the risks are offences against persons using the trail network, nuisance and anti-social behaviour and misuse by motor cycles generally. The DC considers that the risks to persons using the trails will be low and will actually be enhanced with improved visibility. In so far as the issue of nuisance and ASB potential, reference is made to possible graffiti bridge crossings however this would also be low level. The applicant could consider surface treatment which lends itself to cleaning or overpainting as part of the management process. On the issue of access the DC comment that there is always a balance to be made in preventing motor cycle nuisance whilst allowing wider public access to public cycle routes. DC note that there are current motor cycle restrictors in the area however they comment that future problems can be addressed retrospectively if risks increase. The DC support the proposal as a potentially valuable public amenity, with a perceived low risk of community safety problems.
- 6.8.16 The applicant has considered the need for safety and to provide an appropriate width to the network of routes across the scheme and comments that the towpath from Bellhouse Lane to Hague Lane will primarily be used by walkers since the Trans-Pennine Trail provides an alternative and preferable route for cyclists and mounted horses. Whilst some cycling use is to be expected from users joining the towpath at Packsaddle Bridge, from the existing multi-user trail along the Norbriggs Cutting, a 3m wide towpath is therefore proposed for the cycle route proceeding north from Packsaddle Bridge to link to the TPT with a narrower 2.5m wide towpath across the Puddlebank in order to minimise the earth-moving required. Furthermore, an

increase to 3 metre width will have implications for the aqueduct section which would make it a larger and more costly structure. The TPT confirm they support the opportunity to extend the navigable section of the Canal but comment that upgrades from footpath status be considered throughout this application to a minimum of 3m width however the reasoning set out by the applicant above is a legitimate one and is considered to be a reasonable basis on which to proceed and which will provide an appropriate standard of route.

- 6.8.17 The towpath at the Hague Lane end of the works will follow very broadly the route of Staveley FP71 which will link directly to Staveley FP17, The Trans Pennine Trail and Eckington FP153. The current connection shown on the map provided in the TPT comment is incorrect since the TPT is on a bridge over the PROW at this point. However, a connection is available via an undedicated and suitable link for pedestrians / carrying of bicycles only. This connection point is outside of the CBC Borough boundary and is no more than 150 metres from the end of Staveley FP71. Additionally, the canal towpath continuing north from the end of the scheme provides direct access to the TPT approximately 150m north. Whilst the addition of a restored canal may well attract additional walkers to the scheme it is also very clear that there are no opportunities for parking in the vicinity of the Hague Lane without either obstruction of the access to the Sewage Works site or Hague Lane to the extent that such parking is highly unlikely. The walking route will be as existing with no significant change to the definitive routes as they currently are.
- 6.8.18 The County Council Countryside Service welcomes the efforts made by Chesterfield Canal Trust to secure access across and along the canal and Trans Pennine Trail for horses, pedestrians and cyclists. They comment that the detailed design of the TPT crossing of Rail Bridge (No. 13b) must pay particular attention to the needs of equestrian use and should mitigate against visual or audio interference in that specific area (e.g. from HS2 trains) that may pose health and safety concerns for horses and riders.
- 6.8.19 The impact on equestrian use is also a point made by the TPT with

consideration being given to determine the specific design requirements. The British Horse Society has however responded to the latest scheme commenting that as long as the new bridge conforms to the BHS guidelines stated therein and associated infrastructure and paths meet the criteria for public rights of way bridleways and are dedicated as such, that they are very happy to endorse the revised plans. Such detail is a matter which can be addressed as part of the subsequent statutory diversion order.

6.8.20 The TPT comments that it has yet to determine who will subsequently own and maintain the proposed bridges. They understand that there will be no public access through the HS2 bridge but that the TPT/canal towpath would cross over the canal on a combined structure with the HS2 bridge. The TPT acknowledge that such a design can potentially accommodate all users subject to appropriate width, surface, gradient approach and sensitivity to visuals and sounds which may spook horses. The Chesterfield Cycle Campaign also support the proposals subject to the design detailing comments which have also been made by the TPT.

6.8.21 With respect to the HS2 box culvert there is a narrow range of acceptable water levels which enable a gravity discharge and the safety of path users and which has concluded that it was not possible to accommodate a towpath suitable for all users of the Trans-Pennine Trail, in particular horses and cyclists. A separate route is therefore provided for towpath users and there will be no Public Right of Way through the box culvert. Preliminary design showed that the box culvert would need to be approximately 60m long and for safety and for the convenience of boaters, an access is still required through the box culvert for pedestrians but as this is not to be a Public Right of Way, it is only 2m wide. Access to this pedestrian route from the towpath will be stepped, and public access is prevented by a padlocked gate for which boaters will have keys. Public users of the towpath will therefore cross over the canal and follow the current (pre-restoration) route to rejoin the towpath east of Railway Lock. The crossing will be integrated with the HS2 culvert, with most of the path constructed on the roof of the culvert. A small triangular section of the

path will be cantilevered from the roof of the culvert.

- 6.8.22 The Ramblers confirm that they can see no reason to offer objection but comment that every effort should be made to keep interruptions to the footpath network to a minimum.
- 6.8.23 The Peak and Northern Footpath Society (PNFS) welcomes the restoration of another section of the historic Chesterfield Canal commenting that it can only encourage a wide range of canal users to get out into the countryside, with a resultant improvement to people's health, both mental and physical. They comment that the restoration will boost the local economy, as people visiting the area to use the newly restored section in boats, to fish, walk or bike will spend money locally.
- 6.8.24 The PNFS comment on anomalies in the routes shown on the definitive map and what is available on site. Reference is made to the link from Franklyn Drive, Staveley Bridleways 47&48 which seem to be cul de sacs and a gap between the adopted section of Bellhouse Lane and the definitive footpath Staveley 71. They also make comments regarding the adoption and future maintenance of all the routes and bridges as part of the scheme. The opportunity to correct the Definitive Map to reflect the proposed routes will be available as part of the formal diversion order which will be required in the event that the scheme is proceeded with.
- 6.8.25 It is clear that the traffic impacts of the proposal are very limited and can be accommodated within highway limits such that the impacts are not regarded as severe. There will be changes to the footpath, bridleways and cycle route network to reflect the proposal and which will be dealt with as part of a formal diversion order process however the end result will be an enhanced offer for all users of the trails which exist within the local area. The proposal therefore accords with policy CLP20 and CLP22 in this respect.

6.9 Drainage and Flooding Impact

- 6.9.1 Policy CLP13 (Managing the Water Cycle) of the Local Plan 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.
- 6.9.2 The application is supported by a Flood Risk Assessment by JBA Consultants and which refers to the fact that parts of the site are located within Flood Zone 2 and Flood Zone 3, though large areas of the proposed canal are situated within Flood Zone 1. The areas of Flood Zone 3 are around the River Doe Lea and are considered to be functional floodplain area.
- 6.9.3 The embankments of the canal in the area around the River Doe Lea will extend slightly to the north and south into land that is currently predicted to flood during the 1 in 25 year event. As a result, flood compensatory areas have been designed to ensure there is no net loss of floodplain storage. There are two compensatory storage areas, located either side of the embankments to account for losses of storage to the north and south. The flood compensatory area to the north will result in a total net storage volume gain of 85m³ and the area to the south a gain of 422m³. Therefore, the development of the canal with the excavation of the proposed compensatory areas will result in a net increase of floodplain storage, and not increase flood risk elsewhere. The current outline design of the floodplain compensation scheme is for planning purpose only (i.e. not for construction) and it is recommended that the design is revised as part of the detailed design phase to account for additional information on site constraints. It is considered that this can be dealt with by condition in the event of a planning approval.

- 6.9.4 The proposed development of the canal for navigation and recreational purposes is considered a 'water compatible' development under the NPPF and is deemed to be acceptable in Flood Zones 1, 2, 3a and 3b. Model results from a detailed hydraulic modelling study carried out by JBA Consulting in 2016 for the Environment Agency were used to assess the fluvial flood risk to the canal. The model results show that most of the canal is at a 'very low' risk of fluvial flooding. In the area designated as Flood Zone 3b where the proposed canal will cross the River Doe Lea, modelled flood levels are at least 8.11m below the proposed canal embankments and at least 5.7m below the proposed soffit level of the aqueduct crossing. The flood risk to users along the canal is therefore considered to be 'low', and the canal will be able to remain operational and safe for users in times of flood from the River Doe Lea. Additionally, the aqueduct will not impede water flows or increase flood risk elsewhere. Furthermore, the model results also were subject to an uplift in 35% to take account of climate change.
- 6.9.5 Additionally, the Assessment recommends that culverts are built under the canal at locations where the risk of flooding from surface water mapping currently shows surface water flow paths to cross the route of the canal. This will prevent flows backing up upslope of the canal embankments and ensure the surface water flow paths can be maintained, meaning there will be no increase in flood risk to the surrounding areas. This is the case to the south of Huggester Farm.
- 6.9.6 The Assessment also considers that it is unlikely that the proposed development will significantly increase surface water runoff rates, given that much of the canal will be built along existing embankments, will have a relatively narrow footprint, and not consist of large areas of hardstanding. The risk of flooding from sewers and groundwater flooding is considered to be 'low'.
- 6.9.7 When the canal is restored it will require water. It is also the case that canals lose water through evaporation, seepage and operation of locks. Additionally, management of water levels means it is necessary to discharge water over side weirs at periodic intervals along the canal. Water for the operation of this section of canal will be from the existing restored length above Staveley Town Lock, fed via the siphon pipe

that will discharge at the head of Railway Lock. This water is supplied primarily from the River Rother at Chesterfield, along with a smaller supply where Trough Brook discharges fully into the canal at Hollingwood. No new water supplies will be developed as part of this application.

- 6.9.8 The operating authority will manage water levels within the canal through the operation of spillways and locks and will be responsible for maintaining the embankments of the canal. The flood risk from the reconstructed Chesterfield Canal to the surrounding areas is considered to be low.
- 6.9.9 The applicant has provided a Water Frame Directive (WFD) prepared by Horritt Consulting and which considers the potential to affect water quality and flow conditions in the water bodies feeding the canal and the discharge from the canal. The WFD concludes that the effects on water quality in the rivers is likely to be small however the effects on flow in the River Rother are potentially significant at low flows but it is possible to reduce the impacts to acceptable levels through management of the abstraction. Furthermore, the impact of the abstraction on low flow conditions would be separately managed by the Environment Agency as part of the licensing process. The WFD concludes that the existing abstraction is sufficient for the purpose of supplying water to the proposed canal extension.
- 6.9.10 Consultation with the Environment Agency (EA) confirms they have no objection to the proposal subject to imposition of conditions as follows:
1. The development shall be carried out in accordance with the submitted flood risk assessment (ref February 2020 / CKJ -JBAU-XX-00-RP-HM-0001-S1-P02-Chesterfield_Canal_FRA / JBA Consulting) and the following mitigation measures it details. The Aqueduct soffit levels shall be set at a minimum of 53.85m AOD and such mitigation measures shall be fully implemented prior to an operational use of the canal within the application site and which shall subsequently be retained and maintained thereafter for the life of the development.
 2. The development hereby permitted shall not be commenced until such time as a scheme to ensure a detailed design for the compensatory storage has been submitted to, and approved in writing

by, the local planning authority. The agreed scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 6.9.11 The precise wording of condition 2 notes that current FRA shows compensatory storage on the left bank only and that as losses of storage occur on both banks, compensation should also be provided on both banks. The applicant comments that the in times of flood, water will run to the lowest elevation and will most likely favour one side of the river rather than the other. Furthermore, to require compensatory storage on the eastern bank of the Doe Lea, to the south of the canal line, would require works in the most sensitive area of the local nature reserve and should thus be avoided. There is a need to detail the options and design for the compensatory storage and this can be required by condition however it is agreed with the applicant that it is unnecessary to provide storage on both banks as indicated by the EA.
- 6.9.12 The Lead Local Flood Authority has also raised no objection subject to conditions detailing the compensatory flood storage areas, the location and design of culverts to be built under the canal, a management and maintenance plan for the canal and submission of a verification report to demonstrate that the drainage system has been constructed as shown in the agreed scheme. The Councils own drainage engineers support the proposal.
- 6.9.13 The DCC Countryside Service comment that they have considerable experience in controlling water across the restored section between Mill Green in Staveley and Chesterfield. Where the siphon pipe and discharge weir on the dropped pound propose an engineering solution for water control they comment that this design may require substantial and regular intervention by personnel to maintain safe and effective operation, particularly in respect of blockages to the syphon pipe, weir inlet and associated culvert.

6.9.14 It is clear that the proposal can be developed without adverse impact on the flooding environment and which can be supplied with water with low impact. Much of this detail will need to be agreed through imposition of conditions as recommended by the statutory consultees however much detail will not be material to planning since it will be covered by permits and licensing requirements set out in other legislation. On this basis the proposal is considered to satisfy policy CLP13 of the local plan.

6.10 Coal mining and land stability

6.10.1 Policy CLP14 of the Local plan refers to Unstable and Contaminated Land and states *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.

6.10.2 The planning application includes both a Geo-Environmental Phase 1 report and a Coal Mining Risk and Mitigation Report prepared by GeoMatters Consulting Engineers.

6.10.3 The Phase I Geo-Environmental report considers the potential for land contamination in so far as the potential for contamination where the canal has been backfilled, and particularly around the former gas works on Bellhouse Lane. With regard to the backfilling of the canal the report refers to the fact that when the canal was decommissioned across the Puddlebank, the primary means of doing so was to bulldoze the banks outwards (rather than infilling the channel), as the resulting

material was used to raise other local areas suffering from mining subsidence. Thus, for the large part of the route, the actual amount of backfill material is very limited. In so far as contamination the report recommends that chemical testing of soils will be required.

- 6.10.4 The site sits entirely within a Coal Mining Reporting Area, and significant lengths are within a Development High Risk Area. Past mining is recorded with 31 no. coal seams recorded to have been worked beneath the site from a depth of 5m to 352m and the last of which was worked in 1985. There are likely to be numerous unrecorded shallow workings present along the site and it is known that the land along the Doe Lea valley has been subject to mining subsidence of up to 4.5 metres in places. There is also a recorded mine entry in the south east of the site. A desktop enhanced Coal Mining Risk Assessment has been carried out which concludes that there remains a risk of surface movement due to recorded and possible unrecorded mine workings and recommends intrusive ground investigations to be undertaken prior to the detailed design.
- 6.10.5 The Councils Environmental Health Officer has considered the reports provided and has confirmed that no objections arise.
- 6.10.6 The Coal Authority confirm that their records indicate that the site is in an area of recorded and likely unrecorded coal mine workings at shallow depth and that a part of the site falls within a boundary of a site from which coal has been removed by surface mining methods and that the recorded mine entry to the southern corner of the site may have been removed by these works. The Coal Authority support the Geo-Investigation report and Coal Mining Risk Assessment which identifies a potential risk to the development proposals from past coal mining activity and which states that in order to wholly discount any risks posed by past coal mining activity intrusive investigations should be carried out on site. On this basis the Coal Authority raise no objection subject to the imposition of conditions requiring:
1. *intrusive site investigations to be carried out to establish the exact situation in respect of coal mining legacy.*

2. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been agreed.

6.10.7 It is considered that the issues in relation to ground conditions and coal mining legacy has been appropriately considered and which can be dealt with by conditions and which satisfies the requirements of policy CLP14.

6.11 Biodiversity and Impact on Protected Species

6.11.1 Local Plan policy CLP16 Biodiversity, Geodiversity and Ecological Network states;

‘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’*

6.11.2 The application is accompanied by an Ecological Impact Assessment (Peak Ecology Ltd), Protected Species Survey, (Peak Ecology Ltd) Phase 1 Habitat Survey and Preliminary Ecological Appraisal (Susan White) and Pond testing for Great Crested Newt DNA (Aecom/SureScreen Scientifics).

6.11.3 The site lies adjacent to Norbriggs Flash Local Nature Reserve (LNR), a small part of which will directly be impacted by the proposed development. Appropriate survey work has been undertaken and which confirms that there will need to be an area of compensatory habitat works along the Nature Reserve boundary with the proposed canal and that a badger sett will be affected and further survey work is

required. The surveys confirm there are no issues in so far as bats, Great Crested Newts, reptiles, amphibians and birds (provided vegetation is removed outside of the bird breeding season). Overall, the impact of the canal on the local biodiversity is considered to be relatively low so long as the mitigation and compensation measures are followed.

- 6.11.4 The restoration of the canal does however represent an opportunity to increase the biodiversity value of the area and provide a green corridor for local wildlife. The works will involve the creation of banks of soil along the canal route where compensation habitats can be included in order to encourage biodiversity. This should include the use of an appropriate grassland seed mix using British native species to provide habitats for pollinators and other insects. Scrub species including hawthorn are likely to self-colonise the area, due to their presence within the surrounding seed bank. However, additional planting should be undertaken to increase the diversity of scrub species, extending the flowering and fruiting periods. Native species should be used where possible including species such as hazel *Corylus avellana*, holly *Ilex aquifolium*, blackthorn, crab apple *Malus sylvestris* and elder. The submissions recommend that a Landscape and Environmental Management Plan (LEMP) is produced for the site detailing planting species and a minimum of five years habitat management.
- 6.11.5 Derbyshire Wildlife Trust (DWT) has reviewed the submissions and confirms that the assessments correctly identify the ecological interests. They note an area marked on the restoration plans for stockpile and fill that encroaches into the LNR and impacts on a small area of woodland. The same plan shows a flood compensation area option one that encroaches into an area of fen/mire woodland that is within the LWS and that this is ecologically valuable habitat and the LWS was recently extended to include this area. There is a flood compensation area option two shown on the plan which would be less of an impact and DWT advise that this option is chosen to avoid the impacts on the LWS and if possible the small area of woodland to the west of the LWS.

- 6.11.6 DWT recognise the value of the proposed restoration of the canal and the opportunities for biodiversity net gain through habitat improvements however appropriate precautions will need to be taken during works to safeguard existing habitats where practicable and associated species. DWT support the mitigation measures detailed in the Ecological Impact Assessment (EclA) (Peak Ecology, August 2020). In particular a Construction Ecological Method Statement (CEMP) will be vital to ensure the retention and protection of features of ecological value and this can be secured through a planning condition. DWT comment that an Ecological Clerk of Works will be essential to the successful implementation of the CEMP. DWT also support the suggestion in the initial Extended Phase 1 Habitat report to appoint an Environmental Champion within the Chesterfield Canal Trust to ensure that environmental/ecological considerations are taken into account at each stage of the works. To secure a net gain for biodiversity, DWT advise that a Landscape and Ecological Management Plan should be produced to detail specifications for habitat restoration, habitat creation and protected species enhancements and again this can be secured through a planning condition.
- 6.11.7 The Environment Agency (EA) similarly recommend a Construction Environmental Management Plan (CEMP) Biodiversity to demonstrate how construction related impacts of the development will be avoided. The EA comment that this approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. It is considered that conditions can be imposed which deal with the issues raised.
- 6.11.8 The conclusions reached is that the ecological and biodiversity issues relating to the site and proposals can be adequately addressed by planning conditions on any permission and which would comply with relevant planning policy CLP16.

7.0 REPRESENTATIONS

7.1

The application has been publicised by advert in the Derbyshire Times on 23rd July 2020 and by site notices along the site length on 17th July 2020. In response a total of 27 representation in support have been received. The following points have been raised:

- Policy support;
- Aspiration for a thriving borough - There are many developments current and pending that hinge of the canal's success. From the Waterside development to development opportunities along the Staveley corridor. Even though this application does not adjoin these sites, it is clear that their success is intimately linked to the completion of the full length of restoration. As a boater I know of many businesses that are keen to see the full length of the canal opened up to leisure traffic. The current terminus of the stretch of the canal linked to the rest of the system cannot compare to the welcome that visitors will get when they can complete the full length and moor up underneath the iconic Crooked Spire.
- Restoration of the canal in Staveley will be a valuable amenity for local residents and visitors – features which have been lost since the 60s – will encourage people to exercise;
- Crucial for Towns future;
- Facilitate tourism which will bring trade and revenue to local businesses and help with employment;
- Important link in the heritage restoration - putting back what has been lost;
- Agree fully with the arguments for the social, economic and environmental benefits of the scheme – including to South Yorkshire and North Nottinghamshire;
- Has significant educational benefits – the canal was used as an important resource in my education and I have used it very successfully as a teacher.
- A healthy and safe Borough - The Canal and River Trust stress the importance of the canal network to good mental health. Research is starting to show that if you visit canals and rivers regularly, you are naturally healthier and happier. This is certainly true of the impact the restored sections of canal have to our local communities. people enjoy the sections of canal

currently accessible. The opportunity to use the facilities make a great contribution to physical health, as well as their mental wellbeing;

- Canoeists, and disabled users (as it is flat along its length)
- Enriches the area and provides a much improved habitat and green space for wildlife;
- Provision of a clean, green and attractive Borough - Canal users are careful custodians of the canal;
- Visual improvements;
- The Cuckoo Way will be improved and safeguarded. It is often impassable – massive recreational opportunity;
- Property values in the vicinity will be enhanced;
- Impressed at the volume and high standard of work done by the volunteers of the Chesterfield Canal Trust including an excellent Planning Statement;
- As a board of directors for Monkey Park CIC, comprising a community hub, cycle workshop & co-working space - fully support the application which will be a good instigator of economic growth in the area - from tourism, the project will enable walking & cycling, boosting public health and there will be substantial wildlife & environmental benefits which will be delivered;
- I think it unclear that the safeguarding directive and plans give HS2 the grounds to object to the planning proposals as set out. HS2 seem to interpret the safeguarding directive as covering anything that might involve them in additional cost, at some unspecified point in the future. This seems a blanket, excessive use of the safeguarding powers, against the spirit of the legislation. As a canal user, I support the Canal Trust application, and think the HS2 objection should be checked to ensure it is not 'ultra vires'.

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. The applicant has a right of appeal against any conditions imposed.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, indeed policy CLP18 specifically relates to the restoration of the canal, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The Council has been involved in preapplication discussions on the project with the Chesterfield Canal Trust. 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 supporters will be notified of the Committee date and provided with an opportunity to address the committee on this report. The report informs all parties of the application

considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 The proposals are considered to very much accord with the policies of the Chesterfield Local Plan 2018-35 and the wider National Planning Policy Framework. In particular, the stretch of canal has been largely derelict and fallen into disrepair for many years and the proposals would facilitate the restoration of this 2.6km stretch of derelict canal to full navigable use for community recreational purposes linking into the wider canal network to the south from Chesterfield. The proposal accords with the requirements of policy CLP18. Furthermore Staveley is identified as a Regeneration Priority Area in the local plan and so the restoration of the canal would bring positive benefits to the area which would assist with wider regeneration proposals in the area, particularly at its southern end to complement development that has taken place around the Staveley Canal basin and large-scale development and regeneration proposals planned for the Staveley Rother Corridor Regeneration Area where, in both cases, new homes and businesses could be attracted by the waterside location that the canal offers. The scheme together with restoration works that have already taken place to the canal from Chesterfield would also contribute to and enhance the canal being a significant tourist attraction for the area with the extended stretch of navigable water for both leisure cruises and other visitor boat use.
- 9.2 The main change which has arisen in respect of the proposal concerns the relationship between the proposed canal and the route of HS2. The HS2 route is a safeguarded route and is a significant material consideration being a major infrastructure project which like the canal restoration is supported in policy terms. The revised scheme, whilst adding to the canal restoration difficulty and cost, is acceptable to HS2 in engineering terms (subject to detail) and which will allow both projects to be developed side by side.

9.3 The proposal appropriately deals with the material planning considerations which are raised and which brings about the prospect of significant public benefit gains in terms of biodiversity, heritage and opportunities for leisure, recreation and general health and wellbeing.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that 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.

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

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

- 9213-42-DCC-PL-100-B Site Location Plan
- 9213-42-DCC-PL-101-1-A General Arrangement
- 9213-42-DCC-PL-101-2 General Arrangement
- 9213-42-DCC-PL-101-3 General Arrangement
- 9213-42-DCC-PL-101-4 General Arrangement
- 9213-42-DCC-PL-101-5-A General Arrangement
- 9213-42-DCC-PL-102-1-A Field & Surface Water Drainage
- 9213-42-DCC-PL-102-2 Field & Surface Water Drainage
- 9213-42-DCC-PL-102-3 Field & Surface Water Drainage
- 9213-42-DCC-PL-102-4 Field & Surface Water Drainage
- 9213-42-DCC-PL-102-5-A Field & Surface Water Drainage
- 9213-42-DCC-PL-103-1 Cross Sections
- 9213-42-DCC-PL-103-2 Cross Sections
- 9213-42-DCC-PL-103-3 Cross Sections
- 9213-42-DCC-PL-103-4 Cross Sections
- 9213-42-DCC-PL-103-5 Cross Sections
- 9213-42-DCC-PL-104-1-A Footpath, Bridleway and Trail Networks
- 9213-42-DCC-PL-104-2 Footpath, Bridleway and Trail Networks

- 9213-42-DCC-PL-104-3 Footpath, Bridleway and Trail Networks
- 9213-42-DCC-PL-104-4 Footpath, Bridleway and Trail Networks
- 9213-42-DCC-PL-104-5-A Footpath, Bridleway and Trail Networks
- 9213-42-DCC-PL-200-1-B Mineral Rail Bridge (13b) and new canal lock (5b and 5c) General Arrangement
- 9213-42-DCC-PL-201-1 Trans-Pennine Trail Bridge 13c
- 9213-42-DCC-PL-202-1 Bellhouse Bridge 14
- 9213-42-DCC-PL-203-1 Doe Lea Aqueduct Bridge 14a
- 9213-42-DCC-PL-204-1 Packsaddle Bridge 15
- 9213-42-DCC-PL-205-1 Red Bridge 16

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

3. Development shall not commence in those areas identified as being at risk of instability until intrusive site investigations have been carried out to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with policy CLP14 of the Chesterfield Local Plan 2018-35.

4. Where the findings of the intrusive site investigations (required by condition 3 above) identify that coal mining legacy on the site poses a risk to surface stability, development shall not commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason - To fully establish the presence and / or otherwise of any coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site in accordance with policy CLP14 of the Chesterfield Local Plan 2018-35.

5. Development shall not commence on any particular phase or area of the site until a site investigation / phase 2 report for that phase or area of the site has been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

The site investigation / Phase 2 report shall document the ground conditions of the site and establish the full extent, depth and cross-section, nature and composition of any contamination. Chemical analysis, identified as being appropriate by the phase 1 desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods and all technical data shall be submitted to the Local Planning Authority.

A detailed scheme of remedial works shall be submitted if the investigation reveals the presence of contamination and the scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed.

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

The restored canal hereby approved shall not be brought into use until a written Validation Report confirming that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.in accordance with policy CLP14 of the Chesterfield Local Plan 2018-35.

6. No development shall take place on any particular phase or area of the site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority for that particular phase or area of the site. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”, to include all designated sites (pLWS, LWS, LNR).
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of safeguarding any ecological interests which may exist on the site in accordance with policy CLP16 of the Chesterfield Local Plan 2018-35 and the wider requirements of the NPPF.

7. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development on any particular phase or area of the site. The LEMP should combine both the ecology and landscape disciplines and include the following:
- a) Description and evaluation of features to be managed, including full details of habitats to be restored and created upon completion of works.

- b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
 - i) Locations of roosting features, nesting features and habitat piles (include specifications/installation guidance/numbers)
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason - In the interests of safeguarding any ecological interests which may exist on the site in accordance with policy CLP16 of the Chesterfield Local Plan 2018-35 and the wider requirements of the NPPF.

8. Within 3 months of commencement of the development on any particular phase or area of the site, details of a soft landscaping scheme for that phase or part of the site shall be submitted to the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details, which are agreed in writing by the local planning authority shall be carried out in accordance with the implementation programme.

Reason - The condition is imposed in order to enhance the appearance of the development in the interests of the area as a whole in accordance with policy CLP15 of the Chesterfield Local Plan 2018-35.

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

Reason - The condition is imposed in order to enhance the appearance of the development in the interests of the area as a whole in accordance with policy CLP15 of the Chesterfield Local Plan 2018-35.

10. Within 3 months of commencement of the development on any particular phase or area of the site, details of a hard landscaping scheme for that phase or part of the site shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours, means of enclosure and minor structures such as furniture, refuse or other storage units, signs and lighting. The details agreed in writing by the local planning authority shall be carried out as approved as part of the approved development.

Reason - The condition is imposed in order to enhance the appearance of the development in the interests of the area as a whole in accordance with policy CLP15 of the Chesterfield Local Plan 2018-35.

11. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref February 2020 / CKJ -JBAU-XX-00-RP-

HM-0001-S1-P02-Chesterfield_Canal_FRA / JBA Consulting) and the following mitigation measures it details.

The Aqueduct soffit levels shall be set at a minimum of 53.85m AOD and such mitigation measures shall be fully implemented prior to an operational use of the canal within the application site and which shall subsequently be retained and maintained thereafter for the life of the development.

Reason – In order to prevent increased risk of flooding by ensuring there is no blockage or diversion of flood waters in accordance with CLP13 of the Chesterfield Local Plan 2018-35.

12. The development hereby permitted shall not be commenced until such time as a scheme to ensure a detailed design for the compensatory flood storage has been submitted to, and approved in writing by, the local planning authority. The agreed scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – In order that the site is drained in a sustainable manner without detriment to the surrounding environment and to prevent increased risk of flooding in accordance with CLP13 of the Chesterfield Local Plan 2018-35.

13. No construction works in the relevant area (s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the sewers and associated Waste Water Treatment Works for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand - off or protection measures are to be achieved via diversion or closure of any sewer, the developer shall submit evidence to the Local Planning Authority that

the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason - In the interest of public health and maintaining the public water supply in accordance with policy CLP11 of the Chesterfield Local Plan 2018-35.

14. Within 3 months of commencement of the development a management and maintenance plan of the Canal within the application site shall be submitted to the Local Planning authority for consideration. The details agreed in writing by the local planning authority shall be implemented as approved as part of the approved development.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into the proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority.

- 15 A verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority prior to the restored canal being brought into use. This shall 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.

- 16 Development shall not take place on any particular phase or area of the site until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing. The scheme shall include:

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the agreed archaeological Written Scheme of Investigation.

Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CLP21 of the Chesterfield Local Plan 2018-35 and the wider NPPF.

17

Prior to the installation of any new bridge in the scheme, full details and specifications shall be submitted to the Local Planning Authority for consideration. These details shall include materials of construction, including any salvaged materials. Only those details, or any amendments to those details as may be required, which receive the written approval of the Local Planning Authority shall be constructed on site and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason – In order to secure appropriate detail to enhance the appearance of the development and in the interests of the area as a whole in accord with policy CLP20 of the Chesterfield Local Plan 2018-35.

18. Details of the new TPT bridge (13c) required under condition 16 above shall include the specification to conform with British Horse Society guidelines.

Reason – To ensure the interests of horse users are safeguarded in the interests of public safety.

19. No development shall take place on any particular phase or area of the site until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period on any particular phase or area of the site. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors;
- b. transportation of materials to the site;
- c. loading and unloading of plant and materials;
- d. storage of plant and materials used in constructing the development;
- e. the erection and maintenance of security fencing including and decorative displays and facilities for public viewing, where appropriate;
- f. any wheel washing facilities required;
- g. measures to control the emission of dust and dirt during construction and
- h. a scheme for recycling/disposing of any waste resulting from demolition and construction works.

Reason – In the interest of a health environment and highway safety in accord with policy CLP14 of the Chesterfield Local plan 2018-35.

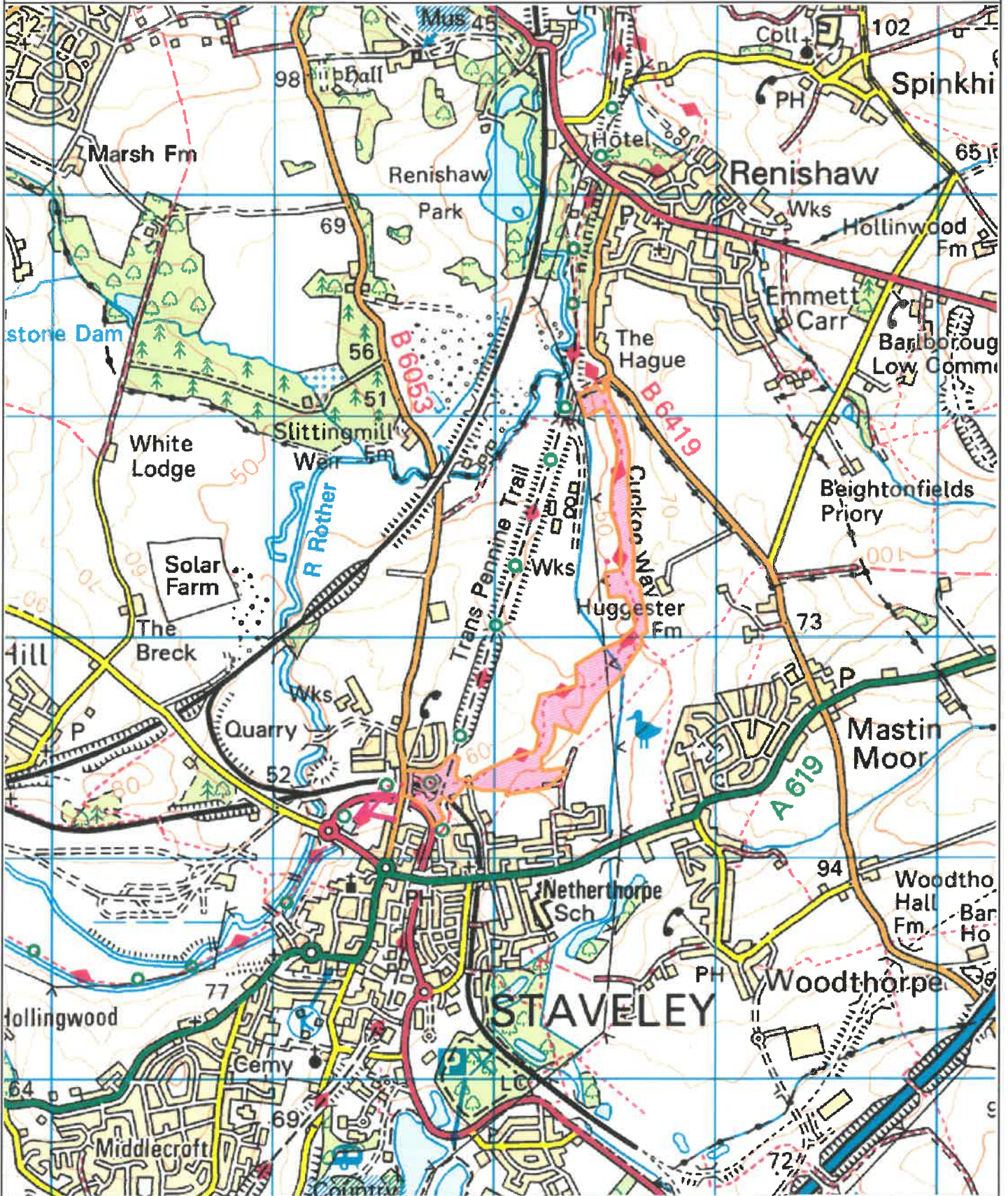
Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. The applicants attention is drawn to the advisory notes attached to the Lead Local Flood Authority letter dated 11th November 2020.
4. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
5. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should

not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

6. The detailed design for the compensatory flood storage areas should ensure that these areas do not prevent any future aspirations of river restoration / channel realignment to the north of the canal embankment, where palaeochannels are still visible within the floodplain. Construction of the canal offers an opportunity to coordinate with a joint Environment Agency National Trust project looking to improve habitat and morphological status for the River Doe Lea, which has been straightened in past years, potentially contributing to its hydromorphological status and helping to achieve the objectives of the Water Framework Directive (WFD).
7. The applicant is advised that the various diversions of the public rights of way will require a formal Diversion Order which will be required to be completed prior to the diversion works being undertaken.



CHESTERFIELD
BOROUGH COUNCIL

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Chesterfield Borough Council Licence No. 100018505 (2017)



Scale 1:23824

This page is intentionally left blank

Item 2

PROPOSAL: ERECTION OF A SINGLE DWELLING WITH ACCESS OFF ERRINGTON ROAD on LAND TO THE REAR OF 92 FOLJAMBE AVENUE, WALTON, CHESTERFIELD.

1.0 **CONSULTATIONS**

Ward Members:	3 comments received from local councillors, all objections
Local Highway Authority:	No objection subject to conditions related to visibility, adequate parking, gates and incline of drive.
Chesterfield Design Services:	No objection, subject to separate drainage systems utilised.
Environmental Health:	No objection subject to conditions related working hours and air quality.
Coal Authority:	Fundamental Concern, as no coal mining report provided.
Forward Planning:	No objection subject to conditions related to water efficiency, electric charging and biodiversity net gain.
Representations:	28 objections received from the residents of 27 separate local residences. See Report.

2.0 **THE SITE**

- 2.1 The application site presently forms part of the rear garden curtilage to no. 92 Foljambe Avenue within an area which is exclusively residential in nature.
- 2.2 The site lies directly adjacent to the western end of Errington Road. Immediately adjacent to the site's southern boundary is a footpath which runs east to west linking Errington Road with Foljambe Avenue.
- 2.3 The site measures approximately 20 metres in length by 8 metres in width and measures 0.016 hectares. The application site's northern and southern boundaries kink slightly in line with the extent of the existing residential curtilage.
- 2.4 The site is bound to the north by an approximately 1.8 metre to 2 metre high hedgerow and to the south has a 1m high wooden fence, but prior to this a hedge was on this boundary. The site's western boundary has a 2m high wooden fence. The site's eastern boundary is open to the road and has a 2.5-3m high fence in place with the neighbour at no.29 Errington Road. The applicant has already subdivided the garden curtilage of the existing dwelling with a 2 metre high close-boarded fence to create and separate the plot of land subject to this application.
- 2.5 With regard to land levels the site itself is relatively flat with only a slight drop in levels from the host dwelling to the eastern boundary.
- 2.6 The western end of Errington Road that would access the site is used for parking along the southern side and western end by local people, and has several driveways off it.
- 3.0 **RELEVANT SITE HISTORY**
- 3.1 CHE/16/00101/OUT - Outline application for a two storey detached dwelling – Refused – 12/04/16
- 3.2 This application was at outline application with all matters reserved and the only drawing provided was a site plan: The application was refused permission for the following reasons:
- 1) The properties along Foljambe Avenue follow a fairly regular built footprint where there is a reflective consistency between the positioning of each dwelling, the length of the rear gardens and

their relationship with the properties along Gilbert Avenue and Errington Road. In the opinion of the Local Planning Authority, the erection of a two storey dwelling on the application site would significantly erode this established pattern of development in the area. Whilst it is acknowledged that the size, layout and nature of the properties on Gilbert Avenue and Errington Road contrast with those on Foljambe Avenue, it is considered that the limited size and shape of the application site, in combination with half of the site frontage overlapping the front boundary of no. 29 Errington Road, would render the proposal a cramped in and incongruous form of development to the detriment of the character and appearance of the area. Accordingly, this application is considered to conflict with the design objectives of Policy CS18 of the Chesterfield Borough Local Plan: Core Strategy (2013) and the advice contained within the Council's SPD 'Successful Places' (2013) and the NPPF, in particular Chapter 7.

2) In the opinion of the Local Planning Authority, the application site is of an insufficient size and shape to accommodate a two storey dwelling whilst adequately protecting the neighbouring residential amenity. In seeking to meet the required space standards for distance between dwellings and private amenity space would result in a dwelling being located close to the eastern boundary with Errington Road which would lead to an unacceptable impact on the residential amenity of no. 29 Errington Road through loss of sunlight and a massing effect. In addition, a two storey dwelling on the narrow site would result in a significant massing and overshadowing effect on the rear garden of no. 90 Foljambe Avenue and a likely loss of privacy to adjoining properties on Foljambe Avenue through the first floor window arrangement. Accordingly, the proposal is contrary to the requirements of Policy CS18 of the Core Strategy (2013) and the advice contained within the Council's 'Successful Places' SPD (2013) and the National Planning Policy Framework (2012).

3) Whilst the frontage width adjacent to the highway technically provides sufficient vehicular access to the site, the approach to it from Errington Road would be at an unconventional angle across the footpath that surrounds the cul-de-sac and close to the end of a footpath that links Errington Road with Foljambe Avenue. The Local Planning Authority considers that this situation is unacceptable in terms of pedestrian safety which is exacerbated as the site is too constrained to provide space within the site to exit

in a forward gear. As there is no turning facility provided at the end of Errington Road a vehicle leaving the property will have to complete an excessively long reversing manoeuvre into Gilbert Avenue. This is considered inappropriate bearing in mind the relatively high level of pedestrian activity in the vicinity owing to the location of a public footpath between nos. 92 and 94 Foljambe Avenue. Accordingly, the proposal is considered contrary to the requirements of Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy (2013) to the detriment of pedestrian and highway safety.

4) In the opinion of the Local Planning Authority, the narrow plot and the need to provide adequate distances between dwellings and the garden standards, it is unlikely that any more than one off-street parking space would be possible resulting in the likelihood of on-street parking to the further detriment of highway safety concerns identified above. Accordingly, the proposal is considered contrary to the requirements of Policy CS18 of the Chesterfield Borough Council Local Plan: Core Strategy (2013) to the detriment of pedestrian and highway safety.

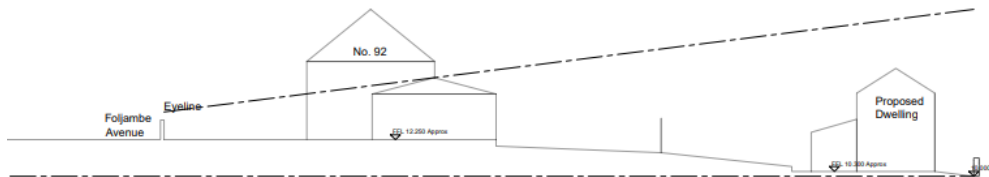
5) The application site is located within a defined Coal Mining Development High Risk Area where records indicate that there are coal mining features and hazards within the application site and surrounding area. The application has not been accompanied by a Coal Mining Risk Assessment Report to address any risks posed by past coal mining activity. It has therefore not been demonstrated that the application site is safe, stable and suitable to accommodate the proposed development, in accordance with Policy CS8 of the Chesterfield Local Plan: Core Strategy (2013), the national planning guidance contained within paragraphs 120 and 121 of the National Planning Policy Framework (2012), and section 45 of the National Planning Practice Guidance.

4.0 **THE PROPOSAL**

4.1 Outline planning approval is sought to erect a detached dwelling within the rear residential curtilage of no. 92 Foljambe Avenue.

4.2 This application includes details of access making it clear that this would come from the western end of Errington Road but all other matters are reserved for subsequent consideration and approval.

4.3 The below drawings have been provided as part of the application:



4.3 Within the application form the description proposes a single dwelling, with no details of bedroom numbers or house storeys, but further in the form the applicant/agent has ticked the box which states that they're applying for a 2 bedroom dwelling. They have also stated that they're applying for a 2 bedroom dwelling in the supporting statement. The submission states that the scheme can provide 68 sqm of rear amenity space.

4.4 Due to the lack of further information many aspects of this application have to be assumed. Such as the number of parking spaces on site and how these would be accommodated into the wider scheme. From the above drawings the whole frontage is shown to be two storeys in height with a car port to the side to allow vehicles to pass through and park under. It would also have a single storey section to the rear (as supported by the cross section drawing).

4.5 No further information has been provided which shows its relationship with dwellings on Errington Road, with regards height or scale.

4.6 This application is different from the previously refused scheme in the sense that a two storey dwelling has not been applied for in the description, but it is implied from the drawings that this is what the intention is. Access would also be from Errington Road as there is no other way to enter the site. It is considered that the proposal is very similar to the scheme received in 2016. No coal mining report has been provided as part of this application.

5.0 **CONSIDERATION**

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.

5.2 **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)
CLP13	Managing the Water Cycle
CLP14	A Healthy Environment
CLP16	Biodiversity, Geodiversity and the Ecological Network
CLP20	Design
CLP22	Influencing the Demand for Travel

5.3 **National Planning Policy Framework (2019)**

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 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**

5.5 **Principle of Development**

5.5.1 The Council's Forward Planning Team provided these comments on the scheme:

As a location within the urban area, the principle of a single dwelling in this broad location is in accordance with the adopted Local Plan policies CLP1 and CLP2 – there are a range of key services within a reasonable walking distance.

The application is in outline only with all matters reserved other than access. The design criteria in policy CLP20 should be taken into account only to the extent that they are relevant at this stage. Under policy CLP20(g and h) development should provide safe vehicle access and parking and a safe, convenient and attractive environment for pedestrians.

The application is in outline only at this stage, but if permission is granted conditions will need to be put in place relating to:

- Electric Vehicle Charging (CLP22)*
- Application of the higher optional water efficiency standard (CLP13)*
- Biodiversity Net Gain (CLP16)*

5.5.2 The proposed development site is situated within walking distance from key services and is located on land that is currently utilised as residential curtilage. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and adheres to the policies CS1, CS2. Other aspects of the scheme are considered below.

5.6 **Residential Impact**

5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

- 5.6.2 The Council's SPD advises that the separation distances between the rear elevation of two dwellings directly facing one another should be 21 metres, that first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5 metres to the boundary of an adjoining residential garden, and that a modest 1 or 2 bedroom dwelling should have an outdoor amenity space of 50 sq. metres. These standards seek to protect the amenity of both existing dwellings and the amenity of the proposal in terms of overlooking and that they seek to provide a reasonable level of outdoor amenity space. Whilst this is guidance with some element of flexibility, it is considered that the standards should be met in this instance, particularly as the site comprises land which is not previously developed (garden land) and lies within an established residential area. In this case the application is applying for a 2 bedroom scheme but this is dependent on the details of a future reserved matters application.
- 5.6.3 Bearing in mind the above standards, a modestly sized dwelling (i.e. based on the size of the existing host dwelling) would inevitably be positioned within close proximity (some 2-3 metres) of the eastern boundary with no. 29 Errington Road and the public highway. In this regard, it is considered that the proposed two storey dwelling would have a detrimental impact on the amenity of no. 29 Errington Road in terms of massing and overshadowing effects. It would be positioned directly to the south of the lounge and bedroom windows of this dwelling, which would then have significant levels of overshadowing in the afternoons. In addition, the proposal would have a significant adverse impact on the amenity of no. 90 Foljambe Avenue in terms of the massing effect caused by the erection of a two storey building tight up to the boundary and, as a result a significant loss of sunlight, particularly as the proposal is on the southern side of the rear garden curtilage to no. 90.
- 5.6.4 Notwithstanding an achievement of the 21 metre garden depth in a detailed proposal, owing to the relatively narrow application site, the first floor windows would inevitably cause an unacceptable loss of privacy to both nos. 90. 92 and 94 Foljambe Avenue, particularly into the private amenity space to the rear of those properties. Due to the angle of the proposed dwelling and site levels the overlooking impact would be considered worst to the rear garden of the existing dwelling and no.94.

5.6.5 On the basis of the above, despite the outline nature of the application, it is inevitable that a two storey dwelling on the plot would conflict with the requirements of Policies CLP14 and CLP20 of the Local Plan and the advice contained within the 2019 NPPF (paragraph 127) which states that planning decisions should ensure that developments have a “high standard of amenity for all existing and future users” and chapter 3.11 (Amenity) of the Council’s SPD ‘Successful Places’.

5.7 **Design and Visual Impact**

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

5.7.2 The application has been made on an outline basis with most matters reserved for future consideration. As such, it is not possible to assess the detailed design of the proposal at this stage. That said, a two storey dwelling is proposed and the extent and context of the application is known.

5.7.3 The properties along Foljambe Avenue follow a fairly regular built footprint, where there is a reflective consistency between the positioning of each dwelling, the length of the rear gardens and their relationship with the properties along Gilbert Avenue and Errington Road. In this context, it is considered that the proposal in the rear of no. 92 will interrupt the consistency in length of the rear gardens along this particular section of Foljambe Avenue which will in turn interrupt the open character and definitive division between the built footprint along Foljambe Avenue and the built footprint along Gilbert Avenue and Errington Road. Approval of such a development is likely to result in a proliferation of properties along Foljambe Avenue (particularly in the rear garden of no. 94) looking to divide their existing garden spaces for similar development proposals to the further erosion of the regular pattern of development in the area.

5.7.4 Notwithstanding the above, it must be acknowledged that there is a clear contrast between the pattern of development on Errington Road/Gilbert Avenue in comparison to Foljambe Avenue.

However, as well as not integrating with the pattern of development on Foljambe Avenue, it is considered that the proposal would also appear as a cramped form of development when viewed from Errington Road, not least through the frontage of the proposal overlapping the front garden curtilage to no. 29 Errington Road. The proposal is considered to be contrary to the Council's SPD 'Successful Places' which advises, inter alia:

- Developments should create places of character based upon an appreciation of the site and surrounding area, responding positively to its natural and built context (para 3.5.1), and
- Developments should support local distinctiveness by taking the opportunities available to integrate the proposal into the site, its setting and the way it relates to the local area (para 3.5.8).

5.7.5 As discussed in detail in later sections of this report, the size of plot also places a significant restriction on the positioning of any dwelling considering the need to provide a safe and adequate level of off-street parking and meet the required garden standards to avoid an adverse impact on neighbouring amenity. In this context, there are not considered to be any options available to position a two storey dwelling on the application site in order to avoid a cramped appearance.

5.7.6 Accordingly the proposed scheme would be likely to appear out of keeping and incongruous in the street scene, and harmful to visual amenity, which is contrary to the Council's Supplementary Planning Document 'Successful Places' (section 3.16 Building Design), Policy CLP20 of the Chesterfield Borough Local Plan and paragraph 130 of the revised National Planning Policy Framework.

5.8 **Highways Issues**

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

5.8.2 The proposal includes access from Errington Road as part of this application. This part of the road is utilised for parking along the southern side and western end by local people, which results that the street is often a one lane road. It is unclear how this site would be accessed by construction and delivery traffic, as due to the

layout of Gilbert Avenue and Errington Road the area is sensitive to increased parking levels and larger vehicles to the area accessing the site.

- 5.8.3 The Local Planning Authority has consulted with Derbyshire County Council's Highways Authority on the scheme and they did not object to the proposal, subject to conditions related to visibility, adequate parking space provided, gates and an acceptable gradient of the drive. For context on this application, the Highway Authority has not visited the site (for covid reasons) and they haven't commented on any further details of the proposal, such as the lack of visibility when leaving the site due to the lack of ownership of the majority of the eastern boundary, lack of turning on site and evidence of how this part of Errington Road is used for parking at present. No discussion has occurred on pedestrian safety either. As no in-depth comments/discussion have been provided it is unclear if this has occurred, and what weight should be given to these comments, if any.
- 5.8.4 The parking spaces provided on site allow space for 2 vehicles, which in theory is an acceptable level of parking spaces for a 2 bedroom dwelling. This depends on the size of the space offered and its surroundings. The space would be 9.6m in length by 2.6m in width and it would have a boundary treatment on either side (solid walls from the dwelling to the north and south). The parking space size standards for open sided spaces is 4.8m by 2.4m, as these allow space for door opening to either side. Within the conditions listed by the highway authority they stipulate that parking spaces should be increased in width by 0.5m per side when there is a bounded wall, which ensures that the spaces provided in this situation should be 3.4m in width, which is similar to the standards required of garages (3m minimum). These spaces shown on the indicative plan fall below these requirements and are not considered to be practical or acceptable. It is accepted however that the dimensions of parking spaces on site can be a details dealt with at a later stage.
- 5.8.5 Approximately half of the eastern boundary of the application site lies directly adjacent to both the front garden of no. 29 Errington Road and half adjacent to the public highway. Whilst the width of 3.5 metres adjacent to the highway technically provides sufficient vehicular access to the site, due to the proposed indicative site layout only 2.8 - 3m would be utilised, as this would enter the car

port area. The approach to that point would be at an angle across both the footpath that surrounds the cul-de-sac and the end of a footpath that links Errington Road with Foljambe Avenue. This situation is unconventional and is considered unacceptable especially bearing in mind the limited space to manoeuvre into the site owing to the likely position of the dwelling close to the eastern boundary of the site.

- 5.8.6 Moreover, as a result of the need to drive across the footpath, the above concern is exacerbated as the site is too constrained to provide space within the site to exit in a forward gear. As there is no turning facility provided at the end of Errington Road (outside no. 29), a vehicle leaving the property will have to complete a relatively long reversing manoeuvre into Gilbert Avenue or into the site. This is considered an excessive manoeuvre especially bearing in mind the relatively high level of pedestrian activity in the vicinity owing to the location of a public footpath between nos. 92 and 94 Foljambe Avenue.
- 5.8.7 One of the issues raised by local residents has been the impact of the proposal on users of the ginnel/jinny/snicket in-between Errington Road and Foljambe Avenue, as this would introduce a 2m wall/fence along this boundary as well as the two storey side wall of the dwelling, which would be an intensification of the built form of the area. As stated above, it would also introduce a potential negative impact on highway safety in the area, with vehicles potentially leaving the site with poor levels of pedestrian visibility and highways visibility and putting pedestrians at risk.
- 5.8.8 Accordingly, it is considered that the only access arrangements possible are unacceptable from a highway safety perspective despite the lack of an objection from the Highway Authority. In addition, the constrained nature of the site presents a difficulty in attaining the required level of adequate sized parking provision further exacerbating the highway safety concerns as on-street parking is likely to be necessary. The proposal therefore conflicts with the requirements of Policy CLP20 of the Local Plan which seeks the provision of adequate and safe vehicle access and parking (criteria g) and a safe, convenient and attractive environment for pedestrians and cyclists (criteria h), as well as CLP22, in relation to the scheme's negative impact on *“(t)he likelihood that any existing on-street parking problems in terms of*

highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse”.

5.9 **Biodiversity**

5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.9.2 No information has been provided in this regard. As the LPA has access to previously photographed evidence of the site, google streetview and evidence from local residents, it is clear that an existing mature hedge and other greenery on site has been removed prior to the submission of this application. It is unclear how/if the applicant would propose to replace this, but due to the constrained site and existing issues in providing adequate levels of parking and residential amenity on site, it is unclear how they would replace a mature hedge in terms of biodiversity loss. This issue would be addressed at a reserved matters stage normally, and this ensures that this issue will not be a refusible matter on the outline application.

5.10 **Developer Contributions**

5.10.1 The Council’s CIL Officer reviewed the application and highlighted that the site falls within the high charging zone. The CIL liability would be calculated at the reserved matters stage, based on proposed floorspace in the event that a detailed scheme were to be submitted.

5.11 **Coal mining risk**

5.11.1 The application site falls within the defined Development High Risk Area as confirmed by the Coal Authority.

5.11.2 The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards

which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mine workings at shallow depth.

- 5.11.3 The Coal Authority subsequently objects to the planning application, as no Coal Mining Risk Assessment Report, or equivalent, has been submitted as part of the application.
- 5.11.4 It is a requirement of the National Planning Policy Framework, paragraph 178 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore objects to this proposal.
- 5.11.6 Accordingly, the proposal is considered to conflict with the requirements of Policy CLP14 (A Healthy Environment) of the Local Plan and the advice contained within paragraphs 178 of the NPPF (2019) as there is no evidence to confirm that the development is appropriate in this location taking account of ground conditions and land instability.

5.12 **Flood Risk**

- 5.12.1 The site is not known to be at risk of flooding. CBC's drainage team have requested that the scheme would be developed using separate foul and surface water systems.
- 5.12.2 The planning system does not consider the capacity of local infrastructure such as drainage and water supplies as part on minor applications.

6.0 **REPRESENTATIONS**

- 6.1 The application has been advertised via a site notice and letters sent to surrounding local residents; these comments have been received.
- 6.2 28 comments have been received regarding the proposal from the residents of 27 different local residences generally on Errington Road, Foljambe Avenue and Gilbert Avenue and all of which object

to the proposal. The reasons for objection are impact of pedestrian safety (in particular the users of the footpath to Foljambe Avenue), the dwelling being out-of-keeping with other dwellings in the area and general character of the area, impact on parking in the area to the rear of the site, no ability for future residents to leave site in forwards gear, overdevelopment of site, unsafe vehicular safety during construction phase, unsafe vehicular movement into/out of site as no way to ensure vehicles travel in a forwards gear, increased traffic in area, impact on character of area by infilling this undeveloped garden, garden grabbing, having an overgrown garden is not a good reason for a dwelling to be sited in this location, large vehicles will not be able to access the site, the scheme sets a precedent for the area, existing parking situation on this part of street would impact safe and easy passage of residents from new dwelling, the existing gitty/ginnel will be negatively impacted the scheme, impact view from no.29 Errington Road, impact on privacy and impact view of residents of Foljambe Avenue, impact on nature diversity and water drainage, impact on sewerage infrastructure and the submitting of incorrect information in regards the removal of trees/hedges on site.

6.3 The above issues will be considered in the report.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

- The interference impairs as little as possible the right or freedom

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

8.2 The proposed development conflicts with the principles of the NPPF and the relevant Development Plan policies for the reasons given in the report above.

8.3 The conflict with Development Plan policies has led the LPA to conclude that the development does not fully meet the definitions of “sustainable development” having regard to the local character and amenity of the surrounding neighbours therefore a presumption on the LPA to seek to approve the application is not considered to apply.

9.0 **CONCLUSION**

9.1 The proposed scheme is considered acceptable in principle terms, due to its location in a residential area and access to local amenities. In relation to highway and pedestrian safety, land stability, design and residential amenity the proposed developed is considered contrary to policies CLP14, CLP20, CLP22 of the Local Plan and the NPPF.

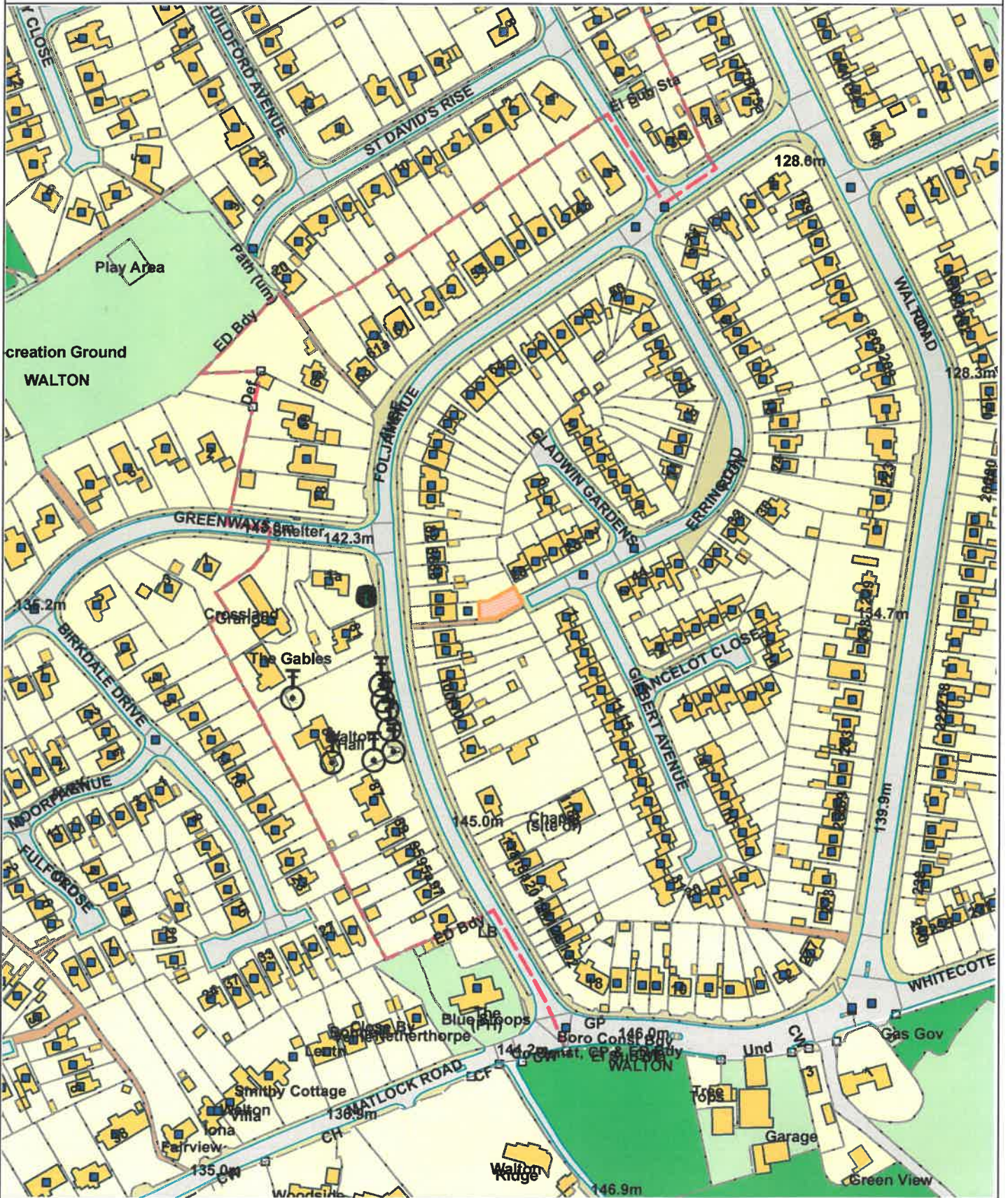
10.0 **RECOMMENDATION**

10.1 To refuse permission for the following reasons:

1. Insufficient information has been provided to properly assess any potential risk posed by unrecorded coal mining legacy at the development site and therefore the proposed development does not accord with the requirements of the paragraph 178 of the National Planning Policy Framework and the provisions of policy CLP14 of the Chesterfield Borough Local Plan 2018-2035.

2. The erection of a two storey dwelling on the application site would significantly erode this established pattern of development in the area on Foljambe Avenue. The limited size and shape of the application site, in combination with half of the site frontage overlapping the front boundary of no. 29 Errington Road, would render the proposal a cramped and incongruous form of development to the detriment of the character and appearance of the area. Accordingly, this application is considered to conflict with the design objectives of Policy CLP20 of the Chesterfield Borough Local Plan and the advice contained within the Council's SPD 'Successful Places' (2013) and the NPPF, in particular Chapter 12.
3. The siting of a proposed dwelling close to the eastern boundary with Errington Road would lead to an unacceptable impact on the residential amenity of no. 29 Errington Road through loss of sunlight and a massing effect. In addition, a two storey dwelling on the narrow site would result in a significant massing and overshadowing effect on the rear garden of no. 90 Foljambe Avenue and a loss of privacy to adjoining properties no's 90, 92 and 94 Foljambe Avenue through the first floor window arrangement. Accordingly, the proposal is contrary to the requirements of Policies CLP14 and CLP20 of the Core Strategy (2013) and the advice contained within the Council's 'Successful Places' SPD (2013) and the National Planning Policy Framework (2019).
4. The approach to the site from Errington Road would be at an unconventional angle across the footpath that surrounds the cul-de-sac and close to the end of a footpath that links Errington Road with Foljambe Avenue. The Local Planning Authority considers that this results in unacceptable risks to pedestrian safety which is exacerbated as the site is too constrained to provide space within the site to exit in a forward gear. As there is no turning facility provided at the end of Errington Road a vehicle leaving the property will have to complete an excessively long reversing manoeuvre into either Gilbert Avenue or the site. This is considered inappropriate bearing in mind the relatively high level of pedestrian activity in the vicinity owing to the location of a public footpath between nos. 92 and 94 Foljambe Avenue. Accordingly, the proposal is considered contrary to the

requirements of Policy CLP20 of the Chesterfield Borough
Local Plan to the detriment of pedestrian and highway safety.



CHESTERFIELD
BOROUGH COUNCIL

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 Chesterfield Borough Council Licence No. 100018505 (2017)



Scale 1:2382

This page is intentionally left blank

Item 3

PROPOSAL: OUTLINE APPLICATION FOR A SINGLE STOREY BUNGALOW TO INCLUDE RESERVED MATTERS FOR ACCESS. (DESCRIPTION AND DRAWINGS AMENDED 03/03/21) ON LAND AT 3 AND 5 CORDWELL AVENUE, NEWBOLD, CHESTERFIELD

1.0 **CONSULTATIONS**

Ward Members:	No comments received.
Local Highway Authority:	Commented on original and revised scheme – revised scheme comments - Requested further information regarding visibility, proposed gradient of new driveway, clarification of lighting column on street, turning circle for delivery vehicles and parking spaces.
Chesterfield Design Services:	The proposed dwelling should be raised and the existing public sewers on site require further investigations. The site should be developed using separate drainage systems. Further information required regarding soakaways.
Yorkshire Water Services:	No objection, subject to separate drainage systems utilised, and further information submitted regarding surface water drainage.
Urban Design Officer:	Verbal comments – supportive of revised scheme.
Environmental Health:	No objection subject to conditions related working

hours, air quality and land contamination.

Coal Authority:

Material Consideration, request the inclusion of conditions.

Forward Planning:

No comments provided.

Representations:

1 objection received for the original iteration of scheme.

2.0 **THE SITE**

- 2.1 The application site presently forms part of the rear garden curtilages of no. 3 and 5 Cordwell Avenue within an area which is exclusively residential in nature.
- 2.2 The site has the houses and gardens of two other streets to the north and south, with Kirkstone Road to the south and Monkwood Road to the north. To the east there is a garage site, which is accessed from Kirkstone Road.
- 2.3 The existing site consists of two semi-detached two storey dwellings and the gap in-between them. The rear gardens of the dwellings are approximately 30m in depth. The gap in-between the dwellings is approximately 4.5m. The dwellings are stepped down from the street by several metres and they currently have no off-street parking from Cordwell Avenue. No.3 Cordwell Avenue appears to have removed a fence panel to the rear boundary to allow access to the garage site to the rear and to allow vehicles into the rear of the site
- 2.3 The site of the proposed dwelling measures approximately 18 metres in length by 14.5 metres in width. The driveway to the highway would be approximately 25m in length and 4-4.5m in width. The existing dwellings would be left with gardens that would be 11m in length and 5.5m in width.
- 2.4 The site is bounded by mature 1-1.5m hedges to the north, south and through the middle of the site separating the existing gardens, as well a wooden fence separating the two dwellings closer to the houses. There is a 1.8-2m fence to the rear of the site. There are

also several mature trees on site including what appears to be an overgrown hedge to the rear of no.3.

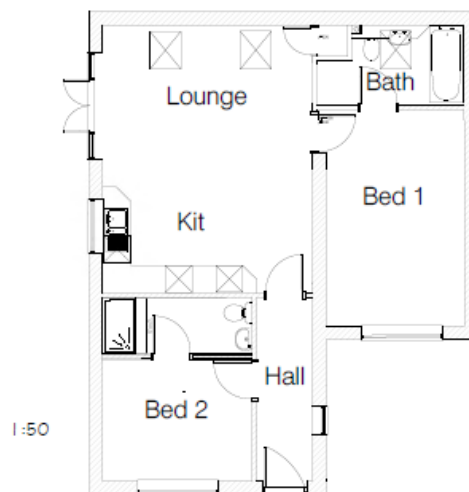
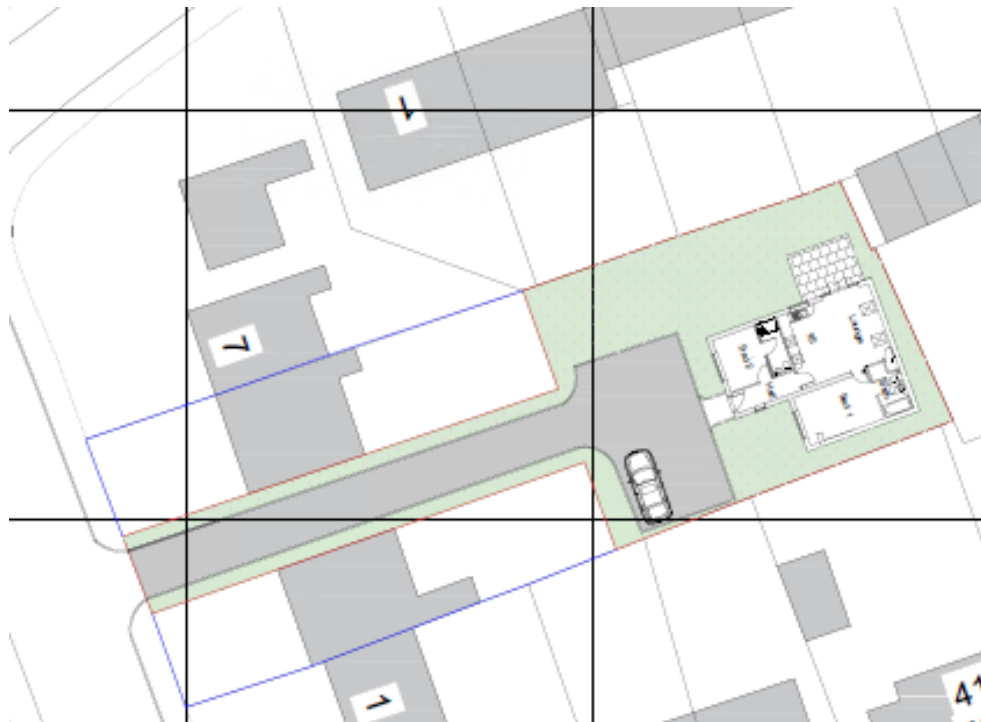
- 2.5 With regard to land levels the site itself is relatively flat to the rear, with an incline up to the street level on the proposed driveway area.
- 2.6 The bungalows to the north of the site have small gardens and are characterised by well-maintained 1m hedges to that surround their rear gardens.

3.0 **RELEVANT SITE HISTORY**

- 3.1 No relevant applications

4.0 **THE PROPOSAL**

- 4.1 Outline planning approval is sought to erect a single storey detached dwelling within the rear residential curtilage of no. 3 and 5 Cordwell Avenue.
- 4.2 This application includes access for consideration which would be from Cordwell Avenue and involve a driveway in-between the two existing dwellings. An indicative drawing has been provided with the application which shows a hipped roofed 2 bedroom dwelling positioned to the south-east of the site with a garden to the north side and parking and turning to the west of the housing area. All matters apart from means of access are reserved for approval at a later date.
- 4.3 The below drawings have been provided as part of the application:



4.3 Within the application form the description is for a single storey dwelling but with no details of bedroom numbers.

4.4 Further information such as scale, layout, appearance and landscaping will be considered in a reserved matters application. No information has been provided regarding boundary treatments, biodiversity on site or the access driveway.

4.5 This application does not include any details regarding future parking arrangements for no. 3 or 5 Cordwell Avenue.

4.6 The original scheme was for 2 two storey dwellings on site however after consultations with the applicant it was agreed to amend the scheme as proposed and make significant changes to it.

5.0 **CONSIDERATION**

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.

5.2 **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)
CLP13	Managing the Water Cycle
CLP14	A Healthy Environment
CLP16	Biodiversity, Geodiversity and the Ecological Network
CLP20	Design
CLP22	Influencing the Demand for Travel

5.3 **National Planning Policy Framework (2019)**

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 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' Residential Design Guide

5.5 **Principle of Development**

5.5.1 The Council's Forward Planning Team provided these comments on the scheme:

As a location within the urban area, the principle of a single dwelling in this broad location is in accordance with the adopted Local Plan policies CLP1 and CLP2 – there are a range of key services within a reasonable walking distance.

The application is in outline only all matters reserved other than access. The design criteria in policy CLP20 should be taken into account only to the extent that they are relevant at this stage. Under policy CLP20(g and h) development should provide safe vehicle access and parking and a safe, convenient and attractive environment for pedestrians.

The application is in outline only at this stage, but if permission is granted conditions will need to be put in place relating to:

- *Electric Vehicle Charging (CLP22)*
- *Application of the higher optional water efficiency standard (CLP13)*
- *Biodiversity Net Gain (CLP16)*

Community Infrastructure Levy

As a new dwelling, the proposed development would be liable for Community Infrastructure Levy. Exemptions can apply (for example for Custom and Self Build). The liability would be confirmed upon approval of reserved matters- at this stage an not should be added to any permission regarding the potential liability.

5.5.2 The proposed development site is situated within walking distance from key services and is located on land that is currently utilised as residential curtilage. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and adheres to the policies CS1, CS2. Other aspects of the scheme will be considered below.

5.6 **Residential Impact**

5.6.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.

5.6.2 The Council's SPD advises that the separation distances between the rear elevation of two dwellings directly facing one another should be 21 metres, that first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5 metres to the boundary of an adjoining residential garden, and that a modest 1 or 2 bedroom dwelling should have an outdoor amenity space of 50 sq. metres. These standards seek to protect the amenity of both existing dwellings and the amenity of the proposal in terms of overlooking and seek to provide a reasonable level of outdoor amenity space. Whilst this is guidance with some element of flexibility, it is considered that the standards should be met in this instance, particularly as the site comprises land which is not previously developed and lies within an established residential area. In this case the application is applying for a 2 bedroom scheme but the officer considers that (depending on the exact details of a future reserved matters application) that a 3 bedroom house could fit onto the site, in this case further parking spaces and a larger garden would be sought under the Council's amenity guidance and in relation to the character of the wider area.

5.6.3 Bearing in mind the above standards, a modestly sized single storey dwelling is considered to be able to fit on the site (as shown by the indicative drawing) This shows a dwelling with over 20m of separation with no.3 and 5 Cordwell Avenue and over 13m of separation to the dwellings to the north and south, bearing in mind there is likely to be a 1-2m boundary treatment. Over 50m of

private amenity space is also provided. No overshadowing or massing issues are caused by the proposal.

5.6.4 It is considered that the local area includes a clear character in the area for 1m plus hedges with clear sight into gardens. The officer considers that it would be unfortunate in the future if a future reserved matters or full application was received that ignored this characteristic, as this would have a negative impact on the residential amenity and character of the area.

5.6.5 On the basis of the above, the site is appropriate for erection of 1 single storey dwelling which would be possible on site, as shown on the indicative drawing. It would be acceptable with the requirements of Policies CLP14 and CLP20 of the Local Plan and the advice contained within the 2019 NPPF (paragraph 127) which states that planning decisions should ensure that developments have a “high standard of amenity for all existing and future users” and chapter 3.11 (Amenity) of the Council’s SPD ‘Successful Places’. This is subject to any further reserved matters or full application, which will provide more information in regards appearance, layout, scale, appearance and landscaping.

5.7 **Design and Visual Impact**

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

5.7.2 The application has been made on an outline basis with most matters reserved for future consideration. As such, it is not possible to assess the detailed design of the proposal at this stage. An indicative drawing has been provided that shows the possibility of a dwelling on site, which would be acceptable in relation to residential amenity. This drawing shows a hipped roof bungalow, which wouldn’t be viewed from Cordwell Avenue but would be highly visible from the surrounding dwellings who look out onto the rear gardens of this site. The proposal would be a big change to the existing open nature of the site including several mature trees. The principle has been shown to be possible on site, but further

details of the scheme will be considered at a reserved matters stage.

- 5.7.3 Accordingly the proposed scheme would be not be highly visible in the street scene, and acceptable to visual amenity, which is acceptable in relation to the Council's Supplementary Planning Document 'Successful Places' (section 3.16 Building Design), Policy CLP20 of the Chesterfield Borough Local Plan and paragraph 130 of the revised National Planning Policy Framework.

5.8 **Highways Issues**

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

- 5.8.2 The proposal includes access from Cordwell Avenue and provides parking and manoeuvring for 2 vehicles on site.

- 5.8.3 The LPA has consulted the Highways Authority for the scheme, they provided these comments on the revised scheme:
I refer to the revised details submitted in association with the above application which were referred to this Authority on the 2nd March 2021, for further consideration.
The submitted details propose a 2no bedroom detached bungalow with associated off-street parking and the creation of a new vehicular access from Cordwell Avenue.
It is noted that access is to be determined under this application.
The proposed vehicular access is the same in principle as what was previously proposed, therefore, in view of Cordwell Avenue being subject to a 30mph speed limit and part of a bus route, emerging visibility sightlines of 2.4m x 47m in both directions to the nearside carriageway level from the proposed vehicular access would be considered acceptable.
As the application site/proposed access slopes downwards from the public highway, it is suggested that the applicant provides details demonstrating that a suitable gradient can be achieved i.e. 1:20 for the first 5m from the nearside highway boundary and 1:12 thereafter. Along with construction details for the proposed vehicular access and the retention of the highway.
There appears to be an existing street lighting column on the footway fronting the proposed vehicular accessway which will be likely to require relocation, which will be at the applicant's expense.

As the proposed bungalow would be in excess of the recommended maximum mancarry distance of 25m from Cordwell Avenue, an area suitable for the standing and turning of a typical supermarket delivery type vehicle (typically measuring 9m x 9m) should be demonstrated clear of adequate parking provisions to serve the proposed bungalow.

There appears to be sufficient space within the site for the parking of 2no vehicles which is sufficient to serve a 2no bedroom dwelling. Each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence, etc.

I trust that you will ensure that the level of off-street parking provision satisfies the requirements of your own Authority's standards.

Therefore, it's recommended that the applicant is given opportunity to submit revised details demonstrating measures to satisfactorily address the above access issues.

However, if you are minded to determine the application in its submitted form, I would be grateful if you could revert back to the Highway Authority for any further comments.

5.8.4 It is considered that the existing site has no formal parking arrangements for either dwelling. Many dwellings in the area have suitable off-street parking arrangements such as a driveway and/or garage, including no.7 Cordwell Avenue. In this matter the proposed driveway would require significant groundworks to make it safe and have an acceptable gradient when joining the highway. In theory the concept of a driveway in a residential area is acceptable, but it is considered that a badly designed, unsympathetic driveway could have a negative impact on the character of the area and the existing site. It is also considered the existing dwellings use this area to enter the highway on foot and have no parking themselves, which ensures that this issue should be. A reserved matters application should include information about what it proposed for pedestrian access for the residents of no.3 and 5 though. This will need to provide details of the levels and materials proposed, as well as details of visibility and if any works are required for the street lighting column to the front of the site. It is considered that issues can be dealt with via conditions/a reserved matters application at a later date.

5.8.5 As previously mentioned in discussions for the application it could also be envisaged that the front gardens of no.3 and 5 could have

parking spaces on them, this would then lead to a situation where the existing front gardens would change from a soft landscaped area including steps to a whole frontage with hard surfacing and a raised platform, which would not be a positive change to the existing situation, as the surrounding dwellings with parking have included those works to the side of houses with minimal hard landscaping to achieve this. For clarity, any future proposals to provide parking to the frontages of no.3 and 5 Cordwell Avenue would require a separate application, as this is not part of this red line area.

5.8.6 The Highways Authority have requested a 9m by 9m area for turning for delivery vehicles; the officer considers that this would take a large amount of land for one dwelling, which is not reasonable in this case. Whilst this would be preferable the officer considers that there are many sites in the country with further distances to travel for 1 dwelling, and whilst not ideal, is acceptable on small sites.

5.8.6 Accordingly, it is considered that the access arrangements are considered to be achievable subject to further information submitted at later date. Two parking spaces are provided on site as well as manoeuvring so vehicles can leave in a forwards gear. The proposal therefore is acceptable with the requirements of Policy CLP20 of the Local Plan which seeks the provision of adequate and safe vehicle access and parking (criteria g) and a safe, convenient and attractive environment for pedestrians and cyclists (criteria h), as well as CLP22.

5.9 **Biodiversity**

5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.

5.9.2 No information has been provided in this regard. The site has several mature hedges and trees in place, none of these are

protected. As part of landscaping issues this will be considered at a reserved matters stage, and the officer considers that the existing baseline and proposed situation on site will be clearly defined and shown on site, ensuring that no biodiversity loss occurs.

5.10 **Developer Contributions**

5.10.1 The Council's CIL Officer reviewed the application and highlighted that the site falls within the medium charging zone. The CIL liability would be calculated at the reserved matters stage, based on proposed floorspace.

5.11 **Coal mining risk and ground contamination**

5.11.1 The application site is within the High Risk Area in respect of former coal mining activity. Policy CLP14 of the Adopted Local plan requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:

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

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

5.11.2 The application is supported by a Coal Mining Risk Assessment which has been considered by the Coal Authority. The report concludes there is a potential risk posed to the development from former coal mining activity. It is therefore recommended that intrusive site investigations are carried out on site in order to establish the risks/issues. On this basis the Coal Authority has recommended conditions to secure the appropriate investigations and remedial works or mitigation necessary to address the risks.

5.11.3 The Council's Environmental Health team has been consulted on the proposal and they have concluded that the site is within an

area of potential land contamination. They require the submission of a pre-commencement land contamination report to assess any issues on site.

5.11.4 On this basis the proposal is considered to meet the requirements of policy CLP14, subject to conditions.

5.12 **Flood Risk**

5.12.1 The site is in a low/medium area in relation to risk of flooding. CBC's drainage team and Yorkshire Water have been consulted on the scheme. CBC's drainage team requested that the proposed dwelling should be raised and the location of existing public sewers on site require further investigations. The site should be developed using separate drainage systems. Further information is required regarding soakaways also. Yorkshire Water Services had no objection, subject to separate drainage systems utilised, and further information submitted regarding surface water drainage.

5.12.2 Conditions can be included in a permission to ensure these issues are considered further prior to any future works. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

5.13 **Lighting, noise and air pollution issues**

5.13.1 The Council's environmental health team have commented that several conditions are required to ensure that the proposal doesn't lead a negative impact in terms of an increase in lighting, noise pollution from construction and air pollution from increased traffic. They are requested a restriction on unacceptable lighting to surrounding areas, the workings hours for construction and the inclusion of electric charging points into the scheme.

5.13.2 The requested conditions have all been included in this decision, to ensure that it is compliant with CLP14 of the Local Plan.

6.0 **REPRESENTATIONS**

6.1 The application has been advertised via a site notice and letters sent to surrounding local residents and 1 comment has been received regarding the original iteration of scheme. The resident objected and considered a 2 storey scheme could overlook them, it

could have parking issues, highways safety issues re parking, ground works affecting their property, impact on wildlife from removal of trees and impacting of view of residents of adjoining bungalows.

6.3 The proposal has been amended to be a single storey dwelling with parking/access for one dwelling. The others issues raised have been considered in the report.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

8.2 The Local Planning Authority have during and prior to the consideration of this application engaged in a positive and

proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 **CONCLUSION**

9.1 The proposal is in outline form only including access but with other matters reserved. The proposed development is considered to be acceptable in principle and the site is of an appropriate size and shape to accommodate one new dwelling without detriment to the street scene or the amenity of nearby properties. As such, the proposal accords with the requirements of Policies CLP1, CLP2, CLP3, CLP13, CLP14, CLP16, CLP20 and CLP22 of the adopted Local Plan and the National Planning Policy Framework subject to the imposition of relevant conditions.

10.0 **RECOMMENDATION**

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

Conditions

Reserved matters submission

1. Approval of the details of the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).

Time frame for reserved matters submission

2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

Time frame for commencement

3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or

before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.

Land Stability/Coal Mining Legacy

4. Prior to the submission of the reserved matters intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity (shallow coal workings / mine entry / opencast workings);

Reason - To protect the environment and ensure the stability of the site in accordance with CLP14.

5. The reserved matters application shall include:
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a layout plan which identifies the location of the mine entry, if found present within the site, together with the calculated zones of influence of the mine entry to define a suitable 'no-build' exclusion zone;
 - The submission of a scheme of remedial works / mitigation measures for the shallow coal workings and mine entry if found present within the site for approval

Reason - To protect the environment and ensure the stability of the site in accordance with CLP14.

6. Prior to the commencement of development the scheme of remedial works / mitigation measures outlined in condition 5 shall be undertaken in full.

Reason - To protect the environment and ensure the stability of the site in accordance with CLP14.

Land contamination

7. Concurrent with the submission of a reserved matters application, evidence that the site is suitable for use shall be

submitted to the Local Planning Authority for consideration and written approval. The evidence shall include the completion of

- a. *Phase 1/desk study* report documenting the previous land use history of the site.
- b. a *Phase 2/intrusive site investigation* where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
- c. a *Remediation Strategy (if necessary) and*
- d. a *Validation report*

All the reports a to c shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the development commencing. Part d. shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with CLP14.

8. If any part of the site is to be raised or filled using materials brought from outside the application site, the developer must provide documentary evidence that all such materials are free from levels of contamination that would be in excess of appropriate standards. In the event that no such evidence is available, the materials must be subjected to adequate chemical testing to demonstrate that the materials are suitable for their intended final use. All documentary evidence and/or sampling methodology and testing results shall be submitted to and agreed in writing by the Local Planning Authority prior to any material being brought onto site. No such materials shall be imported without prior approval.

Reason - In the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in

accordance with the advice contained in the National Planning Policy Framework and in accordance with policy

Hours of construction

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

Reason - In the interests of residential amenities.

Highways – details of site storage/compound

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

Reason - In the interests of highway safety and CLP22

Highways – submission of visibility splays

11. The reserved matters submission shall include detail showing the new vehicular access to Cordwell Avenue provided with 2.4m x 47m visibility splays in either direction, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason - In the interests of highway safety and CLP22

Highways – no gates or barriers

12. 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) there shall be no gates or other barriers on the existing or new

access.

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

Highways – gradient of access

13. The reserved matters submission shall provide a drawing which demonstrates an access driveway to Cordwell Avenue that shall be no steeper than 1:20 for the first 5m from the nearside highway boundary and 1:12 thereafter. This drawing shall show the levels in comparison to the surrounding gardens and what materials are proposed. The proposed works for the light column to the front of the access shall also be included in these drawings.

Reason - In the interests of highway safety in accordance with policy CLP22 and visual amenity in accordance with CLP20 of the Adopted Local Plan

Highways – parking provision provided prior to occupation

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

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

Electric charging provision

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

Reason - In the interests of reducing emissions in line with policies CLP14.

Biodiversity enhancement

16. Concurrent with the submission of landscaping details as part of a reserved matters application plans/drawings shall be submitted to the Local Planning Authority for written approval demonstrating a detailed biodiversity net gain plan for the development (or any phase of that development) and the creation of suitable habitat which enhances the ecological interest of the site with a maintenance plan, in line with guidance within Paragraph 175d of the NPPF. This shall include a comparison to the existing baseline situation on site and potential removal of mature hedgerows and trees. (This shall include the planting of native shrubs and trees such as rowan, bird cherry, birch, guelder rose, dogwood, hazel, goat willow, alder buckthorn or fruit trees such as apple and pear (all of these are beneficial for wildlife).

Reason - In the interests of ecology and policy CLP6.

Drainage

17. 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 and inline with CLP13.

Drainage

18. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a maximum rate of 3.5 litres per second.

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

Drainage

19. The reserved matters submission shall provide a drawing should show the 'site surveyed position' of the public surface water sewer. The drawing should show the required stand-off distance of 3.5 (three point five) metres is required at each side of the sewer centre-lines - or agreed diversion route. A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

Reason - In the interest of satisfactory and sustainable drainage and inline with CLP13.

Drainage

20. No individual dwelling approved as part of the reserved matters of the development shall be occupied until the requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

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.

Lighting

21. All lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties.

Reason – To ensure the development doesn't impact the residential amenity of surrounding residents in line with policy CLP14.

Informatives

1. On the Statutory Sewer Map, there is a 525 mm diameter public surface water sewer and a 375 mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, a stand-off distance of 3.5 (three point five) metres is required at each side of the sewer centre-lines and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer.

A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

2. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. As a last resort and subject to providing satisfactory evidence as to why the other methods of surface water disposal have been discounted, curtilage surface water may discharge to the 525 mm diameter public surface water sewer recorded crossing the site. The surface water discharge from the site to be restricted to not greater than 3.5 (three point five) litres/second.

3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street Works Act 1990 before any works are commenced to construct a dropped

crossover of a footway or verge a licence will be required from Derbyshire County Council. Details can be obtained from the Council's website or Highways Hub (highways.hub@derbyshire.gov.uk) and the applicant is advised to allow at least 6 weeks in any programme of works to obtain the necessary permission to undertake the works.

4. Pursuant to Sections 149 and 151 of the Highways Act 1980 it is an offence to allow mud or other extraneous material to be carried from a development site and deposited on the highway. Measures shall be put in place to ensure that this does not occur or if it does that appropriate measures are taken to cleanse the highway. The Highway Authority reserves the right to undertake street cleansing where the developer fails to do so and to recover the costs from them.

This page is intentionally left blank



CHESTERFIELD
BOROUGH COUNCIL

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Chesterfield Borough Council Licence No. 100018505 (2017)



Scale 1:2382

This page is intentionally left blank

Item 4**PROPOSAL: CHANGE OF USE FROM PUBLIC HOUSE (SUI GENERIS USE) TO RETAIL SHOP/ SUPERMARKET NOW (USE CLASS EA) AT DEVONSHIRE HOTEL, 17 OCCUPATION ROAD, NEWBOLD, CHESTERFIELD****1.0 CONSULTATIONS**

Derbyshire County Council Highways	Comments received – no objection, as an objection couldn't be sustained.
Strategy/Forward Planning	Comments received – see report
Environmental Health	No objection, subject to comments on working hours – see report
Design Services Drainage	Comments received – see report
Neighbours and Site Notice	74 public comments received, and a petition signed by 80 people. All objections to the proposal – see report
Ward Members	3 representations received, 1 supporting it, 2 objecting to it

2.0 THE SITE

2.1 The site subject if this application is the former Devonshire Public House/Hotel. The site comprises of a two storey, semi-detached building, orientated towards Occupation Road highway. The existing building is formed of a hipped roof and is faced in brick. The site has some interesting architectural features to the principle elevation, including curved topped windows at ground floor and a small feature window (see photographs). The site is served by a yard to the rear with access gates taken from Devonshire Villas, a small private road which forms the southern boundary of the site leading to residential dwellings to the east of the application site.



Principle (west) elevation of the site, taken from Occupation Road



Rear (east) elevation and south (side) elevation of the site, taken from Devonshire Villas



2.2 Aerial image of application site shows that in 2011 the premises lic been renewed since (application lic

Access to the rear yard taken from Devonshire Villas facing north west

2.3 The surrounding streetscene is largely residential in character, the site directly adjoins a commercial premise to the north which has been used as a chip shop (No 15 Occupation Road) and a small convenience store is situated to the north west of the site (Nos 2 and 4 Occupation Road). Surrounding residential dwellings are mixed in character, formed of traditional terraces, detached bungalows and semi-detached dwellings.

3.0 APPLICATION SITE PLANNING HISTORY

3.1 CHE/0996/0507 - Single storey flat roof extension for toilet – Conditional Permission -18/10/96)

3.2 CHE/19/00437/FUL - Change of use of public house into 4 one bed roomed apartments (revised plans received 22.08.2019) – Conditional Permission – 24/09/19.

This application was for the conversion of the building into four, one bedroom apartments including some changes to the building and parking and amenity space to the rear of the site.

4.0 **THE PROPOSAL**

4.1 The application is for the change of use from a public house (sui generis use) to a retail shop/supermarket (use class Ea). The plans only demonstrate the ground floor of the site, with no proposals shown on the 1st floor. The premises is 134 sqm in size and includes parking to the rear of the site for 4 vehicles and space for a delivery vehicle. These would require the removal an existing outbuilding and some of the existing boundary treatment to the rear.

4.2 The development would employ 2 people. No opening hours are included. Below are drawings of the proposed site (including the proposed parking).



5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

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

- CLP1 Spatial Strategy
- CLP2 Principles for Location of Development
- CLP6 Economic Growth
- CLP9 Retail
- CLP10 Social Infrastructure
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 **National Planning Policy Framework**

- Chapter 2 Achieving sustainable development
- Chapter 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural environment

5.4 **Key Issues**

- Principle of development
- Design and Appearance – including Impact on the Amenity of Future Occupiers and Neighbouring Impact
- Highways safety, parking provision and cycle storage;
- Flood risk and drainage;
- Community Infrastructure Levy (CIL);

5.5 **Principle of development:**

5.5.1 The site is situated within the built settlement of Newbold, in an area which is largely residential in nature.

5.5.2 Having regard to the nature of the application policies CLP1, CLP2, CLP6, CLP9, CLP10, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan 2020 2018-2035 and the National Planning Policy Framework (NPPF) apply.

5.5.3 The **Strategy/Forward Planning team** provided further comments on the proposal

The proposal does not fall within a local centre but is situated within the built-up area (CLP3) and falls within walking and cycling distance of the Whittington Moor District Centre and therefore accords with the Spatial Strategy set out in Policy CLP1, which focuses new development within walking distance of key services as set out in Policy CLP2. The proposal also utilises existing development space,

preserving land of environmental and agricultural value (CLP2 b).

The conversion would result in the creation of a new retail unit in a location that is considered to be 'out of centre' (it is neither within a defined centre or within 300m of the edge). It would also result in a loss of social infrastructure, however the loss of the pub has been accepted through application (CHE/19/00437/FUL). The key policy considerations are therefore the application of the sequential assessment required by paragraph 86 of the National Planning Policy Framework (NPPF) and Policy CLP9 (Retail) as presented within the adopted Local Plan.

Policy CLP9 requires a sequential approach to retail and other town centre uses in accordance with national policy. It also creates an exemption from the requirement for 'Individual small shops designed to serve local day to day needs' subject to the consideration of the impact test thresholds set out within policy CLP9. The application is less than the threshold (at 134m²) and a 'supermarket' offering convenience goods would meet the description of 'day to day needs'.

It is important to note that retail units now fall within the 'E' use class. Any future retail use at this site (that is not designed to cater for day to day needs) may need a sequential assessment due to the out of centre location. It is recommended that the applicant is asked to either confirm that they are willing to agree to a restriction on the use (to convenience retail) by condition, or if they wish to take

advantage of the Class E flexibility, submit a sequential assessment in line with CLP9.

Based on the proposed convenience use, the development is acceptable in principle in this location.

Biodiversity Net Gain - The NPPF (para. 170) requires plans and planning decisions to contribute to and enhance the natural and local environment by; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Local Plan policy CLP16 accordingly requires a net measurable gain in biodiversity.

Although the application is low impact and would result in limited disturbance to biodiversity, evidence is required to demonstrate that a net gain in biodiversity will be achieved. Should permission be granted, the biodiversity measures will need to be secured by condition.

Influencing the Demand for Travel - In terms of the amount of parking, the council does not have adopted minimum or maximum standards. Policy CLP22 sets criteria for consideration of the appropriate level of parking for a scheme. It is not clear from the site plan as to whether any parking will be made available for customers. If off street vehicle parking spaces are provided, provision for electric vehicle charging will need to be secured by condition.

CIL - The application proposes new retail floorspace and is therefore CIL liable (charged at £80 per sq. m index linked). Existing floorspace can be deducted where conditions about existing lawful use are met.

Summary:

In principle the proposed conversion to a convenience retail unit is acceptable in this location however controls may be necessary to limit the scope of uses within the E Class.

5.5.4

The principle of the scheme is acceptable in relation to the unit being used as a convenience store. A sequential test may be required in the future if the unit is used as anything other than a convenience store. As detailed above the principle of the loss of the public house was considered previously in the application CHE/19/00437/FUL, and the establishment has been vacant for approximately 10 years now. Conditions can be included in relation to biodiversity and restricted of use of the store for alternate uses.

5.6 Design and Appearance – including Impact on the Amenity of Future Occupiers and Neighbouring Impact

- 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 proposal does not include any significant changes to the existing building. The existing building is in a poor state of repair and is boarded up; the proposal would bring the building back into use and would enable the site to be improved in all ways. This ensures that the proposal would offer an improvement to the current situation and is acceptable in terms of visual amenity and policy CLP20.
- 5.6.3 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours. This includes noise, disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading and other environmental impacts.
- 5.6.4 The proposal doesn't include any significant changes to the external appearance of the building, such that issues like outlook, overlooking and shading are not relevant in this case. Excluding construction works, dust and odour levels would not be impacted by the development.
- 5.6.5 The issues of noise and disturbance could be relevant, as the proposal would bring people to the street to use the unit, but in the context of the previous use as a public house and existing shop and chip shop on the street it is not considered that this unit would bring a significant increase in noise and disturbance to what has previously occurred and exists at present.
- 5.6.6 The issue of traffic and highway safety is considered in the below highways section
- 5.6.7 Having consideration for the observations above and taking into account the historic use of the site, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal therefore accords with the

provisions of policies CLP14 and CLP20 of the Local Plan and the NPPF.

5.7 Highways Safety, Parking Provision and Cycle Storage

5.7.1 The Local Highways Authority **Derbyshire County Council (DCC) Highways** Team were consulted on the proposal and they did not object to the proposal, partly due to the previous approval for a change to flats. In relation application CHE/19/00437/FUL they provided the following comments;

‘Occupation Road is one way at this point with traffic approaching from the north westerly direction. The proposed parking would be served off what is indicated as a shared drive although this is not shown as being included in the area the subject of the application or within the ownership/control of the applicant. You may, therefore, wish to consider whether access would be available.

In addition, however, although this would not be an ideal situation as there is a fair amount of existing on-street parking the shared drive is of restricted width and in view of the limited parking provision and small scale development it may be preferable the development be provided without off-street parking provision. Presumably any future occupants will be aware of the lack of parking provision.

5.7.2 The previous application included 3 parking spaces for 4 flats and it was considered in that case that it was a better solution to offer as many off-street parking spaces as possible, so not to add to existing busy on-street parking situation.

5.7.3 In this case the scheme offers 4 off-street parking spaces and includes temporary space for delivery drivers. It is considered that in the previous case there was an existing area that was capable of safely accommodating 3 parking spaces, and this was a better solution than all future residents utilising on-street parking. In the previous use as a public house the rear yard area was unlikely to have been regularly used as a car park area, partly because the entrance into the site looks small and difficult to manoeuvre into/out of. The majority of people who visited the establishment would have walked or driven and parked on the adjacent streets.

5.7.4 Occupation Road is a one-way road and it is only safe to park vehicles (whilst allowing space for vehicles and pedestrians to pass

safely) on the western side of the road. The service road to Devonshire Villas to the south of the site is a narrow one-way lane which is acceptable to use for regular users who are used to its layout and understand that it is a residential access road. It is considered that the proposed parking area to the rear is not a preferable option for customers and delivery drivers of the proposed shop. This is linked to its width and existing use and it is considered that the utilisation of this rear area by drivers who don't understand the residential use of the access route including safely manoeuvring into and out of the car park area, that there is a high chance of causing a highway safety issue> This will be the case if parking occurs on the lane for short periods whilst accessing the shop or causing an issue if more than one car wants to enter and exit the site at the same time. It is also considered that this space is not suitable for deliveries for similar reasons. Delivery drivers can utilise on-street parking to the western side of the road, as parking in front of the store would lead to a blocking of the road for vehicles and footpath for pedestrians. If this application is approved this area should not be used for parking and it should be clearly signalled on the side of the building that it's for residents only.

- 5.7.5 The officer is unclear what the existing impact is on the street that comes from drivers who visit the existing shop and chip shop. Due to the nature how customers use these services they would either visit the units on foot or drive and park for short periods. It is envisaged that users of the proposed shop would also utilise it in the same manner as the existing shop. The officer considers that it is unlikely that residents from outside the local area will drive to the new shop specifically, as convenience stores tend to be fairly similar in the services they offer. Instead, the proposed shop would lead to competition to the existing shop for local customers, and they would continue driving or walking as they currently do resulting in no significant increased traffic flow to the street.
- 5.7.6 The issue of the safe parking of vehicles and the blocking of pavements, is not a planning issue, but one for the police/highways authority.
- 5.7.7 The unit could include cycle parking for 3 bicycles to encourage residents to bike to the shop and safely park their bicycles to the rear of the unit. A condition can be included that requires the submission of additional information in relation to their location and design.

5.7.8 The scheme is considered to be acceptable in relation to CLP20 of the Local Plan subject to the inclusion of conditions in relation to the proposed car parking area to be removed from the scheme for customers and deliveries. Electric Vehicle charging points are not required for the scheme as no parking is being sought. It is also recommended that a condition be imposed requiring the applicant to comply with the site storage compound as detailed on the submitted plan.

5.8 **Flood Risk and Drainage**

5.8.1 The application submission indicates the developer's intention to connect to existing mains drainage. Consideration is therefore required of the provisions of policy CLP13 of the Local Plan.

5.8.2 The application has been reviewed by the Council's **Design Services Drainage team** and the following comments were provided;

5.8.3 *'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps.
It is noted the developer may dispose of surface water via soakaways. We would require infiltration tests of the sub-soils be carried out and sizing calculations provided, prior to approval, to ensure that soakaways are a suitable means of disposal for this site. These must be designed in accordance with BRE Digest 365 to ensure no flooding occurs during a 30 year design storm as a minimum.
Any new connections to the public sewerage system will require prior approval from Yorkshire Water.
Any amendments to existing drainage will require consent from Building Control'.*

5.8.4 **Yorkshire Water** was consulted on the proposal and no comments were received.

5.8.5 The application site consists of an existing building which previously operated as a public house with living accommodation at first floor level. The proposal development is not considered to be substantially different to existing arrangements with regards to drainage and flood risk. It is recommended that a condition is included that requires more details in regards the proposed

soakaway on site, to ensure it accords with the requirements of policy CLP13.

5.9 **Biodiversity**

- 5.9.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the borough’s ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 5.9.2 During the application the agent was asked to provide additional information in relation to biodiversity measures on site. The applicant has supplied a response stating that they will put up 2 bird boxes onto the existing building. Any additional work would be completed after construction finishes on site.
- 5.9.3 The proposed development is considered to be a minor development and does not result in the loss of an existing species rich habitat area. Some level of biodiversity net gain is considered to be necessary to accord with policy CLP16 of the Local Plan and the NPPF, therefore a planning condition will be attached to any decision issued to ensure the application provides the agreed biodiversity net gain measures, as a result of the proposed development. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

5.10 **Community Infrastructure Levy (CIL)**

- 5.10.1 The development comprises the change of use of the ground floor of a vacant public house. The Council’s Forward Planning Team provided these comments:
“The application proposes new retail floorspace and is therefore CIL liable (charged at £80 per sq. m index linked). Existing floorspace can be deducted where conditions about existing lawful use are met. The Infrastructure Planning Officer should be consulted regarding any previous uses.”
- 5.10.2 The proposal has been vacant for several years and no information has been provided in relation to CIL liability. As the proposal is a

new retail space the Council's CIL charging schedule requires that a charge of £80 per square metre of gross internal floorspace can be applied. Existing floorspace can be deducted where conditions about existing lawful use are met.

5.10.3 The CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

	A	B	C	D	E
Proposed Floorspace (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
134	134	£80 (Retail)	333	288	£12,395 if unable to demonstrate lawful use period

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).

5.10.4 In respect of the above calculation the existing floorspace of the public house can be discounted from the CIL liability, if the floorspace remains in a lawful use for a period of no less than 6 months in the last 3 years (from the date the development becomes CIL liable).

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and a site notice. 74 comments have been received by members of the public and a petition objecting to the proposal, which is signed by 80 people.

The following comments have been made:

- The side road to the south of the pub is narrow, and members of the public could park here, which would block access to the dwellings for residents and emergency vehicles.
- Another shop is not required in the area or on the street.
- The parking situation and traffic on the street is difficult at present and the proposal would make it worse.
- Too much noise
- Policy – loss of community facility

- Proposed parking to rear of site is not realistic and side road is not suitable for this kind of usage.

6.2 **Ward members comments**

Councillors Marriott and Caulfield– objecting to the proposal because there are enough retail facilities in the area and traffic issues.

Councillor Simmons – supports proposal - Pleased to see this as the building is an absolute eyesore, and has been broken into several times.

6.3 **Officer comments** – The above comments have been noted. The issues of highway safety, parking, loss of community facility will be considered elsewhere in the report. The impact of increased competition on existing businesses is not a planning issue and cannot be considered in this report.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

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

with paragraph 38 of the February 2019 National Planning Policy Framework (NPPF).

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

8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 CONCLUSION

9.1 Having consideration for the observations above and taking into account the historic use of the site and approved use, the proposal is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours or a significant impact to highway safety. On the basis of the submitted documents, the proposal is acceptable in relation to the provisions of policies CLP1, CLP2, CLP14, CLP16, and CLP20 of the Local Plan and the NPPF.

10.0 RECOMMENDATION

10.1 That a CIL Liability notice be issued as per section 5.10 above.

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

Conditions

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

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

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment.
 - Location Plan
 - Existing and Proposed Plans

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

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

Reason – *In the interests of highway safety.*

4. The permission hereby granted does not extend to the use of the courtyard area to the rear of the premises for customer parking provision or for delivery vehicles attending the property. Details of a signage scheme referring to the lack of on site parking facilities for customers and delivery vehicles shall be submitted to the local planning authority for consideration. The signage scheme shall also refer to parking restrictions on the side access track. The scheme agreed in writing shall be implemented on site in advance of the first opening of the retail outlet and which shall be retained and maintained as such thereafter.

Reason – *In the interests of highway safety and residential amenity.*

5. Details of parking for 3 bicycles on site shall be submitted to the local planning authority for consideration. The details agreed in writing shall be implemented on site prior to the opening of the business and shall thereafter be maintained throughout the life of the development free from any impediment to their designated use.

Reason – *To ensure cycle storage is provided and retained as part of the development.*

6. 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.*

7. Within 2 months of the completion of the development hereby approved, the proposed biodiversity measures (2 bird boxes) shall be implemented on site. These measures shall be retained and maintained thereafter in accordance with the scheme so approved.

Reason - *In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework.*

8. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting these Orders with or without modifications) , the premises shall be used as a convenience store only and for no other purpose, including any other activity within the same class of the schedule to that Order.

Reason - *In the interests of the amenities and highway safety of the occupants of adjoining dwellings, in relation to policies CLP14 and CLP20.*

Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

2. Attention is drawn to the Council's 'Minimum Standards for Drainage'.
3. Please note that this permission is issued together with a separate Community Infrastructure Levy (CIL) Liability Notice, to which the developer should also refer. The developer should note the terms of the CIL Liability which is triggered upon commencement of development.

Further information can be found on the Council's website using the following web address www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx or alternatively please contact the Infrastructure Planning Officer (Rick Long) on 01246 345792.

4. In accordance with condition 7, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:

- bird/owl/bat boxes

(Locating your nestbox:

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

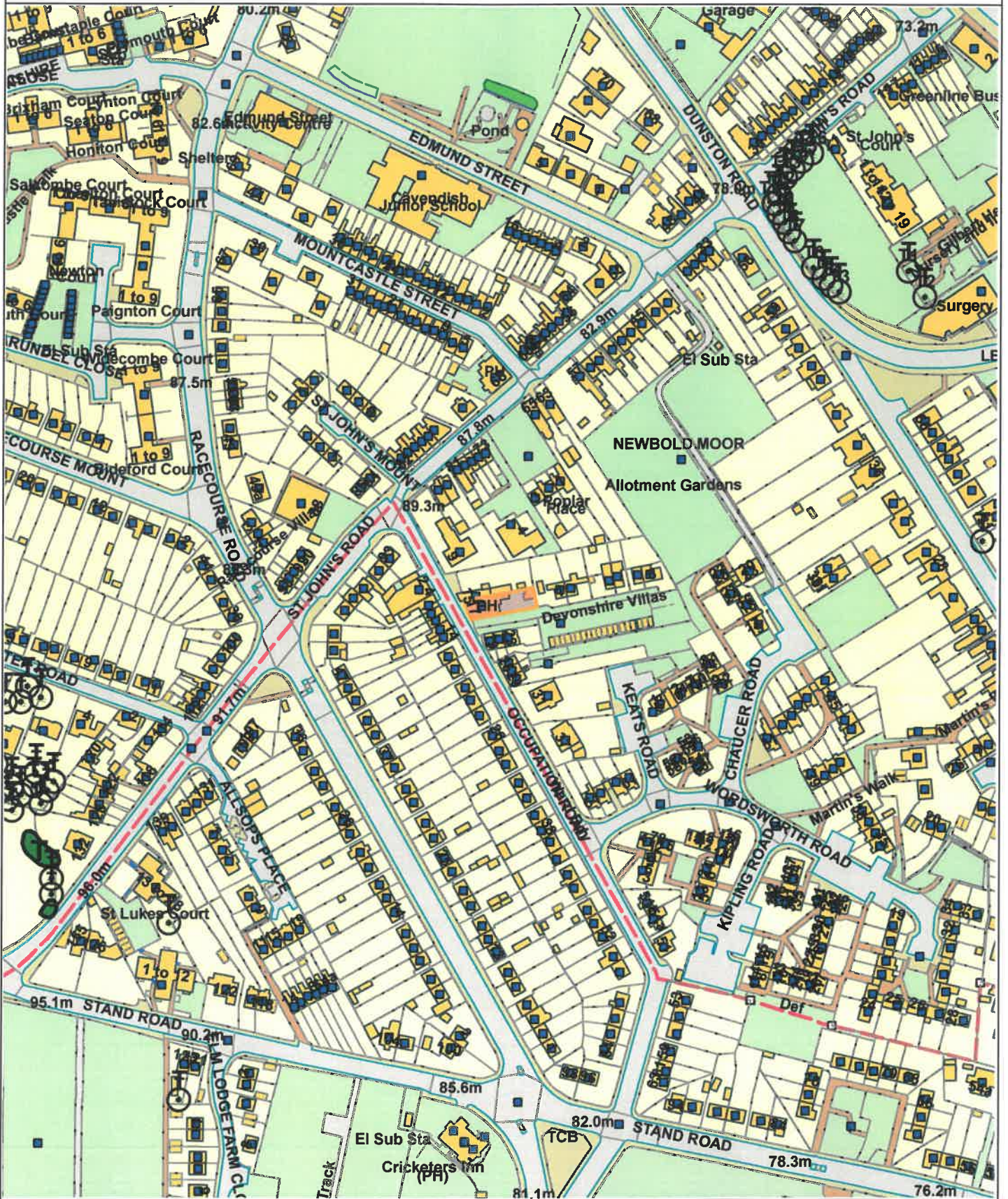
You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is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

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

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

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

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance



CHESTERFIELD
BOROUGH COUNCIL

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Chesterfield Borough Council Licence No. 100018505 (2017)



Scale 1:2382

This page is intentionally left blank

ITEM 5

RESIDENTIAL DEVELOPMENT OF 2 THREE BEDROOM DORMER BUNGALOWS. REVISED DRAWINGS RECEIVED 21.09.2020. REVISED DRAWINGS RECEIVED 22.01.2021 AT 62 BELLHOUSE LANE, STAVELEY, S43 3UA FOR M D STAPLETON (DEVELOPMENTS) LTD

Local Plan: Unallocated, within the built up area of Staveley

Ward: Lowgates And Woodthorpe

1.0 CONSULTATIONS

Ward Members	No comments received
Staveley Town Council	No comments received
The Coal Authority	No objection subject to a condition requiring intrusive site investigations, implementation of remediation and mitigation measures (if required) and the submission of signed statement or declaration by a suitably competent person confirming that the site has been made safe and stable for the approved development to be submitted to the Local Planning Authority for written approval.
Strategic Planning	The principle of residential development in this location is in accordance with the adopted Development Plan (Local Plan Policies CLP1 and CLP2 to a greater degree). The proposal is acceptable in principle subject to it meeting the relevant policy criteria including the requirement of an archaeological desk-based assessment of the site. If permission is granted conditions should be imposed covered water efficiency standards, electric charging provision and biodiversity enhancements.
Estates (Chesterfield)	No formal comments received

Borough Council)

Environmental Health	No objection subject to conditions covering hours of construction, electric charging provision and requirement for a land contamination assessment with investigation and remediation (if required) and validation report for written agreement.
Design Services Drainage	Site not at risk of flooding, presence of a public rising main within site which may require easement and consultation with Yorkshire Water. Connections to public sewerage network will also require prior approval from Yorkshire Water.
Yorkshire Water	Request for conditions to be attached to the decision to protect local aquatic environment and Yorkshire Water infrastructure including; separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority if discharge to public sewer is proposed information shall include evidence that other means of surface water drainage have been properly considered and why they have been discounted and the means of discharging to the public sewer network at a rate to be agreed.
Derbyshire Wildlife Trust	There are no statutory or non-statutory sites within the boundary of the site. Norbriggs Flash Local Nature Reserve (also a designated Local Wildlife Site) lies around 30 to 40m to the east. We are also not aware of any protected species within the site or within 150m of the site. Overall we consider the likely impact on

biodiversity to be very low, but there could be a loss of trees and possible impacts on boundary features including hedgerows. The site plan has labelled the hedges as comprising laurel and Leylandii, but the eastern hedgerow appears to be more diverse than the northern or western hedgerows and may have other species in it. If the eastern hedgerow is to be affected by the development we would advise requesting a more detailed assessment. Equally if any buildings are to be demolished or renovated a preliminary bat roost assessment could be needed. We would advise that it may be possible to move the existing ornamental trees or if that is not possible that they should be replaced with new planting as a condition for planning consent. We would recommend that the existing boundary hedgerows and trees are retained.

CIL Officer

No comments received – CIL Form 1 provided

Chesterfield Canal Trust

No objections to the proposal and highlight that the site was formerly occupied by a gas works and may be impacted by land contamination. There was a canal basin immediately north of the site, and railway sidings to the east, it is possible that items of archaeological interest are present in the ground.

Local Highways Authority

Highlighted that an area of verge between the site boundary and paved margin does not form part of the existing highway nor is it demonstrated as being within the control of the applicant. On receipt of revised plans the Local Highways Authority confirmed that the dropped vehicular crossing will not need to be reinstated as footway as stated in the

original response. Conditions were requested covering the following; details of proposed access showing maximum achievable visibility splays in either direction, once agreed to be maintained throughout the life of the development free from obstruction, parking to be provided prior to occupation, details of site storage compound and parking during construction and a list of informative notes.

Derbyshire County
Council Archaeology

Concerns raised initially regarding the lack of an archaeological desk-based assessment of the site. On receipt of the required assessment DCC Archaeology confirmed that there would be no objections subject to a condition requiring a post-consent programme of archaeological recording covering archaeological monitoring of groundworks with some additional research-led work to assess and record the canal remains (initially to assess preservation with subsequent work depending on depth and significance though potentially recording of a profile and a trenched sample). A pre-commencement condition requiring a written scheme of investigation for written approval, development to be undertaken in accordance with the written scheme of investigation and the development shall not be occupied until the programme set out in the archaeological Written Scheme of Investigation approved under condition and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Representations

8 letters of representations received – summarised in report (see section 6.0)

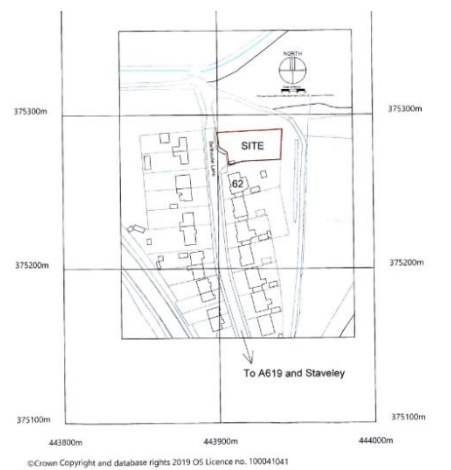
2.0

THE SITE

- 2.1 The site subject is situated on the east side of Bellhouse Lane and comprises of a garden and driveway serving No 62 Bellhouse Lane. No 62 is a detached single storey dwelling, faced in brick with concrete pan roof tiles.
- 2.2 The site is bound by allotment gardens to the west which is adjacent to Norbriggs Flash Local Nature Reserve. A public footpath (Staveley FP71) is present to the north of the site and runs along the former canal which is pending restoration. To the west of the site on the opposite side of the public highway is a temporary works compound for the canal restoration project. The surround streetscene to the south and south west is residential in character formed of single storey and two storey dwellings.
- 2.3 The site is in a sustainable location in walking distance of Lowgates East Local Centre and approximately 900m from Staveley Town Centre. The application site is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Aerial photograph of application site taken from Google © site outlined in red for illustrative purposes only



Extract of submitted location plan ©

- 2.4 The site subject of the application is situated to the north of No 62 Bellhouse Lane. The plot is broadly rectangular in shape with a small step to the western boundary. The site is approximately 0.1544 hectares in area (1544m²).
- 2.5 The application site comprises of a landscaped amenity space serving No 62, the site is level and mainly laid to lawn with mature shrubs around the boundaries and small ornamental trees (see

photos below). The boundary treatments comprises of solid timber fencing, concrete panels and a stone wall.



Photograph taken from Bellhouse Lane public highway facing north east



Photograph taken from public footpath facing south east towards the northern boundary of the site

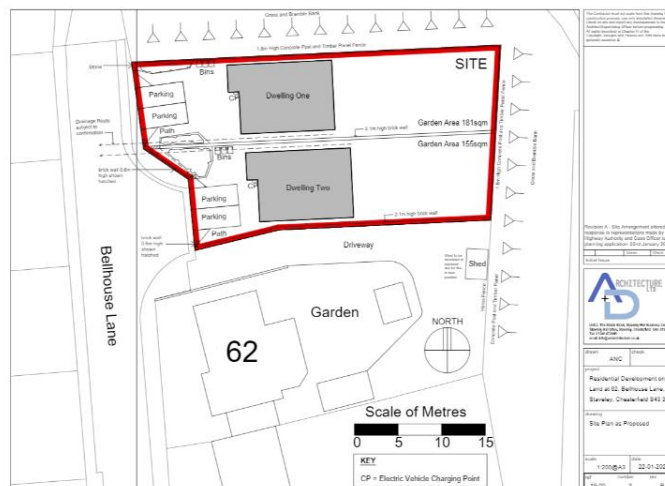
3.0 SITE HISTORY

3.1 CHE/1202/0734 - Conservatory to the rear at 62 Bellhouse Lane – **CONDITIONAL PERMISSION (09.01.2003)**

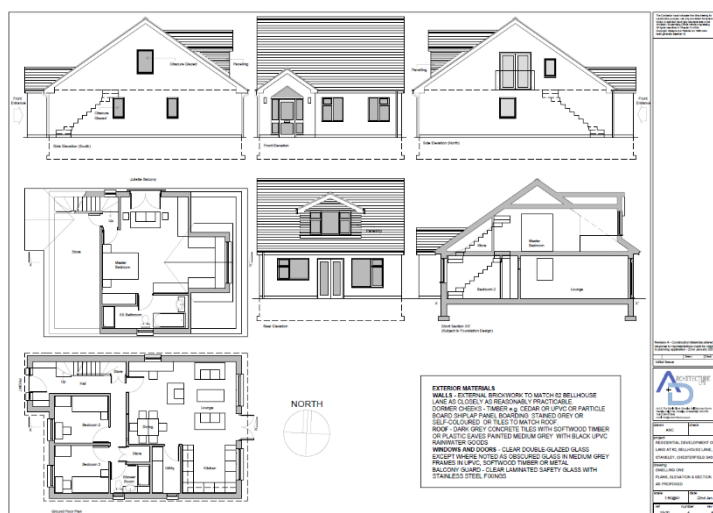
4.0 THE PROPOSAL

4.1 The application proposes the erection of two dormer bungalows to the north of No 62 Bellhouse Lane. Access to the site is taken from Bellhouse Lane public highway and the existing driveway serving No 62 will be retained.

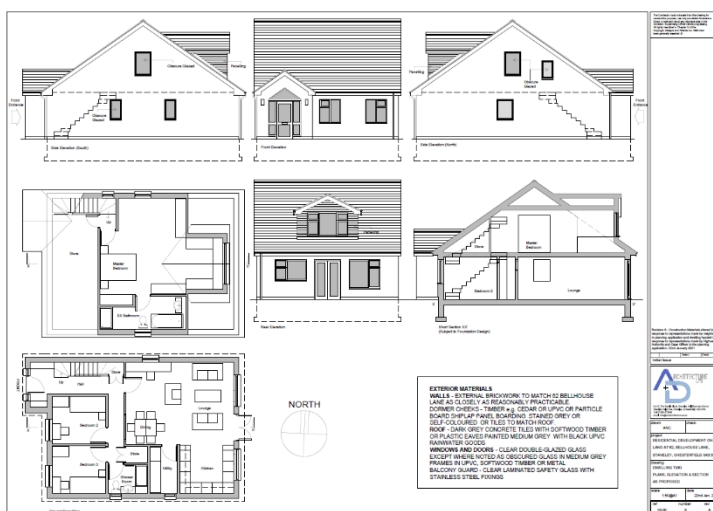
4.2 Revised plans submitted on 22.01.2021 propose an amended layout, moving the principle elevations of the proposed dwellings further west towards the public highway creating a staggered building line.



Extract of submitted layout plan ©



Proposed 'Dwelling One' Revision A ©



Proposed 'Dwelling Two' Revision A ©

4.3 The proposed dwellings are characterised by dual pitched roof forms with side gables and a single dormer window to the rear (east) elevation. The proposal measures 2.9m to the eaves and 6.7m to the ridge. The principle elevation features an intersecting dual pitched porch with feature glazing and two windows serving the ground floor bedrooms. Windows serving the shower room and ensuite bathroom of 'Dwelling Two' in the side (south) elevation facing towards No 62 Bellhouse Lane will be obscurely glazed. The east elevation features french doors and two windows serving the living space

4.4 The proposed dwellings are broadly rectangular in footprint with the same internal footprint. Each dwelling measures approximately

138sqm overall (including storage space in the eaves), the ground floor comprises of 2 bedrooms, with open plan kitchen/living space with a separate utility and downstairs w.c. The first floor features a main bedroom with en-suite bathroom served by a dormer window facing east towards the rear garden. 'Dwelling One' also benefits from a Juliette balcony within the north elevation facing towards the open space to the north.

4.5 The revised plans state that the dwellings will incorporate facing brick to match No 62 Bellhouse Lane with dark grey concrete roof tiles.

4.6 The application is supported by the following documents/drawings and is determined on this basis;

- Application form
- Site Location Plan, drawing number 19-20 1 (dated 01.06.2020)
- Site Plan as Proposed, drawing number 19-20 3 Revision B (dated 22.01.2021)
- Dwelling One Plans, Elevation & Section as Proposed, drawing number 19-20 4 Revision A (dated 22.01.2021)
- Dwelling Two Plans, Elevation & Section as Proposed, drawing number 19-20 5 Revision A (dated 22.01.2021)
- Design and Access Statement produced by A&D Architecture, dated 02.06.2020, reference 19-20
- Heritage Statement produced by Simon Johnson, dated March 2021, reference MCA 12-11-01/04
- Coal Mining Risk Assessment produced by Terry Lee Associates Structure Engineering Consultants, dated 15th August 2020, reference TLA/2815
- Preliminary Ecological Appraisal, produced by JJH Consulting, dated October 2020

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
- CLP3 Flexibility in Delivery of Housing
- CLP4 Range of Housing
- CLP13 Managing the water cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- ‘Successful Places’ Supplementary Planning Document

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal
- Impact on neighbouring residential amenity
- Highways safety, parking provision and air quality
- Flood Risk and drainage
- Ground conditions land contamination and stability
- Historic environment and archaeology
- Biodiversity including trees and landscaping
- Developer contributions and Community Infrastructure Levy
- Representations

5.5 Principle of Development

Relevant Policies

- 5.5.1 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.'

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

Considerations

- 5.5.3 The application site is unallocated and is positioned within the built form of Staveley therefore policies CLP1 and CLP2 are of relevance. The Planning Policy/Strategic Planning team reviewed the application and confirmed that the proposal would not be a departure from the Local Plan and would accord with the broad principles of the Local Plan policies and the NPPF. The proposal will not adversely impact the restoration of the Chesterfield Canal and the Chesterfield Canal Trust raised no objections to the scheme
- 5.5.4 The application site is located within walking and cycling distance of key services located in the defined Staveley Town Centre with access to public transport therefore the proposal is considered to accord with the principles of CLP1. The proposal would accord with criteria a, d, e, f and h of CLP2, criteria b is not met as the site is not considered to be previously developed land (the NPPF definition of previously developed land excludes residential gardens within built up areas). The proposal would introduce additional housing within the existing built up area of Staveley and therefore meets the

strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

5.6 Design and Appearance of the Proposal

Relevant Policies

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

Considerations

- 5.6.2 The application proposes the erection of two detached bungalows. Revised plans propose an amended layout bringing the principle elevation of the dwellings further west to create a staggered building line on the east side of Bellhouse Lane. The proposed dwellings fit comfortably within the plots at a density appropriate to the site context.
- 5.6.3 The proposed dwellings respond to the character and architectural style of the surrounding residential properties with dual pitched roof forms and a central ridge line. The proposal will introduce 1.5 storey dwellings which would successfully terminate the streetscene at the end of Bellhouse Lane.
- 5.6.4 Revised plans propose facing brick with dark grey concrete roof tiles. It is recommended that a condition be imposed requiring the submission of specific materials (roofing and walling) and windows prior to ordering.
- 5.6.5 The proposal will create a three bedroom dwellings which would each provide acceptable levels of living accommodation for future occupiers with a private amenity space which exceeds the minimum amenity space requirements as stipulated in the adopted Successful Places SPD (minimum requirement 70sqm). Full landscaping details have not been provided and therefore should be controlled by condition.
- 5.6.6 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause

adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21.

5.7 Impact on Neighbouring Residential Amenity

Relevant Policies

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

Considerations

- 5.7.3 The proposal will retain an acceptable separation distance between the proposed dwelling and surrounding residential dwellings. The proposal would therefore not result in undue loss of light or privacy as a result. Overall, due to the siting and orientation of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the other boundary sharing neighbours.
- 5.7.4 Obscure glazing is indicated for first floor windows in the south (side) elevation of 'Dwelling One' and the north and south (side) elevations of 'Dwelling Two' to reduce potential adverse impacts of overlooking/loss of privacy.
- 5.7.5 The Council's Environmental Health Officer reviewed the scheme and recommended a working hours condition to protect the residential amenity of the surrounding neighbours. It is recommended this be imposed by condition.
- 5.7.6 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on residential amenity of the adjoining neighbours. The proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.8 Highways Safety, 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 Local Plan policy CLP22 details the requirements for vehicle parking and seeks '*e) provision of opportunities for charging electric vehicles where appropriate.*'

Considerations

- 5.8.2 The Local Highways Authority were consulted on the scheme and initially highlighted that that the area of verge between site boundary fence and paved margin across the frontage of Dwelling 2 does not form a part of the existing highway nor is it demonstrated as being within the control of the applicant. Revised plans were subsequently submitted with amended access points, the Local Highways Authority were re-consulted and raised no objection, however they requested conditions be imposed on the decision as outlined in the original comments, including details of visibility splays, provision and maintained of off-street parking prior to occupation and details of proposed site storage/accommodation during construction.
- 5.8.3 The comments from the Local Highways Authority have been noted and no objections have been raised. It is necessary to note that due to the nature of the western site boundary and turning head within the public highway visibility splays for 'Dwelling Two' would extend across third party land and would not be achievable. The presence of a turning head would allow occupants to egress to the public highway with enhanced visibility due to the width of the turning head. The Local Highways Authority also highlighted that a parcel of land on the site frontage is not within the existing highway or within the control of the applicant (third party land). The submitted plans include pedestrian intervisibility splays and due to the location of the site at the end of Bellhouse Lane. It is recommended that a condition be imposed requiring boundary treatments on the site frontage being retained less than 0.6m in height (including vegetation). It is also recommended that conditions covering site storage/compound during construction and parking provision be imposed on the decision to ensure the development complies with the requirements of CLP20 and CLP22.
- 5.8.4 The Council's Environmental Health Officer requested electric vehicle charging point be installed as part of the building phase in

accordance with policy. In so far as Air Quality, one electric charging point for the new dwelling should be installed as part of the build phase and controlled by condition.

5.9 Flood risk, Drainage and Water Efficiency

Relevant Policies

- 5.9.1 Local Plan policy CLP13 states that *‘The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals and site allocations will:*
- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
 - b) be directed to locations with the lowest impact on water resources;*
 - c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- 5.9.2 Local Plan policy CLP13 states that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

Considerations

- 5.9.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water
- 5.9.4 The Design Services (Drainage) Team reviewed the application and highlighted that a public rising main may be present or within close proximity to the site which may require easement and consultation with Yorkshire Water.
- 5.9.5 Yorkshire Water reviewed the application and raised no objections subject to a conditions requiring separate systems of drainage for foul and surface water on and off site and preventing piped

discharge of surface water from the development prior to the completion of surface water drainage works , details of which will have been submitted to and approved by the Local Planning Authority. If discharge to a public sewer is proposed the information submitted shall include but not be exclusive to evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning.

- 5.9.6 Yorkshire Water also highlighted that there is there is a 400 mm diameter public rising main to the north of the site, this infrastructure may need to be site surveyed for its exact position prior to works commencing.
- 5.9.7 It is recommended that conditions be imposed on the decision requiring further information on proposed drainage details prior to installation. Subject to the imposition of relevant conditions the proposal will accord with the provisions of CLP13 and the wider 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 178 of the NPPF states that *'Planning policies and decisions should ensure that:*

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

Considerations

- 5.10.3 The application site is located in an area considered to be at 'high risk' of former Coal Mining Legacy. Having regards to the provisions of CLP14 and the NPPF the application was referred to The Coal Authority and the Council's Environmental Health Officer for comments.
- 5.10.4 The Coal Authority reviewed the submitted Coal Mining Risk Assessment and raised no objections subject to the imposition of conditions requiring intrusive site investigations and appropriate remediation (if required).
- 5.10.5 The Environmental Health Officer highlighted that the site is in an area which could be affected by historical land contamination and recommended that a phase 1 land contamination study and if required a phase 2 intrusive site investigation with a remediation strategy and validation report.
- 5.10.6 Subject to the imposition of relevant conditions the proposal is considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

5.11 Historic Environment and Archaeology

Relevant Policies

- 5.11.1 Chapter 16 of the NPPF paragraph 189 states 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

Paragraph 199 requires 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

- 5.11.2 Local Plan Policy CLP21 requires '*d) identify and, where appropriate, protect important archaeological sites and historic environment features;*' and '*g) within the Town Centre Core and other areas of archaeological significance, require relevant development proposals to demonstrate appropriate consideration of archaeological impact*'
- 5.11.3 Derbyshire County Council Archaeology team were consulted on the proposal and initially raised concerns due to the lack of an archaeological desk-based assessment of the site, in line with NPPF para 189. The applicant subsequently commissioned an assessment and the County Council were re-consulted on the scheme.
- 5.11.4 The Derbyshire County Council Archaeology team reviewed the submission and confirmed that;
- The principal potential in terms of below-ground remains lies in the potential for remains of a side arm of Chesterfield Canal (Derbyshire HER MDR6152) dating from the late 18th century, and also of a 19th century gas works with parts of a gasholder and probable retort house falling within the site. The ensemble has potential to be regionally important depending on the levels of preservation, although the it is unlikely that housing redevelopment would impact the full depth of the likely canal remains.
 - There is consequently no objection to the proposals under the policies at NPPF chapter 16, but a post-consent programme of archaeological recording is needed to address the provisions of NPPF para 199 in relation to the known potential of the site. This should take the form of archaeological monitoring of groundworks with some additional research-led work to assess and record the canal remains (initially to assess preservation with subsequent work depending on depth and significance though potentially recording of a profile and a trenched sample).
 - The following conditions should therefore be attached to any planning consent:
 - a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted

to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- 1. The programme and methodology of site investigation and recording
- 2. The programme for post investigation assessment
- 3. Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

5.11.5 Subject to the imposition of the relevant condition requested above the proposal is considered to accord with the requirements of Local Plan policy CLP21 and the NPPF.

5.12 **Biodiversity including Trees and Landscaping**

Relevant Policies

5.12.1 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'*

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

Considerations

- 5.12.3 The site largely consists of soft landscaping with a mix of ornamental trees, shrubs and mature hedging. The Derbyshire Wildlife Trust were consulted on the application and made the following comments
- We have reviewed our records and are not aware of any features of nature conservation / biodiversity significance associated with this site. There are no statutory or non-statutory sites within the boundary of the site. Norbriggs Flash Local Nature Reserve (also a designated Local Wildlife Site) lies around 30 to 40m to the east. We are also not aware of any protected species within the site or within 150m of the site. A veteran black poplar tree is listed as present just north of the site along the lane.
 - Overall we consider the likely impact on biodiversity to be very low, but there could be a loss of trees and possible impacts on boundary features including hedgerows. The site plan has labelled the hedges as comprising laurel and Leylandii, but the eastern hedgerow appears to be more diverse than the northern or western hedgerows and may have other species in it.
 - If the eastern hedgerow is to be affected by the development we would advise requesting a more detailed assessment. Equally if any buildings are to be demolished or renovated a preliminary bat roost assessment could be needed. If buildings are to be demolished we would be happy to look at any photos to provide a view as to their suitability for bats.
 - We would advise that it may be possible to move the existing ornamental trees or if that is not possible that they should be replaced with new planting as a condition for planning consent. We would recommend that the existing boundary hedgerows and trees are retained.
- 5.12.4 A preliminary ecological appraisal was submitted to support the application with an assessment of the site, including assessment for protected species and recommendations for biodiversity enhancements as part of the development.
- 5.12.5 It is recommended that a detailed landscaping plan be submitted and with the retention of ornamental planting /relocation of trees where possible with additional measures to enhance biodiversity as detailed in the submitted appraisal. It is considered that there is scope for new planting within the site including potential for wildlife friendly shrubs to create a similar habitat structure including a range of plants such as climbers/hedging to provide enhanced botanical diversity and food

sources for wildlife. Additional biodiversity enhancements such as bat bricks/roosts built within the house and swift bricks to encourage nesting birds could be included.

5.12.6 It is therefore recommended that a condition be imposed requiring the development to demonstrate a measurable net gain in biodiversity in accordance with the requirements of CLP16 and the NPPF.

5.13 Developer Contributions and Community Infrastructure Levy

5.13.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwelling and is therefore CIL Liable.

5.13.2 The site the subject of the application lies within the low CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
Develop ment type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residenti al (C3)	238	0	0	£20.00 (Low Zone)	333	288	£5504

Calculation:

CIL Charge (E) is calculated as outlined below:

$$\frac{\text{Net Area (A) x CIL Rate x BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of charging schedule) (D)}}$$

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

$$\frac{238 \times £20 \times 333}{288} = £5504$$

6.0 REPRESENTATIONS

6.1

The application has been publicised by neighbour notification letters site notice. 8 representations have been received and are summarised below:

- Addition of new dwellings would impact the turning head as cars currently use it for parking and would cause problems for road users
- Bungalows (Nos 56, 58, 60 and 62) were built with a linked sewerage system. If the builder seeks to link to the existing sewerage system it may overload the existing system capacity
- Proposed dwellings have a larger roof height which will look odd alongside other properties built with lower roof heights to avoid impeding the view
- 3 bedroom bungalow may have a family of 4 with 4 cars per bungalow
- Concern about impact of 6 additional vehicles using the street and parking on road will exacerbate existing parking issues
- Large farming vehicles use the street and will be impacted by 6 additional cars parked on road
- Use of turning head as driveway will impact turning for dustbin lorries and large delivery vans
- Proposal for two different buildings at the end of the street will look odd and will impact the valuation of my property
- Proposed materials are not like the existing properties on Bellhouse Lane. Residents use reclaimed materials for building work.
- Application site was purchased as farm land and has never been farm land
- Site previously had a gas house located on it in the late 1700s with a wall still existing at the end of road and the rest of the land was a railway shunting yard
- Wall that stands has a preservation order on it but is proposed to be removed to gain access to the end bungalow.
- The builder that built the existing bungalows stopped at number 62 due to the ground being unstable with also a very large high pressure water main running across the land. The water pumps at Hartington for the mine working under this land were turned off not so long ago and water began to rise from the floor in the field below the land. Movement can still be felt from the land settling to this day.
- The end of Bellhouse Lane becomes very narrow, especially opposite 21 Bellhouse Lane, where there is only just enough room for 2 vehicles to pass. The access for one the proposed

bungalows is almost directly opposite the driveway to 21 Bellhouse Lane. We feel that this will cause issues with parking for visitors to our 2 properties, and also as stated by our neighbours will cause issues for the larger vehicles which require access, such as the farmers and the dustbin lorries.

- We currently have a compound on the field adjacent to 21 Bellhouse Lane, which is used by the Canal Trust for storage of equipment needed throughout the reinstatement of the Chesterfield Canal, although this is only a temporary compound it has created a lot of extra traffic on the road and on the days they are working we can have anything from 3 cars to 12 cars parked around the compound area, which causes issues for other residents. If we were to have another building site just yards away from the compound the traffic and parking situation would be dire, and as the site will be quite small we are also worried about where the developers would store, machinery, tools and materials for the site.
- We feel that the whole design of the proposed dwellings are not in keeping with the area, all of the properties on Bellhouse Lane are brick built with red tiled roof tops, we fail to see how light coloured render and cladding with grey concrete roof tiles are in keeping with anything else on the street. We feel that it will be an eye sore on an otherwise beautiful Victorian built street.
- We would also like to bring to your attention a covenant on the land as outlined on the land registry documents DY282645 (documents attached) which states that “The Transferee hereby covenants with the transferor so as to bind that each and every part of the property not at anytime to build on change the use of or develop (here meaning any development as defined in paragraph 55 (1) of the Town and Country Planning Act 1990) the whole or any part of the property shown coloured blue on the plan annex here to.” (The land coloured blue referred to is tinted pink on the filed plan)
- We also have concerns regarding the stone wall, the developer describes the land as being bland and surrounded by Concrete and Heras Fencing panels, which leads you to believe that it is an eyesore, it is in fact mostly hedged and has a beautiful stone wall with ivy growing over it in parts, and the trees are well established blossom and acer trees (we have enclosed pictures of the site as taken from our upstairs windows to show this). There is also a water main which runs through the land. I have a plan from Yorkshire Water Services Ltd (Attached) clearly showing that the pipes do run through the proposed site.

- Overall we feel that this development will be a blight on what is a highly sought after beautiful area, which will only be enhanced further by the regeneration of the canal and all the nature and wildlife which will come with it.
- Photograph provided of site showing the road/hammerhead in place which I am led to believe that the road was not built on the property belonging to No 62. The old boundary is clearly visible on the picture and that doesn't include the road/turning point.
- The photos submitted earlier this week clearly show the hammer head of the road in place before the owner of the referenced property took ownership of the land from 2 different angles.
- Regarding the parking within the hammerhead, this is an issue compounded by the fact that an industrial / plant yard/reclamation yard at the end of the road worked by voluntary staff for the canal trust are constantly parking on the street which will get progressively worse now the weather is changing and their parking area at the end of the road is getting muddy.
- Rendered walls are still not deemed appropriate. The examples the applicant has used as an example of light-coloured render on both sides of the street are minimal and vastly exaggerated, we can only assume so they can build cheap. 2 houses have small areas between the downstairs and upstairs windows have been rendered and one house exemplified has a small rendered chimney stack. Extensions and additions are prolific on the street and in all cases a condition has been enforced that all materials are to be in keeping which has been adhered to at a substantial cost to the home owners. To allow rendered walls to be built on these 2 new properties undermines previous decisions and precedents set and is unfair. The house used as an example on Victoria avenue is approximately 300 meters away from the development site set back 30 meters from Bellhouse lane and should not be included in the application.
- In relation to Biodiversity, the site is currently planted with established plants and trees and is home to a variety of animals. However the site is developed, unless considerably, will have a substantial impact on local wildlife which has also been hit hard by the installation of the canal trust compound at the end of the road. it is home to a variety of birds, newts and other small mammals.
- Archaeology - due to the delicate nature of the items believed to be underneath the proposed development and the work that has gone into finding and recording previous findings, no developer on a project of this size will take the time and care needed to

preserve anything of historical value under the site and we fear this will be lost however we understand this is a matter for the relevant authority.

- Due to the unstable nature of the ground following historic mining activity and the proximity to other houses(that have so far suffered little in the way of ground disturbance), we would ask that should anything occur during any building works, a condition out lining that compensation should be paid by the developer for any damaged caused to nearby properties whilst the new development takes place.
- The development is also raising concerns regarding the hazard caused to residents and visitors to the area once the ground is disturbed that can potentially contain harmful materials, and as the developer has already shown signs of cost cutting (by rendering block work) it is a worry that contaminated ground will not be disposed of correctly and should permission be granted, the disposal techniques including risk assessments, method statements and waste transfer notes should be evidenced and documented.
- Further to the changes made by the applicant, on 22.01.21, we would just like to reiterate the following objections. The end of Bellhouse Lane becomes very narrow, especially opposite 21 Bellhouse Lane, where there is only just enough room for 2 vehicles to pass. The access for one of the proposed bungalows is almost directly opposite the driveway to 21 Bellhouse Lane. We feel that this will cause issues with parking for visitors to our 2 properties, and also as stated by our neighbours will cause issues for the larger vehicles which require access, such as the farmers and the dustbin lorries. - There seems to have been no mention of this in the amendments, can the applicant address this issue.
- How would the site get materials delivered to them without causing the road to be blocked by the large vehicles? earlier in the application process, it was stated that all deliveries and site vehicles must be parked and deliveries made within the boundary of the site, if the current plans are approved there will not be enough room for this to take place
- The road (Bellhouse Lane) underneath the surface dressing is in poor condition, if this is affected by the construction traffic, will the applicant repair the road if required?
- The Junction of Bellhouse lane with the A619 is also very tight and given the nature of construction traffic has the applicant

addressed the need for potential traffic management and road cleaning requirements?

- The disturbance of the land is likely to have a negative impact on the neighbouring properties due to the age of the building and types of footings, if damage occurs, does the applicant have insurance to cover the repair required?
- It also seems that the Covenant which is on the land has been completely overlooked. It clearly states on the title deeds for the land, that the land cannot be used to build on change the use of or develop. I would like this matter to be addressed.
- We would also like to ask what will be done to the lovely stone wall that currently stands opposite the entrance to 21 Bellhouse Lane, as there is no mention of this in the plans.

6.3

Officer comments – the above comments have been noted

- Highway safety and impact on parking and use of turning head – the proposed development would provide 2 off-street parking spaces for each dwelling. Access to Dwelling Two would be taken from the turning head which would prevent parking within the turning head and would ensure the area is kept clear of vehicles to turn accordingly.
- Disturbance/impact during construction – Disturbance and disruption caused during the construction process is a consequence of all development in however this is a non-material planning consideration therefore little weight can be given to such concerns in the determination of a planning application. It recommended that a condition be imposed requiring the submission of site compound details within the site to ensure materials are stored appropriately.
- Drainage/sewerage system – Yorkshire Water were consulted on the proposal and raised no objection subject to further details of proposed foul and surface water drainage details for written agreement. Yorkshire Water have highlighted a public rising main and stated that further investigation will be required to ascertain the exact location
- Height/scale/design of development and impact on view and house value – loss of view and house value are non-material planning considerations which cannot be given weight in the determination of this application. The proposal seeks 1.5 storey dwellings which are not out of character for the area which is formed of a mix of 1 and 2 storey properties.

- Proposed materials – the applicant amended the proposed materials to be facing brick to match No 62 in response to concerns raised regarding the use of render.
- Historic use of site and preservation order on wall – the applicant has provided a heritage assessment and Derbyshire County Council Archeology team have requested conditions requiring further assessment of the archaeological potential of the site.
- Land contamination/stability – the applicant has submitted a coal mining risk assessment and The Coal Authority have requested intrusive site investigations with appropriate remediation and mitigation by condition. It is also recommended that a land contamination assessment and associated remediation strategy be imposed by condition.
- Covenant on land – is a private legal matter for the landowner and developer to address and this is separate to the process of applying for and granting planning permission.
- Impact on wildlife/biodiversity – the application is supported by a preliminary ecological appraisal and it is recommended that a condition be imposed requiring details of proposed biodiversity enhancements to demonstrate a net gain in biodiversity including the retention of landscaping where possible.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England)

(Amendment No. 2) Order 2012 and paragraph 38 of 2019 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

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

9.0 CONCLUSION

- 9.1 The proposal would introduce additional housing within the existing built up area of Staveley and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. Subject to conditions the proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21. Due to the siting and scale of the proposal the proposal is not considered to cause significant adverse impacts on the residential amenity of the adjoining neighbours and therefore accords with the amenity considerations of Local Plan policies CLP14 and CLP20. Subject to conditions no highways safety concerns arise and it is considered the site can accommodate sufficient off-street parking for the proposed dwellings. Subject to conditions the proposal therefore accords with the requirements of CLP20 and CLP22. Subject to the submission of further details controlled by condition covering archaeology, land contamination, drainage, biodiversity and intrusive site investigations (and remediation works if required) the proposal is considered to accord with the principles of CLP13, CLP14, CLP16 and the wider National Planning Policy Framework.

10.0 RECOMMENDATION

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

Conditions

Standard time frame

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

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

Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Site Location Plan, drawing number 19-20 1 (dated 01.06.2020)
 - Site Plan as Proposed, drawing number 19-20 3 Revision B (dated 22.01.2021)
 - Dwelling One Plans, Elevation & Section as Proposed, drawing number 19-20 4 Revision A (dated 22.01.2021)
 - Dwelling Two Plans, Elevation & Section as Proposed, drawing number 19-20 5 Revision A (dated 22.01.2021)
 - Design and Access Statement produced by A&D Architecture, dated 02.06.2020, reference 19-20
 - Heritage Statement produced by Simon Johnson, dated March 2021, reference MCA 12-11-01/04
 - Coal Mining Risk Assessment produced by Terry Lee Associates Structure Engineering Consultants, dated 15th August 2020, reference TLA/2815
 - Preliminary Ecological Appraisal, produced by JJH Consulting, dated October 2020

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.*

Pre-commencement – intrusive site investigations

3. Development shall not commence until a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity has been submitted to the Local Planning Authority for written approval. The submission shall include a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works/mitigation measures required to ensure the stability of the site. Only those remedial works/mitigation measures which receive the written approval of the Local Planning Authority shall be implemented on site

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with the requirements of CLP14 and the NPPF.

Pre-commencement – remediation

4. Where the findings of the intrusive site investigations (required by condition 3 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason – In accordance with the requirements of CLP14 and the NPPF.

Pre-commencement – archaeology

5. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason – *in accordance with CLP21 and the NPPF.*

Pre-commencement – Land contamination

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

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

Highways – Site Storage/Compound

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

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

Hours of construction

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

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

Drainage - surface water

9. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority.
If discharge to public sewer is proposed , the information shall include , but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason - *To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with CLP13.*

Drainage – separate foul and surface

10. 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 and in accordance with CLP13*

Approval of Materials

11. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - *To ensure a satisfactory external appearance of the development in accordance with CLP20 and CLP22 of the Local Plan*

Biodiversity

12. A scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall include the retention of existing boundary hedgerows and trees to the eastern boundary and for the retention where possible of existing shrubs/plants to the northern boundary and for the re-location of existing ornamental trees where possible.
The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

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

Landscaping

13. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
- a) a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development;
 - b) proposed hardstanding surfacing materials and boundary treatments
 - c) a schedule detailing sizes and numbers of all proposed trees/plants
 - d) Sufficient specification to ensure successful establishment and survival of new planting.

Reason - *In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality.*

Retention of soft landscaping

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

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

Water efficiency

15. 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.*

Parking provision

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

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

Electric charging

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

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

Pd rights removal for walls, gates and enclosures

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To ensure appropriate visibility is retained with low level boundary treatments across the site frontage in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Obscure glazing

19. a) Prior to the development hereby permitted being occupied/brought into use the windows listed below shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product.
- Dwelling One first floor en-suite bathroom in the south elevation,
 - Dwelling Two first floor en-suite bathroom in the south elevation
 - Dwelling Two first floor bedroom windows and landing window in the north elevation
- b) Once installed the glazing shall be retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP14 and CLP20 of the of the adopted Chesterfield Borough Local Plan

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL

Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

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

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

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability

purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

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

5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
6. Yorkshire Water highlighted that there is a 400 mm diameter public rising main to the north of the site, this infrastructure may need to be site surveyed for its exact position prior to works commencing
7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment 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 , e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190
8. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
9. It appears that the site shown on your planning application submission may be close to or affected by the initial preferred route of the Birmingham to Leeds section of HS2. Further

information may be obtained from the Department of Transport's website: <https://www.gov.uk/hs2-phase-two-initial-preferred-route-plan-and-profilemaps>

10. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
11. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
12. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.
13. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.
14. In accordance with **condition 12 above** appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:
 - Bird/owl/bat boxes
 - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing

somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.

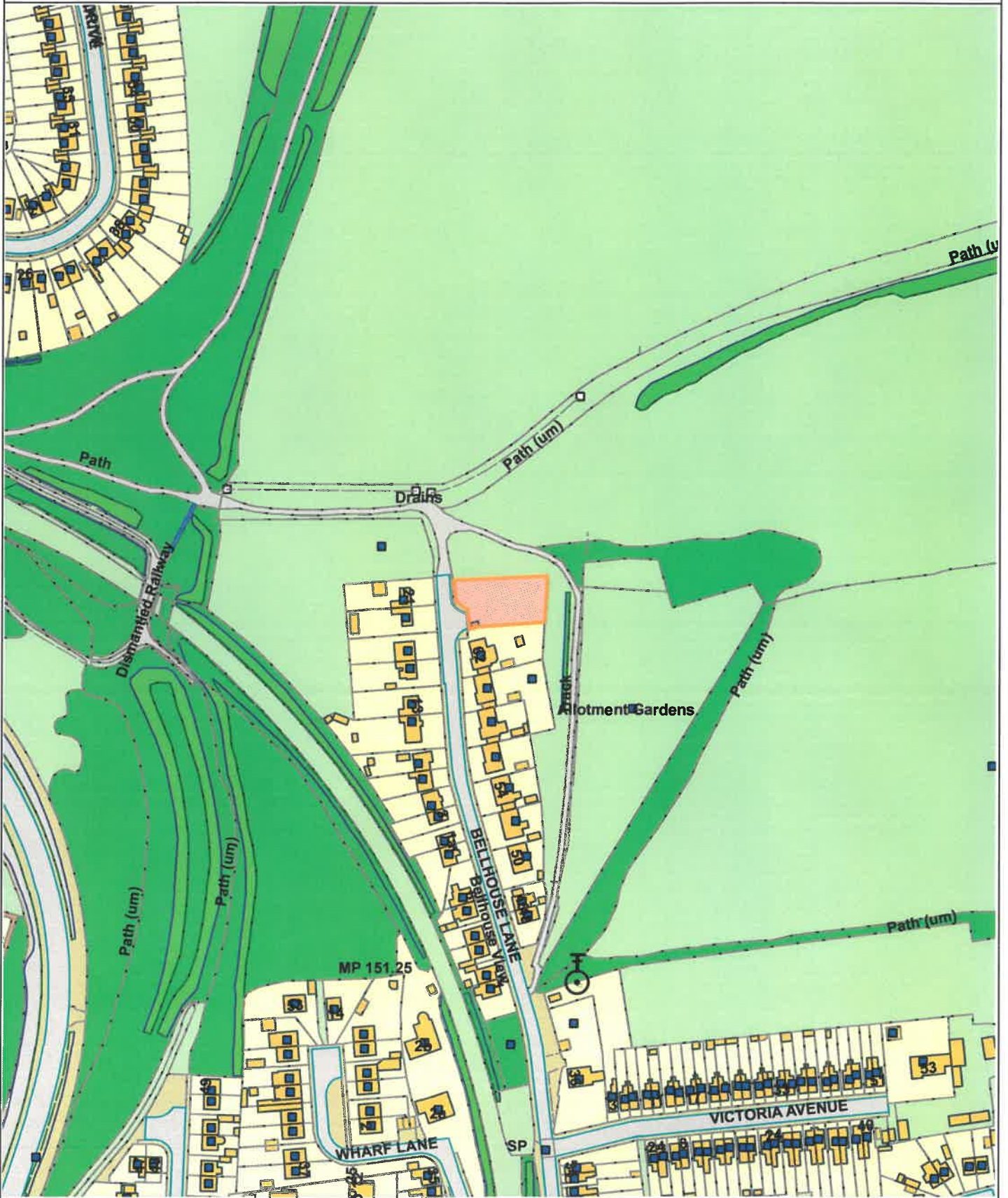
- You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
- The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
- Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
- (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

Species	Potential Enhancement Measure	Notes
----------------	--------------------------------------	--------------

<p>Wildflowers</p>	<p>Native wildflower meadow areas: as an alternative to amenity grassland.</p> <p>Wildflower verges.</p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes.</p> <p>Advice for creating and maintaining a wild patch is available on the Wildlife Trust website and through Flora Locale.</p>
<p>Birds</p>	<p>Bird Boxes and other nesting features: (such as stone ledges and wooden cladding).</p> <p>Native species planting and boundary features: Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</p> <p>Generally, boxes should be sheltered from prevailing wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.</p>
<p>Invertebrates</p>	<p>Bug hotels and log piles with stones: particularly near ponds.</p> <p>South facing banks: with some bare ground.</p> <p>Rough or natural stone walls with holes for invertebrates to</p>	<p>Examples of living roof projects are available on the Buglife web page: https://www.buglife.org.uk/our-work/living-roof-projects/</p>

	<p>use.</p> <p>Brown roofs with a range of substrates these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.</p>	
--	---	--

This page is intentionally left blank



CHESTERFIELD
BOROUGH COUNCIL

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Chesterfield Borough Council Licence No. 100018505 (2017)



Scale 1:2382

This page is intentionally left blank

ITEM 6

CONSTRUCTION OF A SOLAR PHOTOVOLTAIC FARM WITH BATTERY STORAGE AND OTHER ASSOCIATED INFRASTRUCTURE, INCLUDING INVERTERS, SECURITY CAMERAS, FENCING, ACCESS TRACKS ANMD LANDSCAPING ON LAND ADJACENT TO INKERSALL ROAD, STAVELEY, CHESTERFIELD FOR INKERSAL SOLAR FARM LTD.

Local Plan: Open Countryside and other open land

Ward: Middlecroft and Poolsbrook

Plot No: 2/3454

Committee Date: 19.04.2021

1.0 **CONSULTATIONS**

Ward Members	Objection from Cllr Bagshaw
Director of Health and Wellbeing	No objection
Environmental Services	No objection
Yorkshire Water Services	Comments received – see report
Environment Agency	No objection
CBC Drainage Engineers	Comments received – see report
Lead Local Flood Authority	Comments received – see report
Highways Authority	Comments received – see report
Coal Authority	No objection
DCC County Archaeologist	Comments received – see report
DCC Planning Policy	Comments received – see report
DCC Landscape Officer	Comments received – see report
North East Derbyshire DC	No comments received
Chesterfield Civic Society	No comments received
CBC Conservation Officer	Comments received – see report
Derbyshire Constabulary	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Chesterfield Cycle Campaign	No comments received
Trans Pennine Trail Partnership	Comments received – see report

Neighbours, Advertisement and Site Notice 1 representations received in support and 40 representations received against – see report

2.0 THE SITE/SITE DESCRIPTION

- 2.1 The site comprises of a total of 65 hectares of agricultural land to the east and west of Inkersall Road and which is centred around the Inkersall Farm to the south of Staveley centre.
- 2.2 The land is of an undulating nature comprised of a total of 13 agricultural fields separated by traditional field hedgerows and which are used for grazing purposes as a part of Inkersall Farm. The land is classed as grade 4.
- 2.3 The Poolsbrook Country Park and the Pools Brook corridor define the northern and eastern boundaries of the site respectively; whilst a smaller unnamed tributary brook with a narrow, wooded corridor runs east to west along the southern edge of the site. The property known as Westcroft House is accessed from Inkersall Road and is positioned between a tributary brook, the wooded corridor and the site. The urban area of Inkersall Green is situated to the west of the site.
- 2.4 Two highways run through the site. Inkersall Green Road, runs east to west and Inkersall Road runs north to south. There are no Public Rights of Way ('PRoW') on the site however a network of PRoWs is present to the west and south of the site including the Trans-Pennine Trail along a portion of the western boundary of the site on a disused railway line.
- 2.5 The site is located within an urban fringe area to the south-west of Staveley and east of Inkersall Green, where the there is a mix of land uses in the wider area however the predominant land use in the vicinity of the application site is open countryside. The local landscape arises from the historic use of the area for coal extraction, including local collieries and open cast mining and this has resulted in

landscape features in the vicinity such as spoil heaps, as well as contributing historic infrastructure, such as the now disused railway which is part of the Trans Pennine Trail.

2.6 Renewable energy generation is already a component use in the area, including a single wind turbine and solar farm to the west of Duckmanton (immediately to the east of the site off Tom Lane – Arkwright Solar Farm), a solar farm to the south of the site between the site and Arkwright Town (accessed off Staveley Road – Cherry Tree Farm) and a solar farm further to the south west of Arkwright Town accessed off Calow Lane.

2.7 Inkersall Farmhouse located adjacent to the site at the junction of Inkersall Road and Inkersall Green Road is a grade II listed building.

3.0 SITE HISTORY

3.1 CHE/20/00171/EIA – Screening request for scheme concluded that an Environmental Impact Assessment was not required – dated 16/03/20.

No other relevant planning history regarding the application site however the following applications are referred to:

3.2 NED/14/00563/FL – 4.9MW solar farm to north east of Arkwright Town was approved subject to conditions 11/09/14 (implemented)

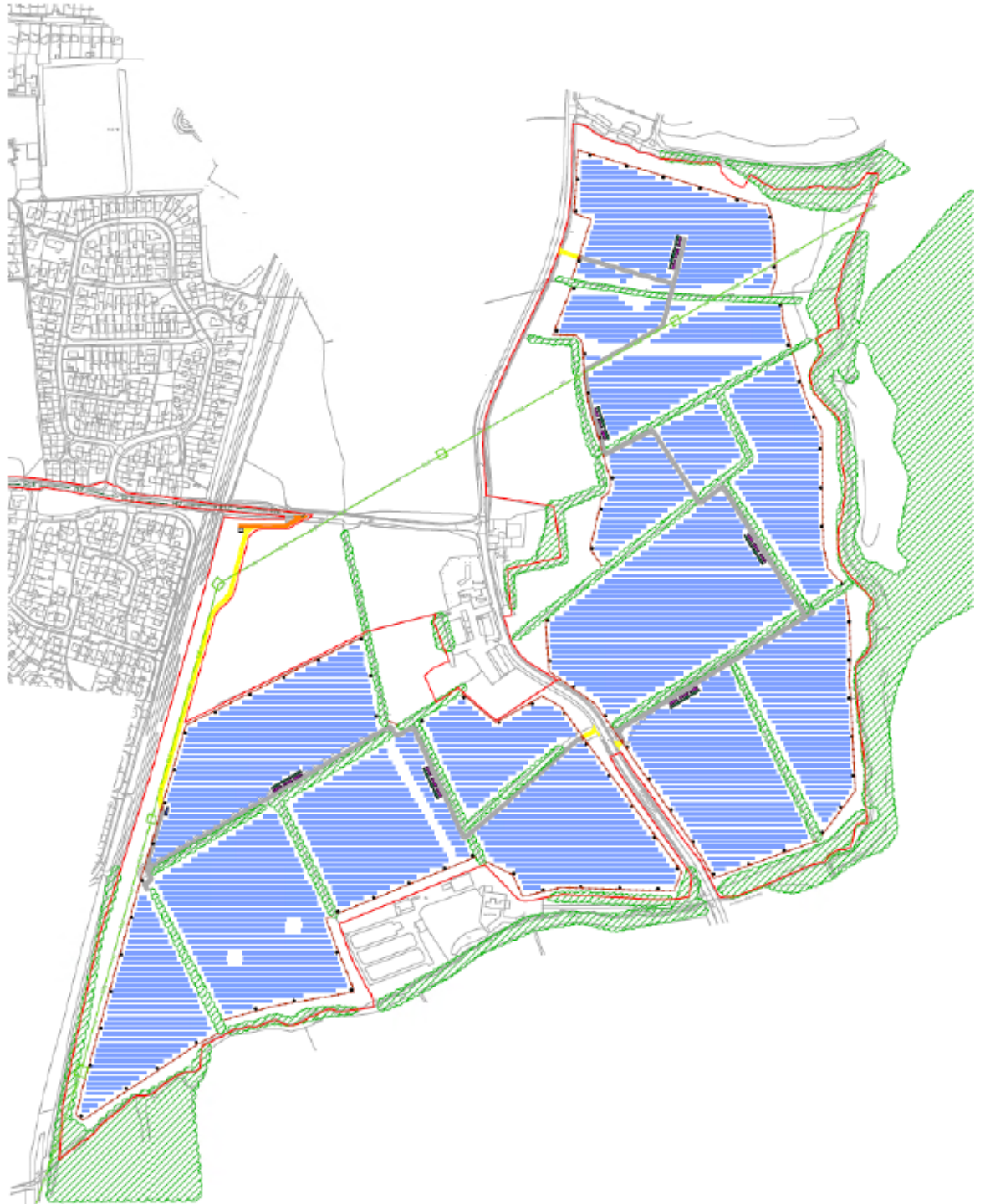
3.3 CHE/14/00644/FUL – 7/8MW solar farm to west of Duckmanton was approved subject to conditions 24/02/15 (27 years) (implemented)

3.4 CHE/15/00542/FUL – 249.7KW solar array on field to west of modern farm buildings at Inkersall Farm was approved subject to conditions on 27/10/15 (not implemented and expired)

3.5 CHE/20/00332/REM1 – Variation of condition on CHE/14/00644/FUL to extend period from 27 years to 40 years was approved on 03/08/20.

4.0 THE PROPOSAL

- 4.1 The application proposes the construction and operation of a solar PV farm, with battery storage and other associated infrastructure. The scheme includes the following main components:
- rows of solar PV panels;
 - approximately 20 batteries within containers (or similar);
 - approximately 20 inverters within containers (or similar);
 - substations;
 - internal access tracks;
 - perimeter fencing; and
 - CCTV cameras.
- 4.2 It was estimated that the solar panels would generate 40MW capacity which is enough electricity to power approximately 13,291 homes and which represents a saving of approximately 9,852 tonnes of Co2 a year. The battery storage system would charge at times of low demand and export power back onto the electricity grid at times of high demand or when solar irradiation is low.
- 4.3 The proposal is to connect to an existing electricity substation located approximately 2.3 km to the north west of the main solar farm site at Victoria Farm in Hollingwood.
- 4.4 Because the development would only proceed after a final investment decision has been made and a contractor appointed the applicant comments that a number of detailed studies would then be undertaken to inform the technology selection for the proposal and to optimise its layout and design before starting work. On this basis the applicant has been unable to fix all of the design details at this stage and has therefore sought to incorporate sufficient design flexibility in the dimensions, layout and height of structures. The approach has therefore been to assess the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and the visual impact as being a maximum of 2.7m high, which is the worst-case.



Site layout as initially sought

- 4.5 The solar panels would be laid out in rows running from east to west across the site with a gap of approximately 3-4 m between each row (shown at 3.2 on submitted drawing). The panels would be mounted on a frame, to be installed using spiked foundations of approximately 1 to 2m deep. The panels are typically mounted in four horizontal rows,

with one row fixed directly above the other, and angled at the optimum position for absorbing year-round solar irradiation. The lowest edge of the arrays would be approximately 0.9m from the ground and they would be up to approximately 2.7m at the highest edge. The panels would be a dark blue/black colour designed to maximise sunlight absorption whilst reducing glint and glare.

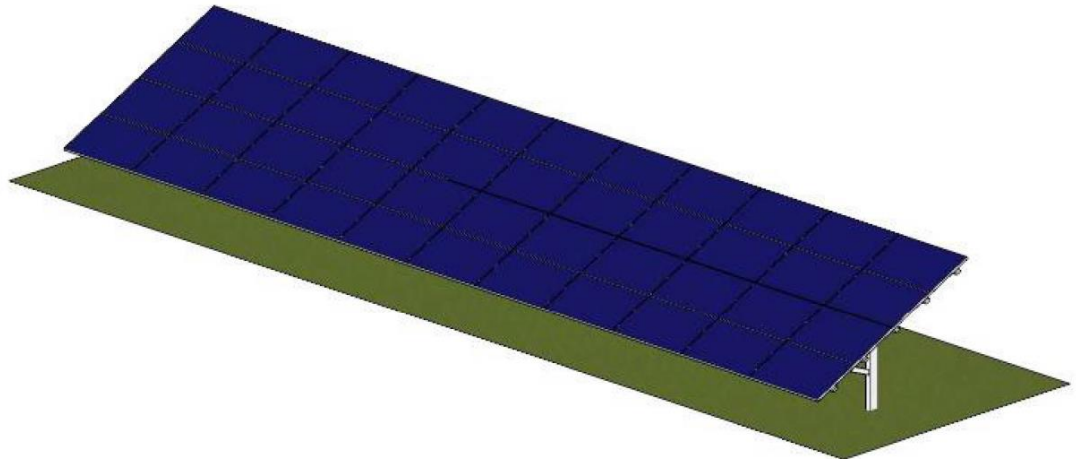


Image of typical solar array.

- 4.6 The batteries would be contained within shipping type containers measuring approximately 13.7m long, 2.5m wide and 3.1m high from ground level. Each of the 20 cabins would be placed on a hardcore base, with a stepped access at one end to the container which would be elevated above ground level by 0.5 metres. Each container would be located adjacent to heating, ventilation and cooling ('HVAC') units and a battery power conversion system, which performs a similar role to the inverters.
- 4.7 The batteries would charge when demand is low and then supply electricity to the local electricity network when the demand requires the electricity. This means that the proposal can supply electricity to the local distribution network at all times of the day.



Typical battery container unit

- 4.8 The inverters would be contained within containers and each would measure approximately 12m long, 2.5m wide and 3m high. Each cabin would be placed on a hardcore base and would be similar in appearance to the battery cabin. The inverters would convert the direct current ('DC') generated by the solar panels into alternating current ('AC'). Transformers, contained within the inverter cabins, convert the low voltage output from the inverters to high voltage suitable for feeding into the local electricity distribution network.
- 4.9 A customer substation would be constructed close to the entrance to the main solar farm site on Inkersall Green Road and which would measure up to approximately 3m high, 12m long and 3m wide. A 'district network operator' ('DNO') substation would be constructed to the north of the main solar farm site, which would measure approximately 12.5m long, 2.5m wide and 4m high. The substations would be placed on a hardcore base. They would receive electricity from the inverters and batteries before transferring it to the local electricity distribution network via a connection to an existing substation in Hollingwood. The substations, batteries, inverters and solar panels would be connected by underground electrical cables.



Typical Inverter cabin

- 4.10 It is envisaged that deer fencing (mesh with wooden posts or similar) to a height of approximately 2m would be installed along the outer edges of the Site in order to restrict access. This would be sited inside the outermost hedges/trees/vegetation, ensuring that the fence is visually obscured, and access is available for hedge trimming and maintenance. Gates would be installed at the main site access point for maintenance access. These would be the same design, material and colour as the fencing.



Typical Deer fencing

4.11

The perimeter of the site would be protected by a system of CCTV cameras and/or infra-red cameras, which would provide full 24-hour surveillance around the entire perimeter. An intelligent sensor management system would manage the cameras. The cameras would be on poles of up to approximately 4m high, spaced at approximately 50m intervals along the security fence. There would be no lighting within the site at night.

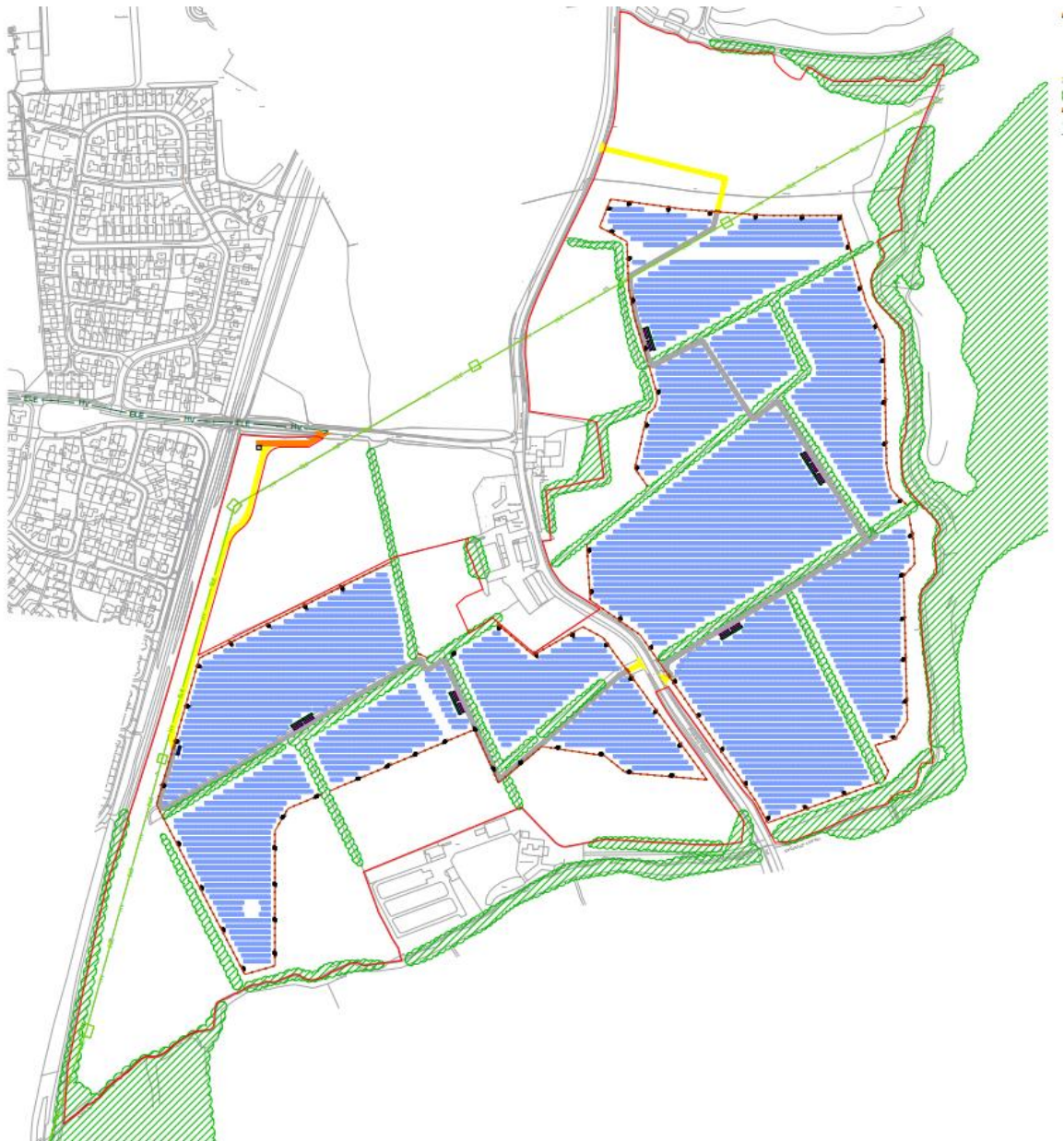


Typical CCTV camera and pole

- 4.12 The construction phase is expected to last for approximately 16 weeks. Facilities would be provided on site for construction workers, including provision of a site office and welfare facilities (including toilets, changing and drying facilities, and a canteen) however this detail including location has not been provided. Fencing would be installed around the perimeter of the site, as discussed, and temporary parking would be provided for the construction workers. It is proposed that construction working hours would be as follows:
- 07:00 – 18:00 Monday to Friday; and
 - 08:00 – 13:00 Saturday.
- 4.13 No lighting is proposed as part of the scheme.
- 4.14 The application proposes the construction of two means of access for construction purposes and subsequent tracks for service requirements. Access to the western block of the site is onto Inkersall Green Road to the east of the Trans Pennine Trail crossing bridge. This access serves the DNO substation and the access tracks around the site and is provided with 2.4 by 215 metre visibility splays to the east and 130 metres to the west. The second means of access is shown onto Inkersall Road to the south of the Poolsbrok Country Park car park at the northern edge of the site. This access serves the eastern block of the site and is to be constructed on an elevated embankment when leaving Inkersall Road. This access is provided with 2.4 by 215 metre visibility splays in both directions.
- 4.15 Once operational, occasional maintenance of the solar panels and other infrastructure would be required. The solar panels would also need to be periodically cleaned, most likely using simply soap and water, to ensure the efficient running of the system. It is expected that under normal circumstances no more than 4 cars/vans would visit the site each week.
- 4.16 The applicant states that the site would be retained in agricultural use for the life of the proposed development. The majority of the site would be planted with a combination of pasture and wildflower meadow, which would enable grazing by sheep. This would include land between and underneath panels.

4.17 At the end of the 40 years period the solar panels and other infrastructure would be removed and the site restored. The proposed restoration process is intended to ensure that the land is restored to the same quality as previously and it is envisaged by the applicant that this would be secured through a suitable condition attached to any planning permission.

4.18 Through the course of processing the application the applicant has provided a number of revisions to the layout plan culminating in the latest submission below.



4.19 The latest revision has removed fields from the north and south west ends of the site and has pulled back panels in the fields around Westcroft House. The latest revision has resulted in a reduction in the capacity of the scheme from 40MW to approximately 30MW.

4.20 The application is accompanied by the following supporting documents:

- Planning, Design and Access Statement by DWD Property & Planning – June 2020;
- Consultation Report by DWD Property & Planning – June 2020;
- Alternative Site Assessment by DWD Property & Planning – June 2020;
- Plans (the full of list of plans is itemised at Appendix A of this report);
- Flood Risk Assessment by Kaya Consulting Ltd – June 2020;
- Historic Environment Desk-Based Assessment by AECOM dated June 2020 and updated September 2020;
- Archaeological Geophysical Survey by AOC Archaeology Group – September 2020;
- Ecological Assessment by Landscape Science Consultancy Ltd – June 2020;
- Badger Survey Report by Landscape Science Consultancy Ltd – confidential – June 2020;
- Landscape and Visual Impact Assessment by Landscape Science Consultancy Ltd – June 2020;
- Transport Report by Mott MacDonald – June 2020;
- Coal Mining Risk and Mitigation Report by AECOM – May 2020.
- Photomontages;

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
- CLP12 Renewable Energy
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP15 Green Infrastructure
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP21 Historic Environment
- CLP22 Influencing the Demand for Travel

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF) 2019
 - Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal change
- National Planning Practice Guidance (NPPG)
 - Climate Change 15th March 2019
 - Historic Environment
 - Natural Environment
 - Renewable and Low Carbon Energy

5.4 Key Issues

- Principle of development – National and Local Policy;
- Landscape and Visual Impact;

- Heritage Impact – Archaeology and Setting of Listed Building;
- Impact on neighbouring residential amenity;
- Highways safety Impact;
- Drainage and Flooding Impact;
- Coal Mining and Ground Stability;
- Biodiversity and impact on Ecology;

5.5 Principle of Development

- 5.5.1 The Borough Council declared a climate change emergency in the Borough at its full Council meeting on 17th July 2019.
- 5.5.2 The NPPF sets out the principle of support for renewable energy development in chapter 14. At paragraph 148 it states that “ the planning system should support the transition to a low carbon future. It should help to support renewable and low carbon energy and associated infrastructure”. Paragraph 154 states that “when determining planning applications for renewable and low carbon development, local planning authorities should:
- (a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- 5.5.3 The proposal has to be considered in the context of the governments current emissions target setting for the UK which sets a path to net zero by 2050 and that the plan aims for at least 68% reduction in greenhouse gas emissions by the end of the decade compared to 1990 levels.
- 5.5.4 The UK Government has committed to deliver on the Paris Agreement by vigorously achieving its carbon budget and pursuing a target to reduce greenhouse gas emissions to ‘net zero’ by 2050. This was enshrined in law in June 2019 through amendments to the 2050 greenhouse gas emissions reduction target in the Climate Change Act 2008 from at least 80% to at least 100%, otherwise known as ‘net zero’.

- 5.5.5 The UK carbon budget has been further apportioned to local authority areas and County Council areas with the recommended budgets reflecting the actual emissions from industry and commerce, transport and domestic sectors with a suggested periodic reduction. Each local authority area has been allocated a carbon budget reflecting the local area's particular profile and which is consistent with each area's ability to make a fair contribution to the Paris Agreement. The carbon budget for each local authority area is then divided further into carbon budgets for five year periods in-line with the UK carbon budget periods. This allocation produces a carbon emissions pathway or trajectory for each area for the period 2018-2100.
- 5.5.6 The recommended carbon budget for the area of Derbyshire is set out below. Budget periods are aligned with the budget periods in the Climate Change Act and then specific targets are set out for each district and borough council area and aggregated for the County as a whole. Carbon Budgets for Derbyshire County:
2018 to 2022: 27.3 million tonnes CO₂
2023 to 2027: 12.9 million tonnes CO₂
2028 to 2032: 5.9 million tonnes CO₂
2033 to 2037: 2.7 million tonnes CO₂
2038 to 2042: 1.2 million tonnes CO₂
2043 to 2047: 0.6 million tonnes CO₂
2048 to 2100: 0.5 million tonnes CO₂
- 5.5.7 Derbyshire County Council has been working closely with local authority partners (8 district and borough councils) to address the impacts of climate change and to reduce greenhouse gas emissions which are consistent with the allocated carbon budgets for Derbyshire and to reduce carbon emissions to net zero by 2050. To this end the Derbyshire local authorities published the Derbyshire Environment and Climate Change Framework (DECCF) in October 2019, which committed all the local authority partners to seek to achieve these targets.

- 5.5.8 Renewable energy development across the County will play a very important part in enabling local authority partners to meet their climate change commitments and carbon budgets to achieve the overall aim of net-zero emissions by 2050.
- 5.5.9 There is no formal requirement to undertake any sequential assessment of alternative sites. In an appeal at Westerfield Farm, Carterton, Oxfordshire (APPD3125/A/14/2214281) the Inspector observed, at para. 43, that: “It is not local or national policy for a developer to be required to prove that there is no better alternative location for a development before planning permission may be granted.” Notwithstanding this the applicant has undertaken a search for an alternative site within a 3.5 km radius of the connection point to the substation at Hollingwood. The assessment considers previously developed land and lower grade agricultural land. The previously developed land search produced a long list of sites. Small parts of the search area to its north and south are located within North East Derbyshire District Council. However the applicant considered that this area is occupied entirely by agricultural fields and related farm buildings with no significant areas of previously developed land and such sites have not therefore been considered further but any suitable agricultural land is picked up in the lower grade agricultural land search.
- 5.5.10 103 sites were added to the long-list following analysis of previously developed land and 11 sites were added to the long-list following the analysis of lower grade agricultural land. A short list was produced based on size of site and which resulted in the following sites being considered:
- The application site;
 - Land north of Brimington;
 - Tapton Golf Course and surrounding land;
 - Land east of Manor Road;
 - Land south of Inkersall Green; and
 - Staveley and Rother Valley Corridor Area.

- 5.5.11 The Assessment concluded that the proposed site is available to the applicant for the development and is located in an area where the principle of solar farms is already established. Both the site shape and topography are suitable, and the solar panels and other infrastructure would be located in Flood Zone 1 and the land is entirely Grade 4. The land to the north of Brimington was also considered to be clear, developable and located close to the POC and that it does not suffer from many known environmental constraints, other than a Local Nature Reserve located to its north-west however, the site is allocated in the emerging Local Plan as a Strategic Gap. The Tapton Golf Course site raised concerns over the availability of the site, that it is a part of the Strategic Gap, there are areas of unfavourable topography and it is crossed by a number of public rights of way. The site to the east of Manor Road was considered to be regular in shape, clear and developable, located entirely in Flood Zone 1 and does not suffer from many known environmental or heritage constraints, apart from some Ancient Woodland located adjacent however the site is designated in the emerging Local Plan as a Strategic Gap. The land south of Inkersall Green was also considered to be of regular shape, clear and developable, located entirely in Flood Zone 1 and does not suffer from environmental or heritage constraints however, the site has some unfavourable topography and is crossed by a number of public rights of way. Furthermore, it is not known to the applicant whether the site is available. The applicant considered the Staveley and Rother corridor site benefits from favourable topography and is located close to the grid connection point with a clear route for connection. However, much of the site is located in Flood Zone 2 and 3 and is located in close proximity to two conservation areas and a number of Listed Buildings. Furthermore the applicant understands the site is unavailable due to its future potential to deliver residential and employment development which is included in emerging planning policy and has two outline planning applications currently awaiting determination.
- 5.5.12 The applicant concluded that, whilst the sites comply with many of the main criteria and are comparable to the proposed application site in many respects, none comprise a more feasible alternative to the proposed site.

- 5.5.13 In so far as Chesterfield Borough is concerned the adopted CBLP 2018 - 35 contains a specific policy for renewable energy development under Policy CLP12: Renewable Energy. The policy states that:
The Council will support proposals for renewable energy generation particularly where they have wider social, economic and environmental benefits, provided that the direct and cumulative adverse impacts of the proposals on the following assets are acceptable, or can be made so:
- a) the historic environment including heritage assets and their setting;*
 - b) natural landscape and townscape character;*
 - c) nature conservation;*
 - d) amenity – in particular through noise, dust, odour, and traffic generation.*
- 5.5.14 The application site is a green field site and shown on the Chesterfield Local Plan 2018-35 as part of an unallocated open countryside area where development proposals are generally restricted. Policy CLP15 (green infrastructure) states that “*Chesterfield borough’s green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting enhancing, linking and managing the network.*”
- 5.5.15 In a Ministerial Statement on solar energy on 25th March 2015 reference was made to The National Planning Policy Framework which includes strong protections for the natural and historic environment and when considering solar farm development proposals that Councils should take into account the economic and other benefits of the best and most versatile agricultural land. Reference is made in the Statement to the benefits of high quality agricultural land however the Statement makes it clear that meeting energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Reference is made to the planning guidance in support of the Framework, (Planning Practice Guidance at para 013 ref ID:5-013-20150327) where particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider are set out. These include making effective use of previously developed land and, where a proposal involves agricultural

land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality. Furthermore consideration should be given to whether proposals allow for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Minister stated that they were encouraged by the impact the new guidance was having but appreciated the continuing concerns, not least those raised in the House, about the unjustified use of high quality agricultural land. In light of those concerns the Minister wanted it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Reference was made to planning being a quasi-judicial process, and that every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.

- 5.5.16 The National Planning Policy Framework paragraph 112 requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) to be taken into account alongside other sustainability considerations. There is no prohibition on developing greenfield land in the government advice however the NPPF expresses a preference for development to be directed to land outside of this classification (on 3b, 4 and 5 land), but paragraph 28 also recognises the need to support diversification of agricultural land that helps to sustain an agricultural enterprise. When considering whether the loss of agricultural land is justified it is also common practice for some form of agricultural use to continue alongside such schemes, usually in the form of sheep grazing. The lifetime of solar PV sites is inherently limited as the arrays deteriorate over time. Removing the land from intensive agricultural use for such a period of time will give the land an opportunity to regenerate and is likely to lead to an improvement in its quality over time, when coupled with suitable conditions to ensure restoration.
- 5.5.17 This government policy position should be taken into account when identifying sites for large scale solar development. In this case the land at the application site is classified as grade 4 and there is therefore no threat to land which is considered to be best and most versatile as agricultural land. Ultimately, the impact on any best and most versatile agricultural land is an important material consideration in the

determination of any planning application for a large-scale solar PV scheme but the government makes it clear that this in itself is not a trump card. Each application must be considered on its merits and, in every case, the contribution towards increasing the supply of renewable energy and meeting national targets must also command significant weight.

5.5.18 It is clear that as part of the tilted balance that one way of reaching the targets referred to would be to use electricity generated from solar farms and that such development is provided with support at a national, county and local level. Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and which will stimulate investment in new jobs and businesses. The NPPG makes it clear that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. (Paragraph: 001 Reference ID: 5-001-20140306). In principle therefore such a large scale solar farm generating enough electricity to power approximately 9,750 homes with a direct link to the national grid accords with the broad supportive policy principles set out by government and for which there is clear and undisputed need to help meet carbon reductions up to 2050.

5.5.19 In setting out support for the principle of renewable energy projects, the NPPF also recognises, however, that renewable energy projects may also have a range of local and environmental impacts that may need to be mitigated to make them acceptable. Such matters are dealt with in the sections of the report below.

5.6 Landscape and Visual Impact

5.6.1 As referred to above the application site is part of an unallocated open countryside area where policy CLP15 (green infrastructure) states that *“Chesterfield borough’s green infrastructure network will be recognised at all levels of the planning and development process with the aim of protecting enhancing, linking and managing the network, and creating new green infrastructure where necessary. Development proposals*

should demonstrate that they will not adversely affect, or result in the loss of, green infrastructure, unless suitable mitigation measures or compensatory provision are provided. Development proposals should, where relevant:

f) protect or enhance Landscape Character;

g) increase tree cover in suitable locations in the borough to enhance landscape character, amenity and air quality.

5.6.2 Furthermore policy CLP20 (Design) also states that development will be expected to:

i) preserve or enhance the landscape character and biodiversity assets of the borough;

5.6.3 In such a countryside setting the landscape / visual impact of a solar PV farm is likely to be one of the most significant impacts of such a development. The proposal is supported by a Landscape and Visual Assessment and which concludes that the local landscape has the capacity to incorporate the proposed development without unacceptable impacts. The applicant considers this is based on the notion that the site is located in an urban fringe area with a mix of land uses however mitigation measures are included within the proposal to address the impacts where possible.

5.6.4 The National Planning Policy Framework ('NPPF') sets out the following:

Paragraph 20(d) advises that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and *'make sufficient provision for conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation'*. Paragraph 127(c) advises that planning policies and decisions should ensure that developments *'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;*

Paragraph 170 (a) relates to the conservation and enhancement of the natural environment and states that planning policies and decisions should contribute to and enhance the natural and local environment

by: 'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

- 5.6.5 The local area shows characteristics typical of the regional and local Estates Farmland character area with an undulating landform of low hills and ridges, and shallow valleys reflecting the underlying Coal Measures geology. The area in the vicinity of the site accords with this characteristic and it is appropriate therefore to assess the impacts which will be affected by the existing topography and intervening built form and vegetation. Cumulative impacts are also considered as part of an assessment.
- 5.6.6 It is the case that south facing sloping sites, where solar gain is at its greatest, are an attractive proposition however such sites can be more visible within the wider landscape. Also the infrastructure such as cabins and container type units included in such a scheme can be a very visible feature in the local scene.
- 5.6.7 The application site and the local topography is gently undulating and it is accepted that if the Government's and local authorities ambitious targets relating to climate change as set out above are to be realised and if there is an associated responsibility to deliver solar farms and other renewable energy assets across the UK, then the development of undulating sites will be unavoidable. Indeed, the committee will be familiar with the solar farm and wind turbine development to the east which have already been accepted and which are also on undulating land.
- 5.6.8 The applicants supporting information sets out that well established principles of design have been incorporated into the layout taking constraints into consideration such that the impacts are minimised and additional mitigating planting is introduced where appropriate. The layout proposed involves retention of local landscape features involving the retention of existing hedgerows and tree groups and which are supplemented with additional landscaping measures.
- 5.6.9 The LVIA submission is based on a Zone of Theoretical Vision (ZTV) which indicates the greatest visibility will be from the south and east of

the site and the assessment considers the sensitivity and magnitude of the impacts ranging from low to major. For all receptors the degree of effect depends on landform, built form, vegetation and distance from the proposal. The assessment considers the impacts on the Estate Farmland Landscape Character area would be low to medium sensitivity, of slight magnitude and overall a low degree of effect. The submission considers land use sensitivity to be medium, magnitude to be low and degree of effect to be moderate but for vegetation the sensitivity is considered to be low with low magnitude and slight to negligible degree of effect. For heritage assets such as Inkersall Farm and Bolsover Castle this is referred to as medium to low sensitivity, of low magnitude and a slight degree of effect.

- 5.6.10 The assessment also considers the impacts on residential areas around the site (Inkersall, Inkersall Green, Middlecroft and Staveley, Poolsbrook, Duckmanton, Long Duckmanton, Calow and Arkwright Town) as well as isolated dwellings (Westcroft House and Blue Lodge Farm), the impacts on public Rights of Way such as the Trans Pennine Trail to the west, PRow 1; 12 and 15 within close proximity of the site and PRow 10 and 14 further afield and Poolsbrook Country Park.
- 5.6.11 The Trans Pennine Trail Partnership comments that there is poor reference to the Trans Pennine Trail and its local significance throughout the application and that there will be major visual impact from the TPT from this development. Trail users currently enjoy green views from the Trail looking eastwards which will already be compromised by a housing development and the undulating views from the Trail to the east will be virtually none existent. They comment that the proposals and the mitigating elements to obscure views of the solar farm would significantly reduce the pleasure and desirability by locals to use the Trail for recreational and healthy activity. The TPT is part of Derbyshire's key cycle network and this development will severely impact on the visitor experience of the Trail. The Partnership comment that there is no reference to the protection of Trail users who also cross Inkersall Green Road or the impact during the cable works at the Hollingwood location.

- 5.6.12 The Partnership comment that the close proximity of the TPT provides an excellent opportunity for the developer to show their commitment to the green economy and sustainable travel. They note the applicant refers to the area as not considered to be tranquil or over sensitive to development but this is disputed. The TPT consider the area to be tranquil in the local context and which offers pleasant rural views and which would be changed in so far as the visitor experience. Gapping up hedgerows may obscure some views of the proposal but would withdraw the current enjoyment of the open aspect to the TPT. Users would be confined between a barrier of trees immediately to the east and housing immediately to the west.
- 5.6.13 Whilst the removal of area 5 (south west field) is welcomed by the TPT this does not mitigate strongly enough in terms of the visual impact from the TPT and they question if the developers have considered the removal of the other two fields adjacent to the TPT as opposed to the one at the north? If this is unagreeable they ask that the installations should be moved back some distance, rather than installing directly at the site boundary. The TPT do not consider the reductions suggested as reasonable or necessary to make the proposed development acceptable in planning terms.
- 5.6.14 The applicant has responded commenting that the site and the landscape is neither unique nor protected in status. Reference is made to the fact that the Trans Pennine Trail passes through many suburban and urban edge areas along the route and this section, from the Chesterfield area to Leeds, passes through Sheffield, Wakefield and Barnsley and within that landscape any user of the trail passes close to many developed areas, both residential and industrial. The trail not only opens out areas of countryside but also provides a view of the working landscape, both historical and current, that makes up this central area of Britain.
- 5.6.15 It is the case that there are no panels proposed in the field which slopes up from Inkersall Green Road until beyond the crest so there would be no view of panels at the section of the trail as users cross the bridge over the Inkersall Green Road going south. In the northerly field

adjacent to the TPT the panels would be set below the crest of the hill, on the south facing slope and the backs of the panels would be well screened from the north by the topography and the proposed line of shrub and tree planting on the crest. The panels would not be set alongside the site boundary as the TPT suggest and would be set well away from the corridor because of the exclusion zone required under the overhead power cables. Furthermore the TPT at this point is well screened by thick boundary hedges on its eastern side and the TPT starts to cut into the levels as it moves south from the north west corner of this field thereby assisting further in screening the view for users of the trail.

- 5.6.16 The second field referred to by the TPT Partnership sits with just a point adjacent to the TPT where it leaves the former rail line and heads west along Bamford Road however the former rail line is a part of the key cycle network and is a very popular walking route. In so far as the impact on the TPT the panels are set back from the exclusion zone by the exclusion zone created by the pylons and overhead wires and will be screened from view by both the existing tree and shrub belt alongside the TPT and the existing field hedgerow which long term will be managed at 3m and therefore provide a robust screen. Panels in this second field would not be prominent in the users view.
- 5.6.17 It is considered that for the experience of trail users there will be glimpses of panels which will occur however they will be very limited and would be insufficient in impact terms to amount to a planning concern. There is no evidence or reason to suggest that the development will have an adverse impact on the TPT affecting in any way the enjoyment of users of the trail.
- 5.6.18 In so far as mitigation the scheme includes retention of existing hedgerow patterns with additional new hedge lines where appropriate. Hedges would be managed to an increased height of 3 metres to assist in screening the development and gaps in hedgerows would be infilled.
- 5.6.19 The Assessment also considers the cumulative impacts on both landscape character and on visual receptors of the proposal in

conjunction with other developments associated with it or separate to it. The assessment considers the two solar farms to the west of Duckmanton (Arkwright Solar farm) and to the south of the site between the site and Arkwright Town at Cherry Tree Farm. In so far as impact on landscape character the assessment concludes that an additional solar farm would result in an addition to the landscape which would not necessarily be out of keeping within the receiving landscape as a whole. The scale of impact of an additional solar farm set in the already developed landscape would be of a localised extent and of a reversible nature and would not result in such a significant change to the overall identified landscape character area. The duration of the impact would be 40 years and temporary and the effects would be reversible upon removal of the array at the end of its lifespan. The magnitude of the cumulative change of the proposed development on the Estate Farmlands Character Area on a landscape scale is assessed to be medium to low which would be a discernible but not obvious additional change to the landscape character.

5.6.20 In so far as impact on visual receptors the assessment concludes that the Arkwright Solar Farm and the proposed development would be visible within the landscape when viewed west from Long Duckmanton and Duckmanton; from the east from Inkersall Green towards the Duckmanton ridge; and the individual properties at Inkersall and Blue Lodge Farm and West Croft House. Views of the Cherry Tree Farm Solar Farm and the Proposed Development are referred to as limited, generally due to the screening effect of the landform, built form and vegetation and would only be seen from occasional residential properties on the edge of Long Duckmanton. There would be visibility of parts of all three schemes from long distance views from the edges of Brimington and Calow. Where visible, the Cherry Tree Farm Solar Farm forms a minor element in the view and the combined visual effect, where seen, is referred to as slight.

5.6.21 The assessment also considers the cumulative impacts on transport routes and Public Rights of Way. Sequential views that could include either two of, or all three, solar farms would occur for walkers along six of the footpaths within the ZTV. From the Trans-Pennine Trail, the

Cherry Tree Farm Solar Farm would not be visible and there would be glimpses of the Arkwright Solar Farm to the south east through existing vegetation particularly in winter from the northern ends of the Trans-Pennine Trail but combined views with the current proposal would not occur until viewed from the section where the proposed development is adjacent to the Trail. Views to the east would include the proposed development and the panels of the Arkwright Solar Farm on the ridge by Duckmanton. For the majority of the Trail users they would experience no cumulative effect. Over a short stretch of approximately 250m where cumulative views occur users are referred to as experiencing a high sensitivity and medium magnitude of effect with a moderate overall significance of effect.

5.6.22 From PRoW 1 at its southern end there would be combined views of Arkwright Solar Farm, the proposed development and a corner of the Cherry Tree Farm Solar Farm in the further distance to the south west. At this point the edge of the Arkwright Solar Farm is dominant in the immediate landscape and the addition of the panels of the proposed development would be in the middle-distance set against the urban backcloth of Inkersall Green. Further along the PRoW the views are screened by the landform and vegetation and cumulative views do not occur. Footpath users with a high sensitivity would experience combined views over a short stretch of the path with a medium magnitude of effect with a moderate overall significance of effect. Footpaths to the south and west including PRoW 12, PRoW 10, PRoW 14, PRoW 15 and PRoW 30 would experience occasional views of all three solar farms in the middle distance. Depending on distance and angle of view users with a high to medium sensitivity would experience a medium to low magnitude of effect with a moderate to minor overall significance of effect.

5.6.23 The applicants submissions and context for their response are made on the context of a significantly modified landscape with reference to industrial elements such as disused colliery spoil heaps, major trunk roads, extensive industrial and residential development and existing power infrastructure and that therefore the impact on the landscape character of the Estate Farmlands is considered to be Moderate at the

localised proposed development site. To the wider Estate Farmland Character Area with a combined consideration of the sensitivity of landscape receptors along with magnitude of predicted effect the proposal is considered to result in an overall significance of a slight effect on the landscape character which is not significant in planning terms. With regards to key characteristics within the landscape character area the only significant effect is considered to be in relation to land use where panels are added. The effect on the setting of Inkersall Farm, a Grade II listed property, is considered to not be significant in planning terms and the remaining aspects of the landscape character would receive no direct impact.

In so far as potential visual receptors within and around the site, such as residential properties; roads; Public Rights of Way; and recreational sites such as Pools Brook Country Park the applicant considers that the majority of potential visual receptors would experience negligible or no impacts. The applicant considers that where higher degrees of effect were noted, mitigation measures are proposed in order to address these. The majority of residential properties along urban edges in the surrounding settlements would not experience significant effects. The applicants submissions accept that one property at Westcroft House would experience a significant degree of visual effect at Year 1 however by maintaining and enhancing the existing landscape structure the visual effect particularly from a distance would be softened and by year 15 the effect would be reduced to Moderate. The applicant has however since pulled back the extent of solar panels in the fields surrounding Westcroft House which reduces their visual significance and impact of the proposal on this residential property however this is addressed further in the section below on residential amenity.

The applicants submission accepts that users of three Public Rights of Way: PRow 1; PRow 12 and PRow 15 with direct views over an open and elevated landscape would experience significant visual effects along short stretches. Being within 500m the receptors would be of high sensitivity and the effects at Year 1 over the short stretches would be of a large to medium magnitude depending on angle of view and vegetation resulting in lengths of the footpaths experiencing an overall major-moderate to moderate significance of effect. With

mitigation planting the applicant considers the significance of effect by Year 15 would be reduced to moderate and minor-moderate respectively.

For visitors in the Country Park the proposed development would be largely screened throughout the Park with glimpses only in discrete locations facing south where landform and vegetation features align. The southern boundary of the park is more open and although the screening effect develops a short way into the Park, reducing the visibility significantly, at the boundary the effect would be significant. The applicant has rated the sensitivity of visitors to the Park as high at this distance and in this localised area the magnitude of change would be large with an overall significance of effect varying from major-moderate. The applicant considered that with mitigation planting the significance of effect by Year 15 would be reduced to minor-moderate. In so far as cumulative effects on landscape character the applicant has concluded that with a combined consideration of the low sensitivity of landscape receptors along with magnitude of predicted effect of medium to low identifies a cumulative impact of minor to slight to the character area. The applicant considers significant cumulative effects for users of Public Rights of Way would occur along short sections that are not screened by the topography or existing vegetation. Depending on distance and angle of view users with a high to medium sensitivity would experience a medium magnitude of effect with a moderate to minor-moderate overall significance of effect. The applicant considers the proposed mitigation would soften the panels arrays for many receptors, but the effect cannot be completely screened on the gently undulating ground. The applicant has since removed the field at the north end of the site which sits alongside the edge of Poolsbrook Country Park from the scheme overcoming the concerns in relation to the proximity to the Park area.

- 5.6.24 The Planning Practice Guidance (Paragraph: 013 Reference ID: 5-013-20150327) addresses the question of what are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. The guidance accepts that large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes however, the visual impact of a well-planned and well-screened solar farm can be properly addressed

within the landscape if planned sensitively. The document sets out particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

5.6.25 The planning regime includes safeguards aimed to ensure that developments, including solar farms, are properly sited and individuals

and communities are protected against any unacceptable impacts. This means that issues such as visual amenity impacts are an important consideration within the planning process.

- 5.6.26 The comments of the County Planning Officer and the County Landscape Officer are of direct relevance to the consideration of impacts on the landscape and visual amenities of the area. Both contest some of the judgements alluded to in the baseline assessment, particularly the suggestion that the landscape is heavily influenced by the surrounding urban land-uses giving the landscape an urban fringe character. It is considered that the landscape forming the site and its immediate context is not urban fringe in the traditional sense and the way described in that it is not degraded or heavily impacted by human influences and on the contrary forms a green wedge area of agricultural land preventing the coalescence of Inkersall to the west, Staveley to the north and Duckmanton to the east. The land is typical of the character of the wider Estate Farmlands Landscape Character Type having a relatively undulating open topography, fields enclosed by hedgerows and a mixed farming land use. Like much of the landscape of Derbyshire the landscape is not designated but it provides an important local backdrop and resource to people living in the immediate area.
- 5.6.27 With regard to landscape impacts, it is accepted that the proposed development would not directly impact on landscape features such as hedgerows, trees and drainage channels and in some respect these will provide some mitigation to the proposal. However, the assertion that the retention of the grassland below the solar panels would amount to a retention of the existing agricultural land-use is not accepted by the County Planning Officer. There is no doubt that in views of the landscape from a variety of vantage points people will perceive a wholesale change in land-use from an agricultural scene to that of an urbanised and industrial landscape and in this respect it is considered that the overall landscape impacts would be greater than the judgements in the LVIA. The generally open, undulating nature of the Estate Farmlands heightens its overall susceptibility and sensitivity to development of this type and the wholesale change in land-use

heightens the magnitude of the impact. It is not considered that the context of the surrounding area, including residential areas, other solar farms and roads act as mitigating factors and justification in themselves for further urbanising development.

5.6.28 With regard to the assessment of visual impacts, it is considered that the overall effects have been under assessed in the LVIA. From several locations but particularly Viewpoints 1, 5, 6, 7, 8, 11, 15 and 16 the overall significance of effect has been underestimated as either a consequence of under assessing the sensitivity of the receptor (people who would see the development) or the magnitude of the change to that view. For example, Viewpoint 1 would see a significant loss to the middle distant component of this particular view and the coalescence of the foreground solar farm with the settlement edge forming the horizon. This is assessed in the LVIA as an impact of moderate significance however it is considered that this impact should be judged to be an impact of at least major-moderate significance. The undulating landform and the relatively elevated nature of some of the viewpoints mean that the main mitigation proposals would have a very limited effect in reducing the overall visual impacts to the extent suggested in the LVIA throughout the duration of the development. The principal visual mitigation relies on the infill planting of existing hedgerows and allowing them to be managed to an overall height of 3m. The LVIA acknowledges that "*The proposed mitigation would soften the panels arrays for many receptors, but the effect cannot be completely screened on the gently undulating ground*". It is agreed that the panels would not be capable of being screened in some viewpoints and it is suggested therefore that the long-term impacts as a result would be greater than suggested in the applicants assessment.

5.6.29 The impact of the proposed cabins/container units is also considered to be a component of the scheme which contributes to an urbanising character and which has not been appropriately assessed. The initial scheme proposed 36 cabins arranged in groups of six and each block of 6 will comprise of container type structures extending to an area of at least 50 metres by 6 metres and to a height of over 3 metres. The applicants latest revised plans have reduced the number of proposed cabins to 22 arranged in 5 groups across the site. These elements of

the proposal have the potential to be significant in views (eg from Inkersall Road approaching from the south) and which could contribute to the adverse impacts arising from the scheme however the impacts can be mitigated by ensuring that the cabins are finished in a colour scheme which makes them recessive and that there is landscaping planted to screen the cabins. This can be required by condition.

5.6.30 In so far as cumulative effects it is also considered by the County Planning Officer that these have also been underestimated in the LVIA. The assessment has focused on the combined effects of this proposed development alongside the other solar farms at Cherry Tree Farm and Arkwright Solar Farm and whilst these are important components of the assessment, it tends to under assess the sequential impacts of people passing through the landscape who would consistently see built development of some sort over a very large part of the study area whether that be solar farms, settlement or the wind turbine off Tom Lane. The assessment does not take account of other new development proposed in the local area including for example land allocated for housing at Duckmanton and Inkersall Green and as a result it is considered that cumulatively the development would have a substantial adverse effect on the local landscape over a long period of time (40 years) when considered alongside existing and proposed development.

5.6.31 In response the applicant responded on the impacts on the numerous viewpoints and put forward additional mitigation measures including managing some hedgerows up to 3.5 metres and setting back panels in key areas to achieve additional planting belts. Part of the suggested mitigation extended planting into the neighbouring local authority area and onto third party land and it is suggested that this cannot therefore be relied upon. The applicant accepted this and withdrew this element of suggested mitigation from the scheme. In so far as cumulative impacts the applicant makes reference to the Landscape Institute Guidelines for Landscape Visual impact Assessment 3rd edition (GLVIA3) which states that in most cases the focus of the cumulative assessment will be on the additional effects of the proposal in conjunction with other development of the same type. The guidance refers to the complexity of assessing a combined effect of a range of

different proposals. It is the case however that the applicant is using the notion of an industrial and despoiled landscape to suggest the area is urban fringe and is therefore appropriate for the development, however this is disputed. It is a fact that some land in the local area is allocated in the new local plan for housing development and which is being pursued through planning applications and which will contribute to a cumulative impact with the proposal in the short term however it is also accepted that the appropriate advice on assessing cumulative impacts makes it clear that impacts should only be considered on the basis of the same development types.

- 5.6.32 In ongoing discussions with the applicant regarding the scheme it was considered that the additional mitigation measures did not go far enough and the County Landscape Officer suggested that two fields should be removed from the scheme (field to south of Poolsbrook Country Park to north of site with additional planting and field alongside Trans Pennine Trail to south west of site). The applicant responded positively agreeing to removal of the two fields and to provision of the additional planting but on the proviso that the Council confirms its formal support for the scheme and a planning committee target is agreed. In the circumstances the matter of support for the scheme will be one for planning committee to consider.
- 5.6.33 The applicant has also subsequently removed panels from the fields around Westcroft House which will have the benefit of reducing the scale of the scheme and visual significance of the scheme as perceived in the local area.
- 5.6.34 It is accepted that there will be differences in opinion as to the extent of any visual and landscape impacts and concerns have been expressed on a number of occasions that the scheme is just too large and as a result has an impact on the local area which would be detrimental. The scheme will be clearly visible from key viewpoints and receptors and those in the area are likely to perceive a wholesale change in land use from an agricultural scene to one which would undoubtedly be more urban however the applicant has reduced the extent of the proposal through removing fields at the north and south

west of the site, reducing the extent of panels around Westcroft House and increasing the areas of proposed landscaping and enhancing mitigation measures.

The case is finely balanced in this respect and whilst the mitigation measures would assist in screening the proposal to a degree, such measures cannot screen completely as referenced by the County Council planners and landscape advisor and which is an opinion which has been expressed by numerous local residents as referred to in the representations section of the report. On balance, it is concluded that the benefits of delivering a renewable energy scheme outweigh the harm and it is considered that the proposed development as revised is acceptable in so far as impact in visual and landscape terms are concerned.

5.7 Heritage Impact

- 5.7.1 The National Planning Policy Framework sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 189). At paragraph 190 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise and that they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 193 states that when considering the impact

of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 5.7.2 The Councils adopted Local Plan includes policy CLP21 which states that when assessing the impact of a proposed development on the significance of a designated heritage asset, the council will give great weight to the conservation of designated heritage assets and their setting and seek to enhance them wherever possible.
- 5.7.3 The applicant has provided a Historic Environment Desk-Based Assessment (AECOM, June 2020) and which has been supplemented by an updated version dated September 2020 and a separate Archaeological Geophysical survey.
- 5.7.4 These documents correctly identify below ground archaeology and those built heritage assets that would be impacted on by the proposals. In so far as the grade II listed Inkersall Farmhouse the submission concludes that the proposed development would introduce some change to the setting of Inkersall Farmhouse, however, whereas the context of the setting has changed over time the proposed development could further erode the rural setting of the asset to an extent which could be affected.
- 5.7.5 The applicant has however designed the scheme, including the location of solar panels and proposed landscaping, to minimise the potential impact. This includes an area of separation between the Inkersall Farm and the development, which forms a part of the mitigation strategy. The scheme does not include the use of the fields to the west of the listed farmhouse and which are separated from the fields proposed for solar panels by managed and supplemented hedgerows. The main facades of the listed build are those which face the north, east and west and to the south the group of buildings is largely influenced by the modern agricultural buildings which have developed over time and which support the operation of the agricultural unit. The main setting of the listed building as experienced from the public is the main façade to the street (east) and the one seen

when travelling east on Inkersall Green Road (west). The west façade of the building is also seen from the Trans Pennine Trail to the west. In this context the assessment concludes that the proposed development would constitute 'less than substantial harm' to the significance of the designated asset and the overall impact is considered to be low.



View of farmhouse from Inkersall Green Road

5.7.6 The applicants LVIA also considers the visual impact on Inkersall Farmhouse, and subject to the delivery of the mitigation proposals, concludes that:

- There would be no loss of key views to the farmhouse.
- There would be no loss of view or concealment.
- The building will not be isolated from its surroundings.
- There will be no degradation of the landscape setting as viewed by road users.
- The layout design aims to maintain the cohesion, scale and openness of the immediate surrounding landscape.
- The way the building is experienced would not be changed.

5.7.7 The Councils Conservation Officer considers that the submitted assessments are robust, comprehensive and meet the requirement of Local Plan and NPPF policy and that any harm should be balanced against any public benefits of the wider planning proposals.

- 5.7.8 In terms of archaeology, the site is not within a designated area and analysis of 20th century coal mine abandonment plans have revealed that large areas of the site have previously been subject to opencast extraction during the 1960s and early 1970s. As such, these workings will have destroyed or severely truncated any potential archaeological remains located within their footprint. The assessment concludes that, within the areas not impacted by the 20th century opencast extraction works, there is potential for unknown archaeological assets to be encountered however the applicant considers that the potential within the site is considered to be very low.
- 5.7.9 The County Council archaeologist comments that the undisturbed area should however be subject to geophysical survey, to address the requirements of NPPF para 189 since without this initial level of archaeological evaluation it is not possible to understand significance or to provide advice on appropriate mitigation for archaeological assets (such as areas of 'no dig' construction), and the application does not therefore meet the information bar at NPPF para 189. The applicant therefore undertook further geophysical survey for the north-eastern part of the site not impacted by opencast coal extraction. The results appear to show archaeological potential in the form of a pre-modern field system and other possible features (ring ditches/enclosures) which may be archaeological in origin. The most likely interpretation in this area would be a typical late prehistoric/Romano-British landscape of fields and settlement, though this remains to be tested by field evaluation.
- 5.7.10 The County Council Archaeologist comments that this would be regionally important if confirmed however any archaeological remains are unlikely to constitute an objection to development in terms of rarity, complexity or levels of preservation. Furthermore, the County Archaeologist notes that solar farm development offers considerable potential for archaeological impacts to be avoided where appropriate, for example through no-dig construction. In this respect the archaeological potential of the site is best addressed through a conditioned scheme of archaeological work, in line with NPPF para 199. A series of conditions are recommended to cover a Written

Scheme of Investigation, site investigation and post investigation assessment.

- 5.7.11 It is considered, with regards to above-ground built heritage and archaeology, that there are no unacceptable impacts and any potentially adverse impacts should be weighed against the significant public benefits (relating to climate change) and other benefits (biodiversity gains) associated with the proposed development, as required by planning policy. On balance, it is concluded that the benefits significantly outweigh any harm and it is considered that the proposed development complies with policy and is acceptable in so far as impact on heritage assets is concerned.

5.8 Impact on Neighbouring Residential Amenity

- 5.8.1 Local Plan policy CLP14 states that *The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality. All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts.*
- Furthermore Policy CLP20 refers to criteria which include:
....k) have an acceptable impact on the amenity of users and neighbours;
- 5.8.2 There are a number of residential properties in the vicinity of the application site with the main Inkersall and Middlecroft estates to the west, Duckmanton to the east and a number of individual properties on the immediate boundaries of the site such as Westcroft House on the south boundary and Inkersall Cottages within the centre of the scheme.
- 5.8.3 The residents of the Inkersall, Middlecroft and Duckmanton areas will experience views of the proposal which will be generally from a distance and a number of residents have referred to their concerns

with regard to the impact of the proposal on their appreciation of the open countryside area around where they live. In the main views from the Inkersall and Middlecroft areas are to a degree restricted by the elevated nature of the former railway line now used as the Trans Pennine Trail. The residents closest to the site on Bamford Road for example will not see the proposal however further to the west along Bamford Road as the land gradients rise there will be more distant views. It is accepted that such impacts on residential amenity will not be sufficient to warrant a refusal of planning permission.

- 5.8.4 From Duckmanton there will be long ranging views from the properties which sit along the western edge however it is accepted that such impacts on residential amenity will similarly not be sufficient to warrant a refusal of planning permission.
- 5.8.5 On the other hand the impacts on the amenity of Westcroft House are significant and were considered to be seriously detrimental to the amenity enjoyed by that property. Westcroft House is a detached residential property located to the west of Inkersall Road on the immediate southern boundary of the application site. The property is located at a valley bottom where a Pools Brook tributary runs west to east towards the Pools Brook and which is tree lined creating an enclosing wall of landscaping along the southern edge of the residential plot. As a consequence the residential property is arranged with its main outlook from habitable rooms and its curtilage garden areas to the north, east and west and which are over the rising open agricultural fields which stretch up to Inkersall Farm to the north, Inkersall Road to the east and the Trans Pennine Trail to the west.
- 5.8.6 The application site boundary runs contiguous with the Westcroft House boundary on its north, east and west boundaries. The boundaries around the dwelling are generally open and maintained at a low level to maximise the pleasant open outlook over the existing farmland. Much of the boundary around the dwelling house is low level post and rail fencing with isolated trees.

5.8.7

The initial proposal was to cover every field in the outlook from all three sides of this property with solar panels. The impact would have been exaggerated because of the rising land levels and every field, all the way to the horizon level would have been covered in panels. The panels would also have been facing and angled directly toward the residential property because of the orientation to the south and which raised the realistic prospect of glint and glare issues for the property. The initial proposed scheme showed solar panels running up close to the boundary around all three boundaries of the property with a mitigation proposal of gapping up the existing hedge along the north boundary (part) and allowing the hedge to grow to 3 metres high and to plant new hedge lines along the other boundaries of Westcroft House.



View from house environs looking north east



View from house environs looking north



View from house environs looking north west

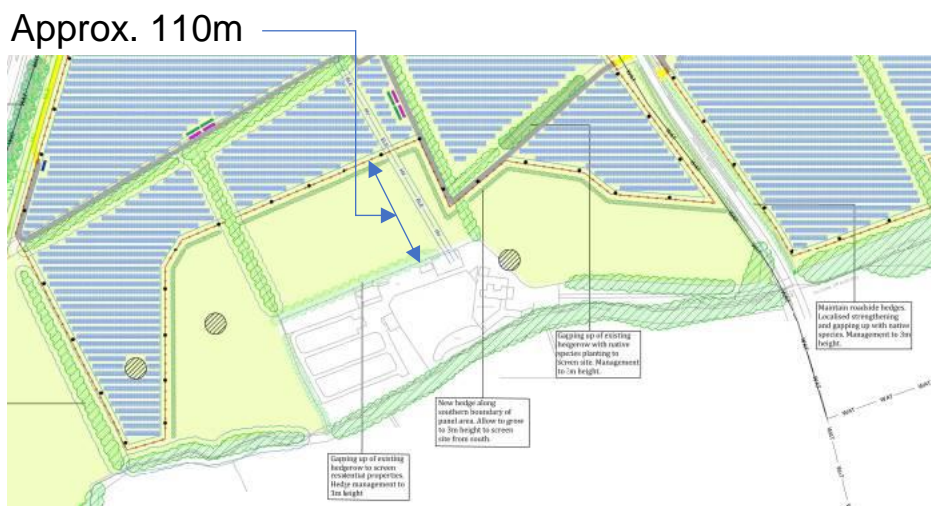


Panorama view of field to west from west boundary of Westcroft House.

- 5.8.8 The applicant had assessed the impacts on the property as high sensitivity with large magnitude effects resulting in an overall major-moderate significance in effect in year 1 but the applicant considered the residual degree of effect following mitigation at year 5 would be moderate.
- 5.8.9 In assessing the impacts on the property it was agreed that Westcroft House would be considered as high sensitivity however the large magnitude was considered to be an under estimation and the magnitude was more likely to be regarded as very large as a consequence of the fact that the proposal would become the dominant feature of the view from the property to which all other elements would

be subordinate. This changed the overall visual effect and significance of the proposal to major rather than the applicants view that it would be a major-moderate level.

5.8.10 The applicant accepted the impacts would be harmful and has submitted a revised plan removing panels from the area immediately surrounding Westcroft House. The revised plan retains a belt of approximately 110 metres of unaffected fields around the three sides of Westcroft House together with gapping up existing hedges and a complete new hedge at the boundary where the reduced site area crosses the existing fields. The new boundary line to the north would equate approximately to where the land levels ease.



Extract of latest submitted plan

5.8.10 It is clear from policy CLP14 that developments are required to have an acceptable impact on the amenity of adjoining occupiers taking into account issues such as outlook and the environmental impacts. The revised plan removes the complete domination of solar panels within the immediate environs and main outlook from the property and there would remain an agricultural use, albeit reduced on all sides of the property. There would nevertheless still be views of the proposal from the property however the proposal provides for mitigating screen hedges which will in time screen the leading edges of the panelled area of the scheme. Again this is a finely balanced issue however given the wider benefits of the scheme from a climate change perspective it is considered that on balance the local planning authority

would find it difficult to justify a refusal of planning permission under policy CLP14 based on the impacts on residential amenity. Notwithstanding this concerns are made in representations from the property owner and which are detailed below in section 6 of the report.

- 5.8.11 In so far as then group of dwellings at 1 – 3 Inkersall Cottages the proposed scheme includes a set-back of the proposed panels with retention of the existing field to the immediate north. There is also a small copse/wooded area immediately to the east of Inkersall Cottages which is to be retained and which will screen the proposal which falls away down the land levels to the east. The original submitted scheme featured mitigation in the form of a new hedge line to the north of Inkersall Cottages and returned along the Inkersall Road frontage however the residents of 1 Inkersall Farm Cottage requested that the mitigation hedge be removed from the scheme so that they can maintain their view to the north. The applicant has assessed the impacts as minor-moderate which would also be minor-moderate after 5 years following mitigation measures. The impacts on this group of properties are considered to be acceptable.

5.9 Highways Safety

- 5.9.1 Policy CLP20 on Design states that all development will be expected tog) *provide adequate and safe vehicle access and parking*. Policy CLP22 (Influencing the Demand for Travel) focusses on reducing congestion, improving environmental quality and encouraging more active and healthy lifestyles by seeking to maximise walking, cycling and the use of public transport. The policy goes on to state 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.
- 5.9.2 The applicant has provided a Transport Report prepared by Mott Macdonald and which considers the transport arrangements for the Proposed Development during construction and post operation of the scheme. The scheme proposes the construction of two means of access for construction purposes and subsequent tracks for service

requirements. Access to the western part of the site is onto Inkersall Green Road to the east of the Trans Pennine Trail crossing bridge. This access serves the DNO substation and the access tracks around the site and is provided with 2.4 by 215 metre visibility splays to the east and 2.4 by 130 metres to the west. The second means of access is shown onto Inkersall Road to the south of the Poolsbrook Country Park car park at the northern edge of the site. This access serves the eastern part of the site and is to be constructed on an elevated embankment when leaving Inkersall Road. This access is provided with 2.4 by 215 metre visibility splays in both directions. Once operational, occasional maintenance of the solar panels and other infrastructure would be required. The solar panels would also need to be periodically cleaned, to ensure the efficient running of the system. It is expected that under normal circumstances no more than 4 cars/vans would visit the site each week.

- 5.9.3 The scheme also proposes the construction of a connection to the sub station at Victoria Farm at Hollingwood via the route shown on the plan below. The applicant offers the opportunity to agree a Construction Traffic Management Plan as a condition of any planning permission.
- 5.9.4 The Highway Authority has commented that there is to be a construction period of approximately 16 weeks following which vehicle movements to and from the site are expected to be limited. Notwithstanding this the Highway Authority has criticised the fact that photographs are included with submitted information to indicate visibility from the proposed construction accesses. Reference is made to speed readings undertaken in May 2020 and on Inkersall Road 85th percentile speeds were 51.4 mph northbound and 51.8 mph south bound. This equates to visibility requirements of 156 metres and 158 metres respectively. With regard to Inkersall Green Road 85th percentile speeds were 42.2 mph eastbound and 40.7 mph westbound which equates to 113 metres and 106 metres respectively.
- 5.9.5 The Highway Authority requested that a suitable scale drawing should be submitted to demonstrate adequate visibility from all accesses for construction and future maintenance, given the presence of street furniture etc. They also comment that providing adequate visibility

splays may require the removal of fronting hedgerow but visibility splays should be clear of obstructions greater than 1.0m in height (0.6m in the case of vegetation) relative to nearside carriageway channel level. Reference is also made to swept paths which have been submitted for different vehicle types and the Highway Authority comment that some of these appear somewhat tight and in one instance could lead to over-running and damage to the highway.

- 5.9.6 The applicant has responded with further drawings prepared to demonstrate the visibility which can be achieved and which confirms that visibility splays of 2.4 metres by 120 metres in both directions for the access point to Inkersall Green Road and 2.4 metres by 160 metres in both directions for the access point to Inkersall Road can be achieved within highway limits. The splays available are shown in the photographs below.



Inkersall Green Road to west



Inkersall Green Road to east



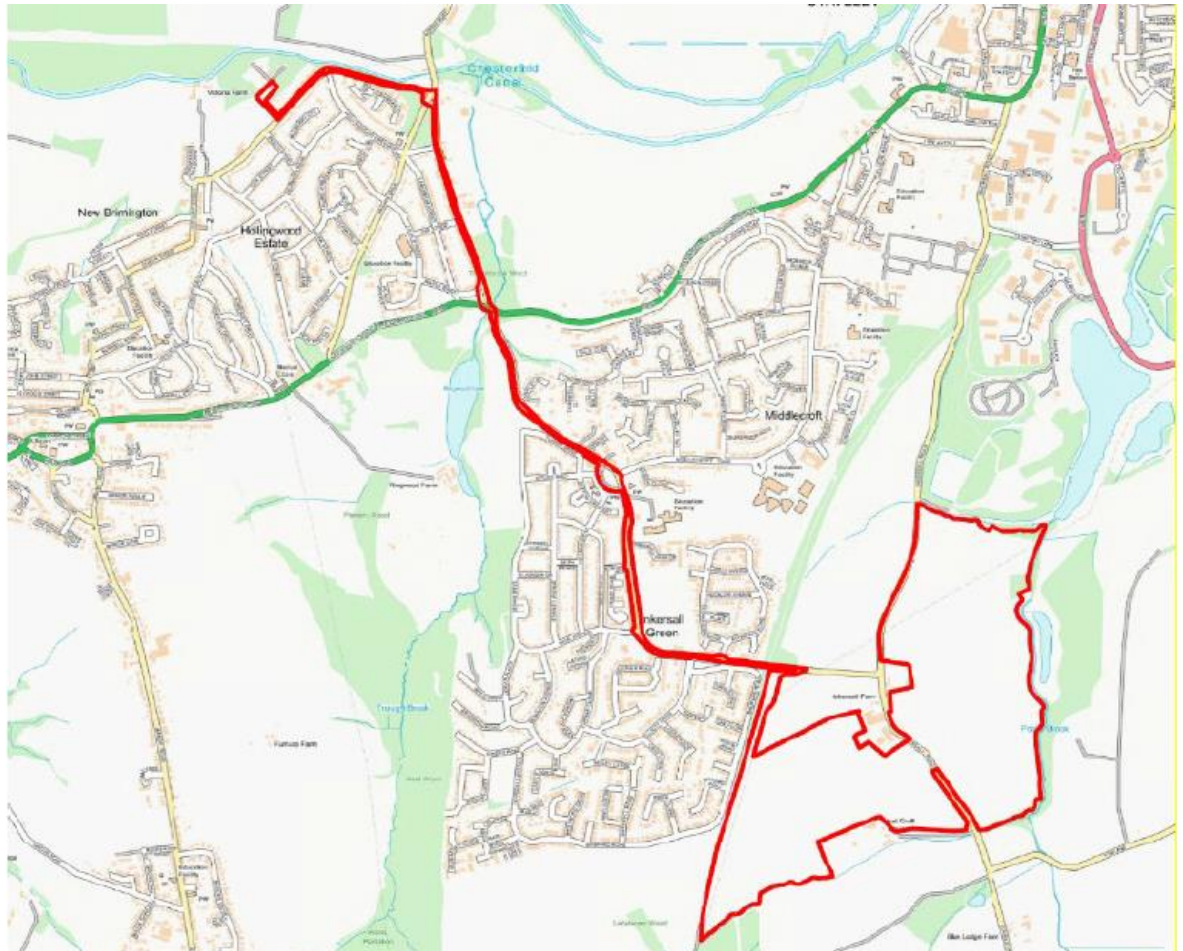
Inkersall Road to north



Inkersall Road to south

5.9.7 It is considered that due to the nature of the proposal, only a limited number of vehicle trips would be generated by the scheme which would have an insignificant impact on highway safety. The number of construction vehicle trips during the construction phase is also expected to be relatively limited, with approximately 6 HGV deliveries expected typically across each working day, over a 16-week period. The access points are located where appropriate visibility splays can be achieved in both directions and which more than adequately addresses the splays required to address the 85th percentile speed of traffic on the respective highways.

5.9.8 It is clear that the traffic impacts of the proposal are limited and can be accommodated within highway limits such that the impacts are not regarded as severe. The proposal therefore accords with policy CLP20 and CLP22 in this respect.



Plan showing external connection route to the grid

5.10 Drainage and Flooding Impact

- 5.10.1 Policy CLP13 (Managing the Water Cycle) of the Local Plan 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.*

- 5.10.2 A Flood Risk Assessment prepared by Kaya Consulting Ltd forms parts of the submission on the basis that the site is larger than 1 hectare however no development is located within Flood Zone 2 and 3 with all solar panels and associated infrastructure located within Flood Zone 1. The FRA concludes that the site is generally considered to be at low risk from surface water flooding as there is a limited catchment outside of the site boundaries that could generate surface water that could enter the site and that areas shown to be at risk from surface water flooding are localised and close to existing drainage channels. The submission comments that runoff rates for surface water are unlikely to increase as a result of the proposed development and that an increased impact on the surrounding area is not expected. The drainage strategy in the FRA recommends that swales/filter drains should be located around the proposed buildings (where a hard surface is proposed), such as the inverters, batteries and substations and that runoff would be directed into the swales from the hardstanding areas into existing drains. The submission argues that retention of grass between and underneath the solar panels should maintain the original greenfield runoff rates within the site.
- 5.10.3 Yorkshire Water Services has commented that the line of a public sewers crossing the site should be maintained clear to allow for future maintenance and repair access. The Environment Agency has confirmed it raises no objection to the proposal from a flooding risk perspective.
- 5.10.4 In response to questions from the Lead Local Flood Authority about the lack of infiltration testing and the applicants assumption that the soil will allow water to infiltrate the applicant submitted a Technical Memo via Kaya Consulting Ltd. The submission made the following comments:
- surface water runoff from each individual hardstanding structure is to be stored adjacent to the structure including modelling of the ground to divert existing surface water runoff around the area. The storage areas will be sized to store the 100-year plus climate change uplift runoff volume.

- enhanced infiltration measures are included within the storage areas in the form of an infiltration trench which will be filled with stone/aggregate within the bed of the area. This additional measure will not only enhance the limited infiltration potential but also provide additional storage within the dedicated area.
- additional mitigation is also proposed to further attenuate surface water runoff from the site. Filter trenches are proposed in a number of locations downslope of the storage areas so in the event of multiple storms, surface water runoff from the impermeable structures will discharge into the storage area swales before overspilling in a controlled manner over the site, mimicking existing overland flow pathways to a downslope filter trench. These trenches provide additional storage and runoff attenuation. The filter drains act to capture surface water runoff until capacity is reached before discharging into adjacent watercourses via natural designed overflows utilising channel protection measures. The filter trenches would not be required to extend throughout the entire downslope boundary of the site, just in sections within the downslope watershed of the impermeable structures to provide that additional mitigation.
- recent studies (Wallingford Hydrosolutions, 2017 and Sharp et al., 2017) suggest that solar farms have insignificant impact on surface water runoff rates and volumes (compared to the greenfield runoff rate) permitting that surface water flow pathways and site vegetation coverage remain largely similar to pre-development conditions. As storage and attenuation structures within the site are designed in way that maintains surface water flow pathways to pre-development conditions and significant changes to vegetation cover are not expected, it is highly likely that the solar panels will have negligible impact on surface water runoff rates and volumes.
- if a minor increase to runoff generation does occur as a result of the development, additional drainage measures have been incorporated to mitigate potential increases to surface water runoff leaving the site, as the downslope filter trenches would act as additional storage in the case of multiple storm events.

- an area of approximately 26.3 ha would directly benefit from additional surface water attenuation and storage due to the trenches and although the trenches are situated primarily downslope of the impermeable structures, an area of approximately 9.8 ha with the impermeable structures would also benefit from attenuation and storage by extending the trench on the southern boundary of the site in an effort to provide betterment to the residential property adjacent to the site.

- 5.10.5 As a result of concerns expressed that any additional runoff rate generated from the solar panels would contribute to the storage swales prematurely reaching capacity and exacerbating flooding issues downstream of the site the applicant comments that even if solar panels were to increase surface water runoff at the site, this would not effect the capacity of the swales draining the impermeable areas due to the raising of ground levels around the upslope boundary of the storage structures. These diversion bunds will divert surface water runoff around the storage areas, separating runoff generated from the hardstanding structure from the rest of the site. The swales therefore would only fill from runoff generated by the hardstanding structures and any impact from increased runoff generation would not therefore be applicable.
- 5.10.6 The applicant has submitted a drainage layout plan which indicates the general location of bunds, swales and filter trenches and the outfalls to watercourses however it indicates that the sizing and capacity of both swales and filter trenches is yet to be designed.
- 5.10.7 Notwithstanding the applicants comments it is most likely that the provision of solar panels across the site will serve to accelerate the run off of surface water during rainfall. It is accepted that there will continue to be percolation below the panels and across the site as existing however the considerable number of hard sloping surfaces will enable rainfall to be concentrated quicker along the lower edge of the panels resulting in surface water arriving more quickly towards the lower parts of the site. The Lead Local Flood Authority accept that this

situation is a realistic proposition however the applicant is to incorporate drainage solutions which can manage any such increases there may be in surface water run off. As referred to above, whilst the swales and drainage trenches have yet to be designed and sized, it is considered that such information can be agreed through a pre commencement condition in the event that planning permission was being recommended for approval. There is a requirement of all development to consider the impacts of surface water run off and the effects of climate change over time and to build systems which ensure that, post development, the surface water run off rate is not just no worse but which is improved by up to 40% compared to the pre development greenfield run off rate. The opportunity therefore arises to build such improvements into the scheme to ensure the existing situation regarding surface water run off in the area is improved and which is provided with appropriate on site storage and outfalls.

5.10.8 On this basis the proposal is considered to satisfy policy CLP13 of the local plan.

5.11 Coal mining and land stability

5.11.1 Policy CLP14 of the Local plan refers to Unstable and Contaminated Land and states *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.

- 5.11.2 The planning application includes a Coal Mining Risk and Mitigation Report prepared by Aecom. The report reveals that some parts of the site have previously been subject to opencast coal extraction during the 1960s and early 1970s, and further areas may include abandoned mine entries. The majority of the site, however, other than the south western corner, is classed as low risk.
- 5.11.3 The applicant proposes gaps in the solar panels where there are two former mine entries within the site however having regard to the nature of the proposed development, which should not have a significant bearing load upon the ground, means that the risks arising are limited. Furthermore the area of the site which is shown to be at highest risk is the field to the south west corner of the site which has now been removed from the scheme by the applicant.
- 5.11.4 The Coal Authority comment that solar arrays are included on their Exemptions List on the basis that the various elements of such schemes generally do not require significant groundworks and as such, they would not expect the submission of a Coal Mining Risk Assessment or an equivalent report in support of a planning application. Nevertheless, they note that in this instance the planning application is accompanied by a Coal Mining – Risk and Mitigation Report which is based on a review of appropriate sources of coal mining and geological information and which acknowledges the extensive coal and ironstone mining activity which has taken place at the site. It categorises the site into Low, Medium and High Risk Areas based upon the specific risks identified within that particular part of the site. The Coal Authority comment that section 5 of the report outlines a range of possible options to mitigate the risk posed by the various aspects of mining legacy and that the specific option to be adopted by the applicant will be dependent upon the results of intrusive investigations to further quantify and assess each specific risk. On this basis the Coal Authority has confirmed no objection to the proposals.
- 5.11.5 It is considered that the issues in relation to ground conditions has been appropriately considered and which satisfies the requirements of policy CLP14.

5.12 **Biodiversity and Impact on Protected Species**

- 5.12.1 Local Plan policy CLP16 Biodiversity, Geodiversity and Ecological Network states;
'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'*
- 5.12.2 The application is accompanied by an Ecological Assessment and a confidential Badger Survey Report both produced by Landscape Science Consultancy Ltd. The Ecological Assessment is based on an Extended Phase 1 Habitat Survey which concludes that the site is improved grassland and arable fields and therefore has a relatively low species diversity and the site is considered to be of low ecological value. Reference is made however to the suitable habitat and potential for ground nesting birds and brown hare on the site, bats in boundary trees, Great Crested Newt in a lake at Ireland LWS and reptiles in boundary habitats particularly along the Pools Brook boundary .
- 5.12.3 Mitigation measures are included as part of the proposal as follows:
- Retention of all trees and hedgerows which are to be gapped up with native species where appropriate;
 - New native hedgelines and trees to be planted;
 - Sowing species rich wildflower meadows below and adjacent to the solar panels and which will connect all margins of the solar arrays;
 - Provision of 10 metre buffer zones along sensitive boundary habitats with Ireland LWS and Pools Brook to the east and Bower LWS to the south and 5 metre buffer zones along all other boundary habitats such as hedgerows and woodlands.

- Provision of 50 metre buffers between site infrastructure and the offsite lake where Great Crested Newts have been confirmed to be present within Ireland Wildlife Area LWS (Pools Brook), eastern survey site boundary;
- Incorporating mammal gates into security fencing;
- 30 metre off setting from all identified badger setts on and adjacent to the site.

5.12.4 The applicant recommends a Biodiversity Management Plan and a Construction Ecological Management Plan should be secured through a planning condition to ensure the successful establishment and long term management of mitigation measures to be introduced as well as the measures for avoiding impacts during the undertaking of the construction works.

5.12.5 The report concludes that the solar arrays and associated infrastructure would largely affect existing improved grassland and arable fields with minimal impacts to boundary habitats and that the mitigation incorporated into the scheme will enhance and strengthen features and would provide a net gain in biodiversity post-development.

5.12.6 Derbyshire Wildlife Trust has confirmed that sufficient ecological survey work has been undertaken to a good standard and ecological considerations factored into the scheme design. They comment that the following quantifiable habitat creation measures are listed in the DAS:

- creation of approximately 15 ha of species rich wildflower grassland;
- creation/maintenance of approximately 1.2 km of new native hedgerow planting;
- provision of approximately 47 new trees; and
- retention of approximately 50 ha of grazing pasture.

The Wildlife Trust welcome the measures proposed in the Ecological Assessment along with the recommendations for best practice measures during the construction phase. They comment that for the 15ha of wildflower grassland to be realised, the target habitat must be

suitable for the land type and an appropriate management regime must be in place. Typically wildflower grassland is difficult to establish on agricultural land due to the high nutrient content. In addition, over-seeding on well-established improved grassland is unlikely to prove successful due to the lack of bare ground. The Wildlife Trust suggest that rough, tussocky grassland around site margins and hedgerows, along with areas of living bird tables and pollinator strips may be more achievable. Where the ground has been disturbed during installation of the solar arrays, this may be more suitable for sowing of a suitable general purpose wildflower mix.

5.12.7 The Wildlife Trust comment that the Ecological Assessment acknowledges the suitability of the site for ground-nesting birds, however no breeding bird survey has been undertaken. Whilst they agree that the new habitat creation measures will benefit birds, they consider that the installation of solar arrays over such a large area will result in a loss of available nesting habitat for ground-nesting birds and therefore they encourage the incorporation of 4x4m skylark plots on site to maintain some breeding habitat for this species and others such as meadow pipit. Furthermore a number of bat and owl boxes should be installed on onsite trees to further contribute to a net gain for biodiversity.

The Wildlife Trust recommend the inclusion of conditions requiring a Construction Environmental Management Plan (CEMP: Biodiversity) and a Landscape and Ecological Management Plan (LEMP).

5.12.8 The conclusion reached is that there would not be significant impacts on ecology and biodiversity gains are achievable and that there would be a number of benefits as a result of the new habitat that is proposed and overall therefore it is considered that the proposed development would comply with relevant planning policy CLP16.

5.13 **Community Gain/Benefits**

5.13.1 The opportunity for community benefits is often raised in response to projects of this nature and such opportunities include establishment of a local Environmental Trust or Community Benefits Trust for example,

with funds being contributed annually by the developer and used for appropriate energy conservation measures. Other community benefits can involve local share issue, community ownership of panels and investment in Green Infrastructure provision and management.

- 5.13.2 In this case the applicant has not indicated any such community benefits however whilst the guidance to local planning authorities is to encourage community benefits, the guidance makes it clear that any offer is not relevant to the consideration of any planning application. Neither the principle or detail of any undertaking to offer or not offer community benefits can be taken into account as a material planning issue. As such, the requirement for community benefit is not considered to be compliant with the Regulations and cannot be required under planning law and no weight therefore can be given to the inclusion or not of a community benefit scheme when considering a planning application.

6.0 REPRESENTATIONS

- 6.1 The application has been publicised by advert in the Derbyshire Times on 23rd July 2020, by site notices x 5 on 29th July 2020 and by neighbour notification letters. In response a total of 1 representation in support and 40 representations against have been received from local residents. Furthermore, comments have been received from ward Councillor Bagshaw, Staveley Town Council and the Hollingwood Residents Association. The following points have been raised:

6.2 Staveley Town Council

- 6.2.1 The Town Council had expressed concerns regarding the size of the proposal and confirmed that they recognise that the removal of the two fields goes some way towards mitigating concerns about the size of the farm. They comment that their concerns were originally recognised by ward Councillors but acknowledged by STC as a potential issue however they didn't express an initial written response as they hadn't had a Planning meeting due to Covid.

6.3 Councillor Bagshaw

- 6.3.1 The proposed application for the gigantic Solar Farm is more like a village. According to the image from the consultants report suggests that it is larger than the combination of Inkersall and Middlecroft Housing Estates. All the site is on Greenfield land. This goes against the Chesterfield Borough Councils Local Plan which includes a statement on “Protecting our Greenfields”. The application has a huge visual impact on the area as it borders with the Trans Pennine Trail and peaceful surroundings of Poolsbrook Country Park. As well as the visual appearance of the solar panels that stand as high as 2.7m the site will be surrounded by 2m high posts, and several fixed CCTV cameras on 2.5 metre high poles in addition to several containers believed to be as large as 10ft High x 40ft long.
- 6.3.2 The report written by Kaya Consultants Ltd states that it should be noted that risk of flooding can be reduced but not totally eliminated. This backs our concerns of flooding being worsened in places such as Tom Lane, Troughbrook and Staveley Road junction at Arkwright Hill. The report further predicts surface water flooding at Inkersall Green Rd of up to 300mm and a risk of Fluvial flooding deeper than 300mm on Inkersall Road. This may not be an issue with most traffic but deep concerns for the superstores who deliver food in refrigerated vans as the excess water could cause the equipment to stop running and would be costly to repair as well as disrupting food delivery. It is anticipated that the area would be disrupted with weeks or even months of roadworks as a trench has to be dug from the site straight through Inkersall and Hollingwood villages to connect to the Hollingwood substation.
- 6.3.3 At a meeting I had with Low Carbon representatives it was confirmed by them that there will be no benefit to the local community and they confirmed that the Council/Area will not receive the sum of £120,000 per year as what was posted on Social Media in relation to the application.
- Comments – The size of the site is acknowledged as being large scale – see section on principle of development in relation to development of such proposals on agricultural land. It is accepted that flooding may currently occur during periods of***

heavy rainfall and as evidenced in photographs which have been submitted by objectors however whilst it is considered that the proposal may contribute to an increase speed in which surface water may run off, the increase is likely to be limited and the applicant is proposing to build filter trenches/ditches to cater for any increased run off with the aim of improving the situation compared with the existing. – See section 5.10.

See section 5.9 regarding the connection to the National Grid and section 5.13 concerning the opportunity for community gains and benefits.

6.4 Hollingwood Residents Association

6.4.1 Strongly object. No benefit to the local community, will cause severe disruption, and be a permanent eyesore. The existing solar farm around Duckmanton appears to have affected the water table and flooding around Tom Lane has caused this road to be shut an increasing amount since this facilities construction. How can we be assured that this similar site will not also cause problems?

Furthermore, the planned laying of a cable from the site all the way through Inkersall and into Hollingwood along Troughbrook Road and Station Road will also cause significant disruption to the village, increased pollution and damage to the road surface.

6.4.2 The size of this new solar farm is equivalent to the same footprint as the village of Inkersall and there are already four other such sites in close proximity. At a time when we should be maximising farm land it seems a waste of green field sites, building yet another solar farm.

Comments – see comments above.

6.5 Supporting Residents

6.5.1 One letter of support has been received from a resident of Duckmanton on the basis that clean, green renewable energy is the future. Reference is made to the former industry where residents lived alongside such sites as Coalite and Staveley Chemicals. Compare that to living alongside a solar farm with no smell, fumes or noise – a

good neighbour to have. There would be benefit for the community with power for appliances. In the future when we are all driving electric cars and still building hundreds of houses we will still need the power from solar farms. The solar farm will be of benefit and will be working towards cutting emissions and improving the environment.

6.6 Objecting Residents

- 6.6.1 A total of 40 representations have been received against the proposal from local residents. The following is a list of points raised:
- Eyesore and clearly visible from Trans Pennine Trail;
 - Visual impact will be extreme – very severe – awful sea of grey glass ruining the greenery and countryside – cumulative impacts – impact of containers and tall posts – impact on the quality of life for residents – an eyesore thousands of local residents would have to put up with every day – blot on landscape – ugly to countryside – will be like Silicon Valley – loss of tranquil area which is valued locally – please resist and leave the green and pleasant land for future generations to enjoy – will soon have no beauty left on the area;
 - Photograph of Arkwright fishing pond surrounded by panels – no wonder no one is seen fishing there – it could be a nice peaceful place to enjoy a days fishing but now it is surrounded by panels the green landscape creating a calm and natural setting is lost;
 - No benefit to Council or Inkersall Community. No financial reason why council should approve the application;
 - No jobs created;
 - Land should be used for agriculture – needed to help the country reduce its dependence on imports;
 - Development is too large and too close to housing – colossal – gigantic – huge – monstrously inappropriate size – completely out of proportion to the surrounding area – comparable size to entire Inkersall housing estate – There would be a solid block of solar panels between Inkersall and Duckmanton – half the proposed area would be acceptable – some solar farms in an area is acceptable however this proposal is too large and too close to housing and public amenity areas especially when taken

in context of other existing solar farms – over development of area – in favour of green energy but not at the expense of green land;

- Do not object to the principle but Inkersall has done more than its fair share;
- Property devaluation;
- Contrary to policy – the new local plan proposed protection of green fields;
- No account taken of cumulative impact with existing solar farms and housing schemes;
- The past blight of deep and surface mining has gradually been removed by careful restoration –eg Ireland Colliery has become a Country Park with a caravan site and which attracts visitors to the area. Much has been done to restore the visual aspects of the area – tips have gone and the natural beauty of fields and open spaces have been restored at considerable costs – proposal equally as bad as former coal mines;
- Views from the County Park will be adversely affected;
- Issues with glint and glare – photograph provided of issue with Tom Lane site
- Land is classed as poor farmland yet it has supported dairy farming and agriculture for generations;
- Green Belt land;
- Alternative options of St Gobain and Staveley Works which is available should be a priority on the basis of their previously developed non agricultural existing use;
- Impact on Strategic Gap;
- Impact on wildlife, ecology and biodiversity. There are deer in the area and deer fencing is proposed to keep them out thereby blocking their natural movement through the area. The area is also used for hunting by kestrels and buzzards;
- Continued agricultural use is unlikely as sheep are never seen grazing on solar farm sites;
- Massive environmental impacts;
- Increased risk of flooding as run off will increase – solar panels will have water cascading from them – existing flooding issues a regular occurrence with photographs provided of flood at Tom

Lane with car stranded and water cascading down Tom Lane – the proposal will be like thousands of houses with no gutters and downpipes connected to drainage – impact on insurance premiums;

- Traffic and highway safety issues – disruption from roadworks and trench to Hollingwood;
- Impact on privacy with all CCTV cameras;
- Impact on tourism;
- Noise issues;

Comments – see consideration of issues relating to the principle, landscape and visual impact, drainage, highways, residential amenity, the ground condition and biodiversity/ecology in main section of report.

6.6.2

Westcroft House – The following representation is specifically drawn to the committees attention because of the proximity of the property to the proposed development and the references made in the report at 5.8 to impact on the amenity of the property.

- High quality agricultural farm land and should stay that way especially when other brownfield sites are available in CBC area to meet government requirements;
- Large number of reflective panels look towards the house would be detrimental;
- No amount of screening on the boundary would prevent reflection as the topography is unfavourable;
- The topography of the land slopes towards Westcroft House with no provision for drainage – one solar panel may have insignificant impact but no provision is made for fields full of solar panels – like creating houses with no gutters and would compound a dangerous flood risk on Westcroft House which needs to be addressed – The Inkersall estate in its infancy sent surface water towards Staveley however during mining subsidence its direction was reversed and a large culvert was put adjacent to the former railway line in Mr Crooks fields;
- When Staveley Road was straightened to cope with traffic increase a second culvert was omitted and only one put back for

water to flow under the road. This leaves a 4 inch farm drain under the Westcroft House driveway and into the brook which is now a problem and needs addressing;

- When RJB Mining opencasted next to Westcroft House there was a joint venture and the brook was cleared from the culvert exit to the road at the same time as a balance pond was provided at Westcroft House and the bank was raised for the length of Westcroft House;
- The owner of Westcroft House has done everything they can to negate the problem. What was once a brook is now at the point of overload and needs addressing; Mr Crooks as land owner would be liable for surface water run off and it is his responsibility to divert it from Westcroft House (not the limited company proposing to lease the land) – As solar power is not agricultural farming his insurance may not cover any damages to Westcroft House;
- Increase in traffic for such a large installation and maintenance required on already dangerous road;
- Permission was refused for Mr Crook to build an additional house unless in farmyard area;
- CBC required a wall by wall restoration at increase cost due to green belt area;
- Solar power is not designated agriculture;

In response to the latest revised plan referred to at para 5.8.10 the owner of Westcroft House comments that the revised plans seem to be a token gesture and nothing has really changed. The view from the property will be nothing but solar panels and a planning committee site visit should be carried. The water run off is now a serious problem and will need to be addressed. The cameras overlooking the property would be an invasion of privacy and would be detrimental to privacy. The owner of Westcroft House finds it strange that a farmer who is in his 90s would take a lease surrounding Westcroft House with solar panels and yet leave his view clear! It is suggested that all panels on the fields to the west of Inkersall Road should be removed and be replaced on the fields to the north on Inkersall Green Road and to reinstate the field to the north of the site adjacent to Poolsbrook

Country Park. This would put the water flow in the other direction and negates the impact of flooding and reduces the visual impact on Westcroft house. The last option is that CBC or the solar company buy Westcroft House as the owner would never have built there.

Comments – see section 5.5 regarding the principle of solar farm schemes and their location on greenfield sites. The land is agricultural land but is classed as grade 4 and not best and most versatile agricultural land.

Reference is made to the restrictive policies which were in place at the time when Westcroft House was being developed and which required the wall by wall restoration in the countryside area however the government has a different approach to solar farm schemes in such open countryside areas.

It is accepted that surface water run off is a concern during periods of heavy rainfall and it is considered that the proposal may contribute to an increase speed in which surface water may run off, however the increase is likely to be relatively limited and the applicant is proposing to build filter trenches/ditches to cater for any increased run off with the aim of improving the situation compared with the existing. There is a requirement to build in capacity to deal with climate change in the future. This may well involve the necessity for the land owner to consider the adequacy of the land drain which passes beneath the Westcroft House driveway to reach the watercourse and any improvements necessary and which can be dealt with by a pre-commencement condition requiring full details before any works on site – See section 5.10.

The revised plan before the committee has pulled panels significantly away from the boundary with Westcroft House and which is considered in section 5.8 of the report. It is accepted that the outlook from upper floor windows will still provide views of the development site.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

8.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

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

8.2 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 this report informing them of the application considerations and recommendation /conclusion and which will also be available on the website.

9.0 **CONCLUSION**

9.1 On the basis of the assessment above, it is clear that national and local planning policies in the NPPF and Chesterfield Local Plan

provide support for the development of renewable energy projects of the nature proposed. The Government has set out carbon budgets at the national level to meet its commitment for net-zero emissions by 2050 that have been further apportioned to county level and then district and borough level. There is an undisputed need for such renewable energy projects as a way of tackling the climate emergency to which we face and there is no doubt that the application proposals would help meet the carbon reduction budgets at the County and local level.

- 9.2 However, in setting out support for renewable energy developments, national and local planning policies in the NPPF and the Chesterfield Local Plan seek to ensure that proposed new renewable energy projects do not have a harmful impact on the environment and the area around them and that where harm is likely the impacts of that harm should be appropriately mitigated. In this context the assessment above has highlighted that where there have been concerns, the applicant has amended the scheme and reduced the scale of the proposal and added further mitigation measures. It is accepted that the proposal is a large scale scheme and there will be visual implications for those in the area and those passing through, and that such impacts cannot be completely screened. The report argues that such impacts can be considered to be finely balanced however given the climate emergency and government policy the tilted balance in the context of section 38(6) of the Planning and Compulsory Purchase Act 2004 it is suggested is weighted in favour of an approval. There would be a need to deal with the technical detailing to ensure that the benefits to the environment such as biodiversity and drainage for example can be appropriately secured.

10.0 RECOMMENDATION

- 10.1 It is therefore recommended that the application be approved subject to the following conditions:
1. The planning permission is granted for a period of 40 years from the commencement of the solar farm development. Not less than 12

months from the expiry of the 40 years or on cessation of electricity generation on site (whichever is sooner) details of the removal of the array and associated equipment; the restoration of the land to agricultural use; and the phasing of works shall be submitted to the Local Planning Authority for consideration / approval. Not less than 6 months from the expiry of the 40 years or on cessation of electricity on site (whichever is sooner) all development hereby permitted shall be removed and the land restored to agricultural land in accordance with the approved scheme.

Reason - In the interests of visual amenity for those in the area and to ensure the land returns to an agricultural use.

2. Prior to the commencement of the development hereby approved, full details of the final locations, design and materials to be used for the site infrastructure, such as; the panel arrays, battery cabins, inverters, control room, substations, power conversion system, HVAC unit, cabins, containers, CCTV cameras and fencing shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out in accordance with the approved details and be retained as such for the life of the development.

Reason - To ensure the development is carried out in a manner which minimises the visual impact on the character of the area.

3. No development shall take place on site (including site preparation works) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of safeguarding any ecological interests which may exist on the site in accordance with policy CLP16 of the Chesterfield Local Plan 2018-35 and the wider requirements of the NPPF.

- 4 A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development. The LEMP should combine both the ecology and landscape disciplines and include the following:
- a) Description and evaluation of features to be managed, including full details of habitats to be restored and created upon completion of works.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the LEMP are not being met.
 - i) Locations of roosting features, nesting features and habitat piles (include specifications/installation guidance/numbers)
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will

be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

Reason - In the interests of safeguarding any ecological interests which may exist on the site in accordance with policy CLP16 of the Chesterfield Local Plan 2018-35 and the wider requirements of the NPPF.

- 5 Within 3 months of commencement of the development, full details of a soft landscaping scheme for the site shall be submitted to the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details, which are agreed in writing by the local planning authority shall be carried out in accordance with the implementation programme.

Reason - The condition is imposed in order to enhance the appearance of the development in the interests of the area as a whole in accordance with policy CLP15 of the Chesterfield Local Plan 2018-35.

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

Reason - The condition is imposed in order to enhance the appearance of the development in the interests of the area as a whole in accordance with policy CLP15 of the Chesterfield Local Plan 2018-35.

- 7 The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy v2.1 and the Technical Memo dated 10/2/21 by Kata Consulting Ltd and the mitigation measures they detail.

Reason – In order to prevent increased risk of flooding in accordance with CLP13 of the Chesterfield Local Plan 2018-35.

- 8 No development shall take place (including site preparation works) until full details, cross sections and calculations of the filter trenches and ditches and their outfalls to local watercourses have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full in accordance with the approved details and shall be maintained as such for the life of the development.

Reason – In order to prevent increased risk of flooding in accordance with CLP13 of the Chesterfield Local Plan 2018-35.

9. A verification report carried out by a qualified drainage engineer shall be submitted to and approved by the Local Planning Authority prior to the site being brought into use. This shall demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management arrangements for surface water attenuation devices/areas, flow restriction devices and outfalls.

Reason: To ensure that the drainage system is constructed to the appropriate technical standards for sustainable drainage.

10. Development shall not take place on the eastern parcel of the site until a Written Scheme of Investigation for archaeological work has been

submitted to and approved by the local planning authority in writing.
The scheme shall include:

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation;
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the agreed archaeological Written Scheme of Investigation.

Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CLP21 of the Chesterfield Local Plan 2018-35 and the wider NPPF.

11. No development shall take place until a Construction Method Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. the parking of vehicles of site operatives and visitors;
 - b. transportation of materials to the site;
 - c. loading and unloading of plant and materials;
 - c. storage of plant and materials used in constructing the development;
 - d. the erection and maintenance of security fencing including and decorative displays and facilities for public viewing, where appropriate;
 - e. any wheel washing facilities required;
 - f. measures to control the emission of dust and dirt during construction and

g. a scheme for recycling/disposing of any waste resulting from demolition and construction works.

Reason – In the interest of a health environment and highway safety in accord with policy CLP14 of the Chesterfield Local plan 2018-35.

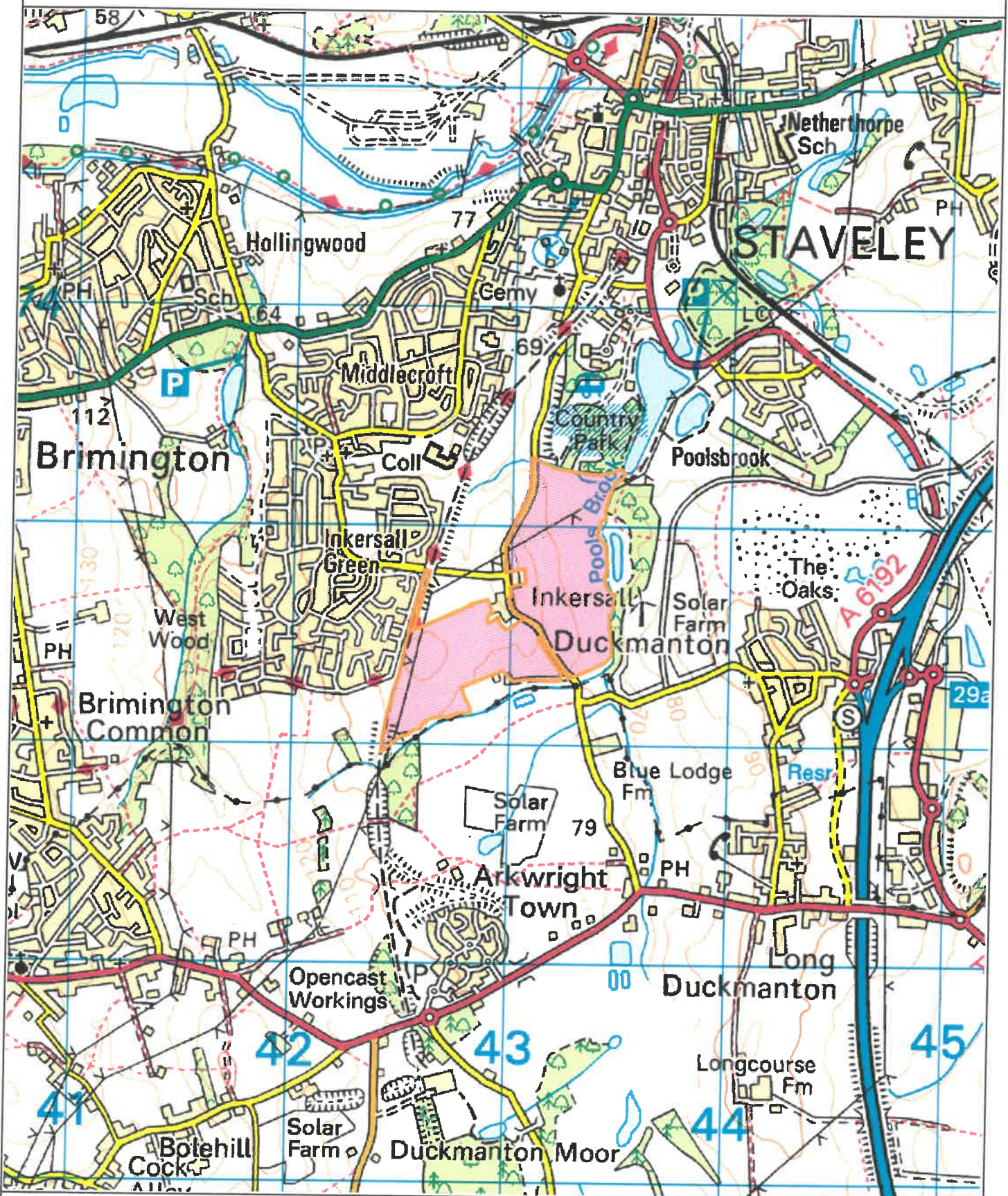
- 12 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plans deposited by e mail on 24th March 2021 (LCS007-PLE-01 Rev 08 Indicative Site Layout Plan External; LCS007-DZ-01 Rev 04 Development Zoning Plan and D34.19-06-Rev I Landscape and Biodiversity Scheme).

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.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. 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.

This page is intentionally left blank



This page is intentionally left blank

Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	19 April, 2021
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Group Leader, Development Management under the following Delegation references:- No Agenda Item
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:-

Building Regulations	Stuart Franklin	345820
----------------------	-----------------	--------

This page is intentionally left blank

Committee List - Chesterfield

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
21/00188/DEXFP	8 Selby CloseWaltonChesterfieldDerbyshireS40 3HA	Two storey front, side extension and single storey rear extension	12/01/2021	C
21/00194/DEXFP	133 Cordwell AvenueNewboldChesterfieldDerbyshireS41 8BN	Single Storey Rear Extension	13/01/2021	C
20/06108/DEXFP	22A Brookside BarChesterfieldDerbyshireS40 3PJ	Single Storey Side Extension	13/01/2021	C
20/06145/DEXFP	31 Redbrook AvenueHaslandChesterfieldDerbyshireS41 0RL	Single Storey Rear Sun Lounge Extension	15/01/2021	A
21/00219/DEXFP	25 Turner DriveInkersallChesterfieldDerbyshireS43 3HD	Loft Conversion	15/01/2021	A
20/00611/DEXFP	28 - 29 Reservoir TerraceBrockwellChesterfieldDerbyshireS40 4HA	New internal openings on the ground and first floor to create one dwelling	15/01/2021	A
21/00404/DEXPI	27 Foxbrook DriveWaltonChesterfieldDerbyshireS40 3JR	Replace conservatory roof with Guardian solid roof system	21/01/2021	A
21/00477/DEXFP	83 Smithfield AvenueHaslandChesterfieldDerbyshireS41 0PS	Porch built to front of property	27/01/2021	A
20/06008/DEXFP	Headland House10 Headland CloseBrimingtonChesterfieldDerbyshireS43 1QU	First floor extension	02/02/2021	A
20/06236/DEXFP	11 Horse Chestnut CloseChesterfieldDerbyshireS40 2FL	Garage conversion	04/02/2021	A
21/00632/DEXFP	82 Highfield RoadNewboldChesterfieldDerbyshireS41 7HB	Single Storey Rear Extension	05/02/2021	A
20/06109/DEXFP	106 Spital LaneSpitalChesterfieldDerbyshireS41 0HN	Side & Rear Extension	08/02/2021	C

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
21/00474/DEXFP	20 Netherfield RoadSomersallChesterfieldDerbyshireS40 3LS	Internal Wall Removal & Creation Of New Toilet/Cloakroom.	10/02/2021	A
21/00028/DEXFP	6 Lancelot CloseWaltonChesterfieldDerbyshireS40 3ET	Single Storey Extension	10/02/2021	C
21/00791/DCC	1 Cedar StreetHollingwoodChesterfieldDerbyshireS43 2LR	Level access shower room and concrete ramp installation	11/02/2021	A
21/00769/DEXFP	45 Miriam AvenueSomersallChesterfieldDerbyshireS40 3NF	Single Storey Rear Extension	11/02/2021	A
20/06195/DCC	16 Tansley WayInkersallChesterfieldDerbyshireS43 3DT	Lobby alteration of upvc panelling concrete and dowell to to existing floor slab, new entrance door, internal door widening and external metal modular ramping	11/02/2021	C
21/00568/DEXFP	7 Orchards WayWaltonChesterfieldDerbyshireS40 3DA	Single Storey Living Room, Utility Room and WC Extension	11/02/2021	A
21/00535/DEXFP	16 Blackdown AvenueLoundsley GreenChesterfieldDerbyshireS40 4QQ	Internal alterations to create new toilet and breakfast area	11/02/2021	A
21/00805/DEXFP	1A Oakfield AvenueChesterfieldDerbyshireS40 3LE	Removal of wall at ground floor, patio doors in existing opening and new door	11/02/2021	A
20/05384/DEXFP	180 Somersall LaneSomersallChesterfieldDerbyshireS40 3NA	Single Storey Kitchen Extension	12/02/2021	A
21/00336/DEXFP	46 Amber CrescentWaltonChesterfieldDerbyshireS40 3DH	Single Storey Rear Extension	16/02/2021	A
21/00493/DEXFP	140 Newbridge LaneOld WhittingtonChesterfieldDerbyshireS41 9JA	Internal alterations and new windows	16/02/2021	A
21/00896/DEXFP	15 Windmill WayBrimingtonChesterfieldDerbyshireS43 1GR	Single storey rear extension	17/02/2021	C

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
21/00331/DEXFP	37 Danby Avenue Old Whittington Chesterfield Derbyshire S41 9NH	Single Storey Rear Extension	17/02/2021	A
21/00836/OTHFP	7 Kirkdale Close Chesterfield Derbyshire S40 2UX	Conversion of existing domestic integral garage into small hair salon	22/02/2021	A
21/00772/DEXFP	34 South Crescent Duckmanton Chesterfield Derbyshire S44 5EH	Single storey side extension	23/02/2021	A
21/01117/DEXFP	30 Oadby Drive Hasland Chesterfield Derbyshire S41 0YF	Single Storey Rear Extension	24/02/2021	A
21/00537/DEXFP	67 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JD	Loft Conversion	02/03/2021	A
21/00901/DEXFP	39 Holme Park Avenue Upper Newbold Chesterfield Derbyshire S41 8XB	Single storey rear extension	03/03/2021	A
21/00900/DOMFP	27A Somersby Avenue Walton Chesterfield Derbyshire S42 7LY	Internal alterations- removal of load bearing wall between kitchen and dining room, bricking up french doors and replacing with window and moving french doors to kitchen area.	03/03/2021	C
21/00974/DEXFP	11 Amber Crescent Walton Chesterfield Derbyshire S40 3DH	Loft Conversion	04/03/2021	A
21/01417/DEXFP	12 Seagrave Drive Hasland Chesterfield Derbyshire S41 0YE	Single Storey Side Extension, Garage Conversion and New Detached Garage	04/03/2021	A
21/00068/DEXFP	51 Ashgate Road Chesterfield Derbyshire S40 4AG	Single storey extension	05/03/2021	A
21/01418/DEXFP	185 Ashgate Road Chesterfield Derbyshire S40 4AP	Loft Conversion	08/03/2021	A
21/00529/DEXFP	8 Wayside Court Brimington Chesterfield Derbyshire S43 1BS	Two storey side extension and single storey rear extension, to create sitting room. Living kitchen and bedroom over	08/03/2021	A

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
21/01511/DEXFP	4 Mardale CourtMardale CloseNewboldChesterfieldDerbyshire	Single storey extension	09/03/2021	A
20/01455/DCC	Brockwell Junior SchoolPurbeck AvenueBrockwellChesterfieldS40 4NP	Extension to form secure lobby and office	10/03/2021	A
21/01216/DEXFP	21 Springfield AvenueChesterfieldDerbyshireS40 1DJ	Bungalow conversion with dormers and new entrance porch	10/03/2021	A
21/01312/DEXFP	587 Newbold RoadNewboldChesterfieldDerbyshireS41 8AA	Front, side and rear extension	10/03/2021	C
21/01276/DEXFP	9 High StreetNew WhittingtonChesterfieldDerbyshireS43 2DX	Proposed Extension	11/03/2021	A
21/01342/DEXFP	35 St Philips DriveHaslandChesterfieldDerbyshireS41 0RG	Proposed rear extension	11/03/2021	A
21/01233/DEXFP	20 Brookside BarChesterfieldDerbyshireS40 3PJ	Single Storey Rear Extension	16/03/2021	A
21/01570/DEXFP	155 Somersall LaneSomersallChesterfieldDerbyshireS40 3LZ	Single storey rear extension and side extension	17/03/2021	C
20/01743/DEXFP	25 Craggon DriveNew WhittingtonChesterfieldDerbyshireS43 2QA	Two Storey Side Extension	17/03/2021	A
21/01693/DEXFP	176 Somersall LaneSomersallChesterfieldDerbyshireS40 3NA	New dormer window to first floor	18/03/2021	A
20/03384/DEXFP	18 Booker CloseInkersallChesterfieldS43 3WA	Single Storey Rear Extension	18/03/2021	A
20/04750/OTHFP	Spital MillsSpital LaneSpitalChesterfieldDerbyshireS41 0EX	Separation of existing commercial premises into two tenanted units.	18/03/2021	C
21/01536/DEXFP	10 Endowood RoadSomersallChesterfieldDerbyshireS40 3LX	Proposed two storey side extension	19/03/2021	A

Reference Number	Site Address	Description Of Work	Decision Date	Decision Type
21/00714/DEXFP	61 Ulverston RoadNewboldChesterfieldDerbyshireS41 8ED	Conversion of existing outhouse to form open plan kitchen/dining room	23/03/2021	A
21/00997/DEXPI	10 Wheathill CloseHolme HallChesterfieldDerbyshireS42 7JZ	Replace conservatory roof with Guardian solid roof system Additional work to remove separating elements between conservatory and dwelling house.	24/03/2021	A
21/01819/DEXFP	33 Elliott DriveInkersallChesterfieldDerbyshireS43 3DZ	Single Storey Rear Extension	25/03/2021	C
21/01566/DEXFP	18 Highfield AvenueNewboldChesterfieldDerbyshireS41 7AX	Single storey rear Extension	25/03/2021	A
21/01870/DEXFP	4 Juniper CloseHollingwoodChesterfieldDerbyshireS43 2HX	Single storey rear extension	26/03/2021	C
21/00519/DEXFP	19 South Lodge CourtAshgateChesterfieldDerbyshireS40 3QG	Single Storey Extension & Interior Alterations	26/03/2021	A
21/00569/DEXFP	60 Hilltop RoadOld WhittingtonChesterfieldDerbyshireS41 9NF	Single Storey Dining Room, Utility Room and WC Extension	29/03/2021	A
21/02078/DEXFP	3 Fuller DriveChesterfieldDerbyshireS41 0UG	Single Storey Rear Extension	30/03/2021	A
19/00669/DOMFP	Former Heaton CourtMeynell CloseChesterfieldS40 3BL	Construction of 10 New Dwellings	31/03/2021	A
21/00736/DEXPI	50 Highfield LaneNewboldChesterfieldDerbyshireS41 8AY	Dormer roof to existing loft conversion and front porch	01/04/2021	C

This page is intentionally left blank

Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	19 April, 2021
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
-----------------------	-----------------	--------

This page is intentionally left blank

Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00373/ADV	Holmebrook	Installation of 3 fascia signs At 39 Chatsworth Road Chesterfield S40 2AH For Cardtronics UK Ltd, Trading As Cashzone	FDO	31/03/2021
CHE/19/00725/FUL	Hasland	External alterations to existing building including external cladding and alteration to fenestration, level access, installation of fire escape and erection of a smoking shelter. At C C S Media Ltd New Birdholme House Derby Road Birdholme Derbyshire S40 2EX For CCS Media	CP	25/03/2021
CHE/20/00526/FUL	Moor	To continue to have our steel container on land at the side of canal for storage on a permanent basis. Revised information received 03/02/21 At Tapton Lock Visitors Centre Lockoford Lane Chesterfield S41 7JB For Mr Dale Smith	CP	30/03/2021
CHE/20/00615/FUL	Rother	Construction of four dwellings on land adjacent to 98 Grangewood Road. (revised site location plan received 16/10/20). Revised drawings received 19.11.2020. Revised drawings received 27.11.2020. Revised drawings received 04.12.2020. At Land Adj. 98 Grangewood Road Birdholme Derbyshire S40 2TA For Mr Eric Green	WDN	18/03/2021

CHE/20/00622/FUL	Dunston	Extension to industrial unit to provide additional storage - Additional information received 22nd & 23rd February 2021 At Bildan House Broombank Road Chesterfield Trading Estate Chesterfield S41 9QJ For Oxdale Products Limited	CP	31/03/2021
CHE/20/00623/RET	Linacre	Retrospective Listed Building Consent for removal of 4 existing damaged and rotten windows to front and 2 to the side and replace with in-keeping traditional wooden cottage windows with traditional iron fittings. At 39 Newbold Village Newbold Road Newbold Derbyshire S41 8RJ For Ms Lucy Banks	UP	26/03/2021
CHE/20/00698/FUL	Walton	Two storey extension to front of dwelling, single storey rear extension and porch to front of property (revised plans received 15.03.2021) At 2 Matlock Road Chesterfield S40 3JQ For Mr Paul Gosney	CP	25/03/2021
CHE/20/00807/FUL	West	Two storey side extension. Revised drawing received 11.01.2021 and 29.01.2021 At 764 Chatsworth Road Chesterfield S40 3PN For Mr Jason Bolland	CP	01/04/2021

CHE/20/00840/DOC	Dunston	Discharge of conditions 4 (materials), 7 (owl/kestrel box), 8 (hard and soft landscaping) and 9 (site investigation) of CHE/19/00149/FUL - Refurbishment of existing unit and proposed new warehouse. At Denka UK Ltd Broombank Road Chesterfield Trading Estate Chesterfield S41 9QJ For Denka UK Ltd	PDOC	26/03/2021
CHE/20/00846/FUL	Barrow Hill And New Whittington	Raising roof height to accommodate room in roof space At 1 Fallowfield Road New Whittington Derbyshire S43 2DP For Mr Nick Rice	REF	06/04/2021
CHE/20/00867/FUL	Brockwell	Demolition of existing conservatory and erection of a single storey rear extension. At 91 Newbold Back Lane Chesterfield S40 4HH For Miss Lynn Duesbury	CP	23/03/2021
CHE/20/00881/REM	Dunston	Variation of condition 2 (approved plans) of CHE/19/00149/FUL (Refurbishment of existing unit and proposed new warehouse) At Denka UK Ltd Broombank Road Chesterfield Trading Estate Chesterfield S41 9QJ For Denka UK Ltd	CP	26/03/2021
CHE/21/00013/FUL	Brockwell	Single storey rear extension. At 38 Spire Heights Chesterfield S40 4BF For Mr Danny Connor	Revised CP	30/03/2021

CHE/21/00016/FUL	Walton	Two storey rear extension. Revised drawings received 16.02.2021. At 3 Grove Cottages Bobbin Mill Lane Chesterfield S40 3DP For Dr. Emma Cantrill	REF	30/03/2021
CHE/21/00031/FUL	Brockwell	Single storey side and rear extension, and improvements to front elevation. Revised drawings received 04.03.2021. At 20 Aspley Close Chesterfield S40 4HG For Mr Stuart Woodhouse	CP	25/03/2021
CHE/21/00032/FUL	West	Single storey rear extension At 556 Chatsworth Road Chesterfield S40 3AY For Mr and Mrs Thompson	CP	23/03/2021
CHE/21/00041/FUL	Old Whittington	Raising of the existing roof and creation of first floor extension At 114 Newbridge Lane Old Whittington Derbyshire S41 9JF For Mr A May	CP	19/03/2021
CHE/21/00046/FUL	West	Front porch extension. At 66 Netherfield Road Somersall Derbyshire S40 3LS For Gomer John Kees	CP	31/03/2021
CHE/21/00054/TPO	West	T11 - Beech, reveal street light. Duty of Care. T12 Ash- Crown lift to 3 metres all round. Duty of Care. T29-T28 - Beech, Crown lift over footpath to 3 metres. Duty of Care. T48 Silver Birch - This is in Wild School Area and is in decline and needs replacement it is not safe. Duty of Care. T90-T109 -	CP	19/03/2021

**Code No
FileNo**

Ward

Proposal

Decision

Decision Date

Remove major deadwood over 40mm from Lime and Pine trees on main entrance drive. Duty of Care. T112
Scotts Pine - Crown lift over footpath to 3 metres. Duty of Care. T110-T111
Sycamore - crown lift 3 metres over footpath and 5.2 metres over carriageway. Duty of Care.

At Ashgate Croft School
Ashgate Road
Chesterfield
S40 4BN

For Mr Carl Briddock

CHE/21/00060/NMA St Leonards	Non material amendment to CHE/20/00250/FUL (Erection of a freestanding two storey restaurant with drive-thru (A3/A5), car parking, landscaping and associated works. Installation of 2No. COD (Customer Order Display) with associated canopies) to make minor alterations to the elevations including - omitting the spandrel panels above the booth windows, changing the frames to black, ceramic (opaque) glazing to replace the aluminium panel between the floors and reduction in door height to 2100mm on Elevation D, (additional information provided 12/02/21)	UP	26/03/2021
------------------------------	--	----	------------

At Former A G D Car Park
West Bars
Chesterfield
Derbyshire

For McDonald's Restaurant Ltd

CHE/21/00062/FUL West	Erection of a garden room/office/shed at the bottom of the garden. At 44 Westbrook Drive Chesterfield S40 3PQ For Mr Phil Hawthorn	CP	30/03/2021
-----------------------	--	----	------------

CHE/21/00066/FUL	Brimington South	Strip out all existing timber frame sash and casement windows to the main building and install like for like replacement with double glazed slimline units. At Sutton Court Lodge 2 Chesterfield Road Brimington S43 1AD For Mr Edward Hayward	CP	29/03/2021
CHE/21/00067/LBC	Brimington South	Listed Building Consent to strip out all existing timber frame sash and casement windows to the main building and install like for like replacement with double glazed slimline units At Sutton Court Lodge 2 Chesterfield Road Brimington S43 1AD For Emh Group	CP	29/03/2021
CHE/21/00068/FUL	St Helens	Single storey replacement garage (revised plans received 06.04.2021) At 12 Enfield Road Newbold Derbyshire S41 7HP For Mr John Gleadhall	CP	06/04/2021
CHE/21/00071/TPD	St Helens	single storey rear extension At 82 Highfield Road Newbold Derbyshire S41 7HB For Mr Jacob Albon	WDN	19/03/2021
CHE/21/00073/ADV	Holmebrook	Installation and refurbishment of signs - 1 x pictorial sign to be refurbed and new lighting added, 3 x amenity signs, 1 x fascia externally illuminated, 2 x illuminated lanterns, 5 x 30w warm white flood lights At Barrel Inn 249 Chatsworth Road Chesterfield S40 2BL For EI Group plc	CP	31/03/2021

CHE/21/00086/DOC St Helens	Discharge of conditions 15 (Employment and Training scheme), 20 (materials) and 25 (finished floor levels) of planning application CHE/20/00695/FUL - New warehouse unit with trade counter, staff facilities, external materials yard, surface car parking for staff and customers, new vehicular entrances onto highway and the provision of a substation with associated works. At Development Land Opposite Hazlehurst Avenue Sheffield Road Stonegravels Chesterfield For Derbys CC and C/field BC and Saint-Gobain Building Ltd	DPC	30/03/2021
CHE/21/00109/DOC Brockwell	Discharge of planning condition 3 (surface water drainage) of CHE/17/00798/FUL and CHE/17/00799/LBC - Change of use from Office (B1) to Residential - 30 apartments over 3 floors (C3) and internal alterations to Listed Building At Knightsbridge Court, Ground Floor Office 6 West Bars Chesterfield S40 1BA For ARC Capital	DPC	22/03/2021
CHE/21/00110/TPD Moor	Ground Floor rear single storey extension to form vestibule At 4A Allsops Place Chesterfield S41 8SN For Sian Emerson	PANR	23/03/2021
CHE/21/00154/DOC Middlecroft And Poolsbrook	Discharge of planning condition 8 of CHE/19/00290/FUL - Conversion of existing buildings to 4 two bedroom dwellings - 2 ground floor bed apartments and 2 two bed duplexes At Jubilee Works Middlecroft Road Staveley Derbyshire S43 3FJ	APPRET	17/03/2021

CHE/21/00157/TPD Hasland	Demolition of outbuilding and erection of single storey extension to the rear of dwelling At 97 Calow Lane Hasland Derbyshire S41 0BA For Mr John Liggett	PANR	26/03/2021
CHE/21/00192/TPO Holmebrook	Sycamore Tree - the branches are now over hanging the property quite dangerously and over neighbouring properties, causing damage. Crown lift of 50% and a crown thin of 50%. I would like to carry out a crown lift to allow more light into my and neighbours gardens. It is particularly necessary to lift the lower branches which are overhanging gardens and properties. At 159 Old Hall Road Chesterfield S40 1HG For Miss Tracey Hume	SC	31/03/2021
CHE/21/00204/DOC Dunston	Discharge of condition 3 of planning permission CHE/20/00552/FUL At Dunston Hole Farm Unnamed Road Accessing Dunston Hall and Hole Farm Chesterfield S41 9RL For Mrs Ceri Heppenstall	DPC	06/04/2021
CHE/21/00211/TPO Brockwell	Crown thinning for T1, to allow more light and less foliage onto property. Trees adjacent appear to have already had this process. T2 has a forked trunk and rogue branches which are causing concern for damage to fence and overhang. Crown reduction for this tree to change shape, this will also provide less foliage which has damaged to the grounds of (plot 26) No 53 Pomegranate Road. At 53 Pomegranate Road Newbold Derbyshire S41 7BL For Mr Leigh Pickering	CP	31/03/2021

CHE/21/00212/TPO	St Leonards	Coppice the trees which are now over hanging my property and to remove all those within 1m of the boundary line. I will also plant a minimum of 25 Hawthorn Bushes along the bank. At 44 Marine Drive Chesterfield S41 0FG	CP	26/03/2021
		For Mr Ian Jenkins		
CHE/21/00219/TPO	St Leonards	G4 - Elm/2 Sycamores - Fell-Leaning over highway/poor specimens. G4 - Elm - Crown Lift over highway. T86 - Hawthorn - Remove Ivy. All trees over highway to deadwood. At St Peter and St Paul School Hady Hill Hady Derbyshire S41 0EF	CP	22/03/2021
		For St Peter and St Pauls School		
CHE/21/00244/CA	Brockwell	T1 Maple - Reduce by 1/3. T2 Birch - Reduce heoght by 4m. T3 Birch - Reduce height by 4m. T4 Birch - Reducre height by 4m. T5 Birch - Reduce height by 4m. At Church of Annunciation Spencer Street Chesterfield S40 4SD	UP	29/03/2021
		For Church of The Annunciation		
CHE/21/00245/TPO	Brockwell	Crown reduction back to the previous height of lombardy poplars on the boundary and permission to maintain the previous height on a 3 to 4 year cycle to be reviewed in 10-12 years time. At Rear Of 27 Pomegranate Road Newbold Derbyshire S41 7BL	CP	31/03/2021
		For Mrs Kate Sheldon		

This page is intentionally left blank

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	19 April, 2021
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
-------------------------------------	-------------	--------

This page is intentionally left blank

SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/21/00054/TPO TPO 4901.264 19/03/21	The felling of one Silver Birch tree reference T48 and the pruning of 33 trees reference T21, 28 Beech, T12, T24 & T25 Ash, T19, T20, T22 & T23 Hornbeam, T29 Birch, T92 Holly, T94, T96, T100, T102, T104, T106, T108 Yew, T90, T93, T95, T97, T98, T99, T101, T105, T109 Lime, T91, T103, T107, T112 Pine and T110 & T111 Sycamore on the Order Map for Landscape Services Ltd on behalf of Ashgate Croft School, Ashgate.	Consent is granted to fell one Birch tree reference T48 due to dieback of the crown with a condition to plant one new Oak tree as a replacement in the same location. Consent is also granted to prune 27 trees to crown lift over footpaths, driveways and highway along with the removal of dead wood.
CHE/21/00219/TPO TPO 4901.117 22/03/21	The felling of 3 trees within G4 consisting of 1 Elm and 2 Sycamore trees which are in poor condition and leaning towards the highway. Also the pruning of various species of trees within G1, G3 & G4 and individual trees reference T86 to T220 on the Order map which are situated in the grounds of St Peter St Paul School and within falling distance of Hady Hill and the school driveway for Ken Portas Landscapes and Tree Surgery.	Consent is granted to the felling of 3 trees within G4. The duty to plant replacement trees has been dispensed with on this occasion due to other trees along the highway and no loss of amenity. Consent is also granted to crown clean the remainder of trees within falling distance of the driveway and highway to remove dead wood and any obviously weak branches.

CHE/21/00239/TPO TPO 4901.261 26/03/21	The pruning of 7 trees reference T1 Tree of Heaven and T2 & T5-T9 Lime on the Order Map for Mrs Lynn at Hunters Walk, Chesterfield.	Consent is granted to the crown lifting by 5.2 metres to clear the highway, gardens and parking bays and a crown clean to remove dead wood.
CHE/21/00212/TPO TPO 4901.262 26/03/21	The felling of trees within W1 and within 1 metre of the boundary fence line and the coppicing of a group of small Sycamore trees to the west of 44 Marine Drive for Mr Jenkins of 44 Marine Drive.	Consent is granted to the felling of trees with a stem circumference of less than 7.5cm within 1 metre of the boundary fence within W1 and adjacent to 44 Marine Drive with a condition to plant 20 new trees whip evenly spaced on the banking consisting of Hawthorn and Hazel. Consent is also granted to coppice one group of small Sycamore trees to ground level.
CHE/21/00245/TPO TPO 4901.281 30/03/21	The pruning of 88 Lombardy Poplar trees reference G1 on the Order map to the rear of 23 to 45 Pomegranate Road for Mrs Sheldon of 27 Pomegranate Road.	Consent is granted to the crown reduction in height by 2 – 3 metres pruning back to previous reduction points and leaving a natural tree line along the group of trees. Extended permission is granted until the 30 th March 2033 from the date of issue to allow the repeated reduction on a 3 to 4 year rotational basis where a new application will be required and the works reviewed.
CHE/21/00192/TPO TPO 4901.330	The pruning of one Sycamore tree reference T1 on the Order map for Miss Hume of 159 Old Hall Road, Brampton.	Consent is refused to the excessive pruning of the tree by crown lifting and crown thinning by 50% which would leave the tree prone to wind damage and exceeding the recommended

31/03/21		percentage as referred to in BS3998 Tree Works 2010. Consent is granted to a crown lift by a maximum of 6 metres and a crown thin by 25% in line with good arboricultural practice.
CHE/21/00211/TPO TPO 4901.281 31/03/21	The pruning of one Oak tree reference T8 and one Maple tree within G3 on the Order map for Mr Pickering of 53 Pomegranate Road, Newbold.	Consent is granted to the crown thinning by 25% of one Maple tree within G3 and the reduction and reshaping of the crown to one Oak pruning back to suitable replacement branches.

This page is intentionally left blank

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/21/00244/CA The crown reduction of 4 Birch and 1 Maple tree to the rear of the Church of the annunciation, Spencer Street, Chesterfield for Mark Whatley Tree Services.	The trees are within the Spencer Street Conservation Area and the applicant wishes to reduce the trees height as they are growing too big for their location.	Agreement to the pruning of 5 trees. The pruning of the trees will have no adverse effect on the amenity value of the area.	29/03/21

This page is intentionally left blank

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 19 APRIL, 2021
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.

This page is intentionally left blank

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>
2/1388	West ward	Mr J Allsop	CHE/20/00322/TPO Felling of Sycamore at 44 Netherleigh Road Refusal	Officer delegation	14/8/20	Written Reps Hearing Fast Track procedure	
2/4041	Holmebrook ward	Mrs Dena Wyatt	CHE/20/00748/RET Extension to 24 Springfield Avenue Refusal	Officer delegation	22/02/21	Written reps HAS	

This page is intentionally left blank

FOR PUBLICATION Agenda Item 9

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 19TH APRIL 2021

REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
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
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

ENFORCEMENT REPORT

Enforcements currently Authorised: 7

07 April 2021

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
Breach of Condition Notice		<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: 540 days</i>					
York Street	2 23/09/19 562	balcony, canopy and french door	17/00800/FUL	16/03/21 540	16/03/21 22	16/04/21 -9	Issued. One month to submit details. Then 6 months after approval to carry out works.	<input checked="" type="checkbox"/> 18/03/21	Ha
Enforcement Notice		<i>Total currently Authorised: 4</i>		<i>Authorised to Issue Average: 281 days</i>					
Markham Road	Markham House 18/02/08 4,797	storage of commercial vehicles		20/03/08 31	18/04/08 4737	20/10/08 4552	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI
Pottery Lane West	10 06/01/20 457	two unauthorised metal structures.		06/02/20 31	15/10/20 174	12/11/20 146	Initially action against one structure approved 12/11/19, then second structure installed and further report on both structures approved 06/01/20. Issued. Appeal dismissed. Prosecute. Further report to be submitted.	<input type="checkbox"/> 26/02/21	Mo

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Tapton View Road	47	24/04/17 1,444	unauthorised extension	16/00648	14/06/19 781	22/07/19 625	22/01/20 441	Application dismissed on appeal. Application for changes to extension CHE/17/00827/FUL approved, but unauthorised extension not removed. Issued, requiring demolition of unauthorised part. Not complied, builder contracted for after lockdown. CV-19.	<input type="checkbox"/> 26/02/21	SH
York Street	2	09/10/17 1,276	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 authorised - see separate entry.	<input type="checkbox"/> 19/12/18	Ha

Page 309

Section 215 Amenity Notice

Total currently Authorised: 2 Authorised to Issue Average: days

Details at 07 April 2021

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>184</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>184</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 Holmgood 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