



Please ask for Charlotte Kearsey  
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The Chair and Members of Planning Committee

Councillors A Diouf, V-A Diouf and Redihough – Site Visit 1  
Councillors Bellamy and P Gilby – Site Visit 2  
Councillors Bagley and Murphy – Site Visit 3  
Councillors Brunt and Dickinson – Site Visit 4

28 July 2017

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 7 AUGUST 2017 at 3.00 pm in Committee Room 1, 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 12:30. Ward members wishing to be present should attend on site as indicated below:-

1. 12:45 82 Walton Road – CHE/17/00459/FUL
2. 13:05 Oldfield Farm, Wetlands Lane, Brimington – CHE/17/00257/FUL

3. 13:30 Thornfield House, Canal Wharf, Chesterfield
4. 13:50 Saltergate former Health Centre –  
CHE/17/00263/FUL (walk from Town Hall)

***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 Charlotte Kearsey on tel. 01246 345236 or via e-mail: [charlotte.kearsey@chesterfield.gov.uk](mailto:charlotte.kearsey@chesterfield.gov.uk) by 9.00 a.m. on Monday 7 August, 2017. 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 - 26)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 27 - 170)
5. Building Regulations (P880D) (Pages 171 - 174)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 175 - 194)
7. Applications to Fell or Prune Trees (P620D) (Pages 195 - 202)
8. Appeals Report (P000) (Pages 203 - 210)
9. Enforcement Report (P410) (Pages 211 - 214)

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 Paragraph 6 of Part I of Schedule 12A of the Act."

11. Request by Chesterfield Civic Society to serve a Building Preservation Notice for Thornfield House, Canal Wharf, Chesterfield (Pages 215 - 226)

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

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## PLANNING COMMITTEE

Monday, 17th July, 2017

Present:-

Councillor Brittain (Chair)

Councillors	Hill T Gilby Callan Elliott Simmons Catt Caulfield	Councillors	Miles Davenport P Barr Brady Wall Bingham Sarvent
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\*Matters dealt with under the Delegation Scheme

**18 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

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

Paul Staniforth, the Development and Conservation Manager, declared an interest in agenda item 4 (CHE/17/00225/OUT – outline planning application for residential development of up to 6 dwellings with all matters reserved on land to the east of Troughbrook Road, Hollingwood) as he personally knew one of the objectors.

**20 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 5 June, 2017 be signed by the Chair as a true record.

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

Paul Staniforth, the Development and Conservation Manager, who had declared an interest in this item left the meeting at this point.

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

CHE/17/00225/OUT - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 6 DWELLINGS WITH ALL MATTERS RESERVED (REVISED DRAINAGE PLAN REC'D 05/07/2017) ON LAND TO THE EAST OF TROUGHBROOK ROAD, HOLLINGWOOD, CHESTERFIELD, DERBYSHIRE FOR CHATSWORTH SETTLEMENT TRUSTEES

In accordance with Minute No.299 (2001/2002) Ms Sarah Hunt of Planning Design Group (agents for the applicant), addressed the meeting.

That the officer recommendation not be upheld and the application be refused for the following reason:-

The application site is considered to be greenfield land which is protected from development by the allocation of policy EVR2 of 2006 Local Plan which was saved in the adoption of the 2013 Chesterfield Local Plan: Core Strategy 2011 – 2031.

In accordance with provisions of policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031, the wider provisions of the National Planning Policy Framework and the fact the Local Planning Authority can currently demonstrate a 5 year supply of deliverable housing sites; the principle of residential development on this greenfield site is contrary to policy CS10 and is therefore considered to be unacceptable.

Councillors Elliott and Hill left the meeting at this point and did not return.

Paul Staniforth returned to the meeting.

## 22 **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:-

## (a) Approvals

17/00715/DCC	Derbyshire County Council - Replacement of existing roof coverings to dining hall and associated lower level teaching block at New Whittington Community Primary School London Street New Whittington Chesterfield Derbyshire S43 2AQ
17/00775/PART	Partnership Application - Extension at 214 Longdale Lane Ravenshead Nottingham NG15 9AH
17/00624/DOM	Domestic Buildings and New Dwellings - New Dwelling at land adj Longlands The Dell Ashgate Chesterfield Derbyshire S40 4DL
17/00633/DEX	Domestic Extensions/Alterations - Two storey side extension at 59 Laurel Crescent Hollingwood Chesterfield Derbyshire S43 2LS
17/00489/DEX	Domestic Extensions/Alterations - Room/roof over garage and garage extension at 9 Oakfield Avenue Chesterfield Derbyshire S40 3LE
17/00646/DEX	Domestic Extensions/Alterations - Single storey rear and side extension at 81 Old Hall Road Chesterfield Derbyshire S40 1HF
17/00614/DEX	Domestic Extensions/Alterations - Two storey rear extension at 8 Dixon Croft New Whittington Chesterfield Derbyshire S43 2GA
17/00752/PART	Partnership Application - Internal alterations, garage conversion, flat roof to pitched and external render at Woodlands View South Street Sheffield S20 5DF
17/00899/DEX	Domestic Extensions/Alterations - Single storey rear extension at 31 Lucas Road Newbold Chesterfield Derbyshire S41 7DB
17/00475/OTHC	Other Works (Commercial) - New canopy at Units 20 and 21 Dunston Trading Estate Foxwood Road

## Sheepbridge Chesterfield Derbyshire S41 9RF

17/00095/DOM	Domestic Buildings and New Dwellings - New build development Phase 1 plots 1 -11 and 35-37 total 14 no houses at Ringwood Centre Victoria Street Brimington Chesterfield Derbyshire S43 1HY
17/00951/MUL	Multiple Domestic - Side extension, wall removal and new patio doors at 44 Foxbrook Drive Walton Chesterfield Derbyshire S40 3JR
17/00956/DEX	Domestic Extensions/Alterations - Single storey rear pitched roof extension at 316 Ashgate Road Chesterfield Derbyshire S40 4BW
17/00888/DEX	Domestic Extensions/Alterations - Single storey extension at 12 Tollbridge Road Woodthorpe Chesterfield Derbyshire S43 3BL
(b) Refusals	
17/00623/DOM	Domestic Buildings and New Dwellings - New dwelling at Plot 4 Oakfield Avenue Chesterfield Derbyshire S40 3HN
17/00508/MUL	Multiple Domestic - Two storey rear extension and outer skin re-brick at 6 Sedbergh Crescent Newbold Chesterfield Derbyshire S41 8DY
17/00615/DRO	Domestic in-roof Extensions/Alterations - Form rooms in roof space and change of use to create 3 flats at 51 Calow Lane Hasland Chesterfield Derbyshire S41 0AX
17/00710/DEX	Domestic Extensions/Alterations - Double storey rear extension with garage to side at 9 Balmoak Lane Tipton Chesterfield Derbyshire S41 0TH
17/00654/DOM	Domestic Buildings and New Dwellings - Detached dwelling at land to rear of 190 Station Road



## Brimington Chesterfield Derbyshire S43 1LT

23 **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/16/00651/FUL | Portal industrial shed for storage. Flood Risk Assessment received 6/2/17 and Coal Mining Risk Assessment received 11/5/17 at Unit 26B Armytage Industrial Estate Station Road Old Whittington Derbyshire S41 9ET for Mr Dean Revill                       |
| CHE/16/00806/FUL | Demolition and re-build of abandoned cottage with extensions - revised plans and ecological survey received 08/05/2017; and coal mining risk assessment received 15/05/2017 at The Cottage Renishaw Road Mastin Moor Derbyshire S43 3DW for Mr and Mrs Lee |
| CHE/17/00065/LBC | Proposed internal alterations at Holywell House Holywell Street Chesterfield Derbyshire S41 7SH for CVS Ltd  |
| CHE/17/00158/FUL | New single storey rear and two storey side extension revised drawings received 27/4/2017 and 2/5/2017 at 108 Manor Road Brimington Derbyshire S43 1NN for Mr Jason Toynes  |
| CHE/17/00166/FUL | Addition to CHE/14/00720/FUL - new design to include additional storey to porch to extend existing bedroom at 48 Greenside Avenue Newbold Derbyshire S41 8SD for Mr Simon Binns  |
| CHE/17/00170/FUL | Proposed industrial unit and associated service yard at International Drilling Services Ltd Carrwood Road Chesterfield Trading Estate Chesterfield   |

Derbyshire S41 9QB for International Drilling Services Ltd

- CHE/17/00183/FUL Alterations to existing house, including new side and rear extension to replace outbuildings, removal of garage and conservatory and new car port and decking area and new dormer to roof at 45 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4EA for Mr and Mrs Rix
- CHE/17/00198/FUL Proposed two storey side extension at 9 Purbeck Avenue Brockwell Chesterfield Derbyshire S40 4NP for Mr Chris Armstrong
- CHE/17/00215/FUL Extension to the side elevation over two floors at 21 Oldridge Close Holme Hall Chesterfield Derbyshire S40 4UF for Mr John East
- CHE/17/00219/FUL Single storey rear extension (amended plan received 18/05/2017) at 23 Hazel Drive Walton Derbyshire S40 3EN for Mr and Mrs Gratton
- CHE/17/00223/FUL Erection of a timber framed car port to front of bungalow at 348 Manor Road Brimington Derbyshire S43 1PP for Mr A Wilbourn
- CHE/17/00224/FUL First floor extension and single storey rear extension (amendments received 17/05/2017) at 113A The Green Hasland Derbyshire S41 0JT for Mr Paul Proudlock
- CHE/17/00228/ADV New signage to replace previous BHS tenant signs, signage consent with previous tenants in size, specification and locations at T J Hughes 29 Vicar Lane Chesterfield Derbyshire S40 1PY for c/o The Agent
- CHE/17/00233/COU Change of use from A1 shops to D1 non-residential institutions at 20A The Green Hasland Derbyshire S41 0LJ for Mr Roy Smith
- CHE/17/00239/FUL Demolition of existing single storey standalone

- garage, new side extension for additional bedroom and new bathroom at first floor with additional lounge space, study and WC at ground floor at 9 Lake View Avenue Walton Derbyshire S40 3DR for Mr Richard Timperley
- CHE/17/00241/FUL First floor extension and new entrance porch to the front elevation with replacement single storey sunroom extension to the rear at Beehive Cottage Beehive Road Chesterfield Derbyshire S40 2RD for Mr S Johnson
- CHE/17/00243/FUL Construction of single storey rear extension and dormer window on front elevation at 9 Kennet Vale Chesterfield Derbyshire S40 4EW for Mr Peter Oldfield
- CHE/17/00248/FUL Single storey side extension at 44 Foxbrook Drive Walton Derbyshire S40 3JR for M Sullivan
- CHE/17/00249/FUL Two storey rear extension at 8 Dixon Croft New Whittington Derbyshire S43 2GA for Mrs Delma Ewer
- CHE/17/00253/FUL Extension to side of dwelling for use as a garage (revised drawings received 22/05/17) at 86 Hady Crescent Hady Derbyshire S41 0EA for Mr and Ms Harwood and Raybould
- CHE/17/00258/FUL Single storey extension to front of property and re form roof to align with existing at 109 Meadowhill Road Hasland Derbyshire S41 0BG for Mr Bown
- CHE/17/00260/FUL Single storey rear extension, raised terrace and fencing surrounding rear garden (revised description 03/05/17) at 22 Orchards Way Walton Derbyshire S40 3BZ for Mr and Mrs J Baldwin
- CHE/17/00262/FUL Detached hipped roof garage at 249 Newbold Road Newbold Derbyshire S41 7AQ for Mr N Glover

CHE/17/00264/ADV	New totem sign at Unit 1 Spire Walk Business Park Spire Walk Chesterfield Derbyshire S40 2WG for Malcolm Hollis
CHE/17/00265/FUL	Two storey rear extension at 20 Lilac Street Hollingwood Derbyshire S43 2JG for Mr Paddison
CHE/17/00266/FUL	Single storey rear extension at 80 Brushfield Road Holme Hall Chesterfield Derbyshire S40 4XE for Mr Beynon
CHE/17/00267/FUL	Two storey front extension - revised drawing received 1/6/2017 at 110 Broomfield Avenue Hasland Derbyshire S41 0ND for Mr and Mrs Wilson
CHE/17/00269/FUL	Two storey side extension and single storey rear extension - Re-submission of application CHE/17/00032/FUL at 16 Morris Avenue Newbold Derbyshire S41 7BA for Mr Paul Markham
CHE/17/00271/FUL	Erection of 3 residential dwellings at land adjacent to Troughbrook Road Hollingwood Derbyshire for Buywise
CHE/17/00279/FUL	Demolition of a detached garage and storage building and the erection of a detached dwelling with an integral garage and a detached garage. Amended plans received 26/5/17 at 25 Porter Street Staveley Derbyshire S43 3UY for Mr and Mrs Brighton
CHE/17/00289/FUL	Porch at 143 Manor Road Brimington Derbyshire S43 1NP for Mr Wilson
CHE/17/00310/FUL	Erection of a boundary fence exceeding 2m in height at 10 Bryn Lea Hady Derbyshire S41 0EP for Mr Allan Cullumbine
CHE/17/00348/NMA	Non material amendment to CHE/16/00830/FUL at 24 Gladstone Road Chesterfield Derbyshire S40 4TE for Mr Brammer

- CHE/17/00366/TPO T89 Maple. Crown lift. Crown clean. To remove dead wood, stumps. Clear street lights and telephone wire at 1 Green Farm Croft 159 High Street Old Whittington Derbyshire S41 9LH for Mrs Susan Hudson
- CHE/17/00373/TPO Lime (T2) Crown lift to 5.2m and Lime (T32) Crown Lift at site of former Newbold Community School Newbold Road Newbold Derbyshire for Mr Stephen Jones
- CHE/17/00399/CA Fell one Ash tree at Glenholm 544 Chatsworth Road Chesterfield Derbyshire S40 3AY for Mr David Brooks
- CHE/17/00409/TPO Fell one horse chestnut and one sycamore tree at Staveley Hall Church Street Staveley Derbyshire S43 3TN for Chesterfield Borough Council
- CHE/17/00418/CA Removal of 1 Hawthorn, 1 Elder and 25 Beech trees and crown lift 6 Horse chestnut trees at Coronation Gardens, Chatsworth Road 328 Chatsworth Road Chesterfield Derbyshire S40 2BY for Robinson plc
- CHE/16/00719/FUL Commercial use and erection of a new unit for storage and valeting (revised plans received 28.02.2017) at unit adjacent to Unit 3 Whitting Valley Road Old Whittington Derbyshire for Xenetek Engineering Ltd
- CHE/17/00144/FUL Workshop extension with two storey kitchen office and w/c block and as amended by coal mining risk assessment received on 31.5.17 at Spectrum House Turnoaks Business Park Mcgregors Way Chesterfield for Spectrum Welding Supplies
- CHE/17/00154/FUL Proposed roof dormer window to front elevation at 108 Peveril Road Newbold Derbyshire S41 8SG for Mr and Mrs Robertson

- CHE/17/00156/OUT      Erection of one house. Description and plans amended on 08.06.2017 and coal mining risk assessment received on 06.06.2017 at Middlecroft Road Staveley Derbyshire S43 3NG for Ian Lowe Building and Roofing
- CHE/17/00216/FUL      Retention of an ATM installed through brickwork to the right of the store entrance on Bacons Lane at ATM at Derby Road Birdholme Derbyshire S40 2ES for New Wave Installations Cardtronics UK Ltd
- CHE/17/00217/ADV      Retention of ATM - illuminated polycarbonate black and green top sign with illuminated white lettering "free cash withdrawals" halo illumination to polycarbonate sign illuminated signage to ATM fascia. Green acrylic sign with white lettering "cashzone" and accepted card logos. ATM at 137 - 139 Derby Road Birdholme Derbyshire for New Wave Installations Cardtronics UK Ltd
- CHE/17/00226/FUL      Erection of a conservatory to the rear of the property and use of front driveway of property for parking at 33 Elm Street Hollingwood Derbyshire S43 2LW for Mr Robert Bates
- CHE/17/00260/FUL      Single storey rear extension, raised terrace and fencing surrounding rear garden (revised description 03.05.17) at 22 Orchards Way Walton Derbyshire S40 3BZ for Mr and Mrs J Baldwin
- CHE/17/00268/FUL      Change of use from C3 (dwellinghouse) to B1 (office) classification at Swift House 16A High Street Staveley Derbyshire S43 3UX for Space4Work Limited
- CHE/17/00272/LBC      The proposal is for the removal of the existing non-load bearing blockwork that divides the existing kitchen and the living room at 7 Brearley Hall Woodmere Drive Old Whittington Derbyshire for Mr Dominic Sandivasci
- CHE/17/00274/FUL      Proposed side two storey extension at 59 Laurel

- Crescent Hollingwood Derbyshire for Mr Kirkwood
- CHE/17/00276/FUL Proposed two storey side extension and replacement front porch at 191 Whitecotes Lane Walton Derbyshire for Mr Roger Brailsford
- CHE/17/00279/FUL Demolition of a detached garage and storage building and the erection of a detached dwelling with an integral garage and a detached garage. Amended plans received 26/5/17 at 25 Porter Street Staveley Derbyshire S43 3UY for Mr and Mrs Brighton
- CHE/17/00282/RET Retrospective consent for retention of vehicular access at 70 Inkersall Green Road Inkersall Derbyshire for Mrs Lyn Kidger
- CHE/17/00296/FUL Kitchen extension to side of house at 30 Lansdowne Road Brimington Derbyshire S43 1BG for Mr and Mrs Nick Wigston
- CHE/17/00298/FUL Extension to existing kitchen at rear of property at 281 Ashgate Road Chesterfield Derbyshire for Mr Gerald McGowan
- CHE/17/00299/LBC Install biomass boiler stove in kitchen, replacing the existing Aga, fit new water tank, replacing existing, install pipe work and radiators throughout the property. Where possible the pipework will run under the floors. All exposed heating pipes will be copper. For the ground floor, pipes will be run from above, no walls will be breached for pipes. New traditional style column radiators to be fitted in all rooms. There is no need to drill any walls or interfere with any character features at Crewe Cottage Unnamed Road from Balmoak Lane to Manor/Tapton Cottages Chesterfield for Mrs Lisa Sutton
- CHE/17/00301/FUL Erection of conservatory to rear of property at 86 Manor Road Brampton S40 1HZ for Mr Tony Church

- CHE/17/00306/FUL Two storey side extension and demolition of existing single storey offshots to rear of dwelling at 36 Moorland View Road Walton S40 3DF for Mr and Mrs Santoro
- CHE/17/00310/FUL Erection of a boundary fence exceeding 2m in height at 10 Bryn Lea Hady Derbyshire S41 0EP for Mr Allan Cullumbine
- CHE/17/00313/COU Change of use of existing dwelling to 2 separate dwellings at 7 Erin Road Poolsbrook Derbyshire S44 5HQ for Mr and Mrs Coleman
- CHE/17/00315/FUL Erection of a two storey side extension at 11 Buckden Close Chesterfield Derbyshire for Mrs A Herring
- CHE/17/00319/FUL Removal of conservatory, proposed single storey rear extension to form kitchen and utility at 294 Old Road Chesterfield S40 3QN for Mr and Mrs Shaun Dakin
- CHE/17/00329/TPO London Planes -T1 prune by approximately 4 metres; T2 remove; T3 and T4 prune by approximately 4 metres at 5 Station Road Barrow Hill S43 2PG for Minotaur Group
- CHE/17/00332/FUL Proposed porch and conversion of car port into habitable room at 7 Langtree Avenue Old Whittington S41 9HW for Mr Mark Redhead
- CHE/17/00333/FUL Single storey rear extension at 7 Mayfield Road Chesterfield S40 3AJ for Mr R Brooks
- CHE/17/00349/NMA Non material amendment to CHE/16/00518/FUL at former Newbold Community School Newbold Road Newbold for Miller Homes
- CHE/17/00355/TPO Pruning of 2 Sycamore Trees (Ref: T15 and T16) - Crown lift to a maximum of 5m and crown thin to include the pruning of outer canopy situated to the



rear of 90 Hady Crescent at St Peter and St Paul School Hady Hill Hady S41 0EF for Mr Tim Duncan

CHE/17/00368/TPO

T1 (lime) - sever ivy round butt and root collar, remove epicormic growth and elder, clean out deadwood from crown, shorten lever arm extending over garage by 2m to growth points, prune to give 1m clearance from electrical cables.

T2 (laburnum) - lift branches overhanging rectory grounds by 2m

T3 (lime) - prune back epicormic growth rooted in churchyard

T4 (buddleia) - prune back branches overhanging boundary line

T5 (beech) - reduce northern section of crown by 4-5m to clear from adj Norway maple, prune out deadwood from crown retaining any crossing/fused branches acting as bracing for compression forks further down crown

T6 (lime) - clean out deadwood from crown and crown lift to 3m

At The Rectory Church Street Brimington for Derby Diocesan Board Of Finance Ltd

CHE/17/00382/NMA

Amendment to CHE/10/00529/FUL (erection of a concrete sectional shed (3.81m x 2.28m) with steel door) to reduce width size of shed by 80cm at 22 Quantock Way Loundsley Green Chesterfield for Mr Steven Heptinstall

CHE/17/00393/TPO

Lime T17/Horsechestnut T16/Horsechestnut T15/Lime T14 crown - a light crown thin along with a crown lift to clear the highway and proposed parking area (approx 5.5m) at 45 Brockwell Lane Brockwell Chesterfield for Mr and Mrs Rix

- CHE/17/00410/NMA Non material amendment for additional window to bedroom in west elevation to CHE/14/00156/FUL (Change of use from documents store to self-contained residential unit) at 19A West Bars Chesterfield for Mr N Moxon
- CHE/17/00412/TPO Oak T33 - Remove branches that overhang plot 55 to allow scaffold to be erected and plot built without obstruction at Newbold Back Lane Chesterfield for Mr Stephen Jones
- CHE/17/00415/TPO Oak (T1) - Crown lifting to 5m - prevents low branches that encroach into garden being hazard to persons, allow more light into garden, prevents low branches obstructing use of garden at 94 Hady Crescent Hady S41 0EA for Mr Stanyard
- CHE/17/00417/TPO Crown lift and crown thinning (25%) of two trees (T1 and T2) overhanging 3 parking bays at Penmore House Hasland Road Hasland for Salt and Pritchard Properties
- CHE/17/00418/CA Removal of 1 Hawthorn, 1 Elder and 25 Beech trees and crown lift 6 Horsechestnut trees at Coronation Gardens, Chatsworth Road at Coronation Gardens 328 Chatsworth Road Chesterfield for Robinson plc
- CHE/17/00419/TPO T1 London Plane - Reduce/re-pollard crown back to pollard heads. Pruning required as cyclical management of pollarded tree at Unit 1 Stand Park Industrial Estate Sheffield Road Whittington Moor S41 8JT for FAW Ltd
- CHE/17/00443/TPO Crown lift various trees and remove small saplings along proposed fence line of Brearley Wood at Birch Hall Golf Club Sheffield Road Sheepbridge Derbyshire S18 4DB for Mr Rupert Carr
- (b) Refusals
- CHE/17/00240/FUL Erection of single storey dwelling at land adjacent 2

Hazel Drive Walton Derbyshire for Mr Alan James

CHE/16/00722/FUL Dormer style loft conversion to rear elevation to create new master bedroom and en suite facility at 482 Chatsworth Road Chesterfield Derbyshire S40 3BD for Mr Tom Clayton

CHE/17/00273/OUT Detached dwelling with access and parking and alterations to fenestration of existing dwelling at 12 Cavendish Street North Old Whittington Derbyshire S41 9DH for Exors Of Frank E Davies

(c) Discharge of Planning Condition

CHE/17/00250/DOC Discharge of condition 3 of CHE/16/00778/FUL at 2 Kendal Road Newbold Derbyshire S41 8HY for Sarah Bradbury

CHE/17/00285/DOC Discharge of conditions 3, 4 and 5 of CHE/14/00335/FUL at Sudbrook Hall Barlow Road Chesterfield Derbyshire S18 7TB for Mr Derek Mapp

CHE/17/00339/DOC Discharge condition 5 (soft landscaping) from previously approved application CHE/15/00451/FUL at Dunston Park Farm Dunston Road Chesterfield Derbyshire S41 9RW for Mr Philip Baines

CHE/17/00358/DOC Discharge of condition 3 of CHE/17/00180/COU - Change of use to retail area from A1 to A3 at Market Hall Market Place Chesterfield Derbyshire S40 1AR for James Hobson

CHE/17/00028/DOC Creation of a temporary surface car park and enabling earthworks to create a development platform on land to the north of Brewery Street. Discharge of condition no 9 for CHE/16/00188/FUL and as amended by additional information received on 3.5.17 at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton Derbyshire for Chesterfield Waterside Ltd

- CHE/17/00141/DOC Discharge of conditions 3, 4, 5 and 6 of CHE/16/00245/FUL and as amended by additional information received on 23.05.2017 and 1.06.2017 at 6 The Dell Ashgate Chesterfield Derbyshire S40 4DL for A Rock Construction Ltd
- CHE/17/00300/DOC Discharge of condition 12 of CHE/16/00188/FUL and as amended by revised plans received 24.05.2017 at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton for Civic Engineers
- CHE/17/00364/DOC Discharge of condition 3 (materials) of CHE/16/00380/FUL - Build above existing garage to create additional bedrooms at 11 Highland Road New Whittington S43 2EZ for Mr Walters
- CHE/17/00369/DOC Discharge of condition 3 (materials) of CHE16/00826/FUL - front extension to bungalow at 8 Kingsmede Avenue Walton S40 3EG for Mr and Mrs J Cook
- CHE/17/00388/DOC Discharge of planning conditions 3, 4, 5, 6 and 7 on application CHE/16/00540/FUL at Old Rectory Guest House 8 Church Street Staveley S43 3TL for Mr Bill Cooney
- CHE/17/00440/NMA Non material amendment of CHE/16/00363FUL (ground floor bedroom and shower room extension) to reposition the access ramp from side to rear of property and reposition access door to property from one side elevation to other at 98 Ashgate Road Chesterfield for Mr Higginbottom

(d) Other Council no objection without comments

- CHE/17/00314/CPO Erection of a 2.4m fence to front elevation with double gate and pedestrian gates at Hasland Hall Community School Broomfield Avenue Hasland Derbyshire S41 0LP for Derbyshire County Council

## (e) Prior approval not required

CHE/17/00255/DEM	Demolition of premises at Chiswick Court Romford Way Barrow Hill Derbyshire for Chesterfield Borough Council
CHE/17/00354/TPD	Proposed single storey rear extension at 415 Newbold Road Newbold S41 8AG for Mr Lee Davis
CHE/17/00356/TPD	Extension for a sun room at 53 Fern Avenue Staveley S43 3RA for Miss J Smith
CHE/17/00404/TPD	Proposed Conservatory at 9 Richmond Close Walton S40 3JH for Miss Katie Keightley
CHE/17/00406/TPD	Single storey pitched roof extension to rear to replace existing extension at 316 Ashgate Road Chesterfield for Mr Craig Croft-Rayner
CHE/17/00428/DEM	Duewell Court is a two storey building which formerly housed 28 residential flats at Duewell Court Station Road Barrow Hill S43 2PS for Chesterfield Borough Council

## (f) Split decision with conditions

CHE/17/00312/TPO	<p>Sweet Chestnut (T7) - Dead wood, remove crossing branches. Remove 6 ft from east side as it is entangled with T8. We will remove the non listed tree to enable even growth of both listed trees. Remove 6 ft from branches on south side rubbing against the wall of 34 Netherleigh to enable regrowth and prevent damage to tree and listed building.</p> <p>Copper Beech (T13) Crown lift and thin. Remove dead wood and crossing branches. Reduce eastern lower branches back at least 6 ft to suitable and appropriate node. To improve health of the tree and improve amenity value.</p> <p>Lime (T15) Crown lift and thin. Remove dead wood</p>
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and crossing branches. Removal of potentially dangerous branches over number 40, please see supporting pictures and documentation from Mr and Mrs Reynolds.

Horse Chestnut (T5) Remove dead wood and crown thin. It has been a number of years since these trees were managed and I feel it would be sensible to protect the trees that we undertake this maintenance project at Netherleigh 34 Netherleigh Road Ashgate Chesterfield for Mr Ashley Kirk

(g) Prior notification approval

CHE/17/00322/TEL      Erection of a 17.5m mast to support 3no telecommunications antennae for use by Telefonica and Vodafone, which together with the installation of 2no dishes and 2no ground based equipment cabinets will provide 2G, 3G and 4G mobile electronic communication services from the installation at Chesterfield Panthers Rugby Football Club Dunston Road Chesterfield S41 9BF for Shared Access Ltd

## 24      **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/17/000366/TPO      Consent is granted to the pruning of one Maple tree reference T89 on the Order map for Mrs Susan Hudson of 1 Green Farm Croft, Old Whittington, Chesterfield.

CHE/17/000409/TPOEXP      Consent is granted to the felling of one Horsechestnut tree reference T120 which has severe dieback of the crown and one dead Sycamore tree reference T127 for

William Thornhill on behalf of Chesterfield Borough Council at Staveley Hall Stables, Staveley Hall, Staveley, Chesterfield.

The replacement trees are to be a two Lime trees and planted as near as possible to the original tree.

CHE/17/00412/TPO Consent is granted to the pruning of one Oak tree reference T33 on the Order map for English tree care on behalf of Miller Homes at the former Newbold Community School off Newbold Road, Newbold, Chesterfield.

CHE/17/00355/TPO Consent is granted to the pruning of one Sycamore tree reference T15 and one Oak tree reference T16 on the Order map for Mr Duncan of 90 Hady Crescent, Hady, Chesterfield.

CHE/17/00415/TPO Consent is granted to the pruning of one Oak tree reference T19 on the Order map for Mr Stanyard of 94 Hady Crescent, Hady, Chesterfield.

CHE/17/00393/TPO Consent is granted to the pruning of 4 trees reference T14 and T17 Lime and T15 and T16 Horsechestnut for Mr and Mrs Rix of 45 Brockwell Lane, Chesterfield.

CHE/17/00329/TPO Consent is granted to the felling of one London Plane tree reference T2 and the pruning of three London Plane trees reference T1, T3 and T4 on the Order map for Anderson Tree Care on behalf of Minotaur Group at 5 Station Road, Barrow Hill, Chesterfield.

The duty to replant a replacement tree has been dispensed with on this occasion due to insufficient room.

- CHE/17/00443/TPO Consent is granted to the removal of sapling trees and the crown lifting of various tree species along the woodland edge of Brierley wood reference W1 on the order map for Rupert Carr at Birchall Golf Course, Unstone.
- CHE/17/00419/TPO Consent is granted to the pruning of one London Plane tree reference T1 on the Order map for Trueman Tree Services on behalf of Mr Alan Wilkinson of FAW Ltd at Stand Park Industrial Estate, Whittington Moor, Chesterfield.
- CHE/17/00417/TPO Consent is granted to the pruning of two Sycamore trees reference T1 and T2 on the Order map for Mr Salt at Penmore House, Hasland Road, Hasland, Chesterfield.
- CHE/17/00312/TPO Consent is granted to the pruning of four trees reference T5 Horsechestnut, T7 Sweet Chestnut, T13 Beech and T15 Lime on the Order map for Mr Kirk at Netherleigh 34 Netherleigh Road, Brampton, Chesterfield.
- Consent is granted to the felling of one Cedar tree.
- The replacement tree is to be a Mountain Ash and planted as near as possible to the original tree.

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

- CHE/17/00399/CA  
The felling of 1 Ash tree for Mr David Brooks of 544 Chatsworth Road
- Agreement to the felling of 1 Ash tree. The felling of the Ash tree will have no adverse effect on the amenity value of the area.
- The tree is within the Chatsworth Road Conservation Area and the applicant wishes to remove the trees because the tree is close to the



boundary wall and neighbouring properties.

CHE/17/00418/CA

The felling of 25 Beech trees, 1 Hawthorn and 1 Elder and the crown lifting of 6 Horsechestnut trees for Mr Guy Robinson of Robinson PLC at Coronation Gardens, Chatsworth Road

Agreement to the felling of 27 trees and the crown lifting of 6 Horsechestnut trees. The felling and pruning of the trees 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 remove the trees because they are next to the banking of the River Hipper and close to the Listed building at Walton Works. The crown lifting of the trees is to gain access into the gardens and clear the highway.

CHE/17/00368/CA

The pruning of 5 trees for The Derby Diocesan Board of Finance at The Rectory, Church Street, Brimington.

Agreement to the pruning of 5 trees within the grounds of the Rectory, Church Street, Brimington. The pruning works will have no adverse effect on the amenity value of the area.

The trees are within the Brimington Conservation Areas and the applicant wishes to prune the trees for general maintenance and clearance of structures.

## 25 **APPEALS REPORT (P000)**

The Development Management and Conservation Manager reported on the current position in respect of appeals which had been received.

**\*RESOLVED -**

That the report be noted.

**26 ENFORCEMENT REPORT (P410)**

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

**\*RESOLVED -**

That the report be noted.

**27 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC****RESOLVED –**

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

**28 UNAUTHORISED EXTENSION, GARAGE AND VENDING MACHINES AT 2 YORK STREET, HASLAND, CHESTERFIELD**

Councillor Davenport left the meeting at this point and did not return.

The Development Management and Conservation Manager submitted a report on the unauthorised developments at 2 York Street, Hasland.

**\*RESOLVED –**

1. That authority be granted for the issue of an Enforcement Notice requiring the removal of the two vending machines from the forecourt of the property at 2 York Street, Hasland, Chesterfield, Derbyshire.
2. That the period for compliance be 28 days.

# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	7 <sup>TH</sup> AUGUST 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 Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER'S REPORT ON THE 7<sup>TH</sup> AUGUST 2017**

- ITEM 1      CHE/17/00257/FUL - Demolition of existing farmhouse and dilapidated ancillary buildings and replacement with 5no. dwellings at Oldfields Farm Wetlands Lane Brimington for Mr P Walters**
- ITEM 2      CHE/17/00263/FUL - Erection of 34 dwellings including private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space at Former Saltergate Health Centre 107 Saltergate, Chesterfield for Woodall Homes Ltd.**
- ITEM 3      CHE/17/00135/FUL – Re-submission. New dwelling on land adjacent to 82 Walton Road inc. reconfiguring of boundary between no 82 and the new dwelling along with a new site crossover at 82 Walton Road, Walton, Chesterfield, Derbyshire S40 3BY for Ms Andrea Collins.**

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 7<sup>th</sup> August 2017

File No: CHE/17/00257/FUL  
Plot No: 2/3655

## ITEM 1

### DEMOLITION OF EXISTING FARMHOUSE AND DILAPIDATED ANCILLARY BUILDINGS AND REPLACEMENT WITH 5 NO. DWELLINGS - ECOLOGICAL APPRAISAL AND BAT SURVEYS RECEIVED 20/06/2017 AND SPEED SURVEYS / ACCESS SURVEY 14/07/2017 AT OLDFIELD FARM, WETLANDS LANE, BRIMINGTON, CHESTERFIELD, DERBYSHIRE, S43 1QG FOR MR PAUL WALTERS

Local Plan: Open Countryside / Other Open Land  
Ward: Brimington South

#### 1.0 CONSULTATIONS

Local Highways Authority	Comments received 05/06/2017 – see report
Environmental Health Officer	Comments received 08/05/2017 – see report
Forward Planning Team	Comments received 30/05/2017 – see report
Design Services (Drainage)	Comments received 18/05/2017 – see report
Yorkshire Water Services	No comments received
Tree Officer	Comments received 25/05/2017 – see report
Derbyshire Wildlife Trust	Comments received 22/05/2017 and 23/06/2017 – see report
Derby & Derbyshire DC Archaeologist	Comments received 17/05/2017 – see report
Ward Members	No comments received

Site Notice / Neighbours

55 letters of representation received

## 2.0 **THE SITE**

2.1 The application site is Oldfield Farm (previously known as Stonepit House), a former pastoral farm located on the western edge of Brimington Common off Westmoor Road / Wetlands Lane. The site is approximately 0.39ha in area, is roughly rectangular in shape and comprises mainly of existing farm buildings (inc. farm house / barns etc), outbuildings, areas of hardstanding and some existing pasture land.

Figure 1: Aerial Photograph



2.2 The site is bounded to the North by fields/pasture land; to the East by fields/pasture land (where there is a ditch/stream running along most of this boundary); to the South by Westmoor Road / Wetland Lane; and to the West by pasture land (where there is a public right of way running almost parallel to this boundary).

2.3 The site lies on the boundary of the built settlement of Brimington Common. To the north and west of the site lies open countryside, which is part of the Strategic Gap. Elevated to the east and visible from the site lies the built settlement of Brimington Common, separated from the site by a field. To the south of the site, beyond Westmoor Road / Wetlands Lane, lies Plover Wood, an area of mature woodland.



2.4 There is currently vehicular and pedestrian access to the site via a private drive from Westmoor Road / Wetlands Lane. There are no footways to Wetland Lane outside the site.

### 3.0 **RELEVANT SITE HISTORY**

3.1 None.

### 4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the demolition of the farmhouse and ancillary buildings; and redevelopment of the site for 5 no. detached dwellings (3 x 4 bed and 2 x 5 bed).

4.2 The application submission is supported by the following plans and reports / documents:

- P01\_A – Site Location and Block Plan
- P02\_A – Topographical Survey
- P10\_A – Existing Plan Sheet 1
- P11\_A – Existing Plan Sheet 2
- P12\_A – Existing Elevations Sheet 1
- P13\_A – Existing Elevations Sheet 2
- P100\_A – Proposed Site Plan
- P101\_A – Proposed Site Sections Sheet 1
- P102\_A – Proposed Site Sections Sheet 2
- P103\_A – Proposed Site Sections Sheet 3
- P104\_A – Proposed Site Sections Sheet 4
- P105\_A – Proposed External Finishes
- P110\_A – Unit 1 Proposed Plans
- P111\_A – Unit 1 Proposed Elevations
- P120\_A – Unit 2, 3 and 4 Proposed Plans Sheet 1
- P121\_B – Unit 2, 3 and 4 Proposed Plans Sheet 2
- P122\_A - Unit 2, 3 and 4 Proposed Elevations Sheet 1
- P123\_A - Unit 2, 3 and 4 Proposed Elevations Sheet 2
- P124\_A – Unit 2, 3 and 4 Proposed Elevations Sheet 3
- P130\_B – Unit 5 Proposed Plans Sheet 1
- P131\_A - Unit 5 Proposed Plans Sheet 2
- P132\_A - Unit 5 Proposed Elevations
- Planning Support Statement (Babenko O'Boyle)
- Design and Access Statement (Babenko O'Boyle)
- Drainage Strategy (Babenko O'Boyle)

- Ecological Assessment (Baker Consultants)
- Tree Survey (John Booth)
- Geo-Environmental Assessment – Phase 1 (Idom Merebrook)
- Coal Mining Risk Assessment (Idom Merebrook)
- Community Infrastructure Levy Liability Forms
- Ecology Appraisal and Bat Survey (Baker Consultants) – received 20/06/2017
- Speed Survey and Topographical Survey for Visibility – received 14/07/2017

4.3 The proposed site layout plan indicates that the development will be served by a single shared driveway access which will be modified from the current site access point onto Westmoor Road / Wetlands Lane. The whole development will include 3 individual house types with Unit 1 and Unit 5 being the largest detached 5 bedroom properties on the development (each a different house type) and Units 2, 3 and 4 being the same house type which are smaller detached 4 bedroom properties. The building will predominantly align the western half of the site (Units 1 – 4) with Unit 5 located at the north / top of the site, with the driveway and garages / bin store for Units 1 – 4 aligning the eastern half of the site.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site the subject of this application is in a location identified in saved policy EVR2 of the Replacement Chesterfield Borough Local Plan (2006) as Open Countryside and the adopted Core Strategy (2013) indicates the broad location of a Strategic Gap within the area. The draft Local Plan (2017) and the Strategic Gap and Green Wedges study (2016) include the site within the extent of the Strategic Gap (SG1). The site is however largely brownfield previously developed land.

5.1.2 Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS18 and CS20 of the Core Strategy (2013), policy EVR2 of the Local Plan (2006), the National Planning Policy Framework and the Council's adopted

Supplementary Planning Document ‘Successful Places: Housing Layout and Design apply.

## 5.2 **Principle of Development**

### Impact on Open Countryside

5.2.1 The site is located within the open countryside as per the Local Plan: Core Strategy policies map. Policy EVR2 (saved from the 2006 Local Plan) states that:

*“Within the areas of open countryside... planning permission will only be granted for new development which is necessary for the need of agriculture and forestry or is related to recreation tourism or other types of farm or rural diversification”.*

5.2.2 The proposed development fails this test so parts c) and f) of EVR2 are considered:

*Planning permission will be granted for the replacement of existing dwellings with new dwellings provided that criteria (c) and (f) are met:*

*(c) the scale, siting, design, materials and landscape treatment are such that the visual effect of the proposal is minimised and reflect local character; and*

*(f) the proposed building does not have a greater impact on the open character of the countryside and the purpose of including land within it than the existing buildings and does not occupy a materially larger area of the site than the existing buildings”.*

5.2.3 The degree of impact on the openness and local character of the open countryside will be integral to whether the development is considered to be materially harmful. The proposed re-development is within the existing agricultural site boundary but does not strictly follow the footprint of the existing layout.

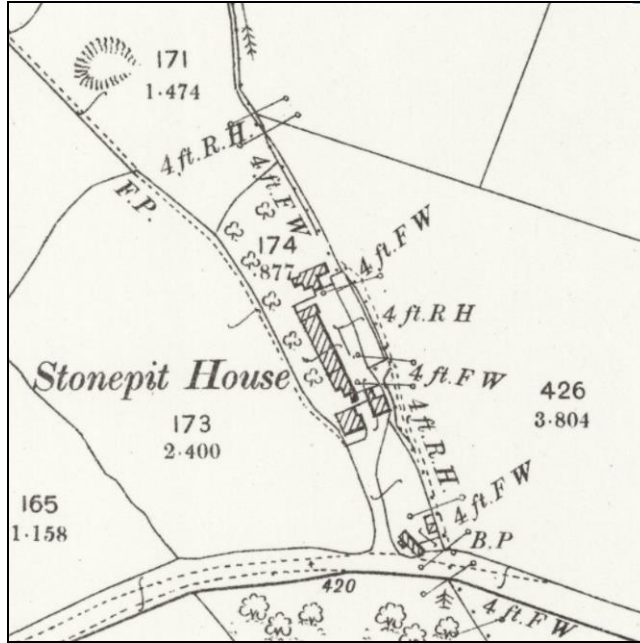
5.2.4 The views of the Planning Policy team were sought on the basis of the policy context above and in their consultation response they provided a mapping extract which superimposed the footprint of the original buildings over the submitted plan (see below Figure 2).

Figure 2: Planning Policy team comments overlay



5.2.5 The map created looks in isolation at the footprint of the existing buildings against the proposed development footprint proposals as a way of assessing the criteria f) however this does not fully illustrate the on-site situation. The extent of the agricultural operation is not exclusively reflected in the footprint of the buildings which stand on the site today. In fact the operation can be mapped over time using historic maps alongside a full site inspection and taking these points into consideration the case officer considers that the map proposed to support the Planning Policy teams comments missed off the footprint of a building which previously stood on the upper proportion of the site and the overlay map does not take into account any areas of hardstanding and walls which exist beyond the built footprint to enclose the site (see below Figure 3 and 4). Such features should also be given weight in the policy consideration and therefore the extent of which the proposed development will encroach beyond the brownfield site into the open countryside / strategic gap is argued to be different to that upon which the Planning Policy team based there original comments and objection.

Figures 3: Historic Map; and Figure 4: Site Photograph of Hard Surfacing



- 5.2.6 Under the provisions of policy EVR2 f) the impact the development will have on the open character of the countryside (its urbanising effect) should be considered alongside the provisions that the development should not be materially larger than the existing site.
- 5.2.7 The Planning Policy team argued that the shared driveway and additional car parking structures were likely to result in an increased perception of urbanism, altering the visual character of

the area, particularly from the public footpath on the adjacent open field and therefore in their view the proposal was contrary to the requirements of EVR2 f).

5.2.8 Notwithstanding this, it is clear that their comments and interpretation is based upon the mapping overlay they had prepared (Figure 2) and in this instance a full site inspection would have been beneficial. In fact a greater proportion of the site is hard surfaced and enclosed with functional boundary walls and gated structures which were associated with the former agricultural use that extend much further than the footprint of the buildings. On site it is clear that the extent of the farming operation encroached beyond the buildings footprint and therefore materially the extent of the site is greater than what has been interpreted in the comment of the Planning Policy team.

Figure 5: Photographs looking west at edge of building footprint



Figure 6: Photographs looking east at edge of building footprint





- 5.2.9 In the Planning Policy teams response it is argued that whilst mitigation is proposed through enhancements to the ditch at the Eastern boundary and upgrades to the hedgerows at the West of the site, the new units (particularly those covering the footprint of the open sided Dutch Barn) would reduce the open character of the plot and alter the rural character of the immediate area. Furthermore the contemporary design also represents a shift in design character from the traditional collection of existing outbuildings at Oldfield Farm which they argue is contrary to criteria e) and c) of policy EVR2. They acknowledge the proposal meets criterion d) of EVR2 as any associated traffic and noise is likely to be low; and in order to meet the requirements of criterion EVR2 b) the bat roost suitability needs to be explored in detail through survey.
- 5.2.10 In response to these comments it is accepted that the development will alter the character of the site by design and shift the built footprint arrangement; however nowhere does it say that a contemporary design solution to a sites redevelopment is inappropriate – see section 5.3 below; and the developer has gone to considerable length to consider how agricultural finishes and appropriate materials can be incorporated into the scheme to ensure the development reflects its former agricultural heritage. In addition based upon the assessment of the site detailed previously; only slight elements of the built footprint of Unit 5 would extend beyond the actual built up / brownfield area of the site. Matters of traffic impact and ecological impact are considered in more detail in sections 5.4 and 5.6 below with acceptable conclusions reached.
- Location of Development
- 5.2.11 Pertinent to policy EVR2 a), CS1 and CS2 is the sustainability of development location. The property is a 2.5km (30 minute) walk to the nearest local centre (Brimington) which would not be considered a suitable walking and cycling distance from centre to residential development.
- 5.2.12 The Planning Policy team has commented that the draft Local Plan (2016) recommends a distance of 800 metres with a safe pedestrian route which is based on guidance within the “Guidelines for Journeys on Foot” (Institution of Highways and Transportation). Although the site is within walking and cycling distance of some local facilities, including a Primary School, pubs, bus stops and

convenience store in Brimington Common, the proposed dwellings would be separate from a local centre which in their opinion does not comply with the Council's Principles for Location of Development (CS2) and criterion a) of EVR2. They argue that whilst an exception could potentially be made for a straight replacement dwelling, the location is not appropriate considering the scale of development and significant increase in dwellings.

- 5.2.13 Notwithstanding the comments made above the site is within walking and cycling distance of some local facilities, and although not strictly in a designated local centre the Council must be mindful that an argument based upon the strict CS1 and CS2 parameters presented by the Planning Policy teams comments was not supported by the Planning Inspector for a 2016 appeal for 3 dwellings on the site just opposite the application (land adj 33 Westmoor Road - APP/A1015/W/15/3133464) as follows:
- The proposed development is at the edge of the settlement and is functionally linked to an established residential area which has access to regular bus services to the settlements of Chesterfield and Brimington, via Calow. In addition, whilst the appeal site is not located within walking distance of an allocated retail centre, future occupants would be within walking and cycling distance of a primary school, pub, church, convenience store and post office which are located within Calow. These could provide for their day to day needs. Whilst the spatial strategy of the CS set out within Policy CS1 is to concentrate development within walking and cycling distance of centres, this does not mean that the location of all new development, irrespective of scale, such as the construction of three dwellings is required to be restricted within those parameters. Consequently, I conclude that the proposed development is in line with Policy CS1 of the CS.*

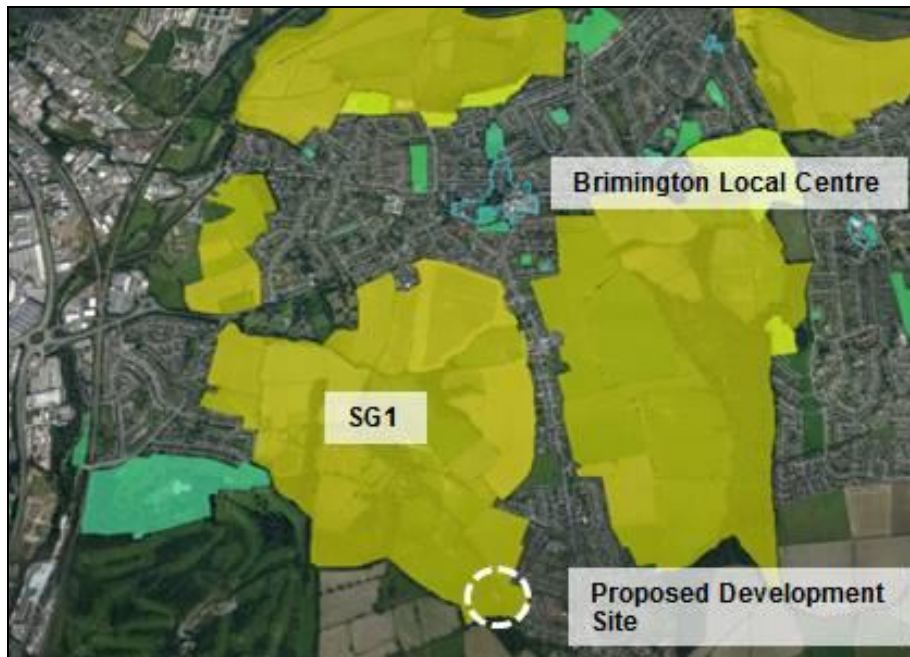
#### Strategic Gap

- 5.2.14 The site is within strategic gap "SG1" as detailed in the Council's draft Local Plan proposals map (published in 2016). As per the NPPF the council is able to give some weight towards emerging local plan policies provided they are in line with National Planning Policy. The strategic gaps have been independently identified as areas that contribute to the setting and identity of the borough and its urban areas, landscape character, habitats and biodiversity. The ARUP study which provides an objective review of the strategic gaps and green wedges notes that "The southern boundary follows existing infrastructure including Westmoor Road,



Dark Lane, Wheathill Lane, and Pettyclose Lane”. It describes the boundaries as “strong and defensible”.

Figure 7: Strategic Gap



- 5.2.15 As Oldfield Farm sits on the edge of SG1 and centres around the replacement of existing structures, the impact on the function of the gap as a whole is unlikely to be significant. The Planning Policy team argue the development proposals could weaken the weight afforded to the defensible boundary of SG1 but they do not elaborate upon this statement in their comments.
- 5.2.16 The development proposals will remain a concentrated pocket of development within the Strategic Gap but that does not mean that its acceptance weakens the status or purpose of such a designation. The development proposals the subject of this application are to some degree unique. They do not take the form of a high density urban / settlement extension which would weaken the defensible boundary of a strategic gap. They are a concentrated pocket of redevelopment proposals on a predominantly brownfield site which already includes buildings. Such sites can make a positive contribution in the form of new housing without being harmful to the character and appearance of the surrounding area. A nearby example of such a development of the same constraints and designations being debated is the residential development located at Ploverhill Farm (on the opposite side of Wetlands Lane to the south of this site).

### Conclusion

- 5.2.17 It is clear given the arguments presented above that the development proposals are finely balanced; so much so that there are arguments presented in the narrative which could support both sides of the argument over whether the principle of development in this instance is acceptable. Counter arguments can be presented in all cases where the Planning Policy team have taken the view in their consultation response to recommend that application be refused, such that the case officer must carefully balance all of the issues (positive and negative) to formulate a final conclusion.
- 5.2.18 It is clear that the Council's own Spatial Strategy acknowledges the importance of creating additional dwellings within the Borough and the decision maker is required to accord weight to proposals that provide social and economic benefits, such as regeneration of a predominantly brownfield site which is no longer utilised or required for its purpose as agricultural.
- 5.2.19 There is no doubt that the principles of policy EVR2 are important in that they assist to protect the character of the open countryside and promote sustainable patterns of development alongside policies CS1 and CS2; however there will be sites such as this one which are an exception. This site is a predominantly brownfield site where buildings exist in an arrangement which does not lend itself to be easily converted and therefore redevelopment in the manner being proposed presents a facilitating solution which takes into account parameters of the overriding designations and works with them to provide what is considered to be a high quality design solution. The relationship of the site to the surroundings will undoubtedly change as a result of the development but it is considered that the benefits of the scheme outweigh any acknowledged adverse impact such that there is a presumption in favour of sustainable development (para. 14 NPPF) and the principle of development can be accepted.
- 5.3 **Design and Appearance Considerations (inc. Neighbouring Impact)**
- 5.3.1 The application submission is accompanied by a Design and Access Statement which has been written by the applicant / agent to offer a narrative to the schemes chosen architectural design and appearance.

5.3.2 Comprising a development of 5 no. detached dwellings the D&AS explains the form and layout of the scheme as follows:

*Unit 1 replaces the original farmhouse. It will be an L-shaped building comprised of two intersecting forms, with one leg (east-west) replacing the original building on its existing footprint and another leg (north-south) extending towards the footprint of the existing asbestos barn. The materials for the farmhouse will be traditional brick with tiled roof for the north-south leg and larch cladding with tiled roof for the intersecting east-west leg. Large areas of glazing will feature on the south and west elevations. To the south of the north-south leg, an integrated, but set-back, double garage with terrace above will be provided of a brick material.*

*Units 2, 3 & 4 replace the existing cowshed to the rear of the farmhouse –again on the existing footprint. Although detached dwellings, the units will be aligned–providing a similar linear appearance as the existing shed. Masonry (possibly stone from the demolished sheds) will be used to clad the front of these dwellings up to approximate existing eaves height. A continuous strip of larch cladding and glazing will feature above this along the main frontage (east elevation) and the roof above will be tiled. The southern end gable to unit 2 and the northern end gable to unit 4 will be brick construction. This further reflects the appearance of the existing cow shed whilst also bookending the three properties. The west facing aspect of the building will feature render with some glazed areas. Render is also proposed to the intermediate gable ends of units 2, 3 & 4. To provide privacy, extra internal space and an enclosed garden area each unit utilises an additional tapered leg which extends west from the main building. These are largely rendered with glazing/larch cladding and a brick/glazed end gable. At the side of each unit, sufficient space is provided to allow car parking. In addition, opposite these units, garages with storage/workshop areas are proposed, which will again reflect the existing stables in a similar location. It is proposed that these units will again have a utilitarian feel comprising brick walls and tiled roof*

*Unit 5 will replace the existing Dutch barn on the site –however, it will be relocated from its present location, on the western boundary, to the north of the site, where from historical maps, it can be seen there was previously located some agricultural*

*buildings. Vertical larch cladding will feature prominently at high level on this building with brick at lower level. The low-level brickwork along the main building frontage (east elevation) will be set back to expose steel columns, evenly spaced, further enhancing the agricultural barn aesthetic. The roof will be of profiled sheet metal. Due to the functional and spatial requirements of this dwelling, the Dutch barn form is repeated immediately north with both building elements being linked by a glazed corridor. Due to the topography of the site, this element will be supported in places on exposed columns—which will provide architectural interest. In order to mitigate the scale of this dwelling, the second barn element has been reduced in height.*

- 5.3.3 Having regard to the provisions of policy CS18 of the Core Strategy and the guidance contained in the adopted SPD 'Successful Place – Housing Layout and Design' the overall design of the development proposals are considered to be appropriate.
- 5.3.4 The construction of 5 no. dwellings will result in a development density of approximately 12.5 dwellings per hectare which is a low density that is in keeping with the rural character of the site and its surroundings. The development layout is set out to ensure that the dwellings will benefit from the open views to the west / north west; whilst the layout is informed by existing site constraints such the ditch / watercourse and the mature trees located along the eastern boundary.
- 5.3.5 The nearest residential neighbours to the site will be the properties located on Barry Road and Wheathill Close which are located to the east and north east of the application site boundary. At its closest point the edge of the application site boundary is no less than 50m from the boundary of the nearest neighbour and therefore the development proposals do not result in the introduction of any adverse overlooking, overshadowing or overbearing impacts to these nearby neighbouring properties. Internally the development proposals are designed and laid out such that they offer each other appropriate protect and levels of amenity.
- 5.3.6 Overall the development proposals detail a high quality contemporary design solution to the redevelopment of a predominantly brownfield site. There is no doubt that the scheme will have a differing appearance to the existing agricultural cluster

of development currently in situ on the site; however there is merit to support the entire redevelopment of the site if it results in an comprehensive high quality development pocket which delivers much needed housing to the Borough. The detailed architectural design of the dwellings will use a mixture of external finishes and materials which will route the development into the landscape, alongside appropriate boundary treatments; both of which can be the subject of planning conditions to secure their individual detail and approval. A layout plan showing the proposed external finishes has been prepared to supplement the application; but this will need to be expanded upon to include detailed materials specifications and species as part of these conditional requirements.

#### 5.4 **Highways Issues**

##### 5.4.1 The application proposals were reviewed by the **Local Highways Authority** (LHA) who initially provided the following comments:

*'The details submitted to this office propose redevelopment of the site by replacement of existing buildings with 5 no. residential units of 4/4+ bedrooms all served via a modified access from Westmoor Road.*

*The Design and Access Statement states that the existing access is to be improved to facilitate two vehicles travelling in opposite directions to pass and exit visibility splays provided commensurate with 85%ile vehicle approach speeds. Vehicle speeds haven't been recorded and some justification as to why a lower approach speed should be used is included.*

*Diagram 2 demonstrates exit visibility sightlines of 2.4m x 92m and 2.4m x 160m to the nearside carriageway channel in each direction although it's not clear whether these figures have been accurately established on site or scaled from an OS base plan; the latter can be grossly inaccurate at the scales being used. The statement goes on to suggest that the lesser of the two sightline dimensions is commensurate with approach speeds of 47mph and this is likely to be in excess of the 85%ile speed.*

*In its pre-application advice the Highways Authority stated that visibility sightlines should be based on recorded 85% speeds with some allowance for the lack of side friction. This Authority uses*

*empirical formula contained within the Manual for Streets 2 document when determining visibility requirements and, in this case, a sightline of 92m would be commensurate with the desirable recommendations for an approach speed of 37mph and represent an absolute minimum of 43mph approach speeds.*

*Given the geometrical limitations of Westmoor Road, it's considered that accurate detail should be provided to demonstrate the adequacy of the proposed access layout to serve development of this sale and nature proposed, i.e clarify accuracy of the survey / measurements and results of a speed survey to support the extent of visibility achievable.*

*Beyond the modified access, the shared driveway appears to be of 4.8m minimum width for all but a short section of its full length. Provided that forward visibility is secured between drivers approaching from each direction, this is considered to be acceptable. The turning head is considered to be of an adequate dimension for use by typical supermarket delivery vehicles, but unless demonstrated by swept path analysis, not large refuse vehicles (11.6m in length). It is therefore suggested that the views of the local refuse collection service are sought in this respect or suitability of the refuse collection proposals demonstrated. It's noted that proposed Unit 5 would be in excess of 100m from the public highway.*

*The off-street parking proposals are considered to be acceptable.*

*The pre-application advice also recommended that, in the interests of safety of future occupants of / visitors to the site creation of a footway link with that existing to the east of the site should be explored and, if feasible, provided. There is no mention of this within the details forwarded to this office.*

*Therefore, it's recommended that the applicant is given opportunity to submit additional details to satisfactorily address the above issues. If the applicant is unable, or unwilling, to submit the requisite details, I shall be grateful to receive further opportunity to make recommendations prior to determination.'*

- 5.4.2 As a result of the comments made by the LHA above the applicant / agent was invited to submit further details to address the concerns highlighted. On the 14 July 2017 a Speed Survey and

Visibility Splay Topographical Survey were submitted. The Survey work undertaken adequately demonstrated that the site visibility was achievable and the splays provided were commensurate with recorded vehicle speeds.

5.4.3 Having regard to the remainder of the comments made by the LHA in their initial comments above it is accepted that the refuse collection lorry is unlikely to drive into the site to empty bins and therefore it will be necessary for a bin collection area to be provided at the access point to facilitate refuse collection. This matter would need to be the subject of further details being prepared and this matter can be handled by an appropriate planning condition. Any prospective purchaser would be aware of this situation and the man carry distance to this collection point upon purchase.

5.4.4 It is noted in the comments of the LHA above they suggest investigation into a connection of the footway on Westmoor Road to the east, along the verge to the application site. The image below (Figure 8) shows the point of Westmoor Road where the footpath currently ends and upon further investigation it is considered that a large proportion of the soft verge and vegetation leading down to the application site boundary would have to be removed to secure a very limited width of footway which is not in the ownership of the applicant.

Figure 8: Street View Extract





5.4.5 Looking further down towards the application site there are also pinch points in the actual carriageway width where the creation of a new footway in addition might encroach and thus would not meet highway standards (Figure 9). The LHA would be unlikely to accept the creation of a substandard footway in highway limits and furthermore it is considered that the introduction of footway would be harmful to the character of the lane which clearly changes at the edge of the built settlement. It was also accepted on the appeal across the road that the verge should remain and no footpath be provided along the site frontage. On balance it is considered that the development site itself offers appropriate levels of off-street parking (which is acknowledged by the LHA) such that on balance the visual harm and substandard nature of any such provision outweighs the limited benefits of this facility.

Figure 9: Street View Extract



5.4.6 It is accepted that a number of objectors have raised concerns about highway safety, congestion / additional vehicles from the development site and vehicle speeds / highway user safety in the vicinity of the development. Notwithstanding this the applicant / agent has provided all of the details commensurate with the LHA requirements to demonstrate the development can be appropriately served by adequate parking and exit visibility as part of an amended access point to the local highway network. The fall-back position being that the site was a working farm and albeit no longer in operation, could be re-occupied as such without any



further permission being needed which would also generate a significant number of vehicular movements from the existing access. This scheme as proposed offers an improvement to that which accords overall with the provisions of policy CS20 of the Core Strategy and is acceptable.

## 5.5 **Heritage / Archaeology**

5.5.1 The property the subject of the application is not recognised as being of any historical / heritage value and the wider application site is not influenced by any heritage designation. Given the demolition works being proposed the application was referred to the **Derby and Derbyshire DC Archaeologist** for comment / clarification of the site status and the following comments were received:

*‘Oldfield Farm is shown on historic mapping as early as Sanderson’s map of 1835, when it is identified as ‘Oldfield’, although the mapping between 1880-1915 shows the site as ‘Stonepit House’. There is no documentary evidence to place the origins of the site much earlier than this. ‘Oldfield’ is identified in the 1849 Brimington Tithe Map as the names of the field to the west of Dark Lane, and it may be that the farm took its name from this (and perhaps ultimately from a division of the medieval open field in this area).*

*The site lies just within the unparished area of Chesterfield at the edge of Brimington Common, and in the former township of Tapton. This is a marginal location at the edge of common land and it is likely therefore that the farm site originates in encroachment onto former common land during the late 18<sup>th</sup> or early 19<sup>th</sup> century. Photographs of the site are provided in the applicant’s Design and Access Statement – the farmhouse seems to have a modern frontage but retains some earlier features to the rear which on map evidence seem to date from the late 19<sup>th</sup> century. The north-south range of farm buildings in the middle of the site may originate earlier still – this arrangement is shown on the 1835 map. The farm buildings are re-roofed but retain some historic features, but are not of particular architectural significance.*

*The site therefore has no potential for below-ground archaeological remains of any significance, and the very modest vernacular*

*buildings – much altered – do not merit historic building recording under NPPF para 141.'*

5.5.2 On the basis of the comments received above the principle of loss of the buildings and the clearance of the site for a new development proposal in the context of policy CS19 of the Core Strategy is acceptable.

## 5.6 **Ecology and Trees**

5.6.1 As detailed in the application site description the site comprises mainly of existing farm buildings (inc. farm house / barns etc), outbuildings, areas of hardstanding and some existing pasture land which is flanked on its eastern boundary with mature trees and an open ditch / watercourse.

5.6.2 The application submission is accompanied by an ecological appraisal, arboricultural survey and bat survey which have been reviewed by the Derbyshire Wildlife Trust (DWT) and the Council's Tree Officer alongside the details of the development proposals.

5.6.3 **Derbyshire Wildlife Trust** commented as follows:

*'The updated ecological surveys have concluded brown long-eared bat roost on site. The proposed development works at the site have the potential to destroy bat roost using the building(s). This is considered a significant impact and detrimental to the favourable conservation status of common species of bats at a local level for brown long-eared bats.*

*Ideally, the ecology report would provide sufficient details on bat mitigation such as capture and exclusion, detailed design of the bat loft\* (the report discusses bat box, but the proposals include garages and a bin store which can easily accommodate a bat loft); Post development monitoring, additional information such as timber treatments, roofing felt (breathable roofing membranes should not be used in bat mitigation), materials to be used etc. Only two activity surveys have been undertaken with ten day spacing; ideally surveys should be spaced two weeks apart and a confirmed bat roost should have a total of three nocturnal surveys.*

*\*Although the roost is of low conservation significance, the proposals could easily accommodate additional enhancements for*

*bats by utilising the communal buildings. In addition these building could provide enhancement for swallows and other bird species.*

*Following standard advice from NE and subsequent government standard planning guidance, Local Authorities and NE are now required to request information that demonstrated the maintenance and longevity of a species' Favourable Conservation Status where proposals affect, or are likely to cause an effect on individual or population status. Therefore the Local Authority must satisfy themselves that the development proposals address potential impacts on the species and demonstrate suitable and adequate mitigation in order to maintain favourable conservation status of brown long-eared bats. The mitigation strategy therefore must provide sufficient confidence and satisfying these requirements, as well as inclusion for aspects of biodiversity enhancement, at present, this information is lacking.*

*The LA must be confident in the approach, as well as satisfying the three tests and Natural England. The mitigation strategy should follow standard industry practices and will be transposed to a subsequent EPSL that must be secured before any development of this site. It is intended to provide confidence to the Local Authority, that in determining the planning application for this site, it will be developable within certain constraints with respect to bats (and birds). Ultimately this site cannot be legally developed (with respect to bats) in absence of an EPSL which can only be granted once planning has been approved for the site. In order to apply for an EPSL application must be made within 2 years of the last survey. Survey data in excess of 2 years will not be accepted by NE and the surveys undertaken will need to be repeated to inform the EPSL, if there are any further delays.*

*The report correctly states that an EPS Bat Mitigation Licence from Natural England will be required in order to derogate from the legal protection afforded to bats. At present, it is considered that insufficient mitigation has been submitted, however, the proposals can clearly accommodate mitigation and enhancements on site. The mitigation is considered to be achievable on site, however, a detailed mitigation strategy should be submitted and conditioned, if planning permission is granted.*

*It is recommended that if the Council are minded to grant planning permission for this development that the following conditions are attached:*

- 1. No works shall commence on site until a copy of the Natural England Bat Licence Application has been submitted to and approved in writing by the LPA, in advance of submission to Natural England.*
- 2. No work shall commence on site until a detailed bat mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the LPA. Such approved measures should be implemented in full and retained thereafter.*
- 3. No works shall commence until a detailed external lighting scheme has been submitted to and approved in writing by the LPA. Such approved measures should be implemented in full and maintained thereafter.*
- 4. No works shall commence until a copy of the Natural England EPS Bat Mitigation Licence has been submitted to and approved in writing by the LPA.*
- 5. The bat and bird mitigation measures will be monitored for a minimum of two years after construction with reports submitted to the LPA, Derbyshire Wildlife Trust and Derbyshire Bat Conservation Group immediately following completion of each survey.*
- 6. No works to buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.*
- 7. No work shall commence on site until a bird mitigation, compensation and enhancement strategy for nesting birds (and in particular swallow) has been submitted to and approved in writing by the LPA. Such approved measures shall be implemented in full and maintained thereafter.*

*8. Retain habitats such as trees, hedgerows and water course should be protected throughout the works, and where possible enhanced. Pollution prevention measures and best practices should be adhered to and maintained.'*

#### 5.6.4

The **Tree Officer** commented as follows:

*'With reference to the above planning application and the numerous young and mature trees on the site which are located mainly to the frontage and along the eastern boundary.*

*The site off is also defined by hedgerows on the east and west boundaries consisting of Hawthorn, Snowberry, Elder and self-set Ash which are defunct in places with the main part of the site covered by the existing farm house and out buildings with concrete yards. Some of the hedgerows have been managed in the past and kept low while others are overgrown but it is proposed where possible that these are retained in the scheme. If consent is granted to the application a detailed landscaping scheme should be submitted and approved showing the location of tree and shrub planting including species, quantity, spacing, size and maintenance over a 5 year period.*

*The 5 proposed units and roadway will not directly affect the retained trees, however to ensure that trees are not accidentally damaged during the demolition and construction phases a tree survey and method statement has been submitted by John Booth dated November 2016 identifying a number of trees of moderate quality and value with the proposal retaining these trees which are mainly to the frontage of the site using temporary protection measures during demolition and construction and above ground construction methods within the trees root protection areas (RPA's).*

*As stated in the arboricultural report by John Booth, the retained trees should be protected throughout the demolition and construction phases by protective barriers as detailed in BS5839 'Trees in relation to Design, Demolition and Construction 2012'. The barriers should be erected around the RPA prior to the commencement of demolition and construction and remain in situ until completion.*

*Also considered in the report are the above ground constraints, foundation methods for the buildings, existing and new hard surfacing and temporary site accommodation and ground protection. If consent is granted to the application then a condition should be attached tying the arboricultural report and method statement to the decision notice. Furthermore a scaled drawing should be submitted and approved by the Council showing the exact location of the protective fencing and ground protection before demolition and construction commences. A tree retention plan should also be submitted showing which trees are to be retained in the scheme and those to be lost clearly marked with mitigation measures for those lost to the scheme.*

*The existing vehicular access is to be improved to allow two vehicles to pass in opposite directions and the existing visibility splay improved. This will mean the widening and re siting of the existing driveway as shown in drawing 1009/P100 Rev A to facilitate this which will affect the Ash trees located within the wooded area to the frontage. More details therefore need providing to show how this can be achieved without causing damage to the trees rooting system or the trees being felled. Further details also need providing to show how the construction of the roadway at the narrowing point on the new roadway can be achieved without affecting the trees rooting environment.*

*Details of the service runs for foul and surface drainage have been provided and advice is given in the arboricultural report which should be adhered to and attached as a condition if consent is granted to the application for any services runs including gas and electricity.*

*Unit 5 on the proposed development is adjacent to T4 Ash in the tree report. The construction of the dwelling due to the topography of the site will be supported in places with exposed columns which will in effect avoid any excavations and root damage to the Ash tree. As with quite a few on the site, some form of pruning operations will be required to either facilitate the development or for general maintenance works to remove any potential hazards as the site will be moving from a low to medium risk area to high due to the increased activity and new dwellings and roadway.*

*I have no objections to the application in principle but further details should be provided of the following:*

- *A scaled drawing of the location of the protective tree fencing and ground protection.*
- *A scaled drawing detailing the construction method around the trees in the wooded area and narrowing point for the new roadway.*
- *A tree retention plan showing which trees are to be retained as part of the design and which trees will be removed.*

*Conditions should also be attached to any decision notice and to include:*

- *A detailed landscaping scheme showing the location of tree and shrub planting including species, quantity, spacing, size and maintenance over a 5 year period.*
- *A condition should be attached tying the arboricultural report and method statement to the decision notice which should be adhered to for the protection of the retained trees on the site.*

*Finally it may be prudent to look at protecting the trees within the wooded area to the frontage and the individual Ash tree in the northern most corner to give the Council control of any further felling or pruning proposed.'*

#### 5.6.5

The comments from DWT in respect of the development proposals and the resulting impact on the bat roost and bat population are noted, as are the concluding remarks of DWT which accept there is sufficient space and scope with the development site to incorporate appropriate bat mitigation. Their comments highlight the necessary steps required by any prospective developer to ascertain a license from Natural England to undertake works which affect the identified bat roost and they suggest that a copy of that license is submitted to the LPA prior to development commencing in order for the LPA to be satisfied that an appropriate mitigation strategy is achieved. The LPA support these recommendations as they are aware that the steps required ascertaining the license include demonstration to Natural England that appropriate and proportionate mitigation can be secured. Furthermore, given that the steps described above encourage the bat population to co-habit the development site in the future the further steps recommended by DWT which relate to complimentary lighting design and other biodiversity enhancements measures to promote biodiversity should also be secured in the interests of policy CS9 of the Core Strategy.

5.6.6 It is noted that in their comments DWT suggest that the mitigation measures agreed and implemented should be monitored for a period of two years and the survey works should be submitted to the LPA and them under an appropriate planning condition however it is not considered that such a requirement would be reasonable. If planning permission is given, the necessary license from NE ascertained and the mitigation measures implemented; it is unclear what benefit the survey work would secure? Planning conditions are only supposed to be imposed where they are necessary to make a permission acceptable on planning grounds and therefore what planning purpose would the monitoring / survey secure if permission is granted and the measures had already been deemed acceptable to best mitigate the impact. Imposition of such a condition would fail the tests of the NPPG.

5.6.7 Looking in turn therefore to the impact of the development upon trees the Tree Officer is accepting of the recommendations made in the Arboricultural Appraisal. The trees on site are not offered any statutory protection through tree preservation order but the Tree Officer has made a recommendation that the group to the front of the site are put forward for statutory protection and in this context appropriate conditions can be secured as per his recommendations to allow the trees to be retained coincidental to the development. This approach is supported by the provisions of policy CS9 of the Core Strategy.

## 5.7 **Flood Risk and Drainage**

5.7.1 Having regard to flood risk and drainage matters the application site is identified to be at low risk of surface water flooding in the Environment Agency flood maps. The site is however not within flood risk zones 2 or 3 so a site specific flood risk assessment would not be required.

5.7.2 Notwithstanding the need for detailed flood risk assessment, the site must detail an appropriate drainage solution which considers (where feasible) sustainable drainage features in its design and the finished floor levels of the dwellings must be raised above ground level to mitigate any potential impacts from the identified surface water flood risk. Both **Yorkshire Water Services** (YWS) and the Council's own **Design Services** (DS) team were invited to review the planning application proposals; however comments were only received back from the DS team. YWS are unlikely to have any



interest in the development proposals as the development would not rely upon connection to any public sewer infrastructure. Foul water is proposed to be handled by package treatment and surface water discharged to a nearby watercourse.

5.7.3 The DS Team have commented that they have no objection in principle to the development proposals subject to the flood levels being agreed, an assessment of the existing run off with a minimum reduction of 30% from the existing run off conditions for the proposed development being demonstrated in a drainage strategy, and the position of any package treatment facility meeting building control standards. They have also commented that the outfalls for the foul and surface water systems into the watercourse will require separate approval from the land drainage authority Derbyshire County Council.

5.7.4 Having full regard to the comments detailed above and the requirements of policy CS7 of the Core Strategy relating to flood risk and drainage it is considered that the development proposals are acceptable. Appropriate pre-commencement planning conditions can be imposed to secure the necessary drainage solution detail required.

## 5.8 **Land Condition / Contamination / Noise**

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

*'The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:*

*[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)*

5.8.2 In respect of potential land contamination and noise / nuisance issues arising from the development the Council's **Environmental**

**Health Officer** reviewed the application proposals and aside no objections in principle to the development subject to the following:

Demolition phase

1. *Demolition shall be carried out in a manner that does not generate excessive noise and/or dust.*
2. *The hours of demolition shall be limited to 8:30am to 5:00pm Monday to Friday and 9:30am to 4:00pm Saturday. Demolition shall not take place on a Sunday or Public Holiday.*
3. *The demolition contractor will not be permitted to burn demolition materials as a means of disposal.*

Proposed residential use

1. *All lighting on site shall be designed as to not cause glare. The applicant shall submit a lighting plan for the site.*
2. *Should planning consent be granted, the hours of construction shall be limited to 8:30am to 5:00pm Monday to Friday and 9:30am to 4:00pm Saturday. Construction shall not take place on a Sunday or Public Holiday.*
3. *Given the location of the site, there is the possibility of soil contamination. I advise that a desk study is carried out and if necessary a site investigation.*

5.8.3 Having regard to the comments of the EHO above not all of the issues they have raised can be reasonably controlled or conditioned through planning legislation as they are too vague. The EHO does not indicate what would be deemed 'excessive noise and / or dust' and therefore if this wording was used in a planning condition it would be unenforceable; furthermore the way in which the developer responsibly disposes of waste is not a planning matter. It is suggested that these matters are in fact issues with the EHO would managed themselves through appropriate Environmental Health legislation.

5.8.4 In respect of the timing of works, the design of any external lighting and the need for a desk top contamination survey as mentioned in the remainder of the EHO comments these can all be the subject of appropriate planning conditions, if permission is granted; however the timing on works must be consistent with the standard

hours condition applied across the Borough which is set at 8.00am and 9.00am rather than 8.30am and 9.30am as mentioned in the EHO comments.

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

5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 5 no. new dwellings and the development is therefore CIL Liable.

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

	GIF (sqm)	Calculation	Total
Total Residential Floorspace - Units 1 - 5	1535 sqm		
Total Demolition Floorspace - Stables - Cow Shed - Dutch Barn - Asbestos Barn - Garage - Farmhouse	594 sqm	1535 – 594 = 941  941 sqm x £50 (index linked)	£47,050
<b>Total</b>			<b>£47,050</b>

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 05/05/2017 and by neighbour notification letters sent on 04/05/2017.

6.2 As a result of the applications publicity there have been 55 letters of representation received and summarised as follows:

<b>1</b>	8 Wheathill Close, Brimington Common	21/06/2017
<b>2</b>	1 Brooke Drive, Brimington Common	19/06/2017
<b>3</b>	A Local Resident	19/06/2017
<b>4</b>	Plover View, 40 Westmoor Road, Brimington Common	19/06/2017

5	37 Barry Road, Brimington Common	19/06/2017
6	36 Westwood Lane, Brimington	19/06/2017
7	282 Manor Road, Brimington	19/06/2017
8	23 Grove Road, Brimington (x3 PA reps)	19/06/2017
9	12 Westmoor Road, Brimington	19/06/2017
10	35 Barry Road, Brimington Common (x2)	17/06/2017
11		18/06/2017
12	A Local Resident – Hathern Close	18/06/2017
13	43 Barry Road, Brimington	18/06/2017
14	19 Barry Road, Brimington Common	16/06/2017
15	11 Westmoor Road, Brimington	16/06/2017
16	17 Grove Gardens, Brimington	16/06/2017
17	35 Hathern Close, Brimington	15/06/2017
18	16 Westmoor Road, Brimington	14/06/2017
19	8 Hathern Close, Brimington	14/06/2017
20	A Local Resident – Southmoor Close	14/06/2017
21	52 Barry Road, Brimington Common (x3)	12/06/2017
22		12/06/2017
23		13/06/2017
24	A Local Resident – Hathern Close	13/06/2017
25	2 Victoria Grove, Brimington	13/06/2017
26	4 Victoria Grove, Brimington	13/06/2017
27	A Local Resident	13/06/2017
28	38 Westmoor Road, Brimington Common	13/06/2017
29	50 Barry Road, Brimington Common	12/06/2017
30	48 Barry Road, Brimington	12/06/2017
31	A Local Resident	12/06/2017
32	A Local Resident – Barry Road	11/06/2017
33	A Local Resident	11/06/2017
34	A Local Resident	11/06/2017
35	33 Recreation Road, Brimington	11/06/2017
36	54 Barry Road, Brimington	10/06/2017
37	42 Barry Road, Brimington	10/06/2017
38	A Local Resident	09/06/2017
39	A Local Resident	09/06/2017
40	A Local Resident	09/06/2017
41	A Local Resident	09/06/2017
42	A Local Resident	09/06/2017
43	31 Barry Road, Brimington Common	08/06/2017
44	A Local Resident – Barry Road	08/06/2017
45	39 Barry Road, Brimington Common	07/06/2017
46	41 Barry Road, Brimington (x3)	07/06/2017

<b>47</b>		07/06/2017
<b>48</b>		30/05/2017
<b>49</b>	58 Barry Road, Brimington (x2)	01/06/2017
<b>50</b>		01/06/2017
<b>51</b>	5 Wheathill Close, Brimington	25/05/2017
<b>52</b>	6 Wheathill Close, Brimington	24/05/2017
<b>53</b>	56 Barry Road, Brimington	24/05/2017
<b>54</b>	3 Wheathill Close, Brimington	22/05/2017
<b>55</b>	A Local Resident	04/05/2017

### Principle of Development

A percentage of the development falls outside the footprint of the existing buildings (currently 360sqm – proposed 980sqm) and therefore the development will be on land used as farm land. This is against Local and National Planning Policy;

The proposals are contrary to policies CS1 and CS2 in terms of distance to local centres, strategic gaps protection and not being previously developed land;

Compromises green areas;

A lack of local shops and facilities in this area means it is not a suitable or sustainable location;

The National Planning Framework advises that new developments should only be accepted within existing settlements;

The proposal will harm the open and rural character of the Strategic Gap between Brimington and Tapton and does not accord with the strategy of concentration or regeneration;

The proposal does not deliver the council's Spatial Strategy (Policy CS1) and is not on previously developed land;

The adverse impacts of the proposal would significantly outweigh any benefits of granting planning permission when assessed against the policies in the NPPF;

The proposal would not respect the character, form and setting of the site and surrounding area;

The location of the development does not maximise walking, cycling and the use of public transport;

The application site is within an area of open countryside. Yet the proposal does not meet the central criteria of this policy that planning permission will only be granted for the redevelopment of existing buildings in areas of open countryside for uses which are necessary for the needs of agriculture and forestry or are related to recreation, tourism or other types of farm or rural diversification;

The policy states that planning permission will be granted for the replacement of existing dwellings with new dwellings provided that

criteria (c) and (f) are met. Insofar that one of the existing buildings on the application site is a house, I believe that these criteria are not met. In respect of criteria (c), the scale, siting, design, materials and landscape treatment of the proposal are such that its visual effect would not be minimised and the buildings would not be in keeping with their surroundings and reflect local character. In respect of criteria (f), the proposed buildings would have a greater impact on the open character of the countryside and the purpose of including land within it than the existing house and it would occupy a materially larger area of the site than the existing house; Even if it was argued (unfairly and contrary to Policy EVR2) that the combined massing of the house and outbuildings should be taken into account in the consideration of the application, then it is still clear that the proposal would still not meet criteria (c) and (f) of Policy EVR2: the proposed buildings would still have a greater impact on the open character of the countryside than the existing buildings, and they would occupy a materially larger area of the site than the existing buildings;

The proposal would be contrary to the National Planning Policy Framework (NPPF) as, the proposal would not recognise the intrinsic character and beauty of the countryside (para 17) and the proposal would not meet the tests for new isolated homes in the countryside (para 55). The proposal would not meet the essential needs of a rural worker; it would not represent the optimal viable use of a heritage asset; it would not re-use redundant or disused buildings leading to an enhancement to the immediate setting; and it would not comprise a design of exceptional quality or innovative nature; and

The proposal would be contrary to the Chesterfield Borough Local Plan Consultation Draft (January 2017) as the proposal would not meet the requirements of Policy CS1 (Spatial Strategy) and the open character of the Strategic Gap as identified on the proposal map for Brimington and Tapton would not be protected.

***Officer Response: See section 5.2 above.***

#### Traffic

Five new dwellings will create a traffic hazard / danger to other road users as this will mean at least 10 vehicles on site;

The access point at the sites junction with Westmoor Road is very narrow and vehicles have little time to react to someone pulling out;

The road is used by pedestrians, cyclists and riders and there are no footpaths so people have to stand on the verge when vehicles approach;

Visibility is restricted on the lane and often vehicles hug the verges moving them closer to pedestrians;

I have been victim to road rage on this narrow highway as some drivers do not use the passing places and expect people to go into the hedges. The edges of the road are unsafe with many potholes and in winter the road is prone to frost and snow which doesn't clear quickly due to lack of use and confined space;

Traffic calming has been installed along the entire length of Westmoor Road and the speed limit changes from 30mph to 60mph at the entrance to the application site;

The road is used on a daily basis by large farming machinery and the road is often used by NHS staff and visitors parking which is not policed, there is insufficient room for a further increase in car using this road and for parking;

Elderly and disabled local residents who make up 95% of the adjacent residents will feel less able to use the road if it becomes busy and this will break down the local community and isolate them;

The road is already used as a rat run to Chesterfield Town Centre; How do the developer propose to manoeuvre large vehicles during construction and once development is complete?;

Visibility exiting Hathern Close onto the mini-roundabout is already restricted without further traffic being introduced exacerbating the problem;

The junction of Dark Lane and Wetlands Lane nearby is a nearby hazard;

Many people walk the lanes to access the Trans Pennine trail and bridleways;

In the wider area Manor Road is already busy with traffic from local school, parked cars and this will worsen with this development;

Access to public transport links are limited;

There have been numerous accidents and fatalities on this dangerous stretch of highway;

There are no white lines on the road;

To wilfully increase traffic on this road without any mitigation measures to improve safety is unacceptable and possibly negligent. A full traffic survey should be carried over a reasonable period of time. Consideration should be given to lowering the speed limit and a weight limit imposed, even consider making the road one way from Plover Hill Farm westwards. The installation of

kerbs and a footway should be considered. Costs of all this should be paid by the developer, not the tax payer; and  
The development will result in number of additional traffic movements on the local road network. Whilst this number of movements will only be modest, it will nevertheless add to some of the road congestion experienced in the area and particularly at peak hours. It is requested that this impact be considered.

***Officer Response: See section 5.4 above.***

#### Housing Mix / Affordable Housing

The development propose family homes, however has the developer / LPA considered that 95% of local residents are retired / elderly and disabled and therefore they should not be isolated, 'done to' or imposed upon; and  
I understand there is a requirement for new affordable housing in the area but this does not meet that need.

***Officer Response: The scheme is not of a scale where the developer would be required to contribute to an affordable housing need (that is only applicable for developments of 15 units or more).***

#### Visual Impact

The intensive development will upset the visual effect of the area and harm the countryside character of the site, turning it from a rural scene to an urbanised housing development;

The planned development will impinge on the peace and tranquillity for residents in the local area and will break up the green wedge / buffer between Westmoor Road and the NHS Hospital;

The development scale will be much taller than the existing buildings which does not follow existing topography;

Imposing / Overdevelopment;

Three storey development is not appropriate and the site at Plover Hill Farm is more in keeping;

The five bedroom house at the top of the site will be an obtrusive addition, out of keeping with the rural character;

The proximity of Plover Wood would cast shadows and falling leaves on the development (due to orientation) however the woodland and any remaining trees on site should be protected by Tree Preservation Order to prevent them from being pruned or felled if the development takes place;



The siting, scale, massing and appearance of the proposed houses will harm the rural character of the site and the area;  
The siting, scale, massing and appearance of the proposed houses will give rise to an overdeveloped and cramped scheme to the detriment of the character of the area; and  
The proposal would not meet the requirements of Successful Places SPD. The proposal would not be in accordance with Principle 3.5.8 (Local distinctiveness) as it would not take the opportunities available to integrate the proposal into the site, its setting and the way it relates to the local area.

***Officer Response: See sections 5.2, 5.3 and 5.6 above.***

#### Neighbouring Impact

The development will impinge on surrounding residents privacy.

***Officer Response: See section 5.3 above.***

#### Ecology

The applications report minimises issues in respect of ecological and environmental issues – inc. bats in nearby trees which are believed to be unaffected. There is a wide variety of wild creatures thriving in the local area and any development will have a detrimental effect on their wellbeing;

There are concerns about foul water and other effluents being released into the local water course from the completed development and its effect on wildlife;

The development has the potential to adversely impact upon trees and ecology and the Council has a duty to protect their environments;

Wildlife will be frightened away by the development and will not return; and

There is no evidence to suggest that a wildlife survey has been carried out at an appropriate time.

***Officer Response: See section 5.6 above.***

#### Drainage

There are concerns about foul water and other effluents being released into the local water course from the completed development;

Any increase in foul water and effluent into the local water system could create a serious problem, especially in inclement and warm weather (unpleasant odours etc); and

There are already drainage problems in the area which would be made even worse.

***Officer Response: See section 5.7 above.***

#### Further Development

There is mention of a Phase 1 in the application submission, so is there to be a Phase 2 with more dwellings in the future?;

The development will create a precedent for further housing development in what is an area of outstanding visual quality; and Documents in the application submission refer to a development of 25 dwellings, therefore when are the remaining 20 dwellings proposed?

***Officer Response: The application being considered is only for 5 dwellings. Any reference to future development is not material to the application being determined. The proposals are assessed on their own individual merits.***

#### Other Issues

Planning permission has already been granted and development has begun for 3 dwelling on land opposite the application site;

How long will the development take to build out?;

There is no information of how the development will be lit and new street lighting will have adverse effects on the area;

There has been very little time to consider the application and I would like to reserve my right to make further comments if I become aware of further information;

The development will adversely affect property prices;

More pressure will be placed on overstretched schools, doctors, dentists and other facilities;

If the applicant wishes to live in the area why don't they renovate the existing farmhouse, it appears they have purchased the land for development rather than regeneration;

Only the farmhouse should be replaced;

The application comments that many of the buildings are dilapidated, but this is far from the case and they could be converted;

Power supply to the site is via a single overhead line on poles and this would need to be upgraded for the proposed use;

Asbestos removal from the site could be a hazard for local residents;  
While I support replacement of the existing dilapidated farm buildings, I feel it is important that the proposed development is in-keeping with its location & surroundings; and  
I like the use of timber cladding and references to traditional farm buildings, in a modern design with lots of renewable materials / low energy building.

***Officer Response: Noted / some issues not material.***

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 **CONCLUSION**

9.1 The proposals have been considered against the principles of policy EVR2 of the 2006 Local Plan; policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy. In addition consideration has been given to the wider National Planning Policy Framework (NPPF) and the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places'.

9.2 It is considered that although some conflicts have been identified with policy EVR2; the proposed development can be considered in broad compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its connection to social, economic and environmental infrastructure and the key benefits of supporting the development are such that it meets the definitions of sustainable development and there is a presumption in favour of its approval.

9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core

Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.9 above;

10.2 That the group of the trees to the frontage of the site are protected by Tree Presentation Order; and

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

**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 (listed below) with the exception of any approved non material amendment.

P01\_A – Site Location and Block Plan

P02\_A – Topographical Survey

P10\_A – Existing Plan Sheet 1

P11\_A – Existing Plan Sheet 2

P12\_A – Existing Elevations Sheet 1

P13\_A – Existing Elevations Sheet 2

P100\_A – Proposed Site Plan

P101\_A – Proposed Site Sections Sheet 1

P102\_A – Proposed Site Sections Sheet 2

P103\_A – Proposed Site Sections Sheet 3

P104\_A – Proposed Site Sections Sheet 4

P105\_A – Proposed External Finishes

P110\_A – Unit 1 Proposed Plans

P111\_A – Unit 1 Proposed Elevations

P120\_A – Unit 2, 3 and 4 Proposed Plans Sheet 1

P121\_B – Unit 2, 3 and 4 Proposed Plans Sheet 2

P122\_A - Unit 2, 3 and 4 Proposed Elevations Sheet 1

P123\_A - Unit 2, 3 and 4 Proposed Elevations Sheet 2  
P124\_A – Unit 2, 3 and 4 Proposed Elevations Sheet 3  
P130\_B – Unit 5 Proposed Plans Sheet 1  
P131\_A - Unit 5 Proposed Plans Sheet 2  
P132\_A - Unit 5 Proposed Elevations  
Planning Support Statement (Babenko O’Boyle)  
Design and Access Statement (Babenko O’Boyle)  
Drainage Strategy (Babenko O’Boyle)  
Ecological Assessment (Baker Consultants)  
Tree Survey (John Booth)  
Geo-Environmental Assessment – Phase 1 (Idom Merebrook)  
Coal Mining Risk Assessment (Idom Merebrook)  
Community Infrastructure Levy Liability Forms  
Ecology Appraisal and Bat Survey (Baker Consultants) –  
received 20/06/2017  
Speed Survey and Topographical Survey for Visibility –  
received 14/07/2017

*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.*

### Drainage

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

*Reason - In the interest of satisfactory and sustainable drainage.*

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

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

### Environmental

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

validated in accordance with the agreed Remediation Method Statement.

*Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.*

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

*Reason - In the interests of residential amenities.*

### Ecology

07. No removal of trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

08. Prior to the commencement of development a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.  
This is to ensure that a sensitive lighting is designed in line with guidance within Paragraph 125 of the NPPF.

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



09. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.  
Please note that it is expected that provision is made within the new dwellings (as integral boxes) rather than in retained trees to ensure that the roost and nest boxes cannot be tampered with and are secure in the long-term.

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

10. No works shall commence on site, including demolition or site clearance, until a copy of the Natural England Licence has been submitted to and acknowledged by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason - To safeguard the ecological interest of the site and to accord with policy CS9 of the Local Plan: Core Strategy.*

11. Prior to development commencing (including site clearance) revised site layout drawings shall be submitted to the Local Planning Authority (for written approval) which establish Root Protection Area's (RPAs) as recommended in BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012) to all protected and retained trees bounding and within the application site boundary. On agreed protective fencing shall be erected conforming to BS 5837 during site clearance and while any construction is in progress and notices should be attached to the fencing at regular intervals to this effect. There must be no excavations, no soil stripping and no grading of the site within the RPAs unless otherwise first agreed in writing by the Local Planning Authority in accordance with a Tree Construction Works Methodology and there should also be no storage of materials within the RPAs.

*Reason – In the interests of protecting the rooting environment of any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.*

Materials / PD / Landscaping

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

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

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

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

14. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and

proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

### Highways

15. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Westmoor Road / Wetland Lanes in accordance with the revised drawing RBS-17/0888/001 and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centre line of the access for a distance of 90 metres in the critical direction and 105 metres in the non-critical direction. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1 metre in height (0.6 metre in the case of vegetation) above ground level.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

### **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.

### **Coal Authority**

03. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **Highways**

04. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works

that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

05. The Highway Authority recommends that the first 6m of the proposed access driveway(s) should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
06. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
07. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to

allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

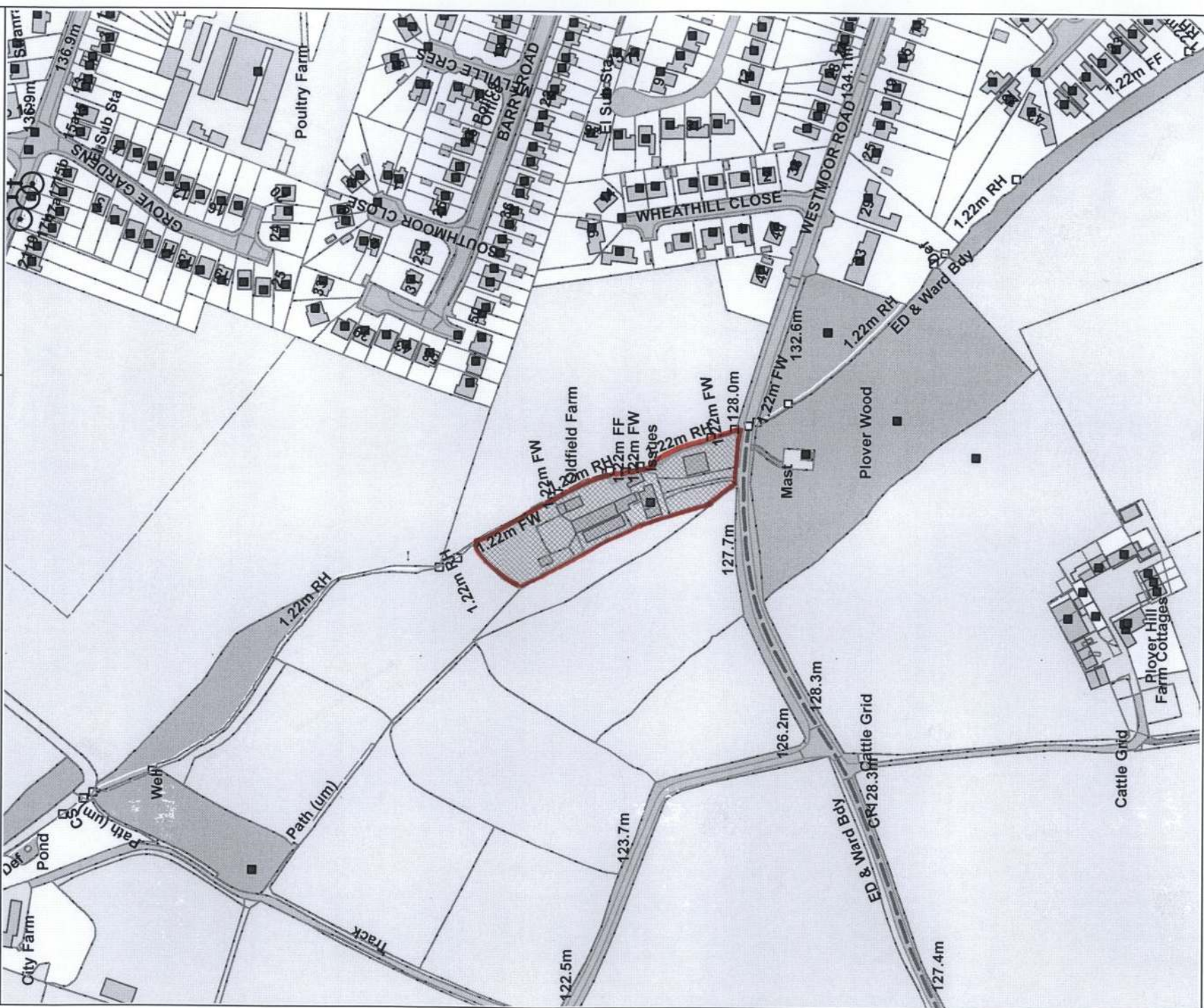
### Drainage

08. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.



CHE/17/00257/FUL

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Case Officer: Sarah Kay  
 Tel. No: (01246) 345786  
 Ctte Date: 7<sup>th</sup> August 2017

File No: CHE/17/00263/FUL  
 Plot No: 2/1339 & 513

**ITEM**

**ERECTION OF 34 DWELLINGS INCLUDING PRIVATE AMENITY SPACE, CAR PARKING PROVISION, NEW ACCESS ROAD, LANDSCAPING, DRAINAGE SWALE AND ON-SITE OPEN SPACE (ADDITIONAL / REVISED INFORMATION RECEIVED 23/05/2017, 24/05/2017, 26/05/2017, 01/06/2017, 09/06/2017, 16/06/2017, 21/06/2017, 23/06/2017, 30/06/2017, 03/07/2017, 05/07/2017, 06/07/2017, 17/07/2017, 20/07/2017, 23/07/2017, 24/07/2017, 26/07/2017 AND 27/07/2017) AT FORMER SALTERGATE HEALTH CENTRE, 107 SALTERGATE, CHESTERFIELD, DERBYSHIRE, S40 1LA FOR WOODALL HOMES LTD**

Local Plan: Town Centre  
 Ward: Brockwell

1.0 **CONSULTATIONS**

**Table 1: Consultee Responses**

Local Highways Authority	Comments received 30/05/2017 – see report
CBC Planning Policy	Comments received 02/06/2017 – see report
Environmental Services	Comments received 10/05/2017 – see report
Design Services	Comments received 24/05/2017 and 27/07/2017 – see report
Yorkshire Water Services	Comments received 01/06/2017 and 09/06/2017 – see report
Lead Local Flood Authority	Comments received 17/05/2017, 15/06/2017 and 10/07/2017 – see report
Economic Development Unit	Comments received 06/07/2017 – see report
Housing Services	Comments received 26/06/2017 – see report
Derbyshire Constabulary	Comments received 17/05/2017 – see report
DCC Strategic Planning	Comments received 23/05/2017 – see report

NHS / CCG	Comments received 10/05/2017 – see report
Chesterfield Cycle Campaign	No comments received
Coal Authority	Comments received 19/05/2017 – see report
Tree Officer	Comments received 15/06/2017, 23/06/2017, 28/06/2017 and 26/07/2017 – see report
Derbyshire Wildlife Trust	Comments received 19/05/2017 and 04/07/2017 – see report
Derby & Derbyshire DC County Archaeologist	Comments received 15/05/2017 – see report
Urban Design Officer	Comments received 21/06/2017 – see report
Fire Officer	No comments received
Chesterfield Civic Society	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Six representations received

## 2.0 **THE SITE**

- 2.1 The application site is located within Chesterfield town centre and was previously, prior to the demolition of the buildings on site, the Saltergate Medical Centre. The site is approximately 0.66 hectares in area.
- 2.2 The main vehicular access into the site is from Saltergate via a tree lined avenue, however access/egress is also obtained via Spencer Street located to the north of the site.
- 2.3 The site has pedestrian connections to the surrounding residential areas (Tennyson Avenue, Queen Street, Cross Street and St Mary's primary school) and adjacent to the northern boundary of the site is Brickyard Walk, a pedestrian footpath that links the residential areas to the west of the site with Chesterfield town centre.
- 2.4 To the north and west of the site the main land uses are residential, although beyond Brickyard Walk is a hospital facility with associated car parking. To the south of the site is the former North East Derbyshire Council offices, which front Saltergate, and

500 metres to the south east is the main shopping area of Chesterfield town centre. To the east of the east on Marsden Street and beyond the land uses are characterised by a mixture of commercial uses.

- 2.5 Adjacent to the northern boundary of the site is the Church of the Annunciation, a Grade II Listed Building, which falls within the Spencer Street Conservation Area. The Town Centre Conservation Area is adjacent to the southern boundary of the site, with the Abercrombie Street Conservation Area located beyond the hospital buildings to the north east of the site.
- 2.6 Within the site there are a number of mature trees that are subject to a group Tree Preservation Order (TPO) reference 4901.261 which was made in June 2006 and confirmed in August 2006.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/16/00562/TPO - Crown lift and minor reduction to gain clearance of highway and footpath also removal of basal epicormic growth to facilitate access to property and minor crown lift over adjacent car park to facilitate unimpeded usage.  
Conditional permission 06/10/2016
- 3.2 CHE/14/00415/DEM - Proposed demolition of former Saltergate Medical Centre and Marsden Street Clinic Buildings (2 x rectangular blocks, mainly single storey brick built buildings with slate roofing and basement level. Three small outbuildings/portacabin to be removed.  
Prior approval not required 31/07/2014.
- 3.3 CHE/14/00287/TPO - Fell T26,T27,T28 due to low amenity value and proximity to proposed demolition works, fell T35 due to poor amenity value and health, fell T36 due to death, fell T43 due to low amenity value and proximity to wall and building, fell T45 due to location - inside courtyard building.  
Split decision 20/05/2014.
- 3.4 CHE/14/00216/FUL - Provision of Paladin security fence to perimeter entry points at Saltergate, Spencer Street and Marsden Street, provision of double vehicular gates at Saltergate for ingress and egress to visitors and 24 hour security staff located within site

and at Spencer Street for emergency access only. The gates will match the same height as the new fence 2000mm.  
Conditional permission 15/05/2014.

- 3.5 CHE/12/00721/TPO - T2, T5, T6, T7, T8, T9, T33, T32, T32, T30 - crown lift to 4.5metres and crown clean; T29 remove specific limbs to reduce weight, crown clean and reduce 25%.  
Conditional permission 12/12/2012.
- 3.6 CHE/0196/0046 - Construction of main entrance porch.  
Conditional permission 22/03/1996.
- 3.7 CHE/1291/0812 - Three small extensions.  
Conditional permission 11/02/1992.
- 3.8 CHE/0685/0401 - Permission for the approval of reserved matters for proposed doctor surgery at Saltergate Health Centre site.  
Conditional permission 09/08/1985.
- 3.9 CHE/0784/0419 - Permission for doctors surgery at Saltergate Health Centre Site.  
Conditional permission 10/08/1984.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for 34 dwellings across the site together with private amenity space, car parking provision, new access road, landscaping, drainage swale and on-site open space. Access to the site will be taken primarily from Saltergate, with a proposed highway upgrade to the existing driveway access which lies to the south of the site. 2 no. of the dwellings will be served separately from Spencer Street to the north.
- 4.2 The application proposal provides a range of dwelling types, including affordable housing. Table 2 below sets out the schedule of accommodation that the scheme provides.

**Table 2: Schedule of Accommodation**

<b>Plot No.</b>	<b>House Type</b>	<b>Type</b>	<b>No. of Beds</b>	<b>Parking spaces</b>
1	Petworth	2 storey	4 bed	2 + garage
2	Rosedene	2 storey	4 bed	2 + garage

3	Petworth	2 storey	4 bed	1 + garage
4	Lindisfarne	2 storey	4 bed	1 + garage
5	Rosedene	2 storey	4 bed	2 + garage
6	Rosedene	2 storey	4 bed	2 + garage
7	Lindisfarne	2 storey	4 bed	2 + double garage
8	Claremont	2 storey (GF flat)	2 bed	1
9	Claremont	2 storey (GF flat)	2 bed	1
10	Claremont	2 storey (FF flat)	2 bed	1
11	Claremont	2 storey (FF flat)	2 bed	1
12	Rosedene	2 storey	4 bed	2 + garage
14	Buckingham	2 storey	4 bed	2 + garage
15	Lindisfarne	2 storey	4 bed	2 + garage
16	Wycombe	2 storey	4 bed	1 + garage
17	Petworth	2 storey	4 bed	2 + garage
18	Thornton	2.5 storey	4 bed	2
19	Thornton	2.5 storey	4 bed	2
20	Thornton	2.5 storey	4 bed	2
21	Thornton	2.5 storey	4 bed	2
22	Hardwick	2 storey	3 bed	2 + garage
23	Hardwick	2 storey	3 bed	2
24	Rosedene	2 storey	4 bed	1 + garage
25	Westbury	2 storey	4 bed	1 + garage
26	Petworth	2 storey	4 bed	2 + garage
27	Rosedene	2 storey	4 bed	1 + garage
28	Kingston	2 storey (flat above garage block)	2 bed	1 + garage
29	Thornton	2.5 storey	4 bed	1 + garage
30	Thornton	2.5 storey	4 bed	1 + garage
31	Westbury	2 storey	4 bed	1 + garage
32	Affordable	2 storey	2 bed	1.5
33	Affordable	2 storey	2 bed	1.5
34	Affordable	3 storey	3 bed	1.5
35	Affordable	3 storey	3 bed	1.5

*Note: Plot no. 13 is omitted*

4.3 The application submission is supported by the following list of plans / documents:

#### SITE LAYOUT

- C00 REV A - SITE LOCATION PLAN
- C01 REV E - SITE LAYOUT PLAN
- C02 REV C - SITE LAYOUT PLAN

#### HOUSE TYPES / GARAGES

- C03 REV A – PLOTS 1 AND 26 PETWORTH
- C04 REV A – PLOTS 2, 5, 6, 12 AND 24 – ROSDENE
- C05 REV A – PLOTS 3 AND 17 PETWORTH
- C06 REV B – PLOT 4 LINDISFARNE
- C07 REV B – PLOTS 7 AND 15 LINDISFARNE
- C08 REV A – PLOTS 8 – 11 CLAREMONT (FLATS)
- C09 REV B – PLOT 14 – BUCKINGHAM
- C10 REV A – PLOT 16 – WYCOMBE
- C11 REV B – PLOTS 18, 19, 20 AND 21 – THORNTON
- C12 REV B – PLOTS 22 AND 23 – HARDWICK
- C13 REV B – PLOTS 25 AND 31 – WESTBURY
- C14 REV B – PLOT 28 – KINGSTON
- C15 REV B – PLOTS 29 AND 30 – THORNTON
- C16 REV A – PLOTS 31, 32 33 AND 34 – AFFORDABLE
- C18 – PLOT 27 – ROSEDENE
- C22 REV B – GARAGES
- C23 – GARAGE G7

#### LANDSCAPING

- C20 REV A – BOUNDARY TREATMENTS PLAN
- C21 – BOUNDARY TREATMENTS DETAILS
- SOFT LANDSCAPE PROPOSALS (1) L9008\_03 REV F
- SOFT LANDSCAPE PROPOSALS (2) L9008\_04 REV F
- SOFT LANDSCAPE PROPOSALS (3) L9008\_05 REV E
- SOFT LANDSCAPE PROPOSALS (4) L9008\_06 REV B

#### HIGHWAYS AND DRAINAGE

- 40337/001 REV A – EXPLORATORY HOLE LOCATION PLAN
- 40337/012 REV B – EXTERNAL WORKS
- 40337/013 REV F – PLOT DRAINAGE
- 40337/014 REV C - LONGITUDINAL SECTIONS (SHEET 1 OF 2)

- 40337/015 REV A – LONGITUDINAL SECTIONS (SHEET 2 OF 2)
- 40337/016 REV A – MANHOLE SCHEDULES
- 40337/018 REV A – S104 (DRAINAGE) LAYOUT
- 40337/019 REV A – S102 (DRAINAGE) LAYOUT
- 40337/020 REV A – FOUNDATION SCHEDULE PLAN 1 OF 2
- 40337/021 REV A – FOUNDATION SCHEDULE PLAN 2 OF 2
- 40337/022 REV A – FOUNDATION SCHEDULE TABLE
- 40337/023 REV A – FLOOD ROUTING PLAN
- 40337/024 REV A – DRAINAGE DETAILS SHEET 1 OF 2
- 40337/026 REV A – DRAINAGE DETAILS SHEET 2 OF 2
- 40337/035 REV B - S278 WORKS SPENCER STREET
- 40337/036 REV E – S278 WORKS SALTERGATE
- 40337/038 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 1 OF 2
- 40337/039 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 2 OF 2
- 40337 ATR1 REV A – VEHICLE TRACKING DIAGRAM
- 40337/044 REV A – PRIVATE CATCHPIT DETAIL
- SA1 INC. STORAGE 100YR+ CC
- SA2 INC. STORAGE 100YR+ CC
- SA3 INC. STORAGE 100YR + CC
- 40337/002 - REPORT ON ADDITIONAL INVESTIGATION
- 08321 SITE DRAWING AND WINCAN V8 (SEWER SURVEY)
- C17 REV D – FRONT BOUNDARY WALL RE-ALIGNMENT
- C19 – SITE MANAGEMENT PLAN
- W27 REV B – SITE COMPOUND
- CONSTRUCTION METHOD STATEMENT REV A – 14<sup>TH</sup> JUNE 2017

### TREES

- LTP/19 – SECTION THROUGH ROAD AND T19 & T26
- ‘NO DIG’ CONSTRUCTION METHOD STATEMENT – 14<sup>TH</sup> JUNE 2017
- DEMOLITION AND CONSTRUCTION OF RETAINING WALL METHOD STATEMENT – 4<sup>TH</sup> JULY 2017

### BACKGROUND DOCUMENTS

- DESIGN AND ACCESS STATEMENT (UPDATED 09/06/2017)

- PLANNING STATEMENT
- HERITAGE STATEMENT
- ECOLOGICAL APPRAISAL
- TRANSPORT STATEMENT
- STATEMENT OF COMMUNITY INVOLVEMENT
- COAL MINING RISK ASSESSMENT
- PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE INVESTIGATION REPORT
- FLOOD RISK ASSESSMENT
- ECUS TREE SURVEY, ARBORICULTURAL IMPACT ASSESSMENT AND ARBORICULTURAL METHOD STATEMENT DATED JULY 2017
- ECUS JAPANESE KNOTWEED SURVEY DATED 24<sup>TH</sup> APRIL 2017
- VIABILITY APPRAISAL REV A – CONFIDENTIAL (UPDATED 05/07/2017)
- PLOT MATERIALS SCHEDULE AND SITE PLAN WITH BRICK CHOICES – 20/07/2017

4.4 Throughout the application process various amendments and additional information have been submitted: 23/05/2017, 24/05/2017, 26/05/2017, 01/06/2017, 09/06/2017, 16/06/2017, 21/06/2017, 23/06/2017, 30/06/2017, 03/07/2017, 05/07/2017, 06/07/2017, 17/07/2017, 20/07/2017, 23/07/2017, 24/07/2017, 26/07/2017 and 27/07/2017.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background & Principle of Development**

5.1.1 The site is situated within the built settlement of Brockwell ward on a parcel of previously developed land in an area predominantly surrounded by residential development. The site is located fringe on the commercial town centre. Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18, CS19, CS20 and PS1 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.

#### Principle of Development



- 5.1.2 The site is within the town centre boundary in the adopted Local Plan but is not within the retail core. The policy sets out that permission will be granted for development that enhances the range and quality of residential uses with the town centre and contributes towards the objectives of the town centre masterplan. The town centre masterplan identifies this site as a development opportunity with the potential for residential use.
- 5.1.3 Policy CS1 requires new development to be within walking and cycling distance of centres. The site is within easy walking and cycling distance of the full range of facilities available in Chesterfield Town Centre and excellent public transport connections.
- 5.1.4 The site is shown as a potential housing allocation in the draft Local Plan (2017) as site H53. The allocation was for the purposes of consultation only and has yet to be put through the final stage of the council's Land Availability Site Assessment methodology. However in this case the council has already produced an informal planning brief for the site that identifies housing as the preferred use and it is therefore appropriate to consider this a material consideration in this particular case as the site has already been the subject of further consideration (and no objections were received to the proposed allocation).
- 5.1.5 The principle of residential development of this site therefore supports the objectives of the Local Plan Core Strategy.
- 5.2 **Design & Appearance Issues (inc. Neighbouring Impact / Amenity)**
- 5.2.1 The site is an irregular shaped area which contains a number of trees protected by TPO, including a mature avenue along the approach road from Saltergate. The land is generally level and is located to the north of Saltergate (immediately to the rear of the former NEDDC Council Offices) and south of Spencer Street. To the west are the long rear gardens of dwellings along Tennyson Avenue. To the northwest Brickyard Walk footpath curves around the boundary before connecting to Marsden Street to the east. Beyond Brickyard Walk (NE) is Scarsdale Clinic NHS premises.
- 5.2.2 The site lies between two Conservation Areas. The Town Centre Conservation Area bounds the southern part of the site, including

the former NEDDC offices and part of the access drive and avenue. Spencer Street Conservation Area abuts the northern edge of the site and encompasses the adjacent Grade II listed church and associated buildings. In addition, a number of other listed and unlisted heritage assets are located in the vicinity.

#### Saltergate Planning Brief (2013)

5.2.3 The Saltergate Medical Centre & Marsden Street Clinic Planning Brief (2013) is a material consideration in the determination of any application for redevelopment of this site. It was prepared by the Council to set out the requirements for a planning application as well as provide an urban design framework for its future development. The brief enabled consultation with the local community on the future of the site and identified that residential development would be an appropriate use.

5.2.4 Having regard to the site context set out above and matters specifically in relation to design and appearance consultee comments from the Council's Urban Design officer were provided on the initial application submission as follows:

#### **Use**

*The site is located within the Town Centre and represents a sustainable location. Residential use of the site is also consistent with the objectives of the Planning Brief (2013).*

#### **Amount**

*The site area measures approximately 1.15 hectares. The proposed development of 34 dwellings equates to a density of 30 dwellings per hectare. The Planning Brief (2013) identifies that the aim should be to achieve a minimum density of 30dph having regard to the limitations imposed by the irregular shape of the site. As such the proposed density meets with this objective of the Brief.*

#### **Layout**

*The layout maintains the primary access from Saltergate and forms a new east-west spur into the site. A new turning head is provided from Spencer Street which should improve the ability to turn from the north side of the development.*

*A small 'square' is located off the main bend, from which a private drive extends northwards towards Spencer Street and affords*

*views towards the Grade II listed Roman Catholic Church of the Annunciation.*

*To the south east of the church tower the proposals include a small two-storey apartment building with a feature corner turret which provides a modest counterpoint to the church and strengthens the legibility and identity of this part of the development, which sits at the crossing point of the two footpaths. These elements are considered to be positive aspects of the proposal.*

*Buildings lines are set fairly tight to the back edge of the street and these will provide a strong level of enclosure to the proposed streets ensuring a well-defined streetscene and reflecting the urban character of the nearby streets in the surrounding area.*

### **Pedestrian connectivity**

*The Planning Brief identifies a requirement to maintain the strong pedestrian desire lines that follow a north-south and east-west alignments, connecting the surrounding areas through the site. The proposal maintains Brickyard Walk along its current alignment and reinstates a footpath connection between Saltergate and Spencer Street, which has been cut off since the site was secured for demolition of the old medical buildings.*

### **Forward visibility bend**

*The bend around Plots 29-31 has been designed to maintain forward visibility, although this results in an over-widened footway around the bend which would be almost 4m at its widest point. However, landscape proposals include the introduction of landscaped verge around the bend to ameliorate the broad expanse of hard surfacing at this point.*

### **Relationship to Brickyard Walk**

*The layout retains the alignment of Brickyard Walk although the development only partially addresses this route, with only Plots 32-35 directly facing the eastern end of the footpath. However, Plots 19 and 20 which adjoin the connecting path and Brickyard Walk respectively contain no side facing windows to habitable rooms and lack surveillance over this part of the footpath. It is recommended that the development takes the opportunities available for addressing this route and that ground floor windows are provided to kitchen and study rooms to afford passive surveillance over these areas. For example, the study room/bed 4*

*of Plot 20 could potentially incorporate a modest window or bay window within the space available.*

*Beyond Plot 20 the Plots 12-19 have no direct relationship with the footpath. The neighbouring plots back onto Brickyard Walk being set back beyond a drainage swale, behind gardens and tall walls. Overlooking is limited to upper floor windows only, whereas the Planning Brief recommends this route is overlooked to ensure its security or consideration is given to diverting the path through the site.*

### **Crime and Design**

*As indicated above, the relationship of the development to Brickyard Walk is only partially resolved. In addition, the location of the drainage swale between the footpath and the rear garden walls of the adjacent plots is also a concern. Notwithstanding its segregation from the path with railings, its marginal location, limited overlooking of the space and the lack of a sense of 'ownership' provide the ingredients for a space that is likely to become a litter trap and potentially neglected space or problem area.*

*Furthermore, in order to prevent casual access to private areas it is recommended that access to Brickyard Walk is limited to the path between Plots 19 and 20. The path that passes in front of Plot 32 from the parking court should be closed-off from Brickyard Walk or restricted to a secure residents only controlled gate.*

*In relation to individual parking spaces adjacent to dwellings, for reasons of crime prevention and security additional side windows should be introduced to habitable rooms to afford direct overlooking parking bays/driveways are recommended.*

### **Plot 28**

*The rear windows to bed-2 of Plot 28 are positioned immediately above the gardens of Plots 30 and 31. Although the windows are labelled as inward opening casements their position and the habitable nature of the room would result in overlooking of the neighbouring gardens and Plot 31 in particular. It is recommended that the FOG unit is reconfigured to locate non-habitable spaces, such as bathrooms, storage and circulation areas to the rear and habitable rooms to the front. Alternatively the kitchen could be located in the position of Bed 2 and provided with roof windows to obviate the potential for overlooking.*

### **Scale and massing**

*The proposals comprise mainly two-storey houses with three pairs of three-storey houses located either side of the pedestrian entrance onto Brickyard Walk (Plots 18-21) and terminating the view from Spencer Street (Plots 29-10). The overall scale, massing and relationship to neighbouring dwellings appear to be appropriately laid out.*

### **Landscaping**

*Full details of landscaping are provided with the submission.*

### **Focal points**

*Two focal points are areas shown. The main space is at the centre of the site outside Plot 15 and a smaller secondary location outside Plot 2, which provides a physical separation from Spencer Street, preventing vehicular access through the site. These locations are potentially vulnerable. In order to protect them from damage it is recommended that measures are introduced to prevent vehicles overrunning the landscape. The use of bollards, railings or other structures such as public art interventions etc. should be provided to the edges of these areas. This could be an opportunity to introduce a creative solution to this issue and strengthen the identity and sense of place of the scheme, particularly if linked to the use of public art and/or the history of the site. These measures could be managed by a suitably worded condition.*

### **Boundary treatments**

*Brick walls are recommended either side of north-south route in lieu of metal railings currently shown on the west side of the path. This would ensure a consistent and visually unifying element along this section of streetscene. Railings could continue to be provided around the 'square' which is a distinctive space in its own right. Hoop top railings are a more suburban style of enclosure and a more appropriate railing detail that reflects the urban nature of this location is recommended.*

*It is proposed to retain and repair the stone and brick walls along the eastern boundaries. It is unclear of the extents of existing boundaries to be retained and repaired.*

*The nature and appearance of all the proposed boundary enclosures will be required in due course, and a layout plan*

*specifically detailing all proposed boundary treatments is recommended (including those to be retained/repaired) together with elevations of new boundaries proposed. These details could be managed by a suitably worded condition or provided at this stage to obviate the need for a condition.*

### **Appearance**

*The proposed dwellings are generally of a traditional form and appearance and the mainly detached and semi-detached layout that echoes of Tennyson Avenue to the west.*

*Several areas will require care in relation to the adjacent conservation area and listed buildings. A good standard of materials and finishes should be sought for those areas with an interface with the heritage assets. For example the turret on apartments 8-11 is shown with plain tiles, whereas concrete interlocking tiles are indicated on the main roof. It is recommended that all roof tiles should match those of the turret roof to ensure a harmonious appearance is achieved. Nevertheless, notwithstanding the information provided details of materials, including samples should be managed by a suitably worded condition.*

*No details of the positions of meter boxes are indicated on the elevations provided. These should be located discretely on side elevations rather than positioned prominent elevations (or if applicable located at ground level for gas) i.e. alongside driveways etc. and painted a tone to match the background material of the buildings. This should be subject of a suitably worded condition or details provided at this stage to obviate the need for a condition.*

*The flank wall (west) of Plot 27 is exposed where this projects forward of the adjacent parking bays in front of Plot 28. This appears as a prominent blank wall within the streetscene in views from the west along the proposed road. It is recommended that additional modest sized windows are introduced into the west elevation serving the living room and bedroom one. This would also provide further passive surveillance over the adjacent parking bays.*

*Notwithstanding these specific points, which should be reviewed, the overall appearance of the development is considered to be compatible within this context.*

### **Access**

*The scheme proposes to utilise the existing entrance from Saltergate as the primary access for the majority of the development. An extension to Spencer Street would provide a secondary access to plots 1 and 2 and a new formal turning head. This is consistent with the guidance of the Planning Brief (2013).*

### **Conclusion**

*In broad terms the approach to the layout and scale of the development is considered to meet the objectives of the Planning Brief for this site, with the exception of the relationship to Brickyard Walk, where the scheme only partially responds to this edge and introduces a potential future problem area. Where identified above the proposals should be reviewed and amended as appropriate in response to the specific issues raised.*

- 5.2.5 In response to the comments made by the UD Officer the applicant / agent sought to address the issues which were raised which culminated in a package of revised details being submitted on 30/06/2017 and 03/07/2017 which included the following commentary:

#### ***Relationship to Brickyard Walk***

*Having reviewed the opportunities for increased overlooking of Brickyard Walk, we are unable to introduce additional gable windows at ground floor level in Plot 20 due to the lack of available wall space in the kitchen and the inclusion of a second window in the study would be ineffective since the outlook will be obstructed by the 2.0m high boundary wall between the two existing brick piers. Brickyard Walk is overlooked from first floor level by plots 12-19 and from ground and first floor level by the four apartments on plots 8-11*

#### ***Crime and Design***

*The pedestrian link adjoining plot 19 improves pedestrian security and the positioning of the swale delivers environmental and ecological improvements for the users of Brickyard Walk. I consider that the concerns expressed regarding the potential for the swale area to become a litter trap and neglected location are unfounded. Access to the swale area will be limited to a secure gate within the fence and the area will be maintained as part of the common areas covered by the management company. Should the*

*local Authority accept the responsibility for emptying, we will provide litter bins on Brickyard Walk but it is not clear that there is currently a litter problem in this location from the evidence on the ground. The comments regarding limited additional pedestrian access to Brickyard Walk are noted and we will provide a gate on the path adjoining Plot 32 with a coded lock for use by the residents on Plots 32-35.*

### **Plot 28**

*I note that the current layout shows the windows to Bedroom 2 on Plot 28 overlook the gardens on Plots 30 & 31 and consider that this brings practical issues regarding the maintenance to the rear of Plot 28. In order to overcome this, the boundary to plot 30 has been repositioned and the land to the rear of Plot 28 bedroom is to form part of the curtilage to plot 28. The Urban Design Officer raises concerns that the garden to Plot 31 can be overlooked and we have considered shortening the garden to Plot 31 and adding further rear garden to Plot 28, but, since Plot 31 is a four bedroom house and Plot 28, a 2 bedroom first floor flat, it seems more appropriate that the former has the bigger garden, notwithstanding that the part of the garden furthest from the house may be overlooked. We have therefore chosen to leave the larger garden with Plot 31.*

### **Focal Points**

*In response to a request from the Highways Officer we have amended our original layout to introduce bollards at the end of Spencer Street to prohibit vehicular access from Spencer Street to Saltergate. Having considered the Urban Officer's comments, we will further revise this element to introduce metal railings backed by a hedge in lieu of the bollards. This will have the effect of forming a clear end to Spencer Street and will encourage pedestrians to use only the footpath link through the site. Virtually all vehicle movements from the estate road to the private road will be from, or towards, Saltergate and therefore we have asked our landscape architect to introduce a shrub planted bed at the South West corner of the central area of open space and our engineers to revise the road design to introduce a full size concrete kerb along the edge of the private road as it adjoins the open space, thus preventing vehicles encroaching onto the landscaped area. I am keen to avoid the introduction of a fence, posts or bollards in this location to ensure that the open feel is maintained.*



### **Boundary Treatments**

*The boundary to the houses on the West side of the 'private road' is to be retained as a metal fence, with hedging behind, in order to introduce some vegetation to the street scene. I agree with the comments regarding the use of hoop topped railings and these have now been changed for a style more suitable to the urban setting and as shown on the attached detail (16-553-C21) All the existing boundary walls (stone and brick) will be repointed, as necessary. A section of brick retaining wall adjoining 8 Spring Place is leaning and is supported by timber props. We propose to carefully take down this wall, subject to the approval of the adjoining owner and rebuild it using salvaged bricks. Windle Cook have produced a site layout (16-553-C20A) with all boundary treatments clearly defined.*

### **Appearance**

*I am hopeful that we will be able to issue a materials schedule either today or tomorrow. Sample panels have been built on site using our preferred facing bricks and the applicant is looking at the cost of tiling the apartment building (plots 8-11) roof in plain tiles. Meter box positions are shown on the site layout and I can confirm that they will be painted in a colour compatible with the facing brick of each property. The house type on Plot 28 has been changed from a Lindisfarne to a Rosedene as a consequence of the request from the Tree Officer and this has caused the drive to this plot to be on the opposite side of the house to that originally shown. As a result, the gable wall to Plot 27 is substantially screened by Plot 28 and the garages below and the short section of Plot 27 flanking wall that is visible has no greater impact than a number of others on the development. Furthermore, since plot 28 is now built tight up to its Western boundary, it is not possible to introduce any windows of substance in that wall.*

- 5.2.6 Having regard to the above it is considered that the applicant / agent has sought to address as many of the issues highlighted by the UD Officer in their response as possible. The proactive response of the applicant / agent to feedback has been welcomed; and this approach has been reflected in issues resolution for all aspects of the scheme covered later in this report.
- 5.2.7 Overall it is considered that the scheme presents an appropriate design response that has due regard to the Planning Brief, the site constraints and opportunities which have been appropriately

treated in the proposed site layout to ensure a good standard of design overall is achieved. The application submission is supported by working details of hard and soft landscaping solutions which have been considered and are acceptable. They offer appropriate response and legibility to the streetscene being created. A detailed materials schedule has been prepared by the developer selecting chosen brickwork and finishes to the individual plots – which are considered to be acceptable as they reflect the local vernacular.

5.2.8 The developer has prepared an Unilateral Undertaking / S106 which obligates them to appoint a private management company to handle management of any common / public spaces created by the development and this will include the soft landscaped areas, trees and the drainage swale presented to Brickyard Walk (essentially any open green spaces not conveyed). This is considered to be an appropriate response to these matters.

5.2.9 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design. Notwithstanding this however, it is noted that due to the proximity of some of the adjoining and adjacent neighbouring properties it could be possible that permitted development extensions may pose a threat to privacy and amenity and therefore it is considered necessary to impose a condition removing these rights to maintain control over the future relationship any such extensions or alterations would have upon the neighbours.

5.2.10 Overall it is considered that the development proposals are acceptable. The design, density, layout, scale, mass and landscaping proposals are considered to comply with the provisions of policy CS2 and CS18 of the Core Strategy, the wider NPPF and the adopted SPD such that the scheme is acceptable in this regard.

### 5.3 **Highways Issues**

5.3.1 The application submission (which includes a Transport Statement) has been reviewed by the **Local Highways Authority** (LHA) who offered the following comments:

*'The submitted details demonstrate a development of 34no. residential units, the majority served via a private access road with Saltergate, and include a Transport Statement supporting the proposals.*

*The existing vehicular access and access road are substandard to current layout recommendations to serve a development of the nature and scale suggested. However, the Highway Authority has previously indicated that any recommendations of refusal for a development likely to generate equitable vehicle trips to the extant use of the site would be unlikely to prove sustainable. The Transport Statement does state that 'it's considered that the additional traffic movements created by the development is unlikely to be greater than the previous medical centre use' although there are no details included to support this e.g. predicted trip generations from 32no. dwellings compared with those from 'x' square metres GFA of medical centre use.*

*Modifications to the access layout, that include increased entry/exit radii and relocation of a boundary wall, are demonstrated on Drg. no. 16-553-C02. Whilst exit visibility sightlines of 2.4m x 43m are stated on the drawing (unfortunately not demonstrated to the full extent in the leading direction), to meet current guidance, sightlines should be commensurate with recorded 85%ile vehicle approach speeds. It's also suggested that some allowance should be made to take account of the perceived nature of traffic using Saltergate e.g. based on the existing speed limit of 30mph, recommended sightlines are 2.4m x 47m. Notwithstanding, if there is to be no increase in trip generations from the site post development, any improvements would be considered of benefit.*

*As the access road is to remain private and (as far as I'm aware) 5.0m radii kerbs are not commonly manufactured, it's considered that the access should take the form of a suitably constructed vehicle dropped crossing of the footway thereby reinforcing the private status of the road as well as maximising entry width. It's recommended that submission of revised access details are made the subject of Condition on any Consent.*

*Plots 1 and 2 are shown as being accessed from a modified turning facility at the southern end of Spencer Street. It's assumed that the applicant will seek adoption of the modified layout and, subject to this meeting current construction guidance, it's likely that the Highway Authority would be acceptable to this. However, it should be noted that the bin assembly point will need to be provided clear of the proposed highway and the details should be modified to reflect this. The applicant will need to enter into an Agreement with the Highway Authority under Section 278 of the Highways Act 1980 in order to undertake Works within the existing highway to modify the turning facility and dedicate any land currently outside of the highway needed to achieve the approved layout.*

*Beyond the access to Saltergate it's noted that, as far as is possible, the new estate street will be laid out in accordance with current adoption criteria and it's appreciated that there are a number of constraints e.g. land ownership, trees subject to Preservation Orders, etc., preventing full compliance. This being the case, the Highway Authority will not undertake a full design check nor issue any Constructional Approval.*

*Brief comments on the layout:-*

- The presence of accesses to the private drive and parking court off of the turning head of the private road should enable a Large Refuse Vehicle to turn within the site. It's recommended that the views of the local refuse collection service are sought with respect to their requirements.*
- Acceptable forward visibility has been demonstrated around the bend in alignment.*
- The private road serving Plots 3 – 14 is of substandard corridor width although may be considered acceptable as a private drive. The turning area adjacent to Plots 8 – 11 is suitable for use by service and delivery vehicles.*
- It's recommended that areas for standing of bins on collection days clear of the access road are demonstrated for all dwellings.*
- Current recommendations for off-street parking space dimensions is 2.4m x 5.5m minimum (2.4m x 6.4m where located in front of garage doors) with an additional 0.5m of width to any side adjacent to a solid barrier e.g. fence, hedge, wall, etc. A number of spaces appear to be deficient in this respect.*
- Whilst no details of dwelling sizes have been forwarded to this office, it's recommended that parking is provided on the basis of*

*2no. or 3no. spaces per 2/3 or 4/4+ bedroom unit respectively and I trust that you will satisfy yourself that adequate provision is made.*

- Details of a barrier to prevent use of the development road as a through route between Saltergate and Spencer Street should be submitted for approval.*
- The applicant should consider inclusion of 'private road' within the street name plate.*

*Therefore, it's recommended that the applicant is given opportunity to submit additional/ revised details to satisfactorily address the above issues. However, if you are minded to approve the proposals as submitted, it's recommended that the following conditions are included within the Consent:-*

- 1. Before any other operations are commenced, the access with Saltergate shall be modified in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.*
- 2. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*
  - Parking of vehicles of site operatives and visitors*
  - routes for construction traffic*
  - hours of operation*
  - method of prevention of debris being carried onto highway*
  - pedestrian and cyclist protection*
  - proposed temporary traffic restrictions*
  - arrangements for turning vehicles*
- 3. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the modification of the turning head on Spencer Street, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall*

*be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.*

- 4. The carriageways of the proposed private estate roads shall be constructed in accordance with the approved layout up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.*
- 5. There shall be no means of vehicular access between Spencer Street and the proposed private estate street and to this end, a permanent physical barrier shall be erected and thereafter maintained for the life of the development, all in accordance with a scheme first submitted to and approved in writing with the Local Planning Authority.*
- 6. No dwelling shall be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the*

*garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.*

8. *There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*
9. *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.*
10. *Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.*
11. *No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority.'*

### 5.3.2

In response to the comments made by the LHA above further information was submitted by email dated 23/06/2017 to address the recommended conditions 1, 2, 3 and 11.

- *Proposed Highways condition No. 1 – Drawing No. 40337/036 which provides details of a modified access onto Saltergate utilising a drop kerb.*
- *Proposed Highways condition 2 – updated construction management plan*
- *Proposed Highways condition 3 – Drawing no. 40037/035 Rev B – showing highway improvement works for the*

*modification of the turning head on Spencer Street. The construction of the turning head on Spencer Street will be completed prior to the occupation of Plots 1 & 2.*

- *Proposed condition 11 – Drawing No. 16-553-C19 Site Plan Management Plan – a management company will be responsible for the maintenance of all un-adopted areas as shown on the attached plan.*
- *To address the comments in respect to the layout - Drawing No. 40337/ATR1 Rev A showing tracking for a large refuse vehicle.*

5.3.3 Further comments from the LHA were sought; however at the time of preparing this report no formal reply / response to the revised details had been received.

5.3.4 In the interests of expediency the case officer has therefore considered in turn each of the conditions the applicant has sought to address and taking into account the revised details which have been prepared and submitted for consideration the following commentary is offered:

1. *Before any other operations are commenced, the access with Saltergate shall be modified in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.*

***The amendments to Saltergate and Spencer Street will form part of a S278 Agreement under the Highways Act, which is a process that requires approval from the Highways Authority separate to the planning process. Given that the drawings submitted appear to adequately address the comments of the LHA in their initial planning response it is considered that appropriate planning conditions can be imposed which require implementation of these works in accordance with the revised drawings unless an alternative scheme is submitted (this would account for any tweaks the LHA would require in order to grant S278 construction approval).***

2. *No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local*



*Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*

- *Parking of vehicles of site operatives and visitors*
- *routes for construction traffic*
- *hours of operation*
- *method of prevention of debris being carried onto highway*
- *pedestrian and cyclist protection*
- *proposed temporary traffic restrictions*
- *arrangements for turning vehicles*

***A Construction Method Statement has been prepared and submitted to address the requirements of the conditions as detailed above, which include a Site Compound drawing showing the proposed location of the works compound. This is to be located at the end of Spencer Street utilising the space of Plots 1, 2 and 3. In the absence of a formal highways comments the Statement and Plan are considered to be acceptable. They detail an appropriate methodology and layout commensurate to the construction phase of development and can be conditioned accordingly to ensure full compliance.***

3. *Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the modification of the turning head on Spencer Street, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.*

***See comments to Condition 1 above.***

11. *No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development*

*have been submitted to and approved by the Local Planning Authority.'*

***The LHA has indicated that the highway serving the development from Saltergate will not be adopted and therefore it is necessary to ensure arrangements for future management and maintenance of the proposed streets within the development is in place. The applicant has prepared a drawing 16-553-C19 which shows the extent of land which will be taken up by a management company and a connected S106 agreement will legally secure the appointment of an appropriate body to handle this matter into the future. This is not an unusual arrangement and is acceptable. As the matter is handled by the obligated S106 agreement this condition is not necessary.***

5.3.5 The applicant did not seek to address any of the other suggested conditions of the LHA detailed above; however condition 10 which relates to the control of surface water discharge from the site onto the highway has not specifically been addressed. Notwithstanding this the application includes a fully detailed drainage solution which has been examined by the necessary bodies in the report section below. The matter of surface water discharge to the highway is handled by the Highways Act and is ordinarily dealt with by advisory note rather than duplication in planning conditions.

#### 5.4 **Flood Risk / Drainage**

5.4.1 The application submission was initially supported by a Flood Risk Assessment undertaken by Eastwood and Partners dated March 2017 which was passed to the **Design Services (Drainage) team** (DS team), **Yorkshire Water Services** (YWS) and the **Lead Local Flood Authority** (LLFA) for review in the context of policy CS7 of the Core Strategy.

5.4.2 Initial comments were received respectively from the DS team 24/05/2017, YWS 01/06/2017 and the LLFA 17/05/2017 which sought the provision of further information concerning the sites overall drainage proposals.

5.4.3 In response to these comments further information was submitted by email dated 24/05/2017 to address the LLFA comments and 09/06/2017 to address the YWS comments. These details

concerned the calculated reduction of overall surface water runoff, details of the site wide strategy for surface water disposal and the calculated capacity control for surface water run off.

5.4.4 Both the LLFA and YWS responded following receipt of these further details confirming their acceptance in principle to the details (15/06/2017 and 09/06/2017).

The LLFA requested that the following conditions and advisory notes be imposed on any subsequent decision made:

*No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.”*

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.*

*No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.”*

*Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:*

- I. into the ground (infiltration);*
- II. to a surface water body;*
- III. to a surface water sewer, highway drain, or another drainage system;*

*IV. to a combined sewer.*

*The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.*

*Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).*

*The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual 7353. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status.*

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

*To discharge the conditions the applicant should ensure all of the below parameters have been satisfied:*

- 1. The production and submission of a scheme design demonstrating full compliance with DEFRA's Non-statutory technical standards for sustainable drainage systems:
  - Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.*
  - Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.**

- *Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.*
- *Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.*
- *Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.*
- *Where reasonably practicable demonstrate that the runoff volume of the site reflects the requirements of S4.*

*2. Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with Approved Document H of the Building Regulations 2000. In particular, the following information should be provided to the Local Planning Authority for review:*

- I. Soakaway/ground investigation conducted in compliance BRE Digest 365 methodology or similar submitted to demonstrate the feasibility of infiltration alone to manage surface water on the site.*
- II. If infiltration is found not to be feasible, an alternative option for surface water disposal should be proposed. In order of preference this should be to:*
  - i. an adjacent watercourse with detailed evidence of the feasibility of this option given the existing site constraints,*
  - ii. a surface water public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable, or*
  - iii. a combined public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable.*

YWS requested that the following condition be imposed on any subsequent decision made:

*The means of draining foul and surface water arising from the development shall be constructed and operated in accordance with details shown on the submitted drawing 40337/013 (revision C) dated 24/05/2017 prepared by Eastwood and Partners. The rate of*

*discharge of surface water to public sewer shall not exceed 11.7 litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works*

*Reason: In the interest of satisfactory and sustainable drainage.*

- 5.4.5 No specific response from the applicant was made to the initial comments received from the DS team (which concerned flood risk from surface water, finished floor levels and flood runs), however the details provided to the LLFA and YWS were forwarded for their consideration.
- 5.4.6 A further package of additional detailed drainage details were submitted by the applicant for consideration, as the applicant sought to address all outstanding drainage matters the subject of suggested conditions. These were sent to the DS team and the LLFA for comment.
- 5.4.7 The following comments were received:

*LLFA (10/07/2017) - The two standard condition recommended to the Local Planning Authority (LPA) by the Lead Local Flood Authority (LLFA) are recommended on most major planning applications. These two conditions ensure the principles of sustainable drainage are adhered to in line with DEFRA's Non – statutory technical standards and the proposed destination for surface water is in accordance with the hierarchy in Approved Document Part H of the Building Regulations 2000 is met.*

**Condition - 1**

*The LLFA are aware proposals can change and we would still recommend **Condition 1** to the LPA as it will ensure DEFRA's non – statutory technical standards are adhered to. Should this condition be appended to the decision notice the LLFA at the discharge of conditions would be in a position to formally discharge it should all the required information be submitted by the applicant.*

*Whilst the applicant has provided detailed information in line with DEFRA's Non – statutory technical standards. The applicant has not submitted any detailed information how the on-site surface water drainage systems shall be maintained and managed after*

completion and for the lifetime of the development to ensure the features remain functional.

**Condition - 2**

*The LLFA are satisfied with the level of information provided in relation to **Condition 2** and would no longer need to recommend it to the LPA.*

***Having regard to the comments of the LLFA detailed above they have accepted that the drainage scheme submitted is acceptable to them; however their outstanding reservation concerns the future maintenance and management of the drainage systems. In response to these concerns in similar way that the highways will be maintained and managed by a private management company so will the drainage infrastructure and a connected S106 agreement will legally secure the appointment of an appropriate body to handle this matter into the future. This is not an unusual arrangement and is acceptable. As the matter is handled by the obligated S106 agreement this condition is not necessary.***

**DS Team (27/07/2017)** – Following a further exchange of emails between the applicant / agent and the DS team direct which included provision of revised soakaway calculations and full details of the latest drainage strategy (Eastwoods Plot Drainage 40337\_013 REV F) the DS team confirmed that the full drainage design was acceptable to them.

- 5.4.8 On the basis of the comments detailed above and the receipt of a fully designed drainage system which is acceptable this negates the need to impose a pre-commencement drainage condition as would ordinarily be imposed. Alternatively a condition will be necessary which requires the developer to implement the agreed scheme in full prior to first occupation. This will ensure the development fully complies with the provisions of policy CS8 of the Core Strategy.

5.5 **Land Condition / Contamination / Noise**

- 5.5.1 In respect of the matters concerning land condition / contamination and noise the application submission has been reviewed by the Council's Environmental Health Officer (EHO) and the Coal Authority (CA).

5.5.2 Looking in turn at each of these consultees responses the EHO raised no objections in principle to the application proposals but requested conditions be imposed restricting working hours and requiring a phase I and if necessary phase II site investigation. In this regard it is unclear why the EHO requested the necessary site investigation, as this has already been done and submitted with the application. It is assumed they overlooked these details when providing their response. Notwithstanding this fact, the necessary survey work has been done and subsequently this condition is not necessary. A standard construction hours condition is acceptable.

5.5.3 Having regard to land condition the Coal Authority responded as follows:

*The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (July 2013, prepared by RPS Group Plc) are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.*

5.5.4 Overall with regard to the provisions of policy CS8 of the Core Strategy it is considered that the application proposals appropriately consider matters of land condition, contamination and noise. Where necessary appropriate conditions can be imposed to control the development proposals if permission is granted.

## 5.6 **Trees and Ecology**

### Trees

5.6.1 As detailed in the application description above there are a number of mature trees within the application site that are subject to a group Tree Preservation Order (TPO) reference 4901.261 and with their regard the application submission was initially accompanied by a Tree Survey and Arboricultural Impact Assessment which was reviewed by the Tree Officer (TO) alongside the prepared plans / drawings.



5.6.2 The TOs initial response (15/06/2017) examined the application in full and concluded that whilst he had no objection to the scheme in principle, a request for further details before a decision be made to ensure that the retained trees on the site are protected during construction and adequate space is provided to allow the trees to grow to maturity was set out as follows:

*Further details should be provided of the demolition, realignment and construction of the walling to the western side of the access off Saltergate. These details should include a method statement, cross sections and other scale drawings to showing existing and new levels.*

*Further details therefore must be provided of levels, along with a scaled cross sectional drawing and method statement of how the roadway will connect to Saltergate without affecting the roots of the adjacent trees. Details of the construction method and material used for the roadway, footpaths and other hard surfaces in the trees root protection area (which should be permeable) should also be provided.*

*Further details including cross sectional drawings of existing and proposed levels and the construction method for the highway footpath within the root protection area of T19 Copper Beech and T26 Maple should be submitted demonstrate how this can be achieved without the severance of roots and compaction of the rooting environment.*

*As recommended in the ECUS Report Chapter 6 Section 6.5, construction drawings should be submitted to the Local Authority and approved of the construction methods of the garage G7 being built by pile foundations.*

*Details and locations of any trenches and runs for the utility services should be submitted along with a method statement to show how any excavations within the root protection areas of the retained protected trees along the access road can be achieved without the severance and desiccation of the tree roots.*

*Due to the location of T19 Copper Beech and Maple T26, plots 23 and plot 27 should either be relocated away from the trees by a minimum of 10 metres or removed from the scheme. A revised scaled site plan to show the location of the plots in relation to the*

*trees should be submitted for approval and a scaled tree protection plan showing the exact location of the tree protection fencing around the retained trees and proposed development including where any above ground construction will be carried out.*

- 5.6.3 The applicant / agent proactively engaged with the TO to address the matters detailed above and there were several subsequent exchanges and submissions of revised information (details received 16/06/2017, 19/06/2017, 21/06/2017, 05/07/2017, 06/07/2017, 17/07/2017 and 26/07/2017 - responding to comments from the TO dated 23/06/2017 and 28/06/2017) which culminated in the final response below being received from the TO dated 26/07/2017:

*'An email by Katerina Hulse dated the 17<sup>th</sup> July 2017 confirms that the rebuilding of the boundary wall at the site access off Saltergate will be constructed within the adjacent surgery garden to avoid any disturbance to the roots and main stem of the protected Tree of Heaven reference T1. Further information has been provided in drawing 16-553-C17 Rev C which shows the new wall built on a ground beam off piers at either end along with metal railings to achieve the visibility splay. The drawing also shows the ground beam 450mm below the existing ground level to support the wall. Any excavations in this area may sever the trees roots so an exploratory hand dug trench must first be dug under the supervision of an arboriculturalist to see if any roots are present and if the construction of the wall is achievable. Once this has been carried out and inspected a further decision can then be made.*

*After further discussions a further revised drawing has now been submitted reference 16-553-C17 Rev D showing alterations to the depth of the through ground beam which is now to be constructed at a depth of 100mm just below the existing ground level. The realignment and construction of the new boundary wall is therefore acceptable as long as a condition is attached if consent is granted that any excavations for the concrete foundations in section AA and CC at the ends of the existing wall are hand dug and the first 100mm of soil in the garden area for the through beam are hand dug to avoid any root damage. If any roots are exposed advice should be sought from an arboriculturalist and the Council's tree Officer immediately before any root severance or disturbance takes place.*

### **Resurfacing and specifications for the proposed driveway from Saltergate.**

*The email from Katerina Hulse dated the 17<sup>th</sup> July 2017; states that there will be no excavations within the root protection areas along the driveway off Saltergate and the driveway will be raised with no service runs required within the RPA's. Drawing LTP/21 – No Dig Areas Saltergate has been submitted showing the areas on the site where a 'no dig' method of construction will be used which is acceptable and illustrates where on the site no excavations/no dig construction will be used for the road access, footpaths and driveway construction.*

*A revised ECUS report has therefore been submitted which states that there will be no excavations into the existing sub-base with construction of the roadway and footpaths being built up using existing sub-bases on the site using a geotextile on top of the existing surface before a three-dimensional cellular confinement system will be installed acting as the sub-base and infilled with no-fines aggregate which is free draining and allows gaseous exchange as stated in section 6.7 of the report. This method is being used as most of the access road from Saltergate includes RPA's of existing trees and the only change to the existing surface will be to remove the existing finish tarmac and construct the new roadway on top of the old sub-base. A typical no dig construction drawing reference I9008/07 dated March 2017 is also included in the report.*

### **Access and service runs**

*Drawing 16-553-C02 Rev C by Windle Cook Architects dated March 2017 has been submitted showing the location of existing and new runs for utility services along the proposed access route off Saltergate. A typical section through no dig construction showing the location of services is also shown on the drawing and shows no disturbance to the existing ground.*

*As stated in the ECUS report dated July 2017 there are currently no proposals to route services or utilities through the RPA of any retained trees other than laying them above the existing sub-base along the proposed driveway from Saltergate.*

### **Garage Construction within RPA's**

Section 6.5.2 of the ECUS report recommends that garages within the RPA's should be built using piling foundations with excavations being carried out carefully using hand held tools. Construction drawings have been submitted reference 16-553-C23 showing the piling foundation system and is adequate for the protection of the neighbouring trees.

**T19 Copper Beech and T26 Maple. Above ground construction method.**

Drawing LTP/21 – No Dig Areas Saltergate has been submitted showing the areas on the site where a 'no dig' method of construction will be used and includes the areas within the RPA's of both T19 and T26. Further details and no dig construction method are also shown in the revised ECUS report dated July 2017.

**Summary**

I therefore have no objections to the application as long as my previous comments and recommendations are carried out and conditions attached where necessary.

Also the following conditions stated below should be attached to safeguard the retained trees on the site during construction in light of the revised plans submitted:

- The tree protection measures outlined in the ECUS report dated July 2017 shall be carried out and adhered to at all times.
- The realignment and construction of the boundary wall at the Saltergate access shall be carried out in accordance with the revised drawings 16-553-C17 Rev D and any excavations for the concrete foundations in section AA and CC at the ends of the existing wall are hand dug and the first 100mm of soil in the garden area for the through beam are hand dug to avoid any root damage. If any roots are exposed advice should be sought from an arboriculturalist and the Council's tree Officer immediately before any root severance or disturbance takes place.
- The areas as shown on Drawing LTP/21 – No Dig Areas Saltergate should be excluded from any excavations and land level changes and a 'no dig' method of construction carried out as shown in drawing 19008/07 and outlined in the ECUS report dated July 2017.

- *Any utility service runs located in the root protection areas (RPA's) of the retained trees on the site shall be carried out in line with drawing 16-553-C02 Rev C and typical section through no dig construction by Windle Cook Architects which proposes that no route services or utilities will require excavations within the RPA's and that all services will be above the existing sub base along the proposed driveway off Saltergate.*
- *The foundations for garage G7 shall be constructed as shown on drawing 16-553-C23 showing the piling foundation system to protect the neighbouring tree root system.'*

5.6.4 The TO also included the following recommendation in previous comments provided (15/06/2017) which remains relevant:

*It is accepted that the following trees of tree preservation order 4901.261 could be removed for the development if consent is granted to the application:*

- *T12 Oak*
- *T13 Purple Plum*
- *T14 Laburnum*
- *T15 Whitebeam*
- *T16 Whitebeam*
- *T17 Whitebeam*
- *T18 Birch*
- *T20 Cherry*
- *T21 Whitebeam*
- *T23 Sycamore*
- *T24 Ash*
- *T25 Ash*

5.6.5 Overall it is accepted that the redevelopment of the site will result in the removal of some TPO trees however the developer has engaged with the LPA and the Tree Officer both a pre-application stage and throughout the application process to ensure that sufficient amendment and additional information has been made and provided to the satisfaction of the Tree Officer. In accepting that the site is an appropriate redevelopment site for residential purposes (as was set out in the Planning Brief for the site when it was marketed) there is inevitably some degree of compromise which is necessary in relation to the trees.

5.6.6 The design solution presented represents an appropriate and acceptable compromise and secures the retention of the principle / key trees within and around the site which make the best contribution to the streetscene amenity. Notably these include the retention of the 2 no. mature Beech trees located on the proposed access / driveway from Saltergate; and the trees along the western boundary of the access / driveway adjoining the Doctors Surgery and the 1 no. Tree of Heaven located at the corner of Saltergate in the frontage of the Doctor Surgery. Furthermore the proposed site layout details a comprehensive package of soft landscaping works which will further enhance the amenity of the streets provided within the development proposals and provide compensatory planting / biodiversity enhancements to account for the loss of select trees on site which accords overall with the provisions of policy CS9 of the Core Strategy.

#### Ecology

5.6.7 Notwithstanding the individual matter of trees as outlined above, the site the subject of the application also poses a degree of ecological interest and with this regard the application submission was initially accompanied by an ecological appraisal, tree survey and arboricultural impact assessment, and ECUS Japanese knotweed survey dated 24<sup>th</sup> April 2017 which were reviewed by Derbyshire Wildlife Trust as follows:

*'It is understood that there are proposals to construct 34 dwellings on previous demolition Salter Healthcare Centre. The planning application is supported by a preliminary ecological survey report produced by ECUS, December 2016.*

*The report provides details of a desk study and a Phase 1 habitat survey undertaken on 7th December 2016 with a tree climbing inspection of the trees on 22nd December 2016. The survey identified that the site comprises bare ground, semi-improved grassland, trees, hardstanding and scrub. Although the site appears to have open mosaic habitat (OMH) the ecology report has compared the habitat to the Local Wildlife Sites (LWS) criteria and concluded the site does not meet the criteria, we concur with this assessment. At this stage it is unclear on the number of trees proposed for removal/retention. However, the trees were assessed as low potential for roosting bats; following the BCT Guidelines (2016) does not require further surveys. It should be noted, the ecology survey for bats and trees are valid for a short*

*time frame (two years), and any delays to the application would require a re-survey for bats and trees i.e. December 2018. Due to the timings of the survey Japanese knotweed could not be ruled out, as discussed in the ecology report Section 4.5, a repeat survey for invasive species should be undertaken, we concur with this recommendation. It would be welcomed to include quantifiable loss and gains for the proposals to ensure the development does not result in a net loss of biodiversity, and where possible net gains are demonstrated.*

*The report makes numerous recommendations for biodiversity enhancement measures including the installation of bird and bat boxes, native planting, and wildflower planting for the drainage swale. It is recommended that the ecology report is followed in full and measures implemented. In addition, it is recommended that the installation of gaps at the bottom of fences to allow hedgehogs to move through the site is also included within the enhancement measures. The drainage swale is surrounded by brick wall and fencing, it is recommended the wall has suitable mammal holes present, and an access gate way installed to ensure the management of the drainage swale is undertaken in accordance with the landscape planting. Green open space is proposed, which lack connectivity to the swale and comprises monoculture hedgerow and trees. It would be welcomed for additional native and diverse planting to be included with connecting habitat to 'other' green areas.*

*It is considered that adequate ecological survey work has been undertaken in order for this application to be determined. If the Council are minded to grant planning permission for the proposed development, the below conditions could state:*

- Prior to the commencement of development a biodiversity enhancement strategy as outlined in Section 4 of the ecology report (Ecological Assessment and Mitigation) shall be submitted to and approved in writing by the Council. Such approved measures should be implemented in full and maintained thereafter.*
- No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that*

*there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.*

- *No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Such approved measures will be implanted in full.*
- *The retained trees present on site should be protected throughout the duration of works and follow guidance BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*
- *Re-survey for Japanese knotweed, prior to any works commencing on site should be undertaken and approved in writing by the LPA. Where remedial action is required, a detailed mitigation and management plan will be required. The measures shall be carried out strictly in accordance with the approved scheme.'*

5.6.8 The comments received above from DWT were relayed back to the applicant / agent for consideration and as a result additional details were submitted on 26/05/2017 as follows:

*In respect to the requirement for a condition for further Japanese Knotweed surveys, these have now been carried out in April 2017 by ECUS, which confirms the conclusions reached in their January 2017 report that there is no evidence of Japanese Knotweed on site and that the previous treatment undertaken between 2013 and 2016 by Clear appear to have been successful.*

***This is acceptable.***

5.6.9 In respect of the DWTs request for a further Biodiversity Enhancement Strategy and Lighting Scheme to be submitted by conditions the applicant / agent also responded 26/05/2017 querying the need for the conditions requested on the following basis:

*Given that an Ecological Assessment and Mitigation Report was submitted as part of the application documentation, it is considered that a condition requiring a Biodiversity Enhancement Strategy is unnecessary, particularly given the nature of the site and its location.*



*DWT also request a condition is imposed for the provision of a lighting strategy. The site is in a town centre location and there is existing lighting on Brickyard Walk and the existing drive and on the surrounding streets; our proposal will simply add to this existing lighting on the estate road. There are also a number of redundant lighting columns on the site from the former Clinic use and therefore this site has been well illuminated in the past. It is therefore considered that there is no justification for the imposition of a condition requiring a lighting strategy in this instance.*

- 5.6.10 In respect of the above the Ecological Appraisal prepared by ECUS dated January 2017 includes within it at section 4.0 a series of recommendations specific to each species which offer suggested wildlife protection measures throughout the construction phase and beyond the development phase offering enhancement measures including fixture of bird and bat boxes throughout the site and incorporation of small mammal holes in boundary treatments to allow hedgerows migration through the site. Had a condition been imposed as per DWTs recommended condition for an enhancement strategy these measures would be what would be expected to be secured and therefore the LPA is in agreement that duplicating this in a repeat condition is unnecessary. An appropriate alternative condition can be imposed to secure implementation of these measures accordingly – which are now fully detailed on the applications landscaping proposals.
- 5.6.11 The comments made by the applicant / agent in respect of the suggested need for a lighting strategy is also accepted. The site is in a town centre location and the applicant has indicated that lighting columns will only be necessary along the new spine road / driveway. Any bat activity affecting the site will be peripheral foraging where the applicant has confirmed there is no lighting being proposed and therefore it is not considered reasonable or proportionate for DWT to insist upon pre-commencement conditions for this issue.
- 5.6.12 Overall therefore it is concluded the applicant / agent has properly considered the impacts of the development proposals in respect of ecology and biodiversity enhancement and the provisions of policy CS9 of the Core Strategy. Appropriate planning conditions can be imposed to ensure that the measures and mitigation (which are proportionate and reasonable) offered are delivered alongside the

development to provide a biodiversity enhancement across the development site.

## 5.7 Archaeology / Heritage

5.7.1 The application site sits adjacent to the Church of the Annunciation, a Grade II Listed Building which is located in the Spencer Street Conservation Area to the north and the Town Centre Conservation Area is adjacent to the site to the south, therefore the application submission is accompanied by a Heritage Statement.

5.7.2 The details of the development proposals and the Heritage Statement have been reviewed by the Council's Conservation Officer and the Derby & Derbyshire DC Archaeologist who have provided the following comments respectively:

*'The above proposal would be located on the edge of both the Chesterfield Town Centre Conservation Area and Spencer Street Conservation Area. It would also be located within the setting of the grade II listed Roman Catholic Church of the Annunciation (1854) which is a good example of the renowned Victorian gothic influenced architect Joseph Hansom (Hansom is perhaps most famous - alongside Edward Welch - for designing the grade I listed Birmingham Town Hall (1834)).*

*In accordance with the NPPF and Local Plan policies, development proposals which affect the setting of listed buildings and conservation areas should respect their character and not have a negative impact on significant settings.*

*I note that in accordance with paragraph 128 of the NPPF, the applicant has provided a Heritage Statement (Simon Johnson, BA; PG. Dip; FRSA; FSA Scot; IHBC; MCIFA). This, in my view, is robust and succeeds in identifying those heritage assets that might be affected by the development. The Statement is sound on what those impacts would be and concludes that the development would not lead to an unacceptable impact on the heritage assets. I would generally concur with this conclusion.*

*I note for instance that the developer is proposing to retain the existing brick wall (likely to be Victorian) that would separate Brickyard Wall from the new development. I support this on the*

*basis that it retains historic boundary treatments. Similarly, any impact on the grade II listed Marsden Street Methodist Church will be lessened by an acknowledgment that existing historic boundary treatments should be retained. I also acknowledge that there has been an attempt to mirror the Roman Catholic Church's gothic architectural style by incorporating a turret style elevation on the Claremont house type. The impact on the church's setting from the 'Petworth' house will be fairly minimal in my view given that there would be a hedgerow and driveway separating the house from the existing boundary wall.*

*Overall, I would not object to the proposals. Whilst there will be some loss of existing open views to the church and other heritage buildings as a result of the new housing, it should be remembered that some of these views only opened up as a result of the demolition of the former healthcare building, hence the new development is unlikely to represent an impact over and above what was on site previously. Moreover the development does present an opportunity to improve existing boundary treatments, which in my view is important. For instance, the developer is proposing to remove the unsightly concrete panel walling that currently runs along sections of Brickyard Walk and replace with a brick & railing wall and tree bounded swale area. This will improve the character of the area, including the environs of the heritage assets.'*

*'The applicant has submitted an archaeological desk-based assessment for the site, as well as a very useful digest of the ground investigation works mapping levels of truncation/survival of potential archaeological levels across the site.*

*The site is – at its easternmost projection – about 60m from the Council's Town Centre Historic Core, an 'area of archaeological interest' corresponding to the likely area of the medieval town of Chesterfield with attendant local plan policy. There is no firm evidence for medieval activity further to the west, but the proximity of the medieval core raises the possibility of some medieval or early post-medieval 'creep' westward along the line of Saltergate. The site also contains some post-medieval buildings shown on historic maps, in the north-western corner at 'Westpool Place' – a row of houses present by the Tithe Map of 1849, and along the site's western side associated with 'Westpool Villas' – also present by 1849, and the site of a late 19<sup>th</sup> century ropewalk. Well-*

*preserved remains of early 19<sup>th</sup> century housing with associated material culture could be of local or perhaps even regional importance.*

*The applicant's 'potential mapping' summarising the results of ground investigation work suggests however that the bulk of the site has been subject to complete truncation of the archaeological levels, including the parts of the site closest to the Town Centre Historic Core, and the site of the row of post-medieval housing known as 'Westpool Place'. Small areas with possible archaeological preservation are identified, in the central/eastern part of the site, and leading down to its south-western corner.*

*Given the rather peripheral archaeological potential and the evidence for truncation of all but limited areas, I advise on balance that the level of archaeological interest in the site does not justify an archaeological response under the policies at NPPF chapter 12.'*

- 5.7.3 In the context of the NPPF and the provisions of policy CS19 of the Core Strategy the application appropriately acknowledges and assesses the potential impact of the development proposals upon surrounding heritage assets. The development has been designed to protect features of significance (such as boundary walls) and replicate architectural styles and characteristics seen in the surrounding area; furthermore the chosen development materials are appropriate in this context. In respect of heritage and archaeological matters the development proposals are acceptable.

## 5.8 **S106 / Planning Obligations**

- 5.8.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.
- 5.8.2 Internal consultation has therefore taken place with the Councils own **Economic Development, Leisure Services and Housing** teams, as well as externally with **Derbyshire County Councils Strategic Planning** team on the development proposals to ascertain what specific contributions should be sought.

- 5.8.3 The responses have been collaborated to conclude a requirement to secure S106 Contributions via a Legal Agreement in respect of the Affordable Housing (Policy CS11); up to 1% of the overall development cost for a Percent For Art scheme (Policy CS18); a Health contribution via the CCG (Policy CS4); and appointment of an external management company to manage and maintain the on site green open space (Policies CS9). Matters in respect of education and leisure provision are now dealt with by CIL contributions (see section 5.9 above).
- 5.8.4 The application submission is supported by a Viability Appraisal which albeit commercially sensitive and therefore confidential, has been reviewed by the LPA in light of the obligated contributions and CIL contribution set out above. As is the case with the majority of new major development proposals for residential development in the Borough, the schemes viability appraisal demonstrates that a maximum 30% affordable housing provision (11 units) and a maximum 1% of development costs for a percent for art contribution (£51,500 approx.), alongside a CIL payment (£183,250 – with social housing exemption) which is none negotiable, is not achievable.
- 5.8.5 A request for a contribution has also been received from the North Derbyshire Clinical Commissioning Group (CCG) for a contribution of £12,934 towards providing GP services. Health services are not currently covered by the council's CIL Regulation 123 list and it is therefore necessary to consider if this should be addressed through a financial contribution, secured by a S106 agreement as well as matters above.
- 5.8.6 Based upon the Viability Appraisal submitted the scheme offers the provision of 4 no. affordable housing units, a percent for art contribution of £44,325 and the full CIL amount. On this basis the developer would secure a profit / return of 14.68%; which is relatively low when the other schemes in the Borough have been accepted with reduced contribution with a profit / return in excess of 17.5% (the recommended level of the District Valuer). The CCG have only recently begun responding to planning applications again, so the GP services contribution had not been anticipated or factored into the evidence the developer had prepared.

- 5.8.7 In respect of the GP contribution Policy CS4 states that ‘developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development’. The preamble (para 5.6) to the policy describes infrastructure, but does not provide an exclusive or exhaustive list. It does refer to health facilities specifically as an example of social infrastructure. Para 5.8 refers to working ‘co-operatively and jointly with partners to ensure delivery of the infrastructure required to enable development and improve existing facilities’.
- 5.8.8 Under the policy, strategic infrastructure set out in the council’s Infrastructure Delivery Plan should be secured through CIL. The expansion of GP services in this area is not in the IDP or on the Regulation 123 list and therefore securing a contribution through S106 would not be considered ‘double counting’.
- 5.8.9 The CIL regulations and NPPF set out the tests for planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
  - directly related to the development
  - fairly and reasonably related in scale and kind to the development
- 5.8.10 The CCG has clearly set out the evidence relating to the second two tests. On the basis of policy CS4, as expanded in the preamble to the text, it is clear that health facilities are covered by policy CS4 where a need can be identified. The request also therefore meets the first test and it is considered that this contribution should be sought.
- 5.8.11 Factoring in viability the scheme as submitted indicates that 12% of the units will be affordable houses, and the 4 no. units in question will be located on plots 31, 32, 33, and 34 and will comprise 2 no. 2 bed semi-detached properties and 2 no. 3 bed semi-detached properties.
- 5.8.12 Albeit below the upper threshold of a contribution of 30% affordable housing (policy CS11) the viability appraisal is accepted as demonstrating an acceptable profit margin to justify a lower contribution; particularly when other obligated contributions and the

CIL levy is taken into account. The developer has subsequently agreed to the £44,325 contribution set aside in the viability appraisal for public art, as well as the £12,934 figure being sought by the CCG and this is reflected in their Unilateral Undertaking which has been drafted alongside the progress of the planning application.

- 5.8.13 It could be argued that the contribution set aside for public art could be better spent on the provision of a further affordable housing unit, however based upon the viability appraisal submitted (which includes development costs) £44,325 is not enough to cover the build costs to provide an additional unit on site.
- 5.8.14 In respect of the remaining comments arising from the DCC Strategic Infrastructure team to the Council and the Economic Development Unit it will be necessary to look to secure by planning condition the requirement for local labour and impose an appropriate advisory note relating to the provision of on-site high speed broadband connections (Policy CS13).

5.9 **Community Infrastructure Levy (CIL)**

- 5.9.1 Having regard to the nature of the application proposals the development comprises the creation of 38 no. new dwellings (inc. 4 no. affordable houses / dwellings) and the development is therefore CIL liable.
- 5.9.2 The site the subject of the application lies within the Medium CIL zone and therefore the CIL liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

	New GIF (sqm)	Calculation	Total
Market Dwellings	3665sqm		
Affordable Housing	295sqm		
CIL Liable GIF sqm	3960sqm	3960 X £50	£198,000
Total			<b>£198,000 or £183,250 (if social housing exemption is claimed)</b>

5.9.3 A CIL notice would be issued in the first instance for the total floorspace amount. Any exemption for the affordable housing components would need to be the subject of a separate application according to the CIL regulations prior to commencement of development.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notices posted on 05/05/2017; by advertisement placed in the local press on 11/05/2017 and by neighbour notification letters sent to 97 no. residents on 02/05/2017.

6.2 As a result of the applications publicity there have been six representations received as follows:

### **A Local Resident**

I agree with the Design & Access Statement and support the redevelopment of this vacant Brownfield land. I feel it is important that the proposed development maintains the Conservation Area's character & setting of Listed Buildings in the Spencer Street / Marsden Street / Scarsdale Hospital area. I especially like the corner building at the Spencer Street entrance and feel it responds to the Catholic Church. I feel it is important that the proposed development maintains the view from Saltergate towards the Catholic Church at Spencer Street. The opportunity exists to improve the intimidating Brickyard Walk frontage by introducing active surveillance by residential properties and reducing opportunity for crime / antisocial behaviour. I feel this application is in-line with the Council's design guides for the former Saltergate clinic site.

### **40 Spencer Street**

With regard to the proposed erection of 34 dwellings on the above site my concern living on Spencer Street is the number of extra vehicles that will be using the street on a daily basis. On any normal day there are many vehicles parked in the street, and any increase in traffic is bound to cause a safety issue. I am sure you would agree that safety is of paramount importance. Also the issue of noise is very real with vehicles coming and going constantly. To make Spencer Street an access only from Newbold Road into the development and not outward would seem to be worth consideration. I hope you will take these suggestions



seriously so that everything can be for the mutual benefit of all concerned.

### **20 Spencer Street**

Access to the site has already been established via Saltergate yet last year when topsoil was delivered to the site Spencer Street was used and was subject to excessive heavy plant traffic, speeding aggressively with no concern for parked cars;

Noise pollution all day during building work with dust, dirt and debris for an extensive period of time; and

Parking issues. The road is already oversubscribed with parked cars with regular activities associated with the church and scout huts. At times this cause total gridlock, stress and arguments.

Spencer Street cannot cope with any more extra cars parking on it or any more traffic flow to new dwellings. My worry is that Spencer Street will be used as a back entrance to the new estate.

### **29B Spencer Street**

I do not object to the development in principle but I do object to any access or exit via Spencer Street;

They could and should access the site via Saltergate which is more convenient and appropriate;

Spencer Street is not suitable due to church services and funerals, parking is in demand and often used by people going to town, it will affect property values and I can barely get a parking space outside my house as it is.

### **8 Siena Gardens, Mansfield**

I am wanting to purchase Plot 9;

I am very worried that there isn't a window on the side of the plot.

There will not be any privacy for Plots 8 and 9 from the walkway re the back garden!; and

Plot 9 perhaps would benefit from a small window on the side elevation which could enhance security.

### **1 Tennyson Avenue**

Queried some aspects of the scheme due to the fact their property benefits from a right of access over the Saltergate driveway but withdrew their objection following clarification from the applicant / agent direct.

6.3

***Officer Response: The site layout indicates that a new turning head will be created at the end of Spencer Street which will be***

***used long term to serve Plots 1 and 2 of the development. The primary access to the remainder of the development site (Plots 3 – 35) will be taken from Saltergate and there will be no vehicular link between the Saltergate driveway and the new Spencer Street turning head.***

***The Construction Method Statement does however indicate that the Spencer Street access will be used for the construction of the scheme throughout the development phase and this is to avoid construction traffic damaging the crown of the protected trees and their rooting environment which stand in situ along the Saltergate driveway. This also allows for the access from Saltergate to be used as a route to the site show houses and for those that have been sold and occupied in advance of completion of the construction phase. There is a right to access the site from Spencer Street and the developer will need to co-ordinate his use of Spencer Street with local residents and the church for example and to agree how this will work in the Construction Management Plan.***

## 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 **CONCLUSION**

9.1 The site is regarded as brownfield / previously developed land which is considered in principle to be appropriate for redevelopment for housing under policies CS1, CS2, CS3, CS4 and the wider National Planning Policy Framework.

9.2 The proposed development is able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to provide connection (and where necessary improvement) to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development.

9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS6, CS7, CS8, CS9, CS11, CS13, CS18, CS19 and CS20 of the Core

Strategy and where necessary it is considered that any outstanding issues can be addressed in any appropriate planning conditions being imposed.

10.0 **ADDITIONAL RECOMMENDATION**

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

- Signing of a S106 Agreement / Unilateral Undertaking covering Affordable Housing (4 units), Percent for Art (£44,325), the CCG Contribution (£12,934) and a Management Company being set to handle open space and highways which are not adopted;
- Community Infrastructure Levy Notice being served as per section 5.9 above (£198,000); and

11.0 **RECOMMENDATION**

11.1 The following conditions / notes being imposed on any decision issued:

**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 (listed below) with the exception of any approved non material amendment.

**SITE LAYOUT**

- C00 REV A - SITE LOCATION PLAN
- C01 REV E - SITE LAYOUT PLAN
- C02 REV C - SITE LAYOUT PLAN

**HOUSE TYPES / GARAGES**

- C03 REV A – PLOTS 1 AND 26 PETWORTH
- C04 REV A – PLOTS 2, 5, 6, 12 AND 24 – ROSDENE
- C05 REV A – PLOTS 3 AND 17 PETWORTH
- C06 REV B – PLOT 4 LINDISFARNE

- C07 REV B – PLOTS 7 AND 15 LINDISFARNE
- C08 REV A – PLOTS 8 – 11 CLAREMONT (FLATS)
- C09 REV B – PLOT 14 – BUCKINGHAM
- C10 REV A – PLOT 16 – WYCOMBE
- C11 REV B – PLOTS 18, 19, 20 AND 21 – THORNTON
- C12 REV B – PLOTS 22 AND 23 – HARDWICK
- C13 REV B – PLOTS 25 AND 31 – WESTBURY
- C14 REV B – PLOT 28 – KINGSTON
- C15 REV B – PLOTS 29 AND 30 – THORNTON
- C16 REV A – PLOTS 31, 32 33 AND 34 – AFFORDABLE
- C18 – PLOT 27 – ROSEDENE
- C22 REV B – GARAGES
- C23 – GARAGE G7

#### LANDSCAPING

- C20 REV A – BOUNDARY TREATMENTS PLAN
- C21 – BOUNDARY TREATMENTS DETAILS
- SOFT LANDSCAPE PROPOSALS (1) L9008\_03 REV F
- SOFT LANDSCAPE PROPOSALS (2) L9008\_04 REV F
- SOFT LANDSCAPE PROPOSALS (3) L9008\_05 REV E
- SOFT LANDSCAPE PROPOSALS (4) L9008\_06 REV B

#### HIGHWAYS AND DRAINAGE

- 40337/001 REV A – EXPLORATORY HOLE LOCATION PLAN
- 40337/012 REV B – EXTERNAL WORKS
- 40337/013 REV F – PLOT DRAINAGE
- 40337/014 REV C - LONGITUDINAL SECTIONS (SHEET 1 OF 2)
- 40337/015 REV A – LONGITUDINAL SECTIONS (SHEET 2 OF 2)
- 40337/016 REV A – MANHOLE SCHEDULES
- 40337/018 REV A – S104 (DRAINAGE) LAYOUT
- 40337/019 REV A – S102 (DRAINAGE) LAYOUT
- 40337/020 REV A – FOUNDATION SCHEDULE PLAN 1 OF 2

- 40337/021 REV A – FOUNDATION SCHEDULE PLAN 2 OF 2
- 40337/022 REV A – FOUNDATION SCHEDULE TABLE
- 40337/023 REV A – FLOOD ROUTING PLAN
- 40337/024 REV A – DRAINAGE DETAILS SHEET 1 OF 2
- 40337/026 REV A – DRAINAGE DETAILS SHEET 2 OF 2
- 40337/035 REV B - S278 WORKS SPENCER STREET
- 40337/036 REV E – S278 WORKS SALTERGATE
- 40337/038 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 1 OF 2
- 40337/039 REV C - HIGHWAYS LAYOUT AND SETTING OUT - 2 OF 2
- 40337 ATR1 REV A – VEHICLE TRACKING DIAGRAM
- 40337/044 REV A – PRIVATE CATCHPIT DETAIL
- SA1 INC. STORAGE 100YR+ CC
- SA2 INC. STORAGE 100YR+ CC
- SA3 INC. STORAGE 100YR + CC
- 40337/002 - REPORT ON ADDITIONAL INVESTIGATION
- 08321 SITE DRAWING AND WINCAN V8 (SEWER SURVEY)
- C17 REV D – FRONT BOUNDARY WALL RE-ALIGNMENT
- C19 – SITE MANAGEMENT PLAN
- W27 REV B – SITE COMPOUND
- CONSTRUCTION METHOD STATEMENT REV A – 14<sup>TH</sup> JUNE 2017

### TREES

- LTP/19 – SECTION THROUGH ROAD AND T19 & T26
- 'NO DIG' CONSTRUCTION METHOD STATEMENT – 14<sup>TH</sup> JUNE 2017
- DEMOLITION AND CONSTRUCTION OF RETAINING WALL METHOD STATEMENT – 4<sup>TH</sup> JULY 2017

### BACKGROUND DOCUMENTS

- DESIGN AND ACCESS STATEMENT (UPDATED 09/06/2017)
- PLANNING STATEMENT
- HERITAGE STATEMENT
- ECOLOGICAL APPRAISAL
- TRANSPORT STATEMENT
- STATEMENT OF COMMUNITY INVOLVEMENT
- COAL MINING RISK ASSESSMENT
- PHASE I ENVIRONMENTAL REVIEW AND PHASE II SITE INVESTIGATION REPORT
- FLOOD RISK ASSESSMENT
- ECUS TREE SURVEY, ARBORICULTURAL IMPACT ASSESSMENT AND ARBORICULTURAL METHOD STATEMENT DATED JULY 2017
- ECUS JAPANESE KNOTWEED SURVEY DATED 24<sup>TH</sup> APRIL 2017
- VIABILITY APPRAISAL REV A – CONFIDENTIAL (UPDATED 05/07/2017)
- PLOT MATERIALS SCHEDULE AND SITE PLAN WITH BRICK CHOICES – 20/07/2017

*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.*

### Highways

03. Prior to the occupation of the first dwelling the access with Saltergate shall be modified in accordance with the details contained on Drawing No. 40337/036 REV E – S278 WORKS SALTERGATE (unless any further revisions required under the S278 Agreement are jointly agreed in writing by the Local Planning Authority and Local Highways Authority). The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object above ground level.

*Reason – In the interests of highway safety.*

04. Throughout the construction period works shall only take place in accordance with the Construction Method Statement Rev A dated 14th June 2017 and Site Compound drawing no. 16-553-W27 REV B. Any deviation from this agreed

methodology shall first need to be agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

05. Prior to the occupation of the first dwelling the access to Spencer Street shall be modified in accordance with the details contained on Drawing No. 40337/035 REV B - S278 WORKS SPENCER STREET (unless any further revisions required under the S278 Agreement are jointly agreed in writing by the Local Planning Authority and Local Highways Authority).

*Reason – In the interests of highway safety.*

06. The carriageways of the proposed private estate roads shall be constructed in accordance with the approved layout up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

07. There shall be no means of vehicular access between Spencer Street and the proposed private estate street and to this end, a permanent physical barrier shall be erected and thereafter maintained for the life of the development, all in accordance with a scheme first submitted to and approved in writing with the Local Planning Authority.



*Reason – In the interests of highway safety.*

08. No dwelling shall be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

*Reason – In the interests of highway safety.*

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

*Reason – In the interests of highway safety.*

10. There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

### Trees and Ecology

12. Prior to the commencement of development Root Protection Areas (RPAs) shall be established to all protected and retained trees in accordance with the ECUS report dated July 2017. The tree protection measures outlined therein shall be carried out and adhered to at all times throughout the construction phases in strict accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. Any deviation thereto shall first be agreed in writing by the Local Planning Authority.

*Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.*

13. The realignment and construction of the boundary wall at the Saltergate access shall be carried out in accordance with the revised drawings 16-553-C17 Rev D and any excavations for the concrete foundations in section AA and CC at the ends of the existing wall are hand dug and the first 100mm of soil in the garden area for the through beam are hand dug to avoid any root damage. If any roots are exposed advice should be sought from an arboriculturalist and the Council's Tree Officer immediately before any root severance or disturbance takes place. Only intervention measures agreed in writing shall be undertaken on site.

*Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.*

14. The areas as shown on Drawing LTP/21 – No Dig Areas Saltergate should be excluded from any excavations and land level changes and a 'no dig' method of construction carried out as shown in drawing 19008/07 and outlined in the ECUS report dated July 2017.

*Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.*

15. Any utility service runs located in the root protection areas (RPA's) of the retained trees on the site shall be carried out in line with drawing 16-553-C02 Rev C and typical section through no dig construction by Windle Cook Architects which proposes that no route services or utilities will require excavations within the RPA's and that all services will be above the existing sub base along the proposed driveway off Saltergate.

*Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.*

16. The foundations for garage G7 shall be constructed as shown on drawing 16-553-C23 showing the piling foundation system to protect the neighbouring tree root system.

*Reason – In the interests of protecting any retained and protected trees; maintaining their health and wellbeing in accordance with policy CS9 of the Core Strategy and wider NPPF.*

17. The ecological enhancement measures as set out in section 4.0 of the ECUS Ecological Appraisal dated January 2017 and as detailed on the associated landscaping proposals (listed in condition 2 above) shall be implemented in full and maintained thereafter respective of the relevant construction phase and prior to the occupation of each respective dwelling.

*Reason - In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

18. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written

confirmation should be submitted to the local planning authority.

*Reason – In the interests of biodiversity and to accord with policy CS9 of the Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.*

### Others

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

*Reason - In the interests of residential amenities.*

20. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.

*Reason – In the interests of sustainable development and to ensure that the development is capable of meeting the needs of future residents and / or businesses in accordance with policy CS4 of the Core Strategy and para. 42 of the NPPF.*

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

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

### Drainage

22. The means of draining foul and surface water arising from the development shall be constructed and operated in accordance with details shown on the submitted drawing 40337/013 (Revision F) prepared by Eastwood and Partners. The rate of discharge of surface water to public sewer shall not exceed 11.7 litres per second. 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 dwelling shall be occupied until the respective drainage works for each plot has been fully implemented.

*Reason: In the interest of satisfactory and sustainable drainage.*

### **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.

### **Highways**

03. 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 & Community 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 by email [ETENetmanadmin@derbyshire.gov.uk](mailto:ETENetmanadmin@derbyshire.gov.uk), telephone Call Derbyshire on 01629 533190 or 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).

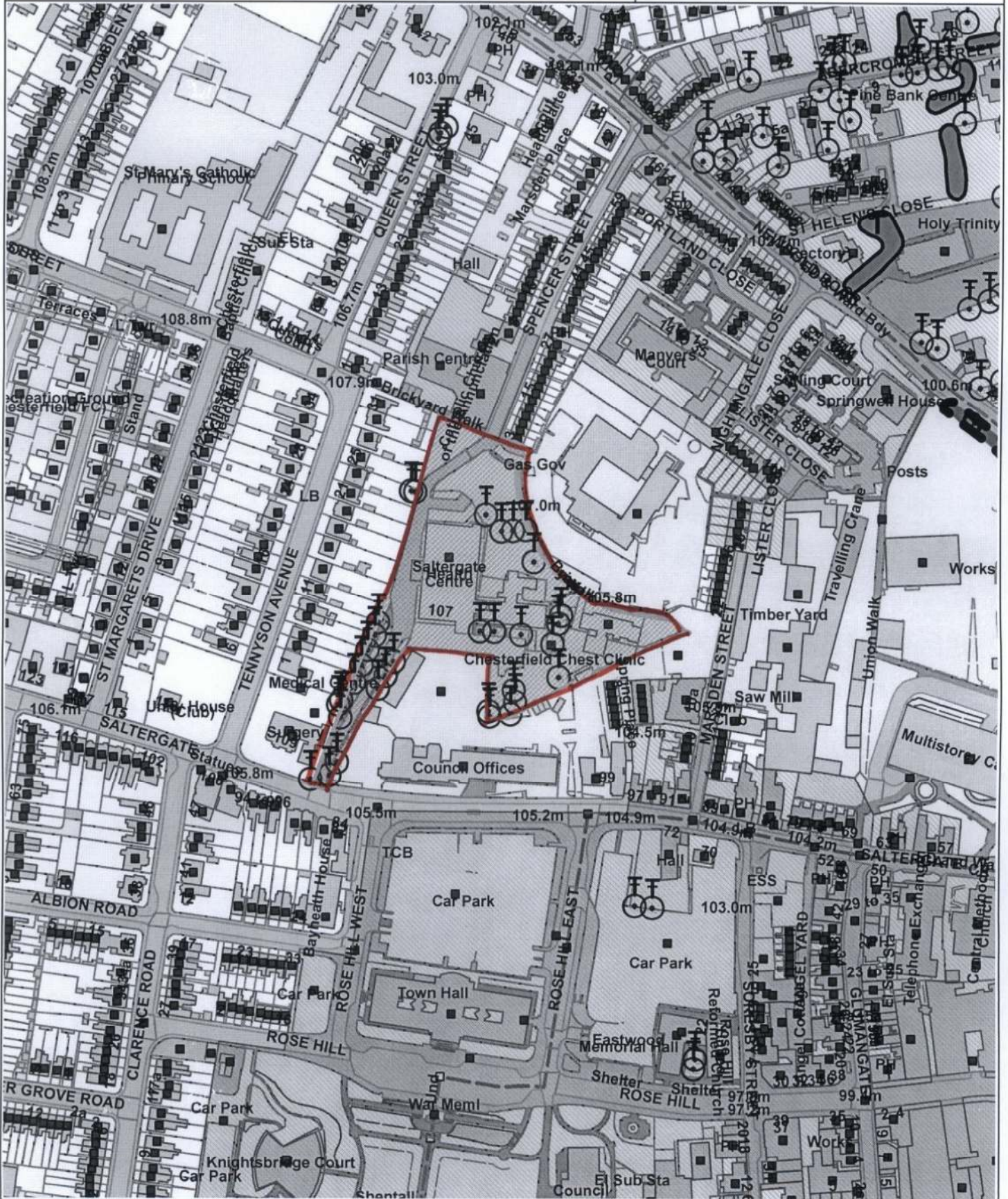
04. The Highway Authority recommends that the first 6m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/ new estate street measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
07. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
08. Car parking provision should be made on the basis of 2no. or 3no. parking spaces per 2/3 bedroom or 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 5.5m (2.4m x 6.5m where located in front of garage

doors) with an additional 0.5m of width to any side adjacent to a physical barrier, e.g. hedge, wall, fence, etc., and adequate space behind each space for manoeuvring.

09. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
10. The applicant is advised that to discharge Condition 11 that the Local Planning Authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
11. The Highway Authority, in this event, would prepare a report to the appropriate cabinet, recommending that the development streets be exempt from adoption under Section 219-4(e) of the Highways Act 1980, i.e., exempt as the highway is unlikely to fall into such state as would require intervention by the highway authority, and details of the developer's management covenant proposals to ensure future maintenance should be forwarded for this process. Such proposals should include indemnity insurance in the event that the management company should fail whereupon a replacement would be appointed. It follows, therefore, that the developer would not be liable to secure the works with advanced payments under of the Highways Act, and that this

Authority would issue an exemption notice upon notification of building regulation approval from your authority. The developer's attention is drawn to Section 2.81 of the Department of Transport's Design Bulletin 32, Second Edition, 1992, requiring the developer to advise the statutory undertakers that the road will not be adopted for the provision of services.





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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 7<sup>th</sup> August 2017

File No: CHE/17/00459/FUL  
Plot No: 2/4638

## ITEM

### RE-SUBMISSION OF CHE/17/00135/FUL – NEW DWELLING ON LAND ADJACENT TO 82 WALTON ROAD INC. RECONFIGURING OF BOUNDARY BETWEEN NO 82 AND THE NEW DWELLING ALONG WITH A NEW SITE CROSSOVER AT 82 WALTON ROAD, WALTON, CHESTERFIELD. DERBYSHIRE, S40 3BY FOR MS ANDREA COLLINS

Local Plan: Unallocated  
Ward: Walton

#### 1.0 CONSULTATIONS

Environmental Services	Comments received 22/03/2017 – see report
Design Services	Comments received 23/03/2017 – see report
Yorkshire Water Services	No comments received
Local Highways Authority	Comments received 13/04/2017 – see report
Coal Authority	Comments received 25/07/2017 – see report
Site Notice / Neighbours	One letter of representation received

#### 2.0 THE SITE

2.1 The site the subject of the application currently forms part of the rear garden of No 82 Walton Road in Walton which is a detached two storey property constructed of rendered brickwork and plain tiles with white windows. The property sits on a corner plot with its predominantly northern boundary shared with Delves Close.



2.2 The site is approximately 12.5m wide x 12.5m deep and sits adjacent to the neighbours' detached garage which is accessed off Delves Close. There is a mature boundary hedge growing along the length of the Delves Close and the other common boundaries (with No 84 Walton Road and No 1 Delves Close) comprise of a concrete post and timber panel fence with pockets of shrubbery planted intermittently. The site is relatively level and is currently laid to lawn.



### 3.0 **RELEVANT SITE HISTORY**

3.1 CHE/17/00135/FUL - Erection of a single storey dwelling including reconfigure boundary between No.82 and new dwelling along with new site crossover onto Delves Close. Refused on 26/04/2017 for the following reasons:

1. The resulting relationship between the neighbouring properties of the site at No 82 and 84 Walton Road and the development proposals is not acceptable. Under the provisions of policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted

Supplementary Planning Document 'Successful Place' - Housing Layout and Design and the wider National Planning Policy Framework the development will result in an intrusion of privacy and loss of amenity to the neighbours (particularly No 84 Walton Road) which is contrary to the aims and objectives of these policies. Furthermore the elevated position of these neighbouring properties will in turn result in an unacceptable overlooking intrusion to the development proposals, its private amenity space and windows which would harm the amenity of future occupants; contrary also to policies CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011-2031, the adopted Supplementary Planning Document 'Successful Place' - Housing Layout and Design and the wider National Planning Policy Framework.

2. It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the Local Planning Authority that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guide section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment. It is therefore concluded that insufficient information has been provided to properly assess any potential risk posed by unrecorded coal mining legacy at the development site and therefore the proposed development does not accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS8 of the Chesterfield Local Plan: Core Strategy 2011-2031.

#### 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed erection of a detached two bed roomed dormer bungalow with a new dropped crossing formed to Delves Close to provide driveway parking for 2 no. vehicles.
- 4.2 Internally the bungalow will be laid out with a central lobby, one double bedroom, a shower room and an open plan kitchen / living

area at ground floor; and at first floor there will be a second bedroom and shower room.

4.3 The application submission is supported by Drawing No's P01, P02, P03, P04, P05, P06, P07, P08, a Design and Access Statement, an Energy Statement and a Coal Mining Risk Assessment.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

5.1.1 The site is situated within the built settlement of Walton ward in an area predominantly residential in nature. 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 Having regard to the principle of development the NPPF specifically excludes private residential gardens within built-up areas from the definition of previously developed land (annex 2: Glossary). Paragraph 53 of the NPPF encourages local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens.
- 5.1.6 The Chesterfield Borough Core Strategy does not include specific policies on the development of residential gardens; instead the primary considerations are policies CS10 in terms of the principal of development, CS1 and CS2 in terms of the location and CS18 in terms of design and impact upon the environment and amenity.
- 5.1.7 Policy CS10 states that "planning permission for housing-led greenfield development proposals on unallocated sites will only be permitted if allocated land has been exhausted or...there is less than a 5 year supply of deliverable sites". As the council is currently able to demonstrate a [five year supply](#) of deliverable housing sites, a strict interpretation of policy CS10 would indicate that planning permission should not be granted for this land. However 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.

5.1.8 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 Chatsworth Road District Centre is within a 10 minute (800m) walk. The aim of CS10 (set out in para 5.34 of the Core Strategy) is to “ensure a supply of housing land that meets the aims of the Core Strategy”. Applying the presumption in favour of sustainable development (set out in paragraph 14 of the NPPF), the development of a single dwelling within the built up area that otherwise meets the spatial strategy and the principles for the location of development set out in policies CS1 and CS2, and would not directly conflict with, and in fact would support, the intent of policy CS10; it is clear that more weight should be given the presumption in favour of development and the aims of policy CS1 in this case.

## 5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**

5.2.1 The application site sits within a predominantly residential area in the built settlement where the principle of infill development would be acceptable (see above) subject to design considerations inc. neighbouring impact.

5.2.2 Having regard to policies CS2 and CS18 of the Core Strategy and the Council’s own adopted SPD ‘Successful Places’ infill development is required to demonstrate an appropriate relationship to the surrounding area in terms of both streetscene and character / context. This includes preservation of privacy / amenity to adjoining and adjacent neighbours as well as the provision of an acceptable level of amenity to future occupants of the proposed development.

5.2.3 The application submission which inc. floor plans and elevation drawings is also supported by the preparation of cross sections / streetscene drawings which illustrate the scale and mass of the development relative to adjoining neighbouring properties at No 82 Walton Road and No 1 Delves Close. In addition to this however the development site also shares a common boundary with No 84 Walton Road.



- 5.2.4 It is accepted that the streetscene / cross sections prepared in support of the application demonstrate that the varying architecture between No 82 and No 1 would enable the proposed development to sit comfortably in the streetscene; and whilst a bungalow is not typical in character there already is a detached garage located on land immediately opposite the site which follows a similar scale transition. The overall architectural design of the proposed bungalow is acceptable, given the mix of styles in the local area.
- 5.2.5 This latest application is a resubmission of a previously refused scheme where the design and layout of the development proposals included habitable room window openings to the front and rear elevations. Factors of the previously refused scheme presented issues to both No 82 and 84 Walton Road who occupy levels elevated above the application site, as these neighbours are afforded unrestricted overlooking views of the site and the proposed development.
- 5.2.6 The photographs taken below show the view from the application site back towards No 84 and No 82, where it can be seen that there are habitable room windows located in the rear elevations of both neighbouring properties. In particular in the single storey rear extension of No 84 where there are habitable room windows positioned very close to the common boundary where the new dwelling would be positioned.



- 5.2.7 As a design response to the previous refusal the proposed bungalow has been re-orientated and internally re-designed such that there are now no habitable room windows proposed in the rear elevation of the dwelling and the only side elevation windows

facing No's 82 and 84 are to a shower room (which would be obscurely glazed) and the entrance doorway (which will also need to be obscurely glazed). The area of amenity space for the new dwelling has also been relocated to the other side of a newly designed 'L' shaped built footprint.

- 5.2.8 The revised design response eliminates the previous concerns of direct window to window overlooking, which were presented with the previously refused scheme, as well as the opportunity for occupiers of No's 82 and 84 to overlook the proposed amenity space of the new dwelling.
- 5.2.9 In this instance Policies CS2 and CS18 of the Core Strategy and the adopted SPD, advocate "All development will be required to have an acceptable impact on ..... adjoining occupiers, taking into account things such as ..... appearance, overlooking" – CS2; and "... k) having an acceptable impact on the amenity of users and neighbours" – CS18 and in the case of the latest proposals it is considered that the design response addresses the previous concerns raised such that the development is acceptable.
- 5.2.10 In respect of the overall scale of the development proposals it is accepted that the character of properties along Walton Road is of predominantly larger plots with longer gardens and this development would interrupt that built form pattern; however given the relationship of the site to Delves Close (where smaller gardens are present) it is not considered that a refusal of planning permission could be justified on this basis. Similarly whilst the development would only benefit from a smaller rear garden / amenity space; the level of space provided would be in line with the adopted SPD which recommends a minimum 50sqm per two bed. dwelling – para. 3.11.20.

### 5.3 **Highways Issues**

- 5.3.1 Comments have been received from the **Local Highways Authority** as follows:

*'Access to the proposed dwelling would be off Delves Close and it would appear that there is a grit bin that would require relocation. It is understood that the grit bin (GB 2096) is the responsibility of Chesterfield Borough Council and no doubt you will liaise with the*

*applicant over its relocation and you will appreciate that no visibility should be impeded.*

*The space available for off-street parking appears to be tight whilst maintaining access to the premises and it may be preferable if the proposed dwelling could be located slightly further back towards the rear of the plot.*

*Subject to the above, 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, the new access to Delves Close shall be formed with visibility splays measuring 2.4m x 4.3m in both directions (areas in advance to be maintained clear of any obstruction in excess of 1m).*
- 2. Dwelling shall not be occupied until 2 parking spaces are provided measuring 2.4m x 5.5m.*
- 3. There shall be no gates or barriers on the driveway / access.*
- 4. The access / driveway shall be no steeper than 1 in 14 over its entire length.'*

5.3.2 It is noted that currently No 82 Walton Road is not served by any off road parking provision and therefore whilst the proposals submitted do not detail any compensatory parking alongside the provision of the new dwelling, it is not considered that this could reasonably be insisted upon.

5.3.3 In respect of the proposed development it is considered that the creation of a new dropped crossing to Delves Close to serve the development would be acceptable in principle, albeit that the applicant would have to cover the expense of relocating the grit bin to facilitate this. The driveway shown to serve the development would provide off road parking for two vehicles, which is an acceptable level of provision although its use would be reliant upon vehicles either reversing into or out of the driveway onto the public highway. Notwithstanding this Delves Close is a quiet residential cul-de sac and this operation would not be considered harmful to highway safety given the geometry of the road and likely vehicle speeds.

5.3.4 It is noted that the Highways Authority suggest that the driveway be served by visibility splays measuring 2.4m x 4.3m in both directions, but it is not clear if that have measured these splays

either on site or on the submitted site layout plan to confirm they are achievable. Based upon the site layout plan submitted it would appear that the footway measures 2.4m in depth suggesting all the required visibility would be in highway impacts none the less. They also comment that the grit bin should not impede visibility but its dimension is lower than 1m in height so could remain in the highway at any point and meet the requirements of the condition the Highway Authority have requested.

5.3.5 The other conditions requested by the Highway Authority would appear reasonable and achievable. Gates would obstruct the use of the driveway given its limited dimensions and the required gradient is achievable as the land is relatively flat to the highway channel already.

5.3.6 Overall therefore it is considered that the development proposed details an appropriate level of off road parking provision (which would need to be conditioned for retention if approved) and the development can be served by the creation of a suitable driveway access. Accordingly in respect of highway safety the relative provisions of policies CS2 and CS18 of the Core Strategy and the SPD are met.

#### 5.4 **Technical Considerations**

##### Land Condition

5.4.1 In respect of land condition the application submission was accompanied by a Coal Mining Risk Assessment (CMRA) which referred to the Coal Authority for consideration, as the application site lies within their standard development referral area.

5.4.2 The Coal Authority responded to the consultation as follows:

*The Coal Authority concurs with the recommendations of the Minor Development Risk 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.*

*The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.*

#### Contamination / Noise

5.4.3 Having regard to the provisions of policy CS8 (Environmental Quality) of the Core Strategy the application submission was referred to the Council's Environmental Services team (EHO) for comment in respect of contamination issues and noise.

5.4.4 In response the EHO confirmed that they had no adverse comments to make to the proposed development. They did however request that due to neighbouring proximity, should permission be granted, the standard working hours / noise conditions should be imposed.

#### Flood Risk / Drainage

5.4.5 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to Yorkshire Water Service (YWS) and the Council's

Design Services (DS) team for comments in respect of drainage and flood risk.

5.4.6 No comments were received from YWS but the DS team commented that all drainage on site must be in conjunction with the Chesterfield Borough Council's minimum standards, and sustainable methods of drainage are preferred so this should be explored initially by the applicant.

5.4.7 The application form accompanying the submission suggests that both foul and surface water drainage will be connected to mains; however in line with the DS teams comments above and standard drainage practice the applicant will need to explore alternative sustainable methods of drainage before main connection is agreed (soakaways – percolation testing etc). YWS have responded advising that the presence of a sewer crossing the site is not an issue and they would look to resolve this matter through building regulations.

#### Community Infrastructure Levy (CIL)

5.4.8 In April 2016 the Council also adopted its Community Infrastructure Levy (CIL) and new dwellings are subject to this levy. The CIL tariff is separated into low, medium and high zones and this site is located in the high zone therefore a charge would be calculated based upon the high zone rate of £80/sqm (index linked). The CIL liability has been calculated in the table below and a CIL liability notice would be served concurrent with any planning permission issued on this basis.

	New GIF (sqm)	Calculation	Total
Dwellings	90 sqm	90 x £80 (INDEX LINKED)	£7,200
Total			<b>£7,200</b>

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice posted on 14/07/2017 and by neighbour notification letters sent on 11/07/2017. As a result of the applications publicity there has been one letter of representation received as follows:

## **84 Walton Road**

We are of the view the development will have a serious impact on our use and enjoyment of our property as a whole, and it will have a detrimental effect on the local area.

We are very concerned the proposed parking has been designed to be at the nearest point to our property – within feet of our lounge and main bedroom windows. This will create a noise problem by the comings and goings especially after dark when we will also have light disturbance. The driveway arrangement would also mean this impact is doubled if the leading car is required to be moved.

We also have concerns that the use of our own driveway and garage will create noise and light annoyance to the occupant when we use our own facilities – we have several vehicles and I work on a 24 hour call out basis.

The main entrance door has been relocated to the side elevation so now anyone entering the property will have a direct line of sight to our lounge window and bedroom making it awkward for us looking out and will have a direct impact on our privacy.

The plans show the western end of the site will be dug down by 1m so what effect will this have on our own boundary fence.

Views to the north from our lounge window will be obliterated by the new property, a panorama we have enjoyed for 17 years and was a deciding factor in us extending our lounge 2 years ago.

The property proposed is built almost touching our boundary with no allowance made for scaffolding to build.

We would also like to point out that the concrete fence posts and wooden fencing are indeed our property.

We are concerned the new development will put extra strain on the drainage system which is already known to struggle.

All the dwellings on Walton Road are 1930's in character with large rear gardens and we strongly object to the gardens being built upon as this takes away the open nature of the area. The development is garden grabbing and planning authorities should consider the case for setting out policies to resist such development.

The proposal does not reflect the local context and street pattern and in particular the scale and proportions are out of character with the local area.

The layout and design of the dwelling would not allow for an acceptable impact on the amenity of users and neighbours due to

its position and the fact there is not adequate plot area to accommodate such a development.  
We would encourage planning committee members to visit our property and see the effects first hand.

6.2 ***Officer Response: See sections 5.1, 5.2 5.3 and 5.4 above.***

6.3 The neighbour consultation period on this application runs until the 3<sup>rd</sup> August 2017 and therefore any further representations received beyond the publication of this report will be reported direct to planning committee.

## 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 objector, 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 **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.

## 10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice be issued as per section 5.4.8 above.

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

## **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 (listed below) 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. 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. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

*Reason - To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.*

04. 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.

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

05. 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 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 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 coal mining legacy affecting the application site.*

06. Before any other operations are commenced the new access to Delves Close shall be formed with visibility splays measuring 2.4m x 43m in both directions. The land in advance of the sightlines shall be retained throughout the life of the development free from any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

*Reason – In the interests of highway safety.*

07. The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved drawing for cars to parked.

*Reason – In the interests of highway safety.*

08. The driveway / car spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1992 (or any Order revoking and/or re-enacting that Order) the driveway / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

10. The proposed driveway / access to Rectory Road shall be no steeper than 1 in 14 over its entire length.

*Reason – In the interests of highway safety.*

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

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

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

*Reason - In the interests of residential amenities.*

13. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

*Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.*

14. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling

hereby approved without the prior written agreement of the Local Planning Authority.

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

15. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any root protection areas to retained trees / hedgerows on site and may require alternative measures of construction and finishes to be considered. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

16. The side elevation windows serving the ground floor and first floor shower rooms and the entrance lobby doorway shall be fitted with obscure glazing (to a minimum obscurity level 4 or 5) prior to occupation of the dwelling hereby approved. Only glazing meeting this specification shall be installed and retained thereafter 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. 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. 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.
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 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 and 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 and roads/roads and streets](http://www.derbyshire.gov.uk/transport%20and%20roads/roads%20and%20streets)

[traffic/development control/vehicular access/default.asp](http://traffic/development%20control/vehicular%20access/default.asp) e-mail [ETENetmanadmin@derbyshire.gov.uk](mailto:ETENetmanadmin@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190

07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	14 <sup>TH</sup> AUGUST 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
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## Decisions made under the Building Regulations

17/00778/DEX	Domestic Extensions/Alterations Rear extension and garage conversion 89A Manor Road Brimington Chesterfield Derbyshire S43 1NN	Conditional Approval	03/07/2017
17/00976/OTHD	Other Works (Domestic) Conversion of existing covered store to form habitable room 15 Cedar Street Hollingwood Chesterfield Derbyshire S43 2LR	Conditional Approval	10/07/2017
17/01029/DEX	Domestic Extensions/Alterations Single storey side and rear extension 4 Dorothy Vale Loundsley Green Chesterfield Derbyshire S40 4DH	Unconditional Approval	05/07/2017
17/01042/DEX	Domestic Extensions/Alterations Extension 82 Vincent Crescent Chesterfield Derbyshire S40 3NP	Unconditional Approval	12/07/2017
17/01066/OTHC	Other Works (Commercial) Pitched re-roofing works to 2 no classrooms St Marys Rc Primary School Cross Street Chesterfield Derbyshire S40 4ST	Unconditional Approval	04/07/2017
17/01187/OTHD	Other Works (Domestic) Internal alterations 8 Foljambe Road Brimington Chesterfield Derbyshire S43 1DD	Conditional Approval	10/07/2017
17/00990/MUL	Multiple Domestic Single storey side extension and raise roof to create room in roof 11 Ashton Close Walton Chesterfield Derbyshire S40 3RD	Conditional Approval	07/07/2017
17/00992/DEX	Domestic Extensions/Alterations Two storey side extension and single storey rear extension 16 Morris Avenue Newbold Chesterfield Derbyshire S41 7BA	Conditional Approval	07/07/2017
17/00855/OTHD	Other Works (Domestic) Balcony extension, retaining wall and new internal staircase 49 Woodmere Drive Old Whittington Chesterfield Derbyshire S41 9TE	Conditional Approval	06/07/2017
17/01032/MUL	Multiple Domestic Two/single storey rear extension, partial garage conversion and internal alterations 50 Hazel Drive Walton Chesterfield Derbyshire S40 3EQ	Conditional Approval	05/07/2017
17/01135/DEX	Domestic Extensions/Alterations Two storey rear extension 172 South Street North New Whittington Chesterfield Derbyshire S43 2AD	Conditional Approval	04/07/2017
17/01141/DEX	Domestic Extensions/Alterations Single storey rear extension , raised rear terrace and internal alterations 22 Orchards Way Walton Chesterfield Derbyshire S40 3BZ	Conditional Approval	11/07/2017

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# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	7 <sup>TH</sup> AUGUST 2017
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<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
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**Delegated List**  
**Planning Applications**

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/16/00788/FUL 3899	Walton	Front, side and rear extension to bungalow and conversion of existing roof to room with addition of first floor accommodation over front and side extensions and the installation of a log burning stove. Widening of hardstanding and vehicle access. Re-submission of application CHE/15/00634/FUL, Revised plans dated 28 Feb 2017 (Received 10.03.2017) At 5 Hazel DriveWaltonDerbyshireS40 3EN For Mr Jason Bolland	CP	17/07/2017
CHE/17/00073/FUL 3110	Brockwell	Demolishing existing garage and building a new larger garage At 26 Highfield AvenueNewboldDerbyshireS41 7AX For Mr Paul Berry	CP	10/07/2017
CHE/17/00156/OUT 1704	Middlecroft And Poolsbrook	Erection of one house. Description and plans amended on 08.06.2017 and coal mining risk assessment received on 06.06.2017 At 158 Middlecroft RoadStaveleyDerbyshireS43 3NG For Ian Lowe Building and Roofing	CP	06/07/2017
CHE/17/00220/FUL 4129	Dunston	Proposed car hardstanding area At 575 Newbold RoadNewboldDerbyshireS41 8AA For Mr and Mrs Moulds	CP	10/07/2017



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00282/RET 1700	Hollingwood And Inkersall	Retrospective consent for retention of vehicular access At 70 Inkersall Green RoadInkersallDerbyshireS43 3SE For Mrs Lyn Kidger	CP	06/07/2017
CHE/17/00291/FUL 279	Walton	Raising the roof by 1.4m to create first floor accommodation and single storey extension to rear At 1 Wentworth AvenueWaltonDerbyshireS40 3JB For Mr Dave Parry	CP	19/07/2017
CHE/17/00292/FUL 767	Barrow Hill And New Whittington	Single storey period style hardwood double glazed conservatory At 19 Station RoadBarrow HillDerbyshireS43 2PG For Mrs S Galloway	CP	10/07/2017
CHE/17/00304/FUL 2220	Brimington South	Proposed rear extension to existing bungalow and works to roof space including incorporation of dormer windows and rooflights At 313 Brimington RoadTaptonDerbyshireS41 0TE For Mr Kieran Blackwell	CP	11/07/2017
CHE/17/00308/FUL 1862	Brockwell	Timber cladding to front elevation, rendering to remaining elevations and installation of new velux window At 2 Cambrian CloseBrockwellChesterfieldDerbyshireS40 4LA For J Hill	CP	07/07/2017



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00320/FUL 1073	Hollingwood And Inkersall	Two storey rear extension At 6 Sycamore RoadHollingwoodDerbyshireS43 2HG For Mrs Laura Kehoe	CP	13/07/2017
CHE/17/00337/FUL PP-06060826	St Leonards	Rear dormer and roof terrace (Revised proposed elevations and floor plans (Drawing 2 of 2) received on 07.06.17 At 15 Hady LaneHadyS41 0DJ For Mr Bob Rsiedacz	CP	11/07/2017
CHE/17/00345/ADV	St Leonards	3 replacement digitally printed pvc fascia signs to existing boxes; 1 replacement entrance sign; 2 banks of replacement glazing vinyl and 5 replacement estate sign vinyl overlays At MaplinsUnit 1ARavenside Retail ParkMarkham RoadChesterfieldDerbyshireS40 1TB For Maplin Electronics	CP	07/07/2017
CHE/17/00346/ADV 3768	St Leonards	Signs advertising the business occupying the premises; - 2 No Fascia Signs, 1 No Projecting Sign and 2 No Film Logos At Domino's PizzaUnit 3Lordsmill GateLordsmill StreetChesterfieldDerbyshireS41 7RW For DOT 100 Limited	CP	07/07/2017
CHE/17/00350/CO 5251	Moor	To use existing shop premises to include dog grooming (sui-generis) At 323 Sheffield RoadWhittington MoorDerbyshireS41 8LQ For Muttcutz	CP	11/07/2017



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00352/FUL 3634	Brimington South	Erection of an attached double garage At 5 Wheathill CloseBrimingtonDerbyshireS43 1PU For Mr Tomas Hawkins	CP	11/07/2017
CHE/17/00353/PNC 3320	Brockwell	Conversion of existing first and second floor accommodation to form 3 studio apartments and associated storage space At Derbyshire Carers Association69 West BarsChesterfieldDerbyshireS40 1BA For Mr Paul Singh	PANR	11/07/2017
CHE/17/00357/FUL 5913	Linacre	Extension to side of dwelling to form two extra bedrooms at first floor level At 11 Spring House CloseHolme HallChesterfieldDerbyshireS42 7PD For Mr John Wragg	CP	11/07/2017
CHE/17/00360/FUL 3768	St Leonards	Installation of a replacement shopfront. At Domino's PizzaUnit 3Lordsmill GateLordsmill StreetChesterfieldDerbyshireS41 7RW For DPSK Ltd	CP	14/07/2017
CHE/17/00362/FUL 2443	Brimington North	Extension and conversion of existing garage to hobbies room At 21 Totley MountBrimingtonDerbyshireS43 1JZ For Ms Sally Canning	CP	12/07/2017





Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00365/FUL 6147	West	Re-submission of CHE/17/00190/FUL -Proposed second storey side extension At 31 Queen Mary RoadChesterfieldDerbyshireS40 3LB For M Hopkinson	REF	07/07/2017
CHE/17/00367/FUL	Hollingwood And Inkersall	Construction of a dropped kerb and formation of a driveway to front of property At 17 Troughbrook RoadHollingwoodDerbyshireS43 2JN For Mr Paul Longstaffe	CP	17/07/2017
CHE/17/00372/FUL 3303	Moor	Retention of temporary Mitsubishi car showroom at existing Honda site At Gilder HondaLockoford LaneChesterfieldDerbyshireS41 7JB For Mr John Scotting	REF	18/07/2017
CHE/17/00379/FUL 453	Middlecroft And Poolsbrook	Remove existing NatWest brand signage, ATM and night safe. Infill existing ATM and Night Safe apertures with new stainless steel blinking plate. At Natwest10 High StreetStaveleyDerbyshireS43 3UJ For Royal Bank Of Scotland Group plc	CP	20/07/2017



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00381/DO  218 4127	Dunston	Discharge of condition 5 (intrusive site investigations - coal mining)of CHE/16/00016/OUT - Residential development along with associated access, public open space, landscaping and surface waterbalancing (all matters reserved save for means of access into the site)  At Land To The West OfDunston LaneNewboldDerbyshire For William Davis Ltd	DPC	07/07/2017
CHE/17/00386/DO  1932	Brimington South	Discharge of conditions 6(Coal Risk Assessment), 8,(landscaping) 10(Method Statement), 11(Surface Water Drainage) and 15 (materials) of CHE/15/00295/REM - Development of land to provide 3 dwellings  At Land Adjacent33 Westmoor RoadBrimingtonDerbyshire For Aspire Brickwork	DPC	10/07/2017
CHE/17/00392/FUL  313	Dunston	Single storey side and rear extension  At 15 Sudhall CloseNewboldS41 8BX For Mr Andrew Jacques	CP	20/07/2017



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00397/ADV 1969	St Leonards	Fascia Sign (50mm deep composite aluminium sign tray with 50mm deep composite aluminium feature pod illuminated with 100X100 trough light with 250 cd/m static illumination), one internally illuminated projecting sign, four A2 poster frames and door graphics VINYL GRAPHICS APPLIED TO TO WINDOWS.PLEASE REFER TO DRAWING REF NO 7057-001 At 35 Rose Hill ChesterfieldS40 1TT For Mr Visa Prabhakaran	CP	20/07/2017
CHE/17/00423/DO 1990	Linacre	Discharge of planning conditions 1-4, 8-16,20-24,28,31,33 and 34 of CHE/16/00518/FUL - Residential development comprising 55 dwellings, access, landscaping and associated works At Site Of Former Newbold Community School Newbold RoadNewboldDerbyshire For Miller Homes	DPC	19/07/2017
CHE/17/00428/DE 876	Barrow Hill And New Whittington	Duewell Court is a two storey building which formerly housed 28 residential flats At Duewell Court Station Road Barrow HillsS43 2PS For Chesterfield Borough Council	PANR	06/07/2017
CHE/17/00435/TPD	Lowgates And Woodthorpe	Replace existing 2.2 meter wide 3.7 meter long with new approx 3.5 meter wide by 4.7 meter long At 18 Netherthorpe Close StaveleyDerbyshireS43 3PX For Mr Steven King	PANR	21/07/2017



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00445/DO  3532	Brockwell	Discharge of condition re 5 parking spaces and refuse bin placements of CHE/17/00067/COU - change of use from medical centre to 5 residential units At 1 Tennyson Avenue Chesterfield Derbyshire S40 4SN For Mr Matthew Little	DPC	10/07/2017
CHE/17/00495/CLO	West	New single storey rear extension At 52 Yew Tree Drive Somersall Derbyshire S40 3NB For Mrs Kathleen Wild	GR	20/07/2017





## *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

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# Agenda Item 7

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	7 <sup>TH</sup> AUGUST 2017
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager 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
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**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/17/00412/TPO TPO 4901.266 15/06/17	The pruning of one Oak tree reference T33 on the Order map for English tree care on behalf of Miller Homes at the former Newbold Community School off Newbold Road, Newbold. The pruning works are to clear the adjacent building.	Consent is granted to the reduction of one branch growing towards the corner of the new build to give a 2 metre clearance pruning back to suitable replacement branches.
CHE/17/00355/TPO TPO 4901.117 15/06/17	The pruning of one Sycamore tree reference T15 and one Oak tree reference T16 on the Order map for Mr Duncan of 90 Hady Crescent, Hady.	Consent is granted to the crown lifting and crown thinning of the trees to remove low branches and allow more light into the garden of 90 Hady Crescent.
CHE/17/00415/TPO TPO 4901.117 15/06/17	The pruning of one Oak tree reference T19 on the Order map for Mr Stanyard of 94 Hady Crescent, Hady.	Consent is granted to the crown lifting of the tree to remove low branches and allow more light into the garden of 94 Hady Crescent.
CHE/17/00393/TPO TPO 4901.126 19/06/17	The pruning of 4 trees reference T14 & T17 Lime and T15 & T16 Horsechestnut for Mr & Mrs Rix of 45 Brockwell Lane. The tree pruning is to facilitate the proposed car port and to	Consent is granted to the crown lifting by 5.2 metres of 4 trees and the light crown thinning by 15% to remove dead wood and open up the canopy.

	clear the lower branches over the highway.	
CHE/17/00329/TPO TPO 4901.267 19/06/17	The felling of one London Plane tree reference T2 and the pruning of three London Plane trees reference T1, T3 & T4 on the Order map for Anderson Tree Care on behalf of Minotaur Group at 5 Station Road, Barrow Hill.	Consent is granted to the crown reduction by 4 metres of 3 London Plane trees and the removal of one London Plane tree which is close to the boundary wall and competing with the two neighbouring trees. The tree removal will allow the other trees to grow.  The duty to replant a replacement tree has been dispensed with on this occasion due to insufficient room.
CHE/17/00443/TPO TPO 4901.02 20/06/17	The removal of sapling trees and the crown lifting of various tree species along the woodland edge of Brierley wood reference W1 on the order map for Rupert Carr at Birchall Golf Course, Unstone.	Consent is granted to the removal of small saplings and the crown lifting of various trees to a height of 3 metres to install a boundary security fence.
CHE/17/00419/TPO TPO 4901.307 22/06/17	The pruning of one London Plane tree reference T1 on the Order map for Trueman Tree Services on behalf of Mr Alan Wilkinson of FAW Ltd at Stand Park Industrial Estate, Whittington Moor.	Consent is granted to the pollarding of one London Plane tree, pruning back to previous pollarding points.
CHE/17/00417/TPO TPO 4901.160	The pruning of two Sycamore trees reference T1 & T2 on the Order map for Mr Salt at Penmore House, Hasland	Consent is granted to the crown lifting and crown thinning of two Sycamore trees to remove the lower branches over the car

22/06/17	Road, Hasland	parking area and thin out the tree by 25%.
CHE/17/00312/TPO TPO 4901.14 28/06/17	The pruning of four trees reference T5 Horsechestnut, T7 Sweet Chestnut, T13 Beech and T15 Lime on the Order map for Mr Kirk at Netherleigh 34 Netherleigh Road, Brampton.	<p>Consent is refused to the removal of one lower limb on T15 Lime because no supporting evidence has been submitted with the application to justify its removal and the tree is covered in Ivy hindering any visual inspection.</p> <p>Consent is granted to the crown lifting, crown thinning and dead wooding of four trees and the reduction of branches of T7 Sweet Chestnut to clear any structures and T13 Beech to reduce the overhang into the neighbouring property.</p> <p>An advice note has also been attached to remove the Ivy on T15 Lime and re-inspect the tree.</p>
		Consent is granted to the felling of one Cedar tree 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

		<p>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 replacement tree is to be a Mountain Ash and planted as near as possible to the original tree.</p>
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**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/17/00368/CA The pruning of 5 trees for The Derby Diocesan Board of Finance at The Rectory, Church Street, Brimington.	The trees are within the Brimington Conservation Areas and the applicant wishes to prune the trees for general maintenance and clearance of structures.	Agreement to the pruning of 5 trees within the grounds of the Rectory, Church Street, Brimington. The pruning works will have no adverse effect on the amenity value of the area.	16/06/17

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## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 7<sup>TH</sup> AUGUST 2017  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### 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

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#### 1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of appeals being dealt with by the Council.

**PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER**

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact Paul Staniforth on 01246 345781.

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**APPEALS**

<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>
2/4071	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	
2/3026	Middlecroft & Poolsbrook ward	Mr J Muse	CHE/16/00717/FUL Four houses to rear 109 Middlecroft Road - Refusal	Officer delegated	3/4/17	Written Reps	Dismissed 18/07/17 see appendix A
2/3559	St Leonards	Mr Paul Roberts	CHE/17/00077/COU Change of Use to gymnasium at unit 26 Storforth Lane Trading Estate – Refusal	Officer delegated	25/4/17	Written Reps	
2/1002	Rother ward	Mr M Kirby	CHE/17/00017/OUT Dwelling on land at 1 Branton Close – Refusal	Planning Committee – against officer advice	27/4/17	Written Reps	
2/2404	Lowgates & Woodthorpe	Mr and Mrs Hall	CHE/16/00804/FUL – Conversion of Goat Shed to Holiday let at 23 Bridle Road – Refusal	Officer Delegated	30/4/17	Written Reps	
2/310	West ward	Mr Keith Aston	CHE/17/00119/MA – Material Amendment of plots 1 and 2 at 246a Ashgate Road - Refusal	Planning Committee – against officer advice	2/5/17	Written Reps?	

2/1192	Brockwell ward	Mr S Priestnall & T Cordin	CHE/16/00591/FUL – Redevelopemnt of 46 Newbold Road (The shrubberies) for 13 dwellings – Refusal	Planning Committee – against officer advice	22/5/17	Written Reps	
2/1286	Walton ward	Mr A James	CHE/17/00240/FUL – Dwelling on land adj 2 Hazel Drive – Refusal	Officer Delegated	22/6/17	Written Reps	
2/2880	St Leonards ward	Mr Baljinder Singh-Sall	15 Lincoln Street Raising ground levels and use. Enforcement Notice (Grounds (c) and (g) – There has been no breach and time for compliance is too short	Planning Committee	30/06/17	Written Reps	

## Appendix A

### Appeal by Mr James Muse

Site at rear of 109 Middlecroft Road, Chesterfield.

CHE/16/00717/FUL

2/3026

1. Planning permission was refused on 7<sup>th</sup> February 2017 for four dwellings on land to the rear of 109 and 111 Middlecroft Road.
2. The reason for refusal was:  
The layout of the houses leads to 3 out of the 4 houses having insufficient private amenity space, with properties 1-3 failing the requirement to have a minimum of 70 sqm space, as referred to in the Successful Places SPD (2013) sections 3.11.15-20. In terms of design, layout and highway safety the scheme is not considered to appropriately respond to the site parameter constraints to protect the amenity of future occupants. It is also considered that the application site is accessed via a 'roadway' which is substandard in terms of the width of the access driveway and is therefore unsuitable to safely cater for the vehicular traffic associated with the proposed residential development. Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety and residential amenity it is considered that the development proposals pose an adverse risk to highway safety and do not provide sufficient amenity space for future residents.
3. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
4. The main issue in this case is i) the effect of the proposed development upon highway and pedestrian safety; and (ii) whether all the dwellings would provide acceptable living conditions for future occupiers in respect of private amenity space.

#### *Highway Safety*

5. The access is an existing access between Nos 109 and 111. The access is off Middlecroft Road which is traffic calmed and is a bus route. Visibility onto the road from the access is good

in both directions. However, the access is too narrow to allow two vehicles to pass and, at a distance of some 45m, it is fairly long. The Local Highway Authority says that where an access is bound by a wall fence or hedge, as in this case, the width should be a minimum of 5m. However, in this case the access is about 4.2m wide. This means that there is no room for refuge for pedestrians whilst cars are travelling along the access. In addition, if a car was coming out of the site, a car entering would have to wait / and or reverse onto the road to let the exiting vehicle pass. This would cause an obstruction and hazard on the highway. Whilst vehicles could turn within the site, this would not overcome the lack of 2-way movement. Furthermore, there is insufficient space on the drive to leave bins whilst allowing adequate room for cars to pass. Therefore, on bin collection days, it is likely that about 8 bins would be left on the highway or at the end of the drive. This would further obstruct cars and pedestrians. The inspector was aware that planning permission exists for 2 dwellings on the site but this proposal for 4 dwellings would represent a more intense use of the access.

6. The inspector concluded that the proposed dwelling would harm highway and pedestrian safety. Consequently, it would conflict with Policies CS2 and CS18 of the Chesterfield Local Plan Core Strategy, 2013 (CS), which indicate that development should provide adequate and safe vehicular access.

#### *Living Conditions*

7. The Council's Successful Places Supplementary Planning Document, 2013, (SPD) says that family houses are likely to require larger gardens and Table 4 of the SPD specifically says that 3 bedroomed houses should provide a minimum of 70 SqM of outdoor amenity space. Plot 4 would have around 71SqM of amenity space but the rear gardens of Plots 1-3 would be of around 60SqM in area. As the proposed houses are 3 bedroomed this provision would not comply with the minimum standards. There would be inadequate private space for a combination of simultaneous outdoor family activities such as children's play, sitting out, growing plants and drying washing.



8. The inspector concluded that three of the dwellings would not provide acceptable living conditions for future occupiers in respect of the provision of private amenity space. Consequently, there would be conflict with CS Policies CS2 and CS18 which seek to ensure that development provides an acceptable level of amenity for its users.

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**ENFORCEMENT REPORT**

**MEETING:** PLANNING COMMITTEE

**DATE:** 7<sup>th</sup> AUGUST 2017

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

**WARD:** As listed in the report

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**FOR PUBLICATION**

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

**BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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**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)

Enforcements currently Authorised: 9

## ENFORCEMENT REPORT

27 July 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: 7    Authorised to Issue Average: 48.67 days</i>							
Hady Lane	15/10/12 <small>1,747</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"/> <small>11/11/16</small>	Ha
Lincoln Street	13/03/17 <small>137</small>	use of materials to extend hardsurfacing			17/05/17 <small>65</small>		Use of materials to extend hardsurfacing. Appeal.	<input type="checkbox"/> <small>17/07/17</small>	
Lincoln Street	13/03/17 <small>137</small>	change of use from agriculture to storage of scrap vehicles			17/05/17 <small>65</small>		Change of use from agriculture to storage of scrap vehicles. Appeal.	<input type="checkbox"/> <small>17/07/17</small>	
Pottery Lane West	10 09/01/17 <small>200</small>	excavation - engineering works			25/01/17 <small>16</small>		Appeal.	<input type="checkbox"/> <small>02/05/17</small>	

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Tapton View Road	47	24/04/17 95	unauthorised extension	16/00648				Application for retention dismissed on appeal. Enforce removal. Waiting for voluntary compliance before instructions.	<input type="checkbox"/> 17/07/17	SH
Walton Works		27/06/16 396	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 approval for Section 106 planning obligation to regulate unauthorised use. Comments on draft from agents.	<input type="checkbox"/> 05/06/17	Wa
York Street	2	17/07/17 11	2 vending machines					2 unauthorised vending machines. About to be issued.	<input checked="" type="checkbox"/> 27/07/17	Ha
<b>Stop Notice</b>			<i>Total currently Authorised: 1 Authorised to Issue Average: days</i>							
Walton Works		27/06/16 396	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa

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
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**TPO Prosecution**

*Total currently Authorised: 1 Authorised to Issue Average: days*

Newbold Road	04/07/17 24	damage / removal of trees					multiple offences by various parties	<input type="checkbox"/> 04/07/17	N
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*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) 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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