



Please ask for Martin Elliott  
Direct Line: 01246 345236  
Email [committee.services@chesterfield.gov.uk](mailto:committee.services@chesterfield.gov.uk)

The Chair and Members of Planning Committee

Councillor Flood – Site Visit 1  
Councillors Blank and Huckle - Site Visit 2  
Councillors Brunt & Dickinson Site Visits 3, 5 & 6  
Councillors Bagley & T Murphy – Site Visit 4

24 March 2017

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 3 APRIL 2017 at 3.00 pm in the Council Chamber, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

**PLEASE NOTE THAT THE MEETING WILL BE PRECEDED BY THE FOLLOWING SITE VISITS.**

Planning Committee Members should assemble in Committee Room 1 at 12:25. Ward members wishing to be present should attend on site as indicated below:-

1. 12:40 1 Branton Close – CHE/17/00017/OUT
2. 13:00 5 Stephenson Place – CHE/17/00054/COU
3. 13:10 The Shrubberies, Newbold Road

CHE/17/00059/DEM

4. 13:35 28 Abercrombie Street – CHE/16/00045/FUL and CHE/16/00046/LBC
5. 14:10 Land adj 21 Clarence Road –CHE/16/00831/FUL
6. 14:30 1 Tennyson Avenue – CHE/17/00067/COU

***Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it***

**Ward members** are invited to attend on site and **should confirm their attendance** by contacting Martin Elliott on tel. 01246 345236 or via e-mail: [martin.elliott@chesterfield.gov.uk](mailto:martin.elliott@chesterfield.gov.uk) by 9.00 a.m. on Monday 3 April. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

Please ensure that all mobile phones are switched off during site visits and at the meeting at the Town Hall.

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 32)
  - 20 February, 2017
  - 13 March, 2017
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 33 - 162)
5. Building Regulations (P880D) (Pages 163 - 166)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages

167 - 180)

7. Applications to Fell or Prune Trees (P620D) (Pages 181 - 186)
8. Appeals Report (P000) (Pages 187 - 190)
9. Enforcement Report (P410) (Pages 191 - 194)
10. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 6 of Part I of Schedule 12A of the Act."

11. Knightsbridge Court (Former Magistrates Court), West Bars, Chesterfield - Delegation to officers of power to take urgent action (Pages 195 - 198)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

This page is intentionally left blank

**PLANNING COMMITTEE****Monday, 20th February, 2017**

Present:-

Councillor Brittain (Chair)

Councillors	P Barr	Councillors	Hill
	Bingham		Miles
	Callan		A Murphy
	Catt		Simmons
	Davenport		Wall
	Elliott		

\*Matters dealt with under the Delegation Scheme

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

**CHE/16/00837/FUL** – Change of use from hot food takeaway to public house A5 to A4 at 5 Breckland Road, Walton, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Davenport, A Diouf (ward member), Elliott, Hill, Miles, A Murphy, Redihough (ward member), Simmons and Wall.

**CHE/16/00721/OUT** – Residential development of one detached house at land between 16-18 Eyre Street East, Hasland, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, Hill, Miles, A Murphy, Simmons and Wall.

**CHE/16/00771/LBC** – Installation of CCTV cameras and staff alarm system and associated alterations at 42 St Marys Gate, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, Hill, Miles, A Murphy, Simmons and Wall.

**CHE/16/00468/ADV** – Bus shelter with illuminated advertising panel opposite Chesterfield Trade Centre, Sheffield Road, Whittington Moor, Chesterfield.

Councillors P Barr, Bingham, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, Hill, Miles, A Murphy, Simmons and Wall.

**132 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Burrows, Caulfield and T Gilby.

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

No declarations of interest were received.

**134 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the minutes of the meeting of the Planning Committee held on 30 January, 2017 be signed by the Chair as a true record.

**135 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/16/00837/FUL - CHANGE OF USE FROM HOT FOOD TAKEAWAY TO PUBLIC HOUSE – A5 TO A4 AT 5 BRECKLAND ROAD, WALTON, CHESTERFIELD, S40 3LJ**

In accordance with Minute No.299 (2001/02), Mr S Eyre (the applicant) addressed the meeting.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans: location plan with the exception of any approved non material amendment.

**CHE/16/00771/LBC - INSTALLATION OF CCTV CAMERAS AND STAFF ALARM SYSTEM AND ASSOCIATED ALTERATIONS AT 42 ST MARYS GATE, CHESTERFIELD**

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

1. The works shall begin no later than three years from the date of this consent.

**CHE/16/00468/ADV - FULL PLANNING APPLICATION FOR THE PROVISION OF A BUS SHELTER WITH ILLUMINATED ADVERTISING PANEL WITH ADDITIONAL DRAWINGS RECEIVED ON 6/1/2017 OPPOSITE CHESTERFIELD TRADE CENTRE, SHEFFIELD ROAD, WHITTINGTON MOOR, CHESTERFIELD.**

That the officer recommendation be upheld and the application be approved unconditionally, but that the following standard conditions as defined under The Town and Country Planning (Control of Advertisements)(England) Regulations 2012, be noted.

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
  - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under The Town and Country Planning (Control of Advertisements) (England) Regulations 2012 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

**CHE/16/00721/OUT - RESIDENTIAL DEVELOPMENT OF ONE DETACHED HOUSE AT LAND BETWEEN 16-18 EYRE STREET EAST, HASLAND, DERBYSHIRE – AMENDED PLANS RECEIVED 10/1/17.**

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

- A. 1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwelling hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this



condition unless otherwise agreed, in writing, by the Local Planning Authority.

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

6. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm 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.

7. Before any works are commenced, the applicant shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority a revised plan demonstrating a revised layout showing adequate space for parking of vehicles associated with the existing and proposed dwellings and appropriate vehicular access. This is likely to necessitate a slightly smaller dwelling.

8. Before any other operations are commenced, the existing access to Eyre Street shall be modified in accordance with the application drawings approved under Condition 1 above, laid out, constructed and provided with visibility splays as indicated on the attached plan. The area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

9. The proposed dwelling shall not be occupied until space has been laid out within the site in accordance with the drawing approved under Condition 1 above for cars to be parked for the existing and proposed dwelling. The parking spaces shall be maintained free from any impediment to their designated use for the life of the development.

10. There shall be no gates or other barriers on the driveways/accesses.

11. The proposed accesses/driveways to Eyre Street shall be no steeper than 1 in 14 over their entire length.

12. No development shall take place until details of the proposed means of drainage have been submitted to and approved in writing by The Local Planning Authority. These shall include percolation test results and sizing calculations in accordance with BRE Digest 365 and designed to a 1 in 30 year standard, to determine that this would be an effective method for the disposal. These should be carried out as per CBC's Minimum Development Control Standards.

13. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

B. That as the site lies in the medium CIL zone the full CIL Liability will be determined at the reserved matters stage on the basis of a cumulative charge of £50 per sqm of gross internal floor area created.

## 136 **BUILDING REGULATIONS (P880D)**

\*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

### Approvals

16/01820/OTHD	Other Works (Domestic) - Works to underground abandoned coal workings at 158 Walton Road Walton Chesterfield Derbyshire S40 3BS
16/01193/OTHC	Other Works (Commercial) - Erection of a waste transfer building at Banks Skip Hire Station Lane Old Whittington Chesterfield Derbyshire S41 9QX

16/02005/DEX	Domestic Extensions/Alterations - Extension to rear at 60 Highfield Lane Newbold Chesterfield Derbyshire S41 8AY
16/02001/DCC	Derbyshire County Council - 2 storey side/rear extension at 8 Bower Farm Road Old Whittington Chesterfield Derbyshire S41 9PP
16/02057/DIS	Disabled Work - Conversion of store to form living accommodation for disabled person at 425 Newbold Road Newbold Chesterfield Derbyshire S41 8AG
17/00017/DIS	Disabled Work - Rear extension at 17 Cordwell Avenue Newbold Chesterfield Derbyshire S41 8BT
17/00009/DEX	Domestic Extensions/Alterations - First floor extension and pitched roof over porch at 134 Moorland View Road Walton Chesterfield Derbyshire S40 3DF
17/00175/OTHD	Other Works (Domestic) - Internal alterations at 53 Chesterfield Road Staveley Chesterfield Derbyshire S43 3QG
16/02161/OTHD	Other Works (Domestic) - Removal of ground floor blockwork and replacement with steel beam at 17 Redbrook Avenue Hasland Chesterfield Derbyshire S41 0RL

137 **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/16/00662/FUL Proposed alterations and refurbishment of existing RSPCA animal welfare facility. Coal mining risk assessment received 03.11.2016, Flood Risk Assessment and Drainage Strategy received 11.11.2016, Ecological Appraisal and Bat Report received 14.11.2016 and amended site layout received 19.01.2017 at RSPCA 137 Spital Lane Spital Chesterfield Derbyshire S41 0HL for RSPCA Chesterfield and North Derbyshire
- CHE/16/00692/FUL Change of use of first floor and second floor to form cafe at first floor and 3 no bed and breakfast rooms at second floor, including the creation of external seating area, disabled WC and store to rear yard; and change of use of remainder of second floor to form 1 no. self-contained 2 bed flat. (revised at 9 - 15 Stephenson Place Chesterfield Derbyshire S40 1XL for Mr Paul Singh
- CHE/16/00699/FUL Proposed single storey rear and two storey side extension at 3 Corve Way Holme Hall Chesterfield Derbyshire S40 4YA for Mr Ashley Middleton
- CHE/16/00707/FUL Erection of an external compound to house 8 condenser units which will connect to the new air conditioning units installed in the east wing. The external condenser units to be mounted on the existing concrete slab and enclosed by a 2.4m high, triple pointed and power coated steel palisade fence at 1 Future Walk Chesterfield Derbyshire S41 5PF for Royal Mail Group Property
- CHE/16/00713/RET Installation of 4no cooling blocks for warehouse air conditioning system at Plot 1B Markham Vale Markham Lane Duckmanton Chesterfield Derbyshire for Great Bear Distribution Ltd
- CHE/16/00732/FUL Change of use and conversion of premises to create new car showrooms and workshop at R Health Care Sheffield Road Sheepbridge Chesterfield Derbyshire S41 8NJ for Stoneacre Ltd

- CHE/16/00751/FUL Two storey side extension (revised drawing received 16.01.2017) at 100 Burnbridge Road Old Whittington Chesterfield Derbyshire S41 9LS for Mr Martin Hobbs
- CHE/16/00753/FUL Proposed extensions to rear at 60 Highfield Lane Newbold Chesterfield Derbyshire S41 8AY for Mr and Mrs Kirk
- CHE/16/00765/FUL Replacement shop front to be positioned as existing shop front (75mm set back) at 5 Elder Way Chesterfield Derbyshire S40 1UR for Mr and Mrs Guy and Katie Davis
- CHE/16/00776/COU Change of use from A2-A3, from bank to bakery, deli and tea rooms - extraction details received 9th January 2017 at 28 Knifsmithgate Chesterfield Derbyshire S41 1RF for Miss Donna Knowles
- CHE/16/00777/FUL Single storey side/rear extension at 8 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH for Mr Andrew Jennings
- CHE/16/00778/FUL Two storey side extension at 2 Kendal Road Newbold Chesterfield Derbyshire S41 8HY for Sarah Bradbury
- CHE/16/00781/COU Change of use from Cat Protection shop to A3 cafe use and as amended by additional plans received on 12.01.2017 at Cats Protection League 13 Stephenson Place Chesterfield Derbyshire S40 1XL for Mr Roy Knowles
- CHE/16/00785/FUL Alterations to existing roof to form additional room and insertion of new window in the north elevation at 97 Hucknall Avenue Loundsley Green Chesterfield Derbyshire S40 4BZ for Mrs Amy Heathaston

- CHE/16/00787/FUL Proposed single storey rear extension (replacing existing conservatory) and two storey side extension - part over an existing single storey attached garage at 12 Glenavon Close New Whittington Chesterfield Derbyshire S43 2QG for Mr Andrew Dawson
- CHE/16/00793/FUL Extension to existing production facility - additional information received 06/01/2017, 17/01/2017 and 26/01/2017 at Colliery House Colliery Close Staveley Chesterfield Derbyshire S43 3QE for Krantech
- CHE/16/00794/FUL Two storey rear extension at 7 Stanford Way Walton Chesterfield Derbyshire S42 7NH for Mr Kevin Howarth
- CHE/16/00798/FUL Proposed first floor front extension at 112 Broomfield Avenue Hasland Chesterfield Derbyshire S41 0ND for Mr J Dooley
- CHE/16/00820/FUL Proposed new canopy attached to existing building at Units 20 and 21 Dunston Trading Estate Foxwood Road Sheepbridge Chesterfield Derbyshire S41 9RF for Oxdale Products Limited
- CHE/17/00009/NM Non-Material Amendment to application CHE/16/00477/FUL (Demolition of four properties to accommodate a car park extension and extension of existing food store) at Lidl Sheffield Road Whittington Moor Chesterfield Derbyshire S41 8LX for Lidl UK GmbH
- CHE/17/00018/CA Pruning of trees at Portland Close at Street Record Portland Close Chesterfield Derbyshire for Property Services 2000 Ltd

CHE/17/00020/NMA Application for non-material amendment to CHE/14/00713/FUL (erection of a two storey 4 bedroom dwelling) bricking-up side door (leaving only 2 doors - front door and patio door) and enlarge patio door to 3 metres wide at 3 Salisbury Avenue Newbold Chesterfield Derbyshire S41 8PR for Mr Samir Sherif

CHE/17/00027/NMA Amendment of existing car park to have additional entrance to east end. Ref No CHE/14/00874/FUL at Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield Derbyshire S44 5BL for Chesterfield Royal Hospital NHS Foundation Trust

CHE/17/00031/NMA Non material amendment application for two small additional side windows - Planning Application CHE/16/00674/FUL at 19 Somersall Park Road Chesterfield Derbyshire S40 3LD for Mr Matt Green

(b) Refusals

CHE/16/00710/FUL Erection of a conservatory at 146 Spital Lane Spital Chesterfield Derbyshire S41 0HN for Mr Leigh Merry

CHE/16/00717/FUL Residential development at land to rear of 109 Middlecroft Road Staveley Chesterfield Derbyshire for James Muse

CHE/16/00804/FUL Convert existing goat shed/stables into holiday let at 23 Bridle Road Woodthorpe Chesterfield Derbyshire S43 3BY for Mr and Mrs Hall

(c) Discharge of Planning Condition

CHE/16/00808/DOC Discharge of conditions 5, 7, 8, 9, 10 and 11 of CHE/16/00069/OUT at land adjacent to 89 Sheffield Road Stonegravels Chesterfield Derbyshire for The Derby Diocesan Board of Finance

- CHE/16/00817/DOC Discharge of planning conditions 6, 7, 14 and 15 of CHE/0301/0164 at land at The Brushes Sheffield Road Sheepbridge Chesterfield Derbyshire for Birchall Properties Ltd
- CHE/16/00825/DOC Discharge of conditions 12 and 42 of CHE/0892/0496 at land at The Brushes Sheffield Road Sheepbridge Chesterfield Derbyshire for Birchall Properties Ltd
- CHE/16/00833/DOC Discharge of conditions 18 and 32 of CHE/16/00518/FUL at site of former Newbold Community School Newbold Road Newbold Chesterfield Derbyshire for Miller Homes
- CHE/16/00836/DOC Discharge of condition Nos 29 and 30 of CHE/10/00041/FUL residential development - The Spires, Derby Road, Chesterfield at former Chesterfield Cylinders Site Derby Road Birdholme Chesterfield Derbyshire for Barratt Homes

(d) Withdrawn

- CHE/17/00002/TPD Proposed single storey flat roofed extension to provide living/bedroom/kitchen and bathroom for elderly/disabled person at 38 Park Road Chesterfield Derbyshire S40 1XZ for Mr Anthony Waite

**138 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 the felling and pruning of trees:-

- CHE/17/00039/TPO Consent is granted to the felling of 27 Poplar trees at land off Dunston Road to the east of Dunston House reference G1 on the Order map for Peppermint Grove Ltd with a condition to plant 19 new trees consisting of 6 Paper Birch trees, 9 Limes and 4 red Oaks



CHE/17/00074/TPO Consent is granted to the removal of one lower branch growing on the west side of the tree, pruning back just before the main stem of one Horsechestnut tree reference T13 on the Order map for Beauchief Homes on land to the rear of 79 Sheffield Road, Chesterfield

CHE/17/00026/TPO Consent is granted to the removal of one low branch overhanging the garden, pruning back to the main stem, of one Larch tree within Area 1 on the order map for Mr Philip Brindle of 5 Pine View, Ashgate, Chesterfield

**139 APPEALS REPORT (P000)**

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

**\*RESOLVED -**

That the report be noted.

**140 ENFORCEMENT REPORT (P410)**

The Local Government and Regulatory Law Manager and the Group Leader, Development Management submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

**\*RESOLVED -**

That the report be noted.

**141 THE SHRUBBERIES - 46 NEWBOLD ROAD - PRIOR NOTIFICATION OF PROPOSED DEMOLITION - CHE/17/00059/DEM**

The Development Management and Conservation Manager submitted a report to inform Planning Committee members of the current situation regarding the Prior Notification of Proposed Demolition application

(CHE/17/00059/DEM) received in relation to The Shrubberies, 46 Newbold Road, Chesterfield.

**\*RESOLVED –**

That the report be noted.

## PLANNING COMMITTEE

Monday, 13th March, 2017

Present:-

Councillor Brittain (Chair)

<p>Councillors P Barr Bingham Callan Catt Davenport Elliott</p>	<p>Councillors T Gilby Hill A Murphy Sarvent Simmons Wall</p>
---	---

\*Matters dealt with under the Delegation Scheme

### 142 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Caulfield and Miles.

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

Pursuant to Minute No.109 (2015/16), Councillor Elliott declared an interest in agenda item 9 as she had spoken as an objector against the application when it was originally considered by the committee.

### 144 BUILDING REGULATIONS (P880D)

\*The Chief Building Control Officer reported that pursuant to the authority delegated to him he had determined the under-mentioned plans under the Building Regulations:-

Approvals

16/02104/DCC

Derbyshire County Council - Refurbishment and alteration of existing classrooms to create 2 new teaching bays and unisex wc facilities and sensory room at The Pingle Foundation School Coronation

Street Swadlincote Derbyshire DE11 0QA

- 16/02141/MUL Multiple Domestic - Loft conversion and two storey side extension at 26 Caxton Close New Whittington Chesterfield Derbyshire S43 2EA
- 17/00048/DEX Domestic Extensions/Alterations - Single storey rear extension and ground floor wc at 41 Summerfield Road Boythorpe Chesterfield Derbyshire S40 2LJ
- 17/00213/DEX Domestic Extensions/Alterations - Single storey rear extension at 10 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH
- 17/00192/OTHD Other Works (Domestic) - Garage conversion at 14 Moorhay Close Upper Newbold Chesterfield Derbyshire S41 8XF
- 17/00079/DEX Domestic Extensions/Alterations - Single storey side and rear extensions at 77 Dukes Drive Newbold Chesterfield Derbyshire S41 8QE
- 17/00306/DRO Domestic in-roof Extensions/Alterations - Loft conversion at 137 Ashgate Road Chesterfield Derbyshire S40 4AN
- 17/00145/DEX Domestic Extensions/Alterations - Two storey side and single storey front extension, entrance porch with internal alterations at 25 Ashgate Valley Road Chesterfield Derbyshire S40 4AX
- 16/02162/MUL Multiple Domestic - Loft conversion and rear dormer extension at 217 Lockoford Lane Tapton Chesterfield Derbyshire S41 0TG
- 17/00029/DEX Domestic Extensions/Alterations - Front extension at 8 Kingsmede Avenue Walton Chesterfield Derbyshire S40 3EG

- 17/00259/DEX Domestic Extensions/Alterations - First floor rear extension at 596 Chatsworth Road Chesterfield Derbyshire S40 3JX
- 17/00265/DEX Domestic Extensions/Alterations - Single storey rear extension at 1 Cornwall Close Brimington Chesterfield Derbyshire S43 1EG
- 17/00266/OTHD Other Works (Domestic) - Conversion of attached garage to form habitable room at 20 Chadwell Close Hasland Chesterfield Derbyshire S41 0QB
- 17/00246/DEX Domestic Extensions/Alterations - Corner infill extension to front of property at 9 Woodvale Close Somersall Chesterfield Derbyshire S40 3LY

145 **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/16/00737/FUL New Ford dealership comprising 2 storey showroom/service/MOT building and single storey car valet building with associated facilities including workshops, compound, customer and staff parking, used car sales display area, access roads and appropriate landscaping at land to the south of Spire Walk Chesterfield Derbyshire for Perrys East Midlands Ltd
- CHE/16/00750/FUL Single storey rear extension adjoining a public walkway at 19 Yeldersley Close Holme Hall Chesterfield Derbyshire S40 4LG for Mr Martin Miller

- CHE/16/00764/NMA Front entrance porch at 3 Holmebank East Brockwell Chesterfield Derbyshire S40 4AR for Mr Shahid Parvez
- CHE/16/00771/LBC Installation of CCTV cameras at selected locations on ground floor and within staircase areas at first and second floors; replacement of staff attack alarm system at ground and first floors with wall mounted infrared receivers and display screens; construction of needle exchange room at ground floor; division of existing admin office at ground floor to create smaller admin office and new counselling room; formation of viewing screen between admin office and new location for waiting area; installation of air conditioning unit to ground floor clinic room with internal wall mounted inverter and external fan unit; creation of new roof access hatch within ceiling and removal of existing hatch in vertical bulkhead; creation of working platform within existing roof void at 42 St Marys Gate Chesterfield Derbyshire S41 7TH for Derbyshire Healthcare NHS Foundation Trust
- CHE/16/00772/FUL Proposed single storey flat roof kitchen extension within enclosed rear yard and replacement of bay windows at ground floor level and casement windows at first floor level to existing front elevation and as amended by additional information received on 07.02.2017 at Red Lion 261 Chatsworth Road Chesterfield Derbyshire S40 2BL for Mr J Frederick
- CHE/16/00773/LBC Proposed alterations to Grade II listed building, including replacement of 6 sash windows to principal elevation; replacement timber stall riser to shopfront; repair and replacement of guttering; patch re-pointing; patch replacement of roof tiles and flashings; replacement roof light to rear elevation and repairs to roof purlin at 10 High Street Chesterfield S40 1PS for Mr J Waller

- CHE/16/00796/FUL Extension and alterations to change the use from existing workshop/garage to recording studio at workshop to rear of 98 Derby Road Chesterfield Derbyshire S40 2EF for Mr Thomas Henthorn
- CHE/16/00797/REM1 Variation of conditions 2,3,5 and 6 of CHE/16/00175/FUL - Development of an industrial unit for Class B8 purposes with ancillary office space, gatehouse plus car parking, lorry parking, service yard and sprinkler tanks with associated site access, drainage, site levelling, engineering and landscaping works at Plot 13 Markham Lane Duckmanton Derbyshire for Henry Boot Developments
- CHE/16/00801/NMA Non material amendment to CHE/16/00419/FUL - alter dimensions of extension, change of roof design and finish to external walls - now to be timber cladding at 345 Chatsworth Road Chesterfield Derbyshire S40 2BZ for Mr David Bannister
- CHE/16/00810/FUL Demolition of conservatory and outbuildings and proposed 2 storey side extension at 297 High Street New Whittington Derbyshire S43 2AP for Mrs Jackie Slater
- CHE/16/00813/FUL Proposed alterations and rear extension at 89A Manor Road Brimington Derbyshire S43 1NN for Mr Simon Jones and Michelle Teasel
- CHE/16/00818/FUL Proposed restaurant on the building 3rd floor (opening times in accordance with existing license). Alteration and widening of ground floor opening to accommodate new bi-fold doors. Installation of retractable awning canopy to building entrance (minimum 2.3m high) - Re-submission of CHE/16/00618/FUL (revised plans received 22/02/2017) at 21-23 Holywell Street Chesterfield S41 7SA for Mr Giacchino Livoti

- CHE/16/00823/ADV 1 double sided internally illuminated light box incorporated into structure of bus shelter at light box on bus shelter Wheatbridge Road Chesterfield Derbyshire for Clear Channel UK
- CHE/16/00824/REM Reserved matters for CHE/15/00267/OUT - outline planning permission for two storey dwelling at land opposite Oaks Farm Markham Road Duckmanton Derbyshire for Mr Mark Reynolds
- CHE/16/00826/FUL Proposed front extension to bungalow at 8 Kingsmede Avenue Walton Derbyshire S40 3EG for Mr and Mrs J Cook
- CHE/16/00827/FUL Roof to be raised and loft area "converted", front elevation remodelled and single storey extension to the rear at 24 Lichfield Road Walton Derbyshire S40 3EZ for Mr and Mrs Sandhu
- CHE/16/00828/FUL Application for external alterations to existing shopfront : additional information received 16.02.2017 at British Home Stores 29 Vicar Lane Chesterfield Derbyshire S40 1PY for Landmaster Properties Limited In Administrative Receivership
- CHE/16/00829/FUL Proposed two storey rear extension at 113 The Green Hasland Derbyshire S41 0JT for Mike Rielly
- CHE/16/00830/FUL Single story extension to rear of dwelling-house at 24 Gladstone Road Chesterfield Derbyshire S40 4TE for Mr Brammer
- CHE/16/00832/FUL Construction of two single storey industrial buildings split into 5 units with associated landscaping, drainage, road access and car park work - additional information received 02/02/2017 and 16/02/2017 at land adjacent Dunston Road Chesterfield Derbyshire for Peppermint Grove Development Ltd



- CHE/16/00834/FUL Roof extension and creation of additional bedrooms at 44 Newbold Road Newbold Derbyshire S41 7PH for Potens
- CHE/17/00001/FUL Alterations to create study/office/bedroom and bathroom in roof space at 9 Thornbridge Crescent Birdholme Derbyshire S40 2JH for Mr F Moore
- CHE/17/00010/MA Material amendments to CHE/11/00223/FUL (erection of a 5 bedroom dwelling) to include an indoor swimming pool, small increase in eaves and roof height, increase in garden area and minor changes to heights and sizes of windows, doors, rooflights and solar panels at 568 Chatsworth Road Chesterfield Derbyshire S40 3JS for Mr and Mrs Rockie White
- CHE/17/00025/FUL Demolition of single storey store, erection of 2 storey side extension and rear conservatory at 26 Blandford Drive Newbold Chesterfield Derbyshire S41 8QT for Miss Shani Wylds
- CHE/17/00026/TPO Larch tree - Remove one very low branch at 5 Pine View Ashgate Chesterfield Derbyshire S40 4DN for Mr Philip Brindle
- CHE/17/00034/TPO Crown lift, crown clean to each tree and pruning to trees T1-T11, T13-T16, T18-T20 and groups 1 to 7 of TPO No. 297 at Brendon House Residential Home Brendon Avenue Chesterfield Derbyshire S40 4NJ for Heathcotes Group Ltd
- CHE/17/00049/HERM Removal of hedge to facilitate better farming practice and turning with large agricultural machines at Hagge Farm unnamed road off Staveley Lane Near Hagge Farm Middle Handley Derbyshire S21 5RP for Mr Alan Jackson
- CHE/17/00081/CA Various tree works in rear garden at Hazeldene 554 Chatsworth Road Chesterfield Derbyshire S40 3AY for J G Kirkland

CHE/17/00083/TPO Oak tree - 25% crown thinning at 15 Abney Close Chesterfield Derbyshire S40 4PF for Mr Michael Alberts

CHE/17/00147/TPO Fell one pear tree at 113 High Street Old Whittington Derbyshire S41 9LB for Louise Parker

(b) Refusals

CHE/16/00465/OUT Development of up to 25 new dwellings excluding land to the west of 177 Spital Lane amended description received 12th August 2016, amended plans received 10th August 2016 - Additional information received 19th October 2016 at land to the rear of 145 - 177 Spital Lane Spital Chesterfield Derbyshire for Mr S Balfour

CHE/16/00780/RET Retention of the works to remove existing fence and hedge and erection of replacement wooden fencing at 1 Tollbridge Road Woodthorpe Derbyshire S43 3BL for Miss Linda Kinsey

CHE/16/00821/FUL Proposed erection of a detached dwelling and new dropped crossing to form off street parking spaces at 158 and 160 Manor Road Brimington Derbyshire S43 1NW for Mr and Mrs Rollett

(c) Discharge of Planning Condition

CHE/17/00007/DOC Discharge of conditions 3 ,5 6, 8 ,9 and 10 relating to CHE/16/00477/FUL - demolition of four properties to accommodate a car park extension and extension of existing foodstore at Lidl Sheffield Road Whittington Moor Derbyshire S41 8LX for Lidl UK GmbH

CHE/17/00080/DOC Discharge condition 4 (Construction Management Plan) on applications CHE/16/00620/FUL and CHE/16/00621/FUL at Unit 3 and Unit 4 Spire Walk Business Park Spire Walk Chesterfield Derbyshire for Mr Rob Devoy

## (d) Prior notification approval not required

- CHE/16/00730/TPD Rear Extension at 23 Myrtle Grove Hollingwood Derbyshire S43 2LL for Mr Peter Catherwood
- CHE/17/00043/TPD Single storey rear extension to form kitchen at 33 Brookbank Avenue Brockwell Chesterfield Derbyshire S40 4BA for Mr Martyn Hague
- CHE/17/00044/TPD Single storey rear flat roof extension 4m wide at 38 Park Road Chesterfield Derbyshire S40 1XZ for Mr Antony Waite
- CHE/17/00064/TPD 4m x 4m conservatory to rear of property at 35 Wayside Court Brimington Derbyshire S43 1BS for Mr Mark Brereton

## (e) No objection to DCC application with comments

- CHE/17/00066/CPO Construct and operate a short term operating reserve power supply system at Erin Landfill Site Markham Lane Duckmanton Derbyshire S44 5HS for Viridor Waste Management Ltd

**146 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/17/00083/TPO Consent is granted to a light crown thin of one Oak tree reference T1 on the Order map for Mr Alberts of 15 Abney Close, Loundsley Green, Chesterfield
- CHE/17/00034/TPO Consent is granted to the pruning of 18 individual trees reference T1 Poplar, T2-T8, T12 & T18 Maple, T9-T11 London Plane, T15 Rowan, T17 Cherry, T19 & T20 Hawthorn and

7 Groups of trees consisting of G1 x4 Beech, G2 x3 Cherry, G3 x3 Limes, G4 x3 Cherry, G5 x3 Silver Birch, G6 x3 Ornamental Apple and G7 x4 Lime trees on the Order Map and which are situated in the grounds of the former Brendon House, Brendon Avenue, Loundsley Green, Chesterfield for JDS Design

CHE/17/00105/TPO

Consent is granted to the felling of 3 Conifer trees and the thinning out of tree saplings within W1 at Brierley Wood on the Order map for Mr David Black of 15 Sylvia Road, Unstone

The duty to replant with replacement trees has been dispensed with on this occasion due to the natural regeneration within the woodland which is to be thinned out by a maximum of 50% to allow space for the remaining trees to grow

CHE/17/00147/TPOEXP

Consent is granted to the felling of one Pear tree reference T145 on the Order map for Ms Louise Parker of 113 High Street, Old Whittington

The replacement tree is to be a small leaved Lime and planted as near as possible to the original tree

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

CHE/17/00081/CA

The pruning of 10 various trees and shrubs for Mr Kirkland of 554 Chatsworth Road.

Agreement to the pruning of various trees and shrubs. The pruning works will have no adverse effect on the amenity value of the area  
The trees are within the Chatsworth Road Conservation Area and the applicant wishes to prune the trees and shrubs to generally maintain the front, side and rear garden

## (c) Hedgerow Removal Notice (Regulation 5(I))

CHE/17/00049/HERM

Consent is granted to the removal of 315 metres of hedgerow for Mr Jackson at Hagge Farm, Nether Langley. The hedgerow is located to the south of Red Lodge Farm and to the west of Brecks Lane, Barrow Hill, Chesterfield

The application was considered against the criteria set out in the Hedgerow Regulations 1997 and was found to be 'Not important' in the criteria which considers the hedgerow species, archaeology and history

**147 APPEALS REPORT (P000)**

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

**\*RESOLVED -**

That the report be noted.

**148 ENFORCEMENT REPORT (P410)**

The Local Government and Regulatory Law Manager and the Group Leader, Development Management submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

**\*RESOLVED -**

That the report be noted.

**149 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC****RESOLVED -**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3 and 6 of Part 1 of Schedule 12A of the Act.

**150 APPLICATION MADE UNDER S106A OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO AMEND THE AMOUNT OF AFFORDABLE HOUSING REQUIRED ON APPLICATION CHE/15/00755/OUT ON LAND TO THE WEST OF BEVAN DRIVE, INKERSALL, CHESTERFIELD.**

Councillor Elliott who had declared an interest in this item left the meeting at this point and did not take part in the subsequent discussion and vote.

Pursuant to Minute No.109 (2015/16) the Principal Planner submitted a report requesting that the committee consider an application made under S106A of the Town and Country Planning Act 1990 for the requirement to provide affordable housing to be removed on the outline planning permission granted on application CHE/15/00755/OUT at land to the west of Bevan Drive, Inkersall, Chesterfield.

In accordance with Minute No.299 (2001/02), Mr Reuben Spears of Wildgoose Construction (the applicant), addressed the meeting.

**\*RESOLVED –**

1. That the S106A application be accepted and that the S106 agreement be amended to remove the requirement for affordable housing to be provided on the site.
2. That the S106 agreement be amended to include a revised clause which allows for an escalator mechanism to review the position with regards to an affordable housing contribution and potentially secure some affordable housing or a commuted sum if market conditions improve, or if a greater density of development comes forward in a reserved matters submission.

151 **UNAUTHORISED CHANGE OF USE OF LAND FOR THE STORAGE OF VEHICLES AND ENGINEERING OPERATION TO EXTEND AREA OF HARD SURFACING AT - LAND AT LINCOLN STREET, CHESTERFIELD.**

Councillor Elliott returned to the meeting at this point.

The Development Management and Conservation Manager submitted a report inform the committee of the unauthorised change of use of land and importation of materials at land at Lincoln Street, Chesterfield. The report also sought authorisation for enforcement action to be taken requiring the cessation of the unauthorised use, the removal of the imported material and for the reinstatement of the land to its former condition and land levels.

**\*RESOLVED -**

That an Enforcement Notice requiring:

- i. the removal of vehicles and scrap vehicles;
- ii. the removal of imported materials which have been crushed and spread around the existing concrete hard surfacing;
- iii. the reinstatement of the land to its original level, prior to the unauthorised importation of materials;

on land to the rear of 15 Lincoln Street, Chesterfield, Derbyshire, be issued.

This page is intentionally left blank



# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	3 <sup>RD</sup> APRIL 2017
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 Group Leader, Development Management – 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 3 APRIL 2017**

- ITEM 1**     **CHE/17/00067/COU** – Proposed change of use from medical centre to 5 No residential units at 1 Tennyson Avenue, Chesterfield for Mr Matthew Little
- ITEM 2**     **CHE/17/00054/COU** – Change of use to coffee shop/refreshments/ food outlet at Save the Children, 5 Stephenson Place, Chesterfield for Mr Garcia-Perez
- ITEM 3**     **CHE/17/00059/DEM** - Application giving prior notification of the proposed demolition of vacant/former office accommodation at The Shrubberies, 46 Newbold Road, Chesterfield for Peppermint Grove Ltd
- ITEM 4**     **CHE/17/00017/OUT** – Outline application with all matters reserved for one house joining onto 1 Branton Close at 1 Branton Close, Boythorpe, Chesterfield for Mr Michael Kirby – additional information received on the 14<sup>th</sup> March 2017
- ITEM 5**     **CHE/16/00045/FUL AND CHE/16/00046/LBC** – Extension and remodelling of outbuilding to allow for conversion and extension to create one No 3 bed dwelling, internal alterations and change of use to Ashton Lodge to create 4 bed dwelling and erection of detached garage/annex building (revision to CHE/15/00078/FUL and CHE/15/00079/LBC)
- ITEM 6**     **CHE/16/00831/FUL** – Proposed new detached dwelling at land adjacent to 21 Clarence Road, Chesterfield for Mr and Mrs G Reynolds – additional information received on the 7<sup>th</sup> and 21<sup>st</sup> March 2017

This page is intentionally left blank

Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 3<sup>rd</sup> April 2017

File No: CHE/17/00067/COU  
Plot No: 2/3532

## ITEM 1

### PROPOSED CHANGE OF USE FROM MEDICAL CENTRE TO 5 NO. RESIDENTIAL UNITS AT 1 TENNYSON AVENUE, CHESTERFIELD, DERBYSHIRE, S40 4SN FOR MR MATTHEW LITTLE

Local Plan: Unallocated  
Ward: Brockwell

#### 1.0 CONSULTATIONS

DCC Highways	Comments received 23/02/2017 – see report
Environmental Services	Comments received 21/02/2017 – no objections
Forward Planning Team	Comments received 28/02/2017 – see report
Tree Officer	No comments received
Conservation Officer	Comments received 01/03/2017 – see report
Ward Members	No comments received
Site Notice / Neighbours	Two letters of representation received

#### 2.0 THE SITE

- 2.1 The application site relates to 1 Tennyson Avenue, a large semi-detached two and half storey property which is currently vacant but was previously occupied / operated as a medical centre (Sexual Health Clinic).
- 2.2 The property is red brick built, with modern interlocking roof tiles and white uPVC windows, although the front elevation retains

some of its original character being double bay fronted with a central fan lit feature doorway. To the rear the property has been subject to extension including two storey and single storey additions as well as the creation of an access ramp and external shutters (which were connected with the location of the main reception to the previous medical centre use).

- 2.3 Boundaries to all aspects are made up of red brick walls of varying height, with the Tennyson Avenue frontage and rear driveway also incorporating feature railings.
- 2.4 The application site benefits from an existing vehicular access from Tennyson Avenue but it also has a right of way access onto the private driveway to the rear of the site leading on to Saltergate. The surrounding curtilage is predominantly hard surfaced (both front and rear) and there is driveway / access link between both areas of hardstanding. Previously the rear area of hardstanding served as car parking for the former medical centre use.



### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0588/0404 - Permission for change of use to doctors surgery. Approved on 15/07/1988.
- 3.2 CHE/1189/0820 - Permission for extension to doctors surgery and construction of access. Approved on 31/01/1990.
- 3.3 CHE/0991/0576 – Non illuminated sign. Refused on 09/10/1991.
- 3.4 CHE/0292/0142 - First floor extension to medical centre. Approved on 14/05/1992.

- 3.5 CHE/0892/0522 - Ground floor office/reception extension. Refused on 15/10/1992.
- 3.6 CHE/0396/0118 - Conversion of roof space to office involving velux roof lights. Approved on 18/04/1996.
- 3.7 CHE/0996/0493 - Erection of security shutters. Approved on 15/10/1996.
- 3.8 CHE/10/00145/ADV - 1 (1200 x 600) ID sign on building gable, 1 (1800 x 600) sign under existing Saltergate HC sign on road side and 1 (1000 x 400) sign under existing Avenue House Surgery sign (revised red outline on location plan received 17th May 2010). Approved on 16/07/2010.

#### 4.0 **THE PROPOSAL**

- 4.1 This is an application, submitted in full, for the proposed change of use of the property from a medical centre (Use Class D1) to 5 no. self-contained flats / apartments (Use Class C3).
- 4.2 The proposed plans submitted indicate that there will be 2 no. units at ground floor (1 no. one bedroom and 1 no. two bedroom); 2 no. units at first floor (1 no. one bedroom and 1 no. two bedroom with external terrace access); and 1 no. unit at second floor (1 no. bedroom).
- 4.3 The applicant has indicated their intention to retain both vehicular access points (off Tennyson Avenue and Saltergate driveway) and utilise the area to the front and rear of the site for residents parking (although there is no site layout plan submitted with the application) – email from applicant 16/02/2017.

#### 5.0 **CONSIDERATIONS**

##### 5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of Brockwell in an area that is predominantly residential in nature; however adjacent and along Saltergate there are a number of commercial properties as well which reflect the edge of centre location. Having regard to the nature of the application policies CS1, CS2, CS18 and CS20 of

the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

## 5.2 **Principle of Development**

### **National Planning Policy Framework**

5.2.1 The **NPPF** requires that housing applications should be considered in the context of the presumption in favour of sustainable development. This includes supporting planning applications for change to residential uses provided that there are not strong economic reasons why such development would be inappropriate.

5.2.2 The **NPPF** also recognises that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings public and private spaces, and wider areas development schemes (para 57)

### **Core Strategy**

5.2.3 The Core Strategy reflects the NPPF through its approach to town centres and design.

5.2.4 **Policy CS1** states that the overall approach to growth will be to concentrate new development within walking distance of centre and to focus on areas that need regenerating. The site is within the town centre boundary and within walking and cycling distance of all town centre facilities.

5.2.5 **Policy CS2** sets criteria for assessing proposals for development on unallocated sites. Criteria (a) relates to delivering the Council's Spatial Strategy (policy CS1) as set out in the previous paragraph. The spatial strategy also sets out the overall housing requirement for the Borough, which the proposal would make some contribution to delivering. The proposal would involve the change of use of an existing building, the land is not of high environmental value, nor is the site on the best or most versatile agricultural land - Criteria (b), (c), and (d), and in terms of criteria (f), the application site is within the town centre.

5.2.6 In the context of the above it is considered that in principle residential development is acceptable. Further consideration of



design specific policies, highways and technical constraints are dealt with in the relevant sections of the report below.

### **Community Infrastructure Levy**

- 5.2.7 The proposal involves the creation of new dwellings and is therefore CIL-liable. However, on the basis of the information provided, the proposed development involves only change of use of a building which has been in lawful use for at least six months in the 3 years prior to the development being permitted and does not create any new build floorspace.

### **5.3 Design & Appearance (inc. Neighbouring Impact / Amenity)**

- 5.3.1 The application submission proposes only the change of use of the premises, with no external alterations detailed. On this basis there will be no alterations to the appearance of the building which would raise any concerns having regard to the character and appearance of the streetscene.

- 5.3.2 The proposed floor plans submitted indicate that the conversion will utilise all existing window and doorway openings, which already have an established relationship with the adjoining and adjacent neighbouring properties. Notwithstanding this during an internal inspection of the building the case officer noted that a number of windows positioned in the side elevation of the property which face the adjacent Doctors Surgery were partially obscure glazed (lower level panes) but were clear glazed in upper level panes which allowed a skyward outlook from each room (see photographs below). It is presumed that the windows (which are modern uPVC style) were amended in this way to afford privacy to staff / patients given the properties previous use, but it was noted that a number of the glazed panes to the lower level proportions of the windows include opening mechanisms.

- 5.3.3 Furthermore it was observed that one of the first floor rooms includes a doorway which currently opens outwards onto the flat roof of the rear single storey extension.

(see photographs below)



- 5.3.4 Having regard to the proposed change of use of the premises into 5 no. flats / apartments it is not considered that the use would be inappropriate; however it is necessary to ensure that both amenity and privacy is afforded for both existing neighbours and future occupants of the development.
- 5.3.5 In respect of the 4 no. windows positioned at first floor level in the side elevation of the property facing the doctors surgery it is noted that these serve the communal stairway to flats 3 and 4; and the bedroom, bathroom and kitchen / living room (secondary) to flat 4. These windows primarily look out over the car park of the adjacent Doctors Surgery.
- 5.3.6 Having regard to the fact the windows are already existing and are currently not controlled it is not considered necessary to impose any degree of control on the occupation of these rooms or restrict / obscure the windows. The relationship between them and the adjacent Doctors Practice is established and views already ascertained between both properties are existing.

5.3.7 In respect of the existing first floor door which opens out onto the flat roof of the single storey rear extension, it is unlikely the terrace was used by the commercial operation in the premises previously (other than perhaps to clean windows etc) as there is no safety feature or wall erected around the terrace to meet building regulations. It is noted from the application submission that it is intended the doorway will remain to the bedroom of flat 3; however this is not acceptable as it would facilitate use of the terrace potentially as a garden / amenity space for this unit which is unneighbourly to No 3 Tennyson Avenue whose rear elevation first floor windows would be directly overlooked by someone stood in this area. Whilst it is noted that a suitable screen could be affixed around the terrace to screen these views the visual appearance of any such screen (which would have to be at least 1.8m high to serve to protect privacy) would not be acceptable. Accordingly it is considered necessary to require by condition the detail of a mechanism to securely fix this doorway opening (either by the installation of a Juliette balcony type railing or by a replacement window) prior to the occupation of this unit.

5.3.8 The Council's **Conservation Officer** has reviewed the application submission in light of the fact the application site and / or the development proposals could have an impact upon the setting of the adjacent conservation area. The following comments made have been noted:

*'1 Tennyson Avenue is not listed nor is it within a conservation area, but it is on the edge of the Chesterfield Town Centre Conservation Area. Any proposals that might impact on the setting and character of conservation areas should be carefully considered. I notice that this is a change of use application and that there are no proposals to change the building's external appearance. On that basis I have no objections. My only comment would be that if in the future exterior changes were being proposed then there would be an opportunity to improve the setting of the adjacent CA by re-introducing traditional design features into the building such as timber sash windows (the current windows are poorly designed UPVC). As well as improving the setting of the adjacent CA, this would also contribute to the character of Tennyson Avenue, a street which includes an impressive mix of detached period properties (ranging from the Victorian period to the 1930s).'*

## 5.4 **Highways Issues**

5.4.1 The application proposals have been reviewed by the **Local Highways Authority** and the following comments were received:

*'This is a full application and the application form indicates 'provision for off-street parking for several vehicles'. This is not, however, clearly demonstrated on any plan available to the Highway Authority. In addition, the Highway Authority has not been provided with any information relating to the layout of the proposed units to assess the number of off-street parking spaces*

*It is assumed that the parking being referred to is to the rear of the building and it is understood that the premises have a right of access along the route that served the former health centre. This should be clarified and a revised plan submitted indicating this in order that suitable conditions may be included in any consent. Whilst there is a vehicular access to the front of the premises it is recommended that this is closed on the basis of the single width route past the side of the premises to the parking at the rear.*

*Subject to the above matters being satisfied, there are no objections to the proposal and it is recommended that the following conditions are included in any consent.*

1. *Before any other operations are commenced the existing vehicular access to Tennyson Avenue shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.*
2. *No dwelling shall be occupied until space has been laid out within the site in accordance with a drawing first to be submitted and agreed, in writing, by the Local Planning Authority showing parking spaces of minimum dimensions 2.4m x 5.5m and manoeuvring to allow vehicles to enter and exit the site in a forward gear. The approved scheme, with the spaces marked out on site, shall be maintained thereafter free from any impediment to its designated use.*
3. *No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste*

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

4. *The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.'*

- 5.4.2 Having regard to the comments received from the LHA above it is noted that they recommend closure of the access onto Tennyson Avenue, in favour of all traffic being directed to the rear driveway access leading onto Saltergate. Notwithstanding this the property the subject of the application currently has an extant permission for use as a medical centre with no restrictions over vehicular access. This means that the property could re-open as a doctors surgery or health clinic at any time with no restrictions and therefore this fall-back position has to be taken into account. Furthermore the access to the front is the original access which can be used.
- 5.4.3 Giving consideration to the fall-back position it not considered that the traffic generation from 5 no. flat / apartments would exceed the traffic generation of a medical centre / clinic and therefore it is not considered reasonable to insist that the access onto Tennyson Avenue is closed to vehicular traffic.
- 5.4.4 It is noted that the area of hardstanding to the rear of the site is currently not marked out for parking; furthermore this is likely to be the location for any bin storage facilities associated with the proposed use. Given the overall area it is considered that there is sufficient space on site to provide at least 5 no. off street parking spaces which would provide 1 no. space per unit which is acceptable; however it is necessary to ensure that these spaces are marked out and space is also provided for bin storage (which should ideally be enclosed to improve visual amenity). Appropriate conditions can be imposed on any decision issued to address these requirements and meet the comments of the LHA in this respect. It is noted that the LHA request the provision of secure

cycle parking within the site however it is likely that any occupant of these units would choose to store cycles in their own unit rather than externally.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 13/02/2017; by advertisement placed in the local press on 16/02/2017; and by neighbour notification letters sent on 07/02/2017.

6.2 As a result of the applications publicity there have been two letters of representation received as follows:

### **8 Tennyson Ave**

I have no objection to the conversion of this property into apartments; however I did request more information on vehicular access.

The application form suggests there is parking available for several cars (which clearly refers to the rear car parking area) and currently this can be accessed in two ways (via Saltergate or via Tennyson Ave). The Saltergate route is well lit and is the easiest to use and if it is intended that this will be the sole access for parking I have no concerns.

However if it is intended that access is to remain from Tennyson Avenue as well this route would cause traffic and potential public safety issues because these roads are already very busy and conflict could exist between the site and the entry / exit of Avenue House surgery.

Ideally I would like to see the Tennyson Avenue access made into a pedestrian only access; and vehicles entering and leaving the car park via the rear access point off Saltergate. For what it's worth I think the design would be much more pleasant for the future residents this way.

### **Avenue House Surgery**

We have no specific objections to the plans however we would like consideration to be given regarding the view from the upstairs windows of the property which border our GP Practice.

We suspect that due to the high elevation of these windows it may be possible to look down into the consulting rooms at our Surgery through the glass at the top of the windows which are not currently obscured. We are unclear whether the development proposes

installation of extra windows to that side but there may be a problem for us with patient privacy if it does.

- 6.3 ***Officer Response: The applicant was asked to confirm their intention with regards to the existing accesses which serve the site, although the LPA were mindful they could not reasonably require either of the 2 no. accesses to be closed off to vehicular traffic given they both benefit from planning permission in their own right. The applicant confirmed that it was their intention to retain both accesses and keep them available for use as such and on this basis it is not considered that there are any reasonable planning grounds to suggest this situation is not acceptable. It is noted that the GP Surgery have raised concerns about overlooking from the windows in the side elevation of the premises however it is not considered that there are reasonable grounds to require the glazing in the upper panes of these windows to be changed. Furthermore it is not considered there are even grounds to insist the existing obscure glazing is retained given that the windows can be opened at present.***

***Please also refer to additional comments in sections 5.2, 5.3 and 5.4 above.***

## 7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 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.

7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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 paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

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

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

9.0 **RECOMMENDATION**

9.1 **GRANTED subject to the following conditions:**

**Conditions**

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

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



02. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.

*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.*

03. Prior to commencement of development a plan shall be submitted to the Local Planning Authority for written approval showing the rear hardstanding laid out with a least 5 no. dedicated parking spaces of minimum dimensions 2.4m x 5.5m and manoeuvring to allow vehicles to enter and exit the site in a forward gear. Prior to the occupation of any of the dwellings hereby approved the space shall be laid out in accordance with the approved scheme, with the spaces marked out on site, and thereafter they shall be maintained free from any impediment to their designated use.

*Reason – In the interests of highways safety.*

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

*Reason – In the interests of highways safety and neighbouring amenity.*

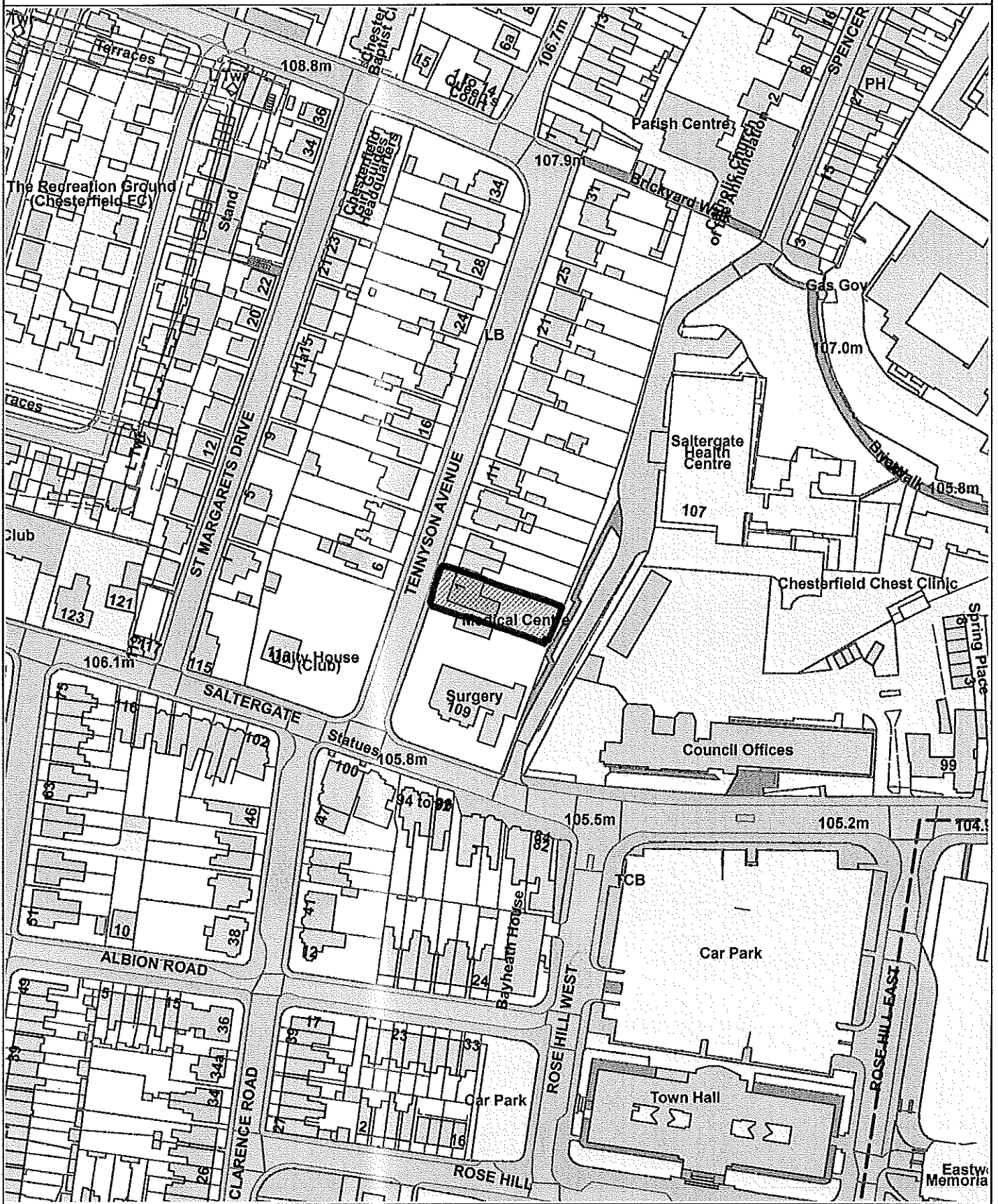
05. Prior to commencement of development details shall be submitted to the Local Planning Authority for written approval showing how the first floor doorway to Flat 3 shall be secured to prevent access onto the flat roof of the single storey extension for occupants (measures considered to be acceptable include the installation of a Juliette balcony railing, or replacement of the doorway with a window). Only those details agreed in writing shall be implemented prior to the occupation of Flat 3; and any measures thereafter shall be maintained as approved in perpetuity.

*Reason – In the interests of neighbouring amenity.*

## **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
  
02. 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.
  
03. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.  
Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

# 1 TENNYSON AVENUE



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 1:1743

This page is intentionally left blank

Case Officer: Joe Freegard  
Tel. No: (01246) 345580  
Committee Date: 3<sup>rd</sup> April 2017

File No: CHE/17/00054/COU  
Plot No: 2/1508

## **ITEM 2**

### **FULL PLANNING APPLICATION FOR THE CHANGE OF USE TO COFFEE SHOP/REFRESHMENTS/FOOD OUTLET AT SAVE THE CHILDREN, 5 STEPHENSON PLACE, CHESTERFIELD, S40 1XL FOR MR GARCIA-PEREZ**

Local Plan: Town Centre Historic and Retail Core  
Ward: St Leonards

#### 1.0 **CONSULTATIONS**

Ward Members	No comments
Strategy Planning Team	No objections
Environmental Services	Comments received – see report
Design Services	No objections
Yorkshire Water	No comments
DCC Highways	No objections
Conservation Officer	No comments
Neighbours/Site Notice	5 objections received

#### 2.0 **THE SITE**

2.1 The property the subject of the application is located at 5 Stephenson Place in Chesterfield Town Centre Conservation Area. This is a four storey building of some architectural significance, the ground floor of which was previously used as a charity shop for Save the Children. The building is predominantly rendered to the front elevation, with stone surrounds to the windows and a gablet at third floor level. The building has a pitched slate roof, and the original

windows have been replaced with UPVC units. A shopfront is situated at ground floor level. The rear of the building is predominantly of a red brick construction, with a small tower and a series of chimneys within the roofline.



2.2 Stephenson Place is situated to the North West of this property, and access to the front of the building is directly from the pavement. Adjoining properties are attached to the North East and South West sides of the building, and Church Way is situated to the South East rear of the property. St Mary and All Saints Church is situated to the East of the site boundary, and the rear of this property is visible from within the church yard.



### 3.0 **RELEVANT SITE HISTORY**

3.1 There is no relevant history at this site.

### 4.0 **THE PROPOSAL**

4.1 The application proposes the change of use of the property to a coffee shop/refreshments/food outlet. The internal space of the property measures approximately 98.7 Square Metres.

4.2 No external alterations are proposed to the property and no internal details with regards to the proposed layout are provided at this stage. The proposed opening hours are between 7AM and 7PM Monday to Friday, between 7AM and 10PM on Saturdays, and between 9AM and 4PM on Sundays and Bank Holidays. It is proposed that between 2 and 3 full time and between 3 and 4 part time staff would be employed as a result of this change of use.

### 5.0 **CONSIDERATIONS**

#### 5.1 **Local Plan Issues**

5.1.1 The site is situated within Chesterfield Town Centre Conservation Area. The site is designated as the Town Centre Historic and Retail Core within the Local Plan, and is predominantly commercial in nature. A series of shops, restaurants and other food and drink outlets are situated in close proximity. Having regard to the nature of the application, policies CS1, CS2, CS3, CS13, CS15, CS19 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.1.2 It is considered that the proposed location for development is appropriate to the intended use, and the principles for location for development as outlined in policy CS2 of the Local Plan are met. This is because the site is previously used, is within a sub-regional centre and accessible via a range of sustainable transport methods.

5.1.3 All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance,

overlooking, shading or other environmental, social or economic impacts.

5.1.4 The proposed application site is previously developed land, where a development of this nature would be considered appropriate in principle. There are several similar examples of this type of development within the locality. As such, this proposed development is considered to be appropriate.

5.1.5 It is considered that the location of the site and the development proposed would meet the relevant criteria in Core Strategy policies CS1, CS2, CS3, CS13, CS15, CS19 and PS1 and would help meet the strategic objectives of the Local Plan.

## 5.2 **Planning Policy**

5.2.1 The Planning Policy Team were consulted on this application and they raised no objections. They stated that the application relates to a change of use from a vacant charity shop unit (A1) to a coffee and refreshments / food outlet (A3). The site is located on Stephenson Place within the Historic Core of the Chesterfield Sub Regional Centre and also within the conservation area (as shown by the constraints map). The opening hours are reasonable given the town centre location and it is unlikely that the proposed use will have any significant impact on residents provided that the “food outlet” element does not stray from the boundaries of the A3 classification.

5.2.2 The principles for location for development (CS2) are met in that the site is, previously used, within a sub-regional centre and accessible via a range of sustainable transport methods. The reconfiguration of a retail space to an A3 use is unlikely to have a detrimental impact on the retail function of the centre as the unit is within the secondary area of the centre as depicted in the draft Local Plan. CS15 supports food & drink uses given they promote vibrancy, inclusiveness and the economic activity of the centre. The plot was previously a charity shop which indicates that the plot is not particularly well sought after by mid to high-end retailers. Whilst there are numerous coffee shops on Stephenson Place, the vitality of the town centre is enhanced by the change of use; it is an



appropriate town centre use and fills a vacant frontage (CS15e) near a key transport hub (Cavendish Street bus stops). As the centre's function would remain predominately retail, the proposal does not contravene policy CS15a: The change of use also contributes towards an active and safe environment meeting the requirements of CS15b.

5.2.3 The site lies within the Town Centre Conservation Area and Chesterfield's Historic Core, policy CS19 – Historic Environment therefore applies. All physical changes must preserve or enhance the local character and distinctiveness of the area in which the property is situated. If the change of use generates any additional refuse requirements the storage for these should be designed whilst maintaining an attractive street scene in mind. The proposal meets elements a), b), and c) of Core Strategy Policy PS1 in that it provides economic growth within the centre.

5.2.4 In policy terms it is concluded that the development is fundamentally in line with the core strategy and NPPF, promoting concentration of development and growth within the Historic Core. The principle of the development is therefore appropriate in this location.

### **5.3 Environmental Health**

5.3.1 The Environmental Health Officer was consulted on the application and made comments. He originally stated that there was insufficient information with regards to the cooking area and extraction equipment to make any considered response. Consultation took place between the applicant and the Environmental Health Officer, where it was indicated that the only food items that would be cooked at the premises would be a few toasted items. The Environmental Health Officer stated that he was satisfied that the proposed activity (operating the front of shop as a coffee shop, with coffee machines and small scale toasting/grilling), would have little likelihood of having an adverse impact on the neighbouring properties. The Environmental Health Officer stated that he had no adverse comments to make, however he stated that the applicant should be advised that that should there be a change in the business (ie an intensification in cooking operations), the need for provision of an extraction system

would need to be reviewed. An informative should be included on any consent to indicate this. The need for any future review would be primarily an Environmental Health concern, however any external alterations would be a planning matter. The Environmental Health Officer also stated that the existing basement should not, at this stage, be included in any approval due to concerns with regards to access, emergency egress and asbestos. An informative should be included on any consent to indicate this, however the concerns raised would be Environmental Health are Building Regulations issues rather than a Planning matter.

## 6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, five letters of objection have been received in relation to this application. Four of these objections have been received from the operators of similar businesses to that of the current proposal.

6.2 The letters of objection state that the development would result in an over-intensification of the proposed use causing an adverse impact on similar businesses, an adverse impact on visual and residential amenity, would result in noise, and are contrary to policy.

6.3 ***In response to these comments, it is not considered that the proposed change of use would result in an over-intensification of the proposed use causing an adverse impact on similar businesses. Although there are a number of similar businesses nearby, it is not considered that the creation of one more business of this nature would result in any unhealthy competition. It is considered that there are notable differences between many of these similar nearby businesses, which helps to ensure that vibrancy and healthy competition is promoted. One of the nearby businesses is an internet café, there are differences in terms of the character and menus offered, and opening times vary. The proposed new use is proposed to open earlier than many of the similar nearby businesses and would be open later on a Saturday, thereby providing a service that is not currently available at certain times.***

6.4 ***In terms of visual amenity, no external alterations are proposed as part of this application. As such, it is not considered that there would be any adverse impact on visual amenity. In terms of residential amenity and noise, it is not considered that the proposed use or opening hours would result in any adverse impact for neighbouring properties. The only residential properties in close proximity are apartments situated above, and there have been no objections from Environmental Health in terms of these issues. In relation to the latter point with regards to policy, the Planning Policy Team has raised no objections to this application. They concluded that the development is fundamentally in line with the core strategy and NPPF, promoting concentration of development and growth within the Historic Core.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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.

7.4 Whilst, in the opinion of the objectors, the development potentially affects their business, it is not considered that this is harmful in planning terms, such that any additional control

to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

## **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 paragraphs 186 and 187 of the 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. Pre application advice was provided.

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 The proposals are considered to be appropriate in principle, and would not have any adverse impact on the property, neighbouring properties, the vitality of the Town Centre, highway safety or the surrounding Conservation Area. The proposed change of use would help bring a vacant property back into use, would provide a service that is not currently available at certain times, and no external alterations are proposed at this stage. The development is fundamentally in line with policy, promoting the concentration of development and growth within the Historic Core. As such, the proposal accords with the requirements of policies CS1, CS2, CS3, CS13, CS15, CS19 and PS1 of the Core Strategy and the wider National Planning Policy Framework. The proposal is not CIL liable.

10.0 **RECOMMENDATION**

10.1 That the application be **GRANTED** subject to the following conditions:

**Conditions**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. Development shall be carried out in complete accordance with the approved plans.

**Reasons for Conditions**

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. 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. In the interests of residential amenities.

**Notes**

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

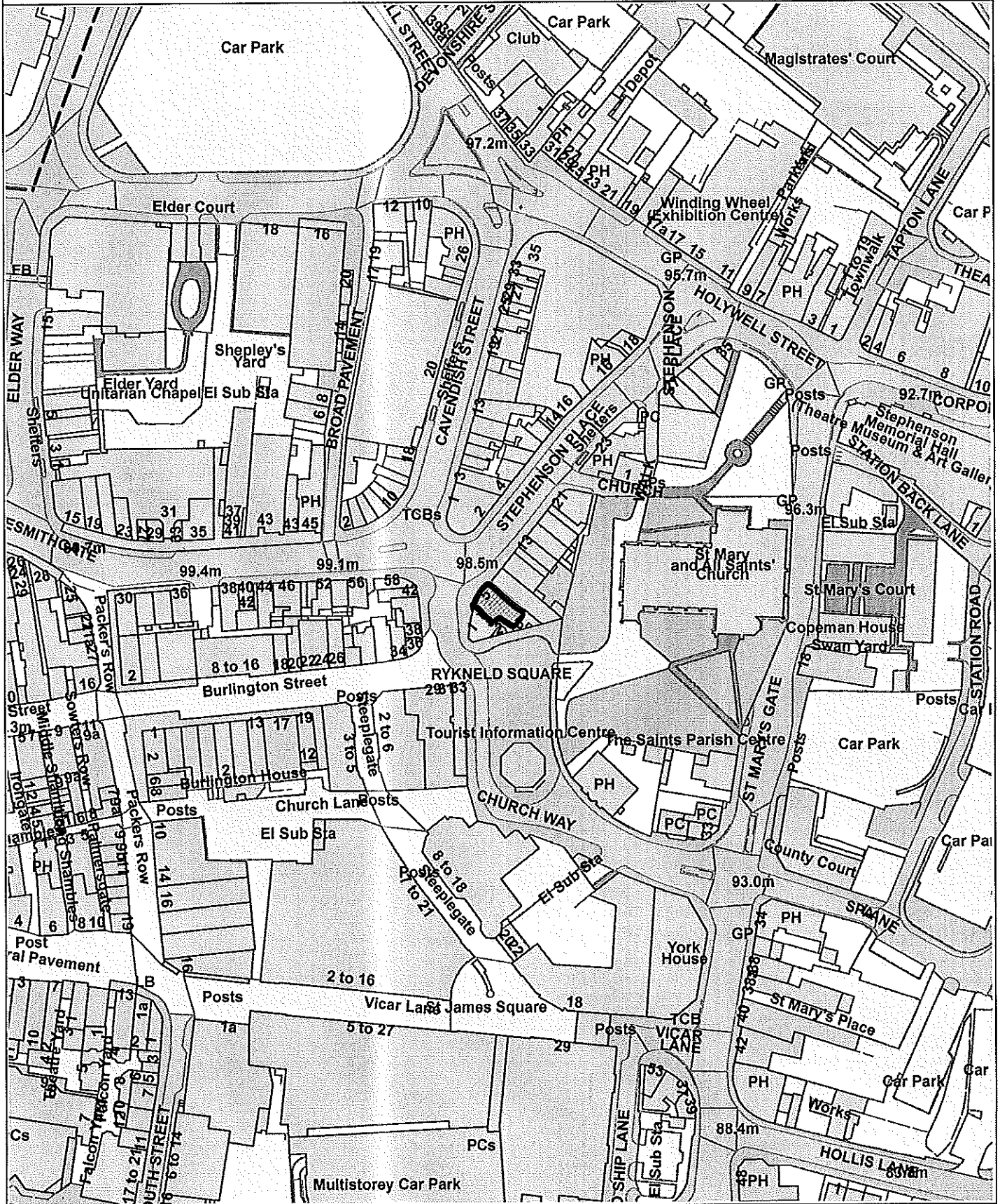
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. 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 Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

3. The applicant is advised that should there be a change in the business (ie an intensification in cooking operations), the need for provision of an extraction system would need to be reviewed. Any external alterations would require Planning Permission.
4. Building control approval may be required for any proposed drainage work.
5. The applicant is informed that existing basement is not appropriate for conversion at this stage, due to concerns over access, emergency egress and asbestos. Consultation with Building Control and Environmental Health would be required to overcome these issues.

# 5 STEPHENSON PLACE



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 1:1743

This page is intentionally left blank



Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 3<sup>rd</sup> April 2017

File No: CHE/17/00059/DEM  
Plot No: 2/1192

### **ITEM 3**

#### **APPLICATION GIVING PRIOR NOTIFICATION OF THE PROPOSED DEMOLITION OF VACANT / FORMER OFFICE ACCOMMODATION AT THE SHRUBBERIES, 46 NEWBOLD ROAD, CHESTERFIELD, DERBYSHIRE, S41 7PL FOR PEPPERMINT GROVE LTD**

Local Plan: Unallocated  
Ward: Brockwell

#### 1.0 **CONSULTATIONS**

Environmental Services      Comments received 08/02/2017 –  
see report

Tree Officer      Comments received 15/02/2017 and  
06/03/2017 – see report

Derbyshire Wildlife Trust      Comments received 16/02/2017 –  
see report

Site Notice / Neighbours      18 letters of representation

#### 2.0 **THE SITE**

2.1      The application site (known locally as The Shrubberies, 46 Newbold Road) is a 0.4ha previously developed parcel of land located on the north western edge of Chesterfield Town Centre, positioned at the south side of the B6051 Newbold Road. It has previously been utilised as office accommodation for the NHS Primary Care Trust, featuring one building on site, parking and gardens which all remain in situ but are currently vacant. The site is enclosed with boundary walls to all adjoining aspects and features a number of mature trees which are all protected by Tree Preservation Order 4901.133.

2.2      The building more specifically the subject of proposed demolition is No. 46 Newbold Road (aka the Shrubberies) which is a villa style property which appears on historic maps of the 1870s so it is likely

that it was constructed in the early to mid C19. It is Georgian in style with neo-classical features and proportions including timber sash windows, porticos, projecting eaves, bay windows and window cornices (supported by corbels).

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0193/0034 - Permanent change of use from residential to office accommodation. Conditional permission granted 18/03/1993.
- 3.2 CHE/1093/0622 - Outline application for erection of office building. Condition permission granted 10/02/1994.
- 3.3 CHE/0395/0146 - Extension to offices and alteration to car park. Application withdrawn 07/07/1995.
- 3.4 CHE/0597/0222 - Car parking provision for up to 14 vehicles. Conditional permission granted 25/06/1997.
- 3.5 CHE/1197/0584 - Waiver of condition 2 and 7 of CHE/597/222 relating to site entrance site entrance. Conditional permission granted 24/02/1998.
- 3.6 CHE/08/00413/TPO - Work to T4 Hawthorn, T14 Sycamore and T15 Oak and fell T11 & T12. Conditional permission granted 25/07/2008.
- 3.7 CHE/09/00202/TPO - T1-T10 Crown lift + reduce. Conditional permission granted 16/04/2009.
- 3.8 CHE/10/00012/FUL - Replace timber rear gates that face onto Cobden Road. Conditional permission granted 10/03/2010.
- 3.9 CHE/16/00591/FUL - Residential redevelopment of site for 13 units and associated ancillary works. Refused on 11/01/2017 by planning committee for the following reason:
1. In the opinion of the local planning authority the loss of the existing building will result in the erosion of the character of the area to the detriment of the appearance of the local area. Furthermore the loss of protected trees will be detrimental to the character of the area having regard to the ecological and

amenity contribution they provide. The local planning authority consider therefore that the development does not respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context and will therefore be at odds with policies CS9 and CS18 of the Core Strategy 2011-2031.

#### 4.0 **THE PROPOSAL**

4.1 The application submitted gives prior notification of the proposed demolition of No 46 Newbold Road, which is accompanied by the relevant application form, site location plan, topographical survey and demolition method statement.

4.2 The application submission was supplemented with further information, as requested by the Local Planning Authority, comprising of a revised Demolition Arboricultural Method Statement, Demolition Method Statement, A Tree Protection Plan, Tree Survey, Tree Constraints Plan and Covering Letter and which were received for consideration on 03/03/2017.

#### 5.0 **CONSIDERATIONS**

##### 5.1 **Procedure of Prior Notification / Approval**

5.1.1 In accordance with Schedule 2, Part 11, Class B of the General Permitted Development Order 2015 the applicant submitted a prior notification of proposed demolition of the building on site on 31 January 2017. Subsequently the relevant application fee was paid on 02 February 2017 and confirmation that the applicant had, in accordance with Condition B2 (b) ii, erected a site notice outside the premises the subject of the notification was received on 06 February 2017 making the application valid.

5.1.2 The Local Planning Authority was thereafter required within 28 days of the date of the application being valid (06 February 2017) to confirm in writing to the applicant that prior approval of the proposed **method of demolition** and **site restoration** is or is not required.

5.1.3 On 15 February 2017 it was confirmed that prior approval was required for the following reason:

*‘the site is in close proximity to other residential properties, is in a relatively prominent location in the streetscene and there being potential for a significant impact on amenity given the information submitted. There are also trees located within the application site protected by preservation order 4901.133 that could be potentially affected by the demolition works.’*

5.1.4 Additional information was therefore requested and as a result of the decision confirming that prior approval was required, the Local Planning Authority have until the 03 April 2017 to consider whether, based upon the information submitted, prior approval should be given for the proposed method of demolition and site restoration.

5.1.5 It must be noted that in accordance with the above prescribed procedure the only two issues which can be considered as part of this application process is the method of demolition of the building and the way in which the site is left / restored post demolition. The principle of demolition is already granted by the terms of the general permitted development order. Under Condition B2 (b) (i) (aa) of the GPDO 2015 the Council as LPA are exclusively restricted to consideration of the proposed method of demolition and any proposed restoration of the site. In the case of Prior Approval any other ‘typical’ material planning conditions cannot be considered including the value of the building to the streetscene or any character the building may display. The building the subject of this application was the subject of a previous planning application for, ‘demolition of the existing building and residential redevelopment of 13 units and associated ancillary works’. This application was submitted under application ref. no CHE/16/00591/FUL and was refused on 11<sup>th</sup> January 2017. Notwithstanding this, including the reasons for the decision taken on that particular planning application, the determination of the application for prior notification / approval cannot be influenced by the previous decision and must be assessed on its own merits in accordance with the GPDO and within the limitations set out in the regulations. To do otherwise may well be construed as *ultra vires*.

## 5.2 **Method of Demolition**

5.2.1 In accordance with the revised Demolition Method Statement the application details an appropriate demolition methodology for the building as follows:

### **Method: Demolition of Existing Building**

- Demolition asbestos survey undertaken prior to commencement. Where any identified, removal to be undertaken by licensed contractors or following guidance where applicable.
- Contractor to supply all plant machinery, labour, safe access and equipment
- Soft-stripping of all buildings being demolished
- Soft-strip of buildings / back to landlord's shell including;
- Removal of redundant plant items/loose furnishings
- Demolition of structures in line with BS6187:2011
- Demolition of sensitive areas by hand working methods
- Demolition adjacent tree structures to be undertaken inwards (top down, pull back)
- Reducing boundary wall down by hand to specified height if required
- Once hand reduction is complete/All buildings will be demolished by mechanical methods
- Breaking up and removal of all concrete floor slabs up to 300mm thick
- Breaking up and removal of all existing footings to building being demolished to a depth of 1.5m
- Breaking up and removal of hard standings up to 300mm thick
- Removal of materials from site (not crushed on site)
- Removal of overgrowth and bushes (where applicable)
- Clear site of all brick, concrete rubble & waste, leaving a level & tidy site

### **Site Management**

- Dust suppression methods by spray water, or by other suitable method to suit weather conditions.
- Vehicle wheel cleaning to be undertaken if required to prevent movement of dirt onto the adopted highway.
- Trees within context of demolition protected to BS 5837:2012 and tree protection plan, to be implemented and inspected by an officer of the council prior to commencement of demolition.
- Any tree-pruning to be made via the means of a formal application to the LPA prior to being undertaken.
- Hours of Operation (In line with the Council's **Environmental Health Officer** as advised): 8am and 6:00pm Monday to Friday, 9:30am to 4:30pm Saturday, and no demolition shall take place on a Sunday or Public Holiday.
- H&S Plan to be provided by demolition contractor

### 5.2.2

Having regard to the details contained in the methodology above it is noted that demolition is now set out in line with comments of the Council's **Environmental Health Officer (EHO)** having regard to hours of operation, asbestos checks, dust suppression which is all considered to be acceptable. Furthermore the applicant appointed Weddle Landscape Design to prepare an accompanying Demolition Arboricultural Method Statement and Plans to demonstrate how the site would be demolished without adversely affecting the protected trees and this contains measures of how the trees will be protected during the demolition stages. This documentation was prepared following initial advice from the Council's **Tree Officer** made on 15/02/2017. He has subsequently inspected the latest details (received on 03/03/2017) and commented as follows:

*'Further my comments of the 15th February 2017 regarding application CHE/17/00059/DEM. The applicant has now submitted a Tree Survey, Tree Protection Plan and Arboricultural Method statement dated March 2017 by Weddle Landscape Design. The details in the Arboricultural Method Statement are acceptable and conform to BS5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012.*

*Details of the location of the protective fencing, type of fencing and site storage area are shown on drawing 635-TSC 05 titled 'Demolition Tree Protection Plan' and are acceptable.*

*I therefore have no objection to the demolition of the building as long as the information supplied by Weddle Landscape Design which fully covers the tree protection measures are carried out for the protection of the trees on the site.*

*Please note there is no objection to the proposed facilitating pruning which includes the crown lifting of two protected trees by 5.2 metres reference T5 & T6 Copper Beech of TPO 133 which are located at the driveway entrance off Newbold Road. The pruning of the trees will remove the risk of any accidental damage to the lower branches of the trees by demolition traffic, however a formal tree pruning application is still required for consideration before any tree works can commence.'*

### 5.2.3

**Derbyshire Wildlife Trust (DWT)** had initially contacted the LPA upon learning about the application from local residents (the LPA would not have consulted with DWT direct given the nature of the application – prior approval) and they subsequently made the following comments:

*‘Although the application is for demolition of the building outside of the previous outline/full planning application, the legal protections for wildlife still apply. If any work undertaken that will affect a protected species such as bats are injured or killed or their resting places disturbed/damaged, the applicant could be liable for prosecution and is an offence to carry out works which disturb or would result in harm to a protected species or its habitat.*

*If demolition consent is granted, it is recommended:*

- *The trees present on site should be protected throughout the works and follow guidance BS 5837:2012*
- *Natural England generally request that works are carried out during the periods March to April or September to October of any given year to avoid the maternity and hibernation seasons, which are the most sensitive periods in the life cycle of bats*
- *A “soft strip” approach should be adopted to reduce the likelihood of causing harm to any bats that may be present. Roof tiles and other features should be carefully removed by hand (for at least 1m up from the eaves, down from the ridge, the ridge tiles and any hip tiles, flashing, fascia boards and window frames) and checked on both sides preferably by a licensed bat ecologist*
- *Remove existing slates and other roof materials by hand taking care not to twist or bang. Check the underside of ridge tiles. Keep a careful watch for bats during this operation*
- *If bats are found during the soft strip works should cease immediately.*

*All species of British bats are fully protected under European and UK legislation, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended) respectively. Combined, these acts prohibit:*

- *The deliberate killing, injuring or taking of a wild bat;*
- *The deliberate disturbance of a bat in such a way as to be likely significantly to affect:*
- *Damage or destruction of a breeding site or resting place (roost);*

- *Obstruction of access to a roost;*
- *The sale, barter or exchange of bats or any other part thereof;*  
*and*
- *The possession or transport of bats or any other part thereof.*

*Offences can be intentional or reckless and penalties include **fin**  
**es**  
**of up to £5000 and/or up to 6 months imprisonment per**  
**offence**, which is considered to be per animal affected.'*

5.2.4 The comments made by DWT were forwarded to the applicant for consideration and the recommendations with regard to a 'soft strip' approach of the buildings have been incorporated into the revised demolition methodology to protect any ecological interest within the building. Having discussed the nature of the application with the LPA, DWT fully appreciate that the type of application being considered means that conditions cannot be imposed on any decision the LPA make. DWT are aware of this and as is highlighted in their comments above any grant of prior approval for demolition does not override / overrule the statutory protection offered to bats in this instance. Furthermore however, neither is the potential presence of bats a reason to withhold prior approval of demolition either – particularly if the applicant has demonstrated a mechanism for demolition which is acceptable to DWT.

5.2.5 Having regard to the issues set out above it is considered that the method of demolition is acceptable having regard to the measures being proposed to protect trees on site; any impact on ecological interest is to be mitigated by an appropriate methodology and by statutory protection offered under separate legislation and the methodology set out is acceptable having regard to hours of work, dust suppression, noise and the potential impact of these works on adjoining / adjacent neighbours.

### 5.3 **Site Restoration / Remediation Post Demolition**

5.3.1 Demolition of the buildings will result in a cleared site, which is intended for future development. This is acceptable and often sites are cleared by demolition contractors without an approved development scheme being agreed (another local example of this the former Queens Park Sports Centre, Boythorpe Road).

5.3.2 The proposed demolition methodology indicates that following completion of demolition the site will be clear of all brick, concrete



rubble and waste leaving a level and tidy site. The site will remain secured by the existing boundary walls and gates to Newbold Road.

- 5.3.3 Having regard to the demolition methodology and proposed intensification of site remediation, the measures being proposed are considered to be acceptable.

## 6.0 **REPRESENTATIONS**

- 6.1 In accordance with Schedule 2, Part 11, Class B of the General Permitted Development Order 2015 Condition B2 (b) ii the application has been publicised by site notice posted by the applicant on 03 February 2017.

- 6.2 As a result of the applications publicity 18 letters of representation have been received as follows:

### **39 Cobden Road**

The original application seeking approval for the demolition of the building was refused on the 11<sup>th</sup> January 2017. Neither the site nor the application since this decision has changed; therefore it is my opinion and the opinion of other local residents on Cobden Road that the refusal should stand.

None of the issues highlighted in the original planning application have been addressed, such as the comments from Derbyshire Wildlife Trust concerning bats and the loss of trees, and given the proposed demolition date of the 15<sup>th</sup> March it is unlikely the further survey work DWT requested will be completed. The site has ecological importance, so care and attention along with strict mitigation needs to be enforced. The surrounding trees are still protected by TPO and will most likely be damaged during demolition.

During demolition heavy plant and vehicles will require access and agree from the main available site access point, and due to the precarious position of the gates and walls there is an apparent danger that heavy vehicle movements will increase potential for accidents on Newbold Road. It is also likely that movement of heavy plant on site will cause damage to adjoining properties given their proximity and current fragile state.

I would like to complain that the site notice was placed away from the original location of all preceding planning notices and due to it being un-laminated the rain will render it unreadable to the public.

No other correspondence has been issued to the local neighbourhood or any notices put up on Cobden Road as was done on previous occasions. The local community has not been given a fair opportunity to object to this proposal.

### **Chesterfield and District Civic Society**

Following discussion at the Civic Society committee meeting I have been asked to write on its behalf urging that permission be not granted to demolish No 46 Newbold Road.

We are aware of the planning committees recent decision to reject an application from the prospective developers of the site to demolish the building and build 13 new properties, but I have spoken to Cllr Bingham who has told me that the existing owner, the Health Authority, wishes to clear the site irrespective of the lack of planning permission to redevelop.

The Civic Society feel efforts should be made to retain the original house on the site, while allowing the extension grounds to be partly used for new buildings for the following reasons:

1. Demolition would detract from the appearance of this part of Lower Newbold as a pleasant mid-nineteenth century middle class residential area; which may in the future be a candidate for a conservation area status. We accept that The Shrubberies itself does not merit statutory protection.
2. Because it has such a large garden extending over what was originally intended to be another building plot to the east there is ample space to build on part of the site whilst retaining the original house and a reasonable amount of garden. This would increase the amount of smaller modern house near the town centre without the loss of a much bigger house.
3. Demolition would diminish further the stock of Victorian houses within walking distance of the town centre, of a size no developer is going to build today. There is obviously a limited demand for such houses, but there is a demand (for example from three generation middle class families or professional people who wish to work from home and only a limited stock in Chesterfield from which it can be met.
4. The Health Authority should at least be asked to test the market for The Shrubberies as a private house by offering it for sale on that basis, before being allowed to demolish it.

### **43 Cobden Road**

I am deeply disturbed to see that the developers have put up a notice of their intention to demolish The Shrubberies on the 15<sup>th</sup> March 2017.

On the 9<sup>th</sup> January 2017 the planning committee turned down a planning application on the grounds that the loss of the existing Victorian building would result in 'erosion of the character of the area to the detriment of the appearance of the local area' as well as that 'the loss of protected trees will be detrimental to the ecological and amenity contribution they provide'.

In his advice to the planning committee the Conservation Officer stated that "the property has historic and architectural value, they are increasingly uncommon in chesterfield and emphasis was that they should be retained". He went on to say: "These streets are important to the town's development and character and cumulatively represent a consistent identity and group value which justifies putting the area forward as a potential Conversation Area". He goes on to say that "whilst the building is not statutorily listed, it is included on the Council's draft Local List of Heritage Assets (approved by the Deputy Leader and Executive Member for Planning on 27<sup>th</sup> July 2016), hence some weight can be given to protecting the house in planning terms (NPPF paras 126-136)". Apparently local residents only have until **24 February** to respond.

I am alarmed therefore to see that in response to the letter from Matt Barnett on behalf of local residents on 7th February, the Council's Chief Planning Officer has sent a briefing note to Members of the Committee which states: "A decision has to be made within the prescribed periods because failure to do so gives deemed permission. The decision as to whether prior approval is required cannot therefore be determined by planning committee and will be determined by officers in line with the agreed delegation scheme".

It is surely a denial of democratic accountability if our elected Councillors are excluded from this process. This is especially the case as the Council's Conservation Officer has pointed out that "The house is located on the Western boundary of the site... hence it is feasible for the house to be retained without sterilising the proposed housing layout to the south or main access point." Such a scheme would be supported by local residents providing it still afforded protection to the trees subject to TPOs.

I cannot help feeling it will be an abrogation of responsibility if our elected Councillors do not intervene at this point to ensure their

express views cannot be flouted by private developers. At the very least there is a duty to ensure that any work on the site does not disrupt traffic and pedestrians on Newbold Road or affect the neighbouring residents in Cobden Road.

I trust that you will make every effort to protect Chesterfield from this blatant disregard of the spirit of planning regulations in the Borough.

### **A Local Resident**

I would like to register an objection to the demolition of the shrubberies. It should not have even been considered.

### **33 Cobden Road**

After the Council meeting dealing with the planning application CHE/16/00591/FUL I thought about 10 out of 12 councillors expressed concerns over the demolition of this substantial building. They were against it and the Heritage Councillor spoke at some length about preserving such buildings to enhance the landscape and give it historic perspective.

I understand the developers are eager to proceed with their development and I am not against development of this site in principle, but felt the Councillors were concerned about the developers complete disregard of the surroundings of the development.

It seems they are being ignored and the developers are proceeding in a cavalier fashion still disregarding the Council votes and local residents. If this is so, what is the point of the process? Chesterfield does need new homes but not at any price. We need to be proud of development that is left for future generations, not any old things done to maximise developer profit.

I was hoping for a new plan with the concerns addressed and a more sympathetic design.

### **3 Winnats Close**

I have recently learned of this application and feel very strongly that I must register my deep dismay.

You are already familiar with the many valid reasons for preserving this increasingly rare building so I will not repeat them.

I want to know how it is that planning committees refusal to grant permission for development of the site is being ignored by the health authority owners in such a cavalier fashion. Surely at this eleventh hour Chesterfield Borough Council can halt this proposed desecration?

### **48 Cobden Road**

The previous application for the sites redevelopment was rejected by 10 councillors out of 12 on a number of grounds including the fact demolition of the house would be detrimental to the character and appearance of the local area. Surely the developer cannot be allowed to ignore the decision of the planning committee and proceed with demolition?

Chesterfield has very few properties of that style and quality still in existence and they should be preserved, not demolished.

Whilst I am not against the redevelopment of the site I think it should be done more sympathetically and should preserve as much as possible of the heritage and environmental aspects of the site. The development should also be more considerate of the impacts upon the immediate neighbours.

I would also raise a question over the covenant on the property and land; which I believe was gifted for the benefit of the local population. The planning report said the covenant was not a material consideration; but I would like to know why this is the case? The Council have a responsibility to act on behalf of the local population and should be ensuring the benefit accrues the local population as directed.

### **76 Dukes Drive**

Objects to the application as the removal of this quality building is unnecessary and there remains a threat to the trees on the site.

### **A Local Resident**

I agree with the Chesterfield Civic Society objection comment. The previous application to demolish this building and redevelop the site was quite rightly refused.

### **35 Cobden Road**

I am very concerned that the developers are acting against the wishes of the planning committee; who at a recent meeting did not approve a proposed development at this site as it involved the demolition of this historic building of character which contributes to the amenity of the area and town.

The building has stuck the test of time and was more recently occupied as offices. I am not against developing the site for much needed housing but the developers should be able to compromise their desire to maximise profit from the development to enable the

building to remain. I would be happy to meet the planners and developers to discuss further.

### **235 Newbold Road**

We wish to object to the demolition as this property is an important part of the streetscene which I believe is in a conservation area. To demolish the property would damage the character of this historic part of Newbold Road.

It would be suitable for conversion to apartments with retention of the mature trees in the grounds.

### **41 Cobden Road**

I object to the proposed demolition of 46 Newbold Road; an historic 19<sup>th</sup> Century building which I believe is subject to a restrictive covenant and a recently as Nov 2015 was suitable for conversion having previously been used as offices.

Last month planning permission was refused for the demolition of the building as its loss would result in the erosion of the character of the area to the detriment of the appearance of the local area. Earlier this month the security lighting was switched off as well as presumably the alarm for the building so it has been effectively abandoned.

Surely a repeated application should result in a repeated refusal for similar reasons.

### **37 Cobden Road**

I understand from my neighbours and the DT that the developers still intend to go ahead with the demolition of the building regardless of the outcome of the planning committee meeting held in January 2017.

Can you explain why this is the case? Surely when a decision is made to keep a building the developers cannot ignore it.

Neither myself nor the local residents have changed our minds and we feel the loss of such a historic building would have a detrimental effect on the local area.

What is the appeal procedure if the demolition is allowed to go ahead?

### **Victorian Society**

Having been made aware of this application I now write to register the Victorian Society's objection to the demolition of the Shrubberies, which would deprive the area of a building of high

local importance and harm the character and appearance of the local area.

In responding to the recently refused planning application for the demolition of the Shrubberies and the redevelopment of its site, the Council's Conservation Officer described the building as "an earlier and grander version of the villa style properties" that characterise the area. It is a pleasingly proportioned, attractively detailed building in a dignified early Victorian manner. It is also included on the Council's draft local list, indicative of its intrinsic interest and high local significance. In issuing its recent decision the Council asserted that the loss of the building would "result in the erosion of the character of the area to the detriment of the appearance of the local area". We fully support this view.

It is a core planning principle that heritage assets are conserved "in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". Paragraph 131 of the NPPF states that local planning authorities should take account of the "desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". It highlights also the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 132 stresses that "great weight" should be given to the preservation of heritage assets. Paragraph 58 compels the Council to ensure that developments "respond to local character and history, and reflect the identity of local surroundings and materials". In addition, paragraph 135 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application". The demolition of the Shrubberies is therefore a material consideration in determining this application, one that the Council is obliged to take into account.

National policy presumes in favour of sustainable development, which requires equal regard be paid to economic, social and environmental issues. The protection and sensitive management of the historic environment is a key part of the environmental aspect and, by proposing the loss of this locally significant building; it is one this scheme neglects. This application does not, therefore, constitute sustainable development.

Implementation of this scheme would result in the total and unjustified loss of a distinguished building of high local importance that could quite simply be brought back into use as part of a more sympathetic redevelopment of the site. The substantial weight of

national and local planning policy renders such a proposal entirely insupportable. We endorse the advice of the Council's Conservation Officer and recommend that the application is refused consent. In addition, we encourage the Council to consider the designation of a Conservation Area so that important buildings such as the Shrubberies, and the area it assists in defining, gets both the recognition and statutory protection that it clearly merits.

### **30 Tennyson Avenue**

I have just learned of the proposed demolition of The Shrubberies and wish to register my objection to the proposal. I am also concerned about the lack of consultation given the potential loss of a very significant local building and the likely destruction of yet more trees. I understand housing is needed but this should not be at the cost of our local environment.

### **12 Cobden Road (x2)**

We wish to object to the proposed demolition of the Shrubberies and agree with the original planning objection by Planning Committee.

### **1 Dowdswell Street**

I have found out today that the developers have put in another application to demolish the building. After the planning committee turned down the previous application in January 2017 how can this be happening?

I would again like to emphasise how beautiful the building is and how much it is loved in the local area. Surely the developers cannot demolish such an integral part of the local environment when no plans are in place for what will replace it? Or is this a way of getting their original plans approved, dealing with the finer details later?

Myself and other local residents have not altered our views and wonder why the original meeting outcome cannot be adhered to? If such a travesty was given the go ahead please can you advise me of the appeals process?

6.3

### ***Officer Response:-***

***The fact that Planning Committee previously refused a planning application for the demolition and redevelopment of the site is not a reason to refuse any further applications /***



***notifications made to the Local Planning Authority. Each application must be assessed on its own individual merits.***

***A covenant of land is not a material planning consideration. It is a civil matter which can only be pursued by the imposer of the covenant against any future owner who is found not to be compliant with any such covenanting requirement. It is not a matter which involves the Local Planning Authority or is enacted through Planning Legislation.***

***There is no third party right of appeal.***

***The building is not a listed building and the site is not within a conservation area. It is not a designated heritage asset.***

***The response of the Victorian Society suggests that the application being considered is one of development; which it is not. The application is one following the process of prior notification / approval under the General Permitted Development Order (GPDO) 2015.***

***In administering the prior notification / approval process prescribed by the GPDO the Local Planning Authority are not considering the sites suitability for development or indeed the merits of a development proposal for the site. The demolition of buildings which are not listed or in a conservation area is already permitted in principle by the parameters of the GPDO and the Local planning Authority are simply tasked with assessing whether the proposed method of demolition and the sites restoration / remediation are appropriate.***

***There is no mechanism under planning legislation or national / local planning policy to prevent the loss of the building as is being suggested by the Victorian Society. It is not a listed building, it is not located in a conservation area and therefore it is not a heritage asset named upon any national statutory register which offers it any degree of protection.***

***It is noted that the response of the Victorian Society suggests that the building and the local area be protected by conservation area status; however there is a statutory process in its own right which has to be followed in order to proceed with any such designation and which would take an***

***estimated 6-18 months to complete. Instigation of any such process is also not a defensible reason to hold up the processing and consideration of this current application.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

7.3 Whilst, in the opinion of the objectors, the loss of the building results in the dilution of the character of the area, this is not a material or relevant consideration on such a submission such that any additional control to satisfy resident concerns would go beyond that necessary to accomplish satisfactory planning control.

## 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 paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

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

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

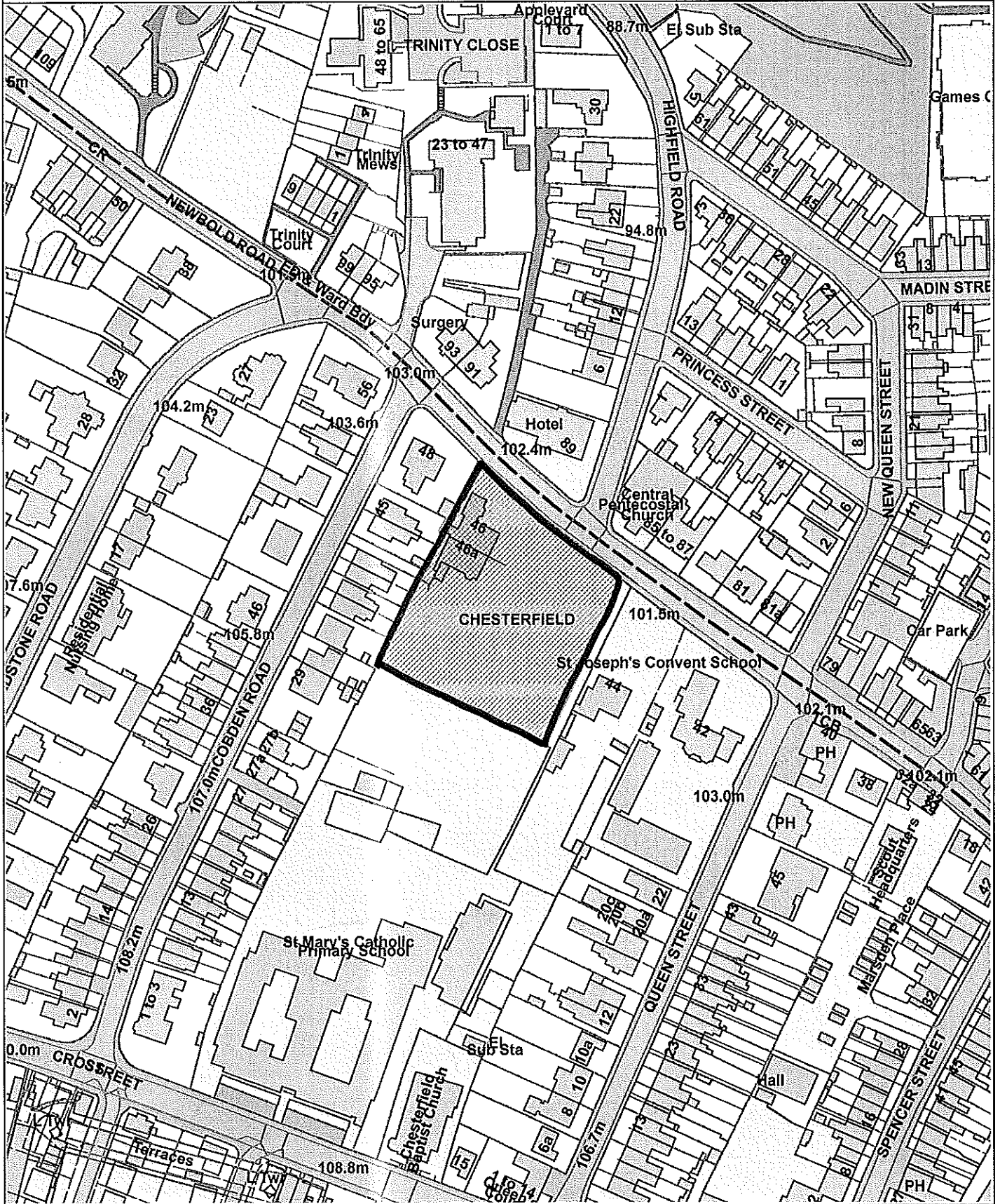
9.0 **RECOMMENDATION**

9.1 The details submitted are considered to be sufficient to determine that a significant adverse effect on local amenity is unlikely with regard to demolition and method of restoration.

9.2 Having regard to the details and conclusions set out above it is considered that prior approval should be granted.

This page is intentionally left blank

# THE SHRUBBERIES 46 NEWBOLD ROAD



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 1:1743

This page is intentionally left blank

Case Officer: Joe Freegard  
Tel. No: (01246) 345580  
Committee Date: 3<sup>rd</sup> April 2017

File No: CHE/17/00017/OUT  
Plot No: 2/1002

## **ITEM 4**

### **PROPOSED OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR ONE HOUSE JOINING ONTO 1 BRANTON CLOSE AT 1 BRANTON CLOSE, BOYTHORPE, DERBYSHIRE, S40 2NL FOR MR MICHAEL KIRBY – ADDITIONAL INFORMATION RECEIVED ON 14/03/2017**

Local Plan: Unallocated  
Ward: Rother

#### **1.0 CONSULTATIONS**

Ward Members	Comments from Cllr Flood
Strategy Planning Team	No comments
Environmental Services	No objections
Design Services	Comments received – see report
Yorkshire Water Services	No comments
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Urban Design	No objections
Neighbours/Site Notice	Four representations received – see report

#### **2.0 THE SITE**

2.1 The site the subject of the application comprises land to the side of 1 Branton Close, in the Rother area of Chesterfield. 1

Branton Close is a semi-detached house, situated on a corner plot on a relatively flat gradient. The house is brick-built, with a pitched tile roof and UPVC windows and doors. The majority of other properties within the locality are of a similar style. To the North of the site, an open garden area leads to the front of the house. A lean-to porch is attached to the front of the house, and a driveway leads down the Western side of the house. A single, flat roofed garage is situated at the end of the driveway, within the rear garden. The rear garden is situated to the South of the site and is rectangular in form. Timber fences and areas of foliage form the boundaries, and an outbuilding is attached to the rear of the garage. The roadway of Branton Close is situated to the North of the site, 3 Branton Close is situated to the East of the site, 16 Grindlow Avenue is situated to the South of the site, and a large grass verge is situated to the West of the site. The area of land subject to this planning application is this grass verge and part of the existing garden. The proposed development site is largely rectangular in form, and measures approximately 0.02 hectares. The grass verge is currently owned by Chesterfield Borough Council, and notice has been served.







### 3.0 **RELEVANT SITE HISTORY**

3.1 A pre-application enquiry was made in October 2015 seeking advice with regards to whether the erection of a dwelling on land adjacent to 1 Branton Close would be possible. It was advised that there may be scope for a development of this nature.

### 4.0 **THE PROPOSAL**

4.1 An outline planning application with all matters reserved has been made for one house joining onto 1 Branton Close, with additional information received on 14/03/2017.

4.2 Acquisition of the area of grass verge as well as part of the garden to 1 Branton Close would be required to cater for this proposed development. An application form, site location plans, indicative layout and coal mining risk assessment have been submitted, however no other details have been provided at this stage. Approval of the details of the access, scale, layout, external appearance and landscaping of the site would be considered under a subsequent, separate reserved matters application.

4.3 The indicative site layout suggests that the proposed new dwelling would be attached to the Western side of 1 Branton Close, and that a vehicular access and parking to serve the new dwelling would be situated to the South of the site, from Grindlow Avenue. Pedestrian access to the site would be from Branton Close, to the North of the site. 1 Branton Close is owned by the applicant, and has no side windows to the West elevation. Acquisition of part of the garden to 1 Branton Close would be required to cater for this proposed development, which would result in the existing driveway, garage and outbuilding being lost.

4.4 The application is assessed on the basis of the application form, site location plans, indicative layout and coal mining risk assessment only.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

5.1.1 The site is situated within the built settlement of Rother. This area is predominantly residential in nature, and is situated in close proximity to areas of green open space. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

5.1.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

*'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

- 5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.1.5 The proposed development site is situated within walking and cycling distance from Chesterfield Town Centre. Although the area of land is previously undeveloped, the use of this land would allow sufficient garden space for 1 Branton Close as well as the proposed new dwelling. It is not considered that this site is of high environmental value, and the principle of residential development is therefore considered to be acceptable. 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 is a logical housing plot.
- 5.1.6 The Planning Policy response stated that the council is currently able to demonstrate a five year supply of deliverable housing sites. Furthermore the NPPF is also clear that "Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development" (NPPF para 186). Decisions should be plan-led unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals. Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres. In this case the location of the proposed development meets the spatial strategy (CS1) objective of being within walking distance of a centre, as the new Local Centre at Redvers

Bullers Road is within a 10 minute (800m) walk. There are also primary and secondary schools within walking distance along with a range of other facilities and bus routes on Boythorpe Road. The aim of CS10 (set out in para 5.34 of the Core Strategy) is to “ensure a supply of housing land the location of the site and the development proposed would meet the relevant criteria in Core Strategy policies CS1 and CS2 and would help meet the strategic objectives of the Local Plan, notwithstanding local impact considerations. The principle of small scale housing development in such a location would be in broad accordance with the NPPF. The site size is such that there are no requirements other than a CIL payment, having regard to Core Strategy policies CS4, CS9, CS11 and CS18. It is necessary for the development have a sustainable urban drainage system unless this is demonstrated to be unfeasible or unviable (Core Strategy CS7).

## 5.2 **Design and Appearance (Including Neighbour Effect)**

- 5.2.1 The site location plan indicates that the site measures approximately 0.02 hectares, and the indicative layout suggests that the new dwelling would be attached to the Western side of 1 Branton Close. The site would abut the boundaries with 1 Branton Close to the East and 16 Grindlow Avenue to the South. Other neighbouring properties are situated several metres away from the proposed development site.
- 5.2.2 Having regard to the site location plan, it is expected that the development may impose the greatest degree of change to 1 Branton Close and 16 Grindlow Avenue. 1 Branton Close has no side windows to the West elevation, where the new dwelling is proposed to be attached, and the rear garden is South facing. The division of part of this garden would allow sufficient outdoor amenity space for 1 Branton Close as well as the proposed new dwelling, in line with standards. The plans would result in the existing driveway, garage and outbuilding at 1 Branton Close being lost. Compensatory parking provision for 2 cars would be required, however this appears to be achievable. It is not therefore considered that these proposals would result in any significant adverse impact on this neighbouring property. 16 Grindlow Avenue is

situated several metres away from the suggested location of the proposed new house and has no side windows to the North elevation. It is not therefore considered that there would be any issues in terms of overlooking, overshadowing or an overbearing impact for this neighbouring property. It is considered that the potential impact on these neighbouring properties would not be significant, however this would be clarified at the reserved matters stage.

- 5.2.3 It is considered that there is scope to design a scheme that would ensure that there would be no significant issues in terms of overlooking, overshadowing or an overbearing impact on neighbouring properties. It is also considered that the dimensions of the site would allow for a development with appropriate separation distances between properties. As such, it is not considered that these issues would be significant enough to warrant a refusal.
- 5.2.4 The site location plan indicates that the site would measure approximately 200 square metres. The 'Successful Places' SPD indicates that a new dwelling would require a minimum of 50 Square Metres of outdoor amenity space, dependent upon the size of the dwelling. It is considered that the remaining 150 Square Metres of the site would be sufficient space for the construction of a house as well as adequate parking provision.
- 5.2.5 Overall it is accepted that development of this nature on previously undeveloped land would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact would be minimal, due to the relationship between properties and the orientation of the site.
- 5.2.6 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development can be designed to prevent any significant adverse impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours. As such, the development is considered to be acceptable in terms of these policies.

5.2.7 Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

### **5.3 Urban Design**

5.3.1 The Urban Design Officer was consulted on the application. He concluded that the plot would appear to be sufficient to accommodate a modest dwelling of similar size and scale to the existing house, subject to verification of the plot dimensions. The detailed proposals would need to ensure adequate visibility can be achieved at the junction and also emerging visibility for proposed parking, subject to advice from the DCC Highway Engineer. Any design should also seek to address both the front and side elevations through its fenestration and also provide a suitable rear access path to the rear garden of the mid-terrace house that would be created as a result of the development. In the event that permission is recommended for approval, conditions requiring details of the materials, boundary treatments and landscaping should be applied to any consent. The Urban Design Officer highlighted that there are inaccuracies in terms of the dimensions shown on the indicative plans. It is worth highlighting that these plans are purely indicative however, and there is no requirement to provide these at this stage. The detailed layout of the site would be considered at the Reserved Matters stage. The Urban Design Officer indicated that sufficient space would be available on site for a modest dwelling nevertheless, based upon OS base map dimensions. He also recommended that the rear access includes sufficient width for a rear access path to be provided to the rear garden of No. 1 Branton Close to enable bins to be stored within the rear garden.

### **5.4 Highways Issues**

5.4.1 The Highways Officer was consulted on this application and she raised no objections. She stated that subject to a visibility splay of 2.4m x 43m being maintained the Highway Authority has no objection to the proposal and it is recommended that the following conditions are included in any consent.

1. Before any works are commenced, the applicant shall submit and have approved, in writing, a suitable scale drawing demonstrating a 2.4m x 43m visibility splay from Branton Close on to Grindlow Avenue. This area shall be maintained clear of any obstructions greater than 1m in height (0.6m in the case of vegetation) relative to nearside carriageway channel level for the life of the development.

2. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Grindlow Avenue, located, designed, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, 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.

3. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles associated with both the existing and proposed dwelling, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

## **5.5 Water/Drainage**

5.5.1 Design Services (Drainage) were consulted on this application and raised no objections subject to the submission of drainage details prior to construction. This shall be imposed as a condition.

## **5.6 Land Condition / Contamination**

5.6.1 The site the subject of the application is currently part garden and part grass verge and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 The Council's Environmental Health team has reviewed the proposals and commented that they have no objections to the plans. It has been considered that a condition should be



imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties.

5.6.3 In respect of potential Coal Mining Risk, the site the subject of the application lies within the Red Referral Area. The Coal Authority were consulted on this application and they stated that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site; including information from BGS with regard to geological mapping and historical borehole records, historical Ordnance Survey maps and information from The Coal Authority in the form of a Non-Residential Coal Mining Consultants Report. This information has been used to inform a Coal Mining Risk Assessment (March 2017, prepared by Geoinvestigate Limited) to accompany the planning application. The report concludes that there are significant coal mining stability risks and perhaps gas hazards to the proposed development. Consequently further exploratory drilling, gas monitoring are recommended in order to properly determine the coal mining risk at the site.

5.6.4 The Coal Authority stated that they concur with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat

the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition should therefore require prior to the submission of the reserved matters:

- \* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;

- \* The undertaking of that scheme of intrusive site investigations;

- \* As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations;

- \* As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

- \* Implementation of those remedial works.

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

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

5.7.2 The site the subject of the application lies within the medium CIL zone (£50/sqm) and therefore the CIL Liability would be calculated using calculations of gross internal floor space on this basis.

## **6.0 REPRESENTATIONS**

6.1 As a result of neighbour notification, four letters of representation have been received (16, 49, 51 Grindlow Avenue and 3 Branton Close) together with comments from Councillor Flood on behalf of local residents. These letters

raised concerns with regards to the loss of the grass verge, the impact on views, highway safety, visibility splays and parking, light pollution from headlights, concerns with regards to the accumulation of builders rubbish, a decrease in property values, inaccuracies in terms of measurements, the impact on the appearance of the street scene, and the loss of a fire hydrant sign.

6.2 ***In response to these comments, the grass verge is not considered to be of high environmental value and the principle of residential development is therefore considered to be acceptable. Full details with regards to the access, scale, layout, external appearance and landscaping of the site would be submitted at the Reserved Matters stage. As such, it is not possible to comment on issues with regards to the impact on views and the impact on the appearance of the street scene. With regards to highway safety, visibility splays and parking, there have been no objections raised by the Highways Department. Conditions are to be imposed to ensure that appropriate visibility splays can be achieved and to ensure that an appropriate level of parking would be provided for both the existing property and the proposed new property. It is only expected that one on street parking space would be lost as a result of this proposal, which is considered to be acceptable. It is not considered that light pollution from headlights would be an issue of any major significance, and any issues with regards to the accumulation of builders rubbish is purely an assumption and a temporary issue.***

6.3 ***The point raised with regards to a potential decrease in property values would not constitute a Planning consideration. The potential impact on a fire hydrant may be a concern, and as such the applicant would be required to relocate any fire hydrant to an appropriate and accessible location but this would not be a reason to resist any development. An informative should be added to this effect. With regards to noise and disruption, a condition should be imposed restricting working hours during construction in order to reduce the impact on neighbouring residents. It is acknowledged that some level of noise and disruption***

***would be caused by the development, however it is considered that the imposition of such a condition would ensure that this was kept to a minimum.***

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

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.

7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

## **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 paragraphs 186 and 187 of the 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. Pre application advice was provided.

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 The proposals are considered to be appropriate in principle, and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of Highways, design, landscaping and materials. This application would be liable for payment of the Community Infrastructure Levy.

## 10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.7 above.

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

## **Conditions**

1. Approval of the details of the access, scale, layout, external appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Details of the existing and proposed land levels and the proposed floor levels of the dwelling hereby approved shall be submitted in writing concurrently with any application for the reserved matters being submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.
5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 3:30pm 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.

7. Before any works are commenced, the applicant shall submit and have approved, in writing, a suitable scale drawing demonstrating a 2.4m x 43m visibility splay from Branton Close on to Grindlow Avenue. This area shall be maintained clear of any obstructions greater than 1m in height (0.6m in the case of vegetation) relative to nearside carriageway channel level for the life of the development.
8. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Grindlow Avenue, located, designed, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, 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.
9. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles associated with both the existing and proposed dwelling, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
10. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority. These details shall conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.
11. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works

### **Reasons for Conditions**

1. The condition is imposed in accordance with article 3 (1) of The Town and Country Planning (General Development Procedure) Order 1995 (as amended).
2. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
3. The condition is imposed in accordance with sections 91, 56 and 93 of the Town and Country Planning Act 1990.
4. In the interests of residential amenities.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. In the interests of residential amenities.
7. In the interests of highway safety and parking.
8. In the interests of highway safety and parking.
9. In the interests of highway safety and parking.
10. To ensure that the development can be properly drained.
11. In the interests of coal mining legacy and safety

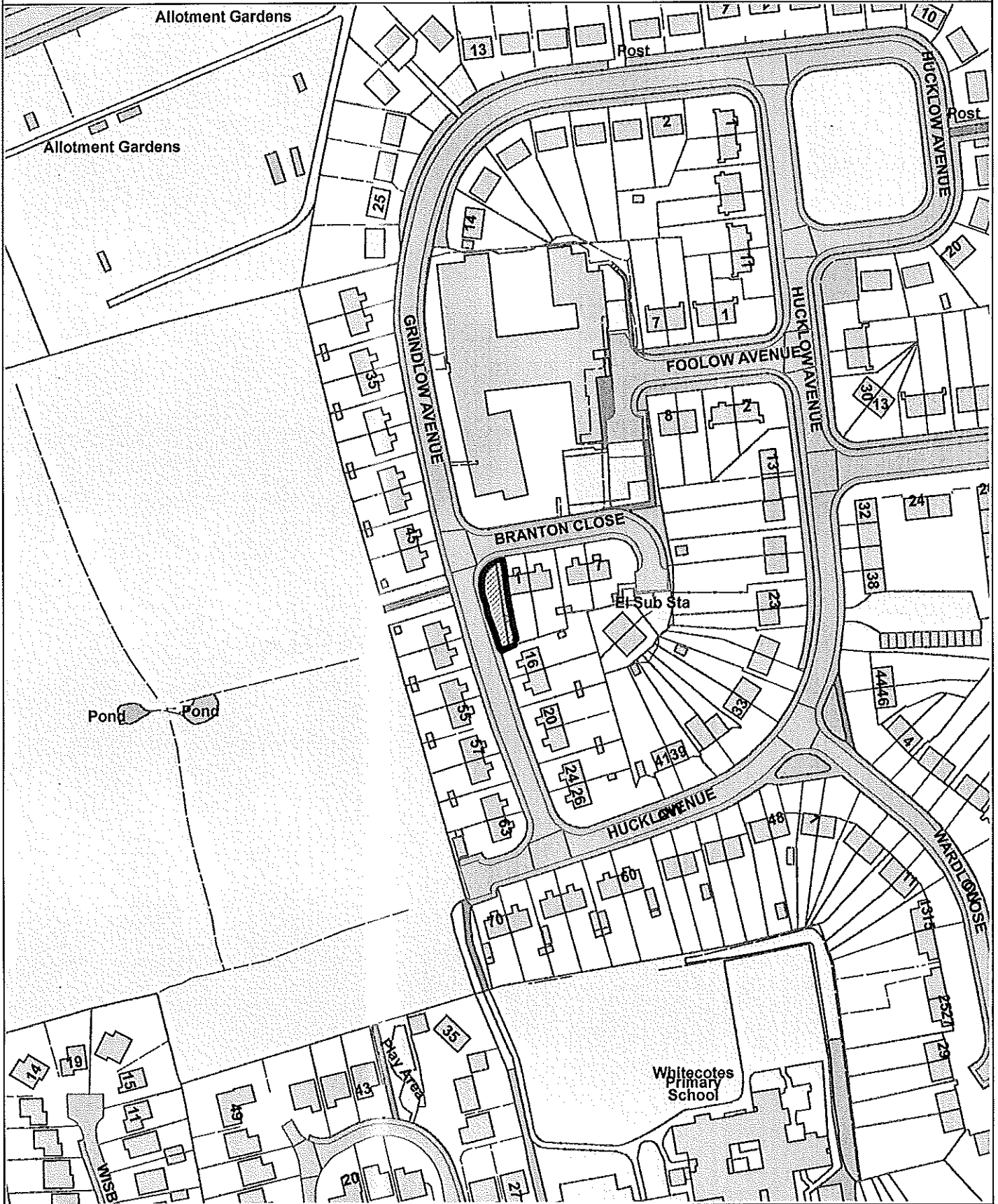


## Notes

1. 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 & Communities 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](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), email [ETENetmanadmin@derbyshire.gov.uk](mailto:ETENetmanadmin@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.
2. 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.
3. 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.
4. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers).
5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
6. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure

Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.

# 1 BRANTON CLOSE



**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 1:1743

This page is intentionally left blank

Case Officer: Scott Nicholas  
Tel 01246 345796

File No. CHE/16/00046/LBC &  
CHE/16/00045/FUL

Planning Committee Date:  
3<sup>rd</sup> April 2017

Plot No. 2/4695

## ITEM 5

**LISTED BUILDING CONSENT – EXTENSION AND RE-MODELLING OF OUTBUILDING TO ALLOW FOR CONVERSION AND EXTENSION TO CREATE 1. NO.3-BED DWELLING, INTERNAL ALTERATIONS AND CHANGE OF USE TO ASHTON LODGE TO CREATE 4-BED DWELLING AND ERECTION OF DETACHED GARAGE/ANNEX BUILDING (REVISION TO APPLICATION CHE/15/0079/LBC).**

**PLANNING PERMISSION - EXTENSION AND RE-MODELLING OF OUTBUILDING TO ALLOW FOR CONVERSION AND EXTENSION TO CREATE 1. NO.3-BED DWELLING, INTERNAL ALTERATIONS AND CHANGE OF USE TO ASHTON LODGE TO CREATE 4-BED DWELLING AND ERECTION OF DETACHED GARAGE/ANNEX BUILDING (REVISION TO APPLICATIONS CHE/15/00078/FUL).**

Ward:

St Helens

Local Plan:

Abercrombie Street Conservation  
Area/Listed Building

### 1.0 **CONSULTATIONS**

Ward Members	No comments received.
Chesterfield Civic Society	No comments received.
Victorian Society	Objections.
Historic England	Did not support the original application. Do not wish to be consulted on further proposals.
Highways Authority	No objections

CBC Tree Officer	No objections, subject to conditions
Derbyshire Wildlife Trust	No objections, subject to conditions
Site Notice & Advert and neighbours	2 objections from local residents

1.2 The above comments are considered in detail in the main body of the report starting from paragraph 5.20.

1.3 The proposals were advertised in the local press and by site notice. The statutory period of publicity has expired.

## 2.0 **THE SITE**

2.1 28 Abercrombie Street (aka Ashton Lodge) is a grade II listed building located within the Abercrombie Street Conservation Area, close to Chesterfield town centre. The building dates from around 1840 and is an example of a detached Victorian villa of the period. Abercrombie Street is noted for a high proportion of listed buildings and large detached/semi-detached villas, as well as the leafy character derived from a significant number of mature trees.



Figure 1. Ashton Lodge - Sheffield Road elevation

2.2 The property stands on an embankment facing Sheffield Road (figure 1). Views to the rear of the property off Abercrombie Street tend to be more hidden by mature trees and existing boundary treatments.

2.3 Gated vehicle access into No. 28 is provided off Abercrombie Street. The access leads to a hard surfaced car parking area to the rear of the property and which would have been cut into sloping land.

2.4 In terms of architectural detailing, No. 28 is noted for Ashlar stone work, quoins, hipped slate roof, sash windows, stone bays, and rectangular fan light. The official listing description is as follows:

*Circa 1840. Ashlar with quoins and band at 1<sup>st</sup> floor. Hipped slate roof with wide eaves. 2 storeys. 2 windows unbarred sashes 1<sup>st</sup> floor. Ground floor has stone bays with cornice and parapet, centre French casement otherwise plain glazing. Façade to Abercrombie Street has door with rectangular fanlight, doorcase now missing. Included for group value in relation to the group of buildings at entrance to Abercrombie Street.*

2.5 There are a number of Tree Preservation Orders (TPOs) within the curtilage of No. 28 which contribute a significant amount to the character and setting of the listed building and wider conservation area.

2.6 28 Abercrombie Street was last used as an Architects studio (B1 use class) but the building is now vacant and unoccupied.

### **3.0 RECENT PLANNING HISTORY**

3.1 The following applications for 28 Abercrombie Street were submitted:

- CHE/15/00078/FUL & CHE/15/00079/LBC - Demolition of existing attached single storey extension, erection of a garage, internal modifications to listed building and erection of 3 detached houses. APPLICATIONS WITHDRAWN.
- CHE/14/00219/COU - Change of Use from office to a single dwelling. GRANTED CONSENT.
- CHE/08/00738/OUT- Existing garden to be subdivided for erection of 4 bedroom dwelling, and associated parking and amenity space. REFUSED.
- CHE/07/00182/LBC - Repair existing stone boundary wall and install 1 no. new set of gates to Abercrombie Street. GRANTED CONSENT.

### **4.0 THE PROPOSAL**

4.1 The application was originally submitted and validated in early 2016 but significant revisions to the application were submitted and validated in November 2016. The original application proposed part demolition of an

ancillary building with an extension forming a 3-bed dwelling in its place as well as a large detached 4-bed dwelling on the rear (west) lawn, including changes to the boundary wall and access. Through discussion with the applicant it was considered that this amount and scale of development would have a substantial impact on the setting and character of the listed building and wider conservation area (including impact on trees) so the applicant submitted revisions. The revised application is described as follows:

*Extension and re-modelling of outbuilding to allow for conversion and extension to create 1. No.3-bed dwelling, internal alterations and change of use to Ashton Lodge to create 4-bed dwelling and erection of detached garage/annex building (revision to applications CHE/15/00078/FUL and CHE/15/0079/LBC).*

- 4.2 In accordance with paragraph 128 of the National Planning Policy Framework the applicant has included a Design, Access & Heritage Statement (Philip E. Heath, BA, IHBC) which provides an historic overview of the building as well as justification for the proposed works.
- 4.3 The applications are also accompanied by:
- Photographs of interiors
  - Existing and proposed elevation drawings/floor plans.
  - Planning Statement (*CT Planning*)
  - Arboricultural Impact Assessment (*Ben Bennett, Tree & Woodland Consultancy*)
  - Bat & Bird Survey (*Christopher Smith, MRICS, MSc, CEnv*)
  - Coal Mining Risk Assessment Report (GIP Ltd)

### **Description of proposals**

The extension and re-modelling of existing outbuilding to allow for the conversion to one 3-bed dwelling.

- 4.4 Currently attached to the Lodge's northern elevation are ancillary buildings made up of 3 smaller sections which comprise (from south to north): a 2-storey building currently used as a toilet (ground floor) and kitchen/WC (first floor); a 1-storey office building; and a 2-storey store building. These buildings would have been constructed at a later date to the Lodge and they are not referred to in the formal listing description. These buildings therefore have less significance. However they do contribute to the Lodge's



setting given their period character and building materials (natural slate roofs, timber windows, stone headers/sills, etc). Internally, as the applicant's Design, Access & Heritage Statement confirms, there are no significant decorative or architectural features in these ancillary buildings as they have been stripped back for modern office usage.

4.5 The applicant is proposing a change of use of these ancillary buildings to create one 3-bed dwelling, including kitchen, living room, lobby and bathroom. Proposed external changes (shown at figure 2) are as follows:

- A remodelling of the 2-storey end building's western elevation to include a 1m increase in building height (measured to the roof ridge) and the extension/projection of the western elevation by an additional 1m.
- The removal of existing steps/fenestration on the 2-storey end building and replacement with 2 new windows and 1 door.
- Changes to the other ancillary buildings to include alterations and re-positioning of existing windows and door; installation of a conservation roof light; and raised and reconstructed traditional chimney stack.
- Changes to the eastern elevation to include alterations to existing window and introduction of a French style door.

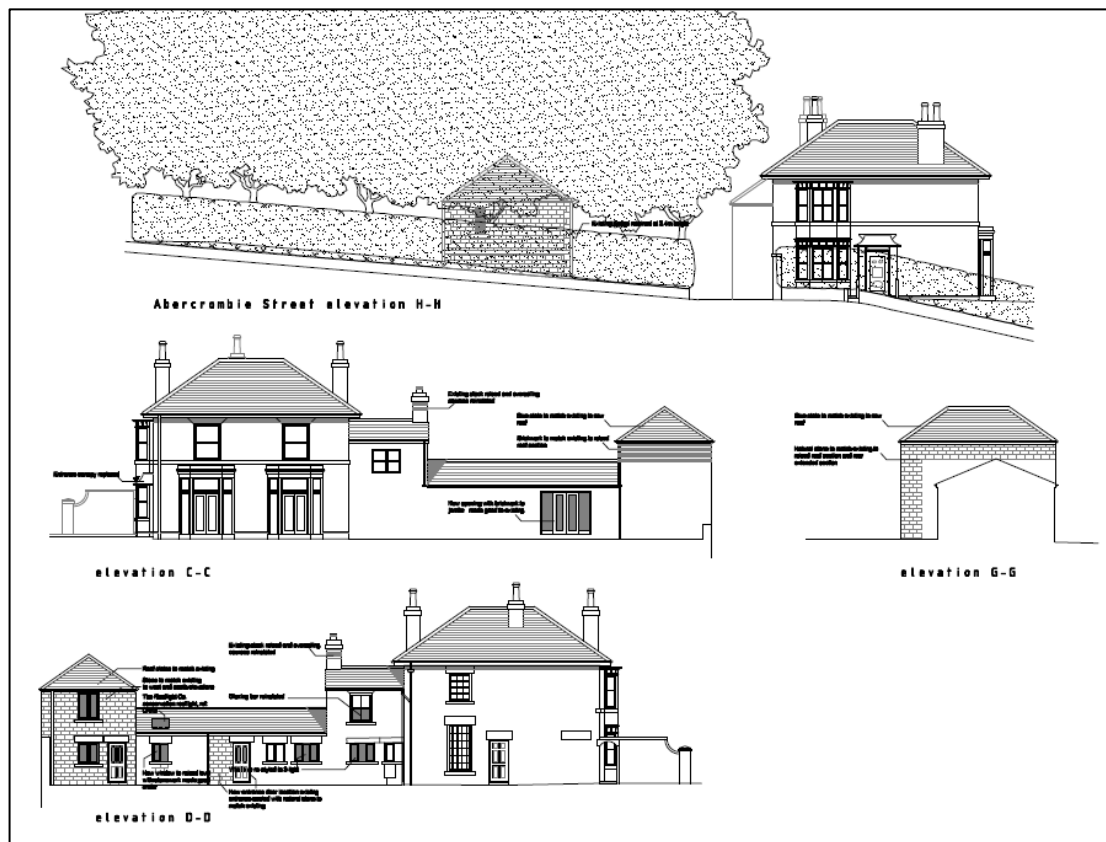


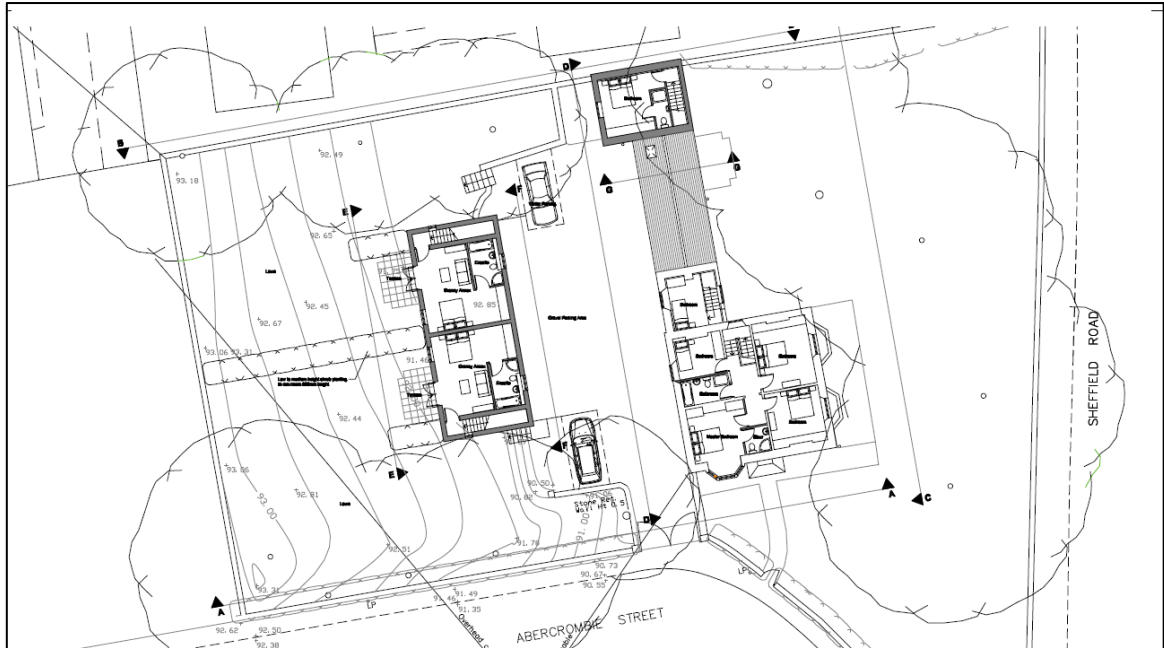
Figure 2: Proposed external works to Lodge and ancillary buildings

#### Internal alterations and change of use to Ashton Lodge to create one 4-bed dwelling

- 4.6 The Lodge was until recently occupied as an Architect's studio with a reception room, 2 offices, a meeting room (all ground floor) and 4 offices (first floor).
- 4.7 The applicant's Design, Access & Heritage Statement confirms that excluding internal sash window linings, a fitted cupboard, cornicing (all on the ground floor) and staircase with balustrade, there are no internal features of note.
- 4.8 Excluding the introduction of a Regency style door canopy on the southern elevation and removal of a former timber water closet (added at a later date on the northern elevation), there are no proposed external changes to the listed Lodge.
- 4.9 The applicant is proposing 1 kitchen, 1 dining room, 1 living room and 1 hallway on the ground floor of the Lodge. The first floor would comprise 4 bedrooms, 1 bathroom and 1 shower room. The new rooms would utilise the existing layout; excluding the removal of the former water closet (which can be accessed internally and is now part of the stair landing), there are no proposals to alter or remove existing internal walls or make significant changes to the interior of the building.

#### Erection of an ancillary detached garage/annex building

- 4.10 The applicant is proposing a new detached twin double garage and granny annex building accessed off the rear hard surfaced area which would face the rear west elevation of the Lodge and ancillary buildings (figure 3). The double garage/granny flats would be ancillary to each of the proposed 3-bed and 4-bed dwellings, i.e. they would not be separate dwellings and garages, but would be ancillary accommodation under the ownership of the respective dwellings.



**Figure 3. Proposed floor plan**

- 4.11 The building would encroach 4.5m into the existing lawn area. A relatively small and low section of an existing stone retaining wall would be removed to accommodate the development. Given the rising level of the lawn the applicant is proposing to construct the rear of the building's ground floor (the garages) partly cut into the ground, hence the height of the front elevation from ground to eaves would measure 4.5 but the rear elevation height from lawn to eaves would measure 3.5 m.
- 4.12 The size of the building is 12m (l) x 6m (w). This is in the context of the existing lawn area measuring approximately 30m x 19m; the length of Lodge and ancillary buildings measuring 27m; and the highest point of the Lodge measuring 6m from ground to eaves. The proposed annex can be considered to be subordinate in scale to the combined existing buildings and wider curtilage.
- 4.13 The proposed granny annexe/garage has been designed simply and would be constructed in natural stone for the southern and eastern elevations (with light stone tooling to match the existing Lodge stonework). The north and west elevations would be rendered and the roof tiles natural blue slate roof (figure 4). There is a lack of clarity about window materials but this would be conditioned to ensure traditional flush casement or sash period timber windows are installed.



Figure 4. Proposed elevations.

- 4.14 The interior of the building would consist of 2 double garages on the ground floor and 2 granny annexes on the first floor each comprising sitting bedroom and kitchen in one area and a separate ensuite. Doors on the ground floor western elevation would provide access to internal stairs which in turn would provide access to the granny annexes.
- 4.15 To the rear of the ancillary building, a hedgerow is proposed (to delineate the rear lawn area into 2 separate spaces). Each granny annex would have a small terraced area (2.5m X 3.5m) presumably constructed of some form of hard surfacing (appropriate natural materials can be secured by condition).

## 5.0 **CONSIDERATIONS**

### **National Planning Policy Framework (NPPF)**

- 5.1 *Conserving and enhancing the historic environment* - sets out the government's approach to conserving the historic environment with the emphasis on local planning authorities taking into account the desirability of enhancing heritage assets including listed buildings.
- 5.2 *Delivering a wide choice of high quality homes* - local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 5.3 *Requiring good design* - good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

## **Local Plan: Core Strategy**

- 5.4 *CS19 Historic Environment* - sets out the council's approach to the preservation and enhancement of the historic environment. The Council will do this through the protection of designated heritage assets and their settings, including listed buildings.
- 5.5 *CS4 Infrastructure Delivery* – the Council operates a Community Infrastructure Levy and new residential development will be charged according to CIL zone and amount of gross internal floor space.
- 5.6 *CS18 Design* - all development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context.

## **Legislation**

- 5.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

- 5.8 Under the current amended Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, local planning authorities are only required to consult with the Historic England or National Amenity Societies if the works are to a grade I or grade II\* listed building or there are 'relevant works' (defined as demolition of a principal building of a grade II listed building).

## **Assessment of applicant's proposals**

The extension and re-modelling of an existing outbuilding to allow for the conversion to one 3-bed dwelling.

- 5.9 The applicant is proposing to remodel the end 2-storey ancillary building in matching materials which is appropriate. The loss of steps and

rearrangement, re-orientation or introduction of windows and doors are not considered to represent a significant loss of historic or architectural character (the ancillary buildings are not part of the Lodge's formal listing, hence their architectural and historic significance stems primarily from the contribution they make to the character and setting of the listed building and wider conservation area). The height increase of 1m would still leave the building subordinate to the main dwelling.

- 5.10 Subject to clarity about proposed materials and window arrangements (which should reflect the period character of the listed building and existing ancillary buildings) it is considered that these elements of the applicant's proposals are acceptable. Conditions placed on the listed building consent can ensure appropriate materials and methods are used.
- 5.11 Other proposals to the ancillary buildings such as re-orientation of doors and windows and introduction of a conservation style skylight are considered acceptable, again subject to appropriate materials which can be secured by condition.
- 5.12 Overall, what is being proposed overall is not dissimilar to typical barn conversions whereby underutilised ancillary buildings of historic interest and character are refurbished and sustained via a new residential use. Subject to careful attention to materials and windows and door profiles, it is considered that the proposed changes are in keeping with the setting and character of the listed building and wider CA.

Internal alterations and change of use to Ashton Lodge to create one 4-bed dwelling

- 5.13 The applicant has robustly demonstrated via a Design, Access & Heritage Statement that the proposals will not have an adverse impact on any significant internal features of the main Lodge building. The interior of the Lodge has been modernised for office use, hence excluding fittings such as cupboards and cornicing, there are no original internal features (there are no proposal to remove or alter these features). The proposed room layout would not result in any extra subdivision or over-compartmentalisation of the interior space.
- 5.14 Excluding the proposed removal of a former water closet (attached to the northern elevation) and the introduction of a Regency style door canopy on the southern elevation (which is considered an attractive and appropriate

addition) there are no proposed external changes. Whilst the former water closet has some character and is an unusual feature, it is accepted that the structure is somewhat incongruous, and that its removal would reintroduce the original northern elevation, including the proposal to reinstate a period arched fanlight window.

It is most likely that the building was constructed originally as a dwelling house.

#### Erection of an ancillary detached garage/annex building

- 5.15 The proposed ancillary building arose partly as a result of conversations with Officers. Recent proposals to develop separate and detached dwellings on the lawn were resisted on the basis that a separate residential dwelling or dwellings with attendant infrastructure (parking, access hardstanding, etc) would have a substantial impact on the open character and setting of the listed building and wider conservation area (as well as potentially damaging the root protection areas of existing mature trees).
- 5.16 Consequently it was accepted that some form of ancillary development subordinate in scale to the Lodge may be acceptable if it could be demonstrated that impacts on the setting and character of the Lodge and wider conservation area were carefully considered and the proposals were consistent with Local Plan policies regarding the protection and sustaining of heritage assets.
- 5.17 It is considered that the applicant's proposed granny annex/garage is an acceptable addition to the curtilage of the Lodge. The proposed building when combining the scale of the Lodge, ancillary buildings and wider curtilage, would not dominate the setting. It is also simple in design and would be constructed in materials to match the vernacular of the Lodge and ancillary. Its scale and style could be compared to a traditional coach house or other type of ancillary building which would often be found in the curtilage of this type of Victorian or Georgian property (albeit a modern version designed for motor cars and living accommodation).
- 5.18 Excluding two small terraced areas to the rear there would be no additional hardstanding or access requirements. In term of visual impact on the Lodge, the annex/garage would impact on the less sensitive eastern elevation - it is the southern and eastern elevations that are primary and have the most significance.

5.19 The annex would take up only a small proportion of the existing lawn area, hence the open character of this area would, to a large extent, be retained. Moreover, the annex would be partially cut into the lawn by around 1m, reducing the height of the building, which in turn would lessen the impact on the setting of the listed building and wider CA. Views to the building from immediate street scene and CA would be largely obscured by the existing boundary wall, hedgerow and mature trees.

### **Consultation comments**

#### Highways

5.20 Derbyshire County Council as Highways Authority have no objection in principle to the proposals, but recommend that the proposed internal double garages should measure 6m x 6m on the basis that the proposed 5.5m X 5.5m is a little tight. They also state it would be beneficial if existing viability was improved.

5.21 *Officer response* – an increase of the interior space of the garages to 6m x 6m is not considered necessary given that there is existing additional off-road car parking to serve the development. Improvement to visibility is not considered necessary as the existing access has successfully served an Architect's studio for a number of years (likely to have generated more vehicle movement than the proposed residential use). Alterations to the access point could also result in damage to the historic boundary walls and adjacent protected trees.

#### Derbyshire Wildlife Trust (DWT)

5.22 DWT generally support and agree with the conclusion of the bat and bird survey which accompanies the revised applications. The survey concludes that no evidence of the presence of bats was identified and no bats were recorded emerging from the building during the evening emergence bat survey. There was also no evidence of nesting birds, but ivy on the outbuilding was considered to be a suitable location. DWT have no objections subject to conditions ensuring that proper bird protection measures are undertaken during the relevant months prior to removal of vegetation and a bat roosting and bird nesting enhancement strategy is submitted to the LPA prior to commencement of development.

*Officer comment* – DWT's recommendations can be secured by conditions.



### CBC Tree Officer

- 5.23 The Council's Tree Officer has been consulted on the revised applications. He is satisfied that the protected trees on site can be retained with limited effects on the rooting systems subject to the protection measures recommended in the applicant's Arboricultural Impact Assessment being carried out. He comments that prior to any terrace work commencing, further details are requested which identify the proposed construction methods. He also confirms that the proposed pruning works of T28 Sycamore and Beech T11 to facilitate development is acceptable, subject to being carried out to professional standards.

*Officer comment* – recommended protection measures and appropriate construction methods can be secured by conditions.

### Coal Authority

- 5.24 The application falls within a defined Development High Risk Area. The Coal Authority confirms that there is a recorded mine entry in the north-west corner of the site of recorded and probably unrecorded underground coal workings. The Coal Authority also confirms that the applicant's Coal Mining Risk Assessment Report has been informed by appropriate and up-to-date information and correctly identifies that the mine entry has been filled and capped to an industry standard.
- 5.25 The proposed annexe building would not be located over the area in question. Nevertheless, the Coal Authority recommends prior commencement conditions on any planning consent to ensure that further site investigations are undertaken.

*Officer comment* – these recommendations can be secured by condition.

### Historic England

- 5.26 Historic England commented on the application prior to the revisions and considered that the proposed demolition of the 2-storey end ancillary building was not justified by sufficient information and that a proposed detached 4-bed house would erode the character and setting of the Lodge and wider CA. Historic England drew attention to the normal statutory and planning policy requirements and requested not be consulted further on the proposals.

*Officer comments* – revisions were made to the original application in response to Historic England and Officer comments. It is considered that the revised proposals, which now retain the buildings have been considered in the context of the relevant policy and statutory frameworks.

#### Victorian Society

- 5.27 The Victorian Society commented on the application prior to the revisions. They highlighted the aims of the Abercrombie Street Conservation Appraisal which confirmed that large and semi-detached Victorian villas make a significant contribution to the character of the CA. They considered the pre-revision application inappropriate as the erection of a detached 4-bed dwelling and part demolition of the end extension building would erode the character and setting of the Lodge and wider conservation area.
- 5.28 The Victorian Society considered the revised applications and requested that their objections were maintained.

#### Local residents

- 5.29 Neighbours at 26 Abercrombie Street objected to the original and revised proposals on the basis that they are contrary to the principles set out in the Abercrombie Street Conservation Area Appraisal and local and national planning policies relating to heritage assets (as well as being contrary to the spirit of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.30 A critique of the applicant's Design Access & Heritage Statement (Philip E. Heath, IHBC) is also put forward which states that it is not an independent analysis and that its assertions need to be challenged. The objector's principle objections to the revised application are as follows:
- The destruction of the setting of a significant grade II listed building within a prime conservation area is entirely unjustified and without merit.
  - First and foremost any proposal for building work in a conservation area must enhance or preserve the architectural character of the conservation area. This application does neither.
  - The development does not constitute "sustainable development" as defined by the NPPF so there is no presumption in favour of development. There are no "exceptional" circumstances under which the destruction of the setting of a grade II listed house and part destruction of a listed building can be justified.

- The proposal runs counter to the principles and observation of the Abercrombie Street Conservation Appraisal and also runs counter to Core Strategy Planning Policies CS18 and CS19 of the Chesterfield Borough Local Plan.
- The ongoing viability and long term future of Ashton Lodge is not dependant on developing the setting of the house. The house has current permission for reversion to residential use.
- This speculative development proposal is architecturally insensitive and seeks to build garages and spurious ancillary accommodation in the garden of the listed house – something which has never been deemed necessary by the developer in any pervious development proposal for this property. The ASCA proposal states “infilling existing open space would alter the historic and locally distinctive form for the area” and the NPPF urges planning authorities to resist inappropriate development of residential gardens, where development would cause harm to the local area.

5.31 The residents of 7 Abercrombie Streep objected to the original application and reiterated the same summary as put forward by residents of No.26. They made no comments on the revised application.

*Officer response to objections*

5.32 The local residents’ comments are predicated on the assumption that the proposed development will result in the “destruction of the setting of a grade II listed house and part destruction of a listed building”. It is considered that this view is extreme and based on a misreading of the proposals. The objectors’ view that the proposals would cause ‘substantial harm’ to the setting of the listed building and wider conservation area (as understood in of paragraphs 132 and 133 of the NPPF) is also considered misleading.

5.33 The Victorian Society comments are also predicated on the assumption that the revised proposals will cause substantial harm to the setting of the listed building and wider conservation area.

5.34 The NPPF (paragraph 129) states that *‘local planning authorities should identity 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)’*.

- 5.35 It is considered that the main significance of the grade II listed Lodge stems from it being a typical detached Victorian villa of the period with particular architectural and design features as noted in the formal description (e.g. ashlar stone, quoins, hipped slate roof, wide eaves, sash windows, stone bays with cornice and parapet, etc).
- 5.36 Significance also stems from the listed boundary walls and associate posts and piers at the entrance off Abercrombie Street and the Sheffield Road frontage. The most prominent and distinctive elevations of the listed Lodge are the eastern and southern elevations – this is where the building has the biggest visual impact and gains its identity as a prominent villa in the wider CA and surrounding street scene (figure 1).
- 5.37 Excluding the introduction of a terraced area which would be accessed from the ground bay door, the applicant is not proposing to make any changes to the Lodge's Sheffield Road elevation, including any changes to the listed boundary wall and piers. The main changes to the ancillary buildings include the introduction of a French style door and the raising of the end building elevation by 1m and extending the western elevation by 1m. It is considered that these proposed external changes would not take away any significance attached to the Lodge or ancillary buildings or offer up alterations that might have an unacceptable impact on the character and appearance of the listed building and its setting.
- 5.38 The western elevation, which is mainly screened by mature trees, hedgerows, vegetation and boundary walls, is a secondary elevation and has less significance. As the applicant's Design, Access and Heritage Statement suggests, this elevation *'is of courser stonework and handled far less self-consciously because they are not show elevations. Accordingly, the principle garden areas are to the south and east of the house, and it is these areas that contribute most to the setting of the house'*.
- 5.39 The western elevations look towards an area of hardstanding and then a rising lawn area which is bordered by mature trees, stone walls, hedgerows and vegetation. Historic maps (1878) show this area as being open with paths - it was presumably used as a garden or recreational area for earlier residents of the Lodge. It is currently a lawn and until recently was used for recreation by employees of the Architects studio. The hardstanding area is used for car parking.

5.40 It is considered that the significance of this lawned area stems from the fact that it is part of the Lodge's historic curtilage and setting. Value also arises from the relationship between the Lodge and the smaller-scale extension buildings, all which share an era and architectural features. The open character of the rear curtilage is also a defining characteristic (figure 5).



Figure 5. Lawned area.

5.41 The mature boundary treatments (stone walls, hedgerow and mature trees) also make a positive contribution to the setting of the Lodge surrounding conservation area. Views from the wider conservation area into the rear curtilage are primarily screened by the boundary wall, hedgerows and mature trees (figures 6 & 7).



Figure 6. Views from the Abercrombie Street CA.





Figure 7. Views from the Abercrombie Street CA.

- 5.42 It is accepted that the proposed granny annex/garage building will result in some loss of openness of the rear lawned area and impact on upper storey views from Hurst House and No. 26. However the impact is considered less than substantial (the annexe footprint represents approximately 13% of the lawn and would be located on the lawn's eastern edge). Views from No. 26 would not be of the taller front garage elevation but of the lower levelled domestic fenestration and small terraced area of the rear elevation. This is considered an acceptable visual intrusion.
- 5.43 It is also considered that there would be an aesthetic and functional relationship between the proposed annex building and existing Lodge and ancillary buildings. This is because the design pallet and material of the proposed annex would sit comfortably in the setting of the listed building and also because of its ancillary and subordinate nature (it would not be a separate dwelling with associated access, significant areas of hardstanding and fragmentation of ownership).
- 5.44 Regarding the proposed garages, an ancillary domestic garage use is considered appropriate; there are no existing garages on site.
- 5.45 On this basis it is difficult to conclude that the proposal would cause substantial harm to the setting of the listed building and wider conservation area. The annexe building would be significantly set back and screened from the wider street scene by existing mature boundary treatments.
- 5.46 Likewise it is considered that the proposed changes to the ancillary buildings, given the minimal nature of the changes and proposed material, would not lead to the loss of any architectural significance or result in any

substantial harm to the setting of the listed building or wider conservation area. In fact it is felt that the proposed changes would put under-utilised and neglected building to viable uses consistent with their conservation (as recommend in paragraph 131 of the NPPF).

## **Conclusion**

- 5.47 Overall it is considered that applicant's proposals are acceptable and will not cause substantial harm to the setting and character of the listed building and wider conservation area. Internally, none of the proposed works will result in the loss of any features of significance and external works are considered appropriate and in keeping.
- 5.48 It is also considered that the proposed residential change of use and ancillary granny annexe/garage will sustain the listed building for future generations and provide valuable living accommodation in a sustainable part of Chesterfield.
- 5.49 As such the proposals are consistent with local and national planning policies which seek to preserve and sustain heritage assets.
- 5.50 Where issues have been raised by consultees which relate to planning matters, such as coal mining risk, tree protection and ecology, these can be addressed by planning conditions to ensure that further information where required is submitted to the Local Planning Authority for approval.

### Community Infrastructure Levy

- 5.51 The proposed granny annexes/garages would be new residential floor space so will be liable for the Council's Community Infrastructure Levy. Abercrombie Street is in the low CIL zone at £20 psm gross internal floor area. The applicant has confirmed that 135sqm of internal gross floor space will be CIL liable. This equates to £2,700. A CIL Liability Notice would be served on the granting of a planning consent.

## **6.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANTS**

- 6.1 The Government (since the 1st December 2012) requires Local Planning Authorities to include a statement on every decision letter stating how they have worked with the applicant in a positive and proactive way, in line with the requirements in paragraphs 186 and 187 of the National Planning Policy Framework.

6.2 During the process, Council Officers liaised with the applicant to ensure that any proposals were consistent with local and national planning policies regarding the historic environment.

## **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. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

7.3 The interference caused by a refusal, approval or approval with conditions, based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, an objector or consideration of the wider Public Interest.

7.4 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 RECOMMENDATION**

8.1 That a CIL Liability notice be issued as per paragraph 5.51 above.

8.2 That the applications be **GRANTED** subject to the following conditions:



## CHE/16/00045/FUL

### Time limit

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

*Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004*

### Plans

2. All external dimensions and elevational treatments shall be as shown on the approved revised plans:

- P2315.401 Proposed Ground Floor
- P2314.402 Proposed First Floor
- P2315.403 Proposed Elevations
- P2315.404 Proposed Elevations
- P2315.421 Tree Protection Plan
- Design, Access and Heritage Statement

with the exception of any approved non material amendment.

*Reason: to clarify the extent of the planning permission.*

### Construction times

3. 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 resident amenity.*

### Coal mining risk

4. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues and contamination on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the remediation /

stability of the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

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

#### Storage of plant and materials

5. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until a plan has been submitted to the Local Planning Authority for consideration and written approval showing the proposed storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods, vehicles, parking and manoeuvring of employees and visitors' vehicles. Once implemented the facilities shall be retained free from any impediment to their designed use throughout the construction period.

*Reason: in the interests of resident amenity and tree protection.*

#### Tree protection

6. Unless otherwise agreed in writing by the Local Planning Authority, development shall be in accordance with The Tree Protection Plan (ref P2315.421) in the applicant's Arboricultural Impact Assessment prepared by Ben Bennet, Tree & Woodland Consultancy, February 2017. Tree protection measures, including any pruning works, will follow the method statement contained in Appendix 2 of the same document. The Council will require notification to inspect the root trial excavations within the RPA of TPO T28 Sycamore (T9 on the applicant's Tree Protection Plan) as stated in paragraph A2.1.11 of the same document.

*Reason: in the interests of tree protection.*

#### Terrace construction

7. Unless otherwise agreed in writing by the Local Planning Authority, construction of any terracing on site shall not commence until details of materials and construction methods have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: in the interests of tree protection and to protect the special character of the listed building and wider conservation area.*

#### Bird and bat activity

8. No removal of vegetation shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

*Reason: in the interests of bat and bird protection*

9. Prior to the commencement of development a bat roosting and bird nesting enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: in the interests of bat and bird protection.*

#### Surface water drainage

10. Development shall not commence until full details of proposed surface water drainage scheme have been submitted in writing to the Local Planning Authority for approval. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

*Reason: in the interests of satisfactory surface water drainage.*

#### Ownership of ancillary building

11. The two self-contained ancillary granny annexes and garages hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the two proposed dwellings within Ashton Lodge. The self-contained ancillary granny annexes shall:

- Only be occupied by persons with a familial link or relationship to the occupants of the main dwelling.
- Not be identified or addressed as a separate postal address.
- Not be occupied in the event the main dwelling is unoccupied.
- Not be occupied under any form of contract.

*Reason - The provision of independent units of living accommodation would not safeguard a sufficient degree of residential amenity for the occupants. It will also minimise the fragmentation of property ownership within the Lodge's curtilage.*

### Removal of permitted development rights

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

*Reason: to protect the special character of the listed building and wider conservation area.*

### Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. The 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 Highway Authority reserves the right to take any necessary action against the householder.
  - Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. Street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Time limit

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

*Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004*

Plans

2. All external dimensions and elevational treatments shall be as shown on the approved revised plans:

- P.2315.401 Proposed Ground Floor
- P2314.402 Proposed First Floor
- P2315.403 Proposed Elevations
- P2315.404 Proposed Elevations
- P2315.421 Tree Protection Plan
- Design, Access and Heritage Statement

*Reason: to clarify the extent of the listed building consent*

Windows and doors

3. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors (including garage doors) with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: to protect the special character of the listed building and wider conservation area.*

Stone, brick and mortar

4. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until details of the proposed stone (including quoins, cills and heads), brick work and mortar types, have been submitted to the Local Planning Authority for consideration and written

approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

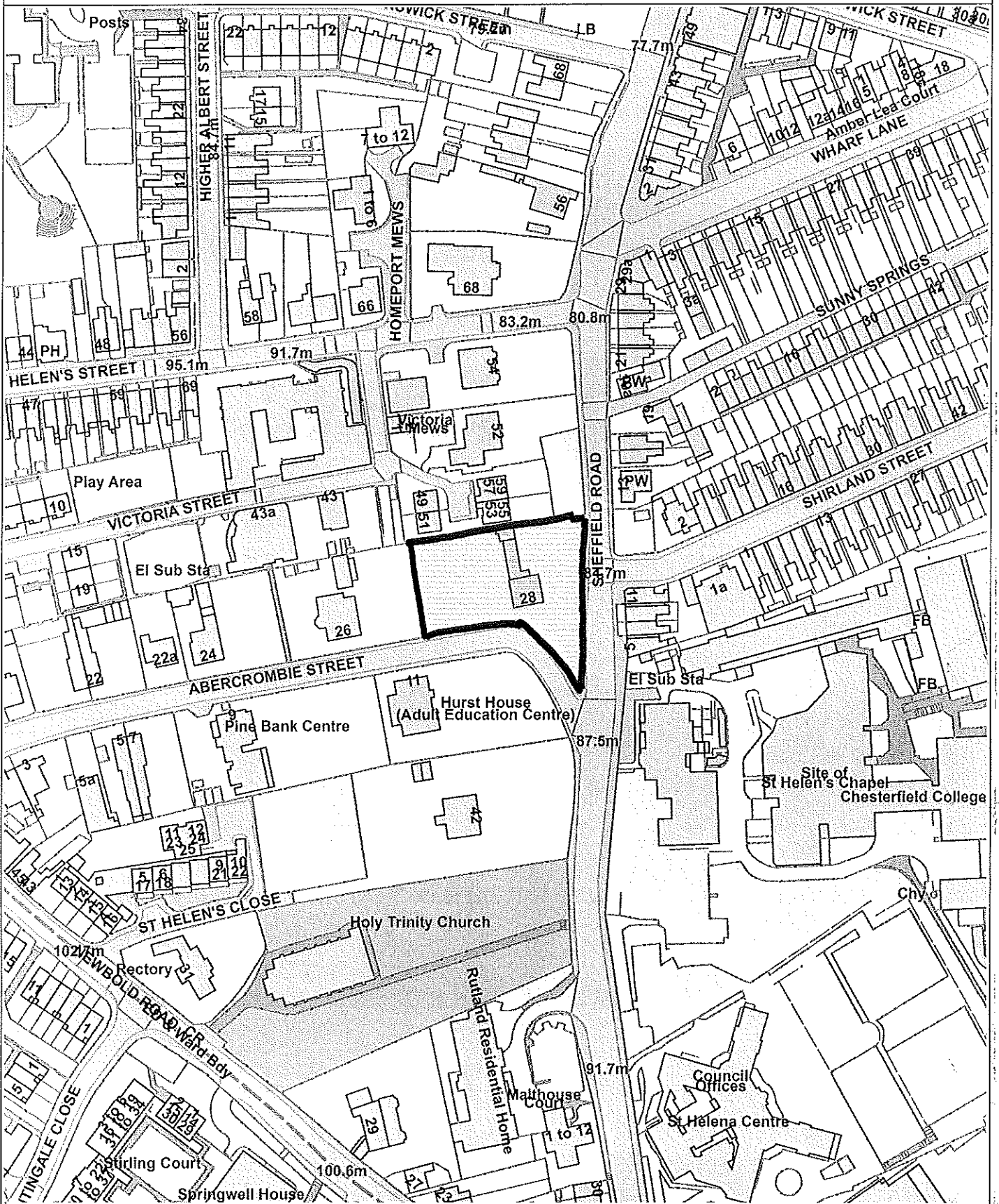
*Reason: to protect the special character of the listed building and wider conservation area.*

#### Guttering

4. Unless otherwise agreed in writing by the Local Planning Authority, development shall not commence until details of the proposed details of rainwater gutters, brackets, hoppers and down pipes to be used shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: to protect the special character of the listed building and wider conservation area.*

# ASHTON LODGE 28 ABERCROMBIE STREET



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 1:1743

This page is intentionally left blank



Case Officer: Joe Freegard  
Tel. No: (01246) 345580  
Committee Date: 3<sup>rd</sup> April 2017

File No: CHE/16/00831/FUL  
Plot No: 2/3550

## **ITEM 6**

### **PROPOSED NEW DETACHED DWELLING AT LAND ADJACENT TO 21 CLARENCE ROAD, CHESTERFIELD, DERBYSHIRE FOR MR AND MRS G REYNOLDS – ADDITIONAL INFORMATION RECEIVED ON 07/03/17 and 21/03/2017**

Local Plan: Unallocated  
Ward: Brockwell

#### 1.0 **CONSULTATIONS**

Ward Members	Comments from Cllr Davenport
Strategy Planning Team	No objections
Environmental Services	No objections
Design Services	Comments received – see report
Yorkshire Water Services	No comments
DCC Highways	No objections
The Coal Authority	Comments received – see report
Conservation Officer	No objections
Urban Design	No objections
Neighbours/Site Notice	11 representations and petition received – see report

#### 2.0 **THE SITE**

2.1 The site the subject of the application comprises land adjacent to 21 Clarence Road in the Brockwell area of

Chesterfield Town Centre. The land is situated on the corner of Clarence Road and Rose Hill, and comprises a sizeable area of plain grass verge. The roadway of Rose Hill is situated to the North of the site, a detached garage is situated to the East of the site, 21 Clarence Road is situated the South of the site, and the roadway of Clarence Road is situated to the West of the site. 21 Clarence Road is a large, semi-detached Victorian house of some architectural quality. This dwelling is brick-built, with a pitched slate roof, a gablet and bay window to the front elevation and timber windows and doors. The property has a single storey side/rear extension, with three side windows within the North elevation of the original house. Walls and fences form the boundary between 21 Clarence Road and the site which is subject to this application. Many of the other properties within the locality are of a similar style to 21 Clarence Road and indeed many years ago two pairs of similar houses on the site and land to the north were demolished to make way for the construction of Rose Hill through to Clarence Road. The proposed development site is largely rectangular in form, and measures approximately 0.026 hectares. The grass verge is currently owned by Chesterfield Borough Council, and notice has been appropriately served.





### 3.0 **RELEVANT SITE HISTORY**

3.1 There is no relevant planning history at this site.

### 4.0 **THE PROPOSAL**

4.1 A full application has been made for the erection of one new detached dwelling on the land adjacent to 21 Clarence Road, with additional information received on 07/03/17 and 21/03/17.

4.2 Acquisition of the area of grass would be required to cater for this proposed development. An application form, Design and Access Statement, site location plans, plans and elevations, coal mining risk assessment and CIL Liability form have been submitted with this application.

4.3 The site layout indicates that the proposed new dwelling would measure approximately 9.4M in height, 7M in width and 10.8M in depth. The dwelling is proposed to be situated approximately 1.25M away from the boundary with the roadway to Rose Hill to the North of the site at its closest point and 2.5M at its furthest point. The dwelling is proposed to be situated approximately 12M away from the boundary with the detached garage to the East of the site. The dwelling is proposed to be situated 1.25M away from the boundary with 21 Clarence Road to the South of the site and 2.5M from this neighbouring property. The dwelling is proposed to be situated approximately 1M from the boundary with the roadway at Clarence Road to the West of the site at its nearest point and 4.5M at its furthest point.

4.4 The new dwelling is proposed to comprise entrance floor, living room, WC, utility room, and kitchen/dining room at ground floor level, landing, bathroom, three bedrooms and en-suite bathroom at first floor level, and landing and ensuite bedroom at second floor level. The internal spaces appear to be appropriate and fit for purpose. Areas of garden are proposed to surround the property and the existing retaining wall to the South of the site is proposed to be retained. No details with regards to landscaping, bin storage or boundary treatments are provided at this stage, and no on site parking provision is proposed. Two parking spaces were originally

proposed, however these were omitted due to concerns with regards to highway safety as expressed by the Highway Authority.

4.5 The amended plans indicate that the new dwelling would be constructed using red facing brick with areas of white painted render to match neighbouring properties, a pitched slate or slate effect roof, with cream coloured wood grain effect sash style upvc windows, and black pvc rainwater goods. The dwelling is proposed to have a bay window and two sash windows to the front elevation at ground floor level, and a bay window with gablet above and two arched sash windows at first floor level. The Northern side elevation the property is proposed to have two bay windows at ground floor level, one of these comprising the main entrance door to the property. A sash window is proposed at first floor level and a curved sash window is proposed at second floor level to this elevation. To the rear elevation, a sash window and set of French doors are proposed at ground floor level. Two further sash windows are proposed at first floor level, and two roof lights are proposed within the roofline. To the Southern side elevation, a door is proposed at ground floor level and an obscure glazed sash window is proposed at first floor level. The original plans were considered inappropriate in terms of design, and as such extensive consultation took place with the applicant in order to provide these amended plans.

4.6 The application is assessed on the basis of the application form, Design and Access Statement, site location plans, plans and elevations, and coal mining risk assessment only.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

5.1.1 The site is situated within the built settlement of Brockwell. This immediate area is predominantly residential in nature, and is situated in close proximity to the town centre and its services and facilities. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document

on Housing Layout and Design 'Successful Places' is also a material consideration.

5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:

- a) adhere to policy CS1
- b) are on previously developed land
- c) are not on agricultural land
- d) deliver wider regeneration and sustainability benefits
- e) utilise existing capacity in social infrastructure
- f) maximise walking / cycling and the use of public transport
- g) meet sequential test requirements of other national / local policies

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

5.1.3 Policy CS18 (Design) states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.

In addition to the above, the NPPF places emphasis on the importance of good design stating:

*'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and



Design. The development proposed should be assessed against the design principles set out in this supporting document.

- 5.1.5 The proposed development site is situated within short walking and cycling distance from Chesterfield Town Centre. Although the area of land is previously developed, this is some years ago and the grassed area which now exists is not considered to be of high environmental value and the principle of residential development is therefore considered to be acceptable. 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 is a logical housing plot.
- 5.1.6 The Strategy Planning Team confirm they have no objections. They stated that in principle the proposed development is broadly acceptable given that it meets the majority of local plan policy specifications, particularly regarding concentration. The site is within an established residential area and is close to the sub regional centre of Chesterfield. It adheres to the residential concentration approach of policies CS1 Spatial Strategy, PS1i and the criteria in CS2 Principles for the Location of Development. It maximises opportunities for the use of public transport (CS20) and the site is not on highly biodiverse or agricultural land (CS2c).
- 5.1.7 The Strategy Planning Team stated that whilst the site may have been used as a residential plot previously, the NPPF excludes the following under the description of “previously developed land”: “...land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.” As such it is not appropriate to consider this grassed area of land strictly as previously developed. Under policy CS10 the development of greenfield sites will only be considered where the council cannot demonstrate a five year supply of deliverable housing sites. Given that the Council is currently able to demonstrate a five year housing supply, the

principle of the residential development could be discouraged as per policy CS10. Paragraph 14 of the NPPF refers to a presumption in favour of sustainable development - when taking into consideration the entire framework and local plan policies. 'Sustainable development' can be seen as a significant material consideration, particularly given the Planning Framework's imperative to promote the supply of housing within the Borough. The social and economic benefits of sustainable development are of sufficient weight to outweigh the limited harm that would be caused. The loss of the grassed space would not be substantial as the site is not of sufficient size to be identified within the local plan.

- 5.1.8 The Strategy Planning Team concluded that because the development would cause a negligible loss in amenity space and result in a new home in a sustainable location, the principle of the development is acceptable. Considerations on the design of the dwelling and access must also be sought given the potential impact on the road network, pedestrian environment and parking in the area. The property would be CIL liable and a SuDS should be installed if possible. Further consideration of the on-site landscaping should seek to provide a net gain in biodiversity, perhaps through condition.

## 5.2 **Design and Appearance (Including. Neighbour Effect)**

- 5.2.1 It is considered that the design and materials of the proposed new property are of a high quality that would complement the architecture of the surrounding locality. Many of the residential properties in close proximity are large Victorian and Edwardian houses of a red brick construction with pitched slate roofs. The plans indicate that the proposed new dwelling would be constructed using red brick with a pitched slate roof to match other houses in the locality. The design of the new dwelling has taken inspiration from other properties in the locality through the addition of bay windows and gablet, areas of white painted render and arched sash windows. The plans indicate that the height of the proposed new property would match that of 21 Clarence Road. It is considered that the design and materials of the proposed new dwelling are entirely appropriate to the locality. A condition should be imposed requiring the submission of



details of the material samples and windows and doors. This is to ensure that the materials are appropriate in terms of quality and shade, and that the windows and doors are suitably detailed and recessed.

- 5.2.2 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to 21 Clarence Road. 21 Clarence Road has side windows to the North elevation, however these are largely secondary windows that serve non habitable rooms. These windows are North facing and would be situated approximately 2.5M away from the side wall of the proposed new property. It is considered that the level of separation coupled with the orientation of the site would ensure that any loss of light to these windows would be minimal. Overlooking may be a potential issue, and as such a condition should be imposed requiring the side windows to the South elevation of the proposed new property to be obscure glazed. The footprint of the proposed new dwelling is proposed to be set back from the building line of 21 Clarence Road and the rear projection of the new property would be approximately 5.5M less than the neighbouring property. It is considered that the proposed layout of the site, the level of separation from the common boundary and the orientation of the site would ensure that these proposals would result in no significant adverse impact in terms of overlooking, an overbearing impact or a loss of light to 21 Clarence Road.
- 5.2.3 The proposed new dwelling would be situated approximately 13M away from a neighbouring property located on the corner of Clarence Road and Rose Hill, to the North of the site. The Successful Places SPD states that there should be a 21M separation distance between the facing windows of habitable rooms. As such, it is considered that the windows to the first and second floor in the North elevation of the proposed new dwelling would need to be obscure glazed to prevent any issues in terms of overlooking. It is not considered necessary for the ground floor windows to this elevation to be obscure glazed because one of the ground floor windows of the neighbouring property to the North of the site is secondary, the other serves a non-habitable room, and because the differences in the proposed levels would prevent any direct overlooking. It is considered that the level

of separation between properties would be sufficient to prevent any adverse impact in terms of overshadowing or an overbearing impact. The proposed new dwelling would be situated approximately 20M away from neighbouring properties on Clarence Road, to the West of the site. It is considered that this level of separation would be sufficient to prevent any adverse impact in terms of overlooking, overshadowing or an overbearing impact to these neighbouring properties. Although the 21M separation distance between the facing windows of habitable rooms would not be achieved, it is worth highlighting that this figure is purely a guide, the level of separation would only be lacking by 1M, and this level of separation far exceeds that of any of the other properties that face each other on Clarence Road. As such, it is considered that this level of separation is appropriate.

- 5.2.4 It is considered that these proposals would result in no significant issues in terms of overlooking, overshadowing or an overbearing impact on neighbouring properties. It is also considered that the dimensions of the site would allow for a development with appropriate separation distances between properties. As such, it is not considered that these issues would be significant enough to warrant a refusal.
- 5.2.5 The site location plan indicates that the site would measure approximately 260 square metres and the proposed new dwelling would measure approximately 66 square metres. The 'Successful Places' SPD indicates that a new four bedroom dwelling would require a minimum of 90 Square Metres of outdoor amenity space. The site calculations indicate that the proposed new dwelling would have approximately 194 square metres of outdoor amenity space. This level of provision far exceeds guidelines and is therefore considered to be acceptable.
- 5.2.6 Overall it is accepted that development of this nature on previously undeveloped land would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact would be minimal, due to the proposed design, the relationship between properties and the orientation of the site.

5.2.7 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development can be designed to prevent any significant adverse impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours. As such, the development is considered to be acceptable in terms of these policies.

5.2.8 Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

### **5.3 Urban Design**

5.3.1 The Urban Design Officer was consulted on the application and raised no objections. He stated that the elevations of the proposed dwelling have been revised having regard to the urban design comments of dated 23rd January 2017. The front and side elevations now contain a greater proportion of glazing, including two bay windows facing Rose Hill, which address the street well. Upper floor windows are now also larger, include a window at first floor and are aligned on the axis of the side gable wall. On the rear elevation the single dormer window is now replaced with two large roof lights on the rear roof slope. These revisions have positively addressed the issues previously identified in respect of the appearance of the proposed dwelling. The proposed boundary treatments should be controlled by a suitably worded condition. This should address all external boundaries, including the frontage with Rose Hill, Clarence Road and those against the neighbouring property. Details should include, materials, heights, positioning, extent and detailed appearance. Plans and elevations (scale 1:20) should be provided to assess the suitability of any proposed boundary treatments. He concluded that the amended proposals are largely acceptable and respond positively to earlier comments on aspects of the design. In the event that permission is recommended for approval, conditions should be applied in respect of details of materials, including samples if requested, proposed hard and soft landscaping, proposed boundary treatments and existing and proposed levels information, including sections if requested.

## **5.4**      **Conservation**

The Conservation Officer was consulted on this application and he raised no objections. He stated that the proposed dwelling is within the urban framework of Chesterfield Town Centre in an area of predominantly residential late Victorian or early Edwardian town houses. The property is on the edge of, but not within the Chesterfield Town Centre Conservation Area (CA). When considering planning applications that affect conservation areas, including their setting, a local planning authority should pay attention to the desirability of preserving or enhancing the character or appearance of that area. In my view, the proposed dwelling is an acceptable addition to the local street scene and would not have a detrimental impact on the setting of the CA. At present the site is a small area of grass which has little aesthetic or historic interest. The proposed dwelling has clearly been designed to sit comfortably in its context, i.e. the design of the house reflects some of the architectural features of surrounding properties by incorporating features such as arched window surrounds and bay windows. The proposed dwelling is also oriented to continue the frontages of properties along Clarence Road. The only comment would be a preference for natural or quality materials instead of artificial or plastic (e.g. natural slate for the roof, stone for the window surrounds, timber for the proposed windows (which ought to be set back from the brick elevation) and black iron, steel or aluminium for the rain water goods). This is on the basis that these types of materials sit more comfortably on traditionally designed dwellings. Attention to this type of detailing can often be the difference between good and average design.

## **5.5**      **Highways Issues**

5.5.1      The Highways Officer was consulted on this application and he raised no objections. He initially objected to the original plans which showed two parking spaces on site, due to concerns with regards to visibility splays and highway safety. The applicant attempted to make slight modifications to the plans in order to overcome these concerns, however this was unsuccessful. As such, it was decided that parking

provision would be omitted from these proposals. The Highways Officer indicated that given the nature of surrounding development, proximity to the town centre and existing parking restrictions, it is considered that objection on highway grounds to a single dwelling without off-street parking provision on this site would be likely to prove unsustainable.

## **5.6 Water/Drainage**

5.6.1 Design Services (Drainage) were consulted on this application and raised no objections subject to the submission of drainage details prior to construction. This shall be imposed as a condition.

## **5.7 Land Condition / Contamination**

5.7.1 The site the subject of the application is currently an area of grass verge and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.7.2 The Council's Environmental Health team has reviewed the proposals and commented that they have no objections to the plans. It has been considered that a condition should be imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties.

5.7.3 In respect of potential Coal Mining Risk, the site the subject of the application lies within the Red Referral Area. The Coal Authority were consulted on this application and they stated that the planning application is now supported by a Coal Mining Risk Assessment, dated March 2017 and prepared by Geoinvestigate Ltd. This report has been informed by an appropriate range of sources of information including; BGS maps, historic ordnance survey maps and a Coal Mining Report. Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are

carried out on site in order to establish the exact situation in respect of coal mining legacy issues on the site. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The report also recommends that a gas assessment should be carried out on site. The findings of the intrusive site investigations should inform any remedial measures which may be required.

5.7.4 The Coal Authority stated that they concur with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition should therefore require prior to the commencement of development:

- \* The submission of a scheme of intrusive site investigations for approval;
- \* The undertaking of that scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works for approval; and

\* Implementation of those remedial works.

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

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

5.8.2 The site the subject of the application lies within the medium CIL zone (£50/sqm) and therefore the CIL Liability would be calculated using calculations of gross internal floor space on this basis.

Plot	New GIF sqm	Calculation	Total
1	143	143 x £50	£7,150
TOTAL			£7,150

## 6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, 11 letters/e mails from neighbours and a petition signed by 9 people, and e mails from councillor Davenport requesting the matter be considered by planning committee have been received. The objections are received from 21(x5), 26, 28 (x3), 30 Clarence Road and 1 unknown address. The petition from residents is signed by Nos 15, 21, 26, 28, 30 31, 32 Clarence Road. Residents have also involved Toby Perkins MP who has asked to be kept informed of progress with the application.

The letters/emails received raise concerns with regards to highway safety, traffic, parking, the loss of the grass verge/amenity space, a loss of views, noise and dirt and disruption during construction, concerns over the design and that the house would be a new build, the impact on boundaries, the impact on drainage, concerns over air pollution, the potential damage to neighbouring properties, overdevelopment, a loss of light, overlooking, and concerns that residents had not been notified of the sale of the site.

6.2 ***With reference to highway safety, traffic and parking, there have been no objections from the Highways***

***Department in relation to the latest revised plan. The Highways Officer indicated that given the nature of surrounding development, proximity to the town centre and existing parking restrictions, it is considered that objection on highway grounds to a single dwelling without off-street parking provision on this site would be unsustainable. In reference to the loss of the grass verge/amenity space, this area of land is not considered to be of high environmental value and the principle of residential development is therefore considered to be acceptable. A loss of views is not considered to be a major issue and this would not constitute a material planning consideration. With regards to noise, dirt and disruption, a condition should be imposed restricting working hours during construction in order to reduce the impact on neighbouring residents. It is acknowledged that some level of noise and disruption would be caused by the development, however it is considered that the imposition of such a condition would ensure that this was kept to a minimum and such impacts are likely to only be temporary during construction works.***

- 6.3 ***With reference to the concerns over the design and new built nature of the proposed dwelling, it is considered that the design and materials of the proposed new dwelling are entirely appropriate for the locality. The applicant has made several modifications to improve the appearance of the property and has adopted an approach that echoes the traditional style of other properties in the locality. Any impact on boundaries or damage to neighbouring properties would be a civil matter, and any concerns with regards to drainage would be overcome through the imposition of a condition requiring the submission of drainage details. In terms of air pollution, Environmental Health has been consulted on this application and they raise no objections. In terms of overdevelopment, a loss of light and overlooking, it is considered that the layout and orientation of the site, separation distances and the use of obscure glazing would ensure that these issues are not a concern to the point that planning permission should be refused. The site calculations indicate that the***



***proposed new dwelling would have approximately 194 square metres of outdoor amenity space. This level of provision far exceeds guidelines and is therefore considered to be acceptable. The concerns that residents had not been notified of the sale of the site is not a planning matter.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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.

7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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 paragraphs 186 and 187 of the 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. Pre application advice was provided.

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 The proposals are considered to be appropriate in terms of scale, form and materials, and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. It is considered that the design and materials of the proposed new property are of a high quality that would complement the architecture of the surrounding locality. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of Highways, design, landscaping and materials. This application would be liable for payment of the Community Infrastructure Levy.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.8 above.

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

**Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans GR-PL-001.1 Rev E with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
6. Unless otherwise agreed in writing by the local planning authority, development shall not commence until details of the proposed windows and doors with cross sections have been submitted to the Local Planning Authority for consideration and written approval. Only the approved details

shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

7. 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.
8. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.
9. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
  - The submission of a scheme of intrusive site investigations for approval;
  - The undertaking of that scheme of intrusive site investigations;
  - The submission of a report of findings arising from the intrusive site investigations;
  - The submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works
10. Details of the proposed site cross sections showing existing and proposed land levels and the proposed finished floor level of the dwelling shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

11. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
12. Prior to occupation of the development hereby approved the windows in the South elevation and the windows in the first and second floor of the North elevation shall be obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. The obscured glazing shall be maintained as such thereafter.

### **Reasons**

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. 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. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
4. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. To protect the character of the building and the wider area.
7. In the interests of residential amenities.
8. In the interests of the amenities of occupants of adjoining dwellings.

9. In the interests of coal mining legacy and safety
10. In the interests of residential amenities.
11. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
12. To safeguard the privacy of adjoining residents

**Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -

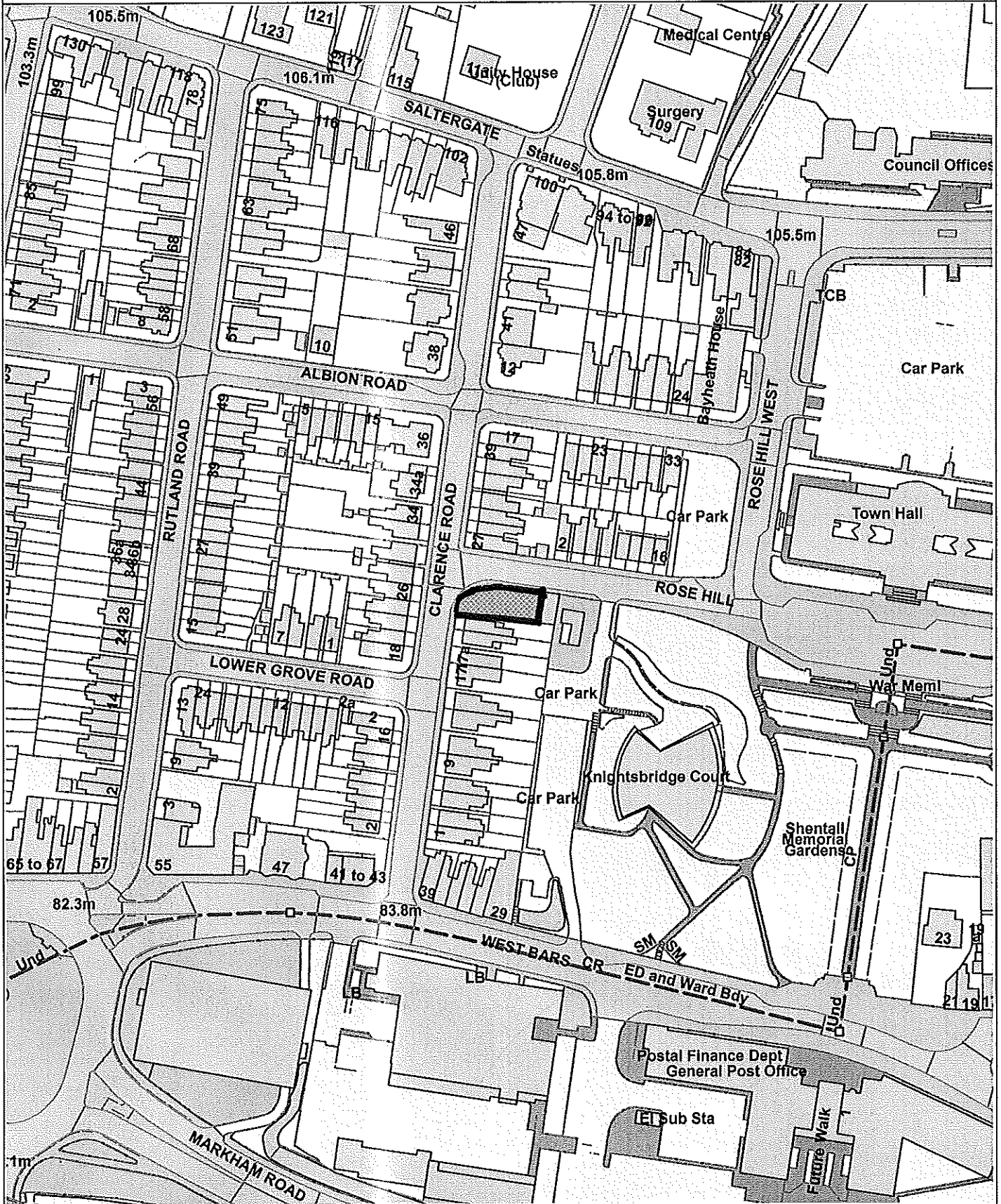
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)

05. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
06. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
07. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.

This page is intentionally left blank



# LAND ADJACENT 21 CLARENCE ROAD



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 1:1743

This page is intentionally left blank

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	3 <sup>RD</sup> APRIL 2017
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Building Regulations P150D and P160D, P570D, P580D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	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

## Decisions made under the Building Regulations

16/02038/DCC	Derbyshire County Council Erection of a 6x6m steel framed canopy Corfield CE Infant School Thorpes Road Heanor Derbyshire DE75 7GQ	Conditional Approval	02/03/2017
17/00050/MUL	Multiple Domestic Construction of a ground floor wc in part of existing garage and replacement of existing kitchen extension with slightly larger extension 42 Davian Way Walton Chesterfield Derbyshire S40 3HX	Conditional Approval	10/03/2017
17/00096/DEX	Domestic Extensions/Alterations Two storey side extension and rear conservatory 26 Blandford Drive Newbold Chesterfield Derbyshire S41 8QT	Conditional Approval	15/03/2017
16/02178/MUL	Multiple Domestic Two storey rear extension and garage to side 122 Spital Lane Spital Chesterfield Derbyshire S41 0HN	Rejected	02/03/2017
17/00207/DRO	Domestic in-roof Extensions/Alterations Dormer loft conversion 9 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH	Conditional Approval	10/03/2017
17/00016/DEX	Domestic Extensions/Alterations Single storey rear extension; two storey side extension 297 High Street New Whittington Chesterfield Derbyshire S43 2AP	Rejected	03/03/2017
17/00162/OTHC	Other Works (Commercial) Removal of int cross wall to sales shop inserting steel beams at first floor level to support upper floor and roof structure 52 Lowgates Staveley Chesterfield Derbyshire S43 3TU	Unconditional Approval	06/03/2017
17/00095/DOM	Domestic Buildings and New Dwellings New build development of 37 dwellings Ringwood Centre Victoria Street Brimington Chesterfield Derbyshire S43 1HY	Rejected	16/03/2017
17/00159/MUL	Multiple Domestic Loft conversion and extension 30 Foljambe Road Chesterfield Derbyshire S40 1NJ	Conditional Approval	02/03/2017
17/00254/DRO	Domestic in-roof Extensions/Alterations Loft conversion 42 Morris Avenue Newbold Chesterfield Derbyshire S41 7BA	Unconditional Approval	16/03/2017

This page is intentionally left blank

# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	3 <sup>RD</sup> APRIL 2017
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management 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
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	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**

<b>Code No</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/14/00352/RET 918	Old Whittington	Retention of existing commercial building (additional information received on 09/10/2014, 03/12/2014 and 20/02/2017) At Ruane Transport Services LtdWhitting Valley RoadChesterfieldDerbyshireS41 9HY For Ruane Transport Services Limited	CP	09/03/2017
CHE/16/00672/FUL 812	Old Whittington	Construction of 6 light industrial units on land to the rear of 875 Sheffield Road, Sheepbridge, which is presently used for the storage of plant and vehicles, amended drawings received 10th January 2017 At Land Adj 877 Sheffield RoadSheffield RoadSheepbridgeDerbyshireS41 9EQ For Mr Peter Lister	CP	03/03/2017
CHE/16/00769/FUL 2581	Middlecroft And Poolsbrook	Demolition of existing retail unit; 1 x Proposed detached residential dwelling; and 1 x Shop/retail unit with accommodation above - additional plans received 26/01/2017 and 01/03/2017 At 26A Circular RoadStaveleyDerbyshireS43 3QX For Mrs Daljit Kaur	CP	06/03/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/16/00809/FUL 544 3509	Hollingwood And Inkersall	Installation of portakabin and paladin weld mesh fence to surround office and portakabin and cooling blocks and new personnel gates to paladin weld mesh fence line. Installation of new single personnel gates to either end of main warehouse. Relocation of smokers shelter behind portakabin  At Plot 1B Markham Vale Markham LaneDuckmantonS44 5HS For Great Bear Distribution Ltd	CP	08/03/2017
CHE/16/00811/FUL 72	West	Conversion of existing side/rear flat roof to a hipped roof  At 28 Somersall Park RoadChesterfieldDerbyshireS40 3LD For Mr and Mrs Ritchie	CP	15/03/2017
CHE/16/00816/FUL 1294	Brimington North	Decking area to rear garden  At 9 Peterdale RoadBrimingtonDerbyshireS43 1JA For Mr Dave Benison	CP	06/03/2017
CHE/16/00819/FUL 857	St Leonards	Proposed toilet block building to rear yard area to serve outdoor seating area  At 21-23 Holywell StreetChesterfieldS41 7SA For Mr G Livoti	CP	10/03/2017
CHE/16/00821/FUL 3379	Brimington South	Proposed erection of a detached dwelling and new dropped crossing to form off street parking spaces  At 158 & 160 Manor RoadBrimingtonDerbyshireS43 1NW For Mr and Mrs Rollett	REF	01/03/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00003/FUL 1887	Lowgates And Woodthorpe	Erection of single storey garage to the rear of property replacing existing garage At 43 Norbriggs Road Woodthorpe Derbyshire S43 3BT For Mr Adrian Rutter	CP	03/03/2017
CHE/17/00004/DO 1696	Middlecroft And Poolsbrook	Discharge of condition Nos 11, 12, 15 and 19 relating to CHE/16/00031/FUL - demolition of existing garage and construction of convenience store (Class A) At Double Top Inkersall Green Road Inkersall Derbyshire S43 3HA For Assured Property	DPC	03/03/2017
CHE/17/00006/FUL 1901	West	Relocation of existing stone boundary wall nearer the back of the highway to incorporate private land into the garden area (Revised drawing submitted 01/02/17) At 1 Green Glen Chesterfield Derbyshire S40 3SH For Mr Richard Lobar	CP	03/03/2017
CHE/17/00014/RET 4966	Brimington South	Retention of works for alterations to office including removal of chimney and addition of four windows to side elevation and internal alterations At 10 Ringwood Road Brimington Derbyshire S43 1DG For Robinsons Caravans Ltd	UP	08/03/2017
CHE/17/00015/FUL 4157	West	Extension to existing house At 32 Storrs Road Chesterfield Derbyshire S40 3PZ For Miss Natalia Shaw	CP	10/03/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00016/FUL 313	Dunston	Proposed two storey side extension, single storey rear extension with new front entrance porch At 128 Kirkstone RoadNewboldDerbyshireS41 8HE For Mr and Mrs Stuart Hutchenson	CP	14/03/2017
CHE/17/00019/FUL 1141	West	Removal of existing rear conservatory and raised terrace and erection of a single storey lower ground floor extension (re-submission of CHE/16/00120/FUL) At 63 Storrs RoadChesterfieldDerbyshireS40 3QA For Ms Jane Galley	CP	10/03/2017
CHE/17/00021/FUL 1439	Brockwell	Proposed front and rear extensions At 17 Larch WayBrockwellChesterfieldDerbyshireS40 4EU For Mr David Haag	CP	03/03/2017
CHE/17/00022/FUL 1059	St Helens	Proposed two storey rear extension At 93 Gloucester RoadStonegravelChesterfieldDerbyshireS41 7EF For Mr Fred Cornelius	CP	10/03/2017
CHE/17/00023/TPO 1388	West	Removal of 3 Scots Pines because of building movement and low amenity value. Replanting to be decided afterwards. At 392 Ashgate RoadChesterfieldDerbyshireS40 4DD For Mr Roger Myddelton	REF	14/03/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00025/FUL 1644	Moor	Demolition of single storey store, erection of 2 storey side extension and rear conservatory At 26 Blandford DriveNewboldChesterfieldDerbyshireS41 8QT For Miss Shani Wylde	CP	01/03/2017
CHE/17/00029/FUL 1599 1601	St Leonards	Alterations to elevations to include the installation of a new "Folded Roof" concept, comprising of aluminium cladding to the roof and the redecoration of existing frontage. At McDonalds Restaurant LtdUnit 5Alma Leisure ParkDerby RoadChesterfieldDerbyshireS40 2EZ For McDonald's Restaurants Ltd	CP	10/03/2017
CHE/17/00030/ADV 1599 1601	St Leonards	Relocation of 4 existing signs and installation of 3 new signs At McDonalds Restaurant LtdUnit 5Alma Leisure ParkDerby RoadChesterfieldDerbyshireS40 2EZ For McDonald's Restaurants Ltd	CP	10/03/2017
CHE/17/00032/FUL 3015	Brockwell	Two storey side extension and single storey rear extension - Revised plans received 14.02.17 At 16 Morris AvenueNewboldDerbyshireS41 7BA For Mr Paul Markham	REF	10/03/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00036/TPO 1918	St Helens	T3 - Raise canopy, clean crown of dead, damaged or diseased branches, crown reduce by 10% to prevent tree from becoming top large for its position At Holywell Annexe Holywell Street Chesterfield Derbyshire S41 7SH For Bothams, Mitchell, Slaney	CP	15/03/2017
CHE/17/00041/DO 49	West	Discharge of planning condition No's 3, 4 and 6 - CHE/16/00525/FUL At 31 Netherfield Road Somersall Derbyshire S40 3LS For Mr Sam Toplis		10/03/2017
CHE/17/00042/FUL	St Leonards	Conversion of dilapidated external toilet and store area to shower room and wc At Raj News 115 - 117 Baden Powell Road Chesterfield Derbyshire S40 2RL For Mr N Agath	CP	14/03/2017
CHE/17/00049/HER 4036	Barrow Hill And New Whittington	Removal of hedge to facilitate better farming practice and turning with large agricultural machines At Hagge Farm Unnamed Road Off Staveley Lane Near Hagge Farm Middle Handley Derbyshire S21 5RP For Mr Alan Jackson	UP	01/03/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00053/FUL 2245	Brimington South	Resubmission of CHE/16/00720/FUL - Two storey rear extension and single storey side extension At 9 Balmoak Lane Tapton Derbyshire S41 0TH For Mr Garry Dean	CP	21/03/2017
CHE/17/00063/FUL 1743	Loundsley Green	Erection of non advertising two bay cantilever with full end panels bus shelter complete with hardstanding (shelter dimensions 3.18m x 1.71. x 2.6m high) At Proposed Bus Shelter Winnats Close Loundsley Green Chesterfield Derbyshire For Chesterfield Borough Council	CP	14/03/2017
CHE/17/00079/CA 1918	St Helens	T1 and T2 - pollard At Holywell Annexe Holywell Street Chesterfield Derbyshire S41 7SH For Bothams Mitchell Slaney	UP	15/03/2017
CHE/17/00080/DO 953 119 1604	St Leonards	Discharge condition 4 (Construction Management Plan) on applications CHE/16/00620/FUL and CHE/16/00621/FUL At Unit 3 and Unit 4 Spire Walk Business Park Spire Walk Chesterfield Derbyshire For Mr Rob Devoy	DPC	01/03/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00085/TPO 2165 1343	St Helens	T22 Hornbeam - prune to reduce canopy by 50% At Land To The Rear Of 79Sheffield RoadStonegravelsChesterfieldDerbyshire For Beauchief Homes Limited	CP	06/03/2017
CHE/17/00091/TPD	Brimington North	Single storey extension to the rear elevation At 30 Newbridge LaneBrimingtonDerbyshireS43 1LY For Mr B Chapman	PANR	13/03/2017
CHE/17/00096/CLO 1388	West	Single storey extension to rear of property with a lean too roof over At 27 Deerlands RoadAshgateChesterfieldDerbyshireS40 4DF For Mr & Mrs Hill	GR	07/03/2017
CHE/17/00098/TPD	Walton	Single storey pitched roof extension At 72 Foljambe AvenueWaltonDerbyshireS40 3EX For Mr Chris Wilkes	PANR	13/03/2017
CHE/17/00099/TPO 1918	St Helens	Pruning and crown lifting to 5.2m over highway of 4 london plane trees At Durrant House47 Holywell StreetChesterfieldDerbyshireS41 7SJ For Sixt Rent A Car	CP	15/03/2017



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00102/CLO 2254	West	Proposed single storey extension to be formed between an existing flat roofed rear extension and a rear projecting conservatory At 5 Westbourne GroveAshgateChesterfieldDerbyshireS40 3QD For Mr & Mrs Williams	GR	07/03/2017
CHE/17/00115/TPD	Brockwell	Kitchen extension At 6 Leyburn CloseBrockwellChesterfieldDerbyshireS40 4DW For Mrs Dawn Stirling	PANR	17/03/2017
CHE/17/00126/FUL 2106	St Leonards	Installation of an ATM through the existing glazing to the far left hand side of the shop front. Replacement of part of the existing glazing with a white laminate composite security panel incorporating the ATM fascia with black bezel surround and white internally illuminated lettering Free Cash Withdrawals out of black background.Blue LED halo illumination to the ATM surround. At Cash Brokers Ltd2 Middle PavementChesterfieldDerbyshireS40 1PA For Notemachine UK Ltd	PD	07/03/2017
CHE/17/00147/TPO	Old Whittington	Fell one pear tree At 113 High StreetOld WhittingtonDerbyshireS41 9LB For Louise Parker	CP	01/03/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00151/CPO	Lowgates And Woodthorpe	Utilisation of route of former Midland Railway Clowne branch line to construct 3m wide, 7.2 kilometre long surface strategic greenway from Creswell village to Clowne to new commercial development site of former Seymour Colliery. The development will provide seven DDA compliant connections to existing highway and footpath network. The development will change use of site form railway to greenway  At Former Branch Line,Oxcroft Juntion,Woodthorpe,Derbyshire  For Derbyshire County Council	OC	09/03/2017
CHE/17/00178/TPO	Old Whittington	Remove leaning trees on the woodland edge to the south of Cheetham Avenue  At Birch Hall Golf ClubSheffield RoadSheepbridgeDerbyshireS18 4DB  For Mr Rupert Carr	CP	13/03/2017

## *Delegated List - Planning Applications*

### Key to Decisions

<b>Code</b>	<b>Description</b>
AC	Historic
AP	Historic
APPRET	Application returned to applicant
CI	Called in by secretary of state
CIRNO	Circular 18/84 no objection
CNOCO	Circular 18/84 no objs but conditions
CONCOM	Confirmation Compliance with Conditions
CP	Conditional permission
CPEOTZ	Conditional Permission Extension of Time
CPMAZ	Conditional consent for material amendment
CPRE1Z	Conditional Permission Vary Conditions
CPRET	Conditional Approval Retrospective
DPC	Discharge of Planning Conditions
FDO	Finally Disposed Of
GR CLOPUD	CLOPUD Granted
GRANT CLUD	CLUD Granted
GRNTEX	Permission Granted with Exemption
ND	Non Development
OBJ	Other Council objection
OC	Other Council no obj with comments
OW	Other Council no obj without comments
PA	Prior Notification Approval
PADEM	Prior Notification Demolition Approve
PD	Found to be Permitted Development
PR	Prior Notification Refusal
RAP	Retrospective Application Refused
RARETZ	Retrospective Application Approved
RC	Application Refused
REF	Refused
RETAP	DO NOT USE
RETRFZ	Retrospective Application Refused
RF CLODUP	CLOPUD Refused
RTN	Invalid Application Returned
S106	S106 Approved pending planning obligation
SC	Split decision with conditions
SU	Split decision - approval unconditional
UP	Unconditional permission
UPRET	Unconditional Approval Retrospective
WDN	Withdrawn
XXXXXX	Recommendation Pending

This page is intentionally left blank

# Agenda Item 7

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	3 <sup>RD</sup> APRIL 2017
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	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**

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/17/000178/TPOEXP  TPO 4901.2  13/03/17	The felling of dead and leaning trees on the woodland edge of Brierley Wood, Unstone for Mr Rubert Carr of Birchall Golf Club, Sheffield Road, Unstone.	<p>Consent is granted to the felling of dead and leaning trees by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season, i.e. 1st October 2017 to 31st March 2018 to the satisfaction of the Borough Council.</p> <p>The duty to plant replacement trees has been dispensed with on this occasion due to natural regeneration within the woodland.</p>

<p>CHE/17/00023/TPO</p> <p>TPO 4901.7</p> <p>14/03/17</p>	<p>The felling of 3 Pine trees within G2 on the Order map for Anderson tree care on behalf of Mr Myddelton of 392 Ashgate Road, Ashgate. The trees are allegedly causing the movement of the dwelling and the trees have little amenity value.</p>	<p>Consent is refused to the felling of 3 Pine trees because the trees have good amenity value and can be seen from the surrounding road network, have good shape and form and contribute to the character of the area.</p> <p>No level monitoring data was provided with the application, along with no drainage report, no trial pits were excavated to assess the soil structure and no assessment of the other vegetation and trees surrounding the property was carried out.</p>
<p>CHE/17/00036/TPO</p> <p>TPO 4901.298</p> <p>15/03/17</p>	<p>The pruning of one London Plane tree reference T6 on the Order map for Underwood Tree Services on behalf of Botham Mitchell Slaney at Holywell Annexe, Holywell Street.</p>	<p>Consent is granted to the removal of dead and damaged branches, a crown lift from ground level by 2.5 metres and a light crown reduction by 10% to leave a well-balanced crown.</p>
<p>CHE/17/00099/TPO</p> <p>TPO 4901.109</p> <p>15/03/17</p>	<p>The pruning of 4 London Plane trees reference T2 to T5 on the Order map for Pope Bros Ltd on behalf of sit rent a car at Durrant House, Holywell Street. The trees are allegedly close to the building and low over the highway.</p>	<p>Consent is granted to the crown lifting of 4 trees by a maximum of 5.2 metres when measured from the highway and the reduction of branches growing towards Durrant House to give a 1.5 metre clearance from the structure pruning back to suitable replacement branches.</p>



<p>CHE/17/00058/TPO</p> <p>TPO 4901.22</p> <p>22/03/17</p>	<p>The pruning of 8 Sycamore trees within A2 on the Order map for Mr Clarke of 108 Highland Road, New Whittington. The trees are allegedly close to the building and low over the highway.</p>	<p>Consent is granted to the crown lifting of 8 trees by a maximum of 5 metres and the reduction of branches growing towards the dwelling to give a 2 metre clearance from the structure pruning back to suitable replacement branches.</p>
<p>CHE/17/00051/TPO</p> <p>TPO 4901.335</p> <p>22/03/17</p>	<p>The felling of 3 trees reference T6 &amp; T8 Lime and T7 Sycamore on the Order map for AWA Tree Consultant Ltd on behalf of Brampton Primary School. The trees are allegedly causing damage to the wall and tarmac surfacing.</p>	<p>Consent is refused to the felling of 3 trees because other alternative solutions have not been considered for the resurfacing of the tarmac surface which could be repaired or resurfaced without the need to fell the trees. Records show that the boundary wall has not moved since it was last recorded in 2015 and 3 structural engineer reports confirm that the wall is not dangerous but should be monitored further to see if there is any movement in the future.</p>

**SECTION 2****NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/17/00079/CA The pruning of 2 London Plane trees for Underwood Tree Services at Holywell Annexe	The trees are within the Abercrombie Street and Town Centre Conservation Areas and the applicant wishes to prune the trees back to previous pollarding points.	Agreement to the pruning of two London Plane trees. The pruning works will have no adverse effect on the amenity value of the area.	15/03/17

## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 3<sup>RD</sup> APRIL 2017  
**REPORT BY:** GROUP LEADER  
DEVELOPMENT MANAGEMENT

---

### FOR PUBLICATION

### BACKGROUND PAPERS FOR PUBLIC REPORTS

#### TITLE

#### LOCATION

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**  
**GROUP LEADER, DEVELOPMENT MANAGEMENT**

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**

<b><u>FILE NO.</u></b>	<b><u>APPLICATION CODE &amp; WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/4150	West ward	Mr D Pogson of 31 Storrs Road	CHE/16/00669/TPO Refusal to felling of Beech tree at 25a Storrs Road	Officer delegation	15/12/16	Written Reps (HAS)	
2/4907	St Helens ward	Yasmin Shafiq	CHE/16/00648/RET rear extension at 47 Tipton View Road - Refusal	Officer delegation	27/1/17	Written Reps (HAS)	
2/4071	Moor ward	Mr D Revitt	10 Pottery Lane West Excavation of rear garden area – Enforcement Notice Ground c (works are permitted development)	Planning Committee	28/02/17	Written Reps	

This page is intentionally left blank

# FOR PUBLICATION Agenda Item 9

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE

**DATE:** 3<sup>RD</sup> APRIL 2017

**REPORT BY:** LOCAL GOVERNMENT AND REGULATORY LAW MANAGER  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

**WARD:** As listed in the report

---

### **FOR PUBLICATION**

TITLE: D255 and Non-exempt papers (if any) on relevant files

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

---

#### **1.0 PURPOSE OF REPORT**

1.1 To update members, and get further authority, on formal enforcement.

#### **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 Planning Service.

#### **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](mailto:gerard.rogers@chesterfield.gov.uk)

# ENFORCEMENT REPORT

Enforcements currently Authorised: 10

21 March 2017

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
<b>Enforcement Notice</b>		<i>Total currently Authorised: 6    Authorised to Issue Average: 27.5 days</i>							
Hady Lane	15/10/12 <small>1,619</small>	occupation of land					Resubmitted application for relocation site granted 06/10/14, and details on conditions submitted. Outcome of Village Green Inquiry - DCC rejected the applications on 25/07/16. Currently moving to authorised site.	<input type="checkbox"/>	Ha <small>11/11/16</small>
Hedley Drive	40 30/01/17 <small>51</small>	means of enclosure		10/03/17 <small>39</small>	14/04/17 <small>-23</small>	15/05/17 <small>-54</small>	Boundary treatment. Issued. Any further enforcement delegated to officers.	<input checked="" type="checkbox"/>	<small>10/03/17</small>
Lincoln Street	13/03/17 <small>9</small>	use of materials to extend hardsurfacing					use of materials to extend hardsurfacing	<input type="checkbox"/>	
Lincoln Street	13/03/17 <small>9</small>	change of use from agriculture to storage of scrap vehicles					Change of use from agriculture to storage of scrap vehicles	<input type="checkbox"/>	

Page 192



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
Pottery Lane West	10	09/01/17 72	excavation - engineering works		25/01/17 16			Appeal.	<input checked="" type="checkbox"/> 03/03/17	

Walton Works		27/06/16 268	use for war and horror style games					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. 12/12/16 Committee approved proposal for Section 106 planning obligation to regulate unauthorised occupation pending redevelopment. Draft with agents.	<input type="checkbox"/> 03/03/17	Wa
--------------	--	-----------------	------------------------------------	--	--	--	--	--	--------------------------------------	----

Page 193

<b>Stop Notice</b>			<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: days</i>			
Walton Works		27/06/16 268	use for war and horror style games of game play			See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa

<b>TPO Prosecution</b>			<i>Total currently Authorised: 3</i>		<i>Authorised to Issue Average: days</i>			
Devonshire Street Park	Devonshire	14/12/16 98	pollarding of lime tree			Caution not accepted: Prosecute.	<input type="checkbox"/> 01/03/17	BN

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
Dock Walk	24/10/16 149	felling 9 TPO trees					In court initially 16/03/17 next hearing 25/05/17	<input checked="" type="checkbox"/> 20/03/17	
Victoria Street	Ringwood Centre (former)	01/03/17 21		damage to roots of 3 protected trees			Instructed. Caution.	<input type="checkbox"/> 01/03/17	HI

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

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

By virtue of paragraph(s) 3, 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank