



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

Councillors Brunt and Dickinson –
Site Visit 1
Councillors J Innes and P Innes –
Site Visit 2
Councillors Bellamy and P Gilby –
Site Visit 3

18 August 2017

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on TUESDAY, 29 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 12:35. Ward members wishing to be present should attend on site as indicated below:-

1. 12:45 Rear of 35 Ashgate Road, Chesterfield –
CHE/17/00123/OUT
2. 13:10 Land at Thompson Street, Chesterfield –
CHE/17/00344/FUL

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

3. 13:30 Land off Northmoor View, Chesterfield –
CHE/16/00614/OUT

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 by 9.00 a.m. on Tuesday 29 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 - 130)
5. Building Regulations (P880D) (Pages 131 - 134)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 135 - 162)
7. Applications to Fell or Prune Trees (P620D) (Pages 163 - 172)
8. Appeals Report (P000) (Pages 173 - 186)
9. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business

on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act.”

10. Trees in the Grounds of the Former Chamber of Commerce and Adjacent Land, Canal Wharf, Stonegravels (Pages 187 - 214)

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, 7th August, 2017

Present:-

Councillor Brittain (Chair)

Councillors T Gilby
Callan
Simmons
Caulfield

Councillors P Barr
Wall
Bingham
Sarvent

*Matters dealt with under the Delegation Scheme

29 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brady, Catt Davenport, Elliot and Hill.

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

No declarations of interest were received.

31 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 17 July, 2017 be signed by the Chair as a true record.

32 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

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

CHE/17/00257/FUL - 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

In accordance with Minute No.299 (2001/2002) Mr D Hart (objector), Mr John Dawson (objector), Mr Richard Walters and Mr Paul Walters (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 located in the Open Countryside, as designated by Policy EVR2 of the 2006 Local Plan, and in an area identified under policy CS1 of the 2013 Core Strategy to serve as a Strategic Gap between Brimington and Tapton.

In the context of the policy framework above it is considered that the development proposals, by virtue of their scale and mass, are unacceptable. The development proposals are considered to have a far greater impact upon the open character of the countryside as they will occupy an area materially larger than the site of the existing buildings; and the height of the dwellings proposed are in excess of the height of the existing buildings on site such that the visual impact of the development does not reflect the local character and the development is not in keeping with the surrounding area. For these reasons it is considered that the development proposals are contrary to the provisions of policies CS1 of the Chesterfield Local Plan: Core Strategy 2011-2031; policy EVR2 of 2006 Local Plan (which is a retained designation in the Core Strategy); and the wider provisions of the National Planning Policy Framework.

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 (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

In accordance with Minute No.299 (2001/2002) Mr Steve Jones of Woodall Homes Ltd (the applicant), addressed the meeting.

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

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

2. All external dimensions and elevational treatments shall be as shown on the approved plans (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 – 14TH JUNE 2017
(AS AMENDED TO EXCLUDE CONSTRUCTION TRAFFIC TO
SPENCER STREET - 04/08/2017)

Trees

- LTP/19 – SECTION THROUGH ROAD AND T19 & T26
- 'NO DIG' CONSTRUCTION METHOD STATEMENT – 14 JUNE 2017
- DEMOLITION AND CONSTRUCTION OF RETAINING WALL
METHOD STATEMENT – 4 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 24TH APRIL 2017
- VIABILITY APPRAISAL REV A – CONFIDENTIAL (UPDATED
05/07/2017)
- PLOT MATERIALS SCHEDULE AND SITE PLAN WITH BRICK
CHOICES – 20/07/2017

Highways

3. 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.

4. Prior to any other construction works taking place, the Saltergate driveway shall be upgraded to base course level (in accordance with the agreed construction details) to allow for use by construction traffic. Thereafter 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 with the exception that Construction Traffic not be permitted along Spencer Street. Any deviation from this agreed methodology shall first need to be agreed in writing by the Local Planning Authority.

5. 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).

6. 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.

7. 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.

8. 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.

9. 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

(B) 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;
- That a CIL Liability Notice be served for £198,000 or £183,250 if the social housing exemption is claimed, as per section 5.9 of the officer's report.

CHE/17/00459/FUL - 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 COLLIN

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

- (A) 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
5. 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.
6. 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.

7. 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.

8. 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.

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

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

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.

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.

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.

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.

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.

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.

(B) That a CIL Liability Notice be served for £7,200, as per section 5.4.8 of the officer's report.

33 **BUILDING REGULATIONS (P880D)**

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

Approvals

17/00778/DEX	Domestic Extensions/Alterations - Rear extension and garage conversion at 89A Manor Road Brimington Chesterfield Derbyshire S43 1NN
17/00976/OTHD	Other Works (Domestic) - Conversion of existing covered store to form habitable room at 15 Cedar Street Hollingwood Chesterfield Derbyshire S43 2LR

- 17/01029/DEX Domestic Extensions/Alterations - Single storey side and rear extension at 4 Dorothy Vale Loundsley Green Chesterfield Derbyshire S40 4DH
- 17/01042/DEX Domestic Extensions/Alterations - Extension at 82 Vincent Crescent Chesterfield Derbyshire S40 3NP
- 17/01066/OTHC Other Works (Commercial) - Pitched re-roofing works to 2 no classrooms at St Marys RC Primary School Cross Street Chesterfield Derbyshire S40 4ST
- 17/01187/OTHD Other Works (Domestic) - Internal alterations at 8 Foljambe Road Brimington Chesterfield Derbyshire S43 1DD
- 17/00990/MUL Multiple Domestic - Single storey side extension and raise roof to create room in roof at 11 Ashton Close Walton Chesterfield Derbyshire S40 3RD
- 17/00992/DEX Domestic Extensions/Alterations - Two storey side extension and single storey rear extension at 16 Morris Avenue Newbold Chesterfield Derbyshire S41 7BA
- 17/00855/OTHD Other Works (Domestic) - Balcony extension, retaining wall and new internal staircase at 49 Woodmere Drive Old Whittington Chesterfield Derbyshire S41 9TE
- 17/01032/MUL Multiple Domestic - Two/single storey rear extension, partial garage conversion and internal alterations at 50 Hazel Drive Walton Chesterfield Derbyshire S40 3EQ
- 17/01135/DEX Domestic Extensions/Alterations - Two storey rear extension at 172 South Street North New Whittington Chesterfield Derbyshire S43 2AD
- 17/01141/DEX Domestic Extensions/Alterations - Single storey rear extension, raised rear terrace and internal

alterations at 22 Orchards Way Walton Chesterfield
Derbyshire S40 3BZ

34 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/16/00788/FUL | 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 Drive Walton Derbyshire S40 3EN for Mr Jason Bolland |
| CHE/17/00073/FUL | Demolishing existing garage and building a new larger garage at 26 Highfield Avenue Newbold Derbyshire S41 7AX for Mr Paul Berry |
| 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 158 Middlecroft Road Staveley Derbyshire S43 3NG for Ian Lowe Building and Roofing |
| CHE/17/00220/FUL | Proposed car hardstanding area at 575 Newbold Road Newbold Derbyshire S41 8AA for Mr and Mrs Moulds |
| CHE/17/00282/RET | Retrospective consent for retention of vehicular access at 70 Inkersall Green Road Inkersall Derbyshire S43 3SE for Mrs Lyn Kidger |

- CHE/17/00291/FUL Raising the roof by 1.4m to create first floor accommodation and single storey extension to rear at 1 Wentworth Avenue Walton Derbyshire S40 3JB for Mr Dave Parry
- CHE/17/00292/FUL Single storey period style hardwood double glazed conservatory at 19 Station Road Barrow Hill Derbyshire S43 2PG for Mrs S Galloway
- CHE/17/00304/FUL Proposed rear extension to existing bungalow and works to roof space including incorporation of dormer windows and rooflights at 313 Brimington Road Tapton Derbyshire S41 0TE for Mr Kieran Blackwell
- CHE/17/00308/FUL Timber cladding to front elevation, rendering to remaining elevations and installation of new velux window at 2 Cambrian Close Brockwell Chesterfield Derbyshire S40 4LA for J Hill
- CHE/17/00320/FUL Two storey rear extension at 6 Sycamore Road Hollingwood Derbyshire S43 2HG for Mrs Laura Kehoe
- CHE/17/00337/FUL Rear dormer and roof terrace (Revised proposed elevations and floor plans (Drawing 2 of 2) received on 07.06.17) at 15 Hady Lane Hady S41 0DJ for Mr Bob Rsiedacz
- CHE/17/00345/ADV 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 Maplins Unit 1A Ravenside Retail Park Markham Road Chesterfield Derbyshire S40 1TB for Maplin Electronics
- CHE/17/00346/ADV Signs advertising the business occupying the premises; - 2 No Fascia Signs, 1 No Projecting Sign and 2 No Film Logos at Domino's Pizza Unit 3 Lordsmill Gate Lordsmill Street Chesterfield Derbyshire S41 7RW for DOT 100 Limited

- CHE/17/00350/COU To use existing shop premises to include dog grooming (sui-generis) at 323 Sheffield Road Whittington Moor Derbyshire S41 8LQ for Muttcutz
- CHE/17/00352/FUL Erection of an attached double garage at 5 Wheathill Close Brimington Derbyshire S43 1PU for Mr Tomas Hawkins
- CHE/17/00357/FUL Extension to side of dwelling to form two extra bedrooms at first floor level at 11 Spring House Close Holme Hall Chesterfield Derbyshire S42 7PD for Mr John Wragg
- CHE/17/00360/FUL Installation of a replacement shopfront at Domino's Pizza Unit 3 Lordsmill Gate Lordsmill Street Chesterfield Derbyshire S41 7RW for DPSK Ltd
- CHE/17/00362/FUL Extension and conversion of existing garage to hobbies room at 21 Totley Mount Brimington Derbyshire S43 1JZ for Ms Sally Canning
- CHE/17/00367/FUL Construction of a dropped kerb and formation of a driveway to front of property at 17 Troughbrook Road Hollingwood Derbyshire S43 2JN for Mr Paul Longstaffe
- CHE/17/00379/FUL Remove existing NatWest brand signage, ATM and night safe. Infill existing ATM and Night Safe apertures with new stainless steel blanking plate at Natwest 10 High Street Staveley Derbyshire S43 3UJ for Royal Bank of Scotland Group plc
- CHE/17/00392/FUL Single storey side and rear extension at 15 Sudhall Close Newbold S41 8BX for Mr Andrew Jacques
- CHE/17/00397/ADV 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

windows. Please refer to drawing ref no 7057-001 at 35 Rose Hill Chesterfield S40 1TT for Mr Visa Prabhakaran

(b) Refusals

- CHE/17/00365/FUL Re-submission of CHE/17/00190/FUL - Proposed second storey side extension at 31 Queen Mary Road Chesterfield Derbyshire S40 3LB for M Hopkinson
- CHE/17/00372/FUL Retention of temporary Mitsubishi car showroom at existing Honda site at Gilder Honda Lockoford Lane Chesterfield Derbyshire S41 7JB for Mr John Scotting

(c) Discharge of Planning Condition

- CHE/17/00381/DOC 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 water balancing (all matters reserved save for means of access into the site) at land to the west of Dunston Lane Newbold Derbyshire for William Davis Ltd
- CHE/17/00386/DOC 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 adjacent 33 Westmoor Road Brimington Derbyshire for Aspire Brickwork
- CHE/17/00423/DOC 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 Road Newbold Derbyshire for Miller Homes

CHE/17/00445/DOC 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

(d) Prior notification approval not required

CHE/17/00353/PNC Conversion of existing first and second floor accommodation to form 3 studio apartments and associated storage space at Derbyshire Carers Association 69 West Bars Chesterfield Derbyshire S40 1BA for Mr Paul Singh

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

CHE/17/00435/TPD Replace existing 2.2 metre wide 3.7 metre long with new approx 3.5 metre wide by 4.7 metre long at 18 Netherthorpe Close Staveley Derbyshire S43 3PX for Mr Steven King

(e) CLOPUD granted

CHE/17/00495/CLO New single storey rear extension at 52 Yew Tree Drive Somersall Derbyshire S40 3NB for Mrs Kathleen Wild

35 **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/17/00412/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 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.

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

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.

36 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.

37 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.

38 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.

39 REQUEST BY CHESTERFIELD CIVIC SOCIETY TO SERVE A BUILDING PRESERVATION NOTICE FOR THORNFIELD HOUSE, CANAL WHARF, CHESTERFIELD

The Development Management and Conservation Manager submitted a report on the request to serve a Building Preservation Notice on Thornfield House, Canal Wharf, Chesterfield.

***RESOLVED –**

1. That the request to serve a Building Preservation Notice on Thornfield House, Canal Wharf, Chesterfield be refused.
2. That the Economic Growth Manager be informed of the concerns of the Planning Committee regarding the resources available for the completion of the local list of heritage assets.

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Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	29 TH 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 29TH AUGUST 2017**

- ITEM 1** **CHE/16/00614/OUT - Outline application for proposed housing development with all matters reserved except the access - additional information received - heritage impact assessment and geophysical survey rec'd on 19/04/2017; and transport assessment addendum rec'd on 02/05/2017 at Land To The North West Of Northmoor View Brimington for F G Sissons (Chesterfield) Ltd.**
- ITEM 2** **CHE/17/00344/FUL - Installation of storage containers for use as a storage yard, installation of security fencing and a new vehicular access with drop kerb - revised plans received 6. 7. 2017 at Land To The West Side Of Thompson Street Chesterfield for Mr Matthew Follon.**
- ITEM 3** **CHE/17/00123/OUT - Erection of a single dwelling on the site which is part of the former rear garden of 35 Ashgate Road. - access to be from Brockwell Lane. - Amended plans recieved 10.07.2017. Amended plans recieved 20.07.2017 at 35 Ashgate Road Chesterfield for Mr Johnstone.**

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 29th August 2017

File No: CHE/16/00614/OUT
Plot No: 2/1903

ITEM 1

OUTLINE PLANNING APPLICATION WITH ALL MATTERS EXCEPT ACCESS RESERVED FOR PROPOSED HOUSING DEVELOPMENT INCLUDING LAND ALLOCATED FOR A PRIMARY SCHOOL (ADDITIONAL INFORMATION RECEIVED - HERITAGE IMPACT ASSESSMENT AND GEOPHYSICAL SURVEY REC'D ON 19/04/2017; AND TRANSPORT ASSESSMENT ADDENDUM REC'D ON 02/05/2017) ON LAND TO THE NORTH WEST OF NORTHMOOR VIEW, BRIMINGTON, CHESTERFIELD, DERBYSHIRE FOR FG SISSONS (CHESTERFIELD) LTD.

Local Plan: Open Countryside / Other Open Land & Strategic Gap
Ward: Brimington South

1.0 CONSULTATIONS

Local Highways Authority	Comments received 22/09/2016 (referral), 24/11/2016, 24/11/2016, 30/06/2017 and 07/07/2017 – see report
CBC Strategic Planning Team	Comments received 03/11/2016 and 16/08/2017 – see report
Environmental Services	Comments received 10/10/2016 – see report
Design Services (Drainage)	Comments received 26/09/2016 – see report
Economic Development	No comments received
Housing Services	Comments received 13/10/2016 and 27/10/2016 – see report
Leisure Services	No comments received
Environment Agency	Comments received 22/09/2016 and 12/05/2017 – see report

Yorkshire Water Services	Comments received 17/10/2016 and 16/05/2017 – see report
Derbyshire Constabulary	Comments received 30/09/2016 – see report
DCC Strategic Planning Team	Comments received 12/10/2016, 30/11/2016, 02/02/2017 and 02/06/2017 - see report
Lead Local Flood Authority	Comments received 26/09/2016, 09/11/2016 and 17/05/2017 – see report
Chesterfield Cycle Campaign	No comments received
Coal Authority	Comments received 10/10/2016 and 22/05/2017 – see report
Tree Officer	No comments received
Conservation Officer	Comments received 23/11/2016 and 28/06/2017 – see report
Urban Design Officer	Comments received 07/11/2016 – see report
Derbyshire Wildlife Trust	Comments received 19/10/2016, 26/10/2016 and 02/06/2017 – see report
Derby & Derbyshire County Archaeologist	Comments received 07/10/2016 and 10/05/2017 - see report
CCG	Comments received 14/10/2016 and 09/11/2016 – see report
Brimington Parish Council	Comments received 17/10/2016 and 29/05/2017 – see report
Ward Members	Comments received as part of

	local residents campaign – see below
Site Notice / Neighbours	381 no. representations and a petition received containing 458 no. signatures

2.0 **THE SITE**

2.1 The site the subject of the application is located to the south of Chesterfield Road and to the west of Manor Road on the southern fringe of the settlement of Brimington centre.



2.2 The land is currently in agricultural use (grade 4) which extends to approximately 15.9ha in area. Levels of the site fall from north east to south west and the Tinker Sick watercourse runs along the southern boundary.

2.3 There is open land to the west, south west and south east of the site with housing development arranged along Chesterfield Road and Manor Road to the north and north east.

2.4 The Brimington Footpaths 16 and 17 traverse the application site running from Cotterhill Lane to Briar View; and from Northmoor View to Chesterfield Road respectively.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/1090/0760 – Erection of 8 no. bungalows on land adj to 76 Manor Road. Condition permission granted 15/02/1991.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks outline planning permission for the erection of up to 300 dwellings (incorporating open space and landscaping) and a site 2 hectares in area for the provision of a new primary school. All matters except for means of access are reserved for approval at a later date. Access points are shown to be formed as both a continuation of Northmoor View (located off Manor Road) and as a new junction onto Chesterfield Road (A619) east of Briar View.

4.2 An illustrative Site Development Plan is provided for the purposes of setting the Design & Access Statement into context and this plan gives an illustration how the site might be laid out and the development formed.

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

- Application Form
- C596.2 - Site Development Plan
- C596.3 - Site Location Plan
- 3834_OGL_1000 – Topographical Survey
- 3834_OGL_PLAN1 – Topographical Survey
- 3834_OGL_PLAN2 – Topographical Survey
- Planning Statement
- Design and Access Statement
- Transport Assessment inc. Technical Appendix (prepared by Northern Transport Planning (NTP) dated July 2016)
- NTP Response to Local Highways Authority 09/01/2017
- Ecological Appraisal (prepared by ECUS dated March 2016)
- Air Quality Assessment (prepared by Air Quality Consultants Ltd dated August 2016)
- Flood Risk Assessment, Surface Water Strategy and Sustainable Drainage Systems Assessment (prepared by CSG Consulting Engineers Ltd dated April 2016)
- Preliminary Risk Assessment (prepared by CSG Consulting Engineers Ltd dated April 2016)

Additional / Revised Information

- Indicative Surface Water Drainage Storage Calculations (prepared by CSG Consulting Engineers Ltd dated October 2016).
- Heritage Impact Assessment (prepared by Archaeological Research Ltd dated March 2017)
- Geophysical Survey (prepared by Archaeological Research Ltd dated March 2017)
- C596.2A - Site Development Plan (received 23/05/2017)
- Transport Assessment First Addendum inc. Technical Appendix (prepared by Northern Transport Planning (NTP) dated April 2017)
- Transport Assessment Second Addendum (prepared by Northern Transport Planning (NTP) dated April 2017)

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site the subject of the application is land allocated as Open Countryside / Other Open Land which is a protected allocation of Policy EVR2 from the 2006 Local Plan, which was saved alongside the adoption of the Chesterfield Local Plan: Core Strategy 2011 - 2031.

5.1.2 Having regard to the nature of the application proposals and the allocation above 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), CS10 (Flexibility in delivery of Housing), CS11 (Range of Housing), CS13 (Economic Growth), CS18 (Design), CS19 (Historic Environment) and CS20 (Demand for Travel) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

5.2 **Principle of Development (Open Countryside, 5yr Housing Supply & Strategic Gap)**

- 5.2.1 The application is on a greenfield site within an area identified in the saved Replacement Chesterfield Borough Local Plan (2006) under policy EVR2 as Open Countryside. It is also in an area shown on the Core Strategy Key Diagram as being potentially affected by the Brimington and Tapton Strategic Gap. It is not allocated for housing development.
- 5.2.2 Policy CS10 of the Local Plan: Core Strategy states that: *“Planning permission for housing-led greenfield development will only be permitted if allocated land has been exhausted or if annual monitoring shows that there is less than a five year supply of deliverable sites...”*. The council’s latest Five Year Housing Supply statement, for the 2016/17 monitoring period, sets out that the council considers that it is able to demonstrate a supply of specific, deliverable housing sites sufficient for a five year period (plus a 20% buffer to take into account historic levels of under-delivery), when calculated using both the ‘Sedgefield’ and ‘Liverpool’ approaches.
- 5.2.3 In this position the full weight of policy CS10 applies and the application is clearly contrary to the adopted Local Plan policy.
- 5.2.4 Policy EVR2 states that *“within the areas of open countryside and other open land planning permission will only be granted for new development which is necessary for the needs of agriculture and forestry or is related to recreation tourism or other types of farm or rural diversification...”*. The proposed development would be contrary to this policy. Recent court judgements have given greater clarity to how the council should apply policies that pre-date the NPPF, taking into account the impact and the degree to which the policies accord with the NPPF. These have clarified that it is for the Local Planning Authority to determine the weight that should be given to such policies.
- 5.2.5 The NPPF recognises the “intrinsic character and beauty of the Countryside” (‘Core Planning Principles, para 17 page 5’) and that the planning system should contribute to and enhance the natural and local environment by “protecting and enhancing valued landscapes...” (‘Conserving and Enhancing the Natural Environment’, para 11, page 25). The value attributed locally to this landscape is demonstrated by the identification of an indicative Strategic Gap in the adopted Core Strategy and the draft allocation as a Strategic Gap in the consultation Local Plan published in

January 2017 (the issue of the weight to be given to the specific Strategic gap policy is set out below). The application is for a substantial expansion of the urban area into Open Countryside

- 5.2.6 The Core Strategy Key Diagram and policy CS1 indicate that there will be a Strategic Gap identified between Brimington and Tapton. Within the strategic gap policy CS9 applies and development that would harm the character and function of the strategic gap, that is:
- Maintain open land between neighboring settlements to prevent merging (perceptual and physical) and protect the setting and separate identity of settlements.
 - Support appreciation and wider perceptual benefits of open countryside.
 - Maintain existing or influence form and direction of settlements.
- 5.2.7 A draft boundary of this Strategic Gap was published as part of the consultation on Sites and Boundaries Issues and Options in November 2012, and was also the subject of an assessment undertaken by ARUP in 2016 in support of the preparation of the new Local Plan. The draft Local Plan, published for consultation in January 2017, includes the application site as part of the proposed Strategic Gap. Whilst the specific allocated boundary has not been tested through a Local Plan examination, the broad location of the gap has been (as part of the examination of the adopted Core Strategy and therefore a precautionary approach should be taken and the impact of the development on the openness of the countryside in this location and the separation between settlements should be taken into account.
- 5.2.8 Policy CS2 deals with the location of development and sets out tests under which locations that are not in strict accordance with the Local Plan may be permitted, namely where the proposed use:
- Needs to be in a specific location in order to serve a local need, access specific resources or facilities or make functional links to other uses; or
 - Is required to regenerate sites and location that could not otherwise be addressed
- Neither exemption applies in this case.
- 5.2.9 The principle of housing development on this land would be contrary to Local Plan policies CS1 (location of Strategic Gaps), CS10, CS9 (harming the character and function of the Strategic

Gap) CS2 and EVR2 and this is a fundamental objection to the development of this site as proposed.

5.3 **Design and Appearance (including. neighbour representations)**

5.3.1 The application submission is accompanied by a Design and Access Statement which has been considered alongside the indicative Site Development Plan having regard to design and appearance consideration including neighbouring amenity.

5.3.2 Given that the application submission is outline in nature consideration of design and appearance issues is limited to principles and parameters; as any outline permission granted would need to be the subject of further reserved matters consideration concerning appearance, landscaping, layout and scale.

5.3.3 With the above context in mind, the Council's **Urban Design Officer** (UDO) reviewed the application submission, providing the following comments:

Use

The site is currently open countryside and lies outside the built up area of Brimington, where new development is normally strictly controlled. Any proposals for residential development should be viewed against need to take into account the current 5 year housing supply position.

Notwithstanding the acceptability of the principle of development on greenfield land, the northern edge of the site is located within 300m of the centre of the Brimington as the crow flies and could be considered to represent a sustainable location in respect of proximity to services and local amenities. The centre of the site is within 575m and the southern extent approximately 830m. The most direct routes measure approximately 430m and 480m respectively, following actual walking routes to the edge of the development, although one route is via a poorly overlooked footpath. Nevertheless, overall, a large part of the site would be located within a 10 minute walk or less, of Brimington village. However, the steep topography of the site and the need to cross busy roads (Chesterfield Road and Hall Road) would be likely to

discourage some local trips that could be undertaken on by foot or by bicycle.

Amount

The total site area measures 15.90 hectares, of which 2 hectares is identified for use as a new primary school. The submission proposes 300 dwellings on the remaining 13.90 hectares which would equate to a density of 22 dwellings per hectare. This represents a relatively low density, although the need for the provision of open spaces and SUDS drainage measures are likely to concentrate the amount of housing into development parcels which focus the development into areas of higher density. This is implied on the submitted Site Development Plan and the DAS refers to a density of 26dph as being in keeping with the established density of development in the adjoining area.

The DAS also indicates the use of different densities, with lower densities used on the edges of the site and higher densities in the centre in order to achieve a more open character against the countryside. This concept is supported in principle although the proposed densities required to achieve this are not defined, nor reflected on the illustrative Site Development Plan drawing.

Layout

Layout is a reserved matter, although the submission is supported by an illustrative Site Development Plan. However, this is not underpinned by a site appraisal to assess the site constraints and opportunities. Whilst the illustrative layout indicates 'soft' edges and outward facing development against the countryside, in line with guidance contained within the residential design SPD (Successful Places, 2013) other considerations are less well resolved.

Significant features of the site are its countryside setting, its elevated position and far reaching views, areas of steep topography and its relationship to nearby heritage assets. Some of these characteristics do not appear to have been fully recognised or informed the resulting illustrative layout. For example, a number of development blocks cut across contours rather than working with the topography, particularly on the steeper southern half of the site. It is unclear how realistic it is that these areas could accommodate the development proposed and substantial retaining

structures and changes in land form would seem likely to be required.

Furthermore the significance of the adjacent listed building (The Manor House) is not recognised with respect to its relationship to the site. The DAS indicates that the presence of modern development is such that the proposals would not detract from its setting. However, whilst its original rural context has been eroded over time, it remains one of the few visually dominant features of this open landscape, appearing taller and more prominent than its surroundings. As a key local landmark, acknowledging views to this feature from across the site would the legibility of the layout and maintaining a spacious setting to the west would be appropriate. Views to and from Tapton Grove care home to the south also exist.

Notwithstanding these comments, the submission fails to include a Heritage Statement¹ to examine any nearby heritage assets, assess their significance or determine the degree of impact that would result from the proposed development.

The supporting DAS states that the scheme will incorporate a layout and principles that would accord with the Council's residential design SPD Successful Places (2013). However, the illustrative layout and DAS indicate a loop road with a series of cul-de-sacs. This approach is actually discouraged by Successful Places which seeks more permeable 'joined up' layouts based upon a hierarchy of street types in preference to cul-de-sacs.

Furthermore, the arrangement of the layout along the SE boundary against the Tinker Sick Brook and the NW boundary against the adjacent field indicates narrow bands of development that would appear to back onto these edges of the site. The illustrative plan shows footpaths passing between the housing and the edges of the site. This is likely to result in the paths being sandwiched between the rear fences of the dwellings and the site boundaries, creating unappealing and poorly overlooked routes. This would raise concerns in respect of crime and design considerations and represents an unacceptable aspect of the illustrative site plan.

¹ A Heritage Impact Assessment (prepared by Archaeological Research Ltd dated March 2017) was subsequently submitted.

Scale and massing

Scale is a reserved matter although the DAS anticipates a range of heights between one and three storeys in height. This would be an appropriate range of scales in principle, subject to details.

Landscaping

Landscaping is a reserved matter, although the DAS indicates the potential to supplement existing trees and hedgerow planting, both within gardens and new areas of public open space. The landscape concept underpinning the proposals is to retain the rural character of the site and its surroundings. The illustrative layout indicates a number of continuous blocks of development which do not appear to support this approach.

Appearance

Appearance is a reserved matter. The DAS indicates that the scheme will be designed to incorporate the prevailing characteristics of the area, to achieve a development with a positive character and that detailed designs will include architectural details and materials that are part of the heritage of the area, although these qualities are not defined or explained within the submission.

The visual impact of the scheme is described in the DAS as, not prominent when viewed from within the settlement or the surrounding countryside. Whilst public views from within Brimington (north and east) may be obstructed by existing buildings, views from the west and south are more open and far reaching, with distant views towards Chesterfield from elevated parts of the site. In addition, public footpaths in the area would offer clear views of the development within the landscape. Although the submission asserts that the development would not appear prominent in the landscape, the application is not supported by a landscape and visual impact assessment (LVIA) to support this opinion.

Access

Permission for access is sought as part of this application. The acceptability of the proposed access arrangements should be advised by the DCC Highway Engineer.

Conclusion

The proposals raise a number of concerns in urban design terms and the limited nature of the supporting information provide little substance upon which to base future reserved matters proposals.

Given the scale of this proposal, a more detailed masterplan approach which establishes key principles to inform the more detailed stages of the development would be appropriate. However, the outline nature of the application means the detailed considerations could potentially be addressed at the reserved matters stages. As such, despite the shortcomings of the current submission, there is no objection to the application on the grounds of urban design. However, in the event that planning permission is granted, it is recommended that an advisory note is attached to the decision notice drawing attention to these comments and advising that any subsequent design work is informed and prepared on the basis of a site appraisal process and guidance contained within the Councils SPD Successful Places (2013).

- 5.3.4 Having regard to the comments of the UDO above, in the context of the provisions of policies CS2, CS18 and CS20 of the Core Strategy and the Council's SPD Successful Places, it is considered that whilst there are weaknesses and issues highlighted by the UDO in the detail of the outline application as submitted; none of the issues which are raised would be insurmountable if permission were to be granted and reserved matters detail sought. Further detailed consideration of appearance, landscaping, layout and scale would be undertaken at this second tier of the application process. This would include consideration of immediate neighbouring amenity (separation distances etc) which would extend beyond amenity issues highlighted against the principle of development above. Overall therefore it is considered that the outline development proposals could be viewed to comply with the design and appearance principles of policies CS2, CS18 and CS20 of the Core Strategy and the Council's SPD Successful Places.

5.4 **Highways Issues**

- 5.4.1 Having regard to the nature of the application proposals and the fact that access is detailed for consideration alongside this outline planning application the submission was initially accompanied by a Transport Assessment (TA).

5.4.2

Together with the TA the proposals and supporting documents were reviewed by the **Local Highways Authority** (LHA) who made initial comments (dated 24 November 2016) as follows:

'The submitted details propose a residential development of 300no. dwellings and allocation of land for a new primary school, vehicular access from the existing highway network to be taken via a new junction with Chesterfield Road (A619) and from North Moor View.

Although likely to be a reflection of the type of property, mix of private and affordable, etc., the trip rates used within the Transportation Assessment for the residential element of the proposals are not considered to be particularly robust and, it should be noted, are less than those agreed for the proposed developments at Mastin Moor and Staveley Works. Account has been taken of a consented residential development of 32no units on Manor Road to the south of the proposed development site although building out of Markham Vale has not.

The Transportation Assessment includes analysis of peak hour traffic flows through various junctions on the local highway network noting that the Brimington gyratory system will be at capacity in 2022, with or without the proposed development, adding that particular issues in relation to the right turn from Hall Road onto Chesterfield Road the right turn from Church Street onto High Street are likely to occur. The Transportation Assessment also includes some analysis of past longer term traffic trends based upon traffic data taken from an Automatic Traffic Counter monitoring site on Chesterfield Road, near the Crematorium. This analysis indicates a spreading peak demand with some growth in weekday peak period traffic in the 'shoulders' to the morning and evening peak periods but little growth in peak hour traffic volumes in the actual peaks themselves. This demonstrates a gradual reduction over time of the ratio of peak hour to peak period traffic flows, consistent with peak spreading which of course is consistent with a network already operating at (peak hour) capacity. The Highway Authority has reservations about the principle of peak hour spreading being a justification for allowing further development related trips to enter the network as this simply extends the harm to parts of the day which are not currently subjected to congestion and does nothing to mitigate the harm.

This is consistent with the Highway Authority's understanding of this part of the highway network in particular that derived from the modelling work currently under development to support Transportation Assessment that would see redevelopment of the former Staveley works site. This work also included committed development including that of Markham Vale. The Transportation Assessment does acknowledge that a longer term solution to traffic problems in the Chesterfield Road corridor would be the Chesterfield to Staveley Regeneration Route highway improvement that would provide a bypass of Brimington and Staveley. The A619 Staveley - Brimington Bypass (Chesterfield to Staveley), is identified in Derbyshire's third Local Transport Plan 2011 – 2026 as a potential scheme for appraisal in association with land-use plans, so presumably its absence would act as a constraint to the long term economic growth on the A619 Corridor. However, it's suggested that there should be no reliance on this to support current development proposals as the entire route is unlikely to be delivered in the near future or on a timescale compatible with this development.

The submitted details indicate that the current proposals would be served via two separate vehicular access points, i.e. from North Moor View and a new junction with Chesterfield Road, with each serving 150no. residential units and around half of the new school site with no vehicular link through the site (although the indicative plan does show one).

The carriageway and footway widths of North Moor View satisfy current guidance to serve a development of up to 150no. residential units although swept path analysis of the existing alignment should be carried out to demonstrate suitability to cater for use by Large Refuse Vehicles accessing the proposed development. On street parking on the existing carriageway should be taken into consideration. Notwithstanding, the existing geometry may not be adequate to serve the extended development beyond the current proposals as suggested on the indicative site layout plan. The majority of the site (current proposals and future extension) would be in excess of the desirable maximum walking distance to bus stops therefore it's suggested that the design should be taking into account future access for buses.

The proposed access road to Chesterfield Road is demonstrated at 6.0m width, to cater for use by vehicles servicing the proposed

school site. The details demonstrate a prohibition of right turns out of the junction to Chesterfield Road due to it being demonstrated that there is insufficient capacity on the existing network to accommodate right turns. It's suggested that vehicles wishing to travel eastwards or to Manor Road would be expected to make use of Wikeley Way and Station Road. The former is a traffic calmed residential road subject to an environmental weight restriction. Presumably, anything larger than the 7.5t weight limit would be expected to travel further westwards to the Sainsbury's roundabout in order to turn and travel eastwards. This form of mitigation is considered to be unenforceable, unreasonable and, as a consequence, unacceptable.

The submitted details mention provision of cycle links a number of times although it's unlikely that much beyond the site boundary could be delivered to encourage cycle use. The upgrade of Footpath 16 to cater for shared cycle and pedestrian use would be likely to require land that appears to be outside of the applicant's control. Access not being a reserved matter, suitability of, or improvements to, this route for shared cycle use should be demonstrated or reference to such use withdrawn.

As suggested above, the internal site layout plan is indicative and does not form a part of the current application. As such, no specific comments are to be made at this stage in this respect other than the layout would need to generally comply with the recommendations of the Highway Authority's current design guidance and the routes of existing Public Rights of Way crossing the site would need to be satisfactorily accommodated.

Therefore, whilst current guidance may support development of up to 150no. units served via North Moor View (subject to swept path analysis), the Highway Authority is not satisfied with the proposed junction arrangements with Chesterfield Road and considers this would be likely to result in severe harm to operation of the highway network. The submitted details do little to inspire confidence that future extended development (the aspirations for which are included on the indicative plan, are the subject of a LAA assessment and have been raised in pre-application correspondence/ discussion) can be satisfactorily served and would be more likely to be jeopardised by the proposed access arrangements as shown. The Highway Authority would expect to see provision of a major access road to serve an extended site of

potentially up to 1000no. residential units and a primary school, as well as accommodate bus penetration of the site. In addition, consideration should be given to running the Saturn model to support the extended development.

Cumulatively it is considered that the above concerns are sufficient to sustain objection to the 'as submitted' proposals.

It's recommended that the applicant be given further opportunity to submit details of measures to satisfactorily address the above issues. The Highway Authority would be grateful to receive further opportunity to make recommendations of refusal if the applicant is unable or unwilling to provide additional details.'

5.4.3 In reaction to the comments received from the LHA above the applicant / agent was given the opportunity to consider the detail of the LHA response; and a further meeting was held between the LHA, the LPA, the applicant / agent and their own highway consultants to discuss the issues in detail.

5.4.4 Subsequently a revised TA Addendum (made up of a First Addendum, First Addendum Appendices and Second Addendum) was submitted for further consideration (on 02 May 2017) and the LHA were again invited to formally comment on the submission details. The following comments were made:

'The proposals comprise a residential development of 300no new residential dwellings and allocation of land for a new primary school with vehicular access from the existing highway network to be taken via a new junction with Chesterfield Road (A619) and from North Moor View. Each of the access routes would serve a half of the proposed development with no vehicular link between them.

Whilst a description of geometry for the proposed Chesterfield Road junction has been provided, no adequate detailed drawings have been received in this office. As access isn't a reserved matter, the Highway Authority would expect a detailed design on a topographical survey base at 1:200 scale demonstrating the proposed geometry and provision of visibility sightlines commensurate with the results of a specific traffic speed survey (rather than those obtained from an Automatic Traffic Counter).

Although swept path analysis of North Moor View for use by a refuse vehicle has been provided, this is for a vehicle of 9.93m in length rather than an 11.6m length vehicle as highlighted in Manual for Streets. Unless otherwise agreed with the local refuse collection service, the Highway Authority recommends that analysis is undertaken using the largest waste vehicles currently in use. The suggestion that vehicles would be expected to wait within the bell mouth of a junction whilst a larger vehicle negotiates the existing sinuous length of North Moor View is also considered to be undesirable.

The Transportation Assessment predicts a 50% increase in vehicle queue lengths at the Chesterfield Road - Hall Road junction, however, no details of how this impact may be mitigated have been submitted.

The 6C's Design Guide, i.e. the design guide adopted by this Authority, clearly states that no more than 150no. residential units should be served by a residential access road via single point of access; schools should not be served via cul-de-sacs (which each of the routes would be); and that the minimum carriageway width of roads serving schools should be 6.75m.

A significant proportion of the proposed development site would be in excess of the desirable maximum walking distance from bus stops as would any extended development that, although verbally stated as not being pursued, remains clearly annotated on the current application drawings held in this office. With this in mind, the Highway Authority considers that the proposed accesses should be of a suitable layout to enable buses to be routed though the site.

It is, therefore, considered that the outline proposals will lead to a poor internal estate street layout design for the scale and nature of development being sought both currently and, potentially, in the future.

When taking into account all of the above, and based on the details as submitted in support of the proposals to date, the Highway Authority recommends that the application is refused on the following Grounds:-

1. *The details submitted do not demonstrate safe and satisfactory access for the scale and nature of development proposed, a situation considered against the best interests of highway safety.*
2. *The details submitted predict impact upon the existing highway network for which no mitigation measures have been demonstrated or proposed, a situation considered contrary to safe and efficient operation of the public highway.'*

5.4.5 Despite the submission of the TA Addendum details and the dialogue which took place between the applicant / agent, the LPA and the LHA the fact remains that the development proposals continue to raise significant concerns regarding the impact of the development proposals upon highway safety contrary to the provisions of policy CS2 and CS20 of the Core Strategy and the wider NPPF. In the opinion of the LHA the development proposals do not demonstrate a safe or satisfactory access for the scale and nature of the development proposed and despite a predicted adverse impact upon the existing highway network; no mitigation measures have been demonstrated or proposed and therefore for these two reasons the development proposals would be contrary to the best interests of highway safety and the safe and efficient operation of the public highway and are unacceptable.

5.5 **Ecology / Biodiversity**

5.5.1 The site the subject of the application is undeveloped and has an established arable agricultural use. Given the open nature of site and land beyond, the presence of peripheral trees and hedgerows within the site and an adjoining watercourse there is potential for biodiversity / ecological interest to exist which must be considered.

5.5.2 In accordance with para. 118 of the NPPF and policy CS9 of the Core Strategy the application submission is accompanied by an Ecological Appraisal undertaken by ECUS dated March 2016; therefore consultation took place with **Derbyshire Wildlife Trust** (DWT) who operate a service level agreement with the LPA on planning matters and provided the following response:

'A preliminary ecological appraisal was undertaken on 19th February 2016, which is outside the optimal survey season. The site comprises of hedgerows, scattered trees and arable field, with adjacent Tinker Sick stream and woodland. The site does have

the potential to support roosting bats and ground nesting birds. As detailed in the ecology report, further surveys for ground nesting birds are required, which we concur with.

The proposed development will largely take previously arable land, and the ecological assessment work must therefore play a pivotal role in informing the site layout and which areas are to remain unbuilt.

The ecological assessment has identified that the network of hedgerows and mature trees and adjacent stream and woodland provides the main habitats of interest within the site. We would advise the Council that this is likely to be an accurate assessment.

We fully support the provision of water attenuation areas and the provision of a Landscape and Ecological Management Plan (LEMP) covering all retained and created habitats. The submission of the LEMP should be a condition of any permission and include details of how the appropriate nature conservation management of the habitats will be implemented and funded (further details below).

We accept that some removal of hedgerow sections will be required to facilitate the formation of internal access roads. However, we would advise that sufficient compensation should be provided by new native hedgerow planting to ensure there is no net loss of hedgerow as a result of the proposed development. Figures should be provided detailing the extent of hedgerow and tree removal in comparison to the extent of proposed (native) hedgerow and tree planting.

We would advise that all trees and hedgerows to be retained should be adequately protected during works which should be imposed as a condition of any permission.

We note that the illustrative layout shows that some consideration has been given to the layout of the built development in respect of the location of the existing hedgerows and mature trees, along with the incorporation of SuDs/Ponds along the south west boundary. It would be welcomed for the buffer along the south to provide an adequate distance between the proposals and the water course. Furthermore, the hedgerow on the western boundary will be potentially intersected with regards to a future link as well as residential dwellings adjacent. It would be preferred for hedgerows

to be excluded from residential dwellings, to ensure their longevity, as well as hedgerows buffered and incorporated into green space. At present, small pockets of green space are proposed, however, they are not linked. It would be welcomed for the green infrastructure across the site to be linked and provide connecting habitat across the site and onto the wider environment.

It should be noted, that the ecologists (as detailed in the ecology report) has not reviewed any plans for the site. It is therefore important that the retention of hedgerows, trees, stream and woodland are fully reflected in the reserved matters submission along with a revised layout plan which includes ecological input from the ecologist.

Birds

Breeding bird surveys have not been undertaken, although the ecology report has suggested the site has potential to support ground nesting birds. Therefore it is likely to be some displacement and loss of habitat for these bird species. To conclude, ground nesting bird surveys should be undertaken prior to determination. Once further surveys have been undertaken, mitigation, compensation and enhancements, if required should be included with potentially a revised layout plan.

We would therefore advise that the applicant to undertake further surveys, and to provide additional mitigation and/or compensation, ideally to farmland priority species that may currently be using the site. Alternatively the applicant should make a financial contribution commensurate with the nature of the impacts. This contribution would be used for the enhancement or creation of habitats of biodiversity value elsewhere within the locality.

The local planning authority in implementing their duty under section 40 of the NERC Act need to have regard to the conservation of biodiversity in England when carrying out their normal functions with priority species requiring specific consideration and paragraph 117 of the National Planning Policy Framework (NPPF) seeks to promote the protection and recovery of priority species populations.

Due to the site offering potential for ground nesting birds, it is recommended the hedgerows on site are gapped up where necessary, and suitable buffers along the hedgerow margins to

include 5-7m buffer of wild flower grassland will provide enhancement for birds. As well as a range of bird boxes for species such as house sparrows. These enhancements will minimise the impact to birds on site.

We would advise that no site clearance work / construction shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced 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.

Badger

The survey did not identify any badgers on site, although the site was considered suitable for foraging badgers. Therefore, no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect mammals (badgers) from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include the creation of sloping escape ramps for mammals (badgers) and/or blocking off pipework.

It is recommended that the proposed planting on the boundaries in regards to badgers is incorporated within the landscape strategy to include the provision of suitable fruit and nut bearing trees and/or shrubs within the planting scheme for the re-developed site.

Bats

An initial ground level tree assessment was undertaken alongside the preliminary ecological assessment identified trees to have potential to support bats. However, the plans/ecology report note that the trees will be retained and no further surveys are required if the trees remain unaffected by the works. No activity surveys including transects and/or static surveys have been undertaken to fully understand the sites usage by foraging and commuting bats. The significance of this is difficult to determine with a lack of known bats using the site. Establishment of grassland habitat within the field boundaries, detailed lighting strategy to include directional and timed lighting as well as incorporation of artificial habitats will be required and implemented in full as part of the overall design of the site.

It would be welcomed, with the retained hedgerows, as a minimum, be buffered from the built development by 5-7 metres (as discussed above) and should be secured as part of the landscaping scheme dealt with as a planning condition.

Landscape Strategy

The current Landscape Strategy Plan can in theory provide opportunities for buffering and retains existing habitats along the boundaries of the site, along with areas of open space. However, there are no specific details of where and how particular habitats of biodiversity benefit can or will be incorporated. We also note 'Open Space Including Drainage Attenuation Features' are to be provided to the south west. These areas seems to offer the best opportunity to compensate for the loss of habitats, but it is unknown what is envisaged for this area. These areas are unlikely to be suitable for the displaced ground nesting birds using the site.

The potential to mitigate for these impacts would appear to exist to some extent within the retained areas of green space subject to how the habitats can be managed, created or enhanced.

Conclusions and Recommendations

- We would advise the Council to seek further information from the applicant on how they intend to address the adverse impact on ground nesting breeding birds of conservation concern (UK BAP priority species) such as skylark.*
- We would advise the Council to clarify how the applicant intends to compensate for the loss of habitats.*
- We would advise the Council to seek further information with regard to drainage attenuation features.*

Assuming that the outstanding issues raised above are addressed to the satisfaction of the Local Authority we would recommend the following conditions or measures are considered.

In order to secure the provision of the green corridors, green space and buffers as shown in the proposed layout plan which should provide mitigation for the impacts upon some breeding birds, bats and habitats.

We would advise that a further check for badger should be carried out prior to the commencement of work.

Detailed lighting strategy to include directional, and where possible, timed lighting to ensure dark corridors for fauna to move across the site.

We would advise the LA attach a condition to the effect that no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

This would address issues relating to protected species and wildlife legislation as well as the wider biodiversity sensitivities of the site.

We would advise the LA attach a condition to the effect that a landscape and ecological management plan (LEMP) for all retained and created habitats shall be submitted to, and be approved in writing by, the local planning authority as part of any reserved matters application. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed / created*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*

- d) *Appropriate management options for achieving aims and objectives.*
- e) *Prescriptions for management actions.*
- f) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) *Details of the body or organization responsible for implementation of the plan.*
- h) *Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.'

- 5.5.3 The comments of DWT were passed to the applicant for further consideration and a response from their consultants ECUS were forwarded to the LPA on 09 November 2016 from the applicant / agent with an indication that in their view the outstanding issues raised should form the basis of conditions attached to any consent granted.
- 5.5.4 The response from ECUS appears to concur with the comments of DWT and they comment that 'they are reasonable and do not include any surprises from an ecology point of view'. Despite this the applicant / agent has not offered to undertake the breeding birds survey prior to determination of the application. Their view is that this should form a planning condition of outline permission alongside all other matters raised by DWT.
- 5.5.5 In some respects the LPA would concur that the use of planning conditions could address some of the issues which remain outstanding where they relate to the need for a further badger check, lighting strategy, CEMP and LEMP as these details would

be formulated alongside a more detailed application submission (reserved matters or full application); however the expert advice provided to the LPA by DWT is that the breeding birds survey should be undertaken prior to the current outline planning application being determined. There is significant evidence to suggest the site is being used in the breeding season by ground nesting birds which are a UK BAP priority species and therefore the advice from DWT is that the LPA in implementing their duty under section 40 of the NERC Act need to have regard to the conservation of biodiversity in England when carrying out their normal functions with priority species requiring specific consideration and paragraph 117 of the National Planning Policy Framework (NPPF) seeks to promote the protection and recovery of priority species populations.

- 5.5.6 On the basis of the issues considered above it is a requirement of the National Planning Policy Framework paragraph 117 that the Local Planning Authority promote the protection and recovery of priority species populations and policy CS9 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 states that development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance. In this context it is considered on the basis of expert advice provided to the Local Planning Authority that insufficient information has been submitted to determine the potential impacts of accepting the principle of development on this site upon ground nesting birds and a UK BAP priority species and therefore the proposed development does not fully accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS9 of the Chesterfield Local Plan: Core Strategy 2011-2031.

5.6 **Flood Risk and Drainage**

- 5.6.1 Policy CS7 requires all new development proposals to consider flood risk and incorporate, where appropriate, Sustainable Drainage Systems (SuDS) to ensure the maximum possible reduction in surface water run off rates are achieved commensurate with the development being proposed.

- 5.6.2 In accordance with policy CS7 of the Core Strategy and wider advice contained within the NPPF the application submission is supported by a Flood Risk Assessment, Surface Water Strategy

and Sustainable Drainage Systems Assessment (prepared by CSG Consulting Engineers Ltd dated April 2016) and subsequently Indicative Surface Water Drainage Storage Calculations (prepared by CSG Consulting Engineers Ltd dated October 2016).

5.6.3 Consultation took place with the **Lead Local Flood Authority** (LLFA), the Councils own **Design Services (Drainage)** team (DS), **Yorkshire Water Services** (YWS) and the **Environment Agency** (EA) who all provided detailed responses to the outline proposals and the Strategy / Assessment submitted.

5.6.4 The DS team commented that the greenfield run off calculations were acceptable to them to establish the principle of development and therefore they would seek a full drainage design with any subsequent detailed / full application. The LLFA initially queried storage volume calculations, which were subsequently provided, and consideration of these led to following response being received:

The Flood Risk Assessment (FRA) for this site states that soakaways are not a suitable means of disposing of surface water. However, it appears the applicant hasn't undertaken an appropriate ground investigation to support and inform the application. Therefore the application cannot demonstrate the runoff destination hierarchy as described in Document Part H of the Building Regulations 2000. A brief review of the British Geological Survey (BGS) data suggests that ground is probably suitable for infiltration.

It is proposed that surface water is attenuated on site via storage tanks, detention basins or ponds before being discharged into the watercourse within the southern boundary of the site.

There are no details regarding the condition of the existing watercourse to which the applicant refers.

This is important since it is proposed that surface water from the developed site will be discharged into this culvert.

The County Council is aware of a historic report of flooding downstream. The County Council would recommend the applicant achieves better than greenfield runoff rate with a 40% allowance

which may result in the reduced likelihood of flooding from the unnamed watercourse identified to be the point of discharge.

- 5.6.5 Having regard to the comments made by the LLFA above (who are responsible to comment fully on these development proposals by the EA) it is considered that appropriate conditions could be imposed upon any outline planning permission granted to ensure that a fully detailed drainage strategy for the development proposals could be drawn up to achieve acceptable run off rates, incorporate appropriate storage volumes and provide adequate improvements measures sought. The LLFA has suggested a series of conditions which they consider would achieve this and these are standard conditions which the LPA are familiar with and have imposed on greenfield sites granted permissions in the past.
- 5.6.6 A detailed consultee response was also provided by YWS who advised that the site layout details submitted on the indicative plan were not acceptable to them; however they accepted that due to the outline nature of the application submission these details could be subject to change and therefore their concerns not insurmountable. YWS advised that the site was constrained by the presence of existing infrastructure entering the site that formed part of the public sewer network and therefore this infrastructure would need to be protected by a conditional easement. YWS also commented that it was unclear whether all the site could be served by gravity fed infrastructure to the foul water network and therefore they advised that a pumping station might be necessary as part of a site wide drainage solution. Furthermore they advised that the existing network did not have capacity to accept any additional surface water discharge and therefore infiltration or a watercourse solution should be investigated.
- 5.6.7 Having regard to the comments made by YWS above it is considered that appropriate conditions could be imposed upon any outline planning permission granted to ensure that a fully detailed drainage strategy for the development proposals could be drawn up alongside a fully detailed application (reserved matters or full application) to achieve the requirements sought. YWS has suggested a series of conditions which they consider would achieve this and these are standard conditions which the LPA are familiar with and have imposed on greenfield sites granted permissions in the past.

5.6.8 Taking into consideration all of the comments received in respect of flood risk and drainage matters it is concluded that if the principle of development is accepted, appropriate planning conditions and agreement by S106 (for any private drainage solutions) can be imposed / secured to meet the requirements above in accordance with policy CS7 of the Core Strategy.

5.7 **Land Condition / Contamination**

5.7.1 Albeit that the site is an undeveloped greenfield it is essential to ensure that the ground conditions are appropriate, or can be appropriately remediated to an appropriate level, to ensure that the ground is suitable for the development being proposed.

5.7.2 In accordance with policy CS8 of the Core Strategy and wider advice contained in the NPPF the application submission is accompanied by a Preliminary Risk Assessment (prepared by CSG Consulting Engineers Ltd dated April 2016) which has been reviewed alongside the application submission by both the Councils **Environmental Health Officer (EHO)** and the **Coal Authority (CA)** in respect of land condition and contamination.

5.7.3 The Council's EHO commented that in respect of contaminated land, *'made ground has been identified on other developments sites within the area and therefore desk top and site investigation is recommended'*.

5.7.4 The Coal Authority also provided the following comments:
The Coal Authority concurs with the recommendations of the Preliminary Risk Assessment (PRA); 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.

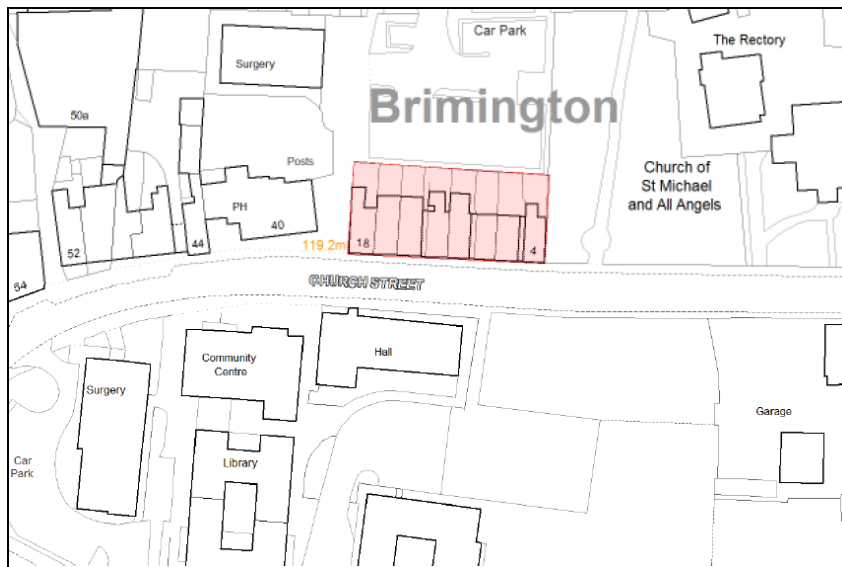
- 5.7.5 The EHOs comments in respect of contaminated land / land condition note that made ground could potentially affect the site and therefore whilst it is noted that the conclusions / recommendations of the PRA Report suggest that there is no record of current or historical uses of the site which could have caused contamination of the site; made ground is not mentioned. Notwithstanding this intrusive site investigations are deemed necessary to address land condition and coal mining risk (see CAs comments above) and therefore it is considered that as part of a Phase II investigation both land condition and contamination surveys could be undertaken concurrently. Appropriate planning conditions could be imposed to this effect to meet the requirements of policy CS8 of the Core Strategy and paragraphs 120-121 of the NPPF.

5.8 **Air Quality**

- 5.8.1 Policy CS8 of the Core Strategy requires development proposals to assess air quality impact and incorporate measures to avoid or mitigate increase in air pollution. Furthermore paragraph 124 of the NPPF states, 'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure

that any new development in Air Quality Management Areas is consistent with the local air quality action plan’.

5.8.2 In the context of the policy framework above the application submission is supported by an Air Quality Assessment (prepared by Air Quality Consultants Ltd dated August 2016) which has been considered by the Councils **Environmental Health Officer** (EHO) in light of the fact there is an existing Air Quality Management Areas (AQMA) designated in the centre of Brimington affecting 8 no. properties on Church Street (see map below).



5.8.3 The AQA submitted was initially reviewed by the EHO who commented:

‘Information is provided on the likely impact of the proposed development, and the changes in traffic flows directly associated therewith.

The levels of pollution are modelled, and the proposed development is likely to have a slightly adverse impact on the air quality at houses on the A619 (Chesterfield Road/Ringwood Road). These include houses in the Chesterfield No 1 Air Quality Management Area (AQMA). The modelling (which is to an accepted industry standard) shows the air quality to be not breaching the air quality standard (AQS) for nitrogen dioxide both with and without the proposed development taking place, in the most likely scenario. However, real world monitoring results over the last few years shows the AQS being breached, and the levels of traffic pollution gradually increasing. The reason behind this

mismatch appears to be that the model assumes a level of turnover on the vehicle fleet, and whilst this is broadly accurate at a national level this is not the case within this region, and older (more polluting) vehicles are more prevalent. I remain concerned that the proposed development will have an adverse impact on the houses adjacent to the main access road, and the existing AQMA in particular.'

5.8.4 The EHO also provided a further response upon the application when they were re-consulted on the revised TA submission as follows:

'I have inspected the above application, with particular reference to the air quality assessment, and the revised traffic management information.

The centre of Brimington is subject to an Air Quality Management Area (AQMA), this places a duty on Chesterfield BC (and other public agencies) to carry out works to improve the air quality in the affected area. An Air Quality Action Plan is being prepared, in conjunction with Derbyshire County Council (in their role as local highways authority) and in consideration of outline measures suggested by that body.

The traffic assessment indicates that the one way system is expected to reach capacity in the next few years. This will result in regular congestion, and a concomitant increase in levels of pollution within the existing AQMA. The air quality assessment, submitted in support of this application, similarly indicates that the air quality within the AQMA will be adversely affected and, further, that levels of nitrogen dioxide will breach the annual objective at locations which are currently outside the existing AQMA.

For this reason, I advise that the application should be refused.'

5.8.5 Despite the provisions of policy CS8 of the Core Strategy stating that development proposals will be required to incorporate measures to avoid or mitigate against any increase in air pollution the AQA submitted concludes that it is not considered appropriate to propose specific mitigation measures for this scheme. The AQA argues that it demonstrates the scheme will not cause any exceedance of the air quality objectives in areas where they are

not currently exceeded and, overall, the air quality impacts will be 'not significant'.

- 5.8.6 Despite the AQA conclusions the LPA is of the opinion the lack of mitigation measures proposed in this instance would be clearly in conflict with the provisions of policy CS8 of the Core Strategy and the overall strategic aspirations of the development plan. Designation of the AQMA in the centre of Brimington presents a barrier to any new major development relying upon the local highway network and for a scheme of this scale to simply suggest that they should 'do nothing' because the limits are already being exceeded is contrary to the best interests of proper planning.
- 5.8.7 Clearly on a strategic scale the delivery of the Staveley Regeneration Route (SRR) would assist in relieving the traffic pressures encountered in Brimington centre by traffic travelling eastwards, which contributes heavily to the air quality issues currently faced; however the development proposals the subject of this application are not offering any contribution to this solution. The SRR is on the Regulation 123 list of the Community Infrastructure Levy; however based upon issues already discussed earlier in this report, CIL may be discounted on this scheme in favour of a payment in kind to deliver the site for the primary school.
- 5.8.8 Overall it is considered that the development proposals fail to adequately address the provisions of Policy CS8 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 in so far as they do not incorporate measures to avoid or mitigate increases in air pollution where the development proposals would clearly have a demonstrable impact (worsening) upon an area designated as an Air Quality Management Area. Contrary to the conclusions reached in the Air Quality Assessment that air quality standard (AQS) for nitrogen dioxide are not being breached; the Local Planning Authority hold monitoring records over the last few years show the AQS being breached, and the levels of traffic pollution gradually increasing. Given this evidence it is considered that a development of this scale should include appropriate mitigation measures and failure to do so conflicts with the provisions of Policy CS8 and the wider aspirations of the National Planning Policy Framework paragraph 124.

5.9 **Heritage and Archaeology**

5.9.1 Having regard to potential heritage and archaeological impacts it is noted that in the context of 'designated' heritage assets the application site is adjoined on its eastern boundary by 'the Manor House' (Grade II) and its associated boundary wall and gate piers (separately Grade II), and that the southern boundary of the site lies 250m from the Grade II* Listed Tapton Grove and its Grade II Listed stables.

5.9.2 Furthermore during the initial consultation process the **Derby & Derbyshire County Archaeologist** identified that the application site was likely to fall partly within the medieval core of the settlement at Brimington. He commented that, 'the site of the former Brimington Hall (HER 2509) lies only about 200m to the north: this was a 15th-16th century building demolished in 1931. Immediately to the east of the proposal site lies a Grade II Listed building known as 'the Manor House' and incorporating parts of a 17th century cruck-framed house (this is probably a conservative estimate of age as cruck frames in this part of the county tend to date from the 15th-16th centuries when subject to dendrochronology). Further to the south along Manor Road lies 'Manor Farm', another building with likely late medieval origins incorporating two sets of crucks (HER 2510). This evidence suggests that the medieval settlement may have been organised along the line of Manor Road between the early chapel (on the site of the modern Church of St Michael and All Saints) and the hall, and the site of Manor Farm at the southern end.'

5.9.3 The **Conservation Officer** also provided the following initial comments:
'This application is in outline form and all matters are reserved except access - only the principal of major housing development on this site is being considered. As such it is not possible to assess or make any meaningful comments on elements such as housing types, boundary treatments, landscaping or specific impacts on adjacent heritage assets (e.g. grade II listed Manor House and grade II listed Tapton Grove). Furthermore, it appears that the applicant has not included some form of heritage statement or assessment (in line with paragraph 128 of the NPPF) to demonstrate that the proposals would not cause harm to heritage assets (including the setting of listed buildings).*

The Council is currently preparing a new Local Plan which will

presumably include potential major new housing sites for public and statutory consultation. This application should be considered premature and not based on any up-to-date policy or allocation. It is worth noting that the Council's 'Review of Green Wedges and Strategic Gaps within Chesterfield, 2016' (prepared to inform the preparation of the new Local Plan) identifies this area as being an important strategic gap of open countryside providing separation between the urban areas of Brimington and Chesterfield town centre. This proposal would undermine the purpose of the proposed strategic gap and hence not accord with the Council's evidence base to support the emerging Local Plan.

Given the above I am not able to offer any support to the proposals.'

5.9.4 Initially the application submission was not supported by a Heritage Impact Assessment; therefore the applicant was approached to undertake this assessment, alongside a Geophysical Survey of the site given the undeveloped nature of the application site in accordance with para. 128 of the NPPF and policy CS19 of the Core Strategy. The Geophysical Survey was deemed necessary and proportionate to establish the presence of any potential archaeological interest affecting the site, which could potentially be affected by the development proposals being considered.

5.9.5 Reports undertaken by Archaeological Research Ltd were subsequently provided (19/04/2017) and further consultation was then undertaken with the County Archaeologist and the Conservation Officer on the results of these documents. The following comments were made respectively:

County Archaeologist

'Thank you for sending on the HIA and geophysical survey in relation to this application. Both assessments identified the potential that archaeological remains may survive within the proposed development area. Historical research and information on early maps and plans of the site reveal the changes in land use that have occurred through time. The geophysical survey revealed a significant number of anomalies of possible archaeological origin, which indicate below ground remains of a prehistoric or early historic field system (features 1-8), possible subsurface remains of a farmstead which is referred to on the 19th century Brimington

Tithe and Enclosure Awards, a possible area of former coal mining (area 15), evidence of ploughed out ridge and furrow earthworks (features groups 12 a to c and 13 a to e), and a range of other anomalies which may relate to geological features (feature group 14 a to o).

In order to assess the nature, extant and preservation of the identified anomalies a scheme of archaeological trial trenching will be required. In line with the requirements at NPPF para 128, the results of this work will enable us to understand the significance of any surviving archaeological remains on the site and the impact that development will have upon them. This work should be undertaken by suitably accredited heritage professionals (CIfA), preferably the same organisation that under took the HIA and geophysics, for the sake of consistency. A scheme of trial trenching of the site, along with a trenching plan, should be prepared for our comments and approval before any fieldwork takes place.'

Conservation Officer

'I made previous comments on the above application (May 2016) so would refer you to those comments, particularly regarding the inconsistency of the proposals with the Local Plan, e.g. the fact that development would be located in a 'Strategic Gap' of open countryside where the presumption is against development of this scale and type.

Nevertheless, the applicant has now submitted a Heritage Impact Assessment (HIA), prepared by ARS Ltd, March 2017.

The primary aim of the HIA is to assess any archaeological potential of the proposed development area and impact the development may have on any heritage assets identified. Given the County's expertise in archaeological matters, I would defer to Steve Baker or his colleagues regarding archaeology - my comments only refer to on-the-ground heritage assets.

In that context, and in my opinion, the HIA is robust and succeeds in identifying those heritage assets that might be affected by the proposed development. The HIA is sound on what those impacts might be and concludes, correctly in my view that any impacts would be less than substantial. The only substantive recommendation the HIA makes in terms of mitigating potential

impacts (excluding archaeology) is that the 'design and layout of the proposed housing development and associated landscaping should be considered in relation to the westward views from/to The Manor House (grade II listed) so as to minimise the impact on the development on these views'. I would agree with this recommendation.

However, notwithstanding this, I would object to the application on the basis that it is inconsistent with the Local Plan and the presumption against development in open countryside and 'Strategic Gaps' where the emphasis is on retaining open countryside and the identity of settlements.'

- 5.9.6 Having received the comments from the County Archaeologist above further clarity was sought over the timing of the trial trenching, as previously schemes in outline had been permitted on the basis that further investigations were undertaken to inform reserved matters detail, with the results being submitted concurrent to those applications. The following response was received.

'In the case of the Northmoor View site we would strongly recommend that the work be done in advance of a planning decision. This site is much larger than the land at Cranleigh Road (15.7ha in comparison to 3.7ha), and the geophysical survey has indicated more varied, extensive and complex archaeological remains than those at Cranleigh Road.

The Northmoor site includes: the remains of a possible Prehistoric field system which extends across a wide area of the site; the site of a farmstead which may have complex and extensive subsurface remains and a large area of disturbance which may be the result of coal mining or mineral extraction. In order to be able to advise confidently on an appropriate scheme of post-permission archaeological recording, we require the results of a scheme of trial trenching to sample the above anomalies. The resulting information will also provide the developer with a more clear indication of the potential extent and costs of post-permission archaeological mitigation for the site.

On a site of this size, on which a range of different types of archaeological remains potentially occur, the detailed field evaluation recommended would be proportionate and in line with the requirements of NPPF paragraphs 128 and 129.'

- 5.9.7 The request of the County Archaeologist were passed to the applicant for further consideration and their agent subsequently responded to indicate that in their opinion (and that of their Archaeological Consultants) the trenching could be done post determination. They commented that para. 128 of the NPPF was divisive and open to interpretation and therefore the comments should be retracted.
- 5.9.8 Notwithstanding the opinion of the applicant, the Local Planning Authority has a service level agreement with the County Archaeologist to allow them to provide expert archaeological advice to the LPA on matters arising from planning applications.
- 5.9.9 Paragraph 128 of the NPPF states that, *'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'*. Furthermore paragraph 129 states, *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'*
- 5.9.10 In this instance it is considered that the expert advice provided to the Local Planning Authority from the County Archaeologist is that it is necessary and proportionate to require the trial trenching to be undertaken prior to the determination of the current planning application and therefore it is concluded that there is insufficient information submitted with the application at present.
- 5.9.11 It is a requirement of the National Planning Policy Framework, paragraphs 128-129 that the applicant demonstrates to the satisfaction of the Local Planning Authority that appropriate desk-based assessment and, where necessary, field evaluation has been undertaken to determine the potential impact of the development proposals upon any heritage assets, including those with archaeological interest. On the basis of expert advice

provided to the Local Planning Authority it is considered that insufficient information has been provided to properly assess the impact of these development proposals upon potential archaeological features which have been identified by geophysical survey results. A significant number of anomalies of possible archaeological origin identified by the geophysical survey results exist which require further investigation to advise confidently on an appropriate scheme of post-permission archaeological recording and a more clear indication of the potential extent and costs of post-permission archaeological mitigation for the site. Therefore the proposed development does not accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS19 of the Chesterfield Local Plan: Core Strategy 2011-2031.

5.10 **Other Considerations (On Site Open Space / S106 / CIL)**

- 5.10.1 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.
- 5.10.2 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.
- 5.10.3 The responses have been collaborated to conclude that were permission to be granted 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 and education in particular is discussed in more detail below. In respect of Leisure a development of this scale would trigger the need for on-site open spaces or play areas which through

appropriate S106 clause would need to include appropriate provisions for maintenance in the long term.

- 5.10.4 Policy CS11 of the Core Strategy concerns Affordable Housing; and a development of this scale would trigger negotiations to secure up to 30% affordable housing provision on site. Furthermore policy CS18 of the Core Strategy concerns Design and includes a mechanism by which the Council would seek a contribution of up to 1% of the overall development costs towards a public art scheme (for major development proposals costing in excess of £1million).
- 5.10.5 There is no Viability Appraisal / Assessment presented with the application submission and therefore at this stage appropriate levels of contributions for the specific issues of Affordable Housing and Percent for Art cannot be calculated. In similar such cases the Council has incorporated a requirement in a S106 Agreement for a Viability Appraisal / Assessment to be completed and submitted concurrently with the first reserved matters submission to determine the level of these contributions in line with the policy wording.
- 5.10.6 In addition to the above a request for a contribution has been received from the North Derbyshire Clinical Commissioning Group (CCG) for a contribution of £114,120 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.
- 5.10.7 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'.

- 5.10.8 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'.
- 5.10.9 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
- 5.10.10 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 if permission is granted. This would form a standard clause in the associated S106 agreement.
- 5.10.11 Looking in turn at other triggered requirements (policy CS13 – Economic Development to secure local labour and policy CS4 to secure appropriate infrastructure) the LPA would look to secure by planning condition the requirement for local labour and the provision of on-site high speed broadband connections.
- 5.10.12 As mentioned above, if permitted, the development would be CIL liable and the site is within the medium zone and would be charged at £50 per sqm of gross internal floorspace (index linked). Relief would be available on any affordable or Custom and Self Build element upon application.
- 5.10.13 Notwithstanding the above on the basis of comments received from Derbyshire County Council Education there is insufficient capacity within local infant and secondary schools (Henry Bradley and Springwell respectively) to serve the proposed development.
- 5.10.14 Whilst CIL provides a mechanism through which funding can be secured for new/additional education provision, it is also necessary to demonstrate how the provision can be locally provided in a

timely manner as policy CS4 states that *‘developers will be required to demonstrate that the necessary infrastructure... will be in place in advance of, or can be provided in tandem with, new development...’*. The response from DCC indicates a need for both infant and secondary places, and that it is not physically practical to expand the existing infant provision. (the creation of a situation where families have no choice but to travel longer distances to find provision would be contrary to the principles set out in CS20).

- 5.10.15 In response the application does indicate a 2ha site for a new primary school however because education is covered by the council’s CIL, it is not therefore possible to secure provision in the form of a site or infrastructure through S106. The CIL regulations do allow for ‘payment in kind’ and the council has now adopted a ‘payment in kind policy’.
- 5.10.16 Given the scale of proposed development, it is likely that the potential CIL receipt for this site would be in the region of £1.5m (subject to any deductions for social housing exemptions). It is likely that the costs of provision of a new primary school would significantly exceed this and this does not provide funds to resolve the secondary school shortfall.
- 5.10.17 On this basis the full cost of provision could not therefore be met through the application of a payment in kind policy and meeting the requirement for school places that would result from the proposed development would require additional external funding via CIL or other means. This raises issues about timing (as there is currently not sufficient funding available via CIL, which has only been in place since April 2016) and which is also competing with other priorities. A new school in this location was not identified in the Core Strategy Infrastructure Delivery Plan and would therefore be competing with other priorities required for the delivery of the council’s approved Spatial Strategy (in particular provision to support the regeneration of the Staveley Corridor, including a new primary school in that location). Given these issues it is considered that whilst the proposed development would require the provision of additional primary school capacity the application does not adequately explain how this provision would be secured and is therefore the development proposals would be considered contrary to Core Strategy policy CS4 (Infrastructure delivery) in this respect.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 29/09/2017; by advertisement placed in the local press on 29/09/2016 and by delivery of neighbour notification letters sent on 22/09/2016. The application was also subject to a second round of publicity by site notice posted on 10/05/2017 following the receipt of revised information.

6.2 As a result of the applications publicity 383 no. representations and a petition received containing 458 no. signatures from the local community have been received and the list set out below includes the street names and numbers which were identifiable in these representations. A number of other representations received by email or other means of correspondence were also received where an address was not given or legible and therefore these are categorised as 'local resident'.

Brimington Parish Council (x2)

38 (x5), 42 (x4) Almond Place

34, 43 Balmoak Lane

39 Barry Road

1 Birch Kiln Croft

5 Bradley Close

2, 3, 10, 11, 12 (x2) Bradley Way

3 (x3), 5 (x3), 8 (x2), 18 (x2), 20 (x2), 22 (x3), 24 (x2) Briar View

346 (x2) Brimington Road

8 Broom Gardens

28, 78 Brooke Drive

14, 18, 22, 30 (x2) Cemetery Terrace

1 (x2), 3, 4 (x4), 5 (x2), 7 (x2), 12 (x2), 14 (x4), 15 (x2), 16 (x3), 17 (x4), 19 (x2), 21 (x2), 23 (x4), 25 (x2), 28 (x3), 29 (x3), 31 (x2), 32, 33, Thornleigh Chesterfield Road

2, 7 (x2) 12 (x3), 14, 30, 59 (x3), 67-71 The Cottage, 77, 79 (x2) Cotterhill Lane

11 Devonshire Street

3, 5, 10 (x2), 11 (x2), 16 (x2) Everett Close

3 Fuller Drive

2, 15, 16 Grove Farm Close

10 (x2) Grove Gardens

39 Hathern Close

9 (x2) Headland

2, 3, 4, 6, 8 (x4) Headland Close

1, 2 (x2), 4 (x3), 6 (x3), 7, 8 (x2), 10 (x4) Headland Close

22 Hillview Road

2, Wood View (x2) Ivy House Farm Lane

96A Lansdowne Road

2, 7, 11, 18, 26, 28 (x5) Manor Avenue

14 Manor Drive

14, 16, 22, 24, 35, 36, 38, 42, 46, 48, 50 (x3), 52, 54, 65, 69, 71 (x2), 76, 79, 81, 83 (x3), 87 (x2), 91 (x5), 92 (x4), 94 (x3), 95, 96 (x3), 100, 102 (x4), 106 (x2), 107, 108 (x2), 110, 129, 139, 140 (x2), 142, 144, 144A, 146, 151, 153, 154, 167 (x2), 169 (x2), 176 (x3), 178, 180 (x2), 182, 184 (x3), 186, 204, 212, 214, 218, 222 (x2) Manor Road

4, 10 Nether Croft Close

**1 (x2), 3, 5 (x2), 6, 8, 15, 22 (x2), 24, 26 (x5), 29 (x2), 30 (x5)
Nether Croft Road**

1 Nether Farm Close

2 Northmoor Close

1 (x4), 2 (x3), 3 (x5), 4 (x2), 6 (x2) Northmoor View

14, 15 (x2), 19, 22 Pondwell Drive

33 Recreation Road

56 Ringwood Road

8 Ringwood View

7 Somerset Drive

8 Stacey Road, Mansfield

31 Steeping Close

10 (x2) Tapton Vale

**2, 3, 4, 11, 14 (x2), 15 (x2), 16 (x3), 18 (x2), 19, 20 (x4), 21, 20, 22
(x3), 24 (x3), 28, 30, 32 (x2), 34 (x3) Top Pingle Close**

114 Walton Road

2 (x3), 3, 6 (x2) Well Spring Close

6 Wheathill Close

1 (x2), 3 (x5), 5, 7 (x4), 8, 10 Upper Croft Close

Tapton Grange, Tapton (x2)

14 x Local Residents (whose addresses were unknown)

6.3

Categorised below are summaries of the issues which have been raised by the representations received:

1. Highway safety/congestion and parking
2. Traffic survey submitted
3. Air pollution
4. Development in the open countryside
5. Impact on conservation/wildlife and loss of greenspace
6. Impact on the amenity of existing residents
7. Planning Policy and Alternative locations for housing in the borough
8. Impact on existing infrastructure/facilities and services/businesses
9. Access to the site
10. Flooding and surface water
11. Land Stability
12. Impact on historic environment
13. Proposed cycle path
14. Inaccuracies on application form
15. Other

1. Highway safety/congestion and parking

- The proposal will increase traffic, Brimington already has significant issues with congestion and gridlock at the one way system. Existing congestion causes problems for emergency services, road users, residents, cyclists and pedestrians, particularly at peak times, this is exacerbated when there is congestion/closure on the M1 leading to long delays
- Parking on the road is a problem in the area resulting in accidents and hazards,
- Existing congestion and heavy traffic means access to and from A619 from surrounding estates is difficult especially peak times
- The proposal will create an incident hotspot, there have been several accidents in recent years and at least 3 fatalities even with the existing volume of traffic
- 900 additional vehicular journeys at peak times increasing traffic on already overloaded roads
- Addition of a new school will add to congestion
- Existing congestion and traffic linked to crematorium
- The proposal will make the bend by St Michael's even more dangerous and needs a traffic light system
- Danger point of North Moor View and Manor Rd is an accident waiting to happen as the care home will be directly opposite the junction

- Already people park their cars on the road side, especially near the school making access for residents difficult
- The proposal will create a rat run at Station Road
- Existing issues with limited parking in village

SEE SECTION 5.4

2. Traffic Assessment submitted

- Traffic survey in submission state that the proposals will result in traffic not exceeding certain maximum measurements
- Lack of detail in TA submitted and the evidence base is currently incomplete including journey time analysis and queue length survey should've been included. The traffic survey should be undertaken at all times of day and over a number of months

SEE SECTION 5.4

3. Air pollution

- Air pollution in Brimington identified as the highest in borough and Brimington is an air quality management area. The proposal will increase pollution in an area already adversely affected.
- Increased pollution levels are a major concern for the health and well-being of local people- invisible deadly problem needs addressing without delay

SEE SECTION 5.8

4. Development in the open countryside

- The proposal will result in the loss of a greenfield site, against policy and local plan.
- Greenbelt should only be built on in exceptional circumstances
- One of our few remaining green field sites in Brimington and the loss of this will directly affect the local community.
- Greenfield site part of the Pennine Way which is regularly used and enjoyed by local community
- Campaign to protect rural England wants that England's green belt is under siege from developers
- Deprive the people of Brimington and surrounding areas the pleasure of walking the beautiful fields

- The application site highly visible from neighbouring settlements and westerly vantage points, resulting in a loss of open countryside views.

SEE SECTION 5.2

5. Impact on conservation/wildlife and loss of greenspace

- The proposal shows a lack of conservation of the natural environment and wildlife.
- Loss of beautiful greenspace and Brimington's 'green lung'
- Concerns raised regarding the response from Derbyshire Wildlife Trust.
- Loss of important habitat for many rare birds and wildlife. Wildlife impacted by the proposal includes bats, skylarks, plovers, hedgehogs, badgers, foxes, buzzards, kestrels, mistle thrush, linnet, redwing, fieldfare, grey partridge, lapwing, hawk, frogs, toads, newts, field mice, squirrels, bees, butterflies, rare flora and fauna including the scarlet pimpernel plant
- Loss of wildlife corridors for shrews, hedgehogs, weasels, field voles, water voles, red crested newts present in gardens joining fields on briar view,
- Loss of valuable farmland
- Loss of public footpaths and will restrict access to fields and wider countryside at the detriment to local people, walkers etc
- Protected boundary hedge and hedgerows across the site, the proposal does not accord with policy CS9.

SEE SECTION 5.2 AND 5.5

6. Impact on the amenity of existing residents

- The proposal will result in overlooking, loss of privacy, loss of light and overbearing impacts on existing residents, feeling of enclosure
- Noise and light pollution
- topography of site means housing to the north of the site would dominate the bordering properties, elevated position of site in relation to properties e.g. Briar View
- Impact on residents of nursing home
- Concerns regarding 3 storey properties on site

- Design and access statement states that the development will be screen by existing buildings fronting manor road will have a dominating effect on the existing dwellings
- Impact on the crematorium and cemetery overlooking a private place
- Loss of views for residents
- Living next to a building site with lorries and noise resulting in health and safety concerns
- Noise from school means residents would not be able to enjoy properties and gardens
- Will impact the quality of life of existing residents
- Loss of fields which are very popular local amenity

SEE SECTION 5.2 AND 5.3

7. Planning Policy and Alternative locations for housing in the borough

- Development does not accord with policy CS1 (clause 1.13) will lose the separate identities of Tapton and Brimington. The proposal will result in the loss of the defined ribbon development along Manor Road and Chesterfield and begin 'block' building
- The future link shown on plan will erode the designated strategic gap (SG1) and is overdevelopment of community. Brimington will lose its character and will no longer be a village. The proposal will contribute to the urban sprawl of Chesterfield
- Chesterfield Core Strategy Document states that new houses should be built on brownfield sites. A sequential test has not been carried out to identify brownfield sites as alternative locations, a number of brownfield site have already been identified for development and these should be developed first
- on outskirts of chesterfield including brownfield sites for redevelopment including; carbonisation site at old Whittington, Bywater site, recreation area with access from Hazel Drive and Whitecotes Lane, Staveley works site, site at bottom of Station Road, old Trebor site(waterside), Walton Hospital, ex greyhound track, land to the west and north of brimington school, north of Peterdale estate, Shuttlewood Coalite, Staveley bowl, Poolsbrook slack heaps, other council owned sites e.g. chesterfield hotel, on newbridge lane and in Whittington

- Chesterfield has plenty of brownfield land available for housing development as identified in the new local plan. There is no need or requirement to what so ever to consider development on this greenfield land

SEE SECTION 5.2

8. Impact on existing infrastructure/facilities and services/businesses

- Existing infrastructure struggling to cope with current demand, particularly the GPs, dentist's, difficult for local people to get appointments
- GP surgeries not consulted, currently no plans to expand healthcare facilities
- negative economic impact for local businesses in Brimington, due to restricted access for cars
- Impact on energy and water supplies, additional housing leading to problems, residents already have low water pressure at peak times
- No spare capacity for waste and foul drainage
- Local Schools at capacity and how will the proposed school be funded?
- Increase traffic at services such as doctors and schools
- Additional bus services will be needed

SEE SECTION 5.4 AND 5.10

9. Access to the site

- The proposed access points to the site are not adequate
- Access to site from chesterfield road opposite cemetery terrace via briar view previously refused due to narrow road, poor visibility and additional traffic.
- Access via north moor view too narrow with poor visibility. North Moor View is a congested cul-de-sac, the existing access just 5.5m wide and will be a hazard for road users. Currently the cul-de-sac is used for parking for nearby care home and walkers, additional traffic will be a disturbance for residents
- Possibility of creating 'rat runs' on Ivy House Farm Lane and to Manor Road
- left turn only from estate requiring vehicles to go to Wikeley Way and Station Road is unrealistic
- Cotterhill lane not wide enough to accommodate traffic

- Access to chesterfield road not viable for safe access, the proposed road widening will not be large enough to employ a right hand filter.
- The proposed pedestrian crossing within three metres of junction will result in a poor visibility black spot
- location of proposed roundabout situated in an area of accidents
- transport assessment submitted is unrealistic
- Proposed junction would impede the flow of traffic
- The development would further increase problems which occur along Manor Rd, being the main route to the Royal Hospital , the New NGS Macmillan Centre, a school entrance, a busy bus route, and speeding traffic on a very narrow highway
- Creation of junction near Briar View as per latest plan will inevitably lead to more standing traffic at peak times

SEE SECTION 5.4

10. Flooding and surface water

- main sewers and drains cannot cope with existing properties
- existing issues with flooding and surface water on highway
- natural spring running through fields and high water table

SEE SECTION 5.6

11. Land Stability

- Coal mining risk, the proposed development could displace underground gases, a public safety concern

SEE SECTION 5.7

12. Impact on historic environment

- The development will adversely impact the setting of the manor house (no 76 manor road) a grade 2 listed building which occupies an elevated position, this contrary to policy CS19

SEE SECTION 5.9

13. Proposed cycle path

- jubilee walk path is designated as a cycleway this is completely unsuitable, used by elderly residents from the adjacent estate

SEE SECTION 5.4

14. Inaccuracies on application form

- Proposal within 20m of watercourse – not ticked
- Current use of the site – ‘ low grade agricultural land, now redundant’ – when did the use end ‘not known’ – presumably these inaccuracies invalidate the application? Site recently used for crops harvested on 8.09.2016

LOCATION OF WATERCOURSE IS NOTED ON THE APPLICATION DRAWINGS AND HAS BEEN CONSIDERED

APP. IS NOT INVALID

15. Other

- Dust dirt and disruption during construction period, construction vehicles causing highway safety concerns
- increase in population leading to anti-social behaviour and crime
- development leading to a reduction in average property prices
- loss of views
- All residents of Calow and Brimington should be notified of application

NOTED

Support

- Need more houses and development will bring jobs

NOTED. SEE SECTION 5.2

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary

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

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

7.3 The applicant has the right to appeal the final decision.

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

8.3 The conflict with Development Plan policies has led the LPA to conclude the development is not fully regarded as meeting the definitions of "sustainable development" having regard to local character and amenity and a presumption on the LPA to seek to approve the application is not considered to apply.

9.0 **CONCLUSION**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. In this context the application has been considered against all up to date development plan policies and the wider national planning policy framework as detailed in the report above. In this respect there are a number of fundamental concerns arising from the development proposals which have led the Local Planning Authority to conclude that the application should be refused.

10.0 **RECOMMENDATION**

10.1 That the application be refused for the following reasons:

Principle of Development

01. The site the subject of the application is on land allocated under policy EVR2 of the 2006 Local Plan (a saved designation of the Chesterfield Local Plan: Core Strategy 2011 – 2031) as open countryside and land located under policy CS1 as a Strategic Gap between Brimington and Tapton. Policy CS10 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 states that greenfield led housing development will not be accepted where the Local Planning Authority is able to demonstrate a 5 year housing land supply.

On the basis that the Local Planning Authority is currently able to demonstrate a 5 year housing land supply the development would be contrary to the provisions of policy CS10 and EVR2 of the Chesterfield Local Plan: Core Strategy 2011 – 2031, the wider provisions of the National Planning Policy Framework.

Strategic Gap

02. The development would introduce an extension to the built settlement of Brimington which would encroach into land which is Open Countryside and has been identified to form part of the Strategic Gap between Tapton and Brimington under the provisions of policies CS1, CS2 and CS9 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. The development proposals are considered to be contrary to the provisions of these policies which seek to maintain open land between neighboring settlements to prevent merging (perceptual and physical) and protect the setting and separate identity of settlements; support appreciation and wider perceptual benefits of open countryside; and maintain existing or influence form and direction of settlements.

Archaeology

03. It is a requirement of the National Planning Policy Framework, paragraphs 128-129 that the applicant demonstrates to the satisfaction of the Local Planning Authority that appropriate desk-based assessment and,

where necessary, field evaluation has been undertaken to determine the potential impact of the development proposals upon any heritage assets, including those with archaeological interest. On the basis of expert advice provided to the Local Planning Authority it is considered that insufficient information has been provided to properly assess the impact of these development proposals upon potential archaeological features which have been identified by geophysical survey results. A significant number of anomalies of possible archaeological origin identified by the geophysical survey results exist which require further investigation to advise confidently on an appropriate scheme of post-permission archaeological recording and a more clear indication of the potential extent and costs of post-permission archaeological mitigation for the site. Therefore the proposed development does not accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS19 of the Chesterfield Local Plan: Core Strategy 2011-2031.

Ecology

04. It is a requirement of the National Planning Policy Framework paragraph 117 that the Local Planning Authority promote the protection and recovery of priority species populations and policy CS9 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 states that development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance. In this context it is considered on the basis of expert advice provided to the Local Planning Authority that insufficient information has been submitted to determine the potential impacts of accepting the principle of development on this site upon ground nesting birds and a UK BAP priority species and Therefore the proposed development does not fully accord with the requirements of the National Planning Policy Framework, Planning Practice Guidance and the provisions of policy CS9 of the Chesterfield Local Plan: Core Strategy 2011-2031.

Air Quality

05. It is considered that the development proposals fail to adequately address the provisions of Policy CS8 of the

Chesterfield Local Plan: Core Strategy 2011 – 2031 in so far as they do not incorporate measures to avoid or mitigate increases in air pollution where the development proposals would clearly have a demonstrable impact (worsening) upon an area designated as an Air Quality Management Area. Contrary to the conclusions reached in the Air Quality Assessment that air quality standard (AQS) for nitrogen dioxide are not being breached, monitoring data over the last few years show the AQS being breached, and the levels of traffic pollution gradually increasing. Given this evidence it is considered that a development of this scale should include appropriate mitigation measures and failure to do so conflicts with the provisions of Policy CS8 and the wider aspirations of the National Planning Policy Framework paragraph 124.

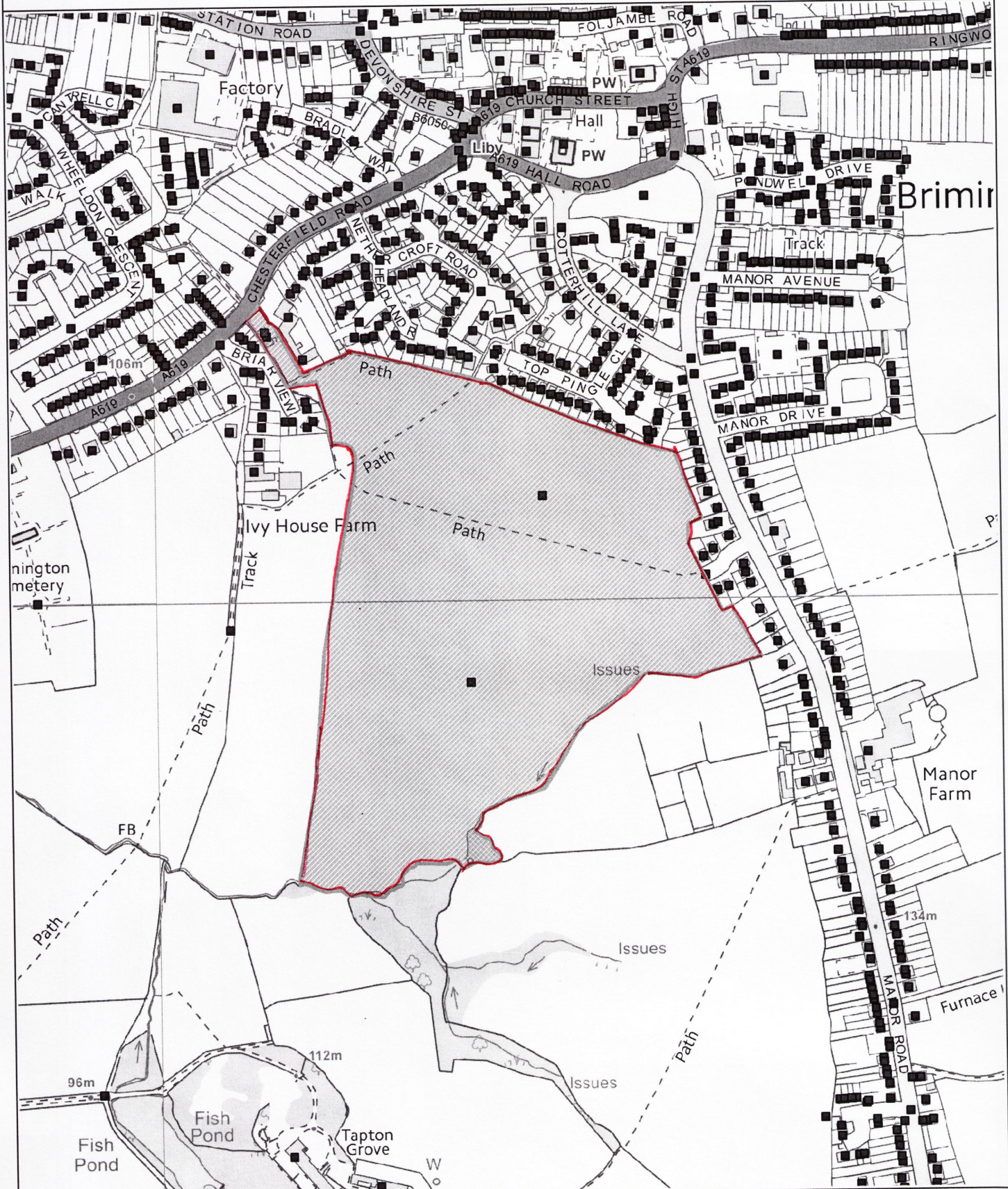
Highways

06. The development raises significant concerns regarding the impact of the development upon highway safety contrary to the provisions of policy CS2 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. The development proposals do not demonstrate a safe or satisfactory access to / from the site for the scale and nature of the development proposed and despite a predicted adverse impact upon the existing highway network, no mitigation measures have been demonstrated or proposed. The development would be contrary to the best interests of highway safety and the safe and efficient operation of the public highway.

Infrastructure Delivery

07. The proposed development would require the provision of additional primary school capacity however the application submission does not adequately examine or conclude a mechanism by which this capacity can be provided. Under the provisions of policy CS4 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 it is a requirement to demonstrate how the provision can be locally provided in a timely manner and therefore given that a satisfactory solution has not been reached the development is likely to result in inadequate education facilities to cater for the increased demand.

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Case Officer: Joe Freegard
Tel. No: (01246) 345580
Committee Date: 29th August 2017

File No: CHE/17/00344/FUL
Plot No: 2/491

ITEM 2

FULL PLANNING APPLICATION FOR THE INSTALLATION OF STORAGE CONTAINERS FOR USE AS A STORAGE YARD, INSTALLATION OF SECURITY FENCING AND A NEW VEHICULAR ACCESS WITH DROP KERB – REVISED PLANS RECEIVED 6.7.2017 AT LAND TO THE WEST SIDE OF THOMPSON STREET, CHESTERFIELD FOR MR MATTHEW FOLLON.

Local Plan: Economic Growth
Ward: Old Whittington

1.0 CONSULTATIONS

Ward Members	Letter of comment from Toby Perkins and Peter Innes
Strategy Planning Team	No objections
Environmental Services	No objections
Design Services	No objections
Yorkshire Water	No comments
DCC Highways	No objections
Neighbours/Site Notice	Two letters of objection

2.0 THE SITE

2.1 The site the subject of the application comprises an area of land to the West side of Thompson Street in the area of Chesterfield. Thompson Street is a cul-de-sac situated adjacent to the A61, and a variety of industrial units and residential properties are located within the street scene. The site itself is of an irregular shape, measuring 0.04 hectares. The site is currently overgrown with dilapidated areas of mesh fencing forming the boundaries. An industrial unit is

situated to the North of the site, residential properties are situated to the East of the site, a turning head is situated to the South of the site, and the A61 is situated to the West of the site. The site is allocated within the Local Plan as an area for Economic Growth.





3.0 **RELEVANT SITE HISTORY**

3.1 None.

4.0 **THE PROPOSAL**

4.1 A full planning application has been made for the installation of storage containers for use as a storage yard, installation of security fencing and a new vehicular access with drop kerb - revised plans received 6.7.2017.

4.2 Ten storage containers are proposed to be installed on the site for use as a storage yard. These are proposed to be metal shipping containers in a dark green colour in two different sizes. Five of the containers are proposed to measure approximately 2.4M in height, 2.4M in width and 3M in length, and the other five containers are proposed to measure approximately 2.4M in height, 2.4M in width and 6M in length.

4.3 The site is proposed to be cleared and covered by lime stone chippings with 2cm stones, and the existing fencing is proposed to be replaced. The original plans were to surround the perimeter of the site with security mesh fencing, however concerns were raised with regards to the appearance of this within the street scene in close proximity to residential

properties opposite. As such, consultation took place with the agent dealing with this application and it was agreed to amend the plans by providing timber perimeter fencing in dark green with security fencing inside of this. The fencing is proposed to measure just over 2.4M in height from ground level.

- 4.4 The original plans were to create a vehicular entrance to the North East of the site, with access being from Thompson Street. Concerns were raised in terms of loading and turning space, and as such consultation took place with the agent dealing with this application and it was agreed to amend the plans by creating a vehicular entrance to the South East of the site, with access being from Thompson Street.

5.0 **CONSIDERATIONS**

5.1 **PLANNING POLICY**

- 5.2 The Strategy Planning Team were consulted on this application and they raised no objections. It was stated that the proposal relates to the conversion of a vacant overgrown plot into a container storage facility (10 x 8ft high containers with security fencing of the same height) which is allocated as an employment area within the core strategy. An existing B (light industrial) use sits adjacent to the plot and two residential bungalows sit opposite. Policies CS2, CS13 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

- 5.3 The principle of employment use at this location accords with the council's spatial strategy (CS13) as the site lies within an established business area, however to meet criterion d) of Policy CS13 the development must have no adverse impacts on traffic movement as a result of the allocation of a B8 use: In other established business and industrial locations, new B8 uses will only be permitted where they would not have an unacceptable adverse impact as a result of traffic movements.

- 5.4 Given that Thompson Street is not a through road and has on-street parking it is possible that the ease of access to

adjacent properties will be affected depending on the frequency of site use. Comment from the Highways Authority should be sought on the appropriateness of the new vehicular access and the site's impact on traffic movement.

- 5.5 The site is within walking and cycling distance of the Whittington Moor District Centre meeting the concentration and sustainable access requirements of policies CS1 and CS2.
- 5.6 As the site is presently vacant it is important to consider the additional impact of employment use on the amenity of neighbours - k), Policy CS18. The hours of access planned for the site and potential for noise mitigation measures are not stated by the applicant.
- 5.7 The land is in Flood Risk Zone 1 and does not fall within a surface flooding risk zone. Whilst the plot is vegetated, development would not see a significant loss of a green infrastructure asset. Where possible, a net gain in quantity, quality or function of biodiversity should be encouraged (under the NPPF and policy CS9 of the Local Plan).
- 5.8 The Strategy Planning Team concluded that provided that sufficient consideration is given to neighbouring properties in terms of hours of use, noise and lighting the principle of development does not conflict with NPPF or the Local Plan Core Strategy.

6.0 **Design and Appearance (Including. Neighbour Effect)**

- 6.1 Ten metal shipping containers in a dark green colour are proposed on site, with timber perimeter fencing in dark green with security fencing inside of this. The proposed fencing would conceal the shipping containers from public view and would be the only part of the development that would be visible within the street scene. The site is currently overgrown with dilapidated areas of mesh fencing forming the boundaries, and as such it is considered that the proposed development would improve the aesthetics of the site.

- 6.2 It is considered that the design and materials are appropriate for a development of this type in this location, subject to the imposition of a condition requiring the fencing to be painted dark green. It is not expected that the development would result in any adverse issues for neighbouring properties in terms of visual impact, overlooking, overshadowing, or an overbearing impact.
- 6.3 Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy.

7.0 Highways Issues

- 7.1 The Highway Authority were consulted on the original application and they raised concerns in terms of loading and turning space. Amended plans were submitted showing a vehicular entrance to the South East of the site, with access being from Thompson Street. The Highways Authority stated that the proposed access to the site has been relocated and the security fence set back slightly to allow for visibility which is welcomed.
- 7.2 The Highways Authority stated that the comment that this is not to be a self-storage yard and therefore no visitor parking is required is noted. Whilst no gates are specifically indicated, it is assumed, given the proposal for security fencing, that gates will be provided at the access point. Generally the Highway Authority would request that these are positioned so far into the site to allow a vehicle to stand clear of the highway whilst the gates are opened/closed. In this instance this would sterilise a large area of the land and in view of the location of the site the Highway Authority would be prepared to accept the gates on the line of the visibility splay.
- 7.3 The Highways Authority commented that it is recommended that the following conditions are included in any consent.
- 1.The permission shall be personal to the applicant for the site to be used for storage of items in connection with their removals business only.

2. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Thompson Street in accordance with the revised application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

3. There shall be no gates or other barriers set forward of the visibility splay line specified in condition 2 above.

4. The proposed access/drive to Thompson Street shall be no steeper than 1 in 14 over its entire length.

5. 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.

8.0 Environmental Health Issues

8.1 Environmental Health were consulted on this application and raised no objections. It was recommended that the applicant gives careful consideration to the location of external lighting. All lighting installed on site must be fitted so that it does not cause glare and overspill off site. If 24 hour access is planned for the site the applicant will need to give careful consideration to noise mitigation measures. The agent dealing with this application has clarified that no flood lights are proposed on site, and that the site would be used between working hours only. It is considered appropriate to impose a condition requiring the submission of a lighting scheme for approval in writing prior to development commencing.

9.0 Design Services

9.1 Design Services were consulted on this application and raised no objections. It was stated that if a bound surface is to be used and surface water discharged then drainage

details may be required. If the proposed limestone chippings are to be used throughout the development, then no drainage details are required. The agent dealing with this application has subsequently confirmed that the latter would be the case.

10.0 REPRESENTATIONS

- 10.1 As a result of neighbour notification, two letters of objection have been received from neighbours, along with letters from Toby Perkins MP and Councillor Innes. The letters state that the proposed development would cause issues in terms of highway safety, traffic, congestion and the ability of emergency service vehicles to access the road. The letters also raise concerns that the proposed entrance to the site would be through an existing turning head, and raise concerns with regards to operating hours being unlimited, lighting, noise, and property prices being devalued.
- 10.2 In response to these comments, it is acknowledged that there are issues in terms of highway safety, traffic and congestion on Thompson Street that need to be addressed. This is an existing issue and it has been highlighted that these matters are expected to be addressed by Derbyshire County Council by introducing yellow lines on the road. It is not considered that the development hereby proposed would exacerbate these matters, as the proposed entrance would be situated within the existing turning head and there have been no objections from Highways. It is not permitted to park within a turning head, and as such the location of the proposed entrance would not result in the loss of a parking space. Indeed creation of an access from the turning head will more than likely result in the area being maintained clear of parked vehicles.
- 10.3 The agent dealing with this application stated on 4th August 2017 that 'the site will be used by a two man team to facilitate their removals company. They will merely store goods for their clients moving house and will be used by the two of them loading and unloading. The vehicles they use are LGV's and the hatched area on the site plan denotes the loading and unloading areas. There will be no parking/loading on the street and the site only will be used

for this'. As such, it is not considered that the proposed development would cause any issues in terms of highway safety, traffic, congestion and the ability of emergency service vehicles to access the road. The letters of objection also raise concerns that the proposed entrance to the site would be through an existing turning head, however this is considered to be a logical proposal in terms of providing an entrance that can be safely reversed into or out of and without leading to the loss of any on-street parking provision. It is considered appropriate to impose a condition requiring the retention of the loading and unloading area as a clear area, to ensure that loading and unloading can take place on site and does not take place within Thompson Street.

10.4 With regards to the concerns raised with regards to operating hours being unlimited, the agent dealing with this application stated on 4th August 2017 that 'the site will be used working hours only', which is expected to be between approximately 09:00 and 17:00. It is not considered that these proposed operating times would result in any significant adverse impact on neighbouring properties.

10.5 In reference to the concerns raised in relation to lighting and noise, it is not considered that a removals storage facility operated by a two man team between 09:00 and 17:00 would cause any significant adverse issues in terms of noise disturbance. Although the agent dealing with this application has clarified that no flood lights are proposed on site, it is considered appropriate to impose a condition requiring the submission of a lighting scheme for approval. This is to ensure that any lighting on site would not have any adverse impact on neighbouring properties.

10.6 The final point with regards to property prices being devalued is not a Planning consideration.

7.0 **HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law

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

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

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

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

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

9.0 **CONCLUSION**

9.1 The amended proposals are considered to be appropriate in principle, scale, form and materials and would not have any adverse impact on neighbouring properties, highway safety or the surrounding area. The proposed fencing would conceal what could be unsightly shipping containers from public view and would be the only part of the development that would be visible within the street scene. The site is currently overgrown with dilapidated areas of mesh fencing forming the boundaries, and as such it is considered that the proposed development would improve the aesthetics of the site. It is not expected that the development would result in any adverse issues for neighbouring properties in terms of visual impact, overlooking, overshadowing, or an overbearing impact.

9.2 The plans indicate that there would be no loss of parking, that there would be no parking/loading on the street, and there have been no objections from Highways. As such, it is not considered that the proposed development would cause any issues in terms of highway safety, traffic, congestion and the ability of emergency service vehicles to access the road. The Highway Authority recommendation of a personal consent is not considered to be appropriate in this instance, and the applicant has highlighted that no provision for storage of bins and collection of waste on site is required as there will be no waste generated on the site.

9.3 It is not considered that a removals storage facility operated by a two man team between 09:00 and 17:00 would cause any significant adverse issues in terms of noise disturbance. Although the agent dealing with this application has clarified that no flood lights are proposed on site, it is considered appropriate to impose a condition requiring the submission of a lighting scheme for approval. This is to ensure that any lighting on site would not have any adverse impact on neighbouring properties. As such, the proposal accords with

the requirements of policies CS1, CS2, CS3, CS9, CS13 and CS18 of the Core Strategy and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

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

Conditions

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
3. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Thompson Street in accordance with the revised application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level. The vehicular and pedestrian access shall be maintained and kept available for such use at all times and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not shall be carried out on that area of land or to preclude vehicular access thereto.
4. There shall be no gates or other barriers set forward of the visibility splay line specified in condition 3 above.
5. The proposed access/drive to Thompson Street shall be no steeper than 1 in 14 over its entire length.

6. The timber perimeter fencing shall be painted or stained dark green and retained throughout the life of the development
7. Prior to occupation of the development hereby approved, details of any external lighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site.
8. The area shown as cross hatched on the revised plan shall be maintained clear of all obstructions and be available for loading/unloading and manoeuvring of vehicles in connection with the use of the containers hereby approved.

Reasons for Conditions

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009. In the interests of residential amenities.
3. In the interests of highway safety
4. In the interests of highway safety
5. In the interests of highway safety
6. In the interests of visual amenity
7. To protect the amenities of the area and in the interests of road safety.
8. In the interests of highway safety

Notes

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

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

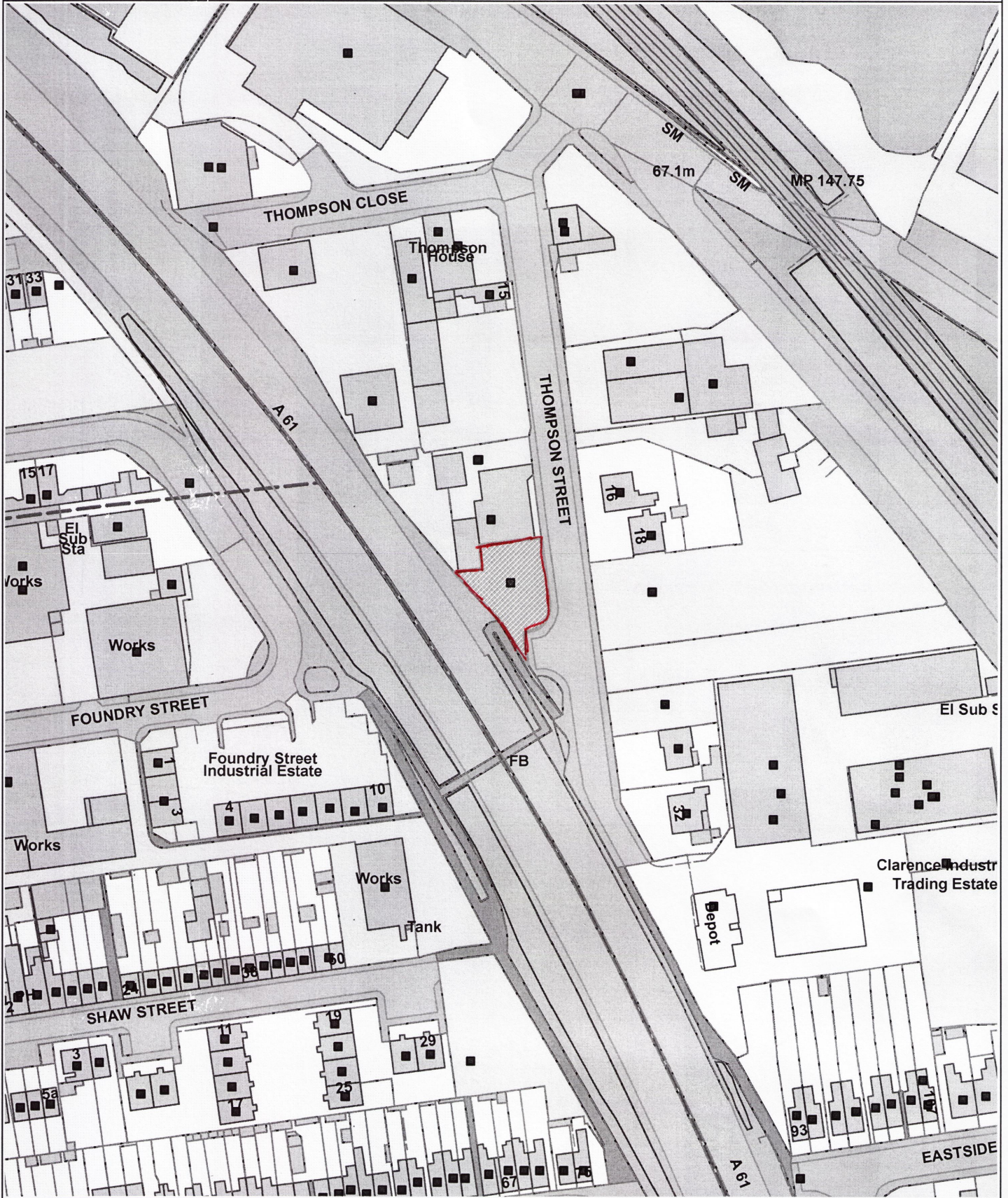
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of

access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

4. 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.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

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Case Officer: Joe Freegard
Tel. No: (01246) 345580
Committee Date: 29th August 2017

File No: CHE/17/00123/OUT
Plot No: 2/4592

ITEM 3

ERECTION OF A SINGLE DWELLING ON THE SITE WHICH IS PART OF THE FORMER REAR GARDEN OF 35 ASHGATE ROAD – ACCESS TO BE FROM BROCKWELL LANE AT 35 ASHGATE ROAD, CHESTERFIELD, DERBYSHIRE, S40 4AG FOR MR BEN JOHNSTONE – AMENDED PLANS RECEIVED ON 10.07.2017 AND 20.07.2017

Local Plan: Unallocated
Ward: Brockwell

1.0 CONSULTATIONS

Ward Members	No comments
Strategy Planning Team	No objections
Environmental Services	No objections
Design Services	Comments received – see report
Yorkshire Water Services	No comments
DCC Highways	No objections
The Coal Authority	Comments received – see report
Urban Design	No objections
Neighbours/Site Notice	3 letters of representation received – see report

2.0 THE SITE

2.1 The site the subject of the application comprises land to the rear of 35 Ashgate Road in the Brockwell area of

Chesterfield. The land is part of the former rear garden of 35 Ashgate Road and is accessed from Brockwell Lane. The applicant owns the area of land in question, however 35 Brockwell Lane has recently been sold and is no longer in the ownership of the applicant. The area of land in question was subdivided from 35 Ashgate Road via transfer of registered title in February 2015. The land is largely rectangular in form, is situated on a gradient, and measures approximately 305 Square Metres.

2.2 The Northern area of the site is occupied by a detached double garage and an area of hardstanding, and an overgrown grassed area is situated to the South of the site. The front Northern boundary to the site remains open, walls and areas of foliage form the side boundaries to the East and West of the site, and a fence forms rear Southern boundary between the site and the rear garden of 35 Ashgate Road.

2.3 The roadway of Brockwell Lane is situated to the North of the site, 12 Brockwell Lane is situated to the East of the site, the rear garden of 35 Ashgate Road is situated to the South of the site, and the rear garden of 37 Ashgate Road is situated to the West of the site. The closest property to the site is 12 Brockwell Lane, which is a detached, brick-built bungalow that was constructed in the 1980s following the division of the rear garden of 33 Ashgate Road. There are other properties within the locality that are of a similar style to 12 Brockwell Lane that have also been constructed following the subdivision of large rear gardens.







3.0 **RELEVANT SITE HISTORY**

3.1 A pre-application enquiry was made in February 2013 requesting feedback as to whether a residential development of one dwelling would be possible on site. It was advised that there may be scope for a development of this nature.

4.0 **THE PROPOSAL**

4.1 An outline application has been made for the erection of one new detached dwelling with matters of access, and scale considered and matters of appearance, landscaping and layout left reserved on land to the rear of 35 Ashgate Road, with revised plans received on 10/07/17 and 20/07/17.

4.2 An application form, Design and Access Statement, site location plans, plans and elevations and coal mining risk assessment have been submitted with this application.

4.3 The plans indicate that the proposed new dwelling would appear as a bungalow and comprise 2 two storey sections,

with a single storey rear aspect. The property is proposed to measure approximately 6.9M in height at its highest point, 5.9M in width at its widest point, with an overall length of approximately 18.8M. The dwelling is proposed to be situated approximately 10M from the boundary with the roadway to Brockwell Lane to the North of the site at its closest point and 14M at its furthest point. The dwelling is proposed to be situated approximately 1M from the boundary with 12 Brockwell Lane to the East of the site at its closest point and 1.5M at its furthest point. The dwelling is proposed to be situated approximately 12M from the boundary with the rear garden of 35 Ashgate Road to the South of the site. The dwelling is proposed to abut the boundary with the rear garden of 37 Ashgate Road to the West of the site at its closest point and would be situated 0.8M away at its furthest point.

- 4.4 The internal layout has not been provided, as this is not being considered at this stage. In terms of dimensions, it appears that there is scope to create a development whereby the internal spaces are appropriate and fit for purpose. The main garden area is proposed to the Southern rear of the site, measuring in excess of 84 Square Metres. This meets guidelines, however no details with regards to landscaping, bin storage or boundary treatments are provided at this stage. A parking area is proposed to the North of the site, with sufficient space for the parking of four cars and access from Brockwell Lane.
- 4.5 The amended plans indicate that the new dwelling would comprise 2 two storey pitched roof sections, with a single storey flat roofed section to the rear. The widest part of the property would be a two storey pitched roof section situated towards the North of the site, a narrower two storey pitched roof section attached to the South of this, and a further single storey flat roofed section attached to the rear. The indicative plans suggest that a contemporary design would be adopted with the use of glazed panels and roof lights, however design and materials are not being considered at this stage. The original plans showed a property with a more consistent width and a greater front projection. It was considered that these plans would have resulted in an overbearing impact and a loss of light to 12 Brockwell Lane, the neighbouring

property to the East of the site. This was because the plans showed a new dwelling that would have been situated very close to a side bedroom window to 12 Brockwell Lane and because the new dwelling would have projected in front of the building line of this property quite significantly. These plans were considered inappropriate, and as such consultation took place with the agent dealing with this application in order to provide the amended plans.

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

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

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

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

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

All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking

into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.

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

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

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

- 5.1.4 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

- 5.1.5 The proposed development site is situated within short walking and cycling distance from Chesterfield Town Centre. Although the area of land is not previously developed, the site is not considered to be of high environmental value and the principle of residential development is therefore considered to be acceptable. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and is a logical housing plot.

- 5.1.6 The Strategy Planning Team confirm they have no objections. They stated that 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. 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 The Strategy Planning Team highlighted that 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 planned unless material considerations indicate otherwise and LPAs should apply the presumption in favour of sustainable development when determining development proposals. Policy CS10 must be read in combination with policy CS1, the spatial strategy, which sets out that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres.

5.1.8 The Strategy Planning Team stated that in this case the location of the proposed development meets the spatial strategy (CS1) objective of being within walking distance of a centre, as Chesterfield Town Centre and Chatsworth Road District Centre are within a 10 minute (800m) walk. The site is also within walking distance of primary schools and on a high frequency bus route along Brockwell Lane. 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.

5.1.9 The Strategy Planning Team stated that the Chesterfield Local Plan does not set out specific policies relating to the development of residential gardens and this therefore falls to be covered under CS18. As the application is in outline only it is not a matter which is being considered however it appears that a design could come forward which reflects the context and respects the amenity of neighbouring properties – see below.

5.1.10 The development of a new dwelling would be liable for CIL at a rate of £50 per sq m GIA (medium zone), although the liability would not be calculated until the submission of suitable reserved matters. It is noted that there are exemptions available for custom and self-build housing projects, but these exemptions must be applied for in advance of commencement on site.

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

5.2.1 It is considered that the scale of the proposed development has been carefully considered following concerns being raised in relation to the original plans. Having regard to the proposed plans, it is expected that the development may impose the greatest degree of change to 12 Brockwell Lane. 12 Brockwell Lane has a side bedroom window to the West elevation, and the amended plans have been designed to ensure that the section of the proposed new dwelling facing this window would be situated 2M away. The proposed new dwelling has also been designed to ensure that the eaves heights to the side boundaries have been kept to a minimum. It is considered that the level of separation and modest building heights would ensure that there would be no significant adverse impact on the side window to 12 Brockwell Lane. It is acknowledged that these plans would result in some loss of outlook for this window, however the current outlook creates unacceptable issues in terms of overlooking onto the site subject to this application. As such,

it is not considered that the loss of outlook would be significant enough to warrant a refusal. There are no other properties located within several metres of the proposed development site, and it is not therefore considered that the plans would result in any adverse issues for any other neighbours.

- 5.2.2 The design and materials of the proposed new property are not being considered at this stage. The indicative plans suggest that a contemporary design would be adopted with the use of glazed panels and roof lights. This is considered to be an appropriate approach, however careful consideration will need to be given to issues with regards to overlooking, overshadowing and an overbearing impact at the reserved matters stage. The indicative plans show where the property is expected to be located on the site and where windows and doors are expected to be situated. These matters will need to be considered thoroughly at the Reserved Matters stage. The scale of the property is considered to be appropriate within the street scene, and would appear similar to other properties in the immediate locality. The proposed depth of the new property is fairly substantial, however it is considered that the indicative plans have demonstrated that a property of this scale can be accommodated on site without any adverse impact on neighbouring properties.
- 5.2.3 Overall it is accepted that development of this nature on previously undeveloped land would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact would be minimal, due to the proposed scale, and the relationship and separation between properties.
- 5.2.4 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development can be designed to prevent any significant adverse impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours. As such, the development is considered to be acceptable in terms of these policies.

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

5.3 Urban Design

5.3.1 The Urban Design Officer was consulted on the application and raised no objections. He stated that there is no objection in principle, however the level of impact on the amenity of the neighbouring dwelling will need to be assessed. The application has been amended to reduce the overall length and width of the proposed dwelling. The front elevation is now set further back from the street and the central part of the house steps in 2m from the east boundary. This provides a larger gap between the side elevation of the adjacent house, which contains a side facing window. Although this will continue to obstruct the outlook from the neighbouring window, the increased gap between the proposed buildings is such that the relationship is slightly less immediate than previously shown. Care will be required in relation to the height and position of the proposed windows to ensure no overlooking results between properties. The application is in outline, with only appearance, landscaping and layout reserved for subsequent approval, as such details of materials and finished treatments should also be managed by condition. No details of hard and soft landscape (particularly at the front of the site) are currently provided. Floor plans should be submitted for consideration to ensure the internal arrangements and window positions do not adversely impact on the amenity of neighbouring residents. The revised layout and scale of the building represent an improvement in relation to the proximity of the neighbouring property, although further details should be sought as identified above to enable an informed decision to be reached.

5.4 Highways Issues

5.4.1 The Highways Officer was consulted on this application and raised no objections. It was stated that No. 35 Ashgate Road does not have the benefit of off-street parking from Ashgate Road and it is assumed that the parking for this property was provided on the site the subject of the application. It would

seem, however, from the information available that the area the subject of the application has been subdivided via transfer of registered title. On this basis, it is considered that the Highway Authority would not be able to sustain an objection to the loss of parking for the existing property. It is noted that a single off-street parking space is proposed with manoeuvring area. As the road is not a classified road the Highway Authority would not generally look for the provision of manoeuvring and it is recommended that two off-street car parking spaces are provided within the site curtilage of minimum dimensions 2.4m x 5.5m.

5.4.2 The Highways Officer stated that 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 are commenced a new vehicular and pedestrian access shall be formed to Brockwell Lane and provided with visibility sightlines extending from a point 2.4m metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

2. The proposed dwelling shall not be occupied until space has been laid out within the site for 2 No. cars to be parked in accordance with a plan first to be submitted and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority.

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

4. The proposed access/driveway to Brockwell Lane shall be no steeper than 1 in 14 over its entire length.

In addition, a number of notes are recommended for the benefit of the applicant.

5.5 **Water/Drainage**

5.5.1 Design Services (Drainage) were consulted on this application and raised no objections.

5.6 Land Condition / Contamination

5.6.1 Land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

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

5.6.3 In respect of potential Coal Mining Risk, the site the subject of the application lies within the Red Referral Area. The Coal Authority were consulted on this application and they stated that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. The planning application is supported by a Coal Mining Risk Assessment, dated January 2017 and prepared by Terry Lee Associates. This report has been informed by an appropriate range of sources of information including; BGS maps, BGS borehole data and a Coal Mining Report.

5.6.4 The Coal Authority stated that having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development from past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The nature and extent of these intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the

permissions process. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required.

5.6.5 The Coal Authority stated that in the event that intrusive site investigation works establish mine workings/broken ground within influencing distance of the surface, The Coal Authority would expect the scheme of remedial works to address the limitations posed by the constrained nature of the site to the undertaking of drilling and grouting stabilisation works. As the proposed building footprint extends close to the application site boundary, the scheme of remedial works should identify what, if any, further measures are required to address potential instability at the application site as a result of ground movement derived from any shallow mine workings immediately adjacent to but beyond the site boundary.

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

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

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

5.7 Community Infrastructure Levy (CIL)

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

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

6.0 REPRESENTATIONS

6.1 As a result of neighbour notification, 3 letters/emails of representation from neighbours at 33 Ashgate Road and 12 and 18 Brockwell Lane, have been received. The letters/emails received raise concerns with regards to drainage, water supply, land disturbance, privacy, light, access, noise and disturbance, and a lack of information in relation to building heights.

6.2 *With reference to drainage, water supply and land disturbance, Design Services and the Coal Authority have been consulted on this application and raised no objections. It is not therefore considered that these matters are a major*

concern. These matters would also been considered in further detail at the reserved matters and building regulations stages.

6.3 *With reference to privacy and light, it is considered that the level of separation and modest building heights would ensure that there would be no significant adverse impact on any neighbouring properties. In terms of building heights, these are indicated on the plans.*

6.4 *With reference to access and highway safety, there have been no objections from the Highways Department and an ample level of parking provision is proposed. With regards to noise and disruption, a condition should be imposed restricting working hours during construction in order to reduce the impact on neighbouring residents. It is acknowledged that some level of noise and disruption would be caused by the development, however it is considered that the imposition of such a condition would ensure that this was kept to a minimum and such impacts are likely to only be temporary during construction works.*

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the

interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

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

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

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

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

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

9.0 **CONCLUSION**

- 9.1 The proposals are considered to be appropriate in terms of scale and access and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. It is considered that the location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of

the Core Strategy and the wider National Planning Policy Framework.

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

10.0 **ADDITIONAL RECOMMENDATION**

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

11.0 **RECOMMENDATION**

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

Conditions

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

land/dwellings. The dwelling shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

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

6. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 3:30pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

7. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Brockwell Lane and provided with visibility sightlines extending from a point 2.4m metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions measured along the nearside carriageway edge. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

8. The proposed dwelling shall not be occupied until space has been laid out within the site for 2 No. cars to be parked in accordance with a plan first to be submitted and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority.

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

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

11. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority. These details shall

conform to the Chesterfield Borough Council Minimum Development Control Standards for Flood Risk.

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

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

Reasons for Conditions

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

10. In the interests of highway safety and parking.
11. To ensure that the development can be properly drained.
12. In the interests of coal mining legacy and safety

Notes

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

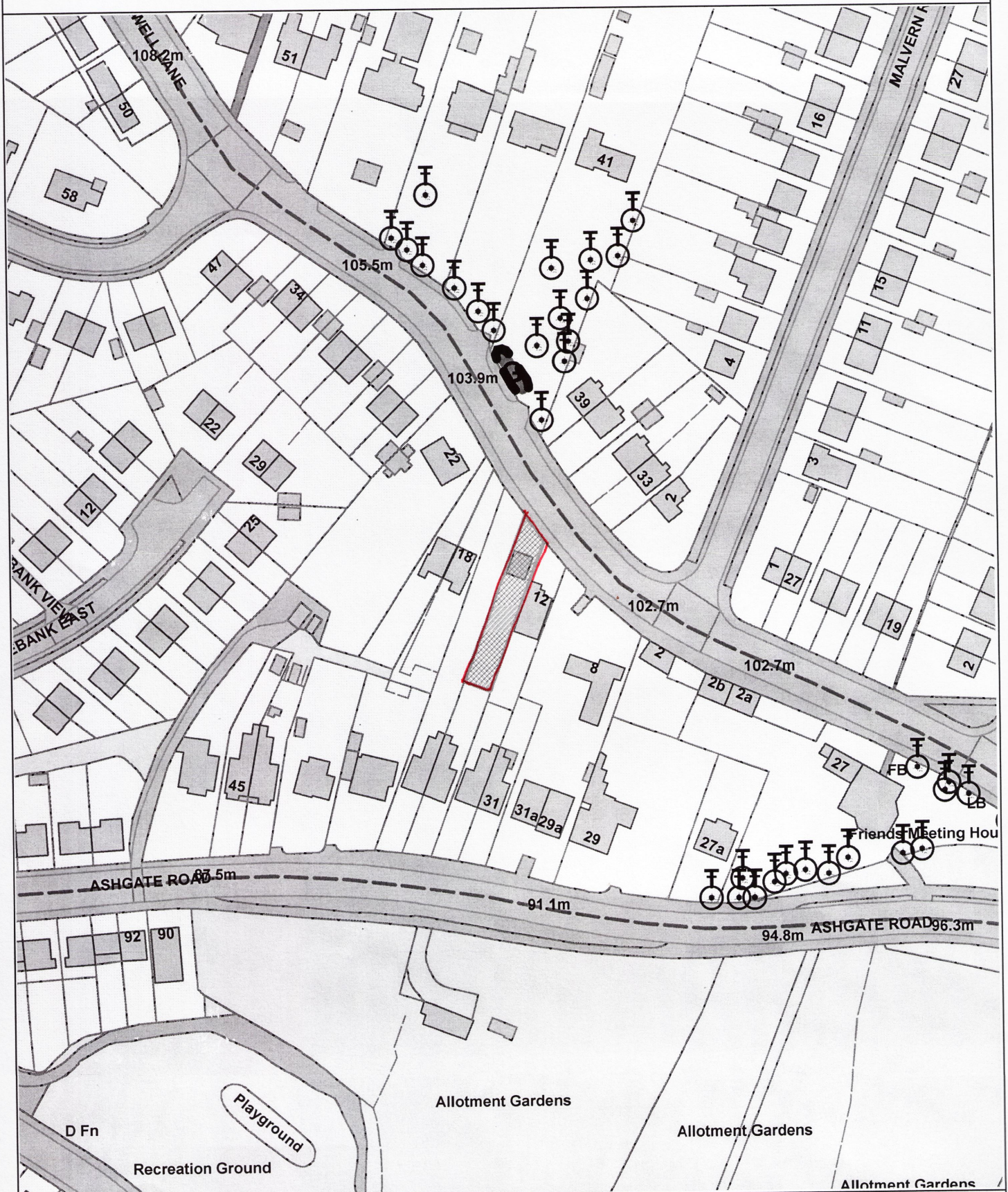
2. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

4. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers).

5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.

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



CHESTERFIELD
BOROUGH COUNCIL

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	29 TH AUGUST 2017
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Group Leader, Development Management under the following Delegation references:- Building Regulations P150D and P160D, P570D, P580D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Building Regulations	Stuart Franklin	345820
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Decisions made under the Building Regulations

16/01927/DCC	Derbyshire County Council Proposed Extension and Alterations Glossop Adult Education Centre Glossop Library Talbot Street Glossop Derbyshire SK13 7DG	Unconditional Approval	25/07/2017
17/00204/DCC	Derbyshire County Council Construction of a new extension to existing school building to provide 1 no new classroom and toilet provision Aston On Trent Primary School Long Croft Aston On Trent Derby Derbyshire DE72 2UH	Conditional Approval	08/08/2017
17/00070/DEX	Domestic Extensions/Alterations Single storey rear extension 69 Manor Road Brimington Chesterfield Derbyshire S43 1NN	Conditional Approval	25/07/2017
17/01274/DRO	Domestic in-roof Extensions/Alterations Loft conversion 53 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JD	Conditional Approval	28/07/2017
17/01277/DCC	Derbyshire County Council First floor level access shower , form door opening 4 Hillcrest Grove Staveley Chesterfield Derbyshire S43 3YB	Unconditional Approval	28/07/2017
17/00796/DEX	Domestic Extensions/Alterations Extension 32 Storrs Road Chesterfield Derbyshire S40 3PZ	Conditional Approval	08/08/2017
17/01260/OTHD	Other Works (Domestic) Renew conservatory roof with light weight tiles 45 Thirlmere Road Newbold Chesterfield Derbyshire S41 8EH	Unconditional Approval	31/07/2017
17/00504/DCC	Derbyshire County Council New slate roofing with breather membrane to slate pitched area Old Hall Junior School Old Road Chesterfield Derbyshire S40 3QR	Unconditional Approval	27/07/2017
17/01217/DCC	Derbyshire County Council Atrium Glazing Replacement Fairmeadows Primary School Fairfield Crescent Newhall Swadlincote Derbyshire DE11 0SW	Unconditional Approval	02/08/2017
17/01222/OTHD	Other Works (Domestic) Partial garage conversion 39 Holme Park Avenue Upper Newbold Chesterfield Derbyshire S41 8XB	Conditional Approval	25/07/2017
17/01087/OTHD	Other Works (Domestic) Refurbishment of hospital Clinical Decisions Unit Chesterfield And North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield Derbyshire S44 5BL	Unconditional Approval	01/08/2017
17/00472/DEX	Domestic Extensions/Alterations Single storey rear extension 1 Manor House Court Stonegravels Chesterfield Derbyshire S41 7GY	Unconditional Approval	03/08/2017
17/01140/DEX	Domestic Extensions/Alterations First floor extension 113A The Green Hasland Chesterfield Derbyshire S41 0JT	Unconditional Approval	27/07/2017
17/01123/DEX	Domestic Extensions/Alterations Extension 10 Deerlands Road Ashgate Chesterfield Derbyshire S40 4DF	Conditional Approval	31/07/2017

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	29 TH AUGUST 2017
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/15/00462/FUL 1506	Dunston	Erection of 5 industrial units and associated car parking and service areas - Revised information received 11.11.2016 - further information received 6/6/2017 At Development Land To The South Of Broombank Road and West Of Broombank Park Broombank Road For Mr M Jones	CP	27/07/2017
CHE/17/00213/FUL 5494	Holmebrook	Development of vacant land to form new two bedroom bungalow and detached garage At 24 Riber Terrace Walton Walk Boythorpe S40 2QF For Mr Brian Harhat	CP	03/08/2017
CHE/17/00307/FUL 3082	Brockwell	Single storey rear extension At 3 Newbold Drive Newbold S41 7AP For Mr Simon Dennis	CP	24/07/2017
CHE/17/00311/FUL 77	West	Single storey side extension - re-submission of CHE/16/00675/FUL At 1 Westbrook Drive Chesterfield S40 3PQ For Mr Raj	CP	24/07/2017
CHE/17/00323/FUL 21.1	Dunston	Rear extension, loft conversion and creation of parking spaces At 111 Coniston Road Newbold S41 8JE For Mrs M Thompson	CP	04/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00336/FUL 4959	Dunston	Demolition of existing single storey rear offshoot and outbuildings and the construction of a new single storey pitched and flat roof extension At 593 Newbold Road Newbold S41 8AA For Mr and Mrs France	CP	27/07/2017
CHE/17/00338/FUL 1887	Lowgates And Woodthorp	Alterations to widen existing vehicular access point to enable additional parking on drive way to front of house At 55 Norbriggs Road Woodthorpe S43 3BT For Mrs Amanda Marples	CP	25/07/2017
CHE/17/00341/FUL 1705	Middlecroft And Poolsbrook	Single storey kitchen extension At 7 Cromford Drive Staveley S43 3TB For Miss Sally Lawton	CP	28/07/2017
CHE/17/00361/MA 1644	Moor	Amendment to CHE/14/00713/FUL (Erection of a two storey 4 bedroom dwelling) to increase roof pitch to 40 degrees to allow more solar panels on the roof and extra storage space in the loft At 3 Salisbury Avenue Newbold S41 8PR For Mr Samir Sherif	CP	14/08/2017
CHE/17/00370/FUL 3700	West	Single storey rear extension with conversion of the roofspace and insertion of new dormer windows to the front and rear elevation. Re-submission of CHE/16/00660/FUL At 34 Queen Mary Road Chesterfield S40 3LB For Mr D Strong	CP	31/07/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00376/DO 1070	St Leonards	Discharge of condition No's 5(surface water),6(storage of plant),9(bin storage),11(landscaping) and 14(external materials) relating to Planning Application No At Hady Miners Welfare Club Houldsworth Drive Hady S41 0BS For Mr Mark Noakes	DPC	04/08/2017
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 blanking plate. At Natwest 10 High Street Staveley S43 3UJ For Royal Bank Of Scotland Group plc	CP	20/07/2017
CHE/17/00391/FUL 313	Lowgates And Woodthorp	Extension to the extrusion shop At Brett Martin Building Products Ltd Stephenson Road Staveley S43 3JP For Brett Martin Limited	CP	26/07/2017
CHE/17/00392/FUL 313	Dunston	Single storey side and rear extension At 15 Sudhall Close Newbold S41 8BX For Mr Andrew Jacques	CP	20/07/2017
CHE/17/00395/TPO 1482	Dunston	Felling of T1 (Oak) and felling of T3 (Norway Maple) At 10 Sherbourne Avenue NewboldS41 8TL For Subsidence Management Services	REF	03/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00397/ADV	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	CP	20/07/2017
VINYL GRAPHICS		APPLIED TO TO WINDOWS. PLEASE REFER TO DRAWING REF NO 7057-001		
1969		At 35 Rose Hill Chesterfield S40 1TT For Mr Visa Prabhakaran		
CHE/17/00398/FUL	Brockwell	Two storey side extension, parking plan received 15.08.2017	CP	15/08/2017
		At 10 Newbold Drive Newbold S41 7AP For Mr and Mrs Pearson		
CHE/17/00401/FUL	Holmebrook	Loft conversion with front dormer (revised plans received 18.07.2017)	REF	11/08/2017
1446		At 13 Old Hall Road Chesterfield S40 3RG For Mr A Hutchinson		
CHE/17/00403/FUL	West	Single storey rear extension	CP	28/07/2017
1909		At 14 Spruce Close Chesterfield S40 3FG For Mr P Walker		
CHE/17/00407/FUL	Dunston	Erection of an orangery	CP	27/07/2017
4959		At 26 Barholme Close Upper Newbold S41 8AB For Mr David Renshaw		

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00413/FUL 2909	Holmebrook	Single storey rear extension At 14 Old Hall Road Chesterfield S40 3RG For Mrs Sandy Lewis	CP	28/07/2017
CHE/17/00414/TPO	Walton	Removal of tree T18, T20 and T21 and T2 and T3 (Limes) At 81 Moorland View Road Walton S40 3DD For MWA Arboriculture Ltd	REF	07/08/2017
CHE/17/00420/ADV	Barrow Hill And New Whittington	Two identical entrance signs to the Barrow Hill Railway site, with title and logo and visitor information. Each 2500mm x 1150mm, bottom edge of sign approx 1600mm above the ground and as amended by revised plans received 4.8.17 At Barrow Hill Railway Centre Campbell Drive Barrow Hill S43 For Mr Glynn Wilton	CP	07/08/2017
CHE/17/00424/ADV 3559	St Leonards	Four elevation signs At Units 36-43 Storforth Lane Trading Estate Avenue 4 Storforth Lane Trading Estate Chesterfield S41 0QQ For Howden Joinery Properties Limited	CP	08/08/2017
CHE/17/00426/FUL 1056	West	Extension to side/front of dwelling At 82 Vincent Crescent Chesterfield S40 3NP For Mr and Mrs Wilcockson	CP	03/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00431/DO	Dunston	Discharge of planning conditions 2 (reserved matters),6 (archaeological investigation), 8 (bat survey),9 (badger survey),10 (badger protection),12 (root protection areas),14 (Open Space Scheme),18 (materials), 21 (internal site layout), 22 (junction with Dunston Lane), 26 (Travel Plan), 29 (Noise Assessment) and 30 (Conformity with Concept Masterplan) of CHE/16/00016/OUT - Resubmission of CHE/14/00873/OUT (Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site) At Land To The West Of Dunston Lane Newbold For William Davis Limited	DPC	09/08/2017
CHE/17/00433/TPO	St Helens	G2 - (Cherry) - Crown lift over path, G2 - (Hawthorn) - Crown over lift, G1 - (Sycamore) - Prune to clear roof by 2cm, G1 - (Sycamore) - Prune to clear roof by 2cm, G1 - (Cherry) - Prune to clear roof by 2cm, G1 - (Beech) - Prune to clear roof by 2cm, Tree 18 - (Holly) - Prune to clear building by 2cm, Tree 14 or 15 - (Silver Birch) - Dismantle/ Fell to near ground level. At Eyre Gardens Highfield Road Newbold S41 7EL For Guinness Partnership	SC	07/08/2017
2354				
CHE/17/00435/TPD	Lowgates And Woodthorp	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 Staveley S43 3PX For Mr Steven King	PANR	21/07/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00438/RET 5884	Hasland	Resubmission of CHE/16/00798/FUL - Proposed first floor front extension using different building materials At 112 Broomfield Avenue Hasland Chesterfield S41 0ND For Mr J Dooley	REF	11/08/2017
CHE/17/00442/FUL 6360	Brockwell	Two storey rear extension for dining room and additional bedrooms over At 52 Brooklyn Drive Brockwell Chesterfield S40 4BB For Mr Kev Dunn	REF	07/08/2017
CHE/17/00448/TPO	Barrow Hill And New Whittington	T78- Yew- Crown lift to 2.5m. T79- Sycamore -Crown clean, prune away from building by 3m, remove 2 small lower branches. T80 -Oak - Clear stem to 1st main limb, crown clean and inspect wounds, reduce 1 lower branch over garden by 50%. Reduce some of branches on end of large low limb growing over footpath and At 49 Woodmere Drive Old Whittington S41 9TE For Mr Martin Falconer	CP	08/08/2017
CHE/17/00452/FUL 5912	Linacre	Raised ground level adj. footpath, fence to side elevation. At 5 Barley Lane Holme Hall Chesterfield S42 7JA For Mr Alan Maris	CP	15/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00454/DO 2161	Hollingwood And Inkersall	Discharge of conditions 4, 8, 10, 11, 14 and 15 of CHE/17/00271/FUL - Erection of 3 no residential dwellings At Land Adjacent To Troughbrook Road Hollingwood S43 2JP For Buywise	DPC	08/08/2017
CHE/17/00457/FUL 5577	Walton	Ground floor lounge extension At 8 Redgrove Way Walton S40 3JN For Mr Peter Cooney	CP	08/08/2017
CHE/17/00458/TPO 25-307	Walton	T1 - Field Maple- Multi stemmed semi mature 10m in height reduction in height with the later stems reduced to shape. tree is causing excessive shading over the property. Unions in the base look a little suspect. At 22 Foxbrook Drive Walton S40 3JR For A _ J ARB Access	REF	09/08/2017
CHE/17/00463/CA	Brimington South	fell/prune one cherry tree in the Brimington Conservation area CA At 1 Grove Farm Close Brimington S43 1QA For Claire Rorka	UP	09/08/2017
CHE/17/00474/EIA 32	Barrow Hill And New Whittington	Scoping request for mixed use development at the former Staveley Works At Land At Former Staveley Works Works Road Hollingwood S43 2PD For Saint-Gobain and Omnivale Limited	CP	02/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00480/DO 6188	Brockwell	Discharge of condition 9 (site investigation)of CHE/16/00831/FUL - erection of detached dwelling S40 1UL At Land Adjacent To 21 Clarence Road Chesterfield For Mr and Mrs Reynolds	DPC	08/08/2017
CHE/17/00482/CP	Holmebrook	Roofing maintenance/roof re-cover At Old Hall Junior School Old Road Chesterfield S40 3QR For Derbyshire County Council	OW	02/08/2017
CHE/17/00495/CL	West	New single storey rear extension At 52 Yew Tree Drive Somersall S40 3NB For Mrs Kathleen Wild	GR	20/07/2017
CHE/17/00497/DO 2830	Barrow Hill And New Whittington	Discharge of planning condition 3 of CHE/17/00129/FUL - Engineering operations to provide a stepped approach and widened driveway together with widened dropped kerb At 247 Handley Road New Whittington S43 2ES For Mr Keith Lawson	DPC	09/08/2017
CHE/17/00504/TPO	Dunston	Fell T5 Cypress - giving structural damage to 10 Sherborne Avenue. replant with smaller hedging variety. Fell TG1 Cypress x 3 Prune T6 Cherry At 144 St Johns Road Newbold S41 8PE For Mr Paul David Gill	CP	03/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00508/TPD	West	Proposed rear porch At 30 Hucknall Avenue Loundsley Green Chesterfield S40 4BY For Mr John Cook	PANR	14/08/2017
CHE/17/00510/NM	St Helens	Non-Material Amendment to Planning Application No. CHE/15/00464/FUL - Residential developemnt of 9 x 3 bedroom houses and 10 x 2 bedroom flats At Land To The Rear Of 79 Sheffield Road Stonegravels Chesterfield For Beauchief Homes Limited	UP	02/08/2017
2165 1343				
CHE/17/00511/TPO	St Helens	2 Lime Trees - Crown lift to 5m, crown clean and crown clear branches above building. At 81A Sheffield Road Stonegravels Chesterfield S41 7LT For Mr Tim Vice	CP	09/08/2017
1343				
CHE/17/00514/TPO	West	T3 Ash - Crown clean to remove dead and damaged branches and reduction of branches growing over Washouse Lane towards The Gardens by approx 3m At Orchard Cottage Wash House Lane Chesterfield S40 3AZ For Mr Richard Robinson	CP	09/08/2017
1894				

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00520/TPO 3059 202	Brockwell	T5 Ash - Remove 1 lower limb growing over site. T6 Sycamore - crown lift 2.5 m. T7 Oak - crown lift 2.5 m. T9 Ash - remove damaged lower branch. G3 various - crown lift 2.5 m to allow for site fencing. T8 Oak - inspect and reshape if required along with reduction of 1 branch overhanging site. At Site Of Former Sheepbridge Sports and Social Club Newbold Road Newbold For Mr John Rossington	CP	09/08/2017
CHE/17/00523/NM 5583	Walton	Non material amendment to CHE/17/00138 - Proposed rear first floor extension, single storey front extension and internal alterations At 10 Firvale Road Walton S42 7NN For Mrs Ruth Holmes	UP	02/08/2017
CHE/17/00533/TPO 2/4077	Brimington North	Tree 39: Remove 6 lowest lateral branches at the main stem. Shorten 2 lateral branches mid crown and remove the small dead twiggs and dead branches from the western side of the crown that have died out. This will ensure adequate height is maintained on the drive and access road and also clearance of the dwelling. T43: Remove lowest lateral branches. Reduce branches in outer crown (east and west side) by up to 2m in length. This will prevent the tree becoming an obstruction to the public highway and also provide clearance of the dwelling in the longer term At Ringwood Centre Victoria Street Brimington S431HY For D J Atkinson Construction Ltd	CP	14/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00534/CA 646 646	Middlecroft And Poolsbrook	To cut down/prune tree after site visit At 9 Ebenezer Row Porter Street Staveley S43 3UY For Ms Jayne Sherlock	UP	09/08/2017
CHE/17/00535/TPO	Rother	Felling of T4 (cedar) due to storm damage At Green Acres 14 Florence Close Birdholme S40 For Mr Holder	CP	26/07/2017
CHE/17/00559/TPO 2/5253	Hasland	Tree ref T 27 - Oak Tree .Crown lift 2- 3m to clear lower branches over driveway. Crown thin by 25% to selectively remove branchesto make canopy more open and less dense, remove any dead and weak branches Reduction of branches growing towards the property to give 2-3m clearance Clearance of branches around the telegraph pole. At 80 Mansfield Road Hasland S41 0JF For Mr Stephen Young	CP	09/08/2017

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Delegated List - Planning Applications

Key to Decisions

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

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	29 TH AUGUST 2017
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Applications to Fell or Prune Trees	Steve Perry	345791
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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/17/00535/TPOEXP TPO 4901.280 26/07/17	The felling of one Cedar tree reference T4 on the Order map for Mr Holden of Greenacres, 14 Florence Close. The tree lost one large branch during the recent winds which damaged the corner of the property and has left the tree vulnerable to more damage.	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 same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season. The replacement tree has been dispensed with on this occasion due to other trees in the garden and no loss of visual amenity.
CHE/17/00395/TPO TPO 4901.24 03/08/17	The felling of two trees reference T2 Oak and T4 Maple on the Order map for Environmental Services on behalf of Mr Nind of 10 Sherbourne Avenue, Newbold. The trees are allegedly causing subsidence damage to the property and detached garage.	Consent is refused to the felling of two trees because no evidence has been found to indicate that T4 Maple is the cause of damage to the property and garage. There is also insufficient evidence provided to attribute the cracking to the dwelling to trees T2 & T4. The detached garage was also

		constructed below the minimum requirements of the building regulations even though the trees were present at the time of construction which should have been taken into account when the garage was built.
CHE/17/00504/TPO TPO 4901.34 03/08/17	The felling of 4 Lawson Cypress and the pruning of 1 Purple Plum within G15 on the Order map for Mr Gill of 144 St Johns Road, Newbold. The application is in relation to a subsidence claim at 10 Sherbourne Avenue and application CHE/17/00395/TPO to fell two other trees under a preservation order.	Consent is granted to the felling of 4 Lawson Cypress trees and the crown reduction of one Purple Plum tree within G15. Although there was insufficient evidence to confirm that the trees were contributing to the structural damage at 10 Sherbourne Avenue an assessment was carried out to assess the trees amenity value in the area and it was found that the only place you could see the trees which had now grown into an evergreen hedge was from the frontage of 10 Sherbourne Avenue leaving the trees with no visual amenity. It was also recommended to the applicant and owner of the trees that a further application should be submitted to remove the two other trees in the group and remove the group altogether from the preservation order and install a new boundary treatment.
CHE/17/00433/TPO	The felling of one Silver Birch tree reference T15 and the pruning of one	Consent is refused to the felling of one Silver Birch tree reference T15. Although the tree

<p>TPO 4901.37</p> <p>07/08/17</p>	<p>Holly reference T18 and two Sycamore trees, and one Hornbeam within G1 and one Cherry and one Hawthorn within G2 on the Order map for Emery Landscapes on behalf of Guinness Partnership at Eyre Gardens, Newbold Road.</p>	<p>isn't the best of specimens and is suppressed by the adjacent trees it does add visual amenity and contributes to the group of trees to the frontage of the site. No decay at the base of the tree was found as alleged in the application.</p> <p>Consent is granted to the pruning of 3 trees within G1 and 1 Holly tree reference T18 by reducing branches growing towards the building structure to give a 2 metres clearance pruning back to suitable replacement branches.</p> <p>Consent is also granted to the crown lifting by 2.5 metres of 2 trees within G2 pruning back to suitable replacement branches.</p>
<p>CHE/17/00414/TPO</p> <p>TPO 4901.268</p> <p>07/08/17</p>	<p>The felling of 3 Lime trees reference T18, T20 & T21 on the Order map for MWA Arboriculture Ltd on behalf of 81 Moorland View Road, Walton. The trees are allegedly causing subsidence damage to the property.</p>	<p>Consent is refused to the felling of 3 Lime trees as insufficient information has been provided to indicate whether the trees are causing the alleged damage. Further information and a continuation of the level monitoring of the building has been advised before a further application is submitted.</p>
<p>CHE/17/00448/TPO</p> <p>TPO 4901.175</p>	<p>The pruning of 3 trees reference T78 Yew, T79 Sycamore and T80 Oak on the Order map for Martin Falconer Tree</p>	<p>Consent is granted to the crown lifting by 2.5 metres of one Yew tree reference T78, the removal of two small branches and reduction</p>

9/08/17	Services on behalf of Mrs Houlder of 49 Woodmwere Drive, New Whittington.	of branches by 3 metres growing towards the property of T79 Sycamore and the reduction of branches overhanging the garden and footpath to one Oak reference T80.
CHE/17/00511/TPO TPO 4901.45 9/08/17	The pruning of one Lime tree within G1 on the Order map for Mr Tim Vice of 81a Sheffield Road.	Consent is granted to the crown lifting of one Lime tree by 5 metres from ground level and the removal of dead and damaged branches within the crown.
CHE/17/00566/TPO TPO 4901.341 9/08/17	The pruning of various trees within G2 on the order map for Mr Guy Robinson on behalf of Robinson PLC at Goyt Side Road, Brampton. High sided vehicles are allegedly hitting the lower branches of the trees.	Consent is granted to the crown lifting by 5.2 metres when measured from the highway pruning back to suitable replacement branches or the main stem.
CHE/17/00559/TPO TPO 4901.160 9/08/17	The pruning of one Oak tree reference T27 on the Order map for Mr Stephen Young of 80 Mansfield Road, Hasland.	Consent is granted to the crown lifting of the tree by 3m, the crown thinning by 25% and the reduction of branches growing towards the property to give a 2-3 metre clearance from the structure.
CHE/17/00458/TPO TPO 4901.174 9/08/17	The pruning of one Field Maple reference T2 on the Order map for A&J Arb Access on behalf of Mrs Kennedy of 22 Foxbrook Drive, Walton.	Consent is refused to the crown reduction of the tree because no supporting information has been submitted to justify the reduction of the tree. The reduction in height of the tree would result in the loss of visual amenity and other pruning options such as crown thinning

		are advised to reduce the alleged light issues.
CHE/17/00520/TPO TPO 4901.281 9/08/17	The pruning of various trees within G3, T5 Ash, T6 Sycamore, T7 Oak and T9 Ash on the order map for Mr Simon Snow of Carrier Landscapes on behalf of Avant Homes at Pomegranate Park, Newbold to allow the erection of the boundary fencing for the new development.	Consent is granted to the crown lifting of trees within G3, T6 Sycamore and T7 Oak. Also the removal of one lower branch on T5 & T9 Ash.
CHE/17/00514/TPO TPO 4901.139 9/08/17	The pruning of one Ash tree reference T3 Ash on the Order map for Mr Robinson of Orchard Cottage, Wash House Lane, Brampton.	Consent is granted to the reduction of branches growing towards the detached garage on the Lane and the crown cleaning to remove dead branches in the crown.
CHE/17/00560/TPO TPO 4901.13 10/08/17	The felling of one Hawthorn tree and the pruning of one Sycamore and one Beech tree within A5 on the Order map for Mr Muhley of 91 High Street, Old Whittington.	Consent is granted to the felling of one Hawthorn with a condition to plant a Mountain Ash as a replacement in the first available planting season. Consent is also granted to the removal of two lower branches on one Sycamore to clear the driveway and the crown lifting of one Beech tree by 3.5 metres.
CHE/17/00533/TPO TPO 4901.315	The pruning of two trees reference T18 Cherry and T20 Oak on the Order map for DJ Atkinson Construction Ltd at the	Consent is granted to the selective crown lifting of the two trees to clear the adjacent footpath and give some height clearance in

14/08/17	former Ringwood Centre, Brimington	the garden and the reduction of branches growing towards the new dwelling by 2 metres pruning back to suitable replacement branches.
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SECTION 2**NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/17/00534/CA The felling or pruning of 1 Mountain Ash for Ms Jayne Sherlock at 11 Ebenezer Row, Porter Street, Staveley. The tree is located in the neighbouring garden at 9 Ebenezer Row.	The tree is within the Staveley Conservation Area.	Agreement to the felling/pruning of one Mountain Ash tree within the rear garden of 9 Ebenezer Row. The felling/pruning works will have no adverse effect on the amenity value of the area.	9/08/17
CHE/17/00463/CA The felling or pruning of 1 Cherry tree for Ms Claire Rorka of 1 Grove Farm Close, Brimington.	The tree is within the Brimington Conservation Areas and the applicant wishes to prune or fell the tree as it will grow too big for its location.	Agreement to the felling of one Cherry tree in the front garden of 1 Grove Farm Close, Brimington. The pruning or felling will have no adverse effect on the amenity value of the area.	9/08/17
CHE/17/00561/CA The felling of 16 Conifer trees, 1 Acacia and 1 Laurel for Mr Muhley of 91 High Street, Old Whittington.	The trees are within the Old Whittington Conservation Area and are to be removed to create a parking area adjacent to 91 High Street.	Agreement to the felling of trees within the Old Whittington Conservation Area. The felling works will have no adverse effect on the amenity value of the area and the trees are not in character with the surrounding	10/08/17

		landscape.	
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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 29TH AUGUST 2017
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

TITLE

LOCATION

Non exempt papers on files
referred to in report

Development Management
Section
Planning Service
Town Hall Chesterfield

1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER**

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

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APPEALS

<u>FILE NO.</u>	<u>APPLICATION CODE & WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/4071	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	
2/3559	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	Allowed 10/08/17 see appendix A
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	Planning Committee – against	22/5/17	Written Reps	

			shrubberies) for 13 dwellings – Refusal	officer advice			
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	
2/3991	Hasland ward	Mr N Chadwick	2 York Street Two vending machines . Enforcement Notice (Grounds (a), (b), (c) and (f). Planning permission ought to be granted, the matters alleged have not occurred, there has been no breach and the steps required are excessive.	Planning Committee	09/08/17	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 7th 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 bed roomed 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 bed roomed 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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Appendix A

Appeal by Mr P Roberts

Site at Unit 26/27 Storforth Lane Trading Estate, Chesterfield.

CHE/17/00077/COU

2/3559

1. Planning permission was refused on 3rd April 2017 for change of use from light industrial to gymnasium (D2) at Former Unit 26, Storforth Lane Trading Estate, Circular Road, Hasland.
2. The reasons for refusal were:
 - a. The development does not support the vitality of existing centres, and fails to demonstrate that it meets the sequential test for main town centre uses and demonstrates no wider regeneration or sustainability benefits of significant weight. This proposal would constitute a loss of a unit for B1, B2, and B8 uses, and the Council has evidence of enquiries by business falling within these uses for the type, size and location of this unit, and there is evidence that the supply of such premises is currently limited in the Borough. It is considered that the vacancy period and level of marketing for the property was inadequate to demonstrate that an appropriate industrial could not be found. As such, this application is contrary to policies CS1, CS2, CS13, CS15 of the Core Strategy, saved 2006 Local Plan policy EMP7, and paragraphs 22 and 24 of the NPPF.
 - b. The property has no allocated parking provision, and parking standards indicate that a D2 use should have one parking space per 25 square metres. This lack of parking is likely to lead to inappropriate parking and congestion to the detriment of highway safety. Policy CS20 of the Core Strategy states that development should not result in an adverse impact on highway safety, and as such this application is considered to be contrary to this policy.
3. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
4. The main issues in this case were:

- The effect of the proposed change of use on the vitality of the town centre and the availability of employment floor space in the Borough.
- The effect of the proposed change of use on highway safety with particular regard to car parking provision.

Vitality of town centre and employment floor space

5. The appeal property comprises the end industrial unit of a block of four similar units located on a large employment estate that contains units of various sizes sited predominantly along circular internal access roads. The estate was developed in the 1950's. Few units have dedicated parking areas with the consequence that vehicles tend to park in the front of units and along the access roads.
6. The Council's approach to vitality of centres and the location of health related uses is set out in Policy CS15 of the Chesterfield Local Plan: Core Strategy 2011–2031 (2013) (CLPCS). This policy, amongst other things, encourages health related uses to be located in defined centres. The Storforth Lane Trading Estate is an allocated employment site and Policy CS13 of the CLPCS does permit other business and industrial uses not falling within the B1, B2, B8 Use Classes to be located on employment sites subject to certain circumstances. These circumstances are the locational criteria set out in Policy CS2 of the CLPCS, which requires consideration of the need to serve a location catchment or make functional links to existing uses, the suitability of the use for the location and the employment generation of the proposed use when compared to the existing or previous use.
7. Saved Policy EMP7 of the Replacement Chesterfield Borough Local Plan (2006) (RCBLP) also allows for uses outside of B1, B2 and B8 on existing business and industrial areas subject to the consideration of the employment generating potential of the alternative use. In addition this policy also states that major commercial leisure uses will not be allowed unless ancillary to the main industrial or business activities and will not lead to a qualitative or quantitative deficiency in employment land or would inhibit existing or future business activity.

8. In order to consider the availability of alternative premises within centres in the Borough the appellant has provided a Sequential Assessment. This focused on premises having between 1500sq ft and 5000sq ft of floor space, as the current unit has approximately 3000sq ft of floor space, and with rental levels above £20,000 per annum being discounted due to affordability as the appellant indicates that the current gymnasium provides a turnover of less than £40,000 per annum. Given the turnover of the business and the size of the current premises, the inspector considered that floor space and rental thresholds adopted in the Sequential Assessment to be appropriate in this case.
9. The Sequential Assessment and a further submitted supplementary assessment demonstrated that there are no suitable sequentially preferable premises available within centres in the Borough. Although the Council disputed the findings of the Sequential Assessment and indicate that there are other premises within the Chesterfield Sites and Premises Guide that could potentially be used the inspector had no evidence to indicate where these may be or how they would be suitable. The appellant's evidence suggests that these may relate to one property that had been discounted due to its size and another discounted as it would involve the sub-division of a unit. The Council also referred to a unit at the Lockoford Trading Park as being suitable although this was discounted in the Sequential Assessment on the grounds of rental cost and the suitability of the unit for B1, B2 and B8 uses given that it is a more modern unit than the one which is the subject of this appeal. The inspector considered that the appellant's consideration of these factors in the Sequential Assessment to be unreasonable.
10. In the absence of any other conclusive evidence to the contrary, the inspector considered that the Sequential Assessment demonstrates that there are no suitable sequentially preferable premises currently available within centres in the Borough.
11. The Council indicated that there is a high demand within the Borough for units of between 500 sq ft and 3000 sq ft and that a 3 month void period was an insufficient length of time in which to conclude that there were no other appropriate

businesses that could have occupied the building. The appellant indicates that in 2014, when the letting of the unit to the appellant was agreed, a total of 11 enquiries were received in relation to units on the Storforth Lane Trading Estate. Of these, seven required a unit of less than 1000 sq ft, two were car repair businesses that relocated elsewhere and one required a unit of 5000 sq ft with the only other enquiry being the appellant.

12. Although the inspector had no reason to dispute that there is a high demand for units between 500 sq ft and 3000 sq ft within the Borough, he agreed with the appellant that there is no evidence of any locational or other factors that may suggest that such demand related to the Storforth Lane Trading Estate. As the estate as a whole is included within the Council's Sites and Premises Guide, he also agreed that it is effectively subject to continual marketing.
13. The inspector had no other conclusive evidence to suggest that there is a specific demand for units of this size on the estate at the current moment in time. He observed at his site visit that there were a number of vacant units within the estate of similar size to the appeal property. Whilst he accepted that the locational demand for units could change in the future, he had no available conclusive evidence in this appeal to suggest that there is a defined demand for units of this size on the estate.
14. The inspector took into account the fact that the previous use of the unit employed one person as a B8 car storage use and that the gymnasium currently employs 3 persons. He also gave moderate weight to the fact that the use had operated for over three years and provides a facility for employees on the estate and the local community. He agreed that there is some synergy between the proposed use and the existing uses by providing social and economic benefits of health related lifestyle opportunity close to places of employment. Taking the above factors into account, he found that there is insufficient evidence to suggest that the Sequential Assessment is fundamentally flawed or that there is a current demonstrable demand for units of this size and in this location. The proposed use generates more employment than the previous and it does not inhibit existing or future business activity. For

these reasons, he found that the proposed change of use would not have a negative impact on the vitality of the town centre or have a detrimental effect on the availability of employment floor space in the Borough. However, this is on the basis of the available evidence at the current moment in time and he recognised that these circumstances are subject to economic change and that the Council's preferred approach to the location of such uses is in town centres and thereby not permanently occupying employment sites for which there may be a future demand.

15. Consequently, a 3 year temporary permission, as suggested by the appellant, would be reasonable in this case to enable future consideration of demand and thereby avoiding the permanent use of the unit for purposes other than uses falling within the B1, B2 and B8 Use Classes. As such, on the basis of a temporary planning permission only, there would be no substantial conflict with Policies CS1, CS2, CS13 and CS15 of the CLPCS or Saved Policy EMP7 of the RCBLP.

Highway safety

16. Although the Council suggested that D2 uses should provide one parking space per 25sq m, it is clear that such dedicated space could not be accommodated in the proximity of the unit. Due to its configuration, the estate as a whole does not provide any substantial dedicated parking to serve the units. Instead parking occurs on the internal roads and outside of the units. The inspector observed at his site visit that the estate is able to contain the required parking demand without any on-street parking occurring on the public highway in the vicinity or compromising any visibility at internal road junctions within the estate or at the junction with Storforth Lane.
17. Given that some members of the gymnasium are from persons employed on the estate and the close proximity of the unit to the local community, thereby providing an opportunity to walk or cycle, the inspector considered that the demand for car parking is likely to be of a level that could not be accommodated within the confines of the estate. Moreover, the higher demand for the use of the gymnasium is likely to be outside of the normal working hours of many of the businesses on the estate and therefore at a time when car parking availability is more plentiful.

18. He noted that the Council's Highway Engineers raised no objections to the proposal on highway or pedestrian safety grounds. Although there are no dedicated footpaths on the estate the internal roads are sufficiently wide to avoid pedestrian and vehicular conflict. In addition, owing to the configuration of the estate, vehicular speeds appear to be low. Taking these factors into account, the proposal would not have a demonstrable detrimental effect on highway or pedestrian safety. As such, there would be no conflict with Policy CS20 of the CLPCS. This policy, amongst other things, requires that development should maximise the use of walking, cycling and the use of public transport through parking provision and prioritise cycle and pedestrian access.

Conditions

19. The inspector considered that a condition is necessary to limit the duration of change of use to a temporary period of 3 years only for the date of this decision. I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
 - 1) The use hereby permitted shall be for a limited period being the period of 3 years only from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Floor Plan.

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

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