



Please ask for Charlotte Kearsey
Direct Line: 01246 345236
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The Chair and Members of Planning
Committee

Councillors Bagley and T Murphy –

Site Visit 1

Councillor Dyke –

Site Visit 2

Councillors Hollingworth and Rayner-

Site Visits 3 and 4

Councillors Borrell and Niblock –

Site Visit 5

8 September 2017

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 18 SEPTEMBER 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 12:25. Ward members wishing to be present should attend on site as indicated below:-

1. 12:35 Rear of 3 Wharf Lane, Chesterfield –
CHE/17/00218/FUL
2. 12:55 24 Dovedale Avenue, Chesterfield –
CHE/17/00488/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. 13:20 Dunston Way, Chesterfield –
CHE/16/00779/FUL
4. 13:40 Dunston Lane, Chesterfield –
CHE/17/00351/REM
5. 14:10 19 Westbourne Grove, Chesterfield –
CHE/17/00415/FUL

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 Monday 18 September, 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 - 156)
5. Building Regulations (P880D) (Pages 157 - 160)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 161 - 174)
7. Applications to Fell or Prune Trees (P620D) (Pages 175 - 178)

8. Appeals Report (P000) (Pages 179 - 182)
9. Planning Agreement Report (Pages 183 - 190)
10. Enforcement Report (P410) (Pages 191 - 194)

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**Tuesday, 29th August, 2017**

Present:-

Councillor Brittain (Chair)

Councillors	T Gilby	Councillors	Davenport
	Callan		P Barr
	Simmons		Wall
	Catt		Bingham
	Miles		Sarvent

*Matters dealt with under the Delegation Scheme

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

CHE/16/00614/OUT - 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 received on 19/04/2017; and transport assessment addendum received on 02/05/2017) on land to the north west of Northmoor View, Brimington, Chesterfield, Derbyshire for FG Sissons (Chesterfield) Ltd.

Councillors P Barr, Bellamy (ward member), Bingham, Brittain, Burrows (ward member), Callan, Catt, Davenport, P Gilby (ward member), Miles, Sarvent, Simmons and Wall.

CHE/17/00344/FUL - 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.

Councillors Bingham, Brittain, Catt, Davenport, T Gilby, J Innes (ward member), P Innes (ward member), Miles, Sarvent, Simmons and Wall.

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 at 35 Ashgate Road, Chesterfield, Derbyshire, S40 4AG for Mr BenJohnstone - amended plans received on 10.07.2017 and 20.07.2017.

Councillors P Barr, Bingham, Brittain, Catt, Davenport, Dickinson (ward member), T Gilby, Miles, Sarvent, Simmons and Wall.

40 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brady, Caulfield, Elliott and Hill.

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

Councillor T Gilby declared an interest in agenda item 4, item 1 (CHE/16/00614/OUT – Outline application for proposed housing development with all matters reserved except the access at Land to the north west of Northmoor View, Brimington) due to the proximity of his house to the application site.

Councillor P Barr declared an interest in agenda item 4, 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 at Land to the west side of Thompson Street, Chesterfield) as an objector was personally known to him.

Councillor Callan did not attend the site visits of agenda item 4, items 2 and 3 and did not take part in the debates or subsequent votes.

42 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 7 August, 2017 be signed by the Chair as a true record.

43 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

Councillor T Gilby who had declared an interest in this item left the meeting at this point and did not return.

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

CHE/16/00614/OUT - 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

In accordance with Minute No.299 (2001/2002) Councillor Bellamy (objector), Councillor P Gilby (objector), Mr K Pratt (objector) and Mrs P Wright (objector), addressed the meeting.

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

Principle of Development

1. 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

2. 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

3. 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

4. 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

5. 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

6. 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

7. 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.

Councillor P Barr who had declared an interest in this item left the meeting at this point.

CHE/17/00344/FUL - 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

In accordance with Minute No.299 (2001/2002) Mrs Johnson Mowbray (objector), addressed the meeting.

That the item be deferred to allow further information to be obtained from Derbyshire County Council, the Highway Authority, regarding its intentions and timescales for the introduction of a Traffic Regulation Order on Thompson Street and to allow an informed decision to be taken on the current development proposal.

Councillor P Barr returned to the meeting.

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 AT 35 ASHGATE ROAD, CHESTERFIELD, DERBYSHIRE, S40 4AG FOR MR BEN JOHNSTONE - AMENDED PLANS RECEIVED ON 10.07.2017 AND 20.07.2017

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

(A) 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

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

44 **BUILDING REGULATIONS (P880D)**

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

Approvals

16/01927/DCC	Derbyshire County Council - Proposed Extension and Alterations at Glossop Adult Education Centre Glossop Library Talbot Street Glossop Derbyshire SK13 7DG
17/00204/DCC	Derbyshire County Council - Construction of a new extension to existing school building to provide 1 no new classroom and toilet provision at Aston On Trent Primary School Long Croft Aston On Trent Derby Derbyshire DE72 2UH
17/00070/DEX	Domestic Extensions/Alterations - Single storey rear extension at 69 Manor Road Brimington Chesterfield Derbyshire S43 1NN
17/01274/DRO	Domestic in-roof Extensions/Alterations - Loft conversion at 53 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JD
17/01277/DCC	Derbyshire County Council - First floor level access shower, form door opening at 4 Hillcrest Grove Staveley Chesterfield Derbyshire S43 3YB
17/00796/DEX	Domestic Extensions/Alterations - Extension at 32

Storrs Road Chesterfield Derbyshire S40 3PZ

- 17/01260/OTHD Other Works (Domestic) - Renew conservatory roof with light weight tiles at 45 Thirlmere Road Newbold Chesterfield Derbyshire S41 8EH
- 17/00504/DCC Derbyshire County Council - New slate roofing with breather membrane to slate pitched area at Old Hall Junior School Old Road Chesterfield Derbyshire S40 3QR
- 17/01217/DCC Derbyshire County Council - Atrium Glazing Replacement at Fairmeadows Primary School Fairfield Crescent Newhall Swadlincote Derbyshire DE11 0SW
- 17/01222/OTHD Other Works (Domestic) - Partial garage conversion at 39 Holme Park Avenue Upper Newbold Chesterfield Derbyshire S41 8XB
- 17/01087/OTHD Other Works (Domestic) - Refurbishment of hospital Clinical Decisions Unit at Chesterfield And North Derbyshire Royal Hospital Chesterfield Road Calow Chesterfield Derbyshire S44 5BL
- 17/00472/DEX Domestic Extensions/Alterations - Single storey rear extension at 1 Manor House Court Stonegravels Chesterfield Derbyshire S41 7GY
- 17/01140/DEX Domestic Extensions/Alterations - First floor extension at 113A The Green Hasland Chesterfield Derbyshire S41 0JT
- 17/01123/DEX Domestic Extensions/Alterations - Extension at 0 Deerlands Road Ashgate Chesterfield Derbyshire S40 4DF

45 **APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)**

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

*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/15/00462/FUL | 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 Chesterfield Derbyshire for Mr M Jones |
| CHE/17/00213/FUL | Development of vacant land to form new two bedroom bungalow and detached garage at 24 Riber Terrace Walton Walk Boythorpe Derbyshire S40 2QF for Mr Brian Harhat |
| CHE/17/00307/FUL | Single storey rear extension at 3 Newbold Drive Newbold Derbyshire S41 7AP for Mr Simon Dennis |
| CHE/17/00311/FUL | Single storey side extension - re-submission of CHE/16/00675/FUL at 1 Westbrook Drive Chesterfield Derbyshire S40 3PQ for Mr Raj |
| CHE/17/00323/FUL | Rear extension, loft conversion and creation of parking spaces at 111 Coniston Road Newbold Derbyshire S41 8JE for Mrs M Thompson |
| CHE/17/00336/FUL | 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 |
| CHE/17/00338/FUL | Alterations to widen existing vehicular access point to enable additional parking on drive way to front of house at 55 Norbriggs Road Woodthorpe Derbyshire S43 3BT for Mrs Amanda Marples |

- CHE/17/00341/FUL Single storey kitchen extension at 7 Cromford Drive Staveley Derbyshire S43 3TB for Miss Sally Lawton
- CHE/17/00361/MA 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 Derbyshire S41 8PR for Mr Samir Sherif
- CHE/17/00370/FUL 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 Derbyshire S40 3LB for Mr D Strong
- 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/17/00391/FUL Extension to the extrusion shop at Brett Martin Building Products Ltd Stephenson Road Staveley S43 3JP for Brett Martin Limited
- 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
- CHE/17/00398/FUL Two storey side extension, parking plan received 15.08.2017 at 10 Newbold Drive Newbold S41 7AP

for Mr and Mrs Pearson

- CHE/17/00403/FUL Single storey rear extension at 14 Spruce Close Chesterfield S40 3FG for Mr P Walker
- CHE/17/00407/FUL Erection of an orangery at 26 Barholme Close Upper Newbold Derbyshire S41 8AB for Mr David Renshaw
- CHE/17/00413/FUL Single storey rear extension at 14 Old Hall Road Chesterfield S40 3RG for Mrs Sandy Lewis
- CHE/17/00420/ADV Two identical entrance signs to the received 4.8.17 at Barrow Hill Railway Centre Campbell Drive Barrow Hill S43 for Mr Glynn Wilton
- CHE/17/00424/ADV Four elevation signs at Units 36-43 Storforth Lane Trading Estate Avenue 4 Storforth Lane Trading Estate Chesterfield Derbyshire S41 0QQ for Howden Joinery Properties Limited
- CHE/17/00426/FUL Extension to side/front of dwelling at 82 Vincent Crescent Chesterfield Derbyshire S40 3NP for Mr and Mrs Wilcockson
- CHE/17/00448/TPO 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 at 49 Woodmere Drive Old Whittington Derbyshire S41 9TE for Mr Martin Falconer
- CHE/17/00452/FUL Raised ground level adj. footpath, fence to side elevation at 5 Barley Lane Holme Hall Chesterfield Derbyshire S42 7JA for Mr Alan Maris
- CHE/17/00457/FUL Ground floor lounge extension at 8 Redgrove Way Walton Derbyshire S40 3JN for Mr Peter Cooney

- CHE/17/00463/CA Fell/prune one cherry tree in the Brimington Conservation area CA at 1 Grove Farm Close Brimington Derbyshire S43 1QA for Claire Rorka
- CHE/17/00474/EIA Scoping request for mixed use development at the former Staveley Works at land at former Staveley Works Works Road Hollingwood Derbyshire S43 2PD for Saint-Gobain and Omnivale Limited
- CHE/17/00504/TPO 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 Derbyshire S41 8PE for Mr Paul David Gill
- CHE/17/00510/NM Non-Material Amendment to Planning Application No. CHE/15/00464/FUL - Residential development of 9 x 3 bedroom houses and 10 x 2 bedroom flats at land to the rear of 79 Sheffield Road Stonegravels Chesterfield Derbyshire for Beauchief Homes Limited
- CHE/17/00511/TPO 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
- CHE/17/00514/TPO T3 Ash - Crown clean to remove dead and damaged branches and reduction of branches growing over Wash House Lane towards The Gardens by approx 3m at Orchard Cottage Wash House Lane Chesterfield Derbyshire S40 3AZ for Mr Richard Robinson
- CHE/17/00520/TPO 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 Derbyshire for Mr John Rossington

- CHE/17/00523/NM Non material amendment to CHE/17/00138 - Proposed rear first floor extension, single storey front extension and internal alterations at 10 Firvale Road Walton Derbyshire S42 7NN for Mrs Ruth Holmes
- CHE/17/00533/TPO Tree 39: Remove 6 lowest lateral branches at the main stem. Shorten 2 lateral branches mid crown and remove the small dead twigs 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 Derbyshire S43 1HY for D J Atkinson Construction Ltd
- CHE/17/00534/CA To cut down/prune tree after site visit at 9 Ebenezer Row Porter Street Staveley Derbyshire S43 3UY for Ms Jayne Sherlock
- CHE/17/00535/TPO Felling of T4 (cedar) due to storm damage at Green Acres 14 Florence Close Birdholme Derbyshire S40 for Mr Holder
- CHE/17/00559/TPO Tree ref T 27 - Oak Tree. Crown lift 2 - 3m to clear lower branches over driveway. Crown thin by 25% to selectively remove branches to 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 Derbyshire S41 0JF for Mr Stephen Young

(b) Refusals

- CHE/17/00395/TPO Felling of T1 (Oak) and felling of T3 (Norway Maple) at 10 Sherbourne Avenue Newbold Derbyshire S41 8TL for Subsidence Management Services
- CHE/17/00401/FUL Loft conversion with front dormer (revised plans received 18.07.2017) at 13 Old Hall Road Chesterfield S40 3RG for Mr A Hutchinson
- CHE/17/00414/TPO Removal of tree T18, T20 and T21 and T2 and T3 (Limes) at 81 Moorland View Road Walton S40 3DD for MWA Arboriculture Ltd
- CHE/17/00438/RET 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
- CHE/17/00442/FUL Two storey rear extension for dining room and additional bedrooms over at 52 Brooklyn Drive Brockwell Chesterfield Derbyshire S40 4BB for Mr Kev Dunn
- CHE/17/00458/TPO 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 Derbyshire S40 3JR for A _ J ARB Access

(c) Discharge of Planning Condition

- CHE/17/00376/DO Discharge of condition nos 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 Derbyshire S41 0BS for Mr Mark Noakes
- CHE/17/00431/DO 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 Derbyshire for William Davis Limited

- CHE/17/00454/DO 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
- CHE/17/00480/DO 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 Derbyshire for Mr and Mrs Reynolds
- CHE/17/00497/DO 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

(d) Split decision with conditions

- CHE/17/00433/TPO 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 Derbyshire S41

7EL for Guinness Partnership

(e) Prior notification approval not required

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

CHE/17/00508/TPD Proposed rear porch at 30 Hucknall Avenue Loundsley Green Chesterfield Derbyshire S40 4BY for Mr John Cook

(f) Other Council no objection without comments

CHE/17/00482/CP Roofing maintenance/roof re-cover at Old Hall Junior School Old Road Chesterfield Derbyshire S40 3QR for Derbyshire County Council

(g) CLOPUD granted

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

46 **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/17/00535/TPOEXP Consent is granted to the felling of one Cedar tree reference T4 on the Order map for Mr Holden of Greenacres, 14 Florence Close, Chesterfield.

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 Consent is refused to 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, Chesterfield.
- CHE/17/00504/TPO Consent is granted to 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, Chesterfield. 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.
- CHE/17/00433/TPO Consent is refused to the felling of one Silver Birch tree reference T15 and the pruning of one 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, Chesterfield.
- CHE/17/00414/TPO Consent is refused to the felling of 3 Lime trees reference T18, T20 and T21 on the Order map for MWA Arboriculture Ltd on behalf of 81 Moorland View Road, Walton, Chesterfield.
- CHE/17/00448/TPO Consent is granted to the pruning of 3 trees reference T78 Yew, T79 Sycamore and T80 Oak on the Order map for Martin Falconer Tree Services on behalf of Mrs Houlder of 49 Woodmere Drive, New Whittington, Chesterfield.
- CHE/17/00511/TPO Consent is granted to the pruning of one Lime tree within G1 on the Order map for Mr Tim Vice of 81a Sheffield Road, Chesterfield.
- CHE/17/00566/TPO Consent is granted to 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, Chesterfield.
- CHE/17/00559/TPO Consent is granted to the pruning of one Oak tree reference T27 on the Order map for Mr Stephen Young of 80 Mansfield Road, Hasland, Chesterfield.
- CHE/17/00458/TPO Consent is refused to 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, Chesterfield.
- CHE/17/00520/TPO Consent is granted to 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, Chesterfield.
- CHE/17/00514/TPO Consent is granted to the pruning of one Ash tree reference T3 Ash on the Order map for Mr Robinson of Orchard Cottage, Wash House Lane, Brampton, Chesterfield.
- CHE/17/00560/TPO Consent is granted to the felling of one Hawthorn tree, with a condition to plant a Mountain Ash as a replacement in the first available planting season, 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, Chesterfield.
- CHE/17/00533/TPO Consent is granted to the pruning of two trees reference T18 Cherry and T20 Oak on the Order map for DJ Atkinson Construction Ltd at the former Ringwood Centre, Brimington, Chesterfield.

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

CHE/17/00534/CA

The felling or pruning of 1 Mountain Ash for Ms Jayne Sherlock at 11 Ebenezer Row, Porter Street, Staveley, Chesterfield. The tree is located in the neighbouring garden at 9 Ebenezer Row.

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.

The tree is within the Staveley Conservation Area.

CHE/17/00463/CA

The felling or pruning of 1 Cherry tree for Ms Claire Rorka of 1 Grove Farm Close, Brimington, Chesterfield.

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.

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.

CHE/17/00561/CA

The felling of 16 Conifer trees, 1 Acacia and 1 Laurel for Mr Muhley of 91 High Street, Old Whittington, Chesterfield.

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 landscape.

The trees are within the Old Whittington Conservation Area and are to be removed to create a parking area adjacent to 91 High Street.

47 **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.

48 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 Paragraphs 6 of Part 1 of Schedule 12A of the Act.

49 TREES IN THE GROUNDS OF THE FORMER CHAMBER OF COMMERCE AND ADJACENT LAND, CANAL WHARF, STONEGRAVELS

The Development Management and Conservation Manager submitted a report requesting that the committee consider for inclusion in a Tree Preservation Order six trees, including three Sycamore trees, two Cherry trees and an Ash tree, in the grounds of the former Chamber of Commerce, Wharf Canal, Stonegravels and one Copper Beech tree on a small strip of land between the southern boundary corner of the former Chamber of Commerce and Canal Mews, Stonegravels.

***RESOLVED –**

That the seven trees be included in a Tree Preservation Order made under sections 198, 201 and 203 of the Town and Country Planning Act 1990, and that the order is served with immediate effect.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	18 TH SEPTEMBER 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 18TH SEPTEMBER 2017**

- ITEM 1** **CHE/16/00779/FUL – Proposed – Erection of new production building for Rillatech Limited (TA Received 23/05/2017 and additional information received 17/08/2017) on land off Dunston Way, Dunston Road, Chesterfield, Derbyshire for Suon Limited.**
- ITEM 2** **CHE/1700488/FUL – Proposed planning application for construction of a new 2 bedroom bungalow with detached garage and the provision of two parking spaces for land retained for 24 Dovedale Avenue at land adjacent to 24 Dovedale Avenue, Inkersall, Derbyshire, S43 3HT for Chapman Developments Ltd.**
- ITEM 3** **CHE/17/00218/FUL – Conversion of vacant former joiner's workshop to form 3 flats at land to the rear of 3 and 5 Wharf Lane, Chesterfield for Barlow Technologies Limited.**
- ITEM 4** **CHE/17/00416/FUL – Proposed replacement dwelling to create a five bedroom house at 19 Westbourne Grove, Ashgate, Chesterfield, S40 3QD (Revised drawings received 14.08.2017) for Mr Andrew Barnes.**
- ITEM 5** **CHE/17/00351/REM - Reserved matters application for CHE/16/00016/OUT - Erection of 99 dwellings and associated public open space, landscaping and surface water balancing (Phase 1) – amended detailed submitted on 10/08/2017 and 15/08/2017 at land to west of Dunston Lane, Newbold, Chesterfield, Derbyshire for William Davis Ltd.**

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Case Officer: Sarah Kay
Tel. No: 01246 345786
Ctte Date: 18th September 2017

File No: CHE/16/00779/FUL
Plot No: 2/905

ITEM 1

PROPOSED – ERECTION OF NEW PRODUCTION BUILDING FOR RILLATECH LIMITED (TA RECEIVED 23/05/2017 AND ADDITIONAL INFORMATION RECEIVED 17/08/2017) ON LAND OFF DUNSTON WAY, DUNSTON ROAD, CHESTERFIELD, DERBYSHIRE FOR SUON LIMITED.

Local Plan: CS13 Economic Growth
Ward: Dunston

1.0 CONSULTATIONS

Local Highways Authority	Comments received 05/01/2017, 20/06/2017, and 04/07/2017 - see report
Environmental Services	Comments received 05/01/2017 – see report
Design Services	Comments received 12/01/2017 – see report
Economic Development	No comments received
Yorkshire Water Services	No comments received
Derbyshire Constabulary	Comments received 09/01/2017 – see report
Lead Local Flood Authority	Comments received 24/01/20217 – see report
Coal Authority	Comments received 16/01/2017 – see report
Derbyshire Wildlife Trust	Comments received 24/01/2017 – see report

Derby & Derbyshire DC
Archaeologist

Comments received 16/01/2017
– see report

Tree Officer

Comments received 03/02/2017
– see report

Ward Members

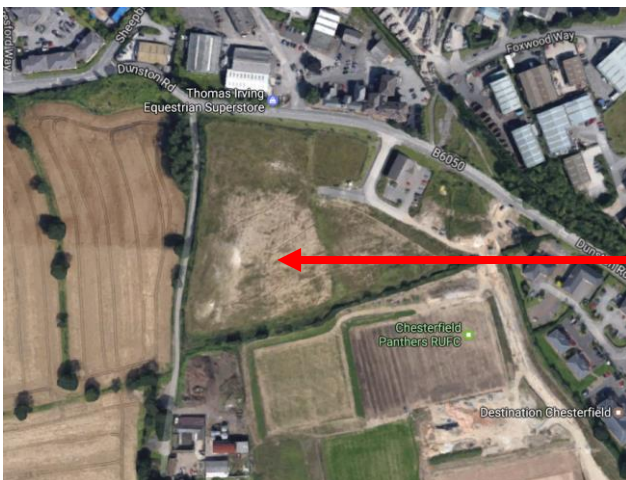
No comments received

Site Notice / Neighbours

No letters of representation
received

2.0 **THE SITE**

- 2.1 The site the subject of the application is a parcel of previously developed / remediated land 0.27ha in area located to the south of Dunston Road, north of Dunston Farm and north west of the Chesterfield Panthers Rugby Club. The site takes its access from Dunston Way, which is a junction formed off Dunston Road with a formed highway turning head with access to an office block already built on the wider remediated development site.



3.0 **RELEVANT SITE HISTORY**

- 3.1 **CHE/0197/0006** - Extraction of coal by opencast methods and preparation of ground for future industrial development. No objection with comments 01/08/1997. DCC Planning Application / Consultation
- 3.2 **CHE/0297/0081** - Outline application for erection of industrial unit's commercial storage and structural landscaping. Approved on 27/03/1997.

- 3.3 **CHE/0499/0178** - Construction of internal site road. Approved on 24/05/1999.
- 3.4 **CHE/0301/0177** - Construction of access road to industrial units/commercial storage as amended by drawing no. D4 Rev. B and letter dated 22 May 2001. Approved on 04/07/2001.
- 3.5 **CHE/0702/0429** - Drainage proposals & revision of condition 2 of CHE/0297/0081 to extend period of time for submission of reserved matters. Approved on 24/09/2002.
- 3.6 **CHE/06/00267/FUL** - Office building and access road. Approved on 04/08/2006.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed erection of a new production building falling under Use Class B1(c) Light Industrial. The proposed building will measure 63.475m x 30.0m (internal footprint) and will measure 8.0m high to eaves and 10.5m to the ridge.
- 4.2 The proposed site layout indicates that the building will be accessed via Dunston Way, with a new service road constructed from the western spur of the current turning head. A new area of car parking is shown to be provided in advance of the principle elevation of the building (the northern elevation) which will provide 33 no. dedicated spaces (inc. 2 no disabled) and gated access will also be formed for commercial traffic which will lead into the service yard located in advance of the eastern elevation of the building where there will be 2 no. service doors.
- 4.3 Internally the ground floor will be fit out for production and a first floor mezzanine area will be formed to accommodate offices. First floor windows will be incorporated into the principle elevation and to the RH side of the eastern elevation serving this floor. Externally a steel canopy will be sited over the 2 no. service doors on the eastern elevation and an external fire escape staircase is also shown fixed to the western elevation. In the service yard a freestanding waste / pallet storage compound is sited in the south eastern corner and off the car parking area there is covered cycle parking area.

- 4.4 The application submission is supported by the following drawings / documents:
- Site Location Plan 0101 Rev B
 - Overall Site Plan 0102
 - Site Plan 0103
 - Ground Floor Plan 1100
 - First Floor Plan 1101
 - Roof Plan 1102
 - Elevations 2100
 - Waste Compound / Cycle Storage 0104
 - 3D View 7002
 - Planning Statement
 - Coal Mining Risk Assessment
 - Design and Access Statement
 - Ground Investigation Report
 - Transport Assessment

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

- 5.1.1 The site is situated within the built settlement of Dunston ward in an area predominantly commercial in nature. Having regard to the nature of the application policies CS1, CS2, CS7, CS8, CS13, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 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 CS13 (Economic Growth) states that development should deliver sustainable economic growth by supporting existing jobs and businesses and delivering inward investment.

5.1.4 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.'

5.1.5 Policies CS7, CS8 and CS20 of the Core Strategy relates more specifically to issues in respect of flood risk and drainage, land condition and contamination and traffic matters which are considered separately in more detail below.

5.1.6 Looking at the Council's overriding Spatial Strategy and having regard to the principle of development it is considered that the application is for industrial buildings with a proposed B1(c) Light Industrial use within an established business area as shown on the Local Plan policies map. The proposal therefore accords with the council's spatial strategy as set out in policies CS1 and CS2 and the plan's policies on economic development as set out in CS13. The proposed use is not covered by the Council's CIL charging schedule and there is no levy liable. Overall therefore in the context of policies CS1, CS2 and CS13 the principle of development is considered to be acceptable.

- 5.2 **Design / Appearance Considerations (inc. Neighbouring Effect)**
- 5.2.1 The site the subject of the application currently sits in relative isolation, as it forms one plot of a wider development site which is yet to be fully built out. The land is owned by Suon Limited, whose offices are based in the only other building which occupies the wider site fronting onto Dunston Road.
- 5.2.2 Albeit not submitted alongside this application submission, the site owners have prepared a marketing masterplan for the wider site which shows a potential layout for the extent of the Industrial Land allocation with the unit the specific subject of this planning application being identified as Unit 7 on that plan. Outline planning permission granted in 1997 established the principle of development and this has been followed through in the subsequent updates to the development plan / core strategy.
- 5.2.3 As a standalone application, the development proposals the subject of this application will serve to set the scene for future development on this site and this development plot will assist to deliver an element of the internal access road for the wider development site off which other development plots may come forward.
- 5.2.4 Measuring 8.0m / 10.5m high the proposed unit will be of a modest industrial scale (other new development permitted on the opposite side of Dunston Road currently under construction measure 5.9m and 7.5m) and overall the unit will have a GF floor area of 2012sqm; which is considered commensurate with the overall aspirations for the wider site and the operative needs of the intended occupier.
- 5.2.5 It is noted that this specific development plot is located in closest proximity to the concentration of buildings which form Dunston Farm; the nearest boundary sharing neighbouring property whose access driveway runs alongside the western boundary of the application site.
- 5.2.6 Notwithstanding this there is a sufficient degree of separation proposed from the built footprint to the site boundary with peripheral banking such that the visual impacts of the development can be mitigated. Furthermore the northern orientation of the

proposed building and wider development site will mean that overshadowing will not present any issues to the complex of buildings on this adjoining neighbouring site. Overall the application submission does not include any detail of soft landscaping, finished floor levels or the contour of the peripheral banking shown on the site layout plans respective to the building and therefore it will be necessary to require these details to be submitted by imposition of appropriate planning conditions.

5.2.7 A 3D visual is provided with the application submission which demonstrates the intended finish and appearance of the building. A mixture of vertical and horizontal composite wall cladding are shown, detailed with silver, merlin grey and lazuli (blue) finishes and grey clay faced brickwork elements. Car parking is to be provided in advance of the principle elevation of the new building (which includes cycle parking provision and 33 no. spaces) and the service yard is proposed to the eastern elevation served by a segregated access point and enclosed with 2.1m high weld mesh fencing.

5.2.8 Overall however, subject to the imposition of appropriate conditions, it is considered that the proposed siting, scale, design and appearance of the building is acceptable having regard to the provisions of policies CS2, CS13 and CS18 of the Core Strategy.

5.3 **Highways Issues**

5.3.1 Initial consultation and dialogue with the **Local Highways Authority** (LHA) on the application submission led the applicant being required to submit a Transport Assessment alongside the application submission, given the scale and nature of the development proposals. Despite an outline planning permission already being granted for the site (which would have considered the wider highway impacts) the fact that the 1997 permission had only resulted in one office building being completed meant that the highway impacts initially considered and agreed were well out of date; and other developments would have since come forward to further change the highway network trends and capacity assessed.

5.3.2 A TA was subsequently submitted on the 23 May 2017 for further consideration and it is within this document that the wider development intentions of the site owner (Suon) are presented, where the unit the subject of this application is presented as 'Unit 7' of a wider development initiative.

- 5.3.3 Since the receipt of that TA the LHA have been engaged in ongoing discussions with the developers transport consultants (AECOM). The LHA requested that the document be expanded to reflect and review the impacts of the wider development site proposals upon the strategic highway network and consider other committed developments in the locality.
- 5.3.4 In this regard it was understood why the LHA were seeking further clarity however some elements of the information being sought by the LHA extended beyond the information necessary to consider the merits of the specific application submitted. The red line boundary of this application submission only included the one industrial unit, not the wider development site of Suon, and therefore subsequently a meeting was held between the site owner, AECOM, the LHA and the LPA to understand the issues / concerns which were being raised by the LHA which were holding up their comments on the planning application the subject of this application.
- 5.3.5 At that meeting AECOM provided the LHA with a breakdown of the traffic impacts of the development proposals the subject of this specific application; against the wider development aspirations of the surrounding site and it was agreed that there was sufficient capacity in the highway network to absorb the traffic movements associated with this particular development without the need for any highway improvement works / interventions. However the LHA made it very clear that whilst this would allow the LHA to accept the development of this singular unit; any further development coming forward on the site (which could be for a much smaller unit) would automatically trigger the need for intervention to the network and therefore the costs of this would be solely burdened on the next scheme to come forward. The site owner, Suon, accepted this and the LHA suggested that if further development continued to come forward on this site on a plot by plot basis a legal agreement mechanism would need to be secured to enable the LHA to apportion the cost of the intervention works necessary for each future development. The LHA further suggested that the site owner, Suon, enter into a Unilateral Undertaking with the LHA to ensure that they agreed to this mechanism moving forward.

5.3.6 On the basis of the development proposals the subject of this specific application it is accepted that the application submission has suitably demonstrated that there is sufficient capacity within the highway network to allow the development proposals to be accepted; but this presents a compromised scenario for any future development of this site in the future. The land owner accepts this burden. In terms of providing a safe and suitable highway access to the serve the development and appropriate on site parking and turning the development proposals are considered to be acceptable and meet the requirements of policies CS2, CS18 and CS20 of the Core Strategy in this regard. Appropriate planning conditions can be placed on any permission issued to deliver the parking, access and turning arrangements and secure their retention for their intended purpose in perpetuity.

5.4 **Ecology / Trees**

5.4.1 Categorised as a major application, the development proposals were routinely reviewed by **Derbyshire Wildlife Trust** (DWT) and the Councils **Tree Officer** (TO) under the provisions of policy CS9 of the Core Strategy which seeks to enhance biodiversity opportunities alongside new development proposals.

5.4.2 DWT responded to the application raising concerns about the absence of an ecological appraisal accompanying the application submission:

In the absence of any ecological information in support of the planning application it is difficult to determine the ecological value of the site and the impacts that the development will have on any features of ecological interest.

Paragraph 99 of Circular 06/2005 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances”.

It is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the

presence or otherwise of protected species and the extent that they may be affected by the proposed development.

Prior to determination of this application it is recommended that an Extended Phase 1 Habitat Survey is undertaken of the site in order to establish the habitats that are present on site and to determine the presence or absence of protected species. The field survey work should be supported by a desk study and the survey work should be undertaken by a suitably qualified and experienced ecologist. The format and content of the ecology report should follow current guidelines - such as CIEEM Ecological Report Writing and British Standards BS:42020. The survey report should provide details of any appropriate mitigation and compensation measures; and in line with guidance within the NPPF should provide details of enhancement opportunities and how the development will result in a net gain for biodiversity. If further surveys are required, these will be required prior to determination.'

5.4.3 Notwithstanding the comments raised by DWT above the site the subject of the application benefits from a former outline planning permission for its entire redevelopment and this permission has continued to inform the sites allocation for new industrial development since the late 1990's. The site is cleared and remediated, with elements of infrastructure already in situ (drainage and highways), and as such its biodiversity value is limited to the corridors of peripheral boundary hedgerows which lie along the southern and western borders of the site.

5.4.4 The TO reviewed the submission and provided the following response:

I have visited the land off Dunston Way, Dunston Road and I have no objections to the proposal to construct a new production building on the site. There are hedgerows to the west and south of the site on the boundary and two mature Oak trees to the west on the opposite side of the track leading to Dunston Farm, however these will not be affected by the development as long as the banking running up to the hedgerows on the site as shown on drawing 15073 0102 'Overall Site Plan' are retained.

Soft landscaping areas are proposed as shown on drawing 15073 0103 'Site Plan' in 3 main areas to the main entrance, west of the car park and to the south and west boundaries. No details of the planting specifications and species have been provided at this stage so a condition should be attached if consent is granted to the application requiring a full soft landscaping scheme along with a general maintenance schedule.

5.4.5 Whilst it is accepted that the submission is absent of a preliminary ecological appraisal the current condition of the site (as observed by the case officer and TO) and the lack of any identified features of interest within the site boundary (trees, watercourses etc) suggest that site is only utilised for foraging / transition. Furthermore upon examination of protected species records by the case officer these do not reveal any records affecting the application site.

5.4.6 In granting permission for any new development, the provisions of policy CS9 of the Core Strategy require the LPA to secure a net gain in biodiversity enhancement and accordingly it is considered that in this instance there is an opportunity to secure biodiversity enhancement measures by imposition of appropriate planning condition. These could be provided in the form of bird and bat boxes erected on the building; as well as through enhancement and placement of new soft landscaping along the southern and western boundaries of the application site to enhance the ecological corridors around the site.

5.5 **Flood Risk and Drainage**

5.5.1 Having regard to the nature of the development proposals and the provisions of policy CS7 of the Core Strategy consultation took place with Yorkshire Water Services (YWS), the Design Services (DS) team and the Lead Local Flood Authority (LLFA).

5.5.2 No comments were received from YWS; however both the LLFA and DS team commented respectively as follows:

'The application form suggests that surface water will be disposed to the sewer and there are no other surface water management details for me to comment on. Were the details for surface water management agreed as part of the initial application for the whole

site as I believe there is some surface water storage below the site integrated with the surface water sewer?’

‘It is noted that the applicant intends to dispose of both foul and surface water into the public sewerage system. This will require prior consent from Yorkshire Water for both connections. We would like to see drainage details of how the developer intends to dispose of surface water. These must conform to CBC Minimum Development Control Standards for Flood Risk.’

- 5.5.3 It would appear from previous planning history there were some drainage proposals implemented in 2002 as part of the sites wider preparation from development and it is understood that there is surface water storage capacity built into this system. Notwithstanding this it is not clear from the application submission whether it is intended that the development proposals will be connected to this element of existing infrastructure or indeed whether there remains sufficient capacity in this 15 year old system or it meet current drainage standards. It will therefore be necessary, based upon the comments of the DS team and the LLFA, to impose an appropriate planning condition on any permission granted seeking prior approval of any drainage proposals for this development in accordance with the requirements of policy CS7 of the Core Strategy.

5.6 Land Condition / Contamination

- 5.6.1 Having regard to the nature of the development proposals and the provisions of policy CS8 of the Core Strategy in respect of land condition and contamination consultation took place with the Coal Authority (CA) and the Environmental Health Officer (EHO). The following comments were received respectively:

*‘The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development.’*

‘I note that this application is supported with a ground investigation report. The report does make reference to contaminated land (as listed in the Environment Act 1995), however, this has now been

superseded by Part IIA of the Environmental Protection Act and supporting guidance. Given the history of the land and surrounding land, I would expect the report to contain some reasoning/explanation as to why soil samples have not been taken. Can the applicant/author of the report get back to me with regards to this?

Furthermore, the planning statement refers to 'phase 1 and phase 2' reports, however, these are not available on the planning portal – maybe these would answer my original query. Please can you email copies over?

What is not clear from the application is whether the proposed building will house any extraction plant/air conditioning plant. If yes, the applicant will need to give consideration to noise levels from this plant and possible measures to implement noise mitigation (if required).

The applicant is advised to submit the proposed operating hours so that consideration can be given to this application.

The applicant shall provide the detail of all external lighting proposed on site.'

- 5.6.2 Following receipt of the comments above, in particular those from the EHO, the case officer emailed the officer to advise that all the information was available to view on the public access system. It was also confirmed that on the basis the application was seeking permission for a B2 General Industrial unit; it should be assumed that plant / equipment would be housed in the building and that the operation could be 24/7. No further comments were received.
- 5.6.3 Notwithstanding the lack of further response from the EHO it is noted that the Phase I and II Study submitted does indicate that soils testing results are to follow (Appendices 7 and 8); yet these have not been provided and therefore it is considered that an appropriate planning condition can be imposed on any permission granted to require these results to be submitted for approval (alongside any necessary remediation) prior to development commencing. Furthermore it is considered that a condition requiring approval of any external lighting can also be imposed to ensure that lighting overspill is controlled to protect amenity.

6.0 REPRESENTATIONS

6.1 The application has been publicised by site notice posted on 13/01/2017; by advertisement placed in the local press on 12/01/2017; and by neighbour notification letters sent on 05/01/2017.

6.2 There have been no letters of representation received as a result of the applications publicity.

7.0 HUMAN RIGHTS ACT 1998

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

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

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme.

7.3 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application.

7.4 The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary.

7.5 The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

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

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

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

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

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

9.0 CONCLUSION

9.1 Overall it is considered that the development proposals are appropriately sited and designed such that their impacts upon the character and appearance of the surrounding area are acceptable in the context of policies CS2, CS13 CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider NPPF. Furthermore having regard to the information accompanying the application, the design and specification of the proposals are considered to accord with the requirements of policies CS7 and CS8 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider NPPF.

10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be approved and planning permission for this specific application be granted without delay; however the applicant shall be required to prepare a unilateral undertaking to accompany any subsequent applications for this site to secure a funding mechanism for any necessary offsite highway works.

10.2 It is recommended that the following conditions be imposed:

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

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

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

- Site Location Plan 0101 Rev B
- Overall Site Plan 0102
- Site Plan 0103
- Ground Floor Plan 1100
- First Floor Plan 1101
- Roof Plan 1102
- Elevations 2100
- Waste Compound / Cycle Storage 0104
- 3D View 7002
- Planning Statement
- Coal Mining Risk Assessment
- Design and Access Statement
- Ground Investigation Report
- Transport Assessment

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

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

Reason - In the interest of satisfactory and sustainable drainage.

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

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

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

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

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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

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

Reason - In the interests of residential amenities.

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

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

08. Prior to the commencement of development a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

This is to ensure that a sensitive lighting is designed in line with guidance within Paragraph 125 of the NPPF.

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

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

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

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

10. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

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

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

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

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

13. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

Reason – In the interests of highway safety.

14. The premises shall not be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. Parking and manoeuvring areas shall be maintained free from any impediment to their designated use for the life of the development.

Reason – In the interests of highway safety.

15. Prior to the development being brought into use the cycle parking spaces shown on the approved drawings shall be provided on site. The cycle parking shall be retained thereafter in perpetuity.

Reason – In the interests of promoting sustainable transport measures in accordance with policy CS20 of the Core Strategy.

16. Prior to the commencement of the development, details of the existing and proposed land levels and the proposed floor levels of the development hereby approved shall be 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 development shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

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

Notes

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

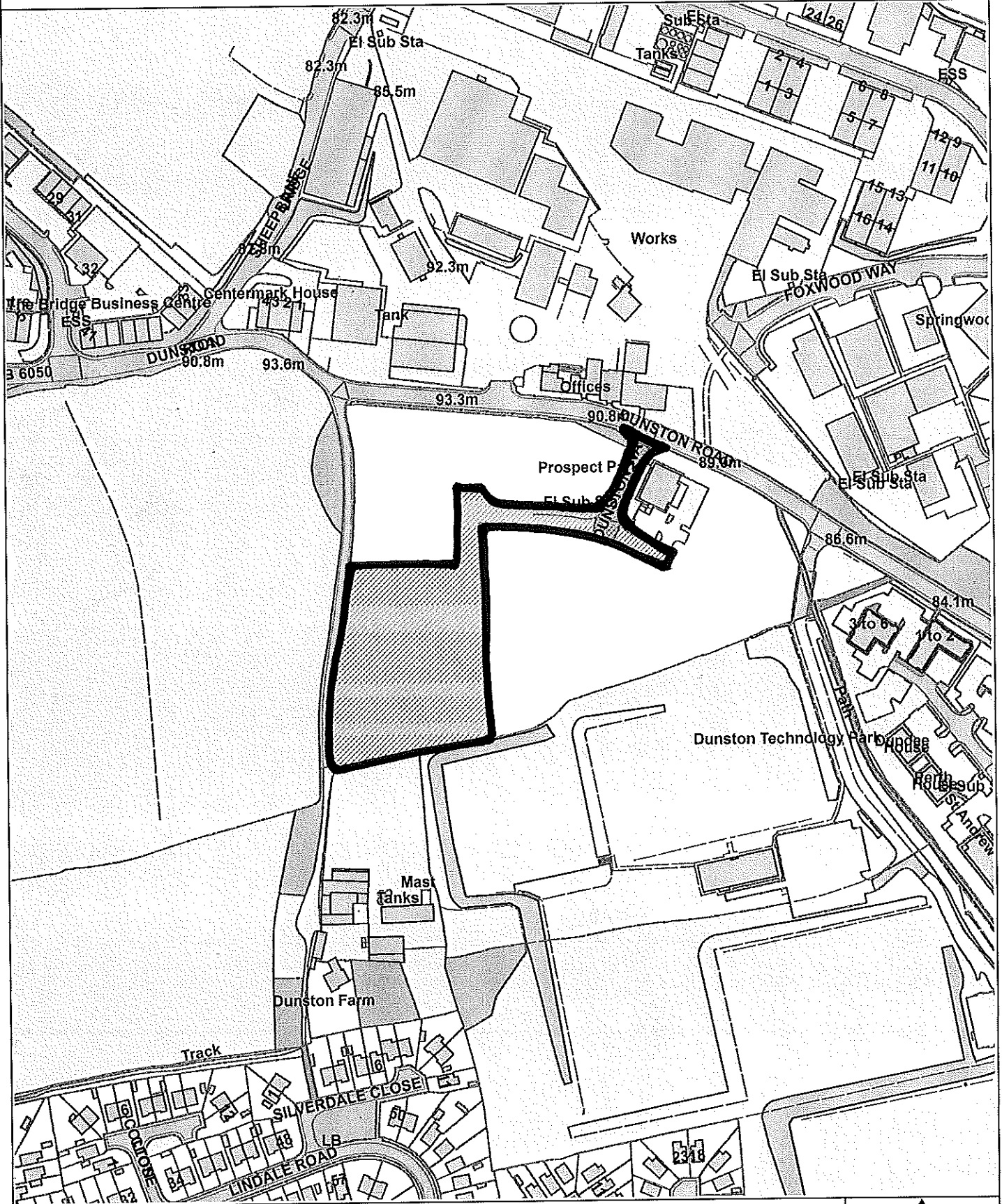
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. The Highway Authority recommends that the first 5m of the proposed access 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.
04. 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.
05. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

06. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

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PLAN - CHE/16/00779/FUL - DUNSTON WAY, DUNSTON ROAD



CHESTERFIELD
BOROUGH COUNCIL

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Case Officer: Joe Freegard
Tel. No: (01246) 345580
Ctte Date: 18th September 2017

File No: CHE/17/00488/FUL
Plot No: 2/1702

ITEM 2

PROPOSED PLANNING APPLICATION FOR THE CONSTRUCTION OF A NEW 2 BEDROOM BUNGALOW WITH DETACHED GARAGE AND THE PROVISION OF TWO PARKING SPACES FOR LAND RETAINED FOR 24 DOVEDALE AVENUE AT LAND ADJACENT TO 24 DOVEDALE AVENUE, INKERSALL, DERBYSHIRE, S43 3HT FOR CHAPMAN DEVELOPMENTS LTD.

Local Plan: Unallocated
Ward: Hollingwood and Inkersall

1.0 CONSULTATIONS

Ward Members	No comments
Town/Parish Council	No comments
Environmental Services	No objections
Design Services	No objections
Yorkshire Water Services	No comments
DCC Highways	Comments received – see report
The Coal Authority	Comments received – see report
Urban Design Officer	No objections
Neighbours/Site Notice	One letter of representation received – see report

2.0 **THE SITE**

2.1 The site the subject of the application comprises land located adjacent to 24 Dovedale Avenue in Inkersall. 24 Dovedale Avenue is a semi-detached, brick-built house, with gardens to the front and rear, and a rather dilapidated lean-to side extension. A sizeable area of land is situated to the South and East of 24 Dovedale Avenue, and part of this land is the site subject to this application. The land is overgrown and covered by grass. A detached single garage is located within this area of land with a drive leading up to it, and timber fences and areas of foliage surround the perimeter of the land. Dovedale Avenue is located to the West of the site, a bridleway is situated to the South of the site, and land outside of the site boundary is situated to the East of the site. 24 Dovedale Avenue shares a boundary with the site, and 28 Castleton Grove is situated beyond land outside of the site boundary to the East of the site. The site can be accessed via the driveway on Dovedale Avenue, and other neighbouring residential properties are situated to the North, East, and South of the parcel of land.





3.0 **RELEVANT SITE HISTORY**

- 3.1 A pre-application enquiry was submitted in January 2016 with regards to possible residential development on the area of land. It was advised that there may be scope for up to two or three dwellings on the land.

3.2 Outline application CHE/16/00218/OUT for a residential development of 3 dwellings with description amended on 24th May 2016 was approved by Planning Committee on 13.06.2016.

4.0 **THE PROPOSAL**

4.1 A full planning application has been made for the construction of a new 2 bedroom bungalow with detached garage and the provision of two parking spaces for land retained for 24 Dovedale Avenue.

4.2 Extensive clearance of the site and the demolition of the detached single garage would be required to cater for this proposed development. It has also been indicated that part of the curtilage of 24 Dovedale Avenue, to the South of this property, would be used for the proposed development and that the existing side extension attached to the side of 24 Dovedale Avenue would be demolished. A layout, footprint and elevations have been provided. The plans indicate that a single storey bungalow would be constructed on site, with a single garage to the rear. The bungalow is proposed to measure approximately 6.5M in height, 8.7M in width and 10.5M in depth, with a pitched roof and canopy to the front elevation. The dwelling is proposed to be constructed using facing brickwork, roof tiles and UPVC windows, doors and rainwater goods. The front of the property is proposed to face Dovedale Avenue, to the West of the site, and the dwelling would be set back from this road by approximately 3.5M. A pitched roof single garage is proposed to be situated to the North East of the site, and would be constructed using the same materials as the house. The garage is proposed to measure approximately 3.5M in height, 3M in width and 5.5M in depth.

4.3 The new dwelling is proposed to comprise lounge, dining kitchen, double bedroom, double en-suite bedroom, bathroom, hallway and storage area. Windows and doors are proposed to the South and West elevations, obscure glazed windows with restricted openings are proposed to the North elevation, and windows, doors and French doors with stepped entrance are proposed to the East elevation. The plans indicate that the dwelling would be accessed via a new

driveway from Dovedale Avenue, to the West of the site, with parking provision for at least 2 cars. The plans indicate that a new driveway with parking provision for at least 2 cars would also be provided to the Southern side of 24 Dovedale Avenue, in order to serve this property. The layout indicates that areas of garden would surround the new dwelling. The new dwelling would be situated approximately 2.7M away from the boundary with 24 Dovedale Avenue, to the North of the site, and 5.7M from the property itself. The dwelling would be situated approximately 11M from the rear boundary to the East of the site, and the proximity with the boundary to the South of the site would vary between

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

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

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

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

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

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

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

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

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

- 5.1.5 The proposed development site is situated within walking and cycling distance from Inkersall centre and is located on land that has been partially previously developed. 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.

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

- 5.2.1 Having regard to the siting of the proposed dwelling, the development would impose the greatest degree of change to 24 Dovedale Avenue. The new dwelling is proposed to be sited forward slightly of this neighbouring property, with a similar rear projection. It is not considered that these plans would result in any significant adverse impact on 24 Dovedale Avenue. Although this neighbouring property has first floor side windows, these are largely obscure glazed, the properties would be situated almost 6M away from each other, and the height of the proposed new dwelling would be relatively modest. It is not therefore considered that these plans would result in any significant loss of light or outlook. It is worth highlighting that a full outlook would remain from windows to all other elevations within this property, and that the applicant owns 24 Dovedale Avenue. The relatively modest height of the new property along with the level of separation would also ensure that there would be no significant issues in terms of overshadowing or an overbearing impact on 24 Dovedale Avenue. The use of windows with obscure glazing and restricted opening lights to the North elevation would also ensure that there are no issues in terms of overlooking.
- 5.2.2 It is not considered that these plans would result in an adverse impact on any other neighbouring properties, as there are no other dwellings situated within close proximity. It is considered that the design and materials are appropriate to the locality, and that the proposed new dwelling would have no adverse impact on the character of the street scene. There is a mix of housing styles on Dovedale Avenue, and it is not considered that a brick-built bungalow with a pitched tile roof would appear out of keeping in the area.



- 5.2.3 The plans indicate that the proposed new dwelling and the existing property at 24 Dovedale Avenue would have gardens that meet the requirements of the 'Successful Places' SPD in terms of size. Further information is required with regards to boundary treatments, bin storage and landscaping, and as such a condition shall be imposed requiring the submission of these details for approval.
- 5.2.4 Overall it is accepted that development of this nature on adjoining neighbouring land that was only partially previously developed would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact will be minimal due to the level of separation, and the relationship between properties.
- 5.2.5 On balance, it is considered that the impact of the development on neighbouring properties is sufficiently mitigated such that a refusal of planning permission could not be warranted. On the basis of the proposed plans I do not consider that this proposal would cause any major issues in terms of overlooking, overshadowing or an overbearing impact.

- 5.2.6 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the plans would not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.
- 5.2.7 Overall the principle of this scheme is considered to be of an appropriate design, siting and scale which appropriately responds to site parameter constraints to protect neighbouring amenity. Overall the proposed development is considered to be appropriately sited and scaled to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

5.3 **Highways Issues**

- 5.3.1 Highways were consulted on the application and made comments. Highways stated that 'it is assumed the existing property is no more than three bedroomed for which two off-street car parking spaces would be acceptable. Two spaces would also be acceptable for the proposed dwelling. I have also consulted with colleagues in the Public Transport Unit and Traffic regarding the notes on the proposed site layout plan in relation to the carriageway bus stop markings. The applicant should be aware that on the as submitted basis it is not considered that alterations are required and a single yellow line would not be considered.
- 5.3.2 Highways 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. Notwithstanding the submitted information, no alterations shall be carried out to the bus stop markings on the carriageway of Dovedale Avenue and single yellow lines will not be considered.
 2. Before any other operations are commenced, the existing access to Dovedale Avenue shall be modified in accordance with the application drawings, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height

(0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

3.The proposed dwelling shall not be occupied until such time as space has been laid out within the site curtilage for the parking of vehicles and replacement parking has been provided for the existing dwelling has been provided in accordance with the revised drawing approved under Condition 1 above.

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

5.The proposed accesses/driveways to Dovedale Avenue shall be no steeper than 1 in 12 over their whole length.

5.3.3 Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any adverse risk to highway safety. Parking standards stipulate that two allocated parking spaces should be provided for dwellings with up to three bedrooms, and these can be comfortably accommodated both for 24 Dovedale Avenue and the proposed new dwelling.

5.4 **Water/Drainage**

5.4.1 Design Services (Drainage) were consulted on this application and raised no objections. It was stated that the applicant proposes to discharge of surface water via a soakaway, the applicant should provide infiltration test results and calculations in accordance with BRE Digest 365 to demonstrate that this is a suitable solution. As such a condition shall be imposed requiring the submission of drainage details for approval.

5.5 **Land Condition / Contamination**

5.5.1 The site the subject of the application is currently garden /partially developed and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

- 5.5.2 The Council's Environmental Health team has reviewed the proposals and commented that they have no objections to the proposals. 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.
- 5.5.3 In respect of potential Coal Mining Risk, the site the subject of the application lies within the Red Referral Area. A Coal Mining Risk Assessment was submitted and the Coal Authority was consulted on this application. The Coal Authority 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.
- 5.5.4 The Coal Authority stated that we note that we responded to a proposal on the same site under your reference CHE/16/00218/OUT in a letter to the LPA dated 26 July 2016. At this time the application was supported by a Coal Mining Risk Assessment prepared by Terry Lee Associates which recommended that intrusive site investigations are carried out on site. Although we note that the current application is not supported by this Risk Assessment the author of the Design and Access Statement does make reference to it and the need to carry out intrusive site investigations in order to establish the exact situation in respect of coal mining legacy issues on the site. 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.

5.5.5 The Coal Authority stated that they consider 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.

5.5.6 The Coal Authority stated that a condition should therefore require prior to the commencement of development:

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

5.6 **Community Infrastructure Levy (CIL)**

5.6.1 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.

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

Plot	New GIF sqm	Existing to be demolished sqm	Calculation	Total
1	91.5	33.6	58 x £50	£2,900
Total				£2,900

6.0 REPRESENTATIONS

6.1 As a result of neighbour notification, one letter of representation was received from 5 Bluebell Close. The letter states that the proposed development would result in a loss of trees, an adverse impact on wildlife, air pollution, a reduction in the use of the adjoining public footpath, a loss of privacy, a decrease in property values, visual impact, impact on health, and a loss of garden space.

6.2 ***In response to these comments, there is no indication that these plans would result in any loss of trees, and there is no evidence to indicate how the proposed development would have an adverse impact on wildlife or air pollution. There is nothing to suggest that the proposals would result in a reduction in the use of the adjoining public footpath, and this would not constitute a planning consideration. It is considered that the design, level of separation, and the relationship between properties would ensure that there would be no significant adverse visual impact or affect on the privacy of any neighbouring properties. The point with regards to a decrease in property values would not constitute a planning consideration, and there is no evidence to indicate how the proposed development would have an adverse impact on health. It is acknowledged that the proposed development would result in the loss of some garden space, however the plans indicate that the proposed new dwelling and the existing property at 24 Dovedale Avenue would have gardens that meet the requirements of the 'Successful Places' SPD in terms of size.***

6.3 In response the applicant comments that outline permission has already been given for 2 houses on the site and this is now replaced with a 2 bed bungalow and detached garage, drive and pleasant garden with no houses to the front or rear. To the south is a bridle path and the houses adjacent to this are at a higher level with 8 foot fencing. At present the land is in a bad state, overgrown with brambles and a derelict garage with no roof and the wood fencing has long since rotted away. This leaves the site open for fly tipping. Mattresses and household rubbish is a constant problem. This is difficult to deal with attracting vermin and dog fouling which is not good for Dovedale Avenue residents. The development will greatly improve the area and would not interfere with any resident and would make the place a much nicer place to live.

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

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

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

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

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

9.0 **CONCLUSION**

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

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

10.0 **RECOMMENDATION**

10.1 That a CIL Liability notice issued as per section 5.6 above.

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

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing

by the Local Planning Authority shall be used as part of the development.

6. 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.
7. 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.
8. 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
9. Details of the proposed site cross sections showing existing and proposed land levels and the proposed finished floor level of the dwelling shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

10. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
11. Prior to occupation of the development hereby approved the side windows in the North elevation shall be obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. The obscured glazing shall be maintained as such thereafter.
12. Notwithstanding the submitted information, no alterations shall be carried out to the bus stop markings on the carriageway of Dovedale Avenue and single yellow lines will not be considered.
13. Before any other operations are commenced, the existing access to Dovedale Avenue shall be modified in accordance with the application drawings, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
14. The proposed dwelling shall not be occupied until such time as space has been laid out within the site curtilage for the parking of vehicles and replacement parking has been provided for the existing dwelling has been provided in accordance with the approved plans.
15. There shall be no gates or other barriers on the accesses/driveways.
16. The proposed accesses/driveways to Dovedale Avenue shall be no steeper than 1 in 12 over their whole length.

Reasons

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
3. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
4. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. In the interests of residential amenities.
7. In the interests of the amenities of occupants of adjoining dwellings.
8. In the interests of coal mining legacy and safety
9. In the interests of residential amenities.
10. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
11. To safeguard the privacy of adjoining residents
12. In the interests of highway safety
13. In the interests of highway safety
14. In the interests of highway safety

15. In the interests of highway safety
16. In the interests of highway safety

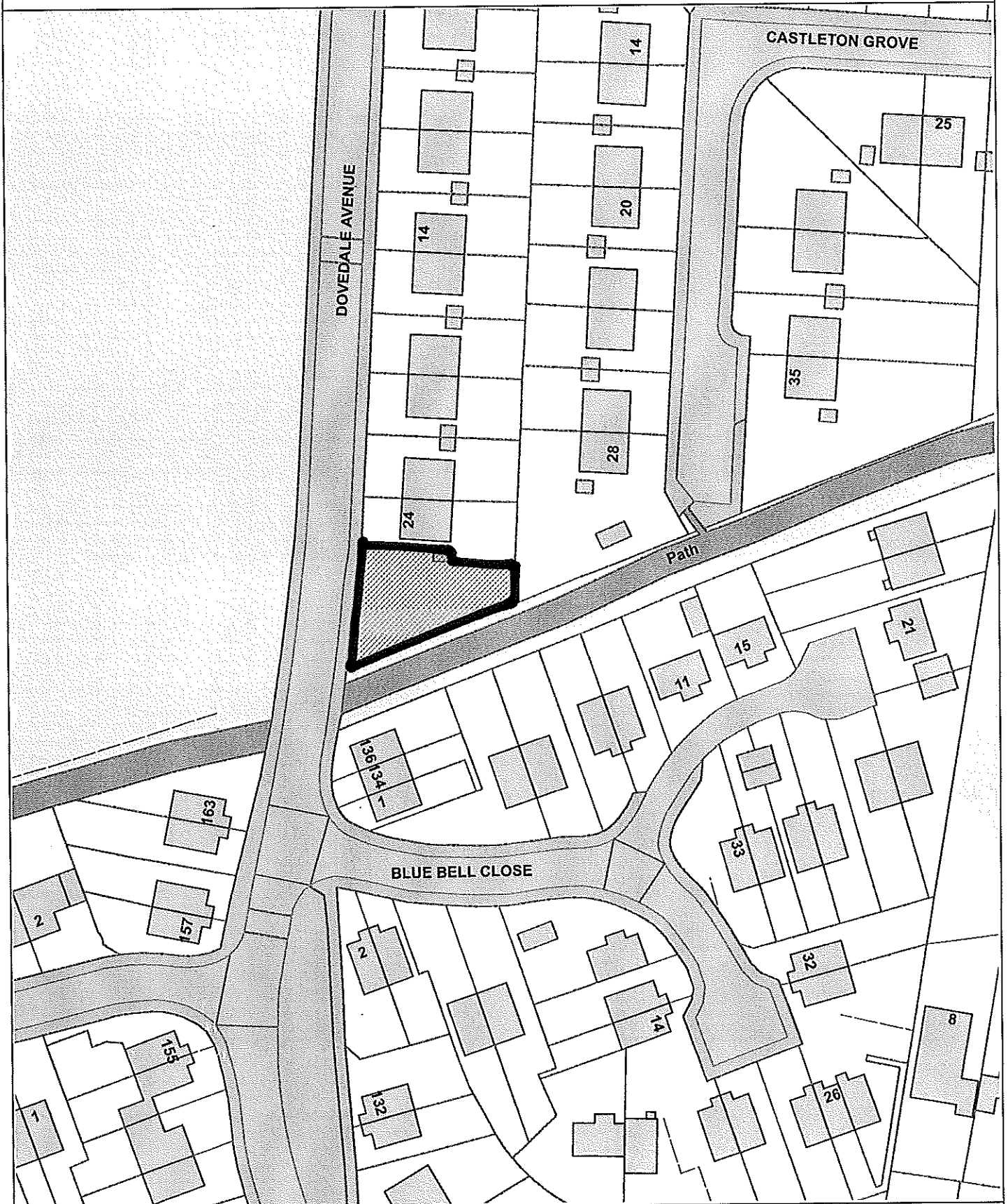
Notes

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, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
2. The Highway Authority recommends that the first 5m of the proposed accesses/driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the 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. There is a Public Right of Way /Bridleway number 61 on the Derbyshire Definitive Map for the area). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.
 - Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
5. Car parking provision should be made on the basis of 2 spaces per unit for 2-3 bedroom dwellings and 3 spaces per unit, of which no more than 2 shall be in line, for a 4/4+ bedroom dwelling. Each parking bay should measure a minimum 2.4m x 5.5m with adequate space behind each space for manoeuvring.
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.

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PLAN - CHE/17/00488/FUL - LAND ADJ 24 DOVEDALE AVENUE



CHESTERFIELD
BOROUGH COUNCIL

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Case Officer: Chris Wright File No: CHE/17/00218/FUL
Tel. No: (01246) 345787 Plot No: 2/3493
Date: 18th September 2017

ITEM 3

**Conversion of vacant former joiner's workshop to form 3 flats at
Land to the Rear of 3 and 5 Wharf Lane, Chesterfield for
Barlow Technologies Limited**

Local Plan: Unallocated
Ward: St Helens

1.0 **CONSULTATIONS**

DCC Highways	No objections, subject to conditions
Design Services	No objections.
The Coal Authority	No objections
Environmental Services	No adverse comments to make
Forward Planning	No objection.
Urban Design Officer	Revisions requested. No further comments since revisions made.
Yorkshire Water Services	No comments received
Ward Members	No comments received
Neighbours/Site Notice	Representations from two local residents. One objection withdrawn. The other comment objecting to access to the Sunny Springs, which is a private access road.

2.0 **THE SITE**

2.1 The site comprises an irregular shaped area of land to the rear of 3 and 5 Wharf Lane, on which stands a two-storey Victorian workshop building, a single storey outbuilding and associated land including the garden of no.5 wharf Lane. The yard is situated behind terraced housing on both Wharf Lane to the north and Sheffield Road to the west. Immediately adjacent is Sunny Springs, a private road which bounds the southern edge of the land and the rear wall of the workshop building. To the north and east are the rear gardens of dwellings on Wharf Lane. This building is identified within the ownership of the applicant and previously stood outside of the red line boundary of the current application until the red line boundary and description was amended to include this unit and the garden of no.5 Wharf Lane.

2.2 The site is located within an established residential area with access to bus services on Sheffield Road, as well as access to nearby centres and local amenities.

2.3 Prior to the beginning of the development of this site (some work has already begun on site) the buildings were vacant and the land was of poor condition. As well as this, the gardens of the properties no.21-29a Sheffield Road have been removed in favour of using this land for parking vehicles, with access coming from Wharf Lane. This land had been informally hard surfaced.

3.0 **RELEVANT SITE HISTORY**

- CHE/11/00783/COU – Change of Use of derelict property to form private parking including demolition of derelict building – Conditional Permission – 20/01/12. It is unclear if this has been completed in full.

4.0 **THE PROPOSAL**

4.1 The scheme seeks to convert a former joiner's workshop building into two flats as well a further flat being proposed within a separate single storey outbuilding (no.3a Wharf lane) located to the rear of No. 3 Wharf Lane. The land

immediately to the rear of 3a Wharf Lane currently forms the garden to No. 5 Wharf Lane, but is proposed to be acquired to provide an area of amenity space for future occupants. This will leave no.5 Wharf Lane with a yard and no garden.

- 4.2 The existing two storey workshop would be converted and a central two storey front extension added to provide independent access to each unit. A second skin of bricks is also proposed, as well more traditionally shaped residential windows. The provision of large window openings to habitable rooms at first floor level will also be introduced.
- 4.3 Parking is shown in the modest spaces to either side of the workshop. The parking space to the east is shown accessed off Sunny Springs and the space to the west is accessed from the internal yard, via a narrow shared passageway off Wharf Lane. Flat 3 had its own integral garage, until this was removed from the scheme to increase the living quarters.
- 4.4 The majority of the space leading to and around the building is to be used for access and circulation.
- 4.5 Additional information has been submitted in relation to soft landscaping, fences and gates for the scheme. New brick walls are proposed to be continued around the site, with some of the walls already constructed.
- 4.6 The proposal has been revised and detail added to the application on several occasions in the search for a suitable scheme. This includes the addition of an extra dwelling, the clarification of the parking/access situation on site, the change from pitched to a hipped roof and the loss of the garage upon/within the one storey building and the addition of the amenity space to the scheme.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

- 5.1.1 The site is situated within the St Helens ward of Chesterfield. This area is predominantly residential in nature. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning

Policy Framework (NPPF) apply. In addition, the Council's 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 After reviewing the application against the relevant policies the principle of the proposal is viewed to be acceptable. It is within a residential area and a development in this location would support the council's spatial strategy of 'concentration and regeneration' by re-using a brownfield site in a location well served by a range of facilities and methods of transport, this ensures the proposal is in line with CS1 and CS2.

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

- 5.2.1 Urban Design Officer Comments (These comments were received prior to the last set of revisions):

5.2.1.1 *Use*

The site is located within an established residential area with access to bus services on Sheffield Road, as well as access to nearby centres and local amenities. As such, the site is a sustainable location where, in principle, residential development would be appropriately located.

5.2.1.2 *Layout*

The existing workshop would be converted and a front extension added to provide independent access to each unit. The provision of large window openings to habitable rooms at first floor level will introduce overlooking in close proximity towards nearby neighbouring gardens (notably Nos. 5 & 7 Wharf Lane).

Parking is shown in the modest spaces to either side of the workshop. The parking space to the east is shown accessed off Sunny Springs and the space to the west is accessed from the internal yard, via a narrow shared passageway off Wharf Lane. Flat 3 has its own integral garage.

The majority of the space leading to and around the building is to be used for access and circulation. Guidance within the

Council's SPD Successful Places (2013) normally seeks provision of a minimum amount of external amenity space for each dwelling. In the case of flats 25sqm per flat is normally sought. These requirements can be relaxed in certain circumstances such as within town centres or in the case of conversions. Nevertheless, some private outdoor amenity space should be provided wherever possible.

The revised proposal now seeks to include a communal garden area to the rear of Flat 3, which is approximately 72sqm. However, the area for the communal garden would be acquired from the neighbouring garden currently serving No. 5 Wharf Lane. Consequently, No. 5 would be left with almost no external amenity space, with a rear yard of approximately 17sqm.

It is recommended that the communal garden area is reduced in size and that No.5 Wharf Lane is left with a larger area of rear garden. The area behind the proposed Bathroom, utility/WC could remain with No. 5 (approximately 6m depth). This would leave the existing house with a serviceable garden space (approximately 50sqm). This would leave approximately 40sqm of amenity space for the flats, part of which is directly accessible for Flat 3. This would strike a better balance between the provision of amenity space for the existing dwelling (No. 5) and the proposed new flats.

5.2.1.3 Scale and massing

The proposal to convert existing two-storey buildings, involves the removal of the step in the ridgeline, the addition of a two-storey front extension and provision of an external brick skin to create a cavity wall. These alterations would add to the some additional bulk and mass to this building.

The proposed alterations to Flat 3 include the addition of pitched roof over the length of the single storey structure. This would be higher than the existing structure and would increase the bulk and scale of the building, introducing a new gable at each end building.

Given the very limited space around the building and the close proximity of both existing and proposed neighbouring windows (within rear elevation of No. 3 Wharf Lane and the front elevation of the proposed adjacent flats) this is likely to result in a more dominant and overbearing relationship than current exists and reduce light to the windows of neighbouring properties. It recommended that this could be overcome through the introduction of a hipped roof design. This would reduce the impacts on neighbouring occupiers in respect of height, scale, proximity and loss of light.

5.2.1.4 Landscaping

No details are provided at this stage, although external space is generally restricted, some scope exists to introduce hard and soft landscape that would soften and enhance the quality of the environment around the flats, including the design of the communal external space. The introduction of contrasting hard surfacing, such as block paving or granite style setts to some areas, would assist in providing some visual relief and help differentiate between spaces around these buildings. As such, in the event that permission is recommended for approval landscaping conditions are recommended.

5.2.1.5 Appearance

The two-storey workshop to be converted proposes considerable change to its external appearance. An insulated cavity has resulted in an external brick skin around three of the outside walls. The original pattern of fenestration and openings has also been altered as a result of the works to stabilise and convert the original building.

The original pattern of casement windows, loft hoists and larger ground floor openings are proposed to be replaced by a formal arrangement of deep sash style windows and with stone heads, cills and quoins to the corners of the new external walls. The step in the roofline of the building has also been removed.

The scheme also proposes to install oak effect doors and windows which would also appear somewhat incongruous within this setting, in which windows in particular are generally finished in white.

The cumulative impact of the proposed changes results in an erosion of the buildings industrial workshop character.

The proposals would benefit from being revised to maintain the humble appearance associated with the former workshop. Altering the size and style of the fenestration, through the introduction of modest casement windows together with simple brick arch headers and cills would assist in maintaining and recognising the original purpose and identity of the workshop. This could also assist in reducing the degree of overlooking that would result from the introduction of the larger sash style windows currently proposed.

This approach to the style and appearance of the buildings would also benefit from being reflected in the design of the single storey unit for Flat 3.

5.2.1.6 Conclusion

In light of the above comments, it is recommended that the application is reviewed and amended in response to the issues identified.

5.2.2 Officer comments

Since these comments were received the applicant has changed the roof on the single storey building from a pitched to a hipped roof and removed the garage, to increase the size of the living quarters. This is considered to be an improvement to the original designs.

5.2.3 The requested changes to the amenity space and more detail regarding soft landscaping have not been provided, as the amenity space (to the rear of no.5 Wharf Lane) remains the same, and only two small areas of soft landscaping have been included in revisions without much detail regarding species, size of plants etc.

5.2.4 In terms of changes to the two storey element of the site (flats 3b and 3c), the requested changes to make the building appear more in-keeping to the existing site, have not occurred. The applicant proposes to renovate the whole building and make many changes to it including a second

skin of bricks on the outside of the building and the inclusion of windows of the same size, style and finish; this is a big change to the existing windows and entrances, which vary a lot in size and placement on the elevations. The proposal is however considered acceptable in design terms because the proposed flats would be an improvement to the existing vacant, old building.

5.2.5 With regard to the negative impact upon the residential amenity that has occurred as a result of the changes to the ownership of the garden of no.5 Wharf Lane, the current situation is not the preferred outcome. The garden of No 5 extends to approximately 90 square metres and which would be reduced to a 17 square meter yard. The applicant has begun the process of purchasing land from the neighbour, to then include this land as amenity space in this scheme. This would result in the neighbouring resident (and potentially future residents) losing amenity space (no.5 Wharf Lane). A material consideration of all housing proposals relates to the amount of external amenity space and this is referred to in guidance in the Councils Successful Places SPD. It is accepted that a land sale could occur separately to this planning application and the planning authority would have no involvement in the transfer of land however such an exchange of land arising directly as a result of a planning application ought not to be supported. It is suggested that this can be dealt with by condition in this case which promotes the subdivision of the land retaining say 5 metres length for No 5 Wharf.

5.2.6 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that subject to appropriate worded conditions the proposals will not significantly impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies. It is within an area where overlooking into private amenity spaces is fairly common and its previous use as a joiners and workshop are likely to have produced more noise and day-time disruption than the proposed usage.

5.2.7 Overall the scheme is considered to be of an appropriate siting, scale and design which appropriately responds to site parameter constraints to protect neighbouring amenity. Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

5.3 **Highways Issues**

5.3.1 Comments have been received from the **Local Highways Authority (LHA)** stating they have no objections. The proposal is within walking and cycling distance from Chesterfield Town Centre and two parking spaces are offered as part of the proposal. A previous version of the scheme included a garage space, this was below the expected size for parking standards and it was the view of the planning officer that increased living quarters were more beneficial than a substandard garage parking space.

5.3.2 Although manoeuvring onto and off Sunny Springs into the site appears to be difficult, the road is a private road and not particularly busy. The manoeuvring of the 1 other vehicle utilising the proposed exit onto/from Wharf Lane, as well as the vehicles which will use the exit/entrance for parking to the rear of the dwellings upon Sheffield Road is not considered to be ideal, especially if there are future changes to boundary demarcation on site from any of the surrounding dwellings. The applicant has agreed a deal to allow access for the current residents of no.21-29a Sheffield Road to use this access. It is considered that any particular issue in relation to vehicle access is a private matter to be dealt with between the relevant parties. In terms of highway safety the site is complicated and no perfect situation is easily achieved, however the proposed scheme is considered to be acceptable on what is a complicated site but one which is located sustainably in an area where the reliance on the motor car is not essential.

5.3.3 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any adverse risk to highway safety.

5.4 **Flood Risk/Drainage**

5.4.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding. In respect of drainage, the application does not provide details of how the development is to be connected to mains foul and surface water drainage. A condition will be requested for information about these functions, including surface water flooding from the parking spaces.

5.5 **Land Condition/Contamination**

5.5.1 The site the subject of the application is currently developed land and the buildings already exist, therefore land condition and contamination were not considered to be needed having regard to policy CS8 of the Core Strategy.

5.5.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area. The Coal Authority was consulted on the application and agreed that the scheme required no coal mining risk assessment.

6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, two representations were received from Chesterfield residents. One of the comments objected to the scheme in terms of highway accessibility onto Sunny Springs, but they later withdrew their objection after speaking with the developer. The second comment is shown below:

Mark Fretwell, 26 Sunny Springs - I have the following comments to make with regards to the above application, with reference to part 6 of the application form Parking and vehicular access, roads and rights of way, the first section has been highlighted as YES and is then cross referenced to drawing reg 12_PL_07 Proposed Site Plan. I must inform you that Sunny Springs is not a Public Highway but a private single track road each part of the road adjoining each individual property is owned by each individual house owner from number 2 at the top of Sunny Springs through to

number 68 at the bottom of Sunny Springs. I believe the council does not have the right to authorise the application as it stands. I for one do not and will not give permission for any vehicles to be driven over my private land to access a property off Wharf Lane, I know that many if not all the other 33 owners of properties on Sunny Springs feel the same. . My deeds clearly state I only have to allow access to access their own properties on Sunny Springs.

Point 5 of part 6 has been highlighted as No, this is incorrect as there are at least 34 rights of way issues associated with each property on Sunny Springs.

6.2 In response to these comments, the developer has produced information that shows their right to access over Sunny Springs. It is considered that this is a private matter between residents concerned and the developer.

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 objector, the development affects the character of the area, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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

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

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

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

9.0 **CIL LIABILITY**

9.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

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

Plot	New GIF sqm	Calculation	Total
3a	55	55 x £20	£1,100
3b	67	67 x £20	£1,340
3c	67	67 x £20	£1,340
Total			£3,780

10.0 **CONCLUSION**

10.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS18 of the Core Strategy and the wider NPPF.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in line with the calculations referred to at paragraph 9.0

11.2 It is therefore recommended that the application is **GRANTED** subject to the following:

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans: Drawing number PL_21, PL_20, PL_19 rev B, PL_10 rev B, PL_17 rev A, PL_12 rev A, PL_11 rev A, PL_01, PL_02, PL_03, PL_05, PL_04, PL_06, PL_07, PL_08, PL_09, PL_13, PL_14, PL_15, PL_16, PL_18.

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

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

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

04. 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 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 properties without the grant of further specific planning permission from the Local Planning Authority.

Reason - In the interests of highway safety.

05. Development shall not commence until details of a permeable driveway material and/or sustainable drainage scheme have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

Reason - To ensure that no surface water is discharged onto the highway.

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

Reason - In the interests of residential amenities.

07. 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, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

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

08. No development shall take place until full details of the bin storage have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

09. Notwithstanding the details shown on drawing PL_10B; PL_12A and PL_21, this consent shall not extend to the inclusion of all the land to the rear of unit 3a as intended acquisition for communal area. An area of 5 metres length to the rear of 5 Wharf Lane as shown on the attached plan shall be retained for 5 Wharf Lane. Unit 3a shall not be occupied until full details of the proposed amenity space to the rear of no.3a and no.5 Wharf Lane, including the boundary treatment have been carried out as approved and which shall thereafter be retained.

Reason – In the interests of residential amenity.

Notes

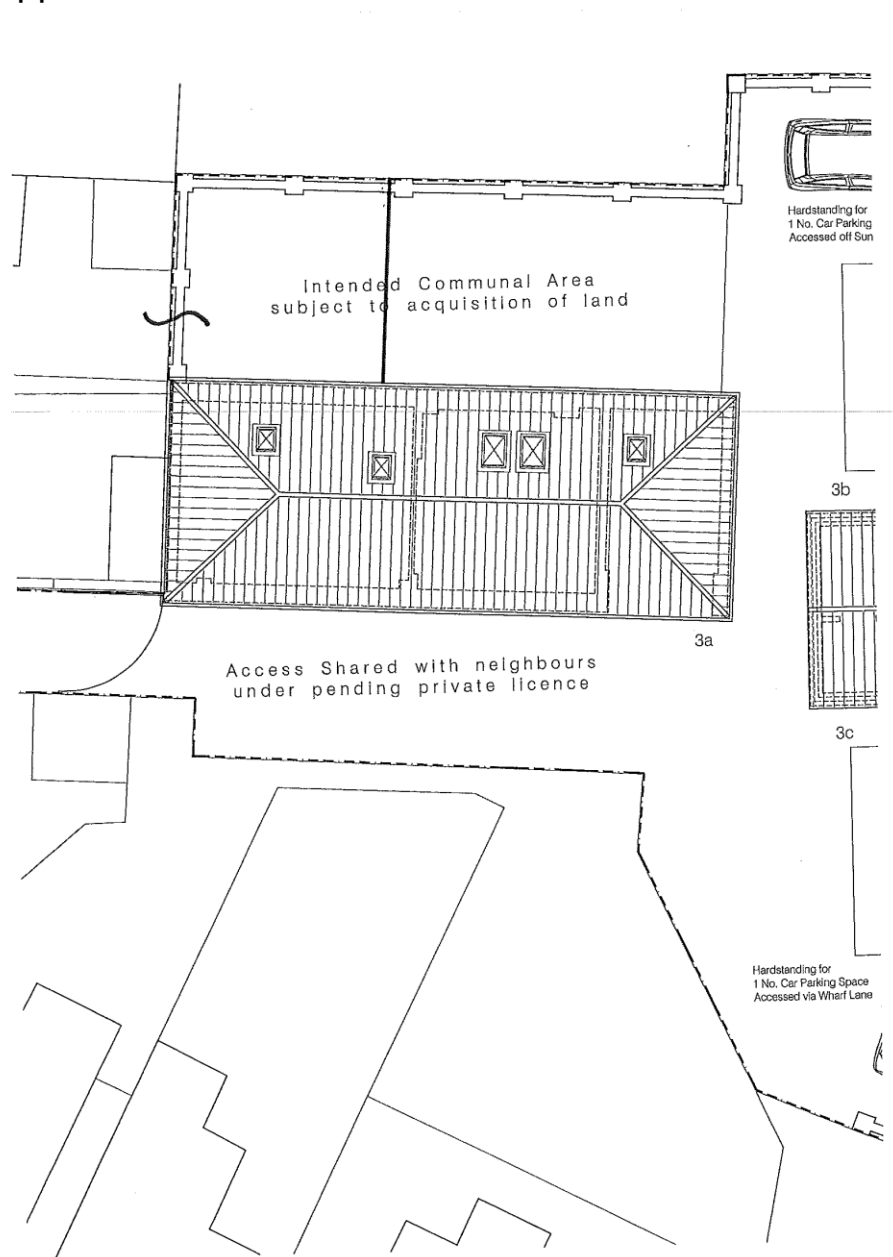
1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.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

Appendix 1



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PLAN - CHE/17/00218/FUL - LAND TO REAR OF 3 & 5 WHARF LANE



CHESTERFIELD
BOROUGH COUNCIL

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Case Officer: Eleanor Casper
Telephone No: 01246 345785
Report Date: 18th September 2017

File No: CHE/17/00416/FUL
Plot No: 2/2256

ITEM 4

PROPOSED REPLACEMENT DWELLING TO CREATE A FIVE BEDROOM HOUSE AT 19 WESTBOURNE GROVE, ASHGATE, CHESTERFIELD, S40 3QD (REVISED DRAWINGS RECEIVED 14.08.2017) FOR MR ANDREW BARNES

Local Plan: Unallocated
Ward: West

1.0 CONSULTATIONS


Ward Members	No comments
Environmental Services	No objections
Environment Agency	No comments
Design Services (Drainage)	Comments received
Yorkshire Water Services	Objection received due to proximity of development to public sewer, revised drawings submitted and objection withdrawn– see report
DCC Highways	Comments received – see report
The Coal Authority	Objection received due to lack of Coal Mining Risk Assessment. Risk Assessment received submitted and objection withdrawn– see report
Strategy/Forward Planning	Comments received – see report
Neighbours/Site Notice	One letter of representation received – see report

2.0 THE SITE

- 2.1 The site the subject of this application is located on the north side of Westbourne Grove, situated at the western end of the residential cul-de-sac. The surrounding streetscene is formed of single storey and 1.5 storey dwellings. Residential dwellings bound the site, including No's 17 and 19 South Lodge Court to the north, No 17 Westbourne Grove to the east and No 16 Westbourne Grove to the south. Brookfield Community School sports/playing fields bound the site to the west.
- 2.2 The northern side of Westbourne Grove is characterised by a consistent building line, with dwellings oriented towards the south, set back approximately 6m from the highway (see image below). The application site is the final plot in the row, the cul-de-sac terminates adjacent to the western boundary of No 17 Westbourne Grove and as a result the majority of the plot is screened from the public highway.



Key

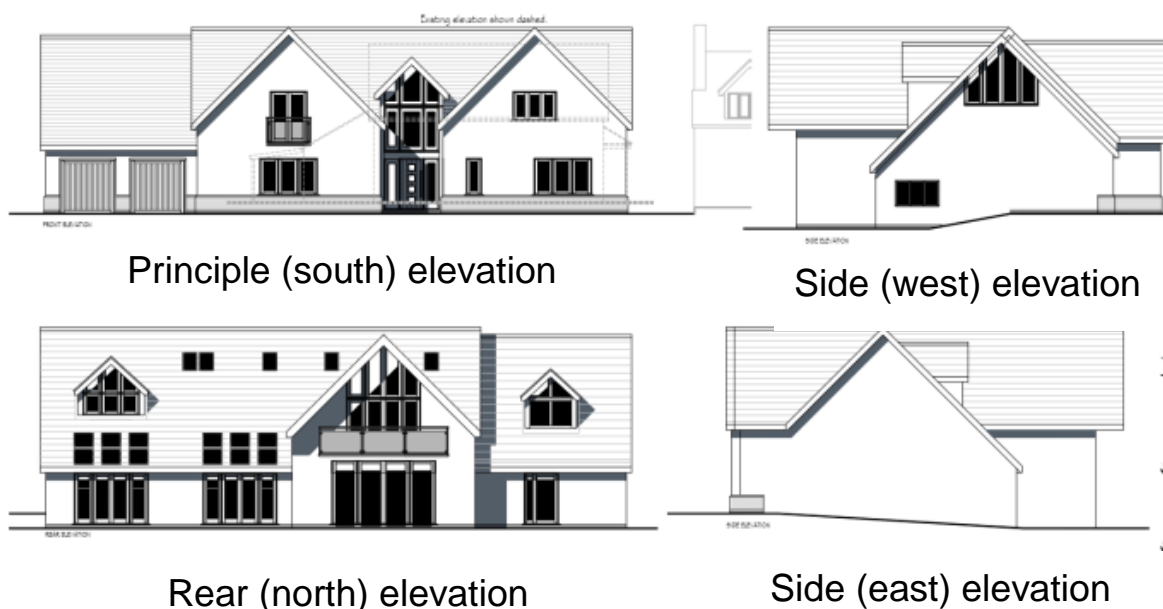
-  Boundary of application site

- 2.3 The application site covers approximately 0.13 ha in area and incorporates a small watercourse to the north which runs along the northern boundary. A modest 1.5 storey dormer bungalow is present on site, located in the south eastern corner of the plot. The ground footprint of the existing dwelling measures approximately 82m² in area and the remaining plot is formed of landscaped gardens to the north and west. The application site slopes towards the north, as a result the existing dwelling occupies an elevated position, when viewed from the rear garden of the application site.



3.0 **THE PROPOSAL**

- 3.1 The application proposes the demolition of the existing 1.5 storey bungalow and the erection of a 5 bedroom dwelling (see proposed drawings below). The ground floor footprint of the proposed replacement dwelling measures 275m² in area, an increase of 193 m². The proposal measures 7.6m to the ridge (when viewed from the principle elevation). Revised plans increased the overall height of the dwelling, raising the ridge approximately 0.9m higher than the existing dwelling, to meet the recommendations of the flood risk assessment.
- 3.2 The proposed dwelling is formed of a dual pitched roof with two forwards projecting intersecting gables to the principle elevation with a separate glazed atrium/entrance. A double garage is located adjacent to the west elevation and incorporates bedroom accommodation at first floor level.
- 3.3 The ground floor of the proposed is split over two levels to accommodate the variation in land levels. The rear (north) elevation of the proposal features an intersecting projecting gable with juliette balcony and two dormer windows. A large glazed window is proposed within the west elevation to serve the bedroom No. 3.



4.0 **RELEVANT SITE HISTORY**

- 4.1 None relevant

5.0 CONSIDERATIONS

5.1 Planning Policy

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

5.2 Chesterfield Local Plan: Core Strategy 2011 – 2031 ('Core Strategy')

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Managing the Water Cycle
- CS8 Environmental Quality
- CS18 Design

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)
- SPD 'Successful Places: A Guide to Sustainable Housing Layout and Design' (adopted July 2013)

5.4 Key Issues

- Principle of development;
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Flood risk and drainage;
- Land stability and coal mining risk;

5.5 Principle of Development

Relevant Policies

- 5.5.1 The application site is situated within the built settlement of Ashgate. The area is predominantly residential in character therefore policies CS1, 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.
- 5.5.2 Policy CS1 states that *‘The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.’*
- 5.5.3 Policy CS2 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.’*
- 5.5.4 Policy CS18 (Design) states that *‘all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context’* and development should have *‘an acceptable impact on the amenity of users and neighbours.’*
- 5.5.5 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.'

- 5.5.6 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.

Principle of Development

- 5.5.7 The site is located within a reasonable walking distance of a centre, approximately 670m walking distance from Storrs Road Local Centre and 1500m from the defined Chatsworth Road District Centre. The Strategy Planning (Forward Planning) Team were consulted on the scheme and provided the following comments;

- 5.5.8 *'The proposal is for a residential use in an area which is predominantly residential. The proposal would be within reasonable walking distance of existing services, facilities, employment, public transport and public open space. Given the sites location, the proposal meets the requirements outlined by the Spatial Strategy and the Principles for Location of Development.'*

- 5.5.9 The proposal is considered to accord with the Local Plan and policy CS1. The proposal is therefore considered to be acceptable in principle.

- 5.5.10 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7)

5.6 Design and Appearance of the Proposal

Relevant Policies

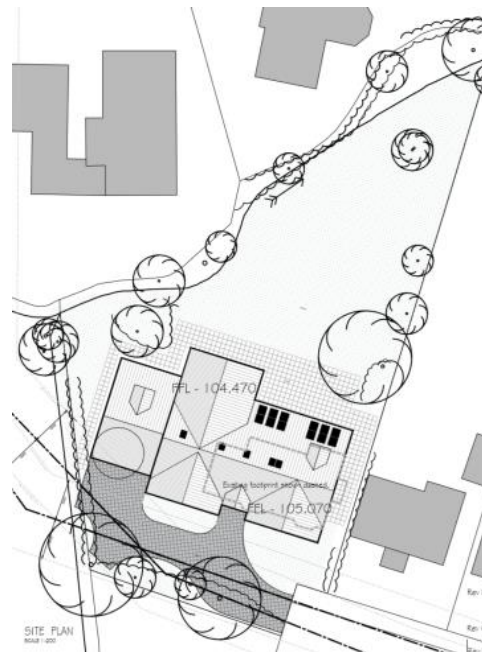
- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*

5.6.2 Core Strategy Policy CS2 states that *'all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts'*

Design and Appearance

5.6.3 The design of the proposal references the architectural character of the existing dwelling and adjacent property. The existing pitched roof dormers are reflected in the pitched roof intersecting gables and dormer windows. Viewed within the context of the surrounding streetscene it is acknowledged that the massing and scale of the proposal is considerably larger than the existing 1.5 storey bungalow.

5.6.4 The proposal will retain the existing building line on the northern side of Westbourne Grove. The proposal will extend across most of the full width of the plot, towards the western boundary of the site (see site layout/block plan below). The east (side) elevation of the proposed dwelling will retain the existing separation distance between No 17.



5.6.5 The application form and associated plans states that the proposed dwelling will be faced in render with red brick plinth. This is considered to accord with the character of the surrounding dwellings. The proposed materials are therefore considered to be acceptable.

5.6.6 The siting, orientation and location of the proposed dwelling is considered to mitigate potential adverse impacts on the streetscene. The proposal is therefore considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy. Impacts on the residential amenity of the occupiers of No 17 will be discussed in section 5.7 below.

5.7 Impact on Neighbouring Residential Amenity

5.7.1 Core Strategy Policies CS2 and CS18 states that all development will be expected to have an acceptable impact on the amenity of the neighbours.

5.7.2 The application site is adjoined by No 17 Westbourne Grove to the east and No 16 Westbourne Grove faces the application site to the south. The rear garden of the application site is bound by the rear gardens of No 17 and No 19 South Lodge Court to the north. Brookfield Community School sports/playing fields form the western boundary of the site.

Impact on No 17 Westbourne Grove

5.7.3 No. 17 Westbourne Grove is the neighbouring 1.5 storey bungalow which is situated east of the site, immediately adjacent to the shared boundary (see images below).



Photo taken facing north towards No 19 and No 17



Photo taken facing south west towards No 17 and No 19

- 5.7.4 The proposed dwelling is positioned approximately 2.1m from the shared boundary, resulting in an overall separation distance of 2.3m wall to wall. Given the close relationship between the proposed dwelling and the rear ground floor windows of No 17, it is acknowledged that the proposal will have an impact on the visual outlook achieved from the rear windows of No 17.
- 5.7.5 A site visit was undertaken at No 17 by the Case Officer to determine the impact of the proposal. The photos above show that the main impact of the proposal will be to the french doors located within the rear (north) elevation of No 17. The french doors are considered to serve a living room which benefit from a dual aspect, with an additional window facing directly south to the front.
- 5.7.6 Potential adverse impacts of overshadowing are considered to be mitigated by the design of the proposal. The main bulk and mass of the rear elevation is concentrated within the intersecting gable located to the west of the dwelling and the gable end closest to No 17 slopes gradually to the south. This is considered to reduce the overshadowing and potentially overbearing impact on No 17. Potential adverse impacts on the residential amenity of the occupiers of No 17, are not considered significant enough to warrant a refusal.

Impact on all other boundary sharing neighbours

- 5.7.7 Due to the orientation and positioning of the proposed development relative to the adjoining dwellings, it is not considered that the development would cause any significant injury to the residential amenity of the neighbours.

Environmental Health Comments

- 5.7.8 The Council's Environmental Health team have raised no objections to the proposal and made the following comments; '*I have no objections to this application providing measures are put in place to minimise dust and control noise from the proposed development*'. Due to the close proximity of the site to residential properties, a condition to restrict the hours of work on site is considered to be reasonable to protect the residential amenity of the neighbouring properties

5.7.9 Overall it is accepted that the proposal will impose an impact upon boundary sharing neighbours, No 17 Westbourne Grove however the impacts arising as a result of the proposed development are not considered to be significant enough to warrant a refusal. The proposal is considered to be appropriately designed and therefore accords with the provisions of policy CS2 and CS18 of the Core Strategy and the wider SPD.

5.8 Highways Safety and Parking Provision

5.8.1 DCC Highways consultation raised no objections to the proposal and made the following comments; *'No objection subject to areas demonstrated as being dedicated to off-street parking and manoeuvring of vehicles being maintained clear of any obstruction to their designated use'*

5.8.2 The comments from the Highways Officer have been noted. The 'Successful Place' SPD details the minimum size off-street parking space and the minimum number of spaces required is contained within appendix G of the Core Strategy (p146). Appendix G states that for a 4+ bedroom dwelling, a minimum of 3 spaces are required. The development will provide off-street parking spaces for 3 vehicles and also includes a double garage. The proposal therefore accords with the requirements of the 'Successful Places' SPD and Core Strategy. Overall, no adverse highway safety concerns arise as a result of the development.

5.9 Flood Risk and Drainage

5.9.1 A small watercourse runs along the northern boundary of the site and part of the plot is within flood zone 2 and 3. Design Services (Drainage) were consulted on the application and they raised concerns regarding the lack of a flood risk assessment.

5.9.2 A flood risk assessment was subsequently submitted on 09.08.2017, undertaken by Phoenix Adam Consultants (reference 07921-01). Design Services (Drainage) provided the following comments; *'We had concerns regarding the lowering of the floor levels from the existing, however the FRA states that the floor levels will remain more than 300mm above the estimated watercourse flood level in accordance with EA flood risk standing advice. The FRA refers again to the use of soakaways to drain the surface water from the property. As per our previous comments we would need to*

see soil infiltration tests in accordance with BRE Digest 365 and CBC minimum drainage standards.'

- 5.9.3 The applicant subsequently submitted soil infiltration test results on 25.08.2017. Design Services (Drainage) provided the following comments; *The site tests demonstrate that the ground conditions would be suitable for soakaways as the test pit drained constantly. However the soakway has been design to a 10 year standard and should be designed not to flood for a 30 year storm event and not allowed to flood properties for a 100 year + climate change event. This may therefore require a quick review. The stated size of soakway also does not match the required volume stated in the calculations (i.e. $1m \times 0.675m \times 6m = 4.05m^3$ and not the $6m^3$ required). These issues should be easily amended and we would then be happy with the proposals.*
- 5.9.4 Revised details were submitted on 06.09.2017, at the time of writing this report further comments from Design Services (Drainage) had not been received. A standard condition can be attached to the decision requiring further details, should a positive response be received before Planning Committee (on the 18.09.2017) this condition could be removed or altered.
- 5.9.5 Yorkshire Water were consulted on the proposal and objected to the scheme on the basis that the proposed development encroaches on a protected public sewer easement (see comments below). Revised plans were submitted and the objection was withdrawn by Yorkshire Water (see correspondence dated 01.09.2017). Yorkshire Water requested that a standard condition be attached to the decision to prevent surface water being discharged to the public sewer.
- 5.9.6 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy.

5.10 Land Stability and Coal Mining Risk

- 5.10.1 In respect of potential Coal Mining Risk, the site subject of the application lies within the Red Referral Area. The applicant submitted a Coal Mining Report with the application. The Coal Authority were consulted and objected to the proposal due to the lack of a Coal Mining Risk Assessment.

5.10.2 A Coal Mining Risk Assessment was subsequently submitted on the 30.08.2017, prepared by Barker Barnett Planning & Surveying Services (reference 17/NSB/SB/2694 and drawing 17-2694-01). The Coal Mining Risk Assessment concludes that site investigations are required.

5.10.3 The Coal Authority have been re-consulted and the objection withdrawn subject to a standard condition being attached to the decision (see correspondence dated 05.09.2017). On this basis the proposal is considered to accord with policy CS8 of the Core Strategy.

6.0 **Community Infrastructure Levy (CIL)**

6.1 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.

6.2 The site the subject of the application lies within the high CIL zone (£80/sqm) and therefore the CIL Liability would be calculated using calculations of gross internal floor space on this basis.

Plot	Proposed Floorspace (GIA in Sq.m)	Less Existing (demolition) (GIA in Sq.m)	Net area (GIA in Sq.m)	Calculation	Total
1	425	99	326	326 x £80	£26,080
Total					£26,080

7.0 **REPRESENTATIONS**

7.1 The application has been publicised by neighbour notification letters sent on 26.06.2017, deadline for responses 17.07.2017. The neighbours were re-consulted on 01.08.2017, deadline for responses 11.08.2017. A site notice was also displayed on 06.07.2017, deadline for 27.07.2017. One letter of representation was received as a result.

Representation received 12.07.2017 – 17 Westbourne Grove

7.2 *'We are the owners of property no 17 Westbourne Grove i.e. next door to the proposed build at no 19. Having viewed the plans for this proposed build, it would appear that the area between no 17 and proposed build at no 19 (i.e. the side of 19) is smaller than at present. We feel that no 19 is near enough to no 17 at present and that the current space should not be changed to bring it closer. It would also be inconsistent with the rest of the houses on Westbourne Grove which currently all have the same space between them. In addition, the location of the sewage pipes across the property at no 19 need looking into in relation to the proposed build.'*

7.3 Officer Comments –The concerns raised by the neighbour were discussed with the agent/applicant and a revised plan was submitted to address them. The revised plan (reference 16-058-102 revision D) moved the proposed dwelling away from the shared boundary in line with the existing dwelling. Potential adverse impacts on the public sewer have also been mitigated by moving the dwelling away from the protected sewer easement. This is considered to be acceptable.

8.0 HUMAN RIGHTS ACT 1998

8.1 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

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

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

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

9.2 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.

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

10.0 CONCLUSION

10.1 Overall the proposal is considered to be acceptable in design and appearance. The location of the proposed development site is relatively sustainable, sited within a residential area with access to local services. It is not considered that that the proposal would result in significant impact on the residential amenity of the neighbouring properties. The proposal would not compromise parking arrangements or highway safety. Therefore, the proposal is considered to accord with policy CS1, CS2, CS7, CS8 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework. This application would be liable for payment of the Community Infrastructure Levy.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in line with section 5.11 above.

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

Conditions

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing (listed below), with the exception of any approved non material amendment;

- 16-0585-102 Revision D (Proposed floor plans, elevations, site and site location plans)

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

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

***Reason** – To ensure that the development can be properly drained.*

04. Working hours - Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The

term "work" will also apply to the operation of plant, machinery and equipment.

Reason – *In the interests of residential amenity*

- 05.** 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.

Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.

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

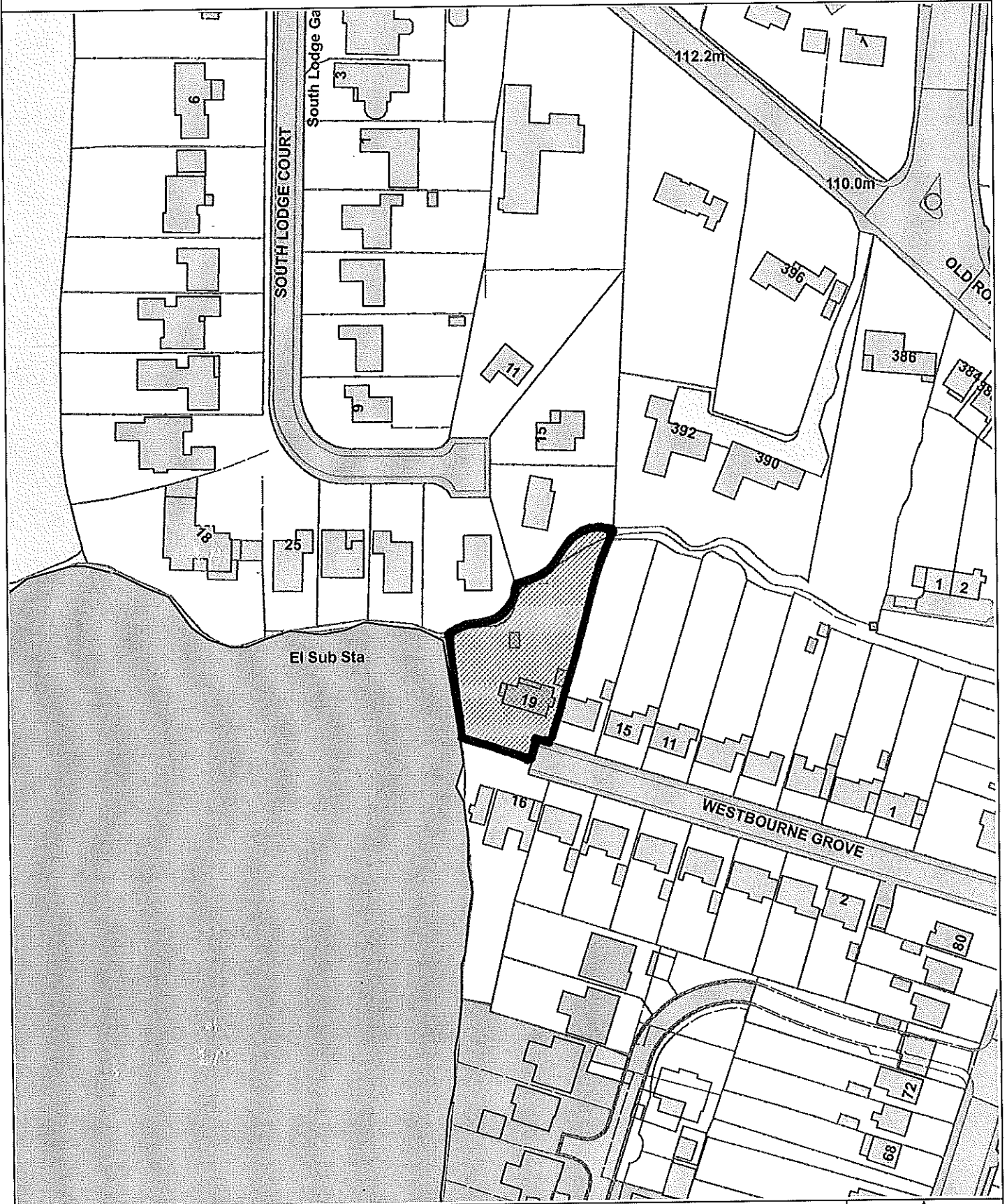
Notes

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

2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. 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. Such works shall also include the reinstatement of any redundant vehicular access.
4. The Highway Authority recommends that the first 5m of the proposed accesses/driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the 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.
6. The proposed accesses/driveways to Myrtle Grove shall be no steeper than 1 in 14 over their entire length.
7. The applicant should be aware that relocation/diversion/protection of any street furniture or Statutory Undertakers apparatus will be at their expense.
8. Any foul connections must be agreed with Yorkshire Water.

9. 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.
10. Attention is drawn to the Council's 'Minimum Standards for Drainage'.

PLAN - CHE/17/00416/FUL - 19 WESTBOURNE GROVE



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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 18th September 2017

File No: CHE/17/00351/REM
Plot No: 2/218

ITEM 5

RESERVED MATTER APPLICATION FOR CHE/16/00016/OUT – ERECTION OF 99 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE, LANDSCAPING AND SURFACE WATER BALANCING (PHASE 1) – AMENDED DETAILS SUBMITTED ON 10/08/2017 AND 15/08/2017 AT LAND TO WEST OF DUNSTON LANE, NEWBOLD, CHESTERFIELD, DERBYSHIRE FOR WILLIAM DAVIS LTD

Local Plan: Open Countryside / Other Open Land
Ward: Dunston

1.0 CONSULTATIONS

Local Highways Authority	Comments received 08/06/2017, 03/07/2017 and 29/08/2017 – see report
Design Services	Comments received 07/06/2017 – see section 5.4.1
Environmental Services	No comments received
Crime Prevention Design Advisor	Comments received 13/06/2017 – see report
Coal Authority	Comments received 23/06/2017 – see section 5.4.1
Environment Agency	Comments received 06/06/2017 – refer to LLFA
Yorkshire Water Services	Comments received 22/06/2017 – see section 5.4.1
Derbyshire Wildlife Trust	Comments received 23/06/2017 – see section 5.4.1

Conservation Officer	Comments received 29/06/2017 – see report
Lead Local Flood Authority	Comments received 03/07/2017 – see section 5.4.1
Leisure Services	No comments received
Urban Design Officer	Comments received 12/07/2017 – see report
CCG	Comments received 08/06/2017 – see section 5.4.2
Tree Officer	Comments received 07/09/2017 – see section 5.4.1
DCC Archaeologist	No comments received
Forward Planning	Comments received 29/06/2017 – see section 5.4.1
C/Field Cycle Campaign	No comments received
Ward Members	No comments received
Site Notice / Neighbours	Two letters of representation received

2.0 **THE SITE**

2.1 The site the subject of the application is an area of agricultural land which is located on the northern edge of Dunston. Access into the site is currently only available from a gated entrance off a private lane leading to Dunston Grange, which adjoins the immediate northern boundary of the application site.

2.2 The aerial photograph below shows the application site in its surrounding context. There are residential properties immediately adjoining the southern boundary of the site, the eastern boundary is defined by Dunston Lane, the northern boundary is defined by the private access road which runs from Dunston Lane to Dunston Grange and beyond, and the western boundary is a dividing

hedgerow (which runs northerly from the western settlement boundary edge of Dunston). The site is undulated in part and predominantly slopes down from north to south.



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/17/00449/DOC – Discharge of conditions 7 (phase i geo-environmental assessment report), 13 (site access), 16 (infrastructure), 19 (temporary site access) and 20 (construction method statement) of CHE/16/00016/OUT.
Conditions 7, 13, 16, 19 and 20 approved on 22/08/2017.
- 3.2 CHE/17/00431/DOC - 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.
Conditions 2, 6, 8, 9, and 10 approved on 09/08/2017.
Condition 26 approved on 30/08/2017.
Conditions 12, 14, 18, 21, 22, 29 and 30 still outstanding.

- 3.3 CHE/17/00381/DOC - Discharge of condition 5 (intrusive site investigations - coal mining) of CHE/16/00016/OUT. Condition 5 approved on 07/07/2017.
- 3.4 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, Chesterfield, Derbyshire for William Davis Limited. Approved on 29/03/2016.
- 3.5 CHE/14/00873/OUT - Outline application for 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) – additional information received on 16/10/2015 at land to the west of Dunston Lane, Chesterfield, Derbyshire for William Davis Limited. Refused on 19/11/2015.
- 3.6 CHE/14/00641/EIA – Request for screening opinion for proposed residential development at land to the south of Dunston grange, Dunston Lane, Chesterfield, Derbyshire for Pegasus Group. LPA decision dated 23/09/2014 concluded that the proposals were EIA development; however the LPA decision was appealed to the National Planning Casework Unit and subsequently the Secretary of State decision dated 19/11/2014 concluded that the proposals was not EIA development.
- 3.7 CHE/0993/0562 - Outline application for residential development with playing fields and road improvements on land surrounding Dunston Grange Farm, Dunston Lane, Chesterfield. Refused on 10/02/1994.

4.0 **THE PROPOSAL**

- 4.1 In March 2016 planning permission was granted in outline for residential development of up to 300 dwellings on land located to the west of Dunston Lane. The outline application site measured in 15.81 hectares in area.
- 4.2 This is an application which seeks reserved matters approval for the first phase of that outline planning permission for the erection of 99 dwellings (as amended on 10/08/2017) on the eastern third of

the outline application site where it adjoins its Dunston Lane boundary.

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

House Types

14-053-001-AN - ARUN
14-053-001-BM-1 - BEAMISH
14-053-001-BM-2 (RENDER OPTION) - BEAMISH
14-053-001-BT-1 - BLYTH
14-053-001-BT-2 (RENDER OPTION) - BLYTH
14-053-001-DE-1 - DOVE
14-053-001-DE-2 (RENDER OPTION) - DOVE
14-053-001-DE-9 (RENDER - GABLE OPTION) - DOVE
14-053-001-DE-RS REV B (PLOT 69 ONLY) - DOVE
14-053-001-DK-1 - DENWICK
14-053-001-DK-2 (RENDER OPTION) - DENWICK
14-053-001-DK-RS REV B (PLOTS 70 AND 71) - DENWICK
14-053-001-DL-1 - DALTON
14-053-001-DS-1 - DOUGLAS
14-053-001-DS-2 (RENDER OPTION) - DOUGLAS
14-053-HB-2 - HAMBLE
14-053-001-KD-1 - KILDALE
14-053-00-LN-1 - LYDDEN
14-053-001-LN-1 (PC) - LYDDEN (CHIMNEY OPTION)
14-053-001-MD-1 - MEDEN
14-053-001-RA-1 - RANNOCH
14-053-001-RA-5 (GABLETTE OPTION) - RANNOCH
14-053-001-RA-RS REV A (PLOT 67 ONLY) - RANNOCH
14-053-001-RR - ROTHER
14-053-001-SD-1 - SWINDALE
14-053-001-SD-2 (RENDER OPTION) - SWINDALE
14-053-001-SD-3 (TILE OPTION) - SWINDALE
14-053-001-ST-1 - SOLENT
14-053-001-ST-1 (PC) - SOLENT (CHIMNEY OPTION)
14-053-001-ST-2 (RENDER OPTION) - SOLENT
14-053-001-ST-6 (DOUBLE GABLETTE OPTION) - SOLENT
14-053-001-SV-1 - SEVERN
14-053-001-SV-3 (TILE OPTION) - SEVERN
14-053-001-TM-1 REV A - TEME
14-053-001-TM-2 (RENDER OPTION) - TEME
14-053-001-TM-RS REV A (PLOT 68 ONLY) - TEME

14-053-001-TS-1 - THIRSK

Garages

14-053-001-GB.06B – GARAGE (SINGLE FRONT GABLE)

15-819 P-GB.02 - DOUBLE GARAGE (SIDE GABLE ROOF)

15-819 P-GB.03 - SEMI GARAGE (SIDE GABLE ROOF)

15-819 P-GB.06 - SINGLE GARAGE (FRONT GABLE ROOF)

12-101-003-GB.09 - TRIPLE GARAGE – ELEVATION / FLOOR PLAN

Site Layout

14-053-001-P01 – PHASE 1 SITE LOCATION PLAN

14-053-001-P02 REV C – PROPOSED SITE PLAN

14-053-001-P03 REV K – MATERIALS PLAN

14-053-001-P04 REV B – HARD LANDSCAPING

14-053-001-P05 REV A – STREET ELEVATIONS

14-053-001-P06 – DESIGN PRINCIPLES PLAN

14-053-001-P07 REV B – SITE SECTIONS

6235-L11 REV D – PRIVATE TARMAC DRIVE DETAIL (PCC FLAT EDGING)

6235-L14 REV C – SHARED TARMAC DRIVE DETAIL (PCC FLAT EDGING)

6235-L16 – FIRE ACCESS DRIVE DETAILS / EDGING TO DRIVES

6235-L44 REV D – 1800MM TIMBER SCREEN FENCE

6235-L76 – PRIVATE DRIVES DEMARCATION LINES

6235-L89 – BRICK SCREEN WALL DETAIL

06.17/01 REV A – PLANTING PROPOSALS

06.17/02 REV A – PLAY AREA PROPOSALS

06.17/03 – LANDSCAPE CONCEPT PLAN

DGI-BWB-HGN-01-DR-D-110 S1 P1 - PHASE 1 SECTION 38 VEHICLE TRACKING

4.4 A package of revised drawings (reflected in the list above) were also submitted on 10/08/2017 and 15/08/2017.

5.0 **CONSIDERATIONS**

5.1 **Planning Background / Principle of Development**

- 5.1.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/16/00016/OUT for residential development along with associated access, public open space, landscaping and surface water balancing which was approved on 29/03/2016 subject to 30 no. planning conditions and a unilateral undertaking covering the provision of public art, affordable housing, an education contribution, management of green space and suds infrastructure and highway work.
- 5.1.2 The live outline permission enables applications for reserved matters approval to be submitted for a period of three years following the date of the outline approval (i.e up to 28/03/2019) and this reserved matters application concerns the first phase of that development.
- 5.1.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions and the unilateral agreement the issues already agreed and set by the outline permission cannot be revisited. Only the outstanding reserved matters issues concerning appearance, landscaping, layout and scale are to be considered. Access was agreed at the time of the outline planning permission and the subsequent approval of its detail is to be dealt with under condition 22 of application CHE/17/00431/DOC and the associated construction approval which is given by the Local Highways Authority.

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

- 5.2.1 Having regard to the detailed design and appearance considerations of the proposed reserved matters details alongside the case officers own appraisal of the scheme; the Council's Urban Design Officer (UDO), Conservation Officer (CO) and Tree Officer (TO) were invited to review the submission.
- 5.2.2 Initially the UDO undertook a thorough review the reserved matters submission and offered the following feedback on the submitted scheme:

Use

The use of land for the land for residential purposes has established through the grant of outline planning permission.

Amount

The current application seeks permission the first phase of development comprising 101 units. Phase 1 covers on approximately 40% of the site area approved at outline which is approximately 6.61 hectares. This equates to a gross density of 15.3dph. Excluding the areas strategic open space required for drainage purposes (approx. 2.3 hectares), the development would deliver a net density of approximately 23.5dph.

Layout

Open Space Network

The arrangement of open space appears to be at variance from that indicated on the original Masterplan. The enlargement of the area shown for managing surface water drainage appears to squeezed the development and concentrated the housing into a smaller area. This included several corridors of 'Formal Open Space' as defined by the original DAS, within the eastern part of the scheme which are now largely absent from the detailed layout. Importantly, several positive aspects of the previous illustrative layout have been altered to the detriment of the character, identity and quality of the development.

For example the 'funnel' shaped space previously opened up a vista focussing on the mature tree north of Plot 92. This is now obstructed by the building line and misses the opportunity to capitalise on a creating a meaningful focal point on an established site feature.

In addition, this realigns the access road to the north side of the mature tree adjacent to Plot 7, whereas the illustrative drawing showed 'The Avenue' (main spine road) dipping to the south side of this tree so that it was revealed a prominent feature upon entering the site (see DAS, Dec. 2014 p. 35). Although views towards the tree are created when leaving the site the (travelling east towards the entrance) the sense of arrival into the development is weakened. The nature and form of the proposed space is also diminished and no longer forms part of a network of green corridors resulting in an isolated feature.

A relatively large area of open space is shown adjacent to Plot 1, although its purpose is somewhat unclear. Although this provides an area of separation from the existing neighbouring house, Plot 1 faces directly onto the space, separated only by a knee rail. The location is isolated from the wider open space network with limited natural surveillance. This has the potential to attract unwanted anti-social behaviour and its design, purpose and extent should be reconsidered.

It is recommended that:

- The layout is revised to re-prioritise the focus on the existing mature trees, strengthen the identity and character of the development and support a more positive sense of arrival into the development (see UD sketch SK01).*
- The design, function, extent and management of the open space in the south-east corner (adj. to Plot 1) is reconsidered to limit the potential for ASB, e.g. relocating the garage to this area and enlarging its garden of Plot 1*

Graduated Densities

A key principle at the time of the outline application was the formation of three distinct 'character areas' (DAS, Dec. 2014, p. 38-39) comprising a higher density 'main street' (up to 35 dph), a medium density 'general neighbourhood' (up to 30dph) and a lower density 'rural edge' (up to 25dph), with a more broken edge to create a looser knit pattern of development appropriate to the interface with the adjacent landscape.

The enlargement of the area shown for managing surface water drainage appears to have squeezed the development and concentrates the housing into a smaller area. Consequently, the layout appears to result in a largely uniform density across much of the site. This does not reflect the formation of three distinct 'character areas', as advocated in the outline planning application.

Relationship to Site Edges

The resulting relationship to the northern and western edges appears rigid, which together with the presence of frontage parking and prominent side boundary fences appear typical of a standard estate design, rather than delivering the informality of a 'looser knit' rural edge. This is further exacerbated by the absence of any meaningful landscaping along the northern edge/rural interface, together with the presence of a 3m footpath/cycleway which forms

a wide contiguous area of hardstanding in combination with the adjacent roads, drives and footways. This creates a standardised appearance to the edge and a poor interface with the adjacent landscape.

It is recommended that:

- The northern and western edges are revised to provide a looser knit pattern of development against areas overlooking the adjacent landscape.*
- Locating detached units (e.g. Plots 77-79) on the outside edges and positioning semi-detached and terraced housing internal to the perimeter blocks (e.g. Plots 75, 75, 80-2 etc.) would support this approach.*
- The footpath/cycle way is separated from the adjoining roads and drives and that a more gentle meandering alignment is introduced to the path.*
- Soft landscaping and appropriate boundary treatments are introduced between the path and the adjacent roads and plot frontages to provide a clear distinction between public and private space and soften the appearance of the edge of the development.*
- See attached sketch plan (SK01)*

Keynote Buildings and Views

The Outline Masterplan advocated the incorporation of key buildings at important locations and intersections throughout this part of the development. While a number of buildings are located in corner positions and or terminate views, there is no differentiation between these units and any other dwelling, in other words there is nothing special about the design or architecture of the keynote buildings that would make them stand out as 'key note'. Guidance in the Successful Places SPD (2013) recommends that such buildings are designed to strengthen their important role within the wider townscape. Furthermore, views into parking courts and some private drives are closed by close board fencing, providing weak focal points and poorly defined edges to such locations. Robust boundary walls in combination with landscape planting would assist in ameliorating these views.

It is recommended that:

- The design of key plots should be revisited and strengthened in respect of their architecture and detail to enable these locations to stand out as focal points relative to the surrounding areas of less differentiated townscape.*

- *Alternative unit types with greater height and scale are introduced to punctuate the generally two-storey townscape and support the principle of key locations and built hierarchy within the layout.*
- *Views towards rear fences within parking courts and along private drives are closed with robust boundary walls in combination with landscape planting.*

Key Spaces/Locations

The Outline Masterplan indicated the incorporation of ‘key spaces’, such as ‘feature’ squares, at important locations and intersections in this part of the development. The detailed layout however indicates no such spaces, with the main road designed around standardised highway principles which fail to support the inclusion of key spaces or any sense of ‘place’ within the design of the layout.

It is recommended that:

- *Key spaces and buildings are introduced into the layout (as proposed by the original Outline Masterplan) to provide a built place hierarchy into the scheme which is capable of differentiating key locations from the general housing currently proposed.*
- *The landscape design of these areas should differentiate key locations from the standard street designs that characterise the proposed road network.*
- *Key spaces are utilised to calm traffic and achieve streets with a 20mph design speed.*

Street Hierarchy

The DAS supporting the outline consent referred to as a hierarchy of streets structured and a primary avenue, streets, lanes and private drives. The current submission instead refers to primary road, secondary roads and private drives. The change in language appears subtle but is important in respect of meaning (see Manual for Streets).

Other than carriageway width, there is little to distinguish the main the primary road from the cul-de-sacs spurs in respect of differentiating one street type from another and embedding a sense of place and hierarchy within the scheme.

Some private drives appear overlong and a number of plots would be some distances beyond the maximum bin carry distance of 30m.

It is recommended that:

- *The hierarchy of streets is re-examined to introduce greater differentiation between the main street (formerly identified as the primary avenue') and the secondary street network.*
- *The use of differing boundary treatments, according to street type would be a suitable mechanism to achieve support the provision of a clearer hierarchy.*
- *Maximum bin carry distances for residents are not exceeded.*

Permeability

The internal permeability of the scheme is limited and comprises mainly disconnected cul-de-sacs from which private drives extend. Some sections of footpath are provided through the parts of the POS, although much of the northeast part of the site lacks footways to afford access through this area to create a recreational circuit.

It is recommended that:

- *The permeability of the layout is strengthened by connecting the cul-de-sacs on the southern half of the site to form a loop.*
- *The recreational path is extended from Plot 91, around and past Plot 101 and loops back to the main street to form a wider route and increasing the accessibility of the proposed open areas (see UD sketch SK01).*

Affordable Housing

The layout incorporates a large cluster of affordable houses (20 units), located at the end of a separate cul-de-sac/private drives. This area has its own separate and distinct design which contrasts strongly with the proposed market housing. The affordable housing component is cramped, car dominated. This represents a poor quality environment and is particularly noticeable in comparison to the market housing.

This is contrary to good practice guidance and the NPPF which seeks to create sustainable, inclusive and mixed communities. NPPG advises that: "In well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site". (Paragraph: 039 Reference ID: 26-039-20140306).

There would be a striking visual distinction between market and social housing, which would pose a risk of community segregation

and is contrary to national policy and guidance. This part of the layout is wholly unacceptable in its current form.

It is recommended that:

- The design of the affordable housing is element is revisited to address the shortcomings identified.*
- The layout and house types are designed to be tenure blind.*
- The density of housing is amended as necessary to enable a good design outcome to be achieved.*

Parking Dominated Frontages

In addition to the parking dominated frontages associated with the affordable housing, Plots 9-12, 18-25, 40, 70, 80-82 and 88 all display prominently located parking which will lead to prominent car dominated environments and poor quality streetscapes in these locations.

It is recommended that:

- These plots are revised and parking is designed to be carefully 'integrated' into the street scene to create a sensitively designed and good quality environment.*
- The density is amended as necessary to adequately to address these issues.*

Gardens

Plot 21 small size and awkward shape by reason of the amount and positioning of the parking compromises the utility and amenity of the garden to an unacceptable degree. Plots 49 - 52 are compromised by the presence of extensive rear access paths around the gardens, which also raise concerns in respect of crime and design (see guidance contained within Successful Places SPD, 2013, sec. 3.19).

It is recommended that:

- Garden sizes should be revisited to ensure minimum garden standards are provided together with practical a shape and utility.*
- Where terraces are provided rear garden access should be in form of through passages rather than rear access lanes.*

Scale and massing

See Keynote Buildings comments above.

Landscaping

Landscape Deficiency

New landscape planting is limited almost entirely to the primary road corridor through the centre of the site and the frontage with Dunston Lane. The cul-de-sacs and drives to the north and south of the primary road are largely devoid of landscape planting, other than grass to plot frontages and rear gardens. This is at odds with the landscape proposals outlined by the DAS supporting the outline planning application (p. 43) which identified the provision of a 'high quality public realm and streetscapes', based upon hard landscape materials and planting to main pedestrian zones, minor roads and private drives and principle vehicular routes.

The extent of proposed planting is 'thin' and represents a meagre approach to the landscape design for large parts of the development. Consequently these areas appear emaciated, bland and lack richness.

Large Scale Trees

*Given the extent of open space within the scheme opportunities exist to incorporate a greater proportion of larger scale trees. Although a small number of oak trees (*Quercus rober*) are shown in outlying areas many trees shown are modest scale species. In suitable locations species such as Cherry could be substituted with larger native species such as Beech (*Fagus sylvatica*) or Lime (aphid resistant species include *Tillia. tomentosa*, *T. platyphyllos* and *T. x euchlora*). These also bring biodiversity benefits and will serve as replacements of the existing established field trees over the longer term.*

Boundary Treatments

No boundary treatments are proposed to plot frontages resulting in an 'open plan' estate development. This is at odds with the proposals outlined by the DAS supporting the outline planning application (p. 39) which identified the provision of a range of boundary treatments according the street type/location within the development, with walls or railings utilised towards the centre of the site and hedgerows towards the edges against the landscape. Definition of plot frontages through the introduction of boundary treatments should be provided to distinguish between public and private space, positive enclosure to street edges and support the character and distinctiveness of the scheme by differentiating between proposed street types (hierarchy) through the use of boundary treatments.

Play Area Enclosure and Knee Rails

The play area is shown enclosed by a 1.2 timber palisade fence backed by mixed native hedging. Additionally, knee rails are proposed to define the edges of public open space. Such fences and rails lack robustness and longevity and are vulnerable to damage. Knee rails are also inappropriate in a domestic setting, lacking both character and the ability to appropriately manage access to public areas and adequately protect private spaces. Suitable railings should be provided in lieu of knee rails and palisade enclosures.

Corner Plots

Corner plots with exposed side garden boundaries are mainly bounded by brick boundary walls which are appropriate. However, a number of prominent locations and plot edges are shown with exposed close board fences. These are Plots 21, 12, 70-73, 74, 79, 100-101 and parking court fences (rear of Plots 1 & 2, 33-34 and 66-67). These should be substituted with brick screen walls to ensure a good quality, robust long term form of boundary treatment.

Landscape Buffer to Southern Boundary

A landscape buffer zone along the southern boundary provides separation between the existing houses to the south and the proposals. It is unclear from the submission how this is to be managed to ensure it remains an effective landscape and biodiversity corridor in the long term.

Sections of the buffer zone appear to be protected only by a knee rail, so these will be accessible and therefore vulnerable and potentially creating access to existing and proposed rear gardens (Plots 22, 57, 58) resulting in a crime and design issue. Much of the buffer also appears to fall within the rear gardens of adjoining plots. Garden fences would subdivide this corridor and it is likely that the planting would be removed to incorporate the buffer into domestic garden use, especially those plots where gardens are already under size. The suitability of the current arrangement and its long term viability are therefore highly questionable.

It is recommended that:

- *Additional planting is introduced into the secondary streets beyond the primary road.*

- *The landscape proposals are amended to provide for additional larger trees in appropriate locations.*
- *Front boundary treatments are provided to distinguish between public and private space, define street edges and differentiate between proposed street types (hierarchy).*
- *Suitable railings are provided in lieu of knee rails and palisade enclosures.*
- *Visible screen fences are substituted with brick screen walls on plots identified above.*
- *The management arrangements for the landscape buffer zone are clarified and this corridor is excluded from the garden plots to prevent its absorption into domestic curtilages.*

Appearance

Local Distinctiveness

The proposed houses are standard house types of mainly brick and some variants with render panels, dormer 'gabled' additions and some tile hung gables. No details are provided to demonstrate how the proposals have considered the local distinctiveness of the Borough and how this has informed the appearance and character of the house types.

The affordable house types (Kildale, Dalton & Thirsk) lack important details such as cills and lintels resulting in a very plain appearance. Rather than tenure blind this further highlights the discrepancy between affordable and market housing, which is particularly noticeable and undermines community cohesion.

Materials

The development is proposed to be finished mainly in brick (two red tones), occasional render panels to some plots and grey and red flat concrete tiles. These are generally standard finishes although it would be expected that materials would be selected on the basis of reinforcing the local distinctiveness of the Borough.

This could be achieved by selecting materials which reflect the local palette and traditions of Chesterfield. In broad terms these can be characterised as red brick and slate and local Coal Measures Sandstone with single roll clay pantiles, particularly in a rural context and or stone elevations with slate roofs.

Incorporating materials which reflect these qualities is recommended. Convincing artificial slate effect tiles with a thin leading edge and single roll pantiles are available on the market

which would achieve a more locally distinctive and less generic finish to the appearance of the development in this setting. Plots in the vicinity of Dunston Farm should respond appropriately to this context through their materiality and echo the stone and slate finishes of this listed farm.

Meter boxes

House types are shown with meter boxes located prominently on front elevations. Guidance contained within the Successful Places SPD (2013) advises these should be located discretely, on side elevations wherever possible and painted a tone to match the background material.

Porches

Porches with pitched roofs should be constructed from timber with tiled roof coverings, not GRP. Guidance contained within the Successful Places SPD (2013) advises GRP porches should be avoided and these to small roof areas such as porches or bay windows should be tiled with small format tiles.

It is recommended that:

- House type details are based upon locally relevant architectural details (based upon an understanding of the character of the Borough).*
- Materials are introduced which reflect local distinctiveness of the Borough and this rural context.*
- Meter boxes are relocated or conditioned to be side elevations (where possible) and coloured to match the tone of the background material.*
- Porches are amended or conditioned to be constructed from timber with a painted finish and covered with small format tiles, such as plain tiles*

Access

Advice should be sought from the DCC Highway Engineer regarding the nature of the access and its compatibility with that approved at the outline stage.

The street designs are based around vehicle priority, long sections of road and sweeping bends. Consequently the layout is considered unlikely to achieve the low design speeds (20mph) expected in a residential environment.

5.2.3

Comments from both the Conservation Officer (CO) and the Tree Officer (TO) were also received and these are reported below:

CO- A Heritage Assessment was prepared by Heritage Collective (2014) which accompanied CHE/16/00016/OUT. In my view this was robust and succeeded in identifying those heritage assets that would be affected by the proposed development, namely the grade II listed Dunston Grange Farmhouse. The Heritage Assessment concluded that whilst there would inevitably be some impact on the setting and views of Dunston Grange Farmhouse (including the associated barns – currently being converted to residential use), the impact would be less than substantial given that the proposed development includes significant levels of landscaping, retained trees and hedgerows between Dunston Grange Farmhouse and the proposed development.

The reserved matters application retains this design concept, hence there are four balancing ponds and associated landscaping, including retained trees and hedgerows, separating Dunston Grange Farmhouse from the proposed housing. I support this approach as it significantly reduces any impacts the proposed development may have on the setting of the listed buildings, as well as increasing the overall design quality of the scheme. This area of landscaping makes up approximately one third of the total area of the Phase 1 development which is far more than would normally be expected on this type of development site.

The site also contains natural buffers zones to the east (the frontage to Dunston Road) and to the south (to the north of the existing housing) which again will soften the impact of the development on the landscape.

Regarding the proposed house types, I notice that there are a number of variations, all of which generally adhere to typical volume housebuilder design, i.e. pitched concrete tiled roofs, brick elevations and decorative features such as brick headers and sills, door canopies, etc. Given that this is an open countryside setting and adjacent to listed buildings, it would have been beneficial in my view if the developer had incorporated more natural material into the design palette (e.g. natural stone elevations and natural slate roofs) as a way of blending in the development into the natural landscape. There is also a lack of clarity about windows in the Materials Plan (ref: drawing no. P03). Plastic windows should be avoided in my view given their sterile nature, particularly in this setting. Similarly, careful attention should be given to any new boundary treatments. The latter are shown as being 'Brick Screen

Wall' (ref: drawing L89) and 'Timber Screen Fence' (ref: drawing L44) but the location of these does not seem to be shown on either the proposed 'Site Layout Plan' or aforementioned Materials Plan. It is important in my view that clarity is provided about the extent and location of these boundary treatments to ensure impacts are conducive to high quality design and the development blends well into the surrounding landscape and setting. I would be happy to make any further comments on any of these matters.

TO - Drawing 14-053-001 P02 Rev K 'Proposed Site Layout' phase 1 has been submitted showing the general layout of the site which in general avoids the root protection areas of the retained trees and hedgerows on the site and provides valuable green spaces within the site which will also maintain the rooting environment and soft landscape around the trees and hedgerows. A 5 metre wide planting buffer zone is also proposed on the southern boundary separating the development and existing properties in Dunston. Details have been provided on drawing 06.17/03 'Landscape Concept Plan' by Bellinger Design dated August 2017 which shows the retained trees and hedgerows along with new planting and specifications. The details and species are acceptable and use native planting in areas such as the balancing ponds and new hedgerows.

Additional landscaping features need to be provided around T7 Oak (T14 on the Arb Assessment) by including post and rails fencing and/or native shrub planting to reduce access and divert public pressure from around this veteran tree. Any pedestrian and cycle routes should also be diverted away from the tree. In general the proposed phase 1 scheme is acceptable and the retained trees and hedgerows are protected adequately, however further details should be provided as stated in condition 12 of the outline permission.

- 5.2.4 Looking in turn at each of the consultees responses the UDO's comments were fed back to the applicant / developer and a subsequent meeting took place whereby the issues highlighted and potential design solutions / responses were discussed. The meeting offered the developer an opportunity to discuss with the UDO and case officer the influential factors of subsequent site investigation results and drainage design details which had led to the layout presented. These had not previously been identified on the site layout plans submitted for consideration but they offered a narrative and better understanding of the factors driving the layout

which were not immediately legible from the plans. These included a need to increase the capacity of the surface water drainage balancing ponds; and locations of mine shafts which are to be remediated but cannot be built over.

5.2.5 These discussions led to a package of revised drawings being submitted on 10/08/2017 and 15/08/2017 which included the following changes:

- Additional two and storey units were added as keynote buildings to strengthen their role in the townscape at plots 30 and 84 (Hamble). These changes further strengthen the character of the key space proposed in the area of plots 7, 8, 30 and 84-88 and provide for further differential treatment of this area of the main street compared with the rural fringe area of this and later phases. Plot 89-91 have also been set back to provide an interconnecting viewing corridor between the mature tree in this area and that within the open space / suds area to the north.
- The proposed affordable housing units have been split into two separate clusters with consequential amendments to the layout for these units to address the street scene whilst providing satisfactory garden size and smaller groups of parking, which will be further enhanced by landscaping. These changes have resulted in the loss of two dwelling units such that the application now provides 99 units in total (79 private market and 20 affordable).
- The open space network on the site has been rationalised; with the removal of public open space adj to plot 1 and more appropriate treatment of open space to the front of plots 1-4 and 96-99 to ensure that this is adopted as private space to these plots rather than being publically accessible. The planting buffer on the southern boundary of the site, meanwhile, is proposed to be maintained by a private management company and not conveyed to individual properties on this boundary. Consequential amendments to the boundary have been made in this area.
- Additional landscape planting is proposed throughout the development and the treatment of boundaries has been reviewed comprehensively. A Landscape Concept Plan submitted provides an overview of the changes that will be made to the detailed landscape proposals.

- The review of boundary treatments has resulted in the removal of all knee rail fences and inclusion of metal estate railings throughout the scheme in key open areas where it is deemed necessary to provide dwellings with defensible space. Rear or side boundary fences to properties in key public areas have also been replaced by proposed boundary walls. Where this is not seen to be appropriate, boundary fences will have landscape details to soften the visual appearance of the fencing.
- Changes have also been made to the proposed materials to include reconstituted stone on units which face onto the open space in the centre of the site opposite Dunston Grange. A further red pantile is also proposed to be introduced to the palette of materials.

- 5.2.6 Overall having regard to the amendments presented it is considered that the applicant / developer has sought to address where possible the comments of the UDO and the changes made are welcomed as positive improvements to the design and appearance of the overall scheme. It is noted that the detailed landscaping plans are yet to be fully updated to reflect the concept landscape plan and accordingly an appropriate condition can be imposed on any subsequent decision to allow these details to be submitted in full for further specification consideration.
- 5.2.7 It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved. The application submission is supported by working details of hard and soft landscaping solutions which have been considered and are acceptable in principle. They offer appropriate response and legibility to the streetscene being created. A detailed materials schedule has been prepared by the developer selecting chosen brickwork and finishes to the individual plots – which are considered to be acceptable as they reflect the local vernacular.
- 5.2.8 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council’s adopted SPD ‘Successful Places – Housing Layout and Design.

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

5.3 **Highways Issues**

5.3.1 The Local Highways Authority (LHA) have been engaged in discussions with the applicant post determination of the outline planning permission (in respect of the detailed design and specification of the access onto Dunston Lane) and this has led to the details of the main site access being agreed in principle under condition 22 (under app. CHE/17/00431/DOC) and subsequently being granted construction approval by the LHA under S278 of the Highways Act.

5.3.2 Notwithstanding this the reserved matters detail the subject of this application must also be considered by the LHA having regard to the proposed design and layout on the internal access roads / turning heads (particularly if the developer intends for the access road to be considered for highway adoption in the future).

5.3.3 Initially the LHA provided the following response to the reserved matters submission:

'Within the site the estate street layout is generally acceptable in highway safety terms, however, there are nevertheless a number of minor issues to considered by the LHA may be in a position to fully sanction the proposals (to ensure the layout accords with adoptable criteria). These are summarised below:

- There are two bin collection points (serving plots 1-4 and 98-101) located in close proximity to the junction with Dunston Lane. Any refuse vehicle waiting at these locations could have highway safety implications for entering / existing vehicles. Alternative location should be considered for these facilities further away from the junction.

- The turning head adjacent to plot 12 appears constrained in terms of geometry. The applicant should demonstrate, through swept path analysis, that the turning head can accommodate the manoeuvring of large refuse vehicles (circa 11.25m) without

impinging on the adjoining private drive in any way – to ensure it operates successfully as a completely independent facility.

- For completeness the forward 25m visibility splay should be indicated on the proposed site layout plan in the vicinity of plot 7 and 88 to ensure the sightlines are encompassed in the footway margin (not third party land).*
- Vertical deflection traffic calming features, to suppress vehicle speeds, are not normally permitted on new estate street layouts – speeds should be controlled through horizontal changes in the layout. The use of block paving panels at junction is acceptable in principle, although these areas should be laid flush with the main carriageway.*
- To help achieve the 20mph design speed for residential estate streets, straight sections should be restricted to no more than 60m in length before introducing a speed controlling measure e.g bend, junction etc. Given the street layout presented additional speed suppressing measures are likely to be required on the primary estate street (which will serve further phases) to control vehicle speeds.*
- It is assumed the road serving plot 66-72 will be a private drive – on this basis the bin collection point should be relocated closer to the main estate street, to cater for roadside collection. Turning spurs should also be provided on these streets for delivery vehicles to use to avoid over long reversing manoeuvres.*
- A turning spur should also be included for the private drive serving plots 89-91.*
- For the avoidance of doubt swept path analysis, based on a large refuse vehicle, should be provided for the turning area adj plot 75.*
- Some localised carriageway widening should be provided on the inside of the bend fronting plots 29/30 to allow more room for vehicles to pass each other. The bends fronting plots 42 and 82 should also be checked for compliance.*
- All driveways / shared private drives shall be provided with 2.4m x 25m visibility sightlines in each direction together with 2m x 2m x 45 degree pedestrian intervisibility to the new estate street. This will need to be taken into consideration when considering boundary treatments / frontage landscaping.*
- I do not appear to have been provided with details of surface water drainage. It is unclear who will be the adopting authority for the street drainage and balancing ponds; I would be grateful if the applicant could confirm.'*

5.3.4 As a result of receiving the comments of the LHA above, a revised package of plans were prepared by the applicant / developer which were submitted for consideration on 10/08/2017 and 15/08/2017. These were forwarded to the LHA who subsequently commented as follows:

'Re: the revised plan – this appears to just concentrate on the swept path analysis for the turning areas and does not appear to address all the issues raised in my previous consultation response.

This information does however highlight a number of further issues e.g. the swept path fronting plots 74/75 appears to over-run the adjoining pedestrian margin (turning head TH-N-2A), the manoeuvre fronting plots 26/27 is very restricted – wheel-tracks of the vehicle run along kerb-lines (turning head TH-S-2) and the turning area fronting plot 53 appears to have been extended over the parking areas for plots 47 & 61 - again the manoeuvre would need to be extremely precise (turning head TH-S-3). The information also includes large cars passing each other, however, it would be more desirable to see a car / refuse vehicle combination to ensure the street can accommodate these vehicles.

These issues, along with the others identified in my consultation response, will need to be addressed before determining the application.'

5.3.5 The comments of the LHA above were relayed back to the applicant / developer who accepted that subtle design tweaks to the overall layout were still needed in order address the outstanding matters of the LHA. The case officer however agreed with the applicant / developer that these details could be reserved by the imposition of an appropriate planning conditions if the principle of the layout was considered to be acceptable. Realistically the amendments to address the outstanding matters were minor and sufficient scope was worked into the layout to address these changes without significant alteration to the final layout as shown.

5.3.6 Overall therefore it is considered that in the context of policies CS2, CS18 and CS20 of the Core Strategy the proposed layout of phase 1 of the development is acceptable in principle; subject to minor design amendments being submitted to satisfy the outstanding concerns of the LHA detailed above. The LHA will

continue to be involved in the construction approval of the internal road layout (as it is intended that the estate streets are to be adopted) and therefore the applicant / developer will be tied to meeting these requirements in order to ascertain final adoption. It is therefore more widely in the applicant / developers interest to resolve these issues.

5.4 **Technical Considerations**

5.4.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, ecology protection / enhancement, land condition and contamination; however these matters and the detailed matter thereof are all being dealt with under the various discharge of conditions applications which have also been submitted for consideration. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised are being dealt with separately in connection with each respective planning condition / discharge of conditions application.

5.4.2 It is noted that the CCG has responded to this application seeking a contribution of £38,496 towards health provision in the local area; however this contribution cannot be secured against a reserved matters application. The CCG should have made this request when the outline planning application was being considered.

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 07/06/2017; by advertisement placed in the local press on 15/06/2017; and by neighbour notification letters sent to 36 no. residents on 05/06/2017.

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

12 Nesfield Close

There will be lots of noise when you start digging and lots of dusts; plus you will disturb lots of rats from the field;

The lane to the back of us used to be only for up to 7.5 tonne lorries but the council took this down and there will be heavy wagons and lots of machinery;

My husband is still recovering from open heart surgery and then you tell us you're going to build 300 houses – we have lived here 44 years so if this is going to happen day in day out can we have triple glazing to keep the noise levels down?

Dunston Grange Farm

In general we are pleased with the position of the houses in relation to the Dunston Grange Barns in that there is a reasonable buffer zone of mainly attenuation ponds and like the planting that has been specified.

We do have a couple of concerns that we would like to be taken into consideration before it is finally approved :

1. Some of the closest houses are within the same distance to the farm house as some of the barn development yet the materials specified are of low specification red brick (Terca) and concrete roof tiles. It was previously mentioned that the houses facing the Farm House and Barns would be in sympathy with the Dunston Grange Buildings in perhaps stone or clad with slate roofs so to make a transition between the farm and the new houses? There is no evidence of this intention on the drawings submitted.
2. The west most pond comes extremely close to the boundary of Dunston Grange Farm House and South Barn, 1 Dunston Grange gardens... could this be moved further south to leave some ground between the boundaries and the edge of the pond?

All of the above can be addressed with minor changes and hope they will be considered positively.

6.3 ***Officer Response: See section 5.1 and 5.2 above.***

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

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

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

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

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

9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of

neighbouring residents or highway safety. 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 The outline planning permission already includes appropriate planning conditions such that 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 technical considerations.

10.0 **RECOMMENDATION**

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

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

House Types

14-053-001-AN - ARUN
14-053-001-BM-1 - BEAMISH
14-053-001-BM-2 (RENDER OPTION) - BEAMISH
14-053-001-BT-1 - BLYTH
14-053-001-BT-2 (RENDER OPTION) - BLYTH
14-053-001-DE-1 - DOVE
14-053-001-DE-2 (RENDER OPTION) - DOVE
14-053-001-DE-9 (RENDER - GABLE OPTION) - DOVE
14-053-001-DE-RS REV B (PLOT 69 ONLY) - DOVE
14-053-001-DK-1 - DENWICK
14-053-001-DK-2 (RENDER OPTION) - DENWICK
14-053-001-DK-RS REV B (PLOTS 70 AND 71) - DENIWCK
14-053-001-DL-1 - DALTON
14-053-001-DS-1 – DOUGLAS
14-053-001-DS-2 (RENDER OPTION) - DOUGLAS
14-053-HB-2 - HAMBLE
14-053-001-KD-1 – KILDALE
14-053-00-LN-1 - LYDDEN
14-053-001-LN-1 (PC) – LYDDEN (CHIMNEY OPTION)
14-053-001-MD-1 - MEDEN
14-053-001-RA-1 – RANNOCH
14-053-001-RA-5 (GABLETTE OPTION) – RANNOCH

14-053-001-RA-RS REV A (PLOT 67 ONLY) – RANNOCH
14-053-001-RR – ROTHER
14-053-001-SD-1 - SWINDALE
14-053-001-SD-2 (RENDER OPTION) - SWINDALE
14-053-001-SD-3 (TILE OPTION) – SWINDALE
14-053-001-ST-1 - SOLENT
14-053-001-ST-1 (PC) – SOLENT (CHIMNEY OPTION)
14-053-001-ST-2 (RENDER OPTION) - SOLENT
14-053-001-ST-6 (DOUBLE GABLETTE OPTION) –
SOLENT
14-053-001-SV-1 - SEVERN
14-053-001-SV-3 (TILE OPTION) – SEVERN
14-053-001-TM-1 REV A - TEME
14-053-001-TM-2 (RENDER OPTION) - TEME
14-053-001-TM-RS REV A (PLOT 68 ONLY) - TEME
14-053-001-TS-1 - THIRSK

Garages

14-053-001-GB.06B – GARAGE (SINGLE FRONT GABLE)
15-819 P-GB.02 - DOUBLE GARAGE (SIDE GABLE ROOF)
15-819 P-GB.03 - SEMI GARAGE (SIDE GABLE ROOF)
15-819 P-GB.06 - SINGLE GARAGE (FRONT GABLE
ROOF)
12-101-003-GB.09 - TRIPLE GARAGE – ELEVATION /
FLOOR PLAN

Site Layout

14-053-001-P01 – PHASE 1 SITE LOCATION PLAN
14-053-001-P02 REV C – PROPOSED SITE PLAN
14-053-001-P03 REV K – MATERIALS PLAN
14-053-001-P04 REV B – HARD LANDSCAPING
14-053-001-P05 REV A – STREET ELEVATIONS
14-053-001-P06 – DESIGN PRINCIPLES PLAN
14-053-001-P07 REV B – SITE SECTIONS

6235-L11 REV D – PRIVATE TARMAC DRIVE DETAIL
(PCC FLAT EDGING)
6235-L14 REV C – SHARED TARMAC DRIVE DETAIL (PCC
FLAT EDGING)
6235-L16 – FIRE ACCESS DRIVE DETAILS / EDGING TO
DRIVES
6235-L44 REV D – 1800MM TIMBER SCREEN FENCE
6235-L76 – PRIVATE DRIVES DEMARCATION LINES

6235-L89 – BRICK SCREEN WALL DETAIL

06.17/01 REV A – PLANTING PROPOSALS

06.17/02 REV A – PLAY AREA PROPOSALS

06.17/03 – LANDSCAPE CONCEPT PLAN

DGI-BWB-HGN-01-DR-D-110 S1 P1 - PHASE 1 SECTION
38 VEHICLE TRACKING

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

02. Notwithstanding the details accompanying this reserved matters application, no development shall take place until construction details of the internal residential estate roads and footways (including layout, levels, gradients, surfacing, lighting and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

03. Notwithstanding the details accompanying this reserved matters application, within 2 months of the commencement of development revised soft landscaping details conforming to the principles of the submitted Landscape Concept Plan (06.17/03 – LANDSCAPE CONCEPT PLAN) shall be submitted to the Local Planning Authority for consideration and subsequent approval in writing. Only those details agreed shall be implemented on site.

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

04. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally

planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

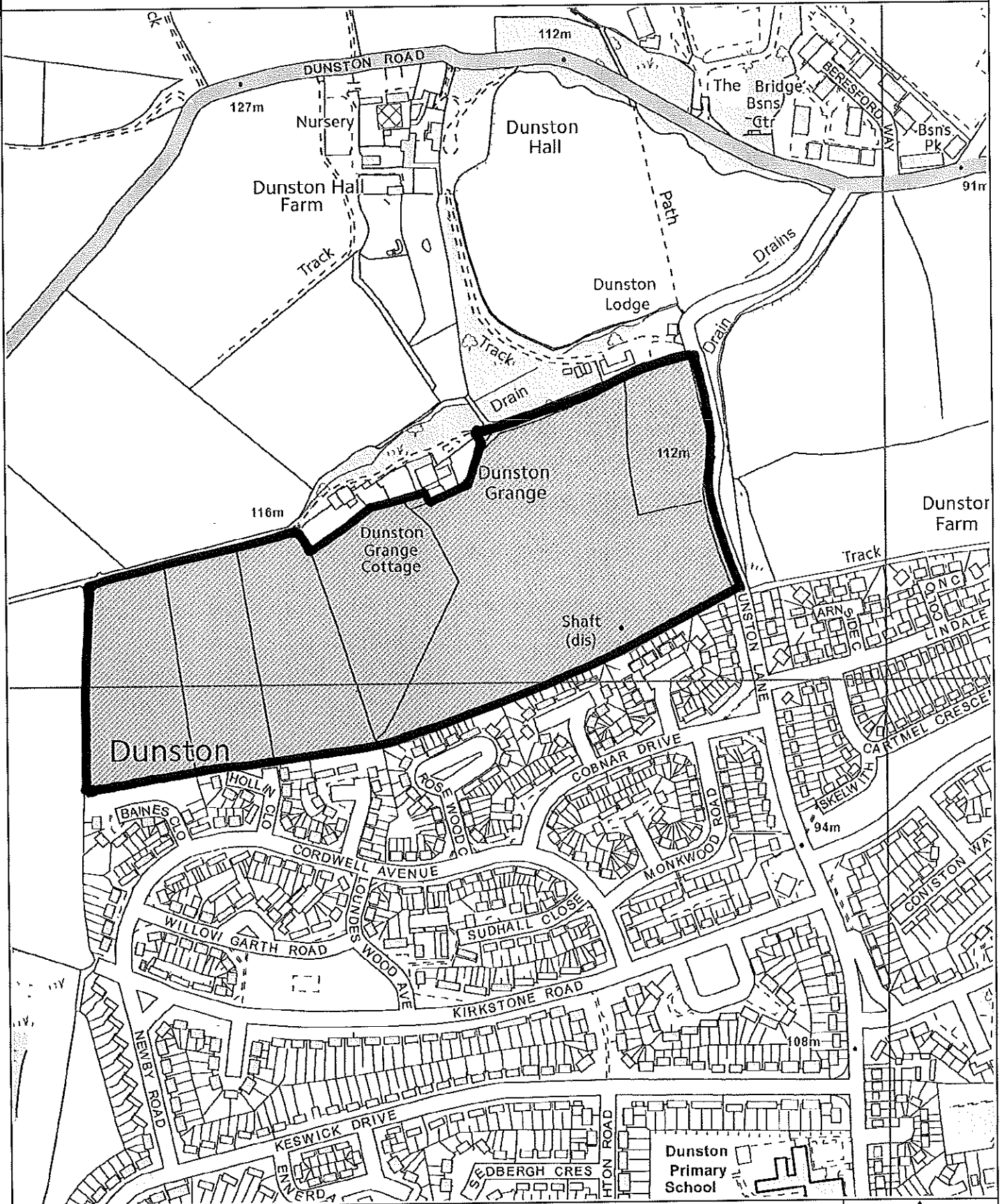
Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. This permission is granted further to an earlier grant of outline planning permission to which any developer should also refer.

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PLAN - CHE/17/00351/REM - LAND TO WEST OF DUNSTON LANE



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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	18 TH SEPTEMBER 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

17/00565/OTHC	Other Works (Commercial) Change of use from existing workshop to recording studio 98 Derby Road Chesterfield Derbyshire S40 2EF	Conditional Approval	22/08/2017
17/01196/OTHD	Other Works (Domestic) Single storey rear extension, substantially glazed thermally separated 8 Huntley Close Inkersall Chesterfield Derbyshire S43 3JD	Conditional Approval	14/08/2017
17/01307/DEX	Domestic Extensions/Alterations Single storey extension 9 Troughbrook Road Hollingwood Chesterfield Derbyshire S43 2JN	Unconditional Approval	25/08/2017
17/01363/OTHC	Other Works (Commercial) Proposed walls removal Deen And Da Awah Centre 29 Newbold Road Newbold Chesterfield Derbyshire S41 7PG	Unconditional Approval	14/08/2017
17/01422/DEX	Domestic Extensions/Alterations Extension 52 Yew Tree Drive Somersall Chesterfield Derbyshire S40 3NB	Conditional Approval	18/08/2017
17/01237/DEX	Domestic Extensions/Alterations Alterations and extension 45 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4EA	Conditional Approval	17/08/2017
17/00654/DOM	Domestic Buildings and New Dwellings Detached dwelling Land To Rear 190 Station Road Brimington Chesterfield Derbyshire S43 1LT	Conditional Approval	23/08/2017

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	18 TH SEPTEMBER 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/17/00186/FUL	Moor	Siting of steel storage container for kayaking and canoeing equipment - amended plans received on 10.07.2017. At 5675 Tapton Lock Lockoford Lane Chesterfield S41 7JB For Pleasley Canoe Activity Club	CP	04/09/2017
CHE/17/00252/OUT	Rother	Pair of 2 bedroom semi-detached houses At 2407 20 Harehill Road Grangewood S40 2JA For Mr Nigel A James	CP	05/09/2017
CHE/17/00363/FUL	Hollingwood And Inkersall	Proposed First Floor Extension and Alterations to Existing Utility Area (Revised drawings received 3rd August 2017). At 50 Hillman Drive Inkersall S43 3SJ For Mrs Carla Weaving	CP	18/08/2017
CHE/17/00377/DOC	Holmebrook	Discharge of conditions 3 and 4 of CHE/17/00101/FUL - Proposed pedestrian and traffic management improvements and associated works At Rowland Hill House Boythorpe Road Boythorpe S49 1HQ For Royal Mail	REF	29/08/2017
3808 4059				

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00380/ADV 923	Old Whittington	2 internally illuminated Nissan Wordmarks, 1 internally illuminated 'Bristol Street Motors' dealers name 1 internally illuminated 6M Totem, 1 internally illuminated entrance sign, 1 non illuminated directional sign, 1 set of non illuminated vinyl opening hours At Gordon Lamb (Nissan and Renault) Discovery Way Whittington Moor S41 9EG For Bristol Street Motors	CP	16/08/2017
CHE/17/00383/FUL 2575	West	Revision of landscaping scheme approved under condition 28 of planning permission CHE/12/00553/FUL, and engineering works to garden and driveway to raise levels, widen driveway, create patio, new garden shed and pergola At 1 Treeneuk Gardens Chesterfield S40 3FH For	CP	29/08/2017
CHE/17/00389/FUL 3532	Brockwell	Extensions and alterations to the existing surgery and demolition of existing annexe and construction of new two storey building - additional information received 06/07/2017 and 11/08/2017 At Avenue House Surgery 109 Saltergate Chesterfield S40 1LE For Avenue House & Hasland Partnership	CP	31/08/2017
CHE/17/00398/FUL	Brockwell	Two storey side extension, parking plan received 15.08.2017 At 10 Newbold Drive Newbold S41 7AP For Mr and Mrs Pearson	CP	15/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00402/FUL 4845	Brockwell	Conservatory to side of previously extended property. At 9 Highfield Avenue Newbold S41 7AZ For Mrs Damersell	CP	29/08/2017
CHE/17/00422/FUL 620	Barrow Hill And New Whittington	Erection of a 1st floor extension with front and rear dormers At 2 Durham Avenue New Whittington S43 2EB For Mrs Thompson	CP	16/08/2017
CHE/17/00434/FUL 3262	West	Proposed single storey rear garage/workshop extension. Amended plans received 01.08.2017. At 285 Ashgate Road Chesterfield S40 4DB For Mr Dean Whitfield	CP	17/08/2017
CHE/17/00441/FUL 2/5278	Holmebrook	Change of use of land to domestic garden and erection of a detached garage At 61 Vernon Road Chesterfield S40 1EL For Mr Tony Henman	CP	31/08/2017
CHE/17/00446/FUL 5577	Walton	Single storey side and rear extension to existing detached bungalow At 159 Moorland View Road Walton S40 3DD For Ms Rosemary Wenham	CP	24/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00449/DOC	Dunston	Discharge of planning conditions 7 (Phase I Geo-Environmental Assessment Report), 13 (Site Access), 16 (Infrastructure), 19(Temporary site access) and 20 (Construction method statement) 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)	DPC	22/08/2017
218		At Land To The West Of Dunston Lane Newbold For William Davis Limited		
CHE/17/00450/LBC	Middlecroft And Poolsbrook	Replace existing casement ground floor CP bay window with a sliding sash bay window		24/08/2017
636		At 7 Church Street Staveley S43 3TL For Mr David Horan		
CHE/17/00452/FUL	Linacre	Raised ground level adj. footpath, fence CP to side elevation.		15/08/2017
5912		At 5 Barley Lane Holme Hall Chesterfield S42 7JA For Mr Alan Maris		
CHE/17/00460/FUL	West	Proposed rear extension	CP	22/08/2017
		At 10 Deerlands Road Ashgate Chesterfield S40 4DF For Mr and Mrs Canning		

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00465/NMA 3015	Brockwell	Non material amendment to reposition kitchen window of CHE/17/00269/FUL - Two storey side extension and single storey rear extension At 16 Morris Avenue Newbold S41 7BA For Mr Paul Markham	UP	23/08/2017
CHE/17/00466/FUL	St Leonards	Proposed side extension to house and loft conversion, conservatory and internal alterations At 290 Hady Hill Hady S41 0BJ For Mr Vanderwalt	CP	24/08/2017
CHE/17/00471/TPO 1754	West	TR66 1 Hawthorne - Crown Lift, TR66 2 CP Cherry - Crown Lift and Crown Clean, TR66 3 Hawthorne - Crown Lift, TR66 4 Maple - Crown Clean. All Trees starting to overhang footpath on Dorothy Vale. At 64 Greenbank Drive Loundsley Green Chesterfield S40 4BX For Mr Micheal Bunting		17/08/2017
CHE/17/00483/DOC 208	Dunston	Discharge of planning conditions 3 (oil/fuel interceptor), 4 (landscaping), 6 (materials) and 11 (cycle shelter) of CHE/16/00832/FUL -Construction of two single storey industrial buildings split into 5 units with associated landscaping, drainage, road access and car park work At Land At Dunston Road Chesterfield For Peppermint Grove Development Ltd	DPC	22/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00484/TPD	West	Replace existing conservatory/extension with a new extension At 18 Ashgate Avenue Ashgate Chesterfield S40 1JB For Mr Andrew Rowan	PANR	01/09/2017
CHE/17/00486/COU	St Leonards	Change of use of ground floor from hot food takeaway (Use Class A5) to a taxi office (Sui Generis). At 44 Knifesmithgate Chesterfield S40 1RQ For Mr Shaun Taylor	CP	29/08/2017
1999				
CHE/17/00489/FUL	Barrow Hill And New Whittington	Single storey rear extension At 179 Handley Road New Whittington Derbyshire S43 2EP For Mr and Mrs Jenkins	CP	31/08/2017
4865 4865				
CHE/17/00490/TEL	Loundsley Green	Proposed telecommunications installation and associated works for 4G (Fourth Generation) equipment .Re-submission of CHE/17/00187/TEL At H3G S0054 Telecommunications Mast Loundsley Green Road Chesterfield For Hutchinson and EE Ltd	PA	30/08/2017
83				
CHE/17/00491/DOC	Hasland	Discharge of condition 5 of CHE/17/00233/COU for change of use from A1 shops to D1 non-residential institution. At 20A The Green Hasland S41 0LJ For Mr Roy Smith	DPC	23/08/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00499/FUL	West	Extension plus alterations to create larger kitchen, sitting room and en-suite. At 28 Westbrook Drive Chesterfield S40 3PQ For Mrs S Wilkinson & Mr R Buckley	CP	29/08/2017
CHE/17/00501/FUL	Middlecroft And Poolsbrook	The proposal intends to install 8.No new All-weather pitches to existing grass pitches in order to increase the number of all-weather pitches which the elderly prefer as it allows the tourers to occupy the proposed pitches at all times in various weather conditions. At Poolsbrook Caravan Club Site Poolsbrook Country Park Pavilion Drive Poolsbrook S43 3WL For Caravan and Motorhome Club Site	CP	29/08/2017
5325				
CHE/17/00505/TPO	Linacre	T3 Sycamore lift crown to prevent low branch damage by vehicles. Left side of car park access At Eyre Chapel Newbold Village Newbold Road Newbold S41 8RJ For Cllr Peter Barr	CP	05/09/2017
CHE/17/00506/FUL	Brimington South	New garage At 79 Paxton Road Tapton S41 0TL For Mr John Marples	CP	04/09/2017
938				

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00525/TPO	West	Crown lift oak tree and crown thin by 20% CP At 10 Ians Way Loundsley Green Chesterfield S40 4PY For Mrs Pauline Fairbrother		30/08/2017
CHE/17/00526/TPO	West	Remove 2 lower branches of oak tree and crown thin by 25% At 770 Chatsworth Road Chesterfield S40 3PN For Mrs Sarah Riley	CP	30/08/2017
4254				
CHE/17/00539/TPD	Rother	Rear single storey flat roof extension At 120 Hunloke Avenue Boythorpe S40 2PD For Mr and Mrs Kalam	PANR	01/09/2017
4908				
CHE/17/00550/NMA	West	Non Material Amendment (original plan width of extension is 4602 and requires amending to 4200) - Planning Application No. CHE/17/00311/FUL (Single storey side extension) At 1 Westbrook Drive Chesterfield S40 3PQ For Mr Sanjiv Dhir	UP	30/08/2017
77				
CHE/17/00571/TPO	Dunston	1 Cherry T6, 1 Purple Plum, 1 Cypress - No visual amenity At 144 St Johns Road Newbold S41 8PE For Mr David Gill	UP	22/08/2017
6284				

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00574/TPO 313	Dunston	Crown lift by 5m At 2 Bowness Road Newbold S41 8AH For Mrs Janet Holt	CP	22/08/2017

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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	18 TH SEPTEMBER 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/17/00471/TPO TPO 4901.294 17/08/17	The pruning of four trees within G1 on the Order map consisting of 2 Hawthorns, 1 Cherry and 1 Maple tree for Mr Michael Bunting of 64 Greenbank Drive, Loundsley Green.	Consent is granted to the crown lifting of 4 trees by 2.5 metres and the crown clean to remove dead and damaged branches within the crown.
CHE/17/00571/TPO TPO 4901.34 22/08/17	The felling of 3 trees within G15 On the Order map consisting of 1 Cherry, 1 Purple Plum and 1 Cypress on the Order map for Mr Gill of 144 St John's Road, Newbold. The trees are allegedly causing subsidence problems at 10 Sherbourne Avenue.	Consent is granted to the removal of 3 trees because the trees have no amenity value and have been recommended for felling in application CHE/17/00504/TPO due to alleged subsidence damage. The duty to plant replacement trees has been dispensed with on this occasion.
CHE/17/00574/TPO TPO 4901.308 22/08/17	The pruning of one Alder tree reference T1 on the Order map for Mrs Holt of 2 Bowness Road, Newbold. The tree is allegedly low over the garden.	Consent is granted to the crown lifting of one Alder by 4 metres pruning back to suitable replacement branches and leaving a well-balanced crown.
CHE/17/00525/TPO TPO 4901.185 30/08/17	The pruning of one Oak tree reference T1 on the Order map for Ken Portas Landscapes on behalf of Mrs Fairbrother of 10 lans Way, Ashgate.	Consent is granted to the crown lifting of the tree by 4 metres and the crown thinning of the tree by 20% to allow more light into the garden.

<p>CHE/17/00526/TPO TPO 4901.105 30/08/17</p>	<p>The pruning of one Oak tree reference T1 on the Order map for Ken Portas Landscapes on behalf of Mrs Riley of 770 Chatsworth Road.</p>	<p>Consent is granted to the crown thinning of the tree by 25% and the removal of 2 lower branches to rebalance the crown and allow more light to filter through the canopy.</p>
<p>CHE/17/00505/TPO TPO 4901.194 05/09/17</p>	<p>The pruning of one Oak tree reference T3 on the Order map for Mr Peter Barr on behalf of Eyre Chapel, Newbold. The branches of the tree are low over the entrance to the car par of Eyre Chapel.</p>	<p>Consent is granted to the crown lifting of the tree by 3 metres and a crown clean to remove any dead wood within the crown.</p>
<p>CHE/17/00567/TPO TPO 4901.14 06/09/17</p>	<p>The pruning of 3 Lime trees within G1 on the Order map for Mr Dent of 22 Netherleigh Road, Ashgate.</p>	<p>Consent is granted to the re-pollarding of 3 Lime trees pruning back to previous pollarding point or back to sound wood where there is decay.</p>

AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 18TH SEPTEMBER 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	
2/1002	Rother ward	Mr M Kirby	CHE/17/00017/OUT Dwelling on land at 1 Branton Close – Refusal	Planning Committee – against officer advice	27/4/17	Written Reps	
2/2404	Lowgates & Woodthorpe	Mr and Mrs Hall	CHE/16/00804/FUL – Conversion of Goat Shed to Holiday let at 23 Bridle Road – Refusal	Officer Delegated	30/4/17	Written Reps	
2/310	West ward	Mr Keith Aston	CHE/17/00119/MA – Material Amendment of plots 1 and 2 at 246a Ashgate Road - Refusal	Planning Committee – against officer advice	2/5/17	Written Reps?	
2/1192	Brockwell ward	Mr S Priestnall & T Cordin	CHE/16/00591/FUL – Redevelopemnt of 46 Newbold Road (The shrubberies) for 13 dwellings – Refusal	Planning Committee – against officer advice	22/5/17	Written Reps	

2/1286	Walton ward	Mr A James	CHE/17/00240/FUL – Dwelling on land adj 2 Hazel Drive – Refusal	Officer Delegated	22/6/17	Written Reps	
2/2880	St Leonards ward	Mr Baljinder Singh-Sall	15 Lincoln Street Raising ground levels and use. Enforcement Notice (Grounds (c) and (g) – There has been no breach and time for compliance is too short	Planning Committee	30/06/17	Written Reps	
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	

FOR PUBLICATION

PLANNING AGREEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 18TH SEPTEMBER 2017
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW
MANAGER
DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

TITLE: D1229
Copy planning
agreements: Non
exempt documents:

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES
on Planning Register (Regeneration Directorate)
on planning/legal files

1.0 PURPOSE OF REPORT

1.1 To inform members about the outcome of planning agreements authorised since January 2016 and summarise terms of completed agreements.

2.0 BACKGROUND

2.1 A planning agreement is sometimes needed before planning permission can be granted, because of local plan policies or to overcome particular issues. The agreements bind the land and can be enforced in court.

2.2 Planning agreements are authorised by this committee (Delegation Reference P340), or officers following an application determined by an officer (P345D). Drafting often begins prior to the decision on the application, but is subject to the outcome of the application. Details are negotiated by officers (P355D and P360D).

3.0 RECOMMENDATION

3.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
AND CONSERVATION
MANAGER

Further information on this report from Gerard Rogers, Local Government and Regulatory Law Manager, Legal Services Tel 01246 345310 or gerard.rogers@chesterfield.gov.uk

Agreements currently Authorised: 10

PLANNING AGREEMENT REPORT

08 September 2017

Address	Developer	Authorised days from	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd	CF
Date Completed	Other terms/notes																				last update
Days Authorised to Completed																					

Planning Obligation

Total currently authorised: 7 Authorised to Completed Average: 1051 days

Carpenter Avenue - Land West of	Norbriggs Partnership	08/08/16 397	16/00114/OUT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LW 07/12/16
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Awaiting further comments from developer's solicitor

Factory Street / Walton Works and Boythorpe Works	Robinsons PLC	09/01/17 243	15/0832/FUL and CHE/15/0843/LB C	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wa
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Refurbishment of listed building, traffic monitoring and mitigation. Awaiting discussions

Farnale Road Hartington Tip	Tawnywood Ltd and others	26/08/14 1,110	13/00675/OUT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	07/12/16
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Completed

12/07/17

1051

Address	Developer	Authorised days from	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd	CF
Date Completed	Other terms/notes																				last update
Days Authorised to Completed																					
Hasland Road Bank Close House	Vital Balance Ltd	10/10/16 334	16/00229/OUT and CHE/16/00225/L BC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		07/12/16
Application of sale proceeds towards refurbishment of listed building Draft with developer.																					
High Street Elm Tree Inn 185	V Zheng	05/06/17 96	16/00835/FUL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Obligations subject to viability appraisal. £4,000 TRO Contribution (parking) up to 30% affordable housing, Percent for art, external management company for on site green open space and SuDS, plus £4000 contribution to TRO investigation.																					
Sheffield Road 955 (former Boat Yard)	Electraplas Ltd	30/08/16 375	16/00171/OUT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OW 07/12/16
Being circulated for signatures																					
Walton Works	Tan House Spartan Ltd	12/12/16 271		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Finalising drafting																					

Unilateral Undertaking

Total currently authorised: 1 Authorised to Completed Average: 0 days

Address	Developer	Authorised days from	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd	CF
Date Completed	Other terms/notes																				last update
Days Authorised to Completed																					

Saltergate	Woodall Homes Limited	08/08/17 32	17/00263/FUL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	B	
08/08/17																					
0	Completed																				

Variation of Planning Obligation Total currently authorised: 2 Authorised to Completed Average: 151 days

Bevan Drive	Wildgoose Homes	13/03/17 180	16/00800/FUL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HI
	Modification of 29/03/16 deed. To remove affordable housing requirement unless market conditions improve and/or increase in housing units on site																				

Brimington Road Chesterfield Waterside	Chesterfield Waterside Ltd and others	12/12/16 271	16/00183/REM1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		07/12/16
12/05/17	binds the development authorised by application ref CHE/16/00183/REM1 to the obligations in the Chesterfield Waterside Section 106 (as varied)																				
151																					

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation – Hartington Tip, Farndale Road Chesterfield**

Ward: Lowgates and Woodthorpe

Application Ref: CHE/13/00675/OUT **Applicant/Landowner:** Tawnywood Limited

Authorised: 26/08/14

Completed: 12/07/17

Discontinued etc:

Terms of Deed:

Notes (1) Requirements are imposed by Planning Committee when the agreement is authorised (P450), unless the document is a Unilateral Undertaking. Officers negotiate details of the agreement (P460D).
(2) This is a summary only - for exact terms please see the Deed

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Percent for Art	*	£25,000.00	On occupation of the development	
Travel Plan	*			
Travel Plan Monitoring	*	£5,000.00		£1,000pa x 5 years
Highway Authority monitoring and measures	*	£25,000.00		For 6 months after all occupied. Measures relate to junction of Hall Lane and Eckington Road
Training and Employment Scheme	*		Before detailed planning permission for a phase	
Other Requirements		No development until relevant amelioration works carried out in accordance with DCC permissions		
Legal Costs on Deed		£1,250.00		
Total Financial Contribution		<u>£56,250.00</u>		
Notes				

08 September 2017
2014

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation – Unilateral Undertaking Saltergate Chesterfield**

Ward: Brockwell

Application Ref: CHE/17/00263/FUL **Applicant/Landowner:** Woodall Homes Limited Derbyshire
Community Health Services NHS Fdn Trust

Authorised: 08/08/17

Completed: 08/08/17

Discontinued etc:

Terms of Deed:

Notes (1) Requirements are imposed by Planning Committee when the agreement is authorised (P450), unless the document is a Unilateral Undertaking. Officers negotiate details of the agreement (P460D).

(2) This is a summary only - for exact terms please see the Deed

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Percent for Art	*	£44,350.00	12 months of first occupation	
Social Housing • On site provision (Units) • Value/Off site contribution	*	4 units	As part of developme nt	
Management Scheme: Sustainable Drainage	*			
Management Scheme: Green Spaces	*			
Other Requirements	Health Service Contributi on	£12,934.00	Before first occupation of 50% of dwellings	
Legal Costs on Deed		750.00		
Total Financial Contribution		<u>£58,034.00</u>		
Notes				

08 September 2017
2014

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation – Chesterfield Waterside, Chesterfield**

Ward: St. Leonards

Application Ref: CHE/16/00183/REM1 **Applicant/Landowner:** Chesterfield Waterside Ltd and others

Authorised: 12/12/16

Completed: 12/05/17

Discontinued etc:

Terms of Deed:

Notes (1) Requirements are imposed by Planning Committee when the agreement is authorised (P450), unless the document is a Unilateral Undertaking. Officers negotiate details of the agreement (P460D).
(2) This is a summary only - for exact terms please see the Deed

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Other Requirements	*			Binds the development authorised by the planning permission to the obligations contained in the main Waterside Section 106 Agreement
Legal Costs on Deed		£450.00		
Total Financial Contribution		<u>£450.00</u>		
Notes				

08 September 2017
2014

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ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 18TH SEPTEMBER 2017
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Planning Service.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

ENFORCEMENT REPORT

Enforcements currently Authorised: 9

07 September 2017

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
Enforcement Notice		<i>Total currently Authorised: 7 Authorised to Issue Average: 40.25 days</i>							
Hady Lane	15/10/12 <small>1,788</small>	occupation of land					Resubmitted application for relocation site granted 06/10/14, and details on conditions submitted. Outcome of Village Green Inquiry - DCC rejected the applications on 25/07/16. Currently moving to authorised site.	<input type="checkbox"/> <small>11/11/16</small>	Ha
Lincoln Street	13/03/17 <small>178</small>	use of materials to extend hardsurfacing			17/05/17 <small>65</small>		Use of materials to extend hardsurfacing. Appeal.	<input type="checkbox"/> <small>17/07/17</small>	
Lincoln Street	13/03/17 <small>178</small>	change of use from agriculture to storage of scrap vehicles			17/05/17 <small>65</small>		Change of use from agriculture to storage of scrap vehicles. Appeal.	<input type="checkbox"/> <small>17/07/17</small>	
Pottery Lane West	10 09/01/17 <small>241</small>	excavation - engineering works			25/01/17 <small>16</small>		Appeal.	<input type="checkbox"/> <small>02/05/17</small>	

Details at 07 September 2017

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Tapton View Road	47	24/04/17 136	unauthorised extension	16/00648				Application for retention dismissed on appeal. Enforce removal. Waiting for voluntary compliance before instructions.	<input type="checkbox"/> 17/07/17	SH
Waipon Works		27/06/16 437	use for war and horror style games					Cease war and horror style games at weekends and after 18:00 hours, and pyrotechnics at any time. 12/12/16 Committee approval for Section 106 planning obligation to regulate unauthorised use. Comments on draft from agents.	<input type="checkbox"/> 05/06/17	Wa
York Street	2	17/07/17 52	2 vending machines		01/08/17 15	12/09/17 -5	10/10/17 -33	2 unauthorised vending machines. Issued. Appeal indicated..	<input checked="" type="checkbox"/> 22/08/17	Ha

Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Walton Works	27/06/16 437	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa

TPO Prosecution

Total currently Authorised: 1 Authorised to Issue Average: days

Newbold Road	04/07/17 65	damage / removal of trees					multiple offences by various parties	<input type="checkbox"/> 04/07/17	N
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

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