



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

Councillors Hollingworth and Rayner –  
Site Visit 1

Councillors J Innes and P Innes –  
Site Visit 2

Councillors J Innes and P Innes –  
Site Visit 3

Councillors Bellamy and P Gilby –  
Site Visit 4

28 December 2017

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 8 JANUARY 2018 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 12:45. Ward members wishing to be present should attend on site as indicated below:-

1. 13:00 Rear of 18 Lancaster Road, Chesterfield  
CHE/16/00083/OUT
2. 13:25 Discovery Way, Chesterfield

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

Telephone: 01246 345 345, Text: 07960 910 264, Email: [info@chesterfield.gov.uk](mailto:info@chesterfield.gov.uk)

[www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)

CHE/17/00327/FUL

3. 13:45 Eastside Lane CHE/17/00569/FUL and  
CHE/17/00645/FUL and CHE/17/00647/FUL
4. 14:10 Wheeldon Mill, Chesterfield  
CHE/17/00685/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](mailto:charlotte.kearsey@chesterfield.gov.uk) by 9.00 a.m. on Monday 8 January, 2018. 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 - 38)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 39 - 228)
5. Building Regulations (P880D) (Pages 229 - 232)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 233 - 244)
7. Applications to Fell or Prune Trees (P620D) (Pages 245 - 252)
8. Appeals Report (P000) (Pages 253 - 260)

9. Enforcement Report (P410) (Pages 261 - 264)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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## PLANNING COMMITTEE

Monday, 11th December, 2017

Present:-

Councillor Brittain (Chair)

Councillors Callan Simmons Catt Miles P Barr	Councillors Brady Wall Bingham Sarvent
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\*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/17/00756/OUT** - Outline application for residential development on land on goytside road corner with Factory Street, Chesterfield, Derbyshire for LIDL UK GMBH and **CHE/17/00757/OUT** - Outline application for residential development on land off Goytside Road, Chesterfield, Derbyshire for LIDL UK GMBH.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Catt, Miles, Sarvent, Simmons and Wall.

**CHE/17/00540/FUL** - Extension at ground floor for new consulting rooms and pharmacy, new offices at first floor at Newbold Surgery, 3 Windermere Road, Newbold, Chesterfield.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Miles, Sarvent, Simmons and Wall.

**CHE/17/00747/FUL** - Residential development at land to rear of 109 Middlecroft Road, Staveley, Chesterfield.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Catt, Miles, Sarvent, Simmons and Wall.

**CHE/17/00477/FUL** - Proposed construction of a three bedroom detached dwelling within the curtilage of 8 Park View (revised drawings received 02.11.2017) at 8 Park View, Hasland, Chesterfield S41 0JD for Nick Ibbotson Developments.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Miles, Sarvent, Simmons and Wall.

**91 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Caulfield, Davenport, Elliot, T Gilby and Hill.

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

Councillor Sarvent declared a non-pecuniary interest in agenda item 4 (CHE/17/00540/FUL - Extension at ground floor for new consulting rooms and pharmacy, new offices at first floor at Newbold Surgery, 3 Windermere Road, Newbold, Chesterfield) as she was a patient of the surgery.

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

**93 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 20 November, 2017 be signed by the Chair as a true record.

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

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

**CHE/17/00747/FUL - RESIDENTIAL DEVELOPMENT AT LAND TO REAR OF 109 MIDDLECROFT ROAD, STAVELEY, CHESTERFIELD**

In accordance with Minute No.299 (2001/2002) Mr Jim Lomas (agent of the applicant) addressed the meeting.

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

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

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

- Entrance Plan,
- Site Plan OS4A and OS3B,
- Proposed Scheme;

with the exception of any approved non material amendment.

3. Before any works are commenced, the applicant shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority a revised plan slightly extending the manoeuvring area, a slight relocation of 2 No. off-street parking spaces and demonstrating a bin dwell area if required or vehicular swept paths for a refuse vehicle.

4. The existing access shall be provided with a 2m x 2m x 45° pedestrian intervisibility splay on the northern side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object.

5. No dwelling shall be occupied until space has been laid out within the site in accordance with the drawing approved under Condition 3 above for cars to be parked and for vehicles to manoeuvre such that they may enter and leave the site in a forward gear. The parking and manoeuvring space shall be maintained free from any impediment to their designated use for the life of the development.

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

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

8. 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.

9. 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.

10. 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.

11. 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.

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

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed tree types, plant types and the amount of soft landscaping upon the frontage and in the parking area.

14. No development approved by this permission shall be commenced until permeability tests are carried out with sizing calculations provided, in

accordance with BRE Digest 365, and approved in writing by the Local Planning Authority.

15. Prior to determination of this application it is recommended that a Preliminary Ecological Appraisal 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 i.e. bat building assessment. 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.

(B) That a CIL Liability Notice be served for £7,380 as per paragraph 9 of the officer's report.

CHE/17/00540/FUL - EXTENSION AT GROUND FLOOR FOR NEW CONSULTING ROOMS AND PHARMACY, NEW OFFICES AT FIRST FLOOR AT NEWBOLD SURGERY, 3 WINDERMERE ROAD, NEWBOLD, CHESTERFIELD

In accordance with Minute No.299 (2001/2002) Dr Martin Bradley (objector) and Dr Upendra Bhatia (applicant) addressed the meeting.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans:
  - Proposed First Floor plan Drawing No. 05E
  - Proposed Roof Plan Drawing No. 10B
  - Proposed Surgery Elevations and Roof plan Drawing No. 09B

- Proposed Ground Floor and Site Plan Drawing No. 03G
- Existing Surgery Elevations and Roof Plan Drawing No. 08A
- Existing Ground Floor and Site Plan Drawing No. 01B
- Location Plan

with the exception of any approved non material amendment.

3. No development shall take place including any works of demolition until a construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- parking of vehicles of site operatives and visitors,
- routes for construction traffic, including abnormal loads/cranes etc,
- hours of operation,
- method of prevention of debris being carried onto highway,
- pedestrian and cyclist protection,
- proposed temporary traffic restrictions,
- arrangements for turning vehicles

4. Prior to the taking into use of the new rooms the revised parking provision shall be fully available for use. Thereafter the parking area shall be maintained free from impediment to its designated use for the lifetime of the development.

5. The pharmacy element of the business at Newbold Surgery shall be operated solely as a pharmacy. The consent is only for a pharmacy business. If the applicants (jointly or separately) sell, let or under let or otherwise part with possession of the whole or any part of the business then the pharmacy business shall cease and the property shall revert to a single use as a Doctors Surgery.

6. The Travel Plan dated September 2017 shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

CHE/17/00756/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND ON GOYTSIDE ROAD CORNER WITH FACTORY STREET, CHESTERFIELD, DERBYSHIRE FOR LIDL UK GMBH

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

(A) Time Limit etc.

1. Approval of the details of the layout, scale and external appearance of the building(s), the means of access and the 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 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.

Drainage

4. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
5. 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.

Site Investigations/Contamination/Noise

6. 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.

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

8. Concurrent with the first reserved matters submission the application shall be accompanied and informed by the results of a further Noise

Survey and Assessment (the parameters of which shall first have been agreed by the Local Planning Authority). The subsequent Noise Assessment shall include details of the necessary measures to mitigate any adverse impact of noise upon the development, arising from adjacent and proposed commercial uses. Only those details which are agreed in writing by the Local Planning Authority shall be implemented in full on site and maintained as such thereafter.

9. Any reserved matters submission including residential uses shall be accompanied by an updated noise assessment to confirm that internal noise levels in bedrooms and living rooms should not exceed 35dB LAeq(1hr) during the daytime (between 07:00 and 23:00) and 30dB LAeq(1hr) or 45dB LAmx(1hr) during the night-time (between 23:00 and 07:00). Similarly, daytime (between 07:00 and 23:00) garden noise levels should not exceed 55dB LAeq(1 hr).

10. 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.

### Archaeology

11. (a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation  
(b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

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

### Ecology

12. Prior to the commencement of development details of ecological enhancement measures that shall include details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the LPA. Replacement native tree planting should also be included, along with other ecologically beneficial landscaping. Such approved measures shall be implemented in full and maintained thereafter.

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

### Others

14. Concurrent with the first reserved matters submission the application shall be accompanied by a design statement which sets out how and where the development will incorporate electric vehicle charging facilities. Only those details which receive subsequent approval shall be implemented, as approved, and retained in perpetuity.

15. 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.

16. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

17. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Factory Street, located, designed, laid out, constructed and provided with visibility splays of 2.4m x maximum achievable over the site frontage and/or highway in both directions to the nearside carriageway channel, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

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

19. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained



throughout the life of the development free from any impediment to its designated use.

20. The proposed access to Factory Street shall be no steeper than 1 in 14 over its entire length.

(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.

CHE/17/00757/OUT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND OFF GOYT SIDE ROAD, CHESTERFIELD, DERBYSHIRE FOR LIDL UK GMBH

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

Time Limit etc

1. Approval of the details of the layout, scale and external appearance of the building(s), the means of access and the 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 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.

Drainage

4. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
5. 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.

6. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment 36710-008 prepared by Eastwood and Partners (Report dated October 2017), unless otherwise agreed in writing with the Local Planning Authority.

#### Site Investigations/Contamination/Noise

7. 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.

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

9. Concurrent with the first reserved matters submission the application shall be accompanied and informed by the results of a further Noise Survey and Assessment (the parameters of which shall first have been agreed by the Local Planning Authority). The subsequent Noise Assessment shall include details of the necessary measures to mitigate any adverse impact of noise upon the development, arising from adjacent and proposed commercial uses. Only those details which are agreed in writing by the Local Planning Authority shall be implemented in full on site and maintained as such thereafter.

10. Any reserved matters submission including residential uses shall be accompanied by an updated noise assessment to confirm that internal noise levels in bedrooms and living rooms should not exceed 35dB LAeq(1hr) during the daytime (between 07:00 and 23:00) and 30dB LAeq(1hr) or 45dB LAmx(1hr) during the night-time (between 23:00 and 07:00). Similarly, daytime (between 07:00 and 23:00) garden noise levels should not exceed 55dB LAeq(1 hr).

11. 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.

Archaeology

12. (a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- (b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

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

## Ecology

13. Prior to the commencement of development details of ecological enhancement measures that shall include details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the LPA. Replacement native tree planting should also be included, along with other ecologically beneficial landscaping. Such approved measures shall be implemented in full and maintained thereafter.

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

#### Others

15. Concurrent with the first reserved matters submission the application shall be accompanied by a design statement which sets out how and where the development will incorporate electric vehicle charging facilities. Only those details which receive subsequent approval shall be implemented, as approved, and retained in perpetuity.

16. 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.

17. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

18. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Goytside Road, located, designed, laid out, constructed and provided with visibility splays of 2.4m x 47m in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in

the case of vegetation) relative to adjoining nearside carriageway channel level.

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

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

21. The proposed access to Goytside Road shall be no steeper than 1 in 14 over its entire length.

(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.

CHE/17/00209/FUL - ADDENDUM REPORT - PROPOSED - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES (SUNDAY SCHOOL BUILDING RETAINED); AND ERECTION OF A FOOD STORE AND CREATION OF NEW/ALTERATIONS TO EXISTING ACCESSES WITH ASSOCIATED PARKING, SERVICING AND LANDSCAPING (REVISED DETAILS RECEIVED ON 24/04/2017, 04/05/2017, 15/06/2017, 28/06/2017, 13/07/2017, 07/08/2017, 08/08/2017, 14/08/2017, 04/09/2017 AND 04/10/2017) AT PERRYS GROUP (FORD), CHATSWORTH ROAD, CHESTERFIELD, DERBYSHIRE S40 2BJ FOR LIDL UK GMBH

That further to CHE/17/209/FUL Condition 28 a shared cycle / footpath connection from the new store cycle park through to Goytside Road had been agreed after negotiations with the developer and Chesterfield Cycle

Campaign. Approval of the final details of the route would be delegated to officers and the wording of condition 28 would be amended as follows:

28. The development shall not be brought into use until the agreed scheme to provide a shared cycle / footpath connection from the new store cycle park through to Goyt Side Road has been implemented. The shared connection route shall be solid bound surfaced and lit and only the scheme agreed by the local planning authority shall be implemented on site. Thereafter the route shall be maintained fit for purpose and free from any impediment to its intended use.

Condition 2 of the previously agreed committee resolution would also be amended to reflect the latest revision of the proposed site plan drawing number.

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 1831 P401
- Proposed Site Plan 1831 P409 REV F
- Proposed Surfacing Plan 1831 P411 REV D
- Proposed Boundary Treatments Plan 1831 P412 REV D
- Landscape Details R-1972-2B
- Landscape Masterplan R-1972-1B
- Proposed Elevations 1831 P202
- Proposed Floorplans 1831 P102
- Design and Access Statement
- Planning and Retail Statement
- Ecology Report
- Geo-environmental Appraisal and Additional Ground Reports
- Flood Risk Assessment and Flood History
- Transport Assessment and Travel Plan
- Noise Impact Assessment
- Drainage Strategy (revised 04/05/2017)
- Heritage Statement
- Tree Survey
- Statement of Community Involvement
- Archaeological Desk-Based Assessment (submitted 28/06/2017 and updated 08/08/2017)
- Transport Assessment Addendum (submitted 01/08/2017)

- Bat Surveys (submitted 14/08/2017)
- S106 Pro-Rata Calculation – Highways

CHE/17/00477/FUL - PROPOSED CONSTRUCTION OF A THREE BEDROOM DETACHED DWELLING WITHIN THE CURTILAGE OF 8 PARK VIEW (REVISED DRAWINGS RECEIVED 02.11.2017) AT 8 PARK VIEW, HASLAND, CHESTERFIELD S41 0JD FOR NICK IBBOTSON DEVELOPMENTS

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

- (A) 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing No 102 Revision D, with the exception of any approved non material amendment.
3. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.
4. Before any other operations are commenced (excluding Condition 1 above), the existing vehicular access shall be modified in accordance with the approved application details with all areas of the site between the highway boundary and existing/ proposed dwellings being surfaced in a manner suitable for vehicular use and maintained 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.
5. Notwithstanding the details shown on the approved plans 102 Revision D, the first floor bathroom window proposed in the side elevation of the dwelling facing No 8 Park View to the west shall be only be fitted with an opening above 1.7m high (measured internally) and shall be installed obscurely glazed with a minimum level 4 obscurity, both windows shall thereafter be retained as such in perpetuity.



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

7. 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.

8. There shall be no gates or other barriers unless otherwise agreed in writing by the Local Planning Authority.

9. 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.

(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.

## 95 **BUILDING REGULATIONS (P880D)**

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

### (a) Approvals

14/01948/DEX	Domestic Extensions/Alterations - Ground floor rear extension plus internal alterations, 13 Tennyson Avenue Chesterfield Derbyshire S40 4SN
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17/01387/DOM	Domestic Buildings and New Dwellings - Proposed dormer bungalow within the curtilage, 7 Myrtle
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	Grove Hollingwood Chesterfield Derbyshire S43 2LN
17/01392/MUL	Multiple Domestic - Extension, garage conversion, hall extension, wall removal, ensuite and porch, 26 Hillside Drive Walton Chesterfield Derbyshire S40 2DB
17/01449/DIS	Disabled Work - Downstairs bathroom, 128 Bamford Road Inkersall Chesterfield Derbyshire S43 3DS
17/01443/OTHC	Other Works (Commercial) -Fit-out works to change use to restaurant, 5 Stephenson Place Chesterfield Derbyshire S40 1XL
17/01305/DEX	Domestic Extensions/Alterations - Single storey rear extension, 1 St Davids Rise Walton Chesterfield Derbyshire S40 3HD
17/00950/PART	Partnership Application - Extension to property , lifting of roof height to provide living space in roof, 41 High Street Loscoe Derby DE75 7LG
17/01339/DOM	Domestic Buildings and New Dwellings - Erection of 29 houses and 5 apartments, Former Saltergate Health Centre 107 Saltergate Chesterfield Derbyshire S40 1LA
17/01418/DRO	Domestic in-roof Extensions/Alterations - Loft conversion, 34 Cobden Road Chesterfield Derbyshire S40 4TD
17/01482/DRO	Domestic in-roof Extensions/Alterations - Loft conversion and general alterations, 571 Chatsworth Road Chesterfield Derbyshire S40 3JX
17/01486/DEX	Domestic Extensions/Alterations - Single storey rear garage/workshop extension and proposed internal alterations to dwelling, 285 Ashgate Road Chesterfield Derbyshire S40 4DB

- 17/01488/DEX Domestic Extensions/Alterations - Two storey rear extension, 93 Gloucester Road Stonegravels Chesterfield Derbyshire S41 7EF
- 17/01535/MUL Multiple Domestic - Single storey rear extension and internal alterations, 2 Belvedere Close Somersall Chesterfield Derbyshire S40 3LU
- 17/01728/OTHD Other Works (Domestic) - First floor extension and alterations to the existing ground floor, 50 Hillman Drive Inkersall Chesterfield Derbyshire S43 3SJ
- 17/01632/DEX Domestic Extensions/Alterations - Extension of single storey garage, 9 Lansdowne Avenue Newbold Chesterfield Derbyshire S41 8PL
- 17/01638/DEX Domestic Extensions/Alterations - Single storey rear extension, 27 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JB
- 17/01678/DGA Domestic Garages (40 sq.m. or less) - Detached garage, 3 Litton Close Staveley Chesterfield Derbyshire S43 3TD
- 17/01590/OTHD Other Works (Domestic) - Structural internal alterations, 17 Traffic Terrace Barrow Hill Chesterfield Derbyshire S43 2NJ
- 17/01636/DEX Domestic Extensions/Alterations - Extension to rear, 20 Station Road Brimington Chesterfield Derbyshire S43 1JH
- 17/01650/MUL Multiple Domestic - Proposed rear extension, internal alterations and replacement windows, 218 Lockoford Lane Tapton Chesterfield Derbyshire S41 0TQ
- 17/01657/OTHD Other Works (Domestic) - Removal of front and rear doors; new window to replace front door and brick up under; brick up kitchen window; build single storey extension to rear of no 38; remove dividing wall to both kitchens and renew

- replacement kitchen; form new WC and shower room, 36 Park Road Chesterfield Derbyshire S40 1XZ
- 17/01685/DEX Domestic Extensions/Alterations - Single storey side extension, 3 Welbeck Close Inkersall Chesterfield Derbyshire S43 3EN
- 17/01686/PART Partnership Application - Side extension, 36 Grassthorpe Road Sheffield S12 2JH
- 17/01690/DEX Domestic Extensions/Alterations - Single storey rear extension, 7 Mayfield Road Chesterfield Derbyshire S40 3AJ
- 17/01782/DEX Domestic Extensions/Alterations - Rear extension and new ensuite, 25 Deerlands Road Ashgate Chesterfield Derbyshire S40 4DF
- 17/01815/OTHD Other Works (Domestic) - Internal alterations - removal of existing roofs to kitchen toilet/store/garage and construction of new, 97 Whitecotes Lane Walton Chesterfield Derbyshire S40 3HJ
- 17/01816/DIS Disabled Work - Two storey extension to side for disabled lift, 98 Ashgate Road Chesterfield Derbyshire S40 4AF
- 17/01818/DRO Domestic in-roof Extensions/Alterations - Loft conversion, Red Roof Ivy House Farm Lane Chesterfield Derbyshire S41 3AF
- 17/01793/MUL Multiple Domestic - First floor side extension, alterations to front garage roof and partial garage conversion, 39 Holme Park Avenue Upper Newbold Chesterfield Derbyshire S41 8XB
- 17/01820/DEX Domestic Extensions/Alterations - Extensions to rear and side of house, 18 Endowood Road Somersall Chesterfield Derbyshire S40 3LX

- 17/01807/OTHD Other Works (Domestic) - Roof dormers to existing bedroom over garage, 678 Chatsworth Road Chesterfield Derbyshire S40 3NU
- 17/01697/DEX Domestic Extensions/Alterations - Front extension, 100 Norwood Avenue Hasland Chesterfield Derbyshire S41 0NH
- 17/01730/PART Partnership Application - Single storey rear extension, 8 Longstone Crescent Sheffield S12 4WP
- 17/01712/OTHD Other Works (Domestic) - Internal alterations, 6 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH
- 17/01895/DEX Domestic Extensions/Alterations - Single storey rear extension, 49 Brushfield Road Holme Hall Chesterfield Derbyshire S40 4XF
- 17/01928/MUL Multiple Domestic - Two storey side extension, single storey rear extension and internal alterations, 40 Mansfeldt Road Newbold Chesterfield Derbyshire S41 7BW
- 17/01608/DIS Disabled Work - Sub-division of bedroom specifically for disabled use, 4 Nesfield Close Newbold Chesterfield Derbyshire S41 8DF
- 17/01792/DEX Domestic Extensions/Alterations - Proposed extension over existing, 91 Coronation Road Brimington Chesterfield Derbyshire S43 1EU
- 17/01709/DEX Domestic Extensions/Alterations - Ground floor side extension, 55 Brearley Street Old Whittington Chesterfield Derbyshire S41 9LN
- (b) Refusals
- 17/01390/DEX Domestic Extensions/Alterations - Proposed Extensions, Ravensworth 30 Markham Road Duckmanton Chesterfield Derbyshire S44 5HP

17/01278/DCC	Derbyshire County Council, Replacement of cooking kitchen and associated drainage including making good of existing landscape works to suit., Elmsleigh Primary School Swadlincote DE11 0EG
17/01294/DEX	Domestic Extensions/Alterations, Single storey pitched roof rear extension, 60 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4EE
17/01271/DEX	Domestic Extensions/Alterations, Bedroom above existing kitchen front extension and alterations to existing garage to form larger lounge, 10 Firvale Road Walton Chesterfield Derbyshire S42 7NN
17/01209/OTHC	Other Works (Commercial) - New Industrial Unit to Provide PDI Centre, Site Of Proposed Valeting Bay And Vehicle Compound Storage Station Road Whittington Moor Derbyshire
17/01574/DEX	Domestic Extensions/Alterations - Ground floor rear extension; internal alterations, 52 Ringwood Road Brimington Chesterfield Derbyshire S43 1DG

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

\*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

CHE/17/00516/FU	Hydrogen generation unit (20ft iso container), a hydrogen compressor (20ft iso container) and a hydrogen dispensing unit. The hydrogen generation unit, and the hydrogen compressor and a buffer tank are surrounded on two sides by a 2.5m high fire wall and fencing. Outside this fencing there will be an access road leading up to a concrete refuelling pad directly in front of a
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- hydrogen dispensing unit. The access road will be form a semi-circle with two dropped kerbs allowing access from Colliery Close at 190 Colliery House Colliery Close Staveley S43 3QE for ITM Power (Trading) Ltd.
- CHE/17/00555/FU Internal alterations to lower ground and ground floor layout, glazed orangery to front parapeted roof, flat parapeted roof service link extension and back of house entrance. External rear beer garden to form food servery, seating area and landscaped terrace. Re-fit and internal re-planning of existing staff flats at first and second floor, removal of existing rear steel staircase and gantry and associated building maintenance and refurbishment works. Amended plans received 15.11.17 and additional information at 3 Corporation Street Chesterfield Derbyshire S41 7TU for Triward Holdings Ltd
- CHE/17/00640/FU Refurbishment and alteration of existing two storey sheltered housing scheme and provision of wheeled bin storage compound and mobility scooter compound at Glebe Court The Glebe Way Old Whittington Derbyshire S41 9ND for Chesterfield Borough Council
- CHE/17/00648/FU Single storey extension to garage, with new roof and rear canopy at 9 Lansdowne Avenue Newbold Derbyshire S41 8PL for Mr Rob Hemming
- CHE/17/00670/FU Proposed change of part ground floor of existing pub to shop and external alterations to proposed shop elevation including new entrance, construction of a ramp, cladding and ATM machine at Dunston Inn Dunston Lane Newbold S41 8HA for Manvesh Enterprises Ltd
- CHE/17/00674/RET Retrospective consent for installation of French doors instead of window in one of the bedrooms, single opening door instead of window in smaller

- kitchen, removal of existing fence and replacement with 5ft fence and gate added (extension of fence) to close bin area - the entrance to car park had small brick L-shape fence- the small part inside car park was removed at Abbeydale Hotel 1 Cobden Road Chesterfield Derbyshire S40 4TD for M and G Sobti Ltd
- CHE/17/00679/LB Strip existing roof, to replace with new batons, felt and Riverstone slate, revised description, photos received 9.11.17, roof plan received 10.11.17, roof details received 13.11.17, additional information received at Barrow Hill Primary School Station Road Barrow Hill S43 for Mr Alasdair Tilson
- CHE/17/00680/AD New signage to replace the existing at accommodation at Highfield Hotel 138 Newbold Road Newbold S41 7AA for Mitchells and Butlers
- CHE/17/00682/LB Replace kitchen units and create an archway from kitchen to dining room in place of a door at Manor House Farm 118 The Green Hasland Derbyshire, S41 0JU for Mr Richard Taylor
- CHE/17/00690/OUT Erection of a 2 storey detached dwelling with an attached single garage. Coal mining risk assessment received 10.11.17 at 11 Bridle Road Woodthorpe Derbyshire S43 3BY for Mrs Jean Slack
- CHE/17/00691/AD Alterations to existing fascia signs, 2 ACM Direct Print Panels, 2 PETG Frames and 2 x Poster Frames at Post Office 20 High Street
- CHE/17/00700/REM Approval of reserved matters of CHE/16/00034/OUT (Outline application for residential development of 6 two storey dwellings (extension of the management plan for a further 15 years to protect and enhance the wildlife site under a S106 agreement as previously arranged) for the erection of a two storey detached dwelling



and attached at land adjacent Five Acres Piccadilly Road Chesterfield Derbyshire for Mr Martin Biggs

- CHE/17/00703/TP Cedar Tree - Crown clean and crown thin by 20%, remove crossing, dead and torn branches at 3 Pine View Ashgate Chesterfield Derbyshire S40 4DN for Mr Spencer Hoskins
- CHE/17/00708/TP T1 - Ash- Reduce by 25% branches causing excessive shading, biased to north side of tree. T2 - Hawthorn - Reduce to a height of 2 metres for similar reasons at 22 Staunton Close Chesterfield Derbyshire S40 2FE for Mr Denis Llewellyn
- CHE/17/00715/FU Proposed demolition of an existing rear, lean-to conservatory and outbuildings to create a new single storey pitched roof rear extension to form a new kitchen/dining room at 74 The Green Hasland S41 0JU for Mr Paul Whitworth
- CHE/17/00716/FU Proposed front and rear extensions and alterations to provide accommodation suitable for disabled person at 18 South Lodge Court Ashgate Chesterfield S40 3QG for Kaydi Priestley care of P S Withey
- CHE/17/00717/FU Provision of 2 ISO frame tanks including concrete base, steps and retaining wall for the new workshop at Marine House Dunston Road Chesterfield S41 8NY for Cathelco Ltd
- CHE/17/00724/FU Single storey extension to rear and detached block built garden tool and store building (revised drawing received 24.11.2017) at 50 Walton Road Walton Derbyshire S40 3DJ for Miss Amy Read
- CHE/17/00731/MA Material amendment to CHE/16/00055/FUL and previous material amendment CHE/17/00232/MA (Erection of vehicle valet building with external land used for vehicle storage/vehicle compound). Alterations to external surfaces and drainage

- proposals. Alterations to building window and door locations and reduction in building height at former site of proposed Valeting Bay and Vehicle Compound Storage Station Road Whittington Moor Derbyshire for Vertu Motors plc
- CHE/17/00736/TP Portuguese Laurel - Fell due to low amenity value, excessive shading and signs of canker and general degradation. Replace with one new species to be agreed with the Tree Officer on his next visit at 5 Pine View Ashgate Chesterfield S40 4DN for Mr Philip Brindle
- CHE/17/00739/FU Renovation and remodelling of existing property to reconfigure the internal layout of the property at 1 Redgrove Way Walton S40 3JN for Mr and Mrs Outram
- CHE/17/00742/TP Crown Lift of low hanging branches at 8 Oakfield Avenue Chesterfield Derbyshire S40 3LE for Mr Michael Henshaw
- CHE/17/00764/TP Crown thinning to raise height of lowest branch which is restricting access to the drive at 87 The Green Hasland Derbyshire S41 0LW for Mr Ian Burden
- CHE/17/00806/NMA Non-material amendment to reduce the size of the development area by 470 m<sup>2</sup> and omission of 3 terraced houses - plots 8,9 and 10 and associated parking from the original scheme - applications CHE/11/00252/FUL and CHE/14/00409/REM1 (Two sets of three terrace houses with three bedrooms plus private parking and private rear gardens. One detached unit containing four one bedroom apartments with private parking for each apartment and communal rear garden) at former garage site Barker Lane Chesterfield Derbyshire for Westcliffe Properties Ltd

(b) Refusal

CHE/17/00720/FU Side and rear extensions at 2 Creswick Close  
Walton Derbyshire S40 3PX for Mr and Mrs R and  
L Wallace

(c) Discharge of Planning Condition

CHE/17/00575/DOC Discharge condition 3 (materials) on application  
CHE/16/00371/FUL at 65 Smithfield Avenue  
Hasland Derbyshire S41 0PR for Miss Ellis and Mr  
Orton

CHE/17/00695/DOC Discharge of conditions 12 and 19 of  
CHE/16/00016/OUT at land to the west of

CHE/17/00705/DOC Discharge of Condition No. 4 (car standing space)  
- Planning Application CHE/13/00753/FUL  
(Proposed rear two storey extension to existing  
dwelling - Amended scheme to approved  
application CHE/13/00331/FUL) at 55 Rhodes  
Avenue Newbold Derbyshire S41 7HQ for Mr  
Christopher Hill

CHE/17/00710/DOC Discharge of planning permissions: 4 (Foul and  
surface water drainage), 6 (Surface water outlet),  
8 (Site investigation), 9 (Geotechnical site  
investigation), 11 (Landscaping), 13 (Biodiversity),  
14 (Grass snake mitigation), 15 (Badger  
mitigation), 25 (Materials), 26 (Noise assessment),  
36 (Cycle Parking), 39 (Bin Storage) of  
CHE/15/00116/OUT. (Outline planning application  
for the development of up to 146 residential  
dwellings with approval of access from Dunston  
Road - additional information received  
16/10/2015.) Additional information received  
19.10.2017 at Cammac Coal Dunston Road  
Chesterfield Derbyshire S41 for Strata Homes  
Yorkshire Limited

CHE/17/00712/DOC Discharge of condition Nos 3 (disposal of foul and  
surface water drainage) and 10 (proposed  
landscaping) with reference to Planning  
Application no CHE/17/00106/FUL at land

adjacent 215 Hady Lane Hady Derbyshire for Mr P J Colledge

- CHE/17/00718/DOC Discharge of condition 6 (boundary treatments) of CHE/16/00786/REM - Approval of reserved matters for CHE/16/00034/OUT (detached dwelling) including details of layout, scale, external appearance, means of access and landscaping at land adjacent Five Acres Piccadilly Road Chesterfield Derbyshire for Mr Satnam Rayat
- CHE/17/00729/DOC Discharge conditions 3 windows and doors and condition 4 method statement from applications CHE/14/00313/FUL and CHE/14/00314/LBC - Change of use to a dwelling at first floor including demolition of existing ground floor store at Poplar Farm Rectory Road Duckmanton Derbyshire S44 for Mr Royle
- CHE/17/00735/DOC Discharge of condition 2 (roads and footways) of CHE/17/00351/REM - erection of 99 dwellings and associated public open space, landscaping and surface water balancing (phase 1) at land to the west of Dunston Lane Newbold Derbyshire for William Davis Ltd
- (d) Prior notification approval not required
- CHE/17/00748/TP Proposed rear extension at 114 Walton Road Walton Derbyshire S40 3BU for Mr Ian Bates
- CHE/17/00749/TP Rear sunroom at 15 Fenland Way Chesterfield Derbyshire S40 3RH for Mr John Tait
- CHE/17/00787/TP Single storey rear extension at 15 Mulberry Croft Chesterfield Derbyshire S43 2LY for Mr Fletcher
- (e) Withdrawn
- CHE/17/00706/FU First floor garage and utility and second floor bedroom at 41 Lichfield Road Walton S40 3EZ for

Mr Darren Ashmore

97 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

\*The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of the felling and pruning of trees:-

- |                  |   |
|------------------|---|
| CHE/17/00736/TPO | Consent is granted to the felling of one Portuguese Laurel tree within A1 on the Order map for Mr Brindle of 5 Pine View, Ashgate, Chesterfield.  |
|                  | The replacement tree is to be an Indian Bean tree and planted as near as is reasonably possible to the original tree.   |
| CHE/17/00703/TPO | Consent is granted to the pruning of one Cedar tree reference T20 on the Order map for A6 Tree Care on behalf of Mr Hoskins of 3 Pine View, Ashgate, Chesterfield.  |
| CHE/17/00708/TPO | Consent is granted to the felling of one leaning Pine tree and the pruning of one Yew and two Pine trees with G5 on the Order map for Mr Burden of 87 The Green, Hasland, Chesterfield.                   |
|                  | The replacement tree is to be a Mountain Ash tree and planted as near as is reasonably possible to the original tree.   |
| CHE/17/00742/TPO | Consent is granted to the pruning of 3 trees reference T2 and T4 Lime and T5 Alder on the Order map for Mr Henshaw of 8 Oakfield Avenue, Somersall, Chesterfield.   |
| CHE/17/00850/TPO | Consent is granted to the pruning of roots growing towards Chiltern Court, Loundsley Green on two London Plane trees reference T10 and T11 on the Order map for Mr Featherstone on behalf of Chesterfield |

## Borough Council Housing Services.

**98 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.

**99 ENFORCEMENT REPORT (P410)**

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

**\*RESOLVED -**

That the report be noted.

# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	8 <sup>TH</sup> JANUARY 2018
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 8<sup>TH</sup> January 2018**

- ITEM 1**      **CHE/ 17/00327/FUL - Addendum / Update Report  
Erection of motor retail dealership comprising motor vehicle sales showroom, motor vehicle maintenance workshop and ancillary rooms, detached valet building, formation of access roads and associated hard and soft landscaping (revised plans received 24/08/2017) at Vertu Landrover, Discovery Way, Whittington Moor, Chesterfield, Derbyshire, S41 9EG for Vertu Motors PLC**
- ITEM 2**      **CHE/16/00083/OUT - Outline application for development on land to construct residential properties and access drive off Sherbourne Avenue (coal mining risk assessment rec'd 09/03/2016, ecological assessment rec'd 15/11/2016 and reptile survey rec'd 14/11/2017) at land to the rear of 18 Lancaster Road, Newbold, Derbyshire for Mrs Ashton**
- ITEM 3**      **CHE/17/00685/REM – Application for the approval of the reserved matters of CHE/14/00404/OUT for residential development of 120 dwellings – amended plans received 30.11.17 and 5.12.17 at land North East of Sainsburys roundabout , Rother Way, Chesterfield for Harron Homes**
- ITEM 4**      **CHE/17/00569/FUL – CHE/17/00645/FUL – CHE/17/00647/FUL  
Proposed earthworks on development land (CHE/17/00569/FUL) and proposed bodyshop, wash and valet buildings (CHE/17/00645/FUL) and proposed vehicle sales and service centres for the sale, service and m.o.t of motor vehicles. (CHE/17/00647/FUL) at land off Eastside Park, Eastside Road, Chesterfield, S41 9BU for Pendragon plc**

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 8<sup>th</sup> January 2017

File No: CHE/17/00327/FUL  
Plot No: 2/923

## ITEM 1

### ADDENDUM / UPDATE REPORT

#### ERECTION OF MOTOR RETAIL DEALERSHIP COMPRISING MOTOR VEHICLE SALES SHOWROOM, MOTOR VEHICLE MAINTENANCE WORKSHOP AND ANCILLARY ROOMS, DETACHED VALET BUILDING, FORMATION OF ACCESS ROADS AND ASSOCIATED HARD AND SOFT LANDSCAPING (REVISED PLANS RECEIVED 24/08/2017) AT VERTU LANDROVER, DISCOVERY WAY, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 9EG FOR VERTU MOTORS PLC

Local Plan: CS13 Economic Growth  
Ward: Old Whittington

#### 1.0 BACKGROUND

- 1.1 On 30<sup>th</sup> October 2017 Planning Committee resolved to approve a planning application (subject to S106 agreement) under application reference CHE/17/00327/FUL for the following development:  
*'Erection of motor retail dealership comprising motor vehicle sales showroom, motor vehicle maintenance workshop and ancillary rooms, detached valet building, formation of access roads and associated hard and soft landscaping (revised plans received 24/08/2017) at Vertu Landrover, Discovery Way, Whittington Moor, Chesterfield, Derbyshire, s41 9eg for Vertu Motors PLC'*
- 1.2 The original report for this application is attached as Appendix A below.
- 1.3 Following the Planning Committee meeting negotiations have taken place to progress the S106 agreement; however on 4<sup>th</sup> December 2017 the applicant submitted a set of revised drawings which they have asked to be considered as part of the ongoing application process.
- 1.4 The purpose of this report is to update Members on the revised set of drawing submitted and highlight / consider the planning merits of the changes made to the scheme as follows:

- Proposed Site Plan – 2711(PL)05.Rev C
- Proposed GF and FF Plans – 2711(PL)06.Rev C
- Proposed Elevations – 2711(PL)07.Rev C

Proposals will increase in the footprint of the rear extension to the building which forms the proposed workshop. The depth of the extension increases from 17.0m to 29.0m and allows for the addition of 4 no. additional workshop bays and 2 no. diagnostic bays. The external finishes, fenestration and roof light remain as previously proposed.

## 2.0 **CONSIDERATIONS**

2.1 In the original officer report materials considerations in respect of Principle of Development, Design and Appearance Consideration (inc. Neighbouring Impact), Highways Issues, Flood Risk and Drainage, Land Condition and Contamination and Other Considerations (S106 Negotiations / Local Labour) were considered.

2.2 Having regard to the changes being proposed matters of Design and Appearance and Highway Issues should be reconsidered.

### 2.3 Design and Appearance

2.3.1 The increase in the depth of the proposed workshop extension will be visible from both south western and north eastern aspects; with an additional 12.0m expanse of external cladding being proposed.

2.3.2 Albeit that the greater depth of extension doesn't include any visual relief in the external elevation design with the inclusion of any windows, doors or changes to external finish, it is not considered that the visual appearance of the extension is unacceptable. The extension projects into the private service area of the business and therefore its public vantage is limited to views taken from Station Road and Discovery Way. T

2.3.3 Overall it is considered that the design and appearance of the proposed extensions and alterations to the building are acceptable, having regard to the context and provisions of policies CS2 and CS18 of the Core Strategy in relation to design and amenity. Furthermore in respect of neighbouring amenity it is considered

that the siting, scale and massing of the proposed store extensions are acceptable.

## 2.4 Highways Issues

2.4.1 The increased depth of the proposed workshop extension results in reconfiguration on the external car parking arrangements and the previously reported 273 no. on site car parking spaces are reduced to 250 no. spaces to accommodate the increased workshop footprint.

2.4.2 Notwithstanding this matters as previously reported the reconfiguration of the layout brings with it opportunities to improve the site layout and parking availability (inc. cycle parking and electric vehicle charging points).

2.4.3 Accordingly it is considered that the development proposals as detailed demonstrate adequate site access, service arrangements and on-site parking provision such that there are no adverse highway safety issues arising from the site redevelopment. The submission demonstrates compliance with policy CS20 of the Core Strategy and the wider provisions of the NPPF. Appropriate planning conditions will need to be imposed on any decision issued to ensure the parking provisions is provided and maintained as part of the development proposals and future site operation.

## 3.0 RECOMMENDATION

3.1 That the revisions to the scheme as detailed are accepted and the application is approved subject to the progression of the S106 agreement negotiations and the list of conditions as previously recommended (in Appendix A) be imposed with the exception of condition 2 which should be revised as follows:

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.
  - Proposed Site Plan – 2711(PL)05.Rev C
  - Proposed GF and FF Plans – 2711(PL)06.Rev C
  - Proposed Elevations – 2711(PL)07.Rev C
  - Indicative 3D Visualisation – 2711(PL)08
  - Proposed Valet – 2711(PL)09
  - Proposed Drainage - 119669/2003

- Proposed Site levels and Drainage H132-103 Rev C
- CCTV Plan – Q1758-R1
- Design and Access Statement (prepared by McLaren Murdoch & Hamilton Chartered Architects April 2017)
- Flood Risk Assessment (prepared by Fairhurst August 2017)
- Coal Mining Risk Assessment (prepared by Fairhurst August 2017)
- Due Diligence Report (prepared by Remedios March 2016)

*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.*

## **APPENDIX A – PREVIOUS COMMITTEE REPORT**

Case Officer: Sarah Kay File No: CHE/17/00327/FUL  
Tel. No: (01246) 345786 Plot No: 2/923  
Cttee Date: 30<sup>th</sup> October 2017

### **ERECTION OF MOTOR RETAIL DEALERSHIP COMPRISING MOTOR VEHICLE SALES SHOWROOM, MOTOR VEHICLE MAINTENANCE WORKSHOP AND ANCILLARY ROOMS, DETACHED VALET BUILDING, FORMATION OF ACCESS ROADS AND ASSOCIATED HARD AND SOFT LANDSCAPING (REVISED PLANS RECEIVED 24/08/2017) AT VERTU LANDROVER, DISCOVERY WAY, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE, S41 9EG FOR VERTU MOTORS PLC**

Local Plan: CS13 Economic Growth  
Ward: Old Whittington

#### 1.0 **CONSULTATIONS**

DCC Highways	Comments received 12/07/2017 and 12/10/2017 – see report
Environmental Services	Comments received 07/09/2017 – see report
Design Services	Comments received 04/07/2017 and 27/09/2017 – see report
Economic Development	Comments received 03/07/2017 – see report
Lead Local Flood Authority	Comments received 26/06/2017 and 25/09/2017 – see report
Yorkshire Water Services	Comments received 13/07/2017 raising no objections
Derbyshire Constabulary	Comments received 10/07/2017 and 04/09/2017 – see report
Coal Authority	Comments received 10/07/2017 and 19/09/2017 – see report

Urban Design Officer

Comments received 22/08/2017  
– see report

Site Notice / Neighbours

No letters of representation  
received

## 2.0 **THE SITE**

- 2.1 The site is located on Station Road to the north of the Whittington Moor roundabout and mainline railway. It is situated within a commercial area comprising vehicle sales and mixed industrial uses. The area is generally characterised by modern industrial and showroom premises with associated yards, storage and parking.



- 2.2 The site frontage is occupied by vehicle parking and display areas with some landscaping. Immediately to the south is an associated Renault car dealership and the northern boundary is defined by a vegetated watercourse known as the Ridding Brook, separating the site from an area of industrial premises beyond. The rear of the site is mainly given over to vehicle storage, parking and separate valet building, which would be demolished as part of the proposed plans. The site boundaries to the north and west are largely vegetated.



- 2.3 The existing showroom building comprises a highly glazed display area with a reconstituted stone plinth and entrance detail, which creates an attractive frontage to the site. The gable includes a deep overhang supported by a steel column. This creates depth and strengthens the sense of arrival and legibility of the entrance. The rear part of the building has a more conventional industrial appearance and consists of mainly large format grey panelling.
- 2.4 The site is accessed from Discovery Way which is shared with the adjacent Motor Car Showroom / Dealership located south west of the application site.

### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0584/0322 - Permission to reclaim glass from an existing tip with the aim of leaving the site suitable for industrial development at Station Road, Whittington Moor, Chesterfield.  
Approved 07/12/1984.
- 3.2 CHE/1286/0755 - Permission for industrial estate on land adjacent to 103 Station Road, Old Whittington, Chesterfield.  
Approved 20/03/1987.
- 3.3 CHE/1188/0850 and CHE/1188/1898 - Permission for the reclamation of glass tip removal of shallow coal and old workings and restoration for industry land adjacent to 103 Station Road, Whittington Moor.  
Approved 06/06/1989.
- 3.4 CHE/1897/0414 - Outline application for construction of building for new land rover dealership.  
Approved 16/10/1997.
- 3.5 CHE/0598/0268 - Secure compound area to rear of existing development.  
Approved 18/06/1998.

### 4.0 **THE PROPOSAL**

- 4.1 The application, which is submitted in full, proposes reconfiguration of the existing Land Rover Motor Car Dealership involving comprehensive alterations to the existing central dealership building and front and rear extensions to the building to create a

fully reconfigured new car showroom, maintenance workshop and ancillary rooms.

4.2 The proposals also include the erection of a detached single storey valet building to the rear of the site, formation of a new access road layouts and associated hard and soft landscaping proposals.

4.3 Overall the works will increase the area of the dealership by 1375sqm of new floor space.

4.4 The application submission is accompanied by the following plans / supporting documents:

- Location Plan – 2711(PL)01
- Existing Site Plan - 2711(PL)02.RevB
- Existing Floor Plans – 2711(PL)03
- Existing Elevations - 2711(PL)04
- Proposed Site Plan - 2711(PL)05.RevB
- Proposed GF and FF Plans – 2711(PL)06.RevB
- Proposed Elevations – 2711(PL)07.RevB
- Indicative 3D Visualisation – 2711(PL)08
- Proposed Valet – 2711(PL)09
- ~~Proposed Site Plan Phase 2 - 2711(PL)10~~
- Proposed Drainage - 119669/2003
- Proposed Site levels and Drainage H132-103 Rev C
- CCTV Plan – Q1758-R1
- Design and Access Statement (prepared by McLaren Murdoch & Hamilton Chartered Architects April 2017)
- Flood Risk Assessment (prepared by Fairhurst August 2017)
- Coal Mining Risk Assessment (prepared by Fairhurst August 2017)
- Due Diligence Report (prepared by Remedios March 2016)

4.5 The application was revised by the submission of revised plans and supporting documents on the 24/08/2017 which are incorporated into the list above. *It is noted that there is a Phase 2 development shown only on the proposed site plan, with no further floor plans or elevations reflecting this second phase. The application therefore does not consider this element of the scheme.*

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated in the built settlement of Old Whittington ward in an area which is predominantly commercial in nature. Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS6, CS7, CS8, CS9, CS13, CS16, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

## 5.2 **Principle of Development**

5.2.1 The site itself is identified in the adopted Local Plan as an area for Economic Growth under the provisions of policy CS13 of the Core Strategy. The proposed development is broadly in accordance with policy CS13 which supports proposals for new employment development where they accord with the overall spatial strategy, including B2 uses within established business areas. The proposed use is suitable for the location, well located with good transport connections, road frontage and would be unlikely to cause conflict with any existing uses. It is unlikely that the current proposal would generate same level of jobs as most alternative B uses, however this must be off-set against the tests set out in policy CS2. The proposed development would meet the criteria a) to g) set out in CS2.

5.2.2 The site is reasonably well located for walking, cycling and proximity to Whittington Moor District Centre, in accordance with policy CS1 – Spatial Strategy, and being located on a main road staff and visitors to the site have immediate access to a major bus route.

5.2.3 Car Showroom uses are covered by policy CS16 of the Core Strategy and this policy allows for showrooms to be permitted in out of centre locations if they would be unsuitable for a town centre. It is accepted that this site is already an existing car showroom and therefore this component of the application is also acceptable.

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

5.3.1 The application site sits in a predominantly commercial area, where adjoining neighbouring properties are made up of other commercial business premises. The proposed design, scale and

appearance of the development proposals present an appropriate relationship to the neighbouring properties / premises.

- 5.3.2 The angular forms of the new additions are intended to create a clean modern look to the building that reflects the premium quantities of the franchise brand. The design philosophy is to reduce the extent of glazing to prevent fluctuations in temperature associated with highly glazed facades. The new cladding a colour scheme reflects the clients need to adhere to corporate identity requirements.
- 5.3.3 The proposed changes would have a considerable impact on the form and interest of the existing building, its principle facades and how it relates to the site entrance. The resulting design seeks a more generic, angular format and enclosed appearance to the showroom. Notwithstanding this it is considered that the design proposed represents a typical Motor Car Showroom appearance and the cladding components being proposed are similar to those seen in the immediate surrounding area.
- 5.3.4 The site entrance would be repositioned entering the site slightly further back than the current location. The repositioned site entrance is aligned at the point where the proposed new cladding meets the existing building (also clad in silver panels) and where the escape door and 'handover' bay entrance are positioned. The main elevation facing Station Road would be closer the street than at present and contains a large display window, which relates positively to the street and incorporates the main building entrance. Internally, the vehicle display area is a double height space overlooked by a mezzanine floor.
- 5.3.5 Having regard to the overall design and appearance of the proposals both the Urban Design Officer (UDO) and the Crime Prevention Design Advisor (CPDA) have provided formal comments on the application submission and both have raised some concerns about component parts of the overall scheme.
- 5.3.6 The UDO commented that the corporate branding and external alterations proposed to the showroom building appeared a retrograde step to the design and appearance of the current showroom building, and overall finish and fenestration details of the building appeared heavily dominated by large expanses of cladding which he regarded as a weakness of the overall scheme.

While it is recognised that the materials, form and reduced extent of glazing are driven by the corporate branding and identity requirements, the proposed new building form has resulted in an arguably less interesting built form and appearance with a less well resolved elevation in relation to Discovery Way than the existing showroom building.

5.3.7 The CPDA objected to the application as proposed, on the grounds that the proposed removal of boundary fencing would be detrimental to site security. The CPDA noted that the application contained details of additional CCTV coverage for the application site and neighbouring dealership, however, in his opinion this provision is not acceptable as a replacement for an adequately secure boundary, and is unlikely to be of any deterrence to intrusion into the site to commit acts of damage and minor theft. He commented that the boundary fence was erected on site because of rising levels of crime against vehicle stock and buildings and to leave an open boundary in context of this site will in my view lead to avoidable crimes occurring, generating avoidable demands on our resources in responding to, recording and investigating reported offences.

5.3.8 Firstly having regard to the comments of the UDO it is considered, given that the site is rectangular in shape, public vantage points of the proposed building are very limited to the Station Road frontage as seen in the images below:





5.3.9 Whilst it is accepted that it would be more desirable for the proposed building elevations to reflect balanced fenestration patterns, with more glazing, the limitations of the site, the need for the building to be retained, reconfigured and extended (rather than being entirely rebuilt) mean that there are compromises which have to be made in the external appearance. Given the character and appearance of the surrounding area and the form and nature of the other commercial buildings prevalent in the streetscene it is certainly unlikely that the LPA could sustain a reason to refuse planning permission for the works being sought in the grounds of the design of the building.

5.3.10 Secondly having regard to the outstanding objection from the CPDA, it is noted that the applicant does not wish to amend their application proposals. It is their desire to open up the site frontage to the public by the installation of 1.2m high steel bollards in place of the existing metal railings (seen in the street view images above). The CPDA comments that the railings in situ to Station Road were erected to address crime issues experienced at the site in the past. Notwithstanding this however there is no planning requirement to retain the fencing in situ and it could therefore be taken down by the current operator without permission. Furthermore the bollards proposed to replace the fence only need permission because they are 1.2m high. One 1m in height or below could be erected under PD rights without involvement in the planning process.

- 5.3.11 Whilst the comments of the CPDA are noted they do not stand alone as a reason to refuse planning permission, given the fall back position highlighted above. It is strongly recommended that the applicant reconsider the expert advice which has been provided by the CPDA, however planning permission cannot be justifiably refused on this basis alone. Particularly as the LPA have recently agreed to the construction of a new Motor Car Showroom on Spire Walk Business Park (Perrys Ford) where a similar open boundary to the public footway (hooped boundary divided) has been accepted without objection by the CPDA.
- 5.3.12 Overall it is considered that the design and appearance of the proposed extensions and alterations to the building are acceptable, having regard to the context and provisions of policies CS2 and CS18 of the Core Strategy in relation to design and amenity. Furthermore in respect of neighbouring amenity it is considered that the siting, scale and massing of the proposed store extensions are acceptable.

#### 5.4 **Highways Issues**

- 5.4.1 The application as submitted and revised was reviewed the Local Highways Authority who responded on both occasions raising concerns about the loss of a significant number of car parking spaces as a result of the development proposals. The LHA sought further explanation from the Applicant to substantiate how they considered the loss of parking provision at the site could be justified and not have a detrimental effect on the public highway.
- 5.4.2 Having regard to the comments of the LHA detailed above it is first and foremost necessary to consider the application site as it stands and clearly (as it can be seen from the aerial photograph included in section 2.1 above) the site has a substantial amount of hard surfaced areas of car parking.
- 5.4.3 Car parking standards for Motor Car Dealerships (which are a Sui Generis use class) are not set in the Core Strategy or predating Local Plan, as they are required to be individually assessed.
- 5.4.4 In this case the applicant has indicated that they currently have 26 no. customer parking spaces and 12 no. staff / visitor car parking spaces available; as well as at least 40 no. separate servicing spaces, 35 no. display spaces and approx. 150 no. compound

spaces. As a result of the application proposals the applicant has reconfigured the site layout and their latest drawing shows on site parking provision for up to 273 no. vehicles therefore it is not considered that the LHA have any justification for the comments they have made on the application submission. Whilst the scheme will see part of the site built upon, the reconfiguration of the layout brings with it opportunities to improve the site layout and parking availability (inc. cycle parking and electric vehicle charging points).

5.4.5 Accordingly it is considered that the development proposals as detailed demonstrate adequate site access, service arrangements and on-site parking provision such that there are no adverse highway safety issues arising from the site redevelopment. The submission demonstrates compliance with policy CS20 of the Core Strategy and the wider provisions of the NPPF. Appropriate planning conditions will need to be imposed on any decision issued to ensure the parking provisions is provided and maintained as part of the development proposals and future site operation.

## 5.5 **Flood Risk and Drainage**

5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is affected by flood risk zone 3 and therefore the site has a high probability of fluvial flooding and is also adversely affected by surface water flooding. In respect of drainage, the application details that the development is to be connected to existing mains drain for foul and surface water will be directed to a sustainable drainage solution.

5.5.2 Having regard to the fact the application site was affected by flood risk zone 3, initial consultee responses from the **Lead Local Flood Authority** (LLFA) and the **Design Services** (DS) team advised that the application required a Flood Risk Assessment (FRA) to be undertaken.

5.5.3 An FRA was submitted on 24/08/2017 which was reviewed by both the LLFA and DS team as follows:

***Design Services** – We have reviewed the FRA submitted. It is noted that the site is located with Flood Zone 3 on the Environment Agency maps and may therefore be at risk of flooding. The type of commercial development proposed may be suitable for development within this area classified as less vulnerable under*



*the NPPF guidance. The floor levels of the proposed buildings should be set no lower than the existing and consideration should be given to flood resilient construction.*

*It is noted that the applicant proposes to utilise the existing drainage system and with the same impermeable area will discharge the same rate of surface water. We would have preferred to have seen a reduction in runoff however if the existing situation is not exacerbated we would have no objection.*

**LLFA** - *Based on the nature and scale of the development, the LLFA do not have any formal comments to provide for this application.*

*The proposals detail that the existing surface water drainage system will be utilised with minor alterations for the revised layout and that the impermeable area will not change.*

*As such the LLFA do not feel there is any need for applying a detailed drainage design condition. However, The LLFA would like to highlight the benefits of utilising Sustainable Drainage and water re-use and advise that options to incorporate such features are taken where possible.*

5.5.4 Given the comments received above and the intended drainage connections detailed the proposals are concluded to meet with the requirements of Policy CS7 of the Core Strategy and wider NPPF.

## 5.6 **Land Condition / Contamination**

5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and initially objected to the application due to the application being absent of a Coal Mining Risk Assessment (CMRA). On the 24/08/2017 a CMRA was submitted and the CA subsequently provided the following response:

*'The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report (22 August 2017, prepared by Fairhurst); 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 areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.*

*A condition should therefore require prior to the commencement of development:*

- \* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;*
- \* The undertaking of that scheme of intrusive site investigations;*
- \* The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken;*
  
- \* The submission of a scheme of remedial works for the shallow coal workings for approval;*
- \* The implementation of those remedial works.*

*The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (22 August 2017, prepared by Fairhurst) are sufficient for the purposes of the planning system and meet the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.'*

### 5.6.3

In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) also provided the following response:

*I have inspected the above application and have no adverse comments to make. However, the site was used as a refuse tip,*

*and the existing redevelopment predates the current contaminated land regime. As such, I ask that the standard contaminated land condition be added to any approval granted.*

5.6.4 Having regard to the comments detailed above from the CA and EHO above appropriate conditions can be imposed to this effect, if permission is granted, to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of noise and land condition.

## 5.7 **Other Considerations**

### 5.7.1 **S106 Contributions**

The application details the creation of 1375sqm of new floorspace, categorising the development proposals as a major application.

Under the provisions of policy CS18 major development proposals costing in excess of £1m should contribute towards the % for art initiative with a contribution of up to 1% of the overall development costs being secured by S106 agreement.

In this regard the applicant has confirmed that the development costs of the scheme will be approximately £3.25m and therefore it is concluded that a S106 agreement is necessary to secure the necessary % for art contribution.

### 5.7.2 **Local Labour**

The development proposals are a major application and therefore the Council's Economic Development team have requested that a Local Labour condition be imposed on any decision given, to accord with the provisions of policy CS13 of the Core Strategy. This is appropriate and consistent with development plan policy given the scale and nature of development.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 23/06/2017; by advertisement placed in the local press on 29/06/2017; and by neighbour notification letters sent on 22/06/2017.

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 2<sup>nd</sup> October 2000, an authority must be in a position to show:

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

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

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

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

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

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

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the

development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

9.0 **CONCLUDED**

9.1 The proposed alterations to the existing building and car parking layout; and the proposed extensions to the existing building are all considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS15 and CS16 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

9.2 Planning conditions have been recommended to address any outstanding matters and ensure compliance with policies CS7, CS8, CS9, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and therefore the application proposals are considered acceptable.

10.0 **RECOMMENDATION**

10.1 That a S106 agreement be negotiated to cover:  
▪ Percent for Art (up to 1% of development costs);

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

Time Limit etc

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.  
- Proposed Site Plan - 2711(PL)05.RevB  
- Proposed GF and FF Plans – 2711(PL)06.RevB

- Proposed Elevations – 2711(PL)07.RevB
- Indicative 3D Visualisation – 2711(PL)08
- Proposed Valet – 2711(PL)09
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- Flood Risk Assessment (prepared by Fairhurst August 2017)
- Coal Mining Risk Assessment (prepared by Fairhurst August 2017)
- Due Diligence Report (prepared by Remedios March 2016)

*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.*

### Site Investigations

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

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

### Land Condition / Contamination

04. 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.*

Highways

05. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

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

*Reason – In the interests of highway safety.*

06. Prior to the development, the subject of the application, being brought into use, the vehicular and pedestrian accesses shall be created/ modified in accordance with the approved designs all areas 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.

*Reason – In the interests of highway safety.*

07. No part of the development shall be taken into use until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of staff/ customers/ service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all in accordance with a scheme first submitted to and agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

*Reason – In the interests of highway safety.*

08. The development hereby permitted shall not be occupied until the cycle parking facilities have been fully implemented and made available for use prior to the occupation of the



development hereby permitted and shall thereafter be retained for use at all times.

*Reason – In the interests of highway safety.*

### Landscaping

09. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

### Other

10. 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.*

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

*Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for*

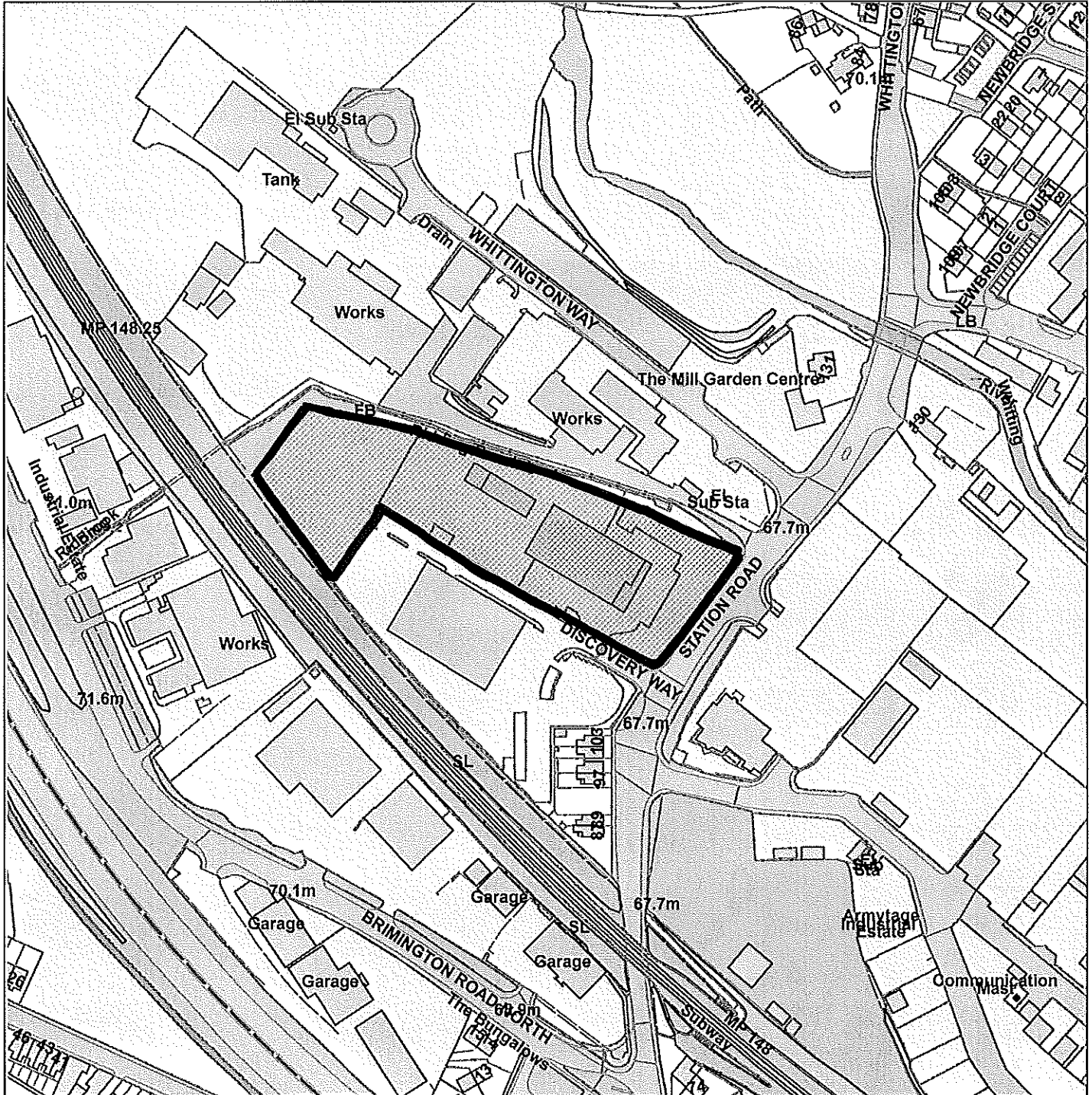
*use on the particular development and in the particular locality.*

12. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

*Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.*

### **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.



Scale : 1:2490

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	21 December 2017
<b>SLA Number</b>	Not Set

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 8<sup>th</sup> January 2018

File No: CHE/16/00083/OUT  
Plot No: 2/946

## ITEM 2

### OUTLINE APPLICATION FOR DEVELOPMENT ON LAND TO CONSTRUCT RESIDENTIAL PROPERTIES AND ACCESS DRIVE OFF SHERBOURNE AVENUE (COAL MINING RISK ASSESSMENT REC'D 09/03/2016, ECOLOGICAL ASSESSMENT REC'D 15/11/2016 AND REPTILE SURVEY REC'D 14/11/2017) AT LAND TO THE REAR OF 18 LANCASTER ROAD, NEWBOLD, DERBYSHIRE FOR MRS ASHTON

Local Plan: Unallocated  
Ward: Dunston

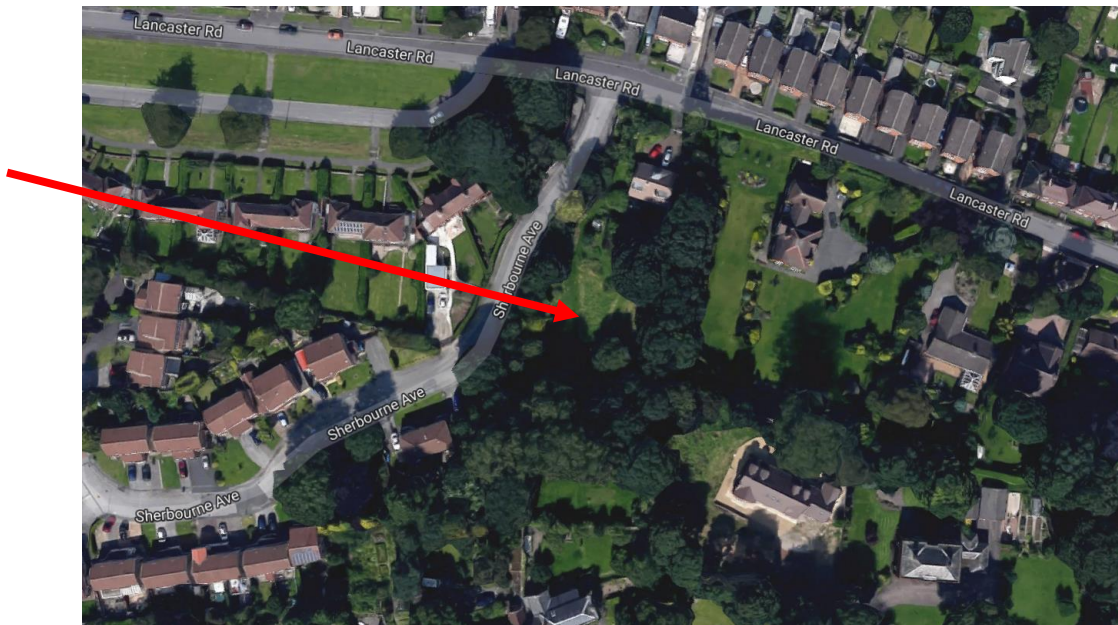
#### 1.0 CONSULTATIONS

DCC Highways	Comments received 16/03/2016 – see report
Forward Planning	Comments received 23/02/2016 – see report
Yorkshire Water Services	Comments received 15/03/2016 – see report
Design Services	Comments received 14/03/2016 – see report
Environment Agency	Comments received 23/02/2016 – no objections
Environmental Health Officer	Comments received 24/02/2016 – see report
Urban Design Officer	Comments received 18/04/2016 – see report
Derbyshire Wildlife Trust	Comments received 15/03/2016, 06/12/2016 and 20/11/2017 – see report
Derbyshire Constabulary	Comments received 17/03/2016 – no objections
Coal Authority	Comments received 07/03/2016 and 24/03/2016 – see report
Tree Officer	Comments received 01/04/2016 – see report
Ward Members	No comments received

Site Notice / Neighbours	Three letters of representation received
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2.0 **THE SITE**

2.1 The application site, which measures approximately 0.2ha in area, comprises of the southern portion of the garden curtilage of Landsdowne, 18 Lancaster Road. Landsdowne itself is a detached dormer bungalow which sits in its generous garden curtilage which is a corner plot which fronts onto Lancaster Road to the north and adjoins Sherbourne Avenue to the west. A common boundary to the site is shared to the west with No's 2 and 4 Sherbourne Avenue. The sites eastern boundary is shared with Apple Trees and its southern boundary with Grove Hill and The Barn which are three surrounding similarly large neighbouring residential plots.



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/16/00053/FUL - Residential development of 6 dwellings and a modified access from Lancaster Road at Apple Trees, Lancaster Road.  
Conditional permission 26/04/2016 (not implemented – expires 25/04/2019).
- 3.2 CHE/15/00723/TPO - Removal of 4 lower branches and crown thin by 25% of T56, removal of one branch and crown thin of G13

(ash), removal of 2 limbs to the north and re-balancing of crown by crown lifting of T55 and fell T51.  
Conditional permission 18/11/2015.

- 3.3 CHE/14/00534/TPO - Ash - Branches breaking out. Repollard. Sycamore - crown thin. Branches growing towards garage. Growing over garage.  
Conditional permission 05/08/2014.
- 3.4 CHE/13/00521/TPO - Crown thin by 25%, crown lift by 5 metres, reduction of branch(es) overhanging garden x 2 Ash - 2 metres, reduction or remove x 6 extended branches over garden.  
Conditional permission 26/09/2013.
- 3.5 CHE/12/00782/TPO - Remove small limb of T50 (ash) remove 2 limbs of T55 (sycamore + crown thin by 25%), remove 2 limbs of T57 (silver birch), crown lift group of trees G13, Group of trees crown lift to 4m. G14 fell dead silver birch and poplar, remove dead wood of mountain ash and pollard 6 remaining poplars down to 10ft.  
Conditional permission 31/01/2013

#### 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks outline planning permission with all matters reserved for the proposed development of land to the rear of Landsdowne, 18 Lancaster Road for residential purposes. Access to the development is indicated as being proposed from Sherbourne Avenue which adjoins the site on its western boundary.
- 4.2 The application submission is accompanied by the following plans / documentation / reports:  
DSC.623.01 - Site Location Plan and Suggested Site Development Layout  
Coal Mining Risk Assessment (by Design Services dated March 2016)  
Ecological Assessment (by Arbtech dated 03 November 2016);  
and  
Reptile Survey (by Peak Ecology dated 24 October 2017)

## 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 residential in nature.

5.1.2 Having regard to the nature of the application proposals policies CS1 (Spatial Strategy), CS2 (Location of Development), CS3 (Presumption in favour of Sustainable Development), CS4 (Infrastructure Delivery), CS6 (Sustainable Design), CS7 (Management of the Water Cycle), CS8 (Environmental Quality), CS9 (Green Infrastructure and Biodiversity), CS10 (Flexibility in delivery of Housing) and CS18 (Design) of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

### 5.2 **Principle of Development**

5.2.1 The site the subject of the application is unallocated and lies within the built settlement of Dunston ward surrounded by residential properties.

5.2.2 Policies CS1 and CS2 of the Core Strategy set the Councils overall spatial strategy and the principles for the location of new development stating that all new development and growth should be located in areas which are within walking and cycling distances of centres. In regard to the sites spatial setting, the sites are within walking / cycling distance of the Littlemoor and Whittington Moor District Centres (Policy CS1) and are therefore despite its greenfield status (policy CS10) the site is considered in principle to be an appropriate infill development site for new development.

### 5.3 **Design and Appearance Considerations (inc. Neighbouring Effect)**

5.3.1 The site forms part of a large existing garden to No. 18 Lancaster Avenue. The topography is generally level. It is bounded by Sherbourne Avenue to the west and a neighbouring garden to the east. The land to the south comprises a small rectangular green space, although it is unclear whether this forms part of the



domestic curtilage of the dwellings to the south (The Barn and Grovehill).

- 5.3.2 Adjacent to the south west corner are two flats separated by an existing driveway. These are the first of a series of modern (20 century) dwellings on Sherbourne Avenue.
- 5.3.3 The eastern boundary alongside Sherbourne Avenue comprises a low (1.2m approx.) sectional concrete panel fence with trees and shrubs behind. The site incorporates a number of protected trees and tree groups, as well as mature vegetation along the eastern and southern boundaries, some of which falls within neighbouring gardens.
- 5.3.4 The site is within an established residential area within the built up part of Chesterfield. As such, there is no design objection to the principle of this type of development.
- 5.3.5 The application is in outline, although the scheme is accompanied by a detailed site layout (although not for approval as part of this submission), showing an arrangement of four units. Based upon this indicative layout, the arrangement appears cramped with plots in close proximity to the neighbouring boundaries, within 10.5m of the garden to the west. Units 1 and 4 in particular, are positioned close to the neighbouring boundaries, resulting in shallow awkward shaped gardens. In addition, as shown the layout makes little contribution to the appearance of the streetscene.
- 5.3.6 In the event that planning permission is granted, this layout would be unlikely to be acceptable. However, a less dense proposal (for example comprising three dwellings) could be brought forward towards Sherbourne Avenue, potentially with direct access from this road and be more likely to be satisfactorily accommodated on the site.
- 5.3.7 The narrative above incorporates the comments of the Council's **Urban Design Officer** who advises that he has no objection to the principle of residential development however in the event that outline planning permission is approved a less dense scheme is more likely to be appropriate. It is considered that the proposed development can be appropriately designed to reflect the character and appearance of the streetscene and to preserve appropriate levels of amenity and privacy to adjoining and adjacent

neighbouring properties in the context of policies CS2 and CS18 of the Core Strategy. As further designs are developed they will need to take account on the observations made by the UDO above and also the advice which is contained in the Council's adopted Supplementary Planning Document for Housing Layout and Design.

## 5.4 **Highways Issues**

### 5.4.1 Comments have been received from the **Local Highways Authority** as follows:

*'This is an outline application with all matters reserved and there are no objections to the proposal subject to the following conditions being included in any consent:*

1. *Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Sherbourne Avenue in accordance with details to be submitted and agreed at reserved matters / full planning application stage with such access being provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access to the extremities of the site frontage abutting the highway in both directions. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.*
2. *The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parkin and manoeuvring of vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.*
3. *The proposed access and any individual driveways to Sherbourne Avenue shall be no steeper than 1 in 14 over their entire lengths.'*

5.4.2 Overall it is considered that the development proposals can be appropriately serviced by a dedicated access junction with space to provide the necessary highway visibility splays such that the development does not give rise to any adverse highway safety concerns. An appropriate driveway width and length can be accommodated, alongside appropriate visibility splays and parking provision to meet the requirements of the LHA and the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

## 5.5 Land Condition / Contamination

5.5.1 In respect of land condition the application site lies in the Coal Authority's standard development referral area and therefore the Coal Authority's initial consultation response issued a holding objection, pending the submission of a Coal Mining Risk Assessment (CMRA).

5.5.2 On 09 March 2016 a CMRA was submitted which was referred to the **Coal Authority** (CA) for consideration. The following comments were received:

*'Whilst The Coal Authority has concerns that the Mining Report and Assessment has not been prepared by a "competent body", we do concur with the recommendations of the Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.*

*The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.*

*In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.*

*A condition should therefore require prior to the commencement of development:*

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

*The Coal Authority considers that the conclusions of the Mining Report and Assessment are broadly sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition to secure the above.***

*Further more detailed consideration of ground conditions and/or foundation design, and the need for gas protection measures within the proposed dwelling, are also likely to be required as part of any subsequent building regulations application.'*

5.5.3 Having regard to the comments detailed above from the CA appropriate conditions can be imposed to this effect, if permission is granted, to ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition.

5.5.4 In addition to the comments of the CA, the Council's **Environmental Health Officer** (EHO) also provided the following response having regard to potential noise impacts and land condition:

*'With regards to this application, should planning consent be granted, I recommend:*

- 1. Add usual condition regarding house of construction (to minimise noise impact on existing residents).*
- 2. Carry out a desk study and if necessary, a site investigation. Reports should be submitted and approved in writing prior to commencement of development.'*

5.5.5 Having regard to the comments of the EHO above and the provisions of policies CS2 and CS8 of the Core Strategy / NPPF it is considered appropriate that the matters raised in respect of potential land contamination and noise can be addressed through

the imposition of planning conditions which will require appropriate studies to be undertaken.

## 5.6 **Flood Risk / Drainage**

5.6.1 Having regard to the provisions of policy CS7 (Managing the Water Cycle) of the Core Strategy the application submission was referred to Yorkshire Water Service (YWS) and the Council's Design Services (DS) team for comments in respect of drainage and flood risk.

5.6.2 The DS team commented, *'The site is not shown to be at risk of flooding, according to Environment Agency Flood Maps. We would like to see drainage proposals for this site prior to approval. These must conform with CBC Minimum Development Control Standards. If any connections are made to the public sewer, approval will be required from Yorkshire Water. Any connections to the existing drainage system may require Building Control approval.'*

5.6.3 YWS commented, *'SURFACE WATER - Requirement H3 of the Building Regulations 2000 establishes a preferred hierarchy for surface water disposal. Consideration should firstly be given to discharge to soakaway, infiltration system and watercourse, then to public sewer, in this priority order. Alternatively, subject to above testing for soakaways. Surface water discharge to the public surface water sewer network should be restricted to the level of run-off. On-site storage/balancing - or some other means of attenuation of the surface water may be required. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.'*

5.6.4 It is considered that appropriate planning conditions can be imposed which requires the submission of further detailed drainage designs to satisfy the queries outstanding in accordance with policy CS7 of the Core Strategy.

## 5.7 **Trees & Ecology**

5.7.1 It is noted that there are a number of mature trees located within and adjoin the application site some of which are protected by tree preservation order 4901.34. Having regard to this the Council's

**Tree Officer** has been consulted on the application proposals and the following comments were provided:

*'There are numerous trees on the site which are covered by the above mentioned tree preservation order and other planted and self-set trees on the site.*

*The Order which was made in 1984 originally consisted of 4 individual trees reference T50 Ash, T51 Poplar, T55 Sycamore and T56 Ash and two groups of trees reference G13 consisting of 8 trees mainly Ash and Maple and G14 consisting of 12 trees comprising Poplar, Birch and Mountain Ash.*

*Over the years since the Order was made the two groups of tree especially G14 has seen the condition of the trees deteriorate and now all that is left of the group are 1 Mountain Ash and 5 Poplar trees which are dead or nearly dead. There are still 5 outstanding replacement trees to be planted in this area for trees which have died and have been felled but I can see no reason why these cannot be planted at a later stage if consent is granted for the application.*

*Group 13 is also in poor condition which still consists of 4 Maples and 4 Ash however these are also in poor condition with poor unions at the base, leaning towards the light leaving one sided trees and affecting the stone boundary wall. The trees have been topped in the past and although reasonably visible from Sherbourne Avenue as a group I feel new planting within any development would be a better option than trying to retain trees that have limited life expectancy. There is also the strong possibility that some of these trees may be lost in the near future because of their poor condition which would then break up the group leaving the remaining trees one sided, prone to wind damage and reducing the group amenity value.*

*There are now only 3 of the 4 individual trees remaining on the site. Two of these trees reference T55 and T56 will remain in the grounds of 18 Lancaster Road. T50 Ash has recently been pollarded and T51 Poplar was felled years ago and never replaced.*

*On the west boundary with Sherbourne Avenue there are numerous trees consisting of Maple, Birch, Conifers, Hazel, Willow and Cherry with shrubs such as Buddleia. None of these trees*

*along this border are protected by a preservation order and no individual tree is individually outstanding to warrant protecting due to their small size and condition. A good landscaping scheme to the frontage of this development would easily outweigh the trees lost.*

*There are other unprotected trees on the site consisting of Poplars 8-10 metres into the site from the southern boundary with a row of fruit trees just further in and a single Goats Willow near to the centre of the site.*

*The only tree in my view that is worth retaining is the Sycamore reference T55. It is proposed that this tree is retained in the rear garden of 18 Lancaster Road however the trees rooting environment will still be in the development site so will need protecting throughout any land stripping and development. There should also be a 10 metre distance stand off from the tree where no new development should take place.*

*I therefore have no objections to the application as long as the following conditions are attached:*

- A landscaping scheme is submitted which should concentrate on new tree planting to the frontage off Sherbourne Avenue and the southern and east boundaries where protected trees have been and will be lost. The landscaping scheme should indicate which trees are replacement trees for the 5 outstanding protected replacement trees still required from G14 and replacement trees for those protected trees lost through the development.*
- A 10 metre protection zone to the south of T55 Sycamore into the site should be establish where no development takes place and only a final soft landscaping scheme within the trees 7.5 metre root protection area.'*

5.7.2 Having regard to the comments raised by the Tree Officer above it is considered that a combination of tree removal (which may need to be the subject of a separate application) and the submission of a revised soft landscaping scheme to include replacement trees would be an appropriate solution to accept the development proposals. Planning conditions can be imposed having regard to policy CS9 of the Core Strategy and the wider NPPF to ensure replacement planting is secured as well as appropriate protection measures are put in place for any retained features in and around the application site boundary.

- 5.7.3 In addition to the comments above, **Derbyshire Wildlife Trust** (DWT) have also been involved in an ongoing consultation exchange in respect of the application proposals having regard to potential loss of biodiversity and habitat and the potential impact of the development proposals upon protected species. This exchange has resulted in the delay between the date of the application submission (early 2016) and this final report / recommendation. Recorded responses from DWT dated 15 March 2016, 06 December 2016 and 20 November 2017 are of relevance.
- 5.7.4 The initial response from DWT raised concerns about the absence of any ecological survey / appraisal accompanying the application submission; particularly given the fact DWT held records of hedgehog, badger, fox and grass snake for the local area. DWT commented, *'in the absence of ecological information it is not possible to determine the extent of the ecological impacts that the proposed development may have on habitats and species of interest. From reviewing aerial photographs of the site and the submitted planning information the site may be of interest for roosting (within trees) and foraging bats, nesting birds, badger, hedgehog and reptiles. The proposed development has the potential to result in negative impacts on these species given the proposal to construct new dwellings.'*
- 5.7.5 The comments of DWT were relayed back to the applicant / agent who commissioned the undertaking of a desk based Ecological Assessment by Arbtech which was submitted in November 2016 for consideration.
- 5.7.6 Further comments from DWT on the findings of the report were received which stated, *'the ecological survey report as it currently stands does not provide adequate survey work for great crested newt, foraging bats, reptiles or birds. The loss of 80% of the vegetation/habitats within the site will result in a potentially significant loss of habitat and it will be important in advance of a planning decision to understand the importance of the site for local wildlife'*.
- 5.7.7 The comments of DWT were again forwarded to the applicant / agent for consideration which led to applicant commissioning a reptile survey being undertaken. This work was done by Peak



Ecology in October 2017 and the findings submitted for further consideration.

- 5.7.8 The latest comments from DWT were as follows, *‘A Reptile Survey report has been submitted as part of the above planning application. Survey visits were carried out towards the end of the survey season, however temperatures are considered acceptable. No reptiles were recorded on any survey visit. We support the recommendations made in Section 4.2.1, including to dismantle any rubble or brash piles by hand on a warm day. This should avoid core winter months of November to February, unless recently created, to avoid harm to hibernating animals’*. DWT did however advise that from a quick review of their previous comments, it looks like there are numerous other comments which still need addressing.
- 5.7.9 The outstanding observations from DWT relate to the need for further survey work to be undertaken to establish whether the site is being used for bat foraging and to establish the level of bird interest in the site.
- 5.7.10 Notwithstanding the comments of DWT above the site is a private garden, which with the exception of the few remaining protected trees, could be cleared in its entirety resulting in the loss of the habitat DWT are still insisting is surveyed. This is not considered to be a reasonable. Whilst the site could be being used for bat foraging and by visiting / nesting birds, appropriate ecological enhancement measures can be required to be provided alongside development (such as bird and bat boxes and targeted soft landscaping species) which can be conditioned to be incorporated in any development scheme to ensure there is a biodiversity balance maintained.
- 5.7.11 In its current form the application is only outline in nature and therefore should permission be granted any reserved matters submission will be expected to secure a net gain in ecological enhancement under the provisions of policy CS9 of the Core Strategy. This would be considered concordat with the reflecting aspirations of the Tree Officer, who is also seeking compensatory planting as part of any development scheme. This would form part of the details of landscaping, which is a reserved matter.

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

5.8.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £50 per sqm (index linked) of gross internal floor area created.

5.8.2 The following advice note will be appended to any subsequent decision notice drawing this to the applicants' attention:

*'You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.'*

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters sent to 18 adjoining / adjacent properties on 23/02/2016.

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

### **The Barn, St Johns Road**

The proposed development will have a seriously detrimental impact on my standard of living. Since moving to my property 31 years ago the site of the proposed development which is immediate to my paddock, has been open space and a wildlife area. A development so close to the boundary will have an

adverse impact on the environment I enjoy. The habitat of the area will be adversely affected too;

The proposed development will have an impact on protected trees;

The development of your residences, one of which is very close to the boundary of The Barn's paddock, will create an adverse impact on the privacy and it will be significantly overlooked – contrary to the human rights act article 1 and 8; and

There is an added objection as outlined in the response by the Coal Authority – the development may impact adversely on the ground stability of my land.

### **Grove Hill, 136 St Johns Road**

I strongly object to the application and the development of a close of houses in this location;

I acknowledge the neighbourhood contains a mix of dwellings but I think it is important that the character of any new development should try and respect the boundaries, context and character of the area. Your SPD states the provision of cul-de-sacs should be avoided;

The proposed development goes against the design recommendations of your policy. In my view new development should define and enhance Sherbourne Avenue by placing the entrances and drives to housing along the street frontage rather than creating an inappropriate cul-de-sac; and

The area the subject of the proposed development have been the subject of environmental problems in the past as the former site of a Pottery and associated clay works. I also therefore have concerns about impacts in relation to land and drainage which the plans do not address properly.

### **24 Lancaster Road**

I would like to object to the development proposals on two issues: Firstly I don't believe Lancaster Road or Sherbourne Avenue are substantial enough to cope with the increased traffic volume the planning development would cause as both are narrow and the majority of time Lancaster Road is single lane due to parked cars; and

Secondly on nature and conservation the site is used by a lot of small song birds as a feeding habitat and its loss would cause numbers in the area to decline. There would also be a decrease in air quality as exhausts from construction traffic and new residents vehicles would have an impact on health.

6.3 ***Officer Response: See sections 55.3, 5.4, 5.5, 5.6 and 5.7 above.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

7.4 Whilst, in the opinion of the 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 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. 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 drainage, flood risk, land condition and contamination.

## 10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application **GRANTED** subject to the following conditions / notes:

### **Conditions**

#### **Time Limit etc**

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

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

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

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

03. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

#### Drainage

04. 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.*

05. 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 the development is appropriately drained and no surface water discharges take place until proper provision has been made for its disposal.*

#### Site Investigations / Contamination / Noise

06. 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.*

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

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

08. 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.*

### Highways

09. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Sherbourne Avenue in accordance with details to be submitted and agreed at reserved matters / full planning application stage with such access being provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access to the extremities of the site frontage abutting the highway in both directions. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.



*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

11. The proposed access and any individual driveways to Sherbourne Avenue shall be no steeper than 1 in 14 over their entire lengths.

*Reason – In the interests of highway safety.*

### Ecology

12. Prior to the commencement of development details of ecological enhancement measures that shall include details of bird and bat boxes (positions/specification/numbers) shall be submitted to and approved in writing by the LPA. Replacement native tree planting should also be included, along with other ecologically beneficial landscaping. Such approved measures shall be implemented in full and maintained thereafter.

*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.*

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

confirmation should be submitted to the local planning authority.

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

14. No open trenches or holes should be left open overnight to ensure that mammals such as badger, fox or hedgehog are not trapped. If the holes or trenches cannot be back filled then a ramp should be installed to allow animals to escape.

*Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against in accordance with policy CS9 and the National Planning Policy Framework.*

15. Prior to the commencement of development, a detailed external lighting strategy should be submitted to and approved in writing by the LPA. Such approved measures should be implemented in full and maintained thereafter.

*Reason – To ensure that any ecological interest on site is appropriately addressed and can be mitigated against in accordance with policy CS9 and the National Planning Policy Framework.*

#### Others

16. Concurrent with the first reserved matters submission the application shall be accompanied by a design statement which sets out how and where the development will incorporate electric vehicle charging facilities. Only those details which receive subsequent approval shall be implemented, as approved, and retained in perpetuity.

*Reason – In the interests of promoting the use of more sustainable methods of transportation in accordance with policy CS20 of the Core Strategy.*

17. 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.*

18. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

19. Development shall not commence until details for the erection of fencing for the protection of trees on and/or adjacent to the site 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. The fencing shall be undertaken as approved before any equipment, machinery or materials have been brought onto the site for the development and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any areas fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor any excavation made, without the prior written consent of the Local Planning Authority.

*Reason – In the interest of safeguarding the protected trees, having regard to their root protection areas, and in the interest of the appearance of the surrounding area.*

20. No development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been submitted to the Local Planning Authority and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority. All tree planting shall be carried out in accordance with the approved details and times.

*Reason - To mitigate against the loss of existing biodiversity and habitats and provide biodiversity benefit, in accordance with Policy CS9 and the National Planning Policy Framework.*

### **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. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross

Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

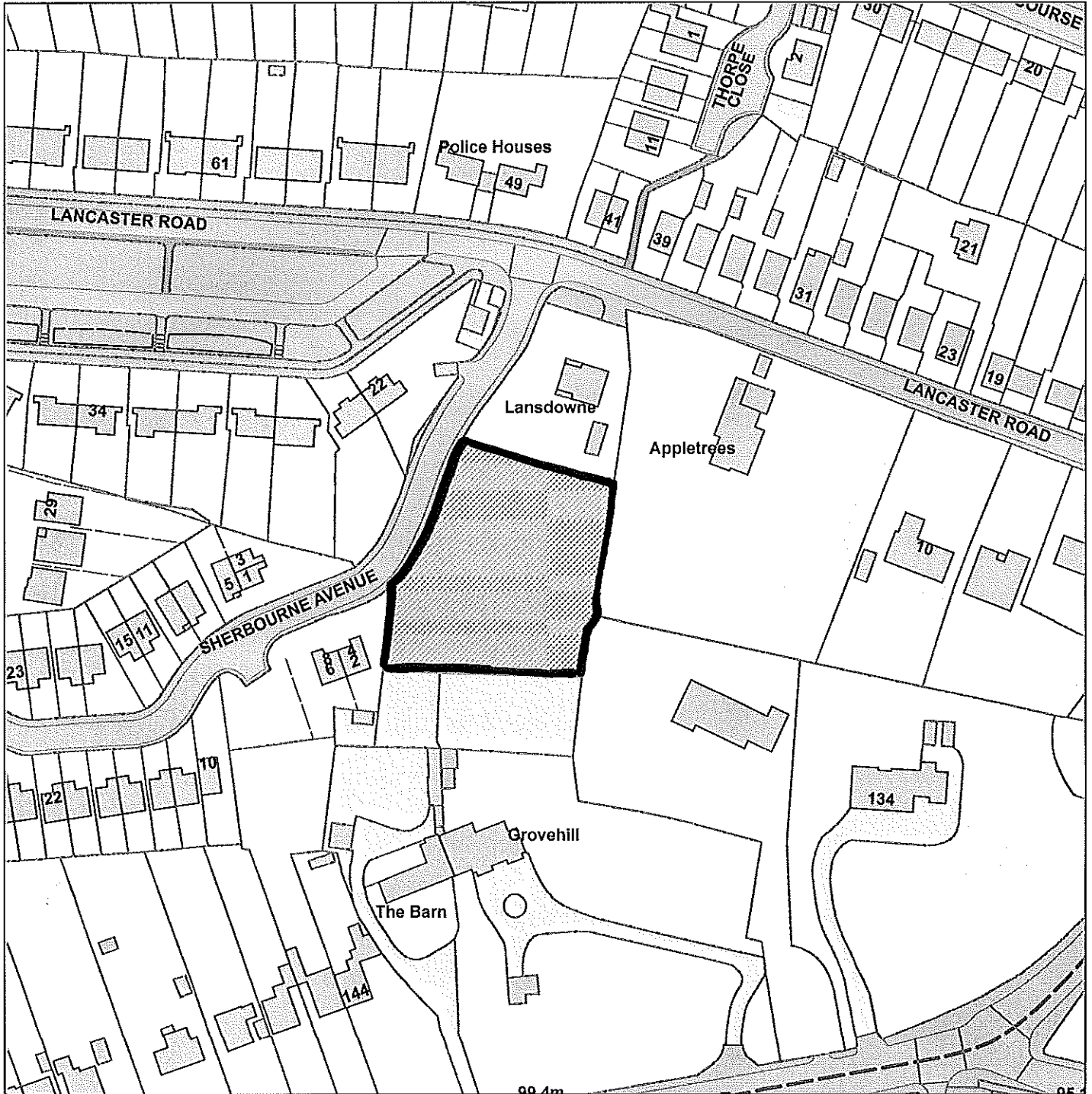
### Highways

04. The Highway Authority recommends that the first 6m of the proposed access driveway(s) should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
06. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
07. Car parking provision should be made on the basis of 1.5no, 2no. or 3no. spaces per 1 bedroom, 2/3 bedroom or 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 5.5m (with an additional 0.5m of width to any side adjacent to a physical barrier) with adequate space behind each space for manoeuvring.

08. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

### Drainage

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



Scale : 1:1333

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	21 December 2017
<b>SLA Number</b>	Not Set

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Case Officer: Joe Freegard  
Tel. No: (01246) 345580  
Committee Date: 8<sup>th</sup> January 2018

File No: CHE/17/00685/REM  
Plot No: 2/1456 4406

### **ITEM 3**

**Application for the approval of the reserved matters of  
CHE/14/00404/OUT for residential development of 120 dwellings -  
amended plans received 30.11.2017 and 05.12.2017 at land North-  
East Of Sainsburys Roundabout, Rother Way, Chesterfield,  
Derbyshire for Harron Homes**

Local Plan: Development in open countryside  
Ward: Brimington South

#### 1.0 **CONSULTATIONS**

Ward Members	No comments
Town/Parish Council	No objections
Strategy Planning Team	Comments received
Estates	No comments
Environmental Services	No objections
Drainage	Comments received
Economic Development	No objections
Housing Services	No comments
Leisure Services	No comments
Environment Agency	No objections
Yorkshire Water	No objections
Derbyshire Constabulary	Comments received
DCC Strategic Planning	No objections

Lead Local Flood Authority	Comments received
DCC Highways	Comments received
Highways Agency	No comments
Chesterfield Cycle Campaign	Objection received
The Coal Authority	No objections
Tree Officer	No comments
Conservation Officer	No objections
Urban Design	Comments received
Derbyshire Wildlife Trust	Comments received
DCC Archaeology	No objections
NHS	Comments received
HSE	No comments
Derbyshire Fire Officer	Comments received
Chesterfield Canal Trust	Comments received
Derbyshire Countryside Service	No comments
Canal & River Trust	No comments
Natural England	No objections
DCC Footpaths	No comments
Transition Chesterfield	Objection received
Neighbours/Site Notice	Six representations received

## 2.0 **THE SITE**

2.1 The site the subject of the application comprises an area of land alongside the route of the Chesterfield Canal between the urban area of Chesterfield to the west and the settlement of Brimington to the east. The site is within 'open countryside' as designated in the Replacement Chesterfield Borough Local Plan 2006. The site is approximately 6.6 hectares in area and is not a uniform shape, being an agglomeration of 3 enclosed agricultural fields (with hedgerows and trees along boundaries; an area of self-seeded vegetation including trees and a small watercourse leading into a culvert under the Chesterfield Canal (Tinkersick Brook) and the site of the former Greyhound Stadium (now derelict). The sites levels vary although are generally falling towards the Tinkersick Brook and towards the Chesterfield Canal to the south and west.

2.2 The north east of the site adjoins the occupied Ryecroft Farm and the unadopted access road alongside the Chesterfield Canal linking to Station Road and to the north west the Chesterfield Canal and the Trans-Pennine Trail. To the west/south west of the site is the Sainsbury's retail store. To the south of the site is the roundabout serving Sainsbury's, and which is the junction of Rother Way and Chesterfield Road (all classified highway and designated as the A619). A bus facility is located within the Sainsburys site adjacent to the petrol filling station. A corridor of trees runs along the southern boundary of the site alongside the A619. To the east of the site are enclosed open fields with a mix of arable, pasture and woodland uses. The nearest cycle routes are on Rother Way to the west and at the junction of the A619 and Brimington Road. There is pedestrian access to Rother Way and along the A619 on footways.

## 3.0 **RELEVANT SITE HISTORY**

3.1 Outline application CHE/14/00404/OUT was approved for residential development in August 2015. This was agreed subject to 27 conditions and a s106 legal agreement which required:

- % for Art subject to any viability appraisal to be agreed before reserved matters submission;

- 4 Affordable housing units;
- An open space and SUDs Management Scheme;
- An off site play contribution of £40,000;
- Prior to first occupation of the development the construction to adoption standards of a section of the Chesterfield/Staveley Regeneration Route including appropriately levelled ground including a 7.3 metre carriageway with footway, cycleway and pedestrian facilities to binder level (with narrower surface features) within a 17.3 metre corridor with all necessary earthworks to a design agreed by CBC and DCC;
- Prior to first occupation of the development the provision of and management and maintenance (including design, necessary survey and permissions) of a connection and pedestrian bridge link with additional provision for passage of cycles over the Chesterfield Canal from the development to the towpath. The agreement requires a payment to the County Council for the design of the bridge link;
- Use of local labour.

3.2 Application CHE/16/00677/DOC was submitted for the discharge of conditions 5 (archaeology impact and WSI), 6 (Reptile Assessment and mitigation) and 12 (Noise Assessment and mitigation) of CHE14/00404/OUT- Further information received 06.12.16 to discharge conditions 5 & 6. Conditions 6 and 12 have been discharged and condition 5 has not been discharged.

3.3 A further application was submitted for the discharge of conditions 5, 6 and 12 of CHE14/00404/OUT under CHE/17/00659/DOC. Conditions 5 and 12 have been discharged and condition 6 has not been discharged.

#### 4.0 **THE PROPOSAL**

4.1 An application has been made for the approval of the reserved matters of CHE/14/00404/OUT for residential development of 120 dwellings. Amended plans have been received on 30.11.2017 and 05.12.2017.

- 4.2 An application form, Design and Access Statement, site location plans, plans and elevations, coal mining risk assessment and CIL Liability form have been submitted with this application.
- 4.3 The amended plans propose the erection of 120 houses on the site. Vehicular access to the site is proposed via the creation of a roadway from the existing roundabout at Rother Way, to the South East of the site. The roadway is proposed to run in a straight line from South to North, and the intention is that this would form the beginning of the Chesterfield- Staveley Regeneration Route as referred in the Section 106 Agreement with the outline consent. Amenity grass seed and extra heavy standard trees are proposed to be planted to the Eastern and Western sides of the roadway. The latest plans show that a 14.25 metre corridor is to be provided comprising a combined 3 metre wide footway/cycleway separated from a 5.5 metre wide carriageway by a 1.5 metre verge. The plan indicates that only the 5.5 metre carriageway (rather than a 7.3 carriageway) would be provided to binder level.
- 4.4 A separate access road is proposed to connect at a T junction with the link roadway and would run in an Easterly direction to the site itself. A cluster of houses are proposed to the North of the access road, with landscaping to the East and West of this. The most substantial area of landscaping is proposed to the West of this section of the site, where an area of trees and areas of foliage are proposed to be planted. A footpath is proposed to run from South to North along this area of the site, with the Chesterfield Canal situated immediately to the West of this. It is expected that a link from this footpath to the canal towpath would be formed at a later point when the precise position of the brisge has been designed and is known. A further footpath is proposed to run from South to North along the Eastern side of the site, with grassed landscaping to the Eastern and Western sides of this.
- 4.5 To the South of the access road, a further cluster of houses along with a pumping station, open space provision and a play area are proposed. A footpath is proposed to lead from the Eastern side of the roadway and through a well

landscaped area where the pumping station is intended to be located. Housing development is proposed to the East of this, and an area of public open space is proposed immediately to the South of this area of housing. The open space is proposed to run from East to West, and would comprise play area, landscaping, tree planting and a footpath. A further two clusters of houses are proposed to the South of this, intersected by the Tinkersick Brook that runs from North West to South East. A footpath is proposed to follow the route of the Tinkersick Brook, with an area of public open space situated alongside this above a surface water storage tank. Landscaping is proposed around the perimeter of the site and within, with an existing area of trees forming the boundary to the South of the site. The plans also indicate the location of starling boxes, nesting boxes, bat boxes, sparrow terraces and reptile refuges.

- 4.6 A range of housing styles, including four affordable units and 116 open market units, are proposed within the site. The proposed affordable units are semi-detached houses, two of the 'Hadleigh' design, set over two storeys with two bedrooms, and two of the 'Bamburgh' design, set over two storeys with three bedrooms. All of the open market units are proposed to be detached houses set over two storeys, and ranging from three to four bedroom in scale. The internal spaces of the proposed properties appear appropriate and fit for purpose. All of the dwellings are proposed to have grey concrete pitched tiled roofs and white UPVC windows, soffits and fascias. 60% of the houses are proposed to be of a red brick construction and 40% are proposed to be of a golden buff brick construction. Doors and garage doors are proposed to be black in colour, with black UPVC rainwater goods and natural mortar. Four of the units are proposed to be part rendered in white, and these would be clustered around the entrance to the site. A gable end feature is proposed to the front elevation of all of the properties aside from the 'Birkwith' design and affordable units. All of the units are proposed to be relatively traditional in terms of design and materials.
- 4.7 A combination of detached garages, integrated garages and driveways are proposed to be provided in order to create parking provision for the proposed scheme. At least two car

parking spaces are proposed to serve each dwelling, and these spaces meet guidelines in terms of dimensions. The proposed level of external space meets guidelines for each of the units, and it is considered that all of the dwellings would have private rear garden space. In terms of boundary treatments, 1.8 metre timber fences are proposed to be erected between the rear gardens of the properties in most instances. This provision would ensure that a level of privacy is created between the external amenity spaces proposed. A combination of brick pier and fence walls and screen walls are proposed in order to form the boundaries with properties situated to the edges of the site. The use of hedging, tree planting and other forms of landscaping around the edges of the site are proposed to help minimise the impact of the proposed development on the surrounding area. 1.2 metre metal railings are proposed towards the Western edge of the site to help improve the appearance of the site and create an attractive division between the housing and sections of public open space.

## 5.0 **CONSIDERATIONS**

### **Local Plan Issues**

5.1 The development would primarily be on 'greenfield' land. However, the principle of development was established as a result of approval CHE/14/00404/OUT for residential development. This application was approved following the Borough Council being unable to demonstrate a 5yr deliverable supply of housing land at the time, and as such the presumption against development in open countryside was superseded under policy CS10 by a criteria based assessment of the proposal against Core Strategy policies CS1 and CS2, and against the NPPF as a whole.

5.2 In respect of policy CS1 the Borough Council's spatial planning team indicated that the development was compliant as the site is 'close' to Whittington Moor District Centre'. Also that the development is compliant with policy CS2 being 'previously developed land', not the 'best' agricultural land, and has opportunities to maximise walking and cycling, whilst also providing a regeneration opportunity to 'deal with' the derelict stadium. The site is within walking distance of a

large retail store, an open space corridor, bus services and within cycling distance of employment opportunities and a district centre.

- 5.3 The outline application indicated that the development would not prejudice the Chesterfield-Staveley Regeneration Route and would actually deliver a section of highway through a Planning Obligation, that in terms of width and construction specification would be a suitable specification for the by-pass through to the M1 junction 29A. Such a standard would be well beyond that necessary for serving the development in isolation. The scheme thereby avoids conflict with RCBLP policy TR3, Core Strategy policies CS1 and CS20 and the NPPF, whilst also providing a material planning benefit.

### **Urban Design**

- 5.4 The Urban Design Officer was consulted on the application and the following comments were made. The proposed layout has been revised to seek to address the previously identified design concerns. The development blocks continue to follow generally rigid alignments, both internally but also where adjacent to the site edges, together with very close spacing between most buildings. Some minor adjustments have been introduced at Plots 4, 15-16 and 72, together with a modest revision to the private driveway at the entrance Plot 72. As previously recommended building alignments that follow a more sinuous organic alignment, particularly at the interface with the rural landscape, remains highly desirable together with a looser knit layout and greater gaps between buildings in order to create a gentle interface between town and country. However, the applicant advised that the viability of the scheme prevents a reduction in the amount of development that would facilitate such an approach.
- 5.5 The townscape of the development remains very similar to the previous layout with a limited sense of a 'place hierarchy', way finding and legibility in terms of built form and public spaces. The applicant indicated that the change in levels at the site entrance provides limited scope to arrange buildings to form a stronger 'gateway' into the site. However, in an attempt to respond to this location the revised proposals now indicate a cluster of artificial stone buildings



(see appearance comments below) around the site entrance, together with the introduction of stone walls and a location for a % for art installation. It is recommended that feature walls in this area comprise traditional natural stone dry stone walls associated with the locality to ensure a quality detail at the entrance to the site. This should be subject of a suitably worded condition, requiring details to be submitted and agreed. Plot 80 occupies an important position within the townscape and closes the view on approach from the south. A more suitable design for this plot remains desirable, such as a 2.5 storey house type. However, this unit has now been 'handed' to reposition the gable to close the view and move the large double garage to one side so this appears less dominant in the vista. The inclusion of 2.5 storey buildings remains desirable as this would assist in providing clear focal point buildings and improve the legibility of the layout. Although the DAS (p.26) indicates the inclusion of a number of 2.5 storey buildings no such buildings are proposed within this scheme and it is understood that these are larger house types (5-bed) and the applicant does not consider them to be suited to the local market.

- 5.6 The Tinkersick Brook and a drainage channel crosses the area and dissect the site and has the potential to form areas of interest that contribute positively to the character and identity of the scheme. However, in a number of areas it was identified that the layout encroached closely into these spaces. Given the inability to reduce the amount of development overall, the generally close relationship between the houses and the green corridors remains the same. The location of the electricity sub-station has been repositioned to be tucked in between the back of Plot 4 and the garage of Plot 3, removing it from the green space and the streetscene. The position of the pumping station is now confirmed. In order to minimise the presence of this functional component within the green space additional landscaping is recommended. At present the Landscape Plan appears to show no screening or hedging to help assimilate this feature into its setting. Adjustments to the landscaping proposals are therefore recommended (see Landscaping comments below).

5.7 The absence of internal road connectivity remains unchanged, although alterations to pedestrian provision have enhanced the ability for pedestrians to walk around the site and make use of the green corridors (see comments below). The road layout retains a number of long straight sections of road that would not achieve a 20mph design speed appropriate for a residential environment. If the layout and road alignment are unable to be designed to achieve this objective the introduction of speed suppression measures, such as narrowing of the carriageway should be considered, with advice from DCC Highways on the most suitable approach. It is the case that vertical deflection (speed bumps) are not accepted by DCC Highways as a method of speed management. The layout now includes a better connected network of green spaces with pedestrian paths introduced along the eastern and western fringes, resulting in increased pedestrian accessibility and permeability within the development itself. The construction and finished treatment of the pedestrian pathways should be managed by condition. Resolution of the connection to the canal path remains outstanding at this stage. The road layout and street hierarchy, remains similar, although secondary street types are now indicated as shared surface streets with block paved surfaces. The introduction of a boundary railing to the edge of the green corridors along the north-south axis, which will assist in providing some additional differentiation between the streets, although extending this treatment to the plot frontages opposite would further enhance the distinction to this route and the main east-west axis.

5.8 Underground storage tanks remain within the central green space although these are now split into two smaller features with the addition of a surface water pipe alongside the central green corridor. In addition, an above ground attenuation area is shown within the north western edge of the site and forms part of the network of green corridors. A LEAP sized play area is now indicated within the central part of the site, which is a requirement of the s.106 agreement and which is supported. The original terrace of houses has now been split into two pairs of semi-detached houses, enabling rear access to be achieved between the houses and which is supported. The affordable housing has been changed from a terrace of four into two pairs of semi-

detached houses with their own parking as required by the s106 legal agreement. This now more closely reflects the character of the rest of the scheme. In addition, Plots 15-16 have been re-orientated to face NW towards the bend (around Plot 14) to assist with the built form addressing this component of the streetscene. This aspect of the proposals is now better resolved.

5.9 There continues to be a general absence of boundary treatments to frontages, which emphasises the generic 'open plan' nature of the layout. Although landscaping to plot frontages is proposed, this can be removed over time, further exposing parked cars within the streetscene. The provision of vertical front boundary treatments on plot frontages along the main north-south and east-west axis roads was discussed, in part to assist in introducing a greater sense of legibility to the layout and further distinction between the street types, but also ameliorate the impact of frontage parking. However, these are not shown on the amended plans. Estate railings (1200mm high) are indicated along the edges of several green corridors. It is recommended that a 800-900mm high railing is added to plot frontages on the main axial routes to define both sides of the street frontage and improve the legibility and character of the scheme. This could be by way of a revised plan or managed by condition. Where side garden boundaries are provided these are now set back from the edge of the footway with a landscape margin in front so as to reduce the prominence of these features and soften the streetscenes. This aspect of the proposals represents an enhancement to the layout. Pier and panel fences are still proposed whereas brick walls were requested previously for robustness and quality of finish. No elevations of boundary treatments are currently provided and as such, notwithstanding the submitted information, a condition requiring details of all boundaries, including elevations (scale 1:20) to be submitted is recommended.

5.10 Frontage parking remains largely similar to the previous layout due to the nature of integral garage house types. Although landscaping is proposed to most frontages, a number remain open without any planting and as noted above and in almost all cases boundary treatments remain absent. This approach is contrary to guidance contained

within the SPD Successful Places (2013). Where indicated above boundary treatments to frontages on the main axes are recommended. The communal car park serving the affordable housing has been removed to provide individual parking for each unit and is better related to each property. If house types are unable to be substituted to include a greater balance between integral garage units and house types with parking between buildings, the inclusion of boundary enclosures to frontages takes on greater significance and should include be provided on combination with landscaping along the main axes as recommended above.

- 5.11 The pedestrian connections to the site were previously poorly overlooked and raised concerns in respect of crime and design considerations. The path behind Plot 4 is now bounded by a railing to provide a defensible edge to the adjacent plots. The substation has also been repositioned to remove this from the public space and enable the side elevation of Plot 4 to overlook the lower part of the path which enhances the passive surveillance of this area. Overall, this aspect of the scheme is an enhancement although the railing should be extended around Plot 1 rather than follow the route of the path which creates a generally accessible area behind this enclosure. The path alongside Plot 23 was identified by the Crime Prevention Design Officer at Derbyshire Constabulary as a potential problem area. This has now been omitted and the space incorporated into the garden of the plot. Although the loss of the path is regrettable as an additional connection point, on balance the removal of the route removes the concerns regarding the potential for crime and anti-social behaviour on this part of the site. Other houses along this route (Plots 5, 34 and 38) also provide limited surveillance of the footpath where they side onto the path. Furthermore Plot 51 would benefit from additional side windows to overlook the space to the north of this unit.
- 5.12 Bin collection points (BCP's) serving private drives should be sufficiently large to cater for the number of properties they serve. Sufficient space for two bins per property is required for double bin collection days. The BCP's currently shown appear insufficient for their purpose in a number of instances. As such, a revised detail for BCP's should be conditioned. The inclusion of some 2.5 storey elements was

previously advised to assist in strengthening the built hierarchy. However, this remains unchanged as these are larger units which are not considered suitable to the local market conditions. Given this limitation, the introduction of a greater level of differentiation within the townscape through other measures is recommended rather than height and scale (see Appearance comments below).

- 5.13 The site currently lies in open countryside alongside the strategic open break between Whittington and Brimington and also abuts Ryecroft Farm. The interface between the development and the landscape to the east is sparsely landscaped with few trees to soften the interface between the site and the countryside. This is primarily due to the presence of a sewer easement which prevents tree planting within this corridor. Nevertheless, a number of opportunities exist to introduce additional tree planting within those areas along the eastern boundary which fall outside the easement. For example, opposite Plots 41, 93 - 94 and 110 modest spaces beyond the easement should incorporate tree planting in order to maximise the ability to assimilate the development into the landscape. The use of landscape planting can be used to help support and embed a sense of character within different streets by providing a sense of unity along plot frontages. This is shown in some locations with three types of hedging used with Photinia (west), Beech hedges (centre) and Escallonia (east) but this approach is not applied uniformly across the scheme. Open frontages along the eastern boundary are most noticeable and would benefit from hedges planted on plot frontages, not least to support the softening of the appearance of the eastern edge of the site.
- 5.14 Tree planting is indicated across the site although, species are not specified by location. Instead, a list of potential species is provided from which trees will be chosen. This approach is vague and imprecise and remains unchanged from the previous landscape details. Specific proposals for specific locations should be identified. For example the avenue along the main link road would have greater impact if designed using one or two species with regularity, as opposed to a selection of varied tree types. However, without specific details the landscape proposals lack certainty as to

how this component of the scheme can meaningfully contribute to the character and identity of the scheme. This is particularly important given the emphasis within the DAS on the contribution to the identity of the development that would be provided by landscape planting. Additional hedge planting is also recommended behind the rear of Plot 4, to screen the prominent rear boundary, and also around the pumping station enclosure to better assimilate this feature into the landscape setting and minimise its presence. The trees within highway limits will require commuted payments in the region of £940 per tree. As such it will be necessary to clarify if any trees are proposed within areas to be adopted as public highway, such as those along the first section of the link road. It is also noted that the trees shown on the west side of the proposed link road appear to be within the 'highway limits' of the road corridor, which when completed in the future would require the trees to be removed. It is recommended that the trees on the west side of the road should be repositioned beyond the area required to construct the road into the embankment area. In light of the above comments it is recommended that, notwithstanding the submitted landscaping details, the landscaping of the scheme should be amended or required to be updated by way of a suitably worded condition.

- 5.15 The generic character of the development was previously identified as a concern and it was recommended that the applicant clarify how the proposed development would support the local distinctiveness and identity of Chesterfield. The use of locally relevant materials can assist in recognising the character of the place in which they are built. Artificial stone has now been introduced around the entrance area to mimic local stone (subject to samples). This addition is welcomed but the distribution of the materials could be used to greater effect by introducing stone on selected key plots and units in more marginal positions. This would enable greater emphasis to be delivered in several locations. For example, creating a group of stone houses around the main intersection on Plots 3, 71, 79-81 (as currently shown) gives emphasis this location and enhances way finding. Plots 1, 2, 70 and 78 should revert to red brick so as not to dilute the impact of the stone units clustered around the junction. Plots 5 and 52 should be changed to stone to form a grouping of 3

stone houses at the intersection of the road over the Tinkersick Brook and using stone on Plots 23, 34 and 38 would ensure that the end houses against the green corridor (alongside the Tinkersick Brook) are all finished in stone creating a network of stone faced houses along the green corridor and culminating at the intersection. The proposals continue to include extensive use of buff bricks (26%) with double Roman tiles, albeit at a slightly lower proportion (previously 38%). These are not generally associated with the distinctiveness of the Borough, which is more generally associated with local Coal Measures Sandstone, single roll pantiles (not Roman tiles), red brick and slate.

- 5.16 The distribution of buff brick does not appear to follow any clear reasoning and continues to take an ad-hoc approach, to their use. An alternative/second red brick type would be preferable. However, if buff bricks are to be considered their use and distribution should be arranged to support the character and legibility of particular streets, such as at each end of a run of houses (but not corners) with red brick between, or perhaps clustered on the internal 'secondary' street types rather than randomly scattered, as currently shown. Consequently it is recommended that the use and disposition of materials is revised having regard to the above comments so as to aid wayfinding and support and reinforce the character and identity of particular streets and key locations within the development itself. This could be revised at this stage or managed by way of a suitably worded condition. The layout proposes footpath connections onto the link road on the NW edge and to Brimington Road from the SE corner of the site. These previously raised concerns in respect of creating potential problem areas for crime and anti-social behaviour, although the layout in this area has now been amended, as outlined above.
- 5.17 In conclusion, the revised proposals have made a number of adjustments to improve aspects of the layout. Notwithstanding these revisions scope remains to further improve the proposals in respect of materials/local distinctiveness, landscaping and boundary enclosures in particular. As such further adjustments should be sought and which can be secured by conditions as appropriate.

5.18 In so far as the impact on occupants and neighbours to the scheme, the layout, scale and design of the proposed scheme would not result in any significant amenity issues. Although the side elevations of properties are proposed to be in close proximity to each other, a reasonable level of separation is proposed between the front and rear elevations of each property and any immediate neighbouring dwelling. As such, it is not considered that there would be any significant adverse impact in terms of overshadowing or an overbearing impact. Side windows are proposed to the ground and first floors of some of the properties, and as such issues with regards to overlooking need to be considered. Boundary fences would prevent any overlooking between ground floor windows, however it is considered that an obscure glazing condition is required in relation to first floor side windows. There are no other residential properties outside of the site located in close enough proximity to be directly affected by these plans. The Western side of the site would be situated at a lower level to the adjoining embankment and would be largely screened by trees and areas of foliage. As such, it is considered that any impact on the nearest neighbouring residential properties would be further minimised.

### **Highways**

5.19 DCC Highways have been consulted on the application and they comment that details have been submitted as part of the application for the proposed access road off the A619, including layout, longitudinal and cross sections through the road. They indicate that insufficient details have been provided to determine the suitability of the proposed supporting embankment, although they are unclear if such details are to be approved under this reserved matters application or as part of conditions 4 and 13 of the approved outline planning consent, CHE/14/00404/OUT.

5.20 Outline planning permission has been granted for the principle of a housing development of the site served by a single point of access to be created off the Sainsburys roundabout. The accompanying s106 agreement set out the Borough Councils intention that the housing development



scheme provided a section of the Chesterfield /Staveley Regeneration Route which would also provide the access to the housing site and the agreement set out a specification of what was agreed as a standard to be delivered as part of the scheme. The County Council as Highway Authority were not party to the s106 agreement. The specification referred to a standard suitable for adoption including appropriately levelled ground comprising a 7.3 metre carriageway with a footway and cycleway and pedestrian facilities to binder level with narrower surface features and carriageway within a corridor of 17.3 metres with all the necessary earthworks in accordance with detailed designs to be submitted to and approved by the Borough Council and Highway Authority.

5.21 The submitted scheme proposes a less wide corridor of 14.3 metres. This narrower corridor relies upon a combined 3 metre wide cycle/pedestrian route rather than separated routes thereby allowing the deletion of a 2 metre wide footpath and a 1 metre wide separating verge. Furthermore the applicant has confirmed that it is not the intention to construct to binder level the full 7.3 metre carriageway but would provide the necessary levelled ground and earthworks together with a fully adoptable 5.5 metre carriageway with verges and the combined pedestrian/cycleway and which would allow for future expansion when the link is required within the corridor. The developer comments that the existing drainage to be installed can be connected into any future widening of the road which will comprise at the time of laying tarmac and subbase, moving the kerb line, relocating 19 gullies to the new channel line together with providing additional length of connections to accommodate the road widening.

5.22 The developer comments that the difference between a 14.3 and 17.3 metre wide corridor will result in viability issues for the scheme with the need for steeper reinforced embankment slopes using a geogrid system of stabilisation, together with an additional 1,500 cubic metres of fill with all

the additional transportation costs. These additional costs would amount to approximately £310,000. The developer would need to seek a Variation of the s106 agreement to be able to progress the scheme on the reduced corridor width if that were accepted.

- 5.23 The response from the DCC Highway Authority has on the one hand advised that the delivery of the Chesterfield/Staveley Regeneration Route is a matter for the Borough Council and that the housing development proposed would be appropriately served in highway terms by a 5.5 metre carriageway with footpaths (and therefore no objections arise in principle) but then on the other hand the DCC Transport Strategy Manager confirms a 17.3 metre wide corridor is necessary on the basis that the route will serve as a commuter route as well as for leisure purposes.
- 5.24 The Regeneration Route between Chesterfield and Staveley and onwards to the junction 29a at Markham Vale is key infrastructure for the Borough Council and its route has been safeguarded for many years. The County Council confirm however that the route does not have any formal policy status from the Highway Authorities point of view. The route is however safeguarded in the Borough Councils development plan. The Regeneration Route will provide an alternative to the A619 through Brimington and Staveley, where there are significant air quality issues (designated AQMA) and is likely therefore to become the principal route. The route will also be key to bringing forward significant housing and employment land in the Staveley/Brimington corridor and will potentially be necessary in highway infrastructure terms to be able to accept the highways impacts arising from such developments.
- 5.25 On the basis of its importance it is necessary to ensure a high standard of infrastructure is available for all highway users and on this basis the DCC Transport Strategy Manager comments that this should, if sustainable modes of travel are to be properly encouraged, include segregated facilities for

pedestrians and cyclists. He accepts that parallel routes do exist along the Chesterfield Canal corridor and are excellent for leisure use but not sufficient to serve commuter trips in poor weather or hours of darkness. The provision of a segregated cycle path, footways and verges alongside a 7.3m single carriageway road is, therefore, the basis of the County Council's advice that a corridor of 17.3m is required. This is what informed the basis of the existing s106 legal agreement.

5.26 The Transport Strategy Manager accepts however that it is not the case that facilities for all users must always be provided within a single corridor and there may well be situations where integration with land-use plans may result in provision on separate alignments. However, the provision along the whole corridor of adequate provision in some form is regarded as important. He also accepts that such general principles are separate from any consideration of either financial contributions or the protection of land within development sites.

5.27 Notwithstanding the fact that a Variation of the s106 would be required it is considered that the Borough Council can accept a 14.3 metre wide corridor for this section of the Regeneration Route if desired. For consistency purposes it is necessary to consider what has been provided as a specification elsewhere on the route. What has been provided is mixed. The Markham Vale end of the link has been completed most recently by the County Council with the upgrading of Erin Road. However nowhere along the section from Markham Vale to Hall Lane at Staveley is the standard based on a segregated pedestrian and cycle route running alongside the carriageway. For the section closest to Markham Vale (where a concentration of growth of employment development is being delivered and would thereby justify the commuter activity/use potential) the corridor includes shared pedestrian and cycle routes with narrower verges. There are sections of the route linking

through to Hall Lane basin area where no footpaths or cycle routes have been provided. It is suggested that such a mixed provision has been accepted as appropriate but which allows for appropriate multi sustainable modes of transport. It is considered that a 14.3 metre width corridor comprising of a 7.3 metre carriageway separated from a 3 metre shared pedestrian/cycle route by a 1.5 metre verge would be acceptable. Whilst it is considered necessary to require the full 7.3 metre carriageway width to be constructed to binder level (1.8 metres wider than proposed) as set out in the s106 agreement, it is considered appropriate for this part of the route to include a shared pedestrian/cycle route. There are currently no finances for the provision of the link route however a 3 metre less wide corridor is likely to result in the need for a narrower bridge structure over the canal and river which is likely to be less costly and which may actually assist in delivering the route beyond the site in the future. It is also the case that the Canal towpath through from the site through to Staveley Basin in one direction or the Chesterfield Town Centre in the other will duplicate the pedestrian and cycle connection opportunity since this development delivers a connection over the canal to connect to the towpath.

5.28 The Council is dealing with an application for redevelopment of the St Gobain site to the north east (CHE/17/00644/OUT) which will provide part of the route as will the redevelopment of the adjacent Chatsworth land through from Works Road to Hall Lane which is to be submitted shortly. This leaves the section from the St Gobain site through to the Wheeldon Mill and Sainsburys roundabout which will require funding but which is included on the Councils Regulation 123 list in connection with its Community Infrastructure Levy.

5.29 On balance, and for consistency purposes, it is considered that it is necessary to ensure that an appropriate route can be provided through this site linking through to the M1 junction 29a as part of the Chesterfield to Staveley Regeneration Route and that subject to requiring the

additional 1.8 metres of construction to binder level this will be achieved appropriately within a 14.3 metre corridor. Whilst the County Council are not a signature to the s106 agreement it will be necessary for the developer to gain the approval of DCC Highways under a s38 agreement for the construction of the new road and this will require fully detailed designs and which would be a matter between the developer the County Council and the Borough Council.

5.30 In so far as the internal highways implications the bend between plot numbers 44 and 59 needs to be laid out with minimum forward visibility of 25m, the area in advance of the visibility being laid out as part of the adoptable highway. Given that (in the Highways Authorities opinion) there may be the potential for further development to the north east of the site, the carriageway fronting plots 102 and 103 will require widening at this bend in accordance with the 6C's guidance, table DG6. The proposed streets serving plot numbers 30 to 37 and 84 to 99 do not meet adoptable criteria as shown and will therefore need to remain private, with the accesses being formed by vehicular dropped crossings rather than kerbed radii. The emerging visibility from the access to plot number 103 is restricted to around 2.4m x 20m, whereas this should be a minimum of 2.4m x 25m. The block paved sections of carriageway will need to be laid flush with the adjoining bituminous carriageways, as ramped sections of carriageway will not be acceptable for adoptable highway. The shared private driveways serving 2 to 5 dwellings need to be laid out at least 4.25m wide for a minimum distance of 5m behind the adoptable highway boundary. Where the driveways are bounded by a wall, fence, hedge line of trees or similar obstruction, the width needs to be increased by 0.5m on the sides which have the aforementioned boundary features. Shared bin collection points will need to be provided on shared private streets, within 25m of the adoptable highway, where dwellings are located in excess of 25m from the adoptable highway.

5.31 DCC Highways confirm that if it is minded to approve the application, the following 17 conditions, recommended in the interests of highway safety, should be appended to any consent: -

- 1 No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
- 2 Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 1 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 3 Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
- 4 No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
  - Parking of vehicles of site operatives and visitors.
  - Routes for construction traffic, including abnormal loads/cranes etc.
  - Hours of operation.

- Method of prevention of debris being carried onto highway.
  - Pedestrian and cyclist protection.
  - Proposed temporary traffic restrictions.
  - Arrangements for turning vehicles.
- 5 No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
- 6 The carriageways of the proposed estate roads shall be constructed in accordance with Condition 5 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
- 7 Private accesses shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the accesses at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

- 8 No development shall take place until a swept path analysis has been carried out for the proposed estate streets, based on a large (11.6m long) refuse vehicle, submitted to the Local Planning Authority for approval.
- 9 No part of the development shall be occupied until all internal adoptable estate street junctions have been 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 25m in each direction measured along the nearside carriageway edge in each direction. The area in advance of the visibility sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.
- 10 No development shall take place until detailed designs have been submitted to the Local Planning Authority for written approval indicating the design of the proposed access road between the proposed new residential development and the A619, the road being completed in accordance with the approved scheme prior to first occupation and maintained throughout the life of the development free from any impediment to its designated use.
- 11 No dwelling shall be occupied until space has been provided within the site curtilage for the parking of residents and visitors vehicles, in accordance with the submitted application drawings, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
- 12 Approved garages and car parking spaces shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) permitted garages/car parking spaces shall be retained as such and shall not be used for any



purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

- 13 The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- 14 The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable highway boundary and 1 in 10 thereafter.
- 15 No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to

secure the operation of the scheme throughout its lifetime.

- 16 No dwelling hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.
- 17 No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

5.32 *It is considered that the conditions recommended by DCC Highways are necessary in the interests of highway safety, and as such should be imposed with the exception of suggested condition 13 which it is considered will be part of any submission under suggested condition 16.*

### **CCG**

5.33 The CCG was consulted on this application and indicated that development is proposing 120 dwellings which based on the average household size in the Chesterfield Borough Council area of 2.5 per dwelling would result in an increased patient population of approximately 300. The cost of providing additional accommodation for 300 patients was calculated by the CCG as £45,648, and this was requested as a financial contribution.

5.34 *In response to these comments, a contribution was not agreed at the outline stage via a Section 106 Agreement and as such it is not now possible to secure a contribution under the application for approval of matters reserved by the outline.*

## **Derbyshire Fire & Rescue Service**

5.35 Derbyshire Fire & Rescue Service was consulted on the application and they have raised no objections. They recommended the installation of a domestic sprinkler system or a minimum 32mm water supply capable of delivering the required volumes for a domestic sprinkler system to be installed.

5.36 *It is considered that this is a matter which can be dealt with under the Building Regulations and is not something which is required as part of the planning process. Notwithstanding this an informative can be added to any consent granted relating to a sprinkler system in the interests of fire safety.*

## **Derbyshire Constabulary**

5.37 Derbyshire Constabulary has been consulted on the original application and they raised no objections. They commented that the great majority of the development is good from the perspective of community safety. There are two areas they considered the scheme might be improved, one which could have a major impact, one less so but still worthy of consideration. The first matter is the cycle link which runs out of the site by the side of plot 23 and through the woodland road embankment before linking with the A619. This type of connection which links two completely differing environments (in this case the semi-private turning head and footpaths of a residential site and a car dominated major road with no real overlooking aspect) often lead to community problems for the immediate area because of the less than distinct hierarchy of space, this having a knock on effect on the territoriality of the wider site. Instances of nuisance, damage and graffiti in the immediate area and higher levels of theft offences more broadly seem to have been facilitated by such features on other sites. They appreciate that the link has in all likelihood been provided in response to other consultees requirements, and there needs to be a balance applied, but given the potential problems this link may create, and the distance between the link and main site junction, in their view for cyclists in particular, a route parallel to the main entry road should be acceptable, being wide and open to view for its extended course. The second area for comment is the

communal parking area for affordable plots 15-18, which is positioned to the side of plot 15, consequently not in view of the other three plots. They understand that this has probably been included because of site space constraints, but from a community safety perspective is less desirable than in curtilage parking, and on a social note distinguishes the affordable housing from the remainder of the market housing. If the first point is accepted there would be sufficient space to ease the roadside housing into space vacated by the cycle link and the affordable housing could be given more desirable in curtilage parking spaces by splitting the four house block into two pairs of semi-detached blocks.

- 5.38 *In response to these comments, it is considered that the concerns of Derbyshire Constabulary are legitimate and through discussion with the applicant have been largely overcome via the submission of amended plans. The plan now deletes the link to the south east which is actually up a steep embankment and would not in any case be appropriate for cycle use. No comments have been made by Derbyshire Constabulary in relation to these amended plans following re-consultation.*

### **Lead Local Flood Team**

- 5.39 The Lead Local Flood Team have been consulted on this application and they have raised no objections. The following comments were made; The LLFA has noted significant variations in the proposals from the outline stage to the reserved matters stage of the application, including the removal of above ground attenuation, to be replaced with below ground storage and the extended culverting of watercourses.
- 5.40 In relation to the culverting of watercourses, the LLFA would refer the applicant to the culvert policy adopted by Derbyshire County Council (DCC) in July 2017. DCC encourages open watercourses and actively encourages the de-culverting of watercourses wherever possible. It is advised that where an application incorporates significant lengths or occurrences of culverting that DCC are consulted in relation to section 23 of the Land Drainage Act to ensure that both planning approval and land drainage ordinary

watercourse consent can be obtained before finalising the design.

- 5.41 In relation to the removal of above ground SuDS, The LLFA would refer to Condition 20 of the outline decision notice, which references Policy CS7 within the reasons section. The Chesterfield Local Plan, policy CS7 States that Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. The Applicant has not demonstrated that SuDS are inappropriate but has removed SuDS from the design and as such represents a backwards step from the design principles approved at outline, and may result in complication when discharging condition 20.
- 5.42 The New FRA discount the use of SuDS due to the inability of the site to infiltrate, however a number of the SuDS methods mentioned would still be appropriate for use as attenuation and conveyancing systems as detailed in the SuDS Manual C753. Further comments indicate ponds and detention basins are inappropriate due to topography, however the lower areas of the site are indicated to be at a moderately gradient minimising the impact on attenuation features.
- 5.43 It is noted from the new FRA that a variable discharge rate is proposed, however the application does not indicate any consideration of the discharge volume, to demonstrate that the system does not exceed the greenfield discharge volume and subsequently increasing downstream flood risk. I note that the Non-Statutory technical standards were not applicable at the time of determination but paragraph S4 does identify a test method for ensuring that the flood risk as a result of increased volume is not created. Volume balance is also considered under the EA Science report SC30219 which pre-dates the application.
- 5.44 The new layout indicated within the REM application appears to locate properties closer to the Tinkersick and as such encroaches on the surface water flooding modelling for this area, given the proximity and direction of the watercourse and surface water flow route, it is likely that the surface water flood map is mirroring the fluvial process. No modelling of the

TinkersSick has been undertaken to the LLFAs knowledge as such the LLFA would note that the best representation of flood risk from the Tinkersick is the surface water flood map, where properties or essential utility services such a pumping stations or substations are to be located within the surface water flood map we would advise that hydraulic modelling of the watercourse is undertaken to understand the full extent of the fluvial flood risk to ensure appropriate development incorporating sufficient mitigation into the design. The LLFA would also encourage a consideration of the maintenance access requirements for the watercourse to ensure that appropriate maintenance can be carried out to prevent blockage or capacity reduction within the watercourse.

- 5.45 Further to the LLFAs previous correspondence it is noted the above ground storage proposed at the outline stage has been replace with below ground surface water storage which is an accepted method of dealing with surface water run off to ensure that the development of the site does not increase the risk of flooding elsewhere. There is a requirement to limit surface water leaving the site to the current greenfield run off rate plus a percentage for climate change. However additional further information has been submitted by the applicant with sufficient justification provided to demonstrate why the changes have been made to the drainage solution. Further conditions are considered necessary to deal with this issue.

### **Drainage**

- 5.46 The Councils drainage team have been consulted on this application and they have raised no objections. The following comments were made; Parts of the site are shown to be at high risk of surface water flooding on the Environment Agency flood maps. This is in close proximity to proposed properties and a sewage pumping station and electricity substation. The mitigation measures for this flooding are not fully discussed in the Flood Risk Assessment. It does mentioned dredging the watercourses but this is unlikely to fully resolve the flooding especially as a number of additional culverts are proposed on the Tinkersick watercourse which may restrict flow further. The impact of this watercourse may require further assessment. Regarding the proposed surface

water drainage, no design details have been provided for this at this stage. We would therefore require full drainage details prior to approval. The discharge to the watercourse should be restricted to existing greenfield runoff rates with excess flows up to 100year + climate change. Calculations for determining the greenfield runoff should be provided alongside any drainage attenuation calculations. The greenfield runoff rates provided in the flood risk assessment seem fairly high and so we would wish to see calculations for these. SuDS principles should be utilised on site - it is noted that detention ponds on the original proposal have now been replaced with underground tanks. It is understood that Yorkshire Water has imposed a restricted flow rate on the foul discharge. The connection with the foul sewer will require approval from YWS.

- 5.47 *In response to these comments, it is considered necessary to impose conditions requiring the submission of revised drainage details, in the interests of appropriate and sustainable drainage.*

#### **Environment Agency**

- 5.48 The Environment Agency has been consulted on this application and they have raised no objections. It was stated that this application is situated in flood zone 1 and as such the Environment Agency has no comments to make on the application.

#### **Yorkshire Water**

- 5.49 Yorkshire Water was consulted on the application and they raised no objections. The following comments were made; The Flood Risk Assessment (prepared by Eastwood and Partners - Report PR/LEM/41379-001 dated September 2017) is acceptable. In summary, the report states that foul water will discharge to public foul water sewer. Sub-soil conditions do not support the use of soakaways therefore surface water will discharge to Tinkersick (connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements). On the Statutory Sewer Map, there is a 225mm diameter public foul water sewer recorded to cross the site. It is essential that the

presence of this infrastructure is taken into account in the design of the scheme. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000. It is noted from the submitted planning FRA that surface water is proposed to be drained to Tinker Sick. They comment that the landowners consent will be required for the construction of a new outfall structure. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken.

### **Conservation Officer**

- 5.50 The Conservation Officer has raised no objections but has made reference to the significance and importance of the Chesterfield Canal which is adjacent to the proposed housing site. The Chesterfield Canal is one of Chesterfield Borough's key historic assets, as well as being a popular public waterway and towpath. Reference is made to a Deed of Variance document that there is a proposal to build a bridge that would connect the new housing development with the towpath (although the proposed bridge doesn't appear to be shown on the layout plan, ref: 280 01K) and that this would be adopted by Derbyshire County Council who own and manage this stretch of the canal. The Conservation Officer supports the proposed bridge on the basis that it will provide access to the canal and offer a sustainable walking and cycling route for those living in the new housing to Chesterfield Town Centre and the canal environs. He recommends that the Chesterfield Canal Trust are consulted on the proposals, including the proposed bridge and its design.

### **Chesterfield Canal Trust**

- 5.51 Chesterfield Canal Trust has been consulted on the application and they have raised no objections. They have a few issues with this development, mainly as raised with the outline application. They expressed concern about the proposal to drain surface water away from the development using the Tinkersick culvert under the canal. The off bank of the canal in this area



is usually flooded, even in a period of prolonged dry weather, and would only be made worse by surface water run off from the site. The CCT would like to see a condition ensuring that the problem with the culvert is resolved before plans are made to use it for drainage from the site. They request that any houses close to the canal be orientated to face the canal rather than back on to it. We noted that, in the outline application, there were plans for a pedestrian and cycle bridge over the canal. This seems to have disappeared from the latest plans although it is still referred to in one of the legal documents attached to the application. We would like to see this bridge retained as part of the development and also request a condition that its design be approved prior to fabrication and that its headroom is sufficient for boats to pass underneath it. We also note there is now a fairly large area of green space between the development and the canal. We are concerned about the maintenance of this area as we have problems accessing our trip boat moored at Marmalade Wharf due to the lack of maintenance of the nearby green space between the apartments/Premier Inn and the canal.

5.52 *In response to these comments, no objections in principle have been raised to this application by the Councils drainage team, Yorkshire Water, the Environment Agency or the Lead Local Flood Authority in relation to flood risk. Further details are required in relation to drainage however, and this would be imposed by condition. The plans for a pedestrian and cycle bridge over the canal remain part of this scheme, however the applicant is now seeking to provide a financial contribution in order to provide this. The s106 agreement requires the design of the bridge to be agreed to adoption standard and to permit unrestricted passage by boats prior to installation. A deed of variation to the Section 106 Agreement has been submitted in order to change the requirement for the developer to construct the bridge to a situation where the developer provides a commuted for the purpose. This matter is however yet to be determined. The maintenance of the area of green space between the development site and the canal is covered by the s106 legal agreement which requires a maintenance plan to be submitted and agreed.*

### **DCC Archaeology**

- 5.53 The DCC Archaeologist has been consulted and raised no objections. It was stated that the archaeological work has been completed on site to the Archaeologists satisfaction with no significant results.

### **Derbyshire Wildlife Trust**

- 5.54 Derbyshire Wildlife Trust has raised no objections. They commented that the submitted Landscape Plan (July 2017) incorporates green space along the Chesterfield Canal to the north, however this appears to largely comprise amenity grass seed. This would be a missed opportunity to provide significant biodiversity enhancement within the development if this linear green space along the western and northern edge of the development simply comprises amenity grassland. The Biodiversity Enhancement Plan recommends that this area is seeded with Emorsgate Seeds tussock mix EM10 to provide habitat for reptiles. DWT would recommend that this is incorporated, particularly along the canal edge and Tinkersick, and potentially combined with a suitable native wildflower grassland in swathes along the road edge. In addition, it is not clear to what extent the existing vegetation will be retained along the canal. It is important that this watercourse is buffered to an extent to retain space and screening for wildlife and we strongly recommend that existing scrub and trees along the canal side are retained. Native structure planting could also be used to screen/buffer the canal in places and prevent disturbance of bankside wildlife. The line of Tinkersick is retained through the development, although only a minimal amount of green space is retained along the stream. DWT strongly encourage the enhancement of the stream habitats where possible, as per the Ecological Notes on the Plan. Existing trees and hedgerow along the southern boundary are excluded from the development red line and retained in situ. It is important that the landscape design should consider protecting bankside wildlife and safeguarding the watercourse for use by foraging bats. Ecologically beneficial grassland should also be incorporated in this area to provide habitat for invertebrates, birds, amphibians and reptiles.

5.55 A Biodiversity Enhancement Plan has been produced by Brookes Ecological (July 2017). DWT support all measures detailed within the Plan. They encourage the incorporation of more than four bat boxes in a development of this size, particularly given the adjacent canal habitat and they suggest additional boxes attached to trees along the watercourses. The reptile refuges should be sited in areas least likely to be disturbed by the public, as stated in the Plan. These should be screened by structure planting or existing trees. Refuges created in the middle of short amenity grassland will not be used by reptiles. DWT would like to see details of the culverts to ensure that they are designed with riparian wildlife in mind.

5.56 *In response to these comments, it is considered necessary to impose conditions requiring the submission of revised landscaping and boundary treatments and a revised scheme of biodiversity enhancement, in the interests of biodiversity.*

#### **Natural England**

5.57 Natural England was consulted on the application and they have raised no objections.

#### **Environmental Health**

5.58 Environmental Health has raised no objections. It was stated that the noise report is the same as submitted in support of CHE/17/00659/DOC (associated with application CHE/14/00404/OUT) and the EHO is satisfied that the proposals for noise mitigation are appropriate for the proposed development.

#### **Chesterfield Cycle Campaign**

5.59 The Chesterfield Cycle Campaign has objected to the scheme commenting that the original plans for this site included a footbridge over the canal giving access to the canal towpath (Trans Pennine Trail). The proposed footbridge has disappeared from the current plans and there now appears to be a suggestion on the plans that a bridge will be provided when the Brimington bypass is built. CCC understand there is no funding for this at the moment and no

timescale for delivery so this is an unrealistic option. Until the latest amended plans there was a proposal to build a footpath to the south east corner of the site giving pedestrian access to the main road. The Cycle Campaign suggested this should be upgraded to a shared path which would give the possibility of a future cycle link to the network on Brimington Road. This south east access has now been removed from the plans. The CCC note that a 3m wide shared path is proposed alongside the site access road and where this path ends at the roundabout is unacceptable, there is nowhere for cyclists to go other than join a relatively fast and busy roundabout. This would be a dangerous proposition to join the traffic flow from the footway. Pedestrian and cycle access to this site is woefully inadequate. The only access for any form of transport is from the roundabout. To access the local supermarkets, football stadium and the town centre and nearest bus stop pedestrians will have to cross at least one roundabout entry/exit and apart from the bus stop, two entry/exits. This is a development that will almost force its residents to use a car for even the most local of trips.

5.60 *In response to these comments, the creation of a bridge over the canal remains part of the plans and is required by the s106 legal agreement. The applicant has sought to provide a commuted sum for funding this rather than actually constructing themselves through a deed of variation to the Section 106 Agreement. This is considered to be an acceptable approach and would not be dependent upon the construction of the Brimington Bypass, however it is acknowledged that an agreement needs to be reached to ensure that the bridge would be constructed in a timely fashion. The legal agreement currently requires the bridge to be available for use prior to first occupation on the development site. In reference to the omission of a footpath and cycle link to the South East corner of the site, this was removed following concerns raised by Derbyshire Constabulary. It is acknowledged that appropriate cycle and pedestrian linkages are required however the route to the south east corner would not be appropriate for cycle use due to the steep gradient. A condition can be imposed to require further detail of proposals to ensure the most appropriate connections to the Sainsburys roundabout for cycle users.*

## **Transition Chesterfield**

- 5.61 Transition Chesterfield has also objected to the scheme stating that they support the views of Chesterfield Cycle Campaign.

## **Economic Development**

- 5.62 The Economic Development team were consulted on the application and have raised no objections. The following comments were made. Given the scale of the proposal there will be significant employment, training and supply chain opportunities created during the construction phase of the scheme. It is recommended that a local labour/ supply chain clause is negotiated and secured via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction phase to promote the opportunities to local businesses and local people and for the operation of the development once construction is complete. The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Core Strategy 2011 – 2031.
- 5.63 The requirement for a *local labour requirement to encourage local employment, training and supply chain opportunities has been dealt with at the outline stage and is a requirement of the s106 legal agreement.*

## **DCC Infrastructure**

- 5.64 The County Council accept that the development is linked to the outline planning permission which was granted pre CIL adoption and is therefore liable to a s106 agreement. They comment that at the outline stage a financial contribution to education was not required as the numbers on roll and projections indicated sufficient capacity at the local infant, junior and secondary schools. They also refer to the intention to roll out superfast broadband as a way of broadening Derbyshires economic base and improve economic performance. They refer to separate correspondence regarding highways and flood risk and conclude by

supporting the development which constitutes sustainable growth.

5.65 *It is the case that education contributions and broadband cannot be reconsidered as part of a reserved matters submission.*

## 6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification and publicity, six representations were received. Two letters of comment were received along with four letters of objection.

### Ryecroft Farm

6.1.1 Noise Mitigation to residents from the farm will be required and which will need to be mitigated in the boundary treatments. Also questions generally about the boundaries of the land which about fields where livestock is contained. Concern that dogs may access the fields.

### Local resident

6.1.2 Supports the scheme but considers the flooding of the fields will need to be resolved.

### 4 Fuller Drive

6.1.3 Traffic problems. The roundabout is often at standstill backing from Tesco to Brimington. Congestion on match days.

### 108 Lansdowne Road

6.1.4 Loss of greenfield sites when brownfield sites are locally available. Exacerbate existing traffic problem causing additional congestion and pollution. Question whether the scheme will compromise the ability to provide the A619 bypass. Questions whether the new housing would be best situated adjacent to the major road infrastructure.

### 108 Lansdowne Road (2)

6.1.5 Loss of greenfield land at expense of brownfield sites being available. Access is off a dangerous roundabout where there have been accidents. Difficulties for pedestrians and cyclists to negotiate exit roads. Is this the final demise of the long needed bypass.

100a Lansdowne Road  
6.1.6 Pressure on an already busy roundabout. Loss of greenfield land which is protected as a wedge between Brimington and Tapton and which is protected in the Local Plan.

6.2 *In response to these comments, DCC Highways have been consulted on the application and raised no objections in relation to traffic and highway safety. It is acknowledged that the site in question is partly greenfield, however the principle of the development has already been established as a result of the outline consent and it is not possible to revisit this matter. The land is not part of the green wedge identified in the Development Plan process and it is not considered that the scheme would impact adversely on the A619 Bypass, and the application has demonstrated how the proposed approach road can be used to form the entry to the bypass. Indeed the development has the potential to deliver a part of that network. Any potential pollution and noise from the bypass for residents of the site is a matter that would be dealt with through appropriate mitigation as part of this scheme. It is not considered that noise mitigation from the farm would be a major issue, and Environmental Health has raised no objections in relation to noise or any other matters. It is acknowledged that the proposed boundary treatments are unacceptable in certain areas of the site, and as such a condition will need to be imposed requiring the submission of a revised scheme for boundary treatments for approval.*

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

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



## 9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriate in terms of layout, scale, form and materials, and would not have a significant unacceptable impact on the amenities of any neighbouring residents, highway safety or the surrounding area. The principle of development has already been established through the approval of an outline application, the location of the proposed development site is sufficiently sustainable, and is adequately served by public transport and amenities. It is considered that the design and materials of the proposed new dwellings are of an acceptable quality, the internal and external spaces are of an acceptable standard, and parking provision is adequate. It is considered necessary to remove Permitted Development rights, in order to prevent the overdevelopment of the site or amenity issues. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 of the Core Strategy and the wider National Planning Policy Framework.

9.2 A number of matters however require further attention, and as such a series of conditions are required to be imposed. Drainage, a revised landscaping and boundary treatments plan, a revised scheme of biodiversity enhancement, and the submission of details of a more appropriate cycle and pedestrian link are required. Subject to the imposition of appropriate planning conditions relating to these matters the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS9 of the Core Strategy and the wider NPPF.

## 10.0 **ADDITIONAL RECOMMENDATION**

10.1 That a variation of the s106 agreement be negotiated in respect of the width of the corridor for the Chesterfield/Staveley Regeneration Route in line with the discussions within this report.

## 11.0 **RECOMMENDATION**

11.1 That the application for reserved matters subsequent to outline planning permission CHE/14/00404/OUT be **GRANTED** subject to the following additional conditions:

## **Conditions**

1. All external dimensions and elevational treatments shall be as shown on the approved plans 280-01 rev Q; 280-02 rev E; 280-03 rev G; 280-05; 280-06 rev B; 41379/002 rev B; 41379/008; 41379/009 rev F; 41379/022 rev A; R/2009/1F; G1-00-PD; PD/06/01; PD/06/02; PD/07/01; PD/07/02; PD/07/04; PD/51/01; PD/53/01; PD/53/03; PD/54/01; PD/55/01; PD/56/01; PD/57/01; PD/59/01; PD/59/03; PD/60/01; PD/60/03; PD/61/01; PD/61/02; PD/70/01; PD/71/01; P.01.00; P.14.00.V0 with the exception of any approved non material amendment or amendment required by conditions of this consent.
2. No development shall take place until revised 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.
3. 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.
4. 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.
5. 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 installed at or in the dwelling hereby

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

6. Within 2 months of the commencement of the development revised details of both hard and soft landscape works, bin storage and boundary treatments shall have been submitted to the Local Planning Authority for consideration. Only those details agreed in writing shall be carried out as approved as part of the scheme.
7. Prior to occupation of each dwelling hereby approved the windows in the first floor side elevations 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.
8. Before development commences, a revised scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme so approved and the measures implemented retained thereafter.
9. Before development commences, details of the construction and finished treatment of the pedestrian pathways shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall thereafter be carried out as part of the development.
10. Before development commences, details of an appropriate cycle and pedestrian connection to the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall thereafter be carried out as part of the development.
11. No development shall be commenced until a temporary access for construction purposes has been provided in

accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

12. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 11 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
13. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
14. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
  - Parking of vehicles of site operatives and visitors.
  - Routes for construction traffic, including abnormal loads/cranes etc.
  - Hours of operation.
  - Method of prevention of debris being carried onto highway.

- Pedestrian and cyclist protection.
  - Proposed temporary traffic restrictions.
  - Arrangements for turning vehicles.
15. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
16. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 15 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
17. Private accesses shall not be taken into use until 2m x 2m x 45° pedestrian inter-visibility splays have been provided on either side of the accesses at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
18. No development shall take place until a swept path analysis has been carried out for the proposed estate streets, based on a large (11.6m long) refuse vehicle and which shall have been submitted to and agreed in writing by the Local Planning Authority.

19. No part of the development shall be occupied until all internal adoptable estate street junctions have been 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 25m in each direction measured along the nearside carriageway edge in each direction. The area in advance of the visibility sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.
20. No development shall take place until full detailed construction designs of the proposed access road, cycle and pedestrian routes and associated verges between the existing A619 Sainsburys roundabout and the junction of road 2 into the development site have been submitted to the Local Planning Authority for consideration. The details shall include construction of a 7.3 metre carriageway up to binder course level with narrower surface features to produce a 5.5 metre carriageway. The development shall only proceed on the basis of the details agreed in writing and the approved scheme shall be completed prior to first occupation of any dwelling on the site.
21. No dwelling shall be occupied until space has been provided within the site curtilage for the parking of residents and visitors vehicles, in accordance with the submitted application drawings, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
22. Approved garages and car parking spaces shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) permitted garages/car parking spaces shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

23. The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable highway boundary and 1 in 10 thereafter.
24. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
25. No dwelling hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.
26. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details in writing and the facilities

shall be retained for the designated purposes at all times thereafter.

### **Reasons**

1. 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.
2. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
3. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
4. 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.
5. In the interests of the amenities of occupants of adjoining dwellings.
6. The condition is imposed in order to enhance the appearance of the development and in the interests of biodiversity and the area as a whole.
7. To safeguard the privacy of adjoining residents
8. In the interests of biodiversity and to accord with policies CS1, CS2 and CS9 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031 and the National Planning Policy Framework.
9. 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.
10. In the interests of pedestrian and cycle connectivity and safety



11. In the interests of highway safety.
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.
17. In the interests of highway safety.
18. In the interests of highway safety.
19. In the interests of highway safety.
20. In the interests of highway safety and to ensure that an appropriate standard of access is provided for the development and the Chesterfield / Staveley Regeneration Route.
21. In the interests of highway safety.
22. In the interests of highway safety.
23. In the interests of highway safety.
24. In the interests of highway safety.
25. In the interests of highway safety and to encourage alternative uses to the private motor car.
26. In the interests of highway safety.

## Notes

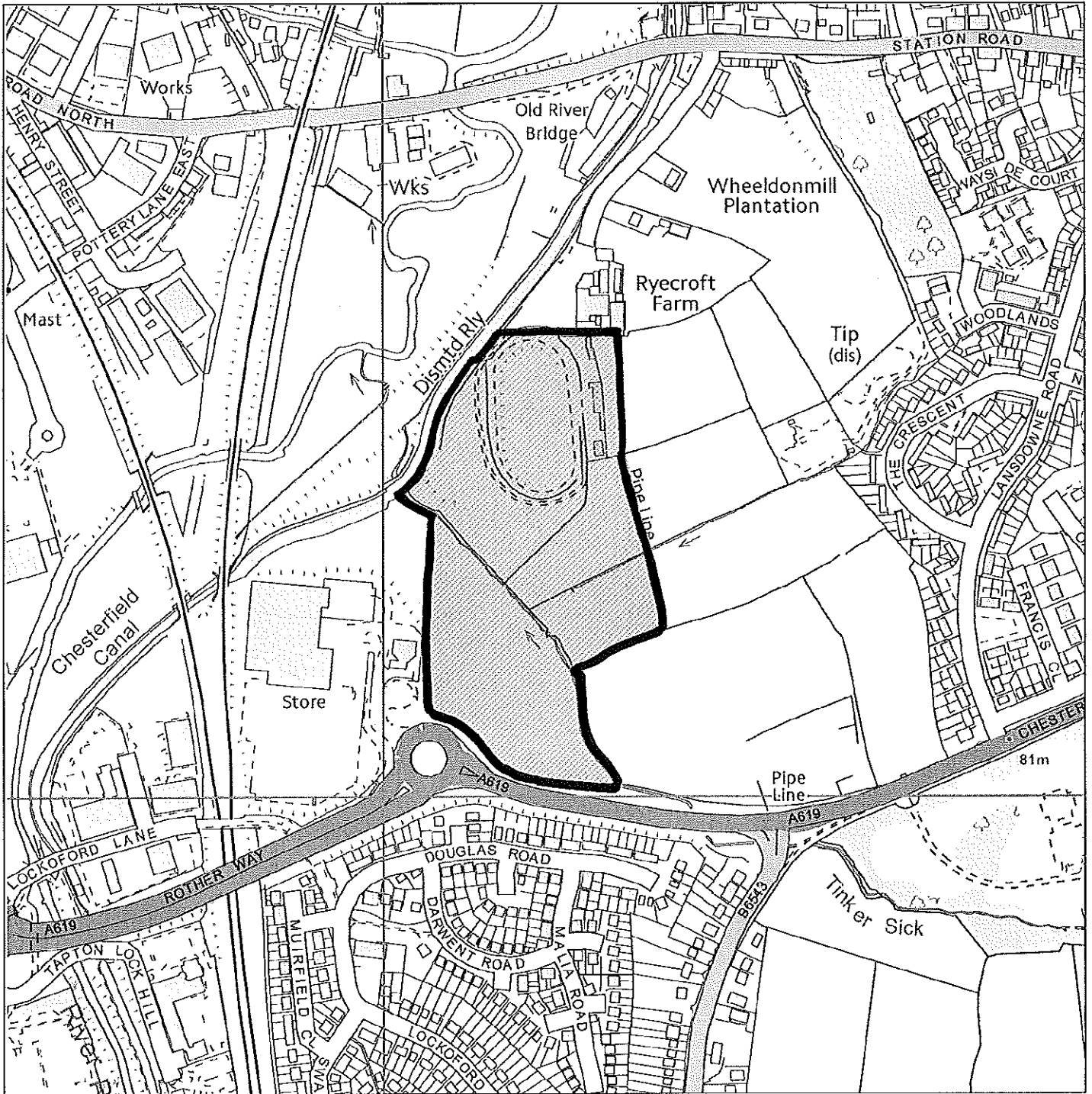
01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
04. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
05. The installation of a domestic sprinkler system or a minimum 32mm water supply capable of delivering the required volumes for a domestic sprinkler system to be installed is recommended.
06. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer Mr Ian Turkington extension number 38578).
07. 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.

08. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
09. Pursuant to Section 163 of the Highways Act 1980, where site curtilages slopes down towards the new estate street, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
10. 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.
11. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway

drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

12. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).



Scale : 1:5334

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	21 December 2017
<b>SLA Number</b>	Not Set

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Case Officer: Eleanor Casper  
Telephone No: 01246 345785  
Report Date: 18.12.2017  
Committee Date: 08.01.2018

File No: CHE/17/00569/FUL (A)  
CHE/17/00645/FUL (B)  
CHE/17/00647/FUL (C)  
Plot No: 2/60

#### **ITEM 4**

**(A) PROPOSED EARTHWORKS ON DEVELOPMENT LAND  
(CHE/17/00569/FUL) AND (B) PROPOSED BODYSHOP, WASH AND  
VALET BUILDINGS (CHE/17/00645/FUL) AND (C) PROPOSED  
VEHICLE SALES AND SERVICE CENTRES FOR THE SALE, SERVICE  
AND M.O.T OF MOTOR VEHICLES (CHE/17/00647/FUL) AT LAND  
OFF EASTSIDE PARK, EASTSIDE ROAD, CHESTERFIELD, S41 9BU  
FOR PENDRAGON PLC**

Local Plan: Unallocated  
Ward: Old Whittington

#### **1.0 CONSULTATIONS FOR CHE/17/00569/FUL**

Coal Authority	Comments received – see report
DCC Archaeology	Comments received – see report
DCC Highways	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Design Services Drainage	Comments received – see report
Environment Agency	Comments received – see report
Environmental Services	Comments received – see report
Lead Local Flood Team	Comments received – see report
Site Notice/Advert	No representation received
Ward Members	No comments received
Yorkshire Water	Comments received – see report

1.1 **CONSULTATIONS FOR CHE/17/00645/FUL and CHE/17/00647/FUL**

Coal Authority	Comments received – see report
Cycle Campaign	Comments received – see report
DCC Archaeology	Comments received – see report
DCC Highways	Comments received – see report
Derbyshire Constabulary	Comments received – see report
Derbyshire Wildlife Trust	Comments received – see report
Design Services Drainage	Comments received – see report
Economic Development	Comments received – see report
Environment Agency	Comments received – see report
Environmental Services	Comments received – see report
Forward Planning	Comments received – see report
Lead Local Flood Team	Comments received – see report
Network Rail	Comments received – see report
Site Notice/Advert	No representations received
Urban Design Officer	No comments received
Ward Members	No comments received
Yorkshire Water	Comments received – see report

2.0 **DEVELOPMENT SITE**

2.1 The site subject of these application consists of two parcels of land, covering approximately 2.3 hectares in area overall. Historically the site was previously occupied by ‘Pearsons Pottery’.



- 2.2 Pottery Lane East forms the northern boundary of the site. A new distributor/ access road runs centrally through the site (from north to south) and also serves the existing BMW/Mini dealership situated adjacent to the south western/western corner of the site. The A61 bypass is situated to the west of the site and forms the western boundary of the site.
- 2.3 The eastern boundary of the site is formed of a railway line, situated on a raised embankment and the southern boundary of the site is bound by the River Rother watercourse. The site is located within the highest risk flood zone (flood zone 3) as defined by the Environment Agency.
- 2.4 The plots of land subject of this application predominately consists of vacant land, covered with low level vegetation/scrub. A parcel of the site is hard surfaced and used for car parking in connection with the BMW / Mini dealership adjacent. The parcels of land cover approximately 2.3 hectares in area.
- 2.5 The surrounding steetscene is predominately industrial in character with some commercial units. There are some residential dwellings located approximately 100m to the east of the site on Pottery Lane East and 100m north of the site on Eastside Close.



### 3.0 SITE HISTORY

- 3.1 CHE/14/00475/FUL - Proposed construction of new car dealership and associated parking – **CONDITIONAL PERMISSION (01.06.2016) PENDING S106 AGREEMENT – NOT SIGNED, APPLICATION FINALLY DISPOSED OF**
- 3.2 CHE/14/00476/FUL - proposed construction of new access road from the A61 – **REFUSED (03.02.2015)**
- 3.3 CHE/09/00556/FUL - Proposed motor vehicle dealership on Plot 4 – **CONDITIONAL PERMISSION (09.03.2010) SUBJECT TO LEGAL AGREEMENT COVERING PERCENT FOR ART AND HIGHWAY IMPROVEMENT CONTRIBUTIONS.**
- 3.4 CHE/08/00699/FUL - Proposed amendment to CHE/07/00081/OUT to realign route of site access road – **CONDITIONAL PERMISSION (08.01.2009)**
- 3.5 CHE/08/00629/FUL - Amendments to Mini building design – **CONDITIONAL PERMISSION (20.11.2008)**
- 3.6 CHE/07/00081/OUT - Redevelopment of site to accommodate car showroom and access/ egress arrangements (for detailed approval) and B1/B2 uses and further showroom with associated parking (for outline approval) – resubmission of CHE/06/00580/OUT – **CONDITIONAL PERMISSION (29.06.2007) SUBJECT TO A LEGAL AGREEMENT COVERING PERCENT FOR ART AND HIGHWAY IMPROVEMENT CONTRIBUTIONS**
- 3.7 CHE/06/00580/OUT - Re-development of site to accommodate car showroom and revised access/egress arrangements (for detailed approval) and B1/B2 uses and further car showroom with associated parking (for outline approval) – **REFUSED (24.10.2006)**
- 3.8 CHE/05/00108/FUL - Erection of control kiosk – **CONDITIONAL PERMISSION (18.04.2005)**
- 3.9 CHE/1188/0922 - Permission for retail superstore on land at the rear of the Pottery, Pottery Lane, Whittington Moor, Chesterfield

for Pearsons of Chesterfield Ltd – **CONDITIONAL PERMISSION (15.03.1989)**

- 3.10 CHE/0284/0099 - Permission for change of use of site into multiple units for office/light industry/general industry/warehouse uses together with unit one as cafe at Pottery Lane, Whittington Moor, Chesterfield for Pearsons of Chesterfield Limited – **CONDITIONAL PERMISSION (18.04.1984)**

**4.0 THE PROPOSAL**

**4.1 (A) CHE/17/00569/FUL - Proposed Earthworks on Development Land**

- 4.1.1 The proposal subject of this application consists of earthworks to raise the existing ground levels in accordance with the requirements of the flood risk assessment and to enable the development associated with applications CHE/17/00645/FUL and CHE/17/00647/FUL.
- 4.1.2 The nature of the proposed earthworks is detailed within the updated design and access statement, cut and fill specification and schedule of works, this is supported by site section drawings (Drawing No: 2656/21, dated August 2017). The proposed earthworks will raise land levels by a maximum of 1.15m (adjacent to the cycle footway). The existing landscaping to the western boundary of the site will be retained.
- 4.1.3 The application proposes stripping and removing topsoil and other soft or unsuitable material of approximately 1000m<sup>3</sup> in volume. The application proposes the importation of 4600m<sup>3</sup> of granular fill material. A minimum of 150mm of granular material shall form the top layer. The raising of levels shall be in layers, initially using existing material on site. Each layer and thickness will be dependent upon the type of material and recommended method of compaction will be undertaken in accordance with the Highways Agency Specification for Highways Works.

**4.2 (B) CHE/17/00645/FUL**

- 4.2.1 The application proposes the erection of a bodyshop with a wash and valet building, to be located in the south eastern corner of the site.



## Bodyshop

- 4.2.2 The proposed bodyshop measures 36.5m in width and a maximum of 26m in depth. The unit is formed of an asymmetrical dual pitched roof, measuring 6.7m to the ridge. The roof of the unit features 20 roof lights to serve the bodyshop. The proposal incorporates 4 paint booth extraction chimneys measuring 3m in height (projecting above the ridge of the unit by 1.5m).
- 4.2.3 The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof. The internal layout of the bodyshop consists of 6 'smart repair' bays, 4 'pre-delivery inspection' bays and 6 bays for paintwork with associated extraction facilities. Employee facilities include of lockers, toilets, canteen and a control room. Vehicular access to the unit will be gained by two large sectional overhead doors, situated within the north and south elevations.

## Wash and Valet Building

- 4.2.4 The proposed wash/valet building is situated to the south of the proposed bodyshop. The proposed unit measures 9m depth and 33.5m in width. The proposal is formed of a monopitch roof, measuring 4m in height at the principle (west) elevation

and increasing to 4.8m in height at the rear (east) elevation adjacent to the railway bund.

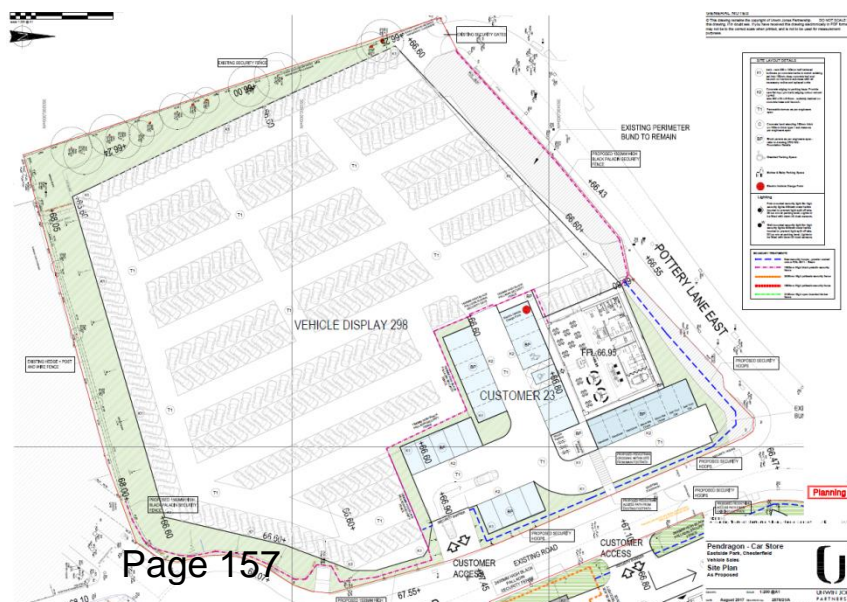
- 4.2.5 The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof. The unit consists of 6 bays for valeting and 2 for vehicle washing. Vehicular access to the unit is by 4 access doors located within the west elevation.
- 4.2.6 The application site will be enclosed by a vehicle compound to the south and west, providing parking for 120 vehicles and 42 staff parking spaces.

### 4.3 (C) CHE/17/00647/FUL

- 4.3.1 The application proposes the erection of a vehicle sales centre and service/MOT centre with associated valet building. The Sale Centre is situated within the western parcel of land, to the north of the existing BMW/Mini dealership and to the east of the A61 bypass. The Service/MOT centre is located on the opposite side of the new access road, adjacent to the eastern boundary of the site and the railway bund.

### Sales Centre

- 4.3.2 The proposed sales centre measures 19.3m x 15.3m in footprint and is formed of a flat with overhanging feature. The site/block plan shows that the unit will be located in the north eastern corner of the site (see image below). The sales centre will incorporate customer parking for 23 vehicles and a vehicle display compound providing parking for approximately 298 vehicles. The proposal also includes cycle parking for 3 bicycles and an electric vehicle charging point.



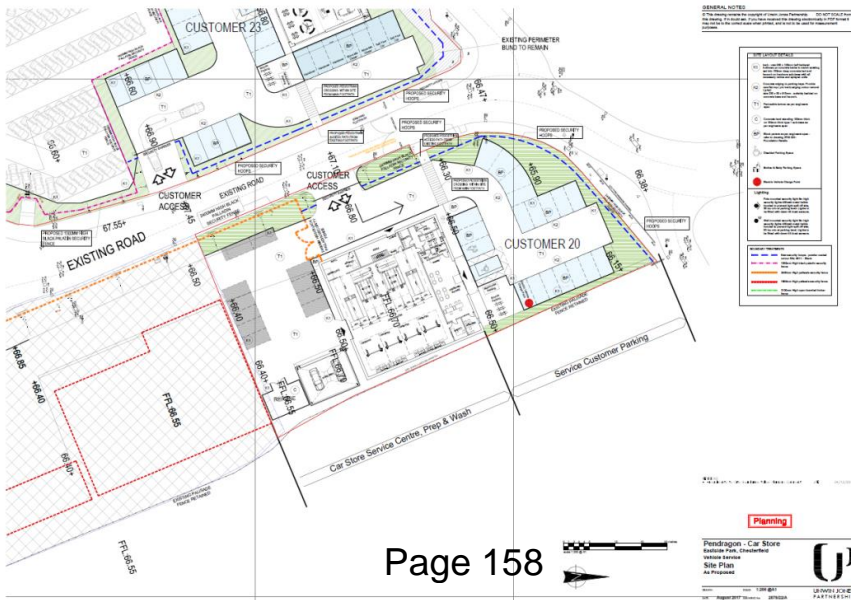
4.3.3 The internal layout of the unit is orientated towards the south east (principle elevation) and comprises of a large sales area with customer toilets, canteen, team room and meeting room. The proposal features 6 small windows within the north west elevation of the unit, facing towards pottery lane east.

4.3.4 The proposed unit measures 5m in height overall and will be faced in 'azure blue' composite cladding. The south east elevation of the unit will constitute the principle elevation and customer entrance, this will be denoted by aluminium framed glazing encompassing most of the elevation. Additional panels of glazing will be incorporated within the south west and north east elevations.

**Service/MOT Centre**

4.3.5 The proposed Service/MOT Centre measures 24.5m x 24.5m in footprint and is formed of a shallow dual pitched roof measuring 5m to the eaves and 7m to the ridge. The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof.

4.3.6 The proposed unit is situated adjacent to the railway bund which forms the eastern boundary of the site. The principle elevation of the unit is orientated towards Pottery Lane East to the north. The principle (north west) elevation features a customer entrance door with glazing feature and porch structure. The MOT centre will be served by customer parking for 20 vehicles, with an enclosed compound to the south of the unit for the storage of 11 vehicles. The proposal also incorporates cycle parking for 3 bicycles and an electric vehicle charging point.



- 4.3.7 The internal layout of the unit consists of 4 work bays, 2 MOT bays a service reception with managers office and control room. Employee facilities include a canteen, toilet and locker room, tool room and a Parts room with mezzanine level for additional storage.
- 4.3.8 The proposal incorporates 20 roof lights within the roof plane of the unit and two small windows within the north west elevation. Vehicular access to the unit is gained by a large sectional overhead door within the south east elevation and a smaller sectional door within the south west elevation
- 4.3.9 A small valet building is also proposed in association with the MOT centre. The proposed unit measures 10.2m in width and 8.8m in depth with space for two vehicles. The unit is formed of a monopitch style roof, measuring a maximum of 5m in height overall. The unit will be faced in 'goosewing grey' composite cladding. The proposal is the same style and design to the valet building incorporated within application CHE/17/00645/FUL.

## **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 Management of the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity

- CS13 Economic Growth
- CS16 Retail
- CS18 Design
- CS19 Historic Environment
- CS20 Influencing the Demand for Travel
- PS3 Chesterfield Waterside and the Potteries

### 5.3 **Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

### 5.4 **Key Issues**

1. Principle of Development (see section 5.5)
2. Design and Appearance of the Proposal (see section 5.6)
3. Impact on the Amenity of the Adjoining Occupiers and Public Safety (see section 5.7)
4. Highway Safety and Cycle Provision (see section 5.8)
5. Biodiversity and Ecology (see section 5.9)
6. Flood Risk and Drainage (see section 5.10)
7. Archaeological Potential (see section 5.11)
8. Land Contamination and Stability (see section 5.12)
9. Other Considerations
  - Impact on Adjacent Railway Line (see section 5.13)
  - Percent for art contribution (see section 5.14)
  - Employment and Training (see section 5.15)

### 5.5 **Principle of Development**

#### **Relevant Policies**

- 5.5.1 The site (albeit unallocated) is situated within the industrial settlement off Brimington Road North located between Old Whittington and Brimington to the east of the A61 corridor in an area predominantly commercial in nature. Having regard to the nature of the application proposals policies CS1, CS2, CS7, CS13, CS16, CS18, CS19, CS20 and PS3 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 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.’*

- 5.5.5 Policy CS7 (Managing the Water Cycle) *requires all new development commensurate with scale and impact to consider and address issues of flood risk. In addition the policy states that’s new development connections to the drainage network will need to address issues surrounding sustainable drainage and a reduction in surface water run off rates.*

- 5.5.6 Policy CS13 (Economic Growth) states that *new development should deliver sustainable economic growth by supporting existing jobs and business and delivering inward investments. For major developments the Council will seek to negotiate*

*agreements with developers to secure local labour, recruitment and training that benefits the local community.*

- 5.5.7 Policy CS16 (Retail) states that *‘Across the borough, a sequential approach will be used to assess sites for retail and other town centre uses, to focus such development on town, district, local service centres and local centres to meet the requirements of national planning policy’... ‘Specific forms of retail use outside Use Class A1 that require large premises such as showrooms, trade counters and wholesale premises, may be permitted in edge or out of centre locations if, due to reasons such as scale and servicing, the use would be unsuitable within a centre. In such cases, conditions will be applied where appropriate to define permissible changes of use and the range and type of goods or services sold’*
- 5.5.8 Policy CS19 (Historic Environment) states that *‘The council will protect the historic environment and heritage assets throughout the borough and seek to enhance them wherever possible. All new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated. The council will do this through:*
- d) the identification and, where appropriate, protection of important archaeological sites and historic environment features;’*
- 5.5.9 Policy CS20 (Demand for Travel) states that *‘To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices’*. The policy also seeks to ensure new development has an acceptable impact on the functioning and safety of the highway network.
- 5.5.10 Policy PS3 (Chesterfield Waterside and the Potteries) states *‘Planning permission will only be granted for development that contributes towards:*
- Creating jobs in office, industry, retail, tourism and education*
  - Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus*

- *Achieving a mix of uses including residential, office, employment and leisure*
- *Improving access to the site including enhancing the footpath and cycle network*
- *A high quality urban environment including eco-park and green infrastructure corridor*
- *Managing flood risk*

## **Principle of Development**

5.5.7 The Strategy Planning Team (Forward Planning Team) were consulted on the scheme and provided the following comments;

5.5.7.1 *The site is reasonably well located for walking, cycling and proximity to Whittington Moor District Centre (including via underpass under A61), in accordance with policy CS1 – Spatial Strategy. Although the site itself is not allocated in the Core Strategy for Economic Growth and therefore the proposed uses must be tested under the criteria set out in Local Plan policy CS13, the Local Plan strategy provides for economic activity and employment opportunities to be focussed in areas with an established industrial character where the regeneration benefits can be maximised, including along the A61 Corridor.*

*The site also lies within the area defined under Policy PS3 ‘Chesterfield Waterside and the Potteries’, where planning permission will only be granted for development that contributes towards:*

- *Creating jobs in office, industry, retail, tourism and education*
- *Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus*
- *Achieving a mix of uses including residential, office, employment and leisure*
- *Improving access to the site including enhancing the footpath and cycle network*
- *A high quality urban environment including eco-park and green infrastructure corridor*
- *Managing flood risk*

*The proposed development should broadly accord with the criteria set out in Policy PS3, and with policy CS13 which supports proposals for new employment development where they accord with the overall spatial strategy, including B2 uses within established business areas.*

5.5.7.2 *The site falls outside flood zone 1. Policy CS7 of the Local Plan sets out that, outside of flood zone 1, development will be permitted where it meets a specific set of criteria. The application is accompanied by a Flood Risk Assessment which aims to demonstrate compliance with Policy CS7.*

***Application of the Sequential approach:***

5.5.7.3 *Car Showroom uses are covered by policy CS16 'Retail'. This policy allows for showrooms to be permitted in out of centre locations if they would be unsuitable for a town centre. It is accepted that Car Showrooms would not normally be suitable within a town centre and this area is established for uses of a similar and compatible type to that now proposed. Therefore this element of the application is acceptable in principle, subject to the detailed considerations set out below.*

***Economic Growth***

5.5.7.4 *The site is not allocated as employment land on the adopted proposals map. As the proposed use does not fall within the B1, B2 or B8 use classes they must be considered under CS2, their suitability for location and employment generation, as required by policy CS13.*

5.5.7.5 *The proposed use is suitable for the location, well located with good transport connections, road frontage and would be unlikely to cause conflict with any existing uses. It is unlikely that the current proposal would generate same level of jobs as most alternative B uses, however this must be off-set against the tests set out in policy CS2. The proposed development would meet the criteria a) to g) set out in CS2.*

***Flood Risk***

5.5.7.6 *The Environment Agency flood map shows that the wider site is located largely within Flood Zone 3, with a small area of the site to the south-west, located within Flood Zone 2, at high risk of fluvial flooding sourced from the Rother. Flood mapping produced as part of the SFRA (2009) demonstrates that the flood zone in which the site is located is entirely Flood Zone 3a, outside the extent of Flood Zone 3b ('Functional Floodplain').*

*The site access to the north (Pottery Lane East) is located within Flood Zones 2 and 3, which could present access issues.*

- 5.5.7.7 *The Environment Agency is best placed to advise whether the submitted Flood Risk Assessment is able to successfully demonstrate compliance with the criteria set out in Policy CS7, and the measures necessary to be implemented to achieve this.*

**Other issues**

- 5.5.7.8 *Policy CS6 of the adopted Local Plan requires that all new commercial premises be built to BREEAM Excellent standard, and that evidence of this be provided through a pre-assessment. Although the council cannot insist on a certain standard, a sufficient level of evidence should be provided as to why a higher standard of sustainable design cannot be met for any of the reasons set out in policy CS6.*

- 5.5.7.9 *The Highway Authority should be in a position to assess whether proposed car parking provision would accord with the parking standards in the Core Strategy. In addition however, adequate secure and covered cycle storage should be provided, secured by condition, in accordance with CS20. The provision of shower facilities should also be secured via condition.*

- 5.5.7.10 *A Local Labour Agreement should be sought in accordance with policy CS13, in consultation with the EDU which would encourage local employment, training and supply chain opportunities to increase economic opportunities for local people and businesses.*

- 5.5.8 *Consideration of the principle of development in respect of the design/appearance of the proposal and potential impacts on the amenity of the adjoin occupiers neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7).*

- 5.5.9 *Comments received from the Strategy/Forward Planning Team reference policy CS6 and suggest that the applicant must set out how the premises will be constructed to a BREEAM Excellent standard. Further to the Deregulation Act, this is no longer a requirement that can be applied and is cover under*

different legislation (predominately Building Regulations). It is therefore not considered reasonable to require the applicant to submit further information to satisfy policy CS6 to the proposal. It is also considered necessary to clarify comments made by the Strategy/Forward Planning Team with respect to flood risk. The entire site lies within flood zone 3 (the highest risk zone for flooding).

- 5.5.10 The proposal is considered to be acceptable in principle and accords with policies CS1, CS2, CS13, CS16 and PS3 of the Core Strategy, subject to policies CS7, CS18, CS19 and CS20.

## **5.6 Design and Appearance of the Proposal**

- 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.'*

### **CHE/17/00569/FUL**

- 5.6.2 Solely having regard to the design / appearance of the proposed earthworks it is not considered the development presents any adverse issues in this respect. The works required to raise the land levels will involve the removal of the existing shrub/vegetation and the importation of inert granular material. To mitigate the loss of the existing vegetation, a scheme of soft landscaping will be required. No landscaping scheme has been submitted with the applications, therefore it is considered necessary to control this by condition attached to the permission (if approved) to ensure that an appropriate scheme is secured which provides a suitable mix of trees and low level shrubs to enhance the overall visual appearance of the site.

### **CHE/17/00645/FUL and CHE/17/00647/FUL**

- 5.6.3 The proposals are considered to be appropriately sited and designed having regard to the context and character of the surrounding area. Revised drawings have been submitted with amendments made to the proposed boundary treatments in

accordance with Case Officer and Consultee recommendations.

- 5.6.4 Policies CS2 and CS13 support the principle of new business / industrial development in existing allocated areas and whilst this site is no longer allocated, the principle of redevelopment of the site to create for vehicle sales, servicing and bodywork accords with the principles established by the existing BMW/Mini dealership and the wider aspirations for the site as an area allocated for major change shaped by policy PS3 of the Core Strategy.
- 5.6.5 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposals achieve an appropriate development design which responds to the site parameters and spatial constraints. The proposal are therefore considered to accord with the design provisions of policy CS18 of the Core Strategy.

## **5.7 Impact on the Amenity of the Adjoining Occupiers and Public Safety**

- 5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.7.2 Core Strategy Policy CS2 also 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.'*

### **Impact on the Amenity of the Adjoining Occupiers**

- 5.7.2 The application site is not immediately adjoined by any residential boundary sharing neighbours. Commercial units face the site to the north on the opposite side of Pottery Lane East Highway and the existing BMW/Mini dealership bounds the site to the south. The closest residential dwellings are located approximately 100m to the east of the site on Pottery Lane East and 100m north of the site on Eastside Close.

5.7.3 Viewed in the context of the surrounding streetscene which is predominately commercial/industrial in character the proposed re-development of site is not considered to adversely impact upon any of the neighbouring premises.

### **Public safety**

5.7.4 As major applications the Derbyshire Constabulary 'Designing Our Crime' Officer was consulted on the proposals and provided the following comments;

#### CHE/17/00645/FUL

5.7.4.1 *'At present the site boundary is indicated with 2.4m high welded mesh fencing to roadside boundaries and the existing palisade fence to the railway embankment, but it isn't clear from plans what will form the boundary on the southern river side. Can this be clarified as 2.4m high welded mesh please. Gate detail needs adding at the roundabout compound access route.'*

5.7.4.2 *'The supporting design and access statement includes mention of CCTV provision and lighting provision for the split site. On site plans there is an indication on legends of metal halide lighting, both column and building mounted (in contradiction to the d&a which states LED lighting) but there is nothing on plans to show position of any lighting or CCTV for the site. I appreciate that this might be fleshed out by way of condition.'*

#### CHE/17/00647/FUL

#### *Service/M.O.T Building*

5.7.4.3 *'The site is enclosed by a 2.4m high welded mesh security fence which I think is appropriate in context of use and location. The legend colour for this type of fencing is orange, whilst the position on plans is black (only mentioned for clarity). There is no gate detail shown where it's indicated that customers access the site, so this probably needs adding to approved plans.'*

#### *Sales building*

5.7.4.4 *The enclosure for this part of the site is an existing open bund to the road edge of Pottery Lane East, building with 450mm*



*high security hoops wrapping the outer facing two elevations, and 1500mm high welded mesh fence/gates for the initial section of large vehicle display area. It's assumed that the remainder of the sales parking area would be enclosed by the existing embankment to the south and chain link fence to the A61 boundary.*

- 5.7.4.5 *I don't consider this to be appropriate for the location and use proposed, particularly on the Pottery Lane side which is adjacent to a poorly supervised public footpath and A61 underpass. My advice is to enclose the whole site behind the public face of the sales building with a 2.4m high welded mesh fence (as used on the site opposite) or enclose the pottery Lane boundary and provide the remainder of the site with an active monitored perimeter intruder detection system (PIDS), as used at the existing open site of the neighbouring car dealership. Given the size of the car sales area and likely value of content an internal PIDS would be advisable irrespective of boundary.*
- 5.7.4.6 *The supporting design and access statement includes mention of CCTV provision and lighting provision for the split site. On site plans there is an indication on legends of metal halide lighting, both column and building mounted (in contradiction to the d&a which states LED lighting) but there is nothing on plans to show position of any lighting or CCTV for either site. I appreciate that this might be fleshed out by way of condition, but ties in with some points above.*
- 5.7.5 The above comments have been noted and amendments were subsequently made to the scheme to accord with the recommendations. The Environmental Health Officer also requested the submission of lighting details (lux contour map) and details of proposed lighting columns and locations of fixed/mounted lights. A lux contour map was provided to the LPA on 12.12.2017 and at the time of writing this report no further responses had been received from the relevant consultees. It is therefore considered necessary to control this by condition attached to the permission (if approved) to ensure that scheme for CCTV and lighting is installed and considered by the necessary consultees and approved in writing by the LPA.

5.7.6 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on safety or residential amenity of the adjoining occupiers. In addition no letters of representation have been received. The proposal will therefore accord with the provisions of policy CS2 and CS18 of the Core Strategy.

## **5.8 Highway Safety and Cycle Provision**

5.8.1 Policy CS20 (Demand for Travel) states that *'To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices'*.

### **Highway Safety**

5.8.2 DCC Highways were consulted on the proposal and provided the following comments;

#### **CHE/17/00569/FUL**

5.8.2.1 *'The applicant should be advised that the site may be close to or affected by the initial preferred route of the Birmingham to Leeds section of HS2. Further information may be obtained from the Department of Transport's website; <https://www.gov.uk/hs2-phase-two-initial-preferred-route-plan-and-profilemaps>*

5.8.2.2 *It is understood from the Design and Access Statement that the land is likely to be used for future development and that whilst the submitted drawings indicate new buildings etc. this application is just for the earthworks which are required to satisfy a Flood Risk Assessment. This Authority would comment on any further development on the site as and when proposals are formally submitted in the usual manner.*

5.8.2.3 *The earthworks will raise ground levels within the site which is 2.3 Hectares in size. I would have expected to see details of the volume material to be imported and associated traffic*

*movements to have accompanied the submission. Once volume details are received no doubt your Authority will assess whether the formal planning application should be made to the County's Waste and Minerals Planning Authority rather than the Local Planning Authority. Please ask the applicant for the details relating to the proposed volumes of material to be imported and associated traffic movements and upon receipt I would comment further.*

5.8.2.4 *From a highway point of view given the location in the highway network it is unlikely that the objections would be raised to the proposed earthworks subject to an appropriate Construction Method Plan being provided and adhered to during the construction phase and I would recommend the following condition to cover this;*

5.8.2.5 **1) Construction Management Plan**  
*No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:*

- parking of vehicles of site operatives and visitors*
- routes for construction traffic, including abnormal loads/cranes etc.*
- hours of operation*
- wheel wash facilities/method of prevention of debris being carried onto highway*
- pedestrian and cyclist protection*
- proposed temporary traffic restrictions*
- arrangements for turning vehicles*

5.8.3 Further comments were provided by DCC Highways with respect to applications CHE/17/00645/FUL and CHE/17/00647/FUL

**CHE/17/00645/FUL and CHE/17/00647/FUL**

5.8.3.1 *'Eastside Park is an industrial area and the plot is currently vacant. The proposals are not dissimilar to other vehicles sales premises in the vicinity. The applicant as shown an acceptable access to the public highway. Parking and turning would appear*

*suitable for the proposed uses on the site. Given the number of proposed staff I would recommend that the applicant considers a Travel Plan. The proposed cycle parking area is noted.*

- 5.8.3.2 *The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access including the removal of specialist waste. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days. The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days I note that there will be external lighting and that it will be static and shielded to prevent distraction to passing motorists and unnecessary light spillage outside the site.*
- 5.8.3.3 *I note that it is proposed that the two sites are to work in tandem and I would welcome your comments as to any conditions that may be relevant. In this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal. If your Authority is minded to approve then I would ask for conditions to cover the following are included;*
- 5.8.3.4 *1. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:*
- parking of vehicles of site operatives and visitors*
  - routes for construction traffic, including abnormal loads/cranes etc*
  - hours of operation*
  - method of prevention of debris being carried onto highway*
  - pedestrian and cyclist protection*

- *proposed temporary traffic restrictions*
- *arrangements for turning vehicles*

*2. No building or use hereby permitted shall be occupied or use commenced until the vehicular and pedestrian accesses and facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved drawings. Thereafter, these areas shall be kept free of obstruction and available for these uses.*

*3. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*

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

*5. No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.*

*6. The source of any external illumination or illuminated signage shall static and shielded to prevent distraction to passing motorists and avoid unnecessary light spillage outside the site.*

#### 5.8.4

**Officer Comments –The comments from the Highways Officers have been noted. Both Officers recommend that a condition be attached requiring the submission of Construction Management Plans, in conjunction with the standard in formatives. One of the Highways Officers also referenced HS2, the site is not considered to be located within a defined consultation zone. The proposed HS2**

branch running from Sheffield to Chesterfield train station will utilise existing railway infrastructure. It is currently proposed that there will be one train per hour using the existing infrastructure. Network Rail have been consulted on the proposal and have provided detailed comments with conditions required to safeguard the existing railway line (see section 5.13 for further details). It is also necessary to note that condition 3 (recommended in section 5.8.3.4) states that shall be no gates or other barriers within 5m of the highway, existing gates are already located across the access road serving the site and the BMW/Mini dealership. It is considered that any gates serving the units will be shut when the buildings are closed in order to maintain a secure compound for the storage of vehicles. It is not expected that members of the public will visit the site when the units are closed and as such it is not considered that the installation of gates may pose a risk to highway safety. Overall, no adverse highway safety concerns arise as a result of the development.

### Cycle provision

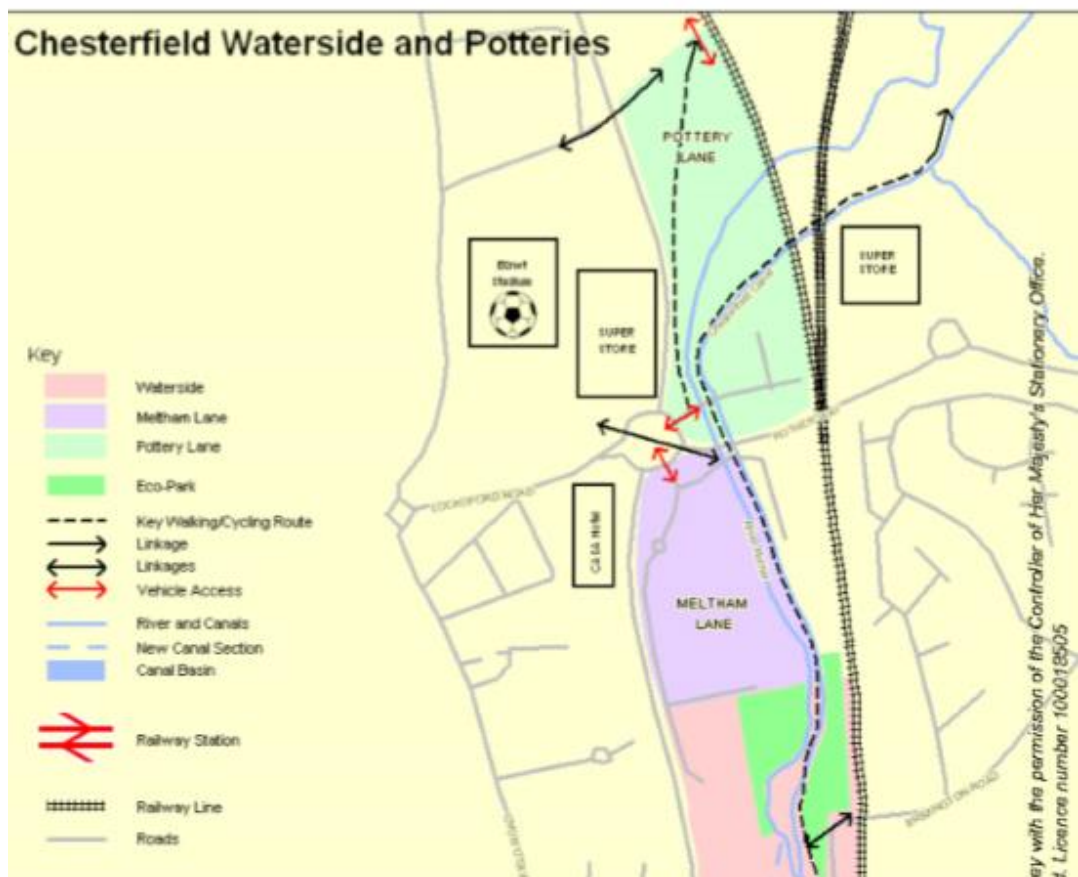
- 5.8.5 The Core Strategy identifies part of the application site as a component of the Chesterfield Cycle Network, a shared 3m cycle/footway was installed in conjunction with the BMW/Mini dealership application which runs centrally through the site (from north to south) and terminates at the banks of the River.
- 5.8.6 The Chesterfield Cycle Campaign were consulted on the proposal and provided the following comments;
- 5.8.6.1 *'The access road leading off Pottery Lane East to the BMW/Mini dealership has a shared path alongside on the west side. This shared path then continues along the side of the car dealership until it reaches the bank of the river.*
- 5.8.6.2 *The line of this route was identified during the cycle audit in 2010 and subsequently adopted by CBC as part of the Chesterfield Cycle Network. The intention being that at some point in the future either a bridge would be built over the river to connect to the Trans Pennine Trail or a shared path be built on the bank of the river to Lockoford Lane. Unfortunately due to the path leading nowhere at the moment the car dealership*

have taken to parking their vehicles on the path often completely blocking it.

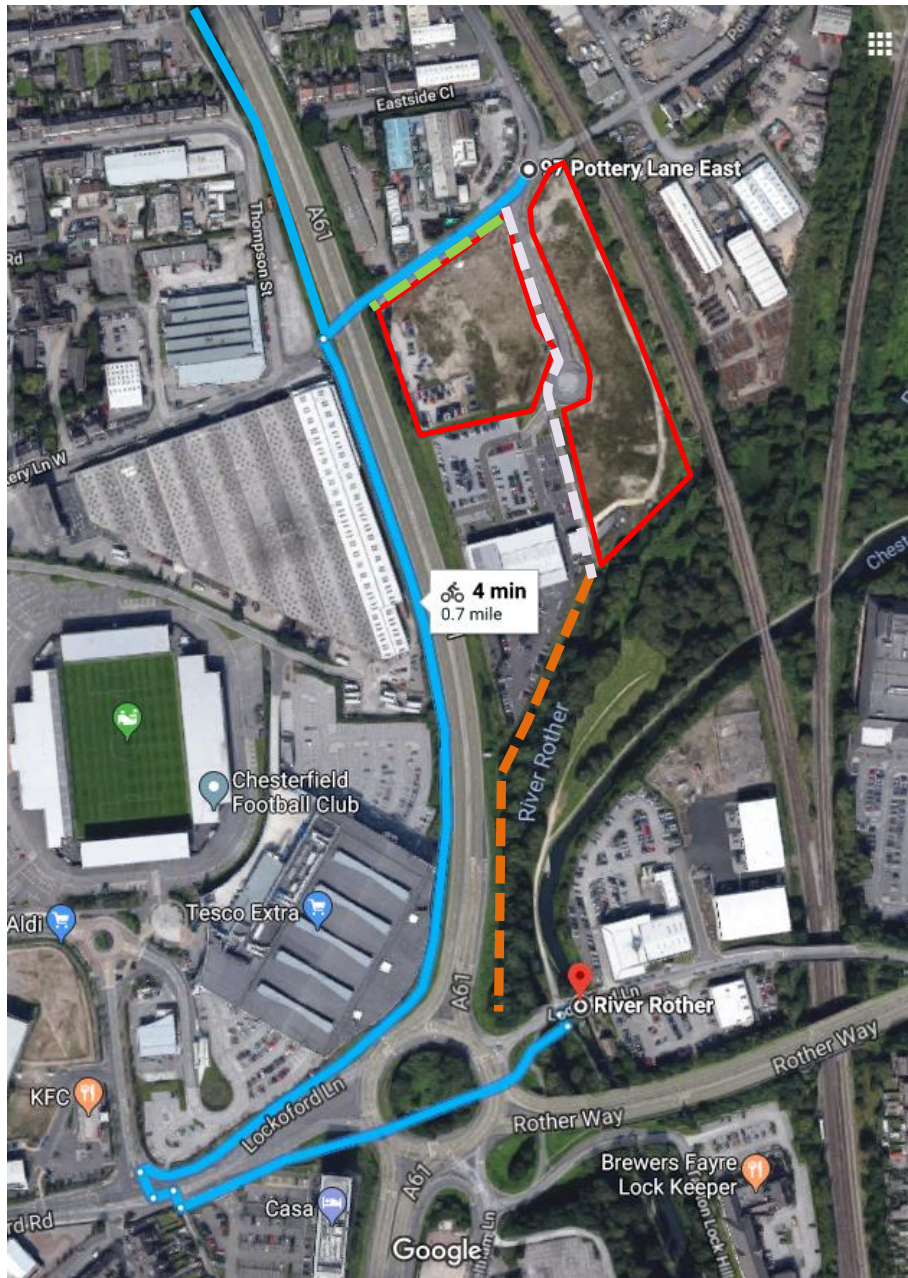
5.8.6.3 *The Campaign is keen that this path is retained and it is protected if this development goes ahead. We hope that CBC agrees with that principle and consider section 106 or CIL money to develop this route further. Completion of this route would enable easy car free access from Staveley, Brimington, Tupton and the town centre.*

**5.8.7 Officer Comments – The comments from the Chesterfield Cycle Campaign have been noted. The reference made to the Chesterfield Cycle Network can be found in the Core Strategy under policy PS3 (Diagram 10: Chesterfield Waterside and the Potteries, see below)**

**Diagram 10: Chesterfield Waterside and the Potteries**



**5.8.8 Diagram 10 illustrates a potential key walking/cycling route through the application site and would require a cycle/pedestrian path to be constructed through the bank of trees adjacent to the River Rother or a bridge across the river (see diagram below).**



**Key**

- Application Site
- Existing Cycle Route/Network
- Existing 3m wide shared/cycle path running through the application site
- Potential Key Cycling/Walking Route
- Potential area of road enhancement to widen the existing footpath to create a shared cycle path



**5.8.9** Since the Core Strategy was formally adopted in 2013 a new off-road cycle path has been constructed along the west side of the A61 bypass (shown in blue on the above diagram). Direct access to the new cycle path can be gained along Pottery Lane East and through the existing underpass. The cycle path enables access to the Chesterfield Canal and town centre (see photographs below). Pottery Lane East highway has a restricted footway and it is therefore considered necessary to require the applicant to undertake additional measures to ensure the existing pavement be extended and enlarged to enable access to the underpass and cycle network beyond.



## **5.9 Biodiversity and Ecology**

- 5.9.1 Core Strategy Policy CS9 'Green Infrastructure and Biodiversity' 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... The council will require the submission with the planning application of ecological surveys and assessments of the biodiversity and geological value of sites as set out in a list of local requirements'*
- 5.9.2 The Derbyshire Wildlife Trust were consulted on the proposal and initially raised concerns due to the lack of an appropriate ecological appraisal. An Ecological Constraints Appraisal was undertaken by REC (dated September 2017) and submitted to the LPA for consideration on 22.09.2017.
- 5.9.3 The Derbyshire Wildlife Trust were re-consulted on the proposal and provided the following comments;

5.9.3.1 *'The application is accompanied by an Ecological Constraints Appraisal, which provides information on the existing habitats present and any potential ecological constraints. Our comments are as follows:*

5.9.3.2 **Further Survey**

*Reptiles*

*We support the recommendation in the Ecological Constraints Report that reptile presence/absence survey should be undertaken. 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". If reptiles are found, an appropriate mitigation strategy should be produced.*

5.9.3.3 **Recommended Conditions**

*Notwithstanding the recommendation for reptile survey above, should the Council be minded to grant permission for the proposed works, we recommend that the following conditions are attached:*

**Construction Environmental Management Plan**

*No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.*

*a) Risk assessment of potentially damaging construction activities.*

*b) Identification of "biodiversity protection zones".*

*c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*

*d) The location and timing of sensitive works to avoid harm to biodiversity features.*

*e) The times during construction when specialist ecologists need to be present on site to oversee works*

*f) Responsible persons and lines of communication.*

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

5.9.3.4 *The CEMP should particularly consider safeguarding local designated sites, linear corridors such as the adjacent railway line and species including common amphibians and reptiles. A stand of Japanese knotweed is present in the north-west of the site and appropriate measures to deal with this invasive plant species should also be included within the CEMP. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

5.9.3.5 ***Biodiversity Enhancement Strategy***

*Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council. The following planning policies are considered pertinent to this document:*

*Paragraph 118 of the National Planning Policy Framework (NPPF) states that “opportunities to incorporate biodiversity in and around developments should be encouraged”.*

*Paragraph 125 of the NPPF states that “by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.*

*This should include the recommendations within section 4.2 of the Ecological Constraints Appraisal that meadow grassland should be incorporated around the development, to strengthen existing corridors and replace the habitat to be lost. Species enhancements including bat boxes, bird boxes and insect blocks should also be included, as per the Ecological Constraints Appraisal. Consideration should be given to green and brown walls and roofs to compensate for the loss of habitat on site. Lighting should be designed to avoid lightspill onto the adjacent railway line or nearby watercourses. Such approved measures should be implemented in full and maintained thereafter.*

5.9.4 **Officer Comments – On the basis of the comments listed above it is considered necessary to require the applicant to**

**undertake a reptile survey and to submit a Construction Environmental Management Plan with Biodiversity Enhancement Strategy prior to the commencement of the development.**

5.9.5 Having consideration for the observations listed above and responses received from consultees and the requirement to provide a Construction Environmental Management Plan, Biodiversity Enhancement Strategy, the proposal is considered to accord with policy CS9 of the Core Strategy.

## 5.10 Flood Risk and Drainage

5.10.1 Core Strategy Policy CS7 'Managing the Water Cycle' states that *'Within areas of functional floodplain, development is expected to preserve or enhance the contribution of the area to water management reducing flood risk... The council will seek opportunities to increase the capacity of the floodplain safely, make space for water across the whole borough, and to remove problems from the drainage network, particularly in connection with new development... Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.'*

5.10.2 The majority of the site is located within a high risk zone for flooding (defined as flood zone 3 by the Environment Agency). Due to the nature and scale of the developments and the location of the the application site, it was necessary to consult the Environment Agency, Lead Local Flood Authority, Yorkshire Water and the Design Services Drainage Team.

5.10.3 The Environment Agency provided the following comments;

5.10.3.1 *'The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application is implemented and secured by way of a planning*

*condition on any planning permission.'*

5.10.3.2 ***Flood risk***

***Condition*** - *The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

***Reason*** - *To reduce the risk of flooding to the proposed development and future occupants.*

5.10.3.3 ***Flood resilience measures***

*We support the suggestion outlined in table 4.3.20 of the FRA that flood resilient construction techniques are used and flood sensitive equipment is to be positioned at a minimum of 600mm above FFL. We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.*

5.10.3.4 ***Access and egress***

*The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development. It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision. Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.*

5.10.3.5 **Pollution control**  
**Condition**

*Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.*

**Reason**

*To reduce the risk of pollution to the water environment.*

5.10.3.6 *Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent. If you are not able to discharge effluent it will be classed as waste and you must then comply with your duty of care responsibilities.*

5.10.3.7 *Proposing to discharge to mains -  
A trade effluent consent or a trade effluent agreement with your water and sewerage company must be obtained before you discharge trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer.*

5.10.4 The Design Services Drainage Team also provided the following comments;

5.10.4.1 *'As highlighted in the Flood Risk Assessment, the site is located in Flood Zone 3 and is therefore a risk from flooding. As stated in the FRA, this commercial development may be classed as less vulnerable under the NPPF and may be suitable for this location.*

5.10.4.2 *The FRA states that the proposed floor levels will be a minimum of 300mm above the anticipated 100year flood level in order to reduce risk. The FRA also proposes the use of flood resilient construction and subscribing to Flood Warnings Direct.*

5.10.4.3 *It is also noted that the site surface water drainage is proposed to discharge via the pumping station and attenuation tank that was installed as phase 1 of the development. The runoff from the car parking and any vehicle wash areas should pass through an oil separator prior to discharge to the surface water drainage system.'*

5.10.5 **Officer Comments – On the basis of the comments listed above it is considered necessary to incorporate a condition requiring the development be in accordance with the submitted flood risk assessment and for an oil separator to be installed to prevent pollutants being discharged into the adjacent watercourse.**

5.10.6 The Lead Local Flood Authority provided the following comments;

5.10.6.1 ***CHE/17/00645/FUL***

*Due to the nature of the proposed plans and the site parameters the Lead LFFA have no comments to make in relation to **CHE/17/00645/FUL***

5.10.6.2 ***CHE/17/00647/FUL***

*Due to the site parameters of planning application **CHE/17/00647/FUL** the LLFA are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information.*

*As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:*

- *Site plan and impermeable area*
- *Topographic survey of the site*
- *Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company)*
- *Basic calculations of the greenfield/brownfield runoff and discharge rates, in l/s/Ha, for the site*
- *A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location*

- *Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep*
  - *Basic ground investigation (desktop survey as a minimum)*
  - *Evidence of consideration of a variety of SuDS methods*
- These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage. Please note the level of detail submitted should be proportionate to the size and scale of the development.*

5.10.7 Yorkshire Water were also consulted on the proposal and provided the following comments;

5.10.7.1 *Waste Water - If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:*

- *No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public sewer i .e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand -off distance is to be achieved via diversion of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken. (In order to allow sufficient access for maintenance and repair work at all times )*
- *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. (To ensure that no surface water discharges take place until proper provision has been made for its disposal)*



- *Surface water run-off from the forecourt of petrol stations , areas used for the delivery of fuel , areas used for and immediately adjacent to vehicle washing facilities and /or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network . Surface water from such areas must pass through an oil , petrol and grit interceptor /separator of adequate design that has been submitted to and approved by the Local Planning Authority , before discharge to the public foul or combined sewer network (To prevent pollution of the aquatic environment and protect the public sewer network ).*

#### 5.10.7.2 Observations:

- 1) *The Flood Risk Assessment (prepared by RES Environmental - Report dated 2013) is not acceptable. In summary, the report states that surface water will discharge to an unrecorded 225mm surface water sewer with an unrestricted discharge - This is not acceptable. Evidence is required that soakaways are not viable before consideration is given to the sewer. As the FRA refers to a previously submitted drainage strategy for the wider site, the developer should submit this in order to provide an understanding of how this parcel contributes to the wider strategy. The means of surface water management has not been properly considered within the FRA/drainage report\*. Yorkshire Water requires further information regarding the means of draining surface water from the development.*
- 2) *On the Statutory Sewer Map, there is a 900mm diameter public surface water sewer recorded to cross the site along the northern boundary. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, a stand-off distance of 5 (five) metres is required at each side of the sewer centre-line.*
- 3) *The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.*

5.10.7.3 *The developer and LPA are strongly advised to seek comments on surface water disposal other drainage bodies as further restrictions may be imposed. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.*

5.10.7.4 *Surface water run-off from areas of vehicular parking and/or hardstanding etc. must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is imperative, however that surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used is not discharged to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation*

**5.10.8 Officer Comments – The comments received from the Lead Local Flood Authority and Yorkshire Water appear to contradict the responses from the Environment Agency and the Design Services Drainage Team. The proposed earthworks application (A) involves raising the existing land level which will impact the amount of water which can be stored on site but is required in order to accord with the findings of the flood risk assessment. The Lead Local Flood Authority stated that they had no comments to make on application CHE/17/00569/FUL. The proposal will therefore safeguard the development against flooding but**

**provides no compensatory flood storage area. The applications will re-develop a brownfield site which was previously authorised for development. The strategic location of the site is considered to be sustainable and development has already been undertaken on the site for the BMW/Mini dealership. On balance the development of the site and regeneration benefits suggest that the scheme should be approved. On the basis of the comments listed above it is considered necessary to control surface water drainage on site by a condition attached to the permission (if approved) to ensure that an appropriate scheme is secured which meets the requirements of Yorkshire Water**

5.9.10 Having consideration for the observations listed above and responses received from consultees, it is considered that the proposal has partially addressed the necessary requirements for building on a floodplain by the submission of a flood risk assessment. Due to the location of the site and nature of the development (with limited built form proposed), the main proportion of the site is hardsurfacing for vehicles providing a large area for potential surface water attention methods to be undertaken in accordance with the requirements of the relevant consultees. The submission of a detailed drainage strategy prior to the commencement of the development can be controlled by condition and require the approval of the relevant consultees. The proposal is therefore considered to accord with the recommendations of policies CS7 pending the submission of a detailed drainage strategy.

## 5.11 **Archaeological Potential**

5.11.1 Policy CS19 (Historic Environment) states that '*The council will protect the historic environment and heritage assets throughout the borough and seek to enhance them wherever possible. All new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated. The council will do this through:*  
*d) the identification and, where appropriate, protection of important archaeological sites and historic environment features;*'

5.11.2 The proposed development is situated in an area considered to have historical environment features and as such it was

necessary to consult DCC Archaeology for comments on the proposal. Initially concerns were raised regarding the lack of a desk based archaeological assessment, required to be submitted prior to determination.

- 5.11.3 The applicant submitted a desk based archaeological assessment. DCC Archaeology were re-consulted on the proposals and provided the following comments;
- 5.11.3.1 *‘As recommended, an archaeological desk-based assessment has been prepared for the proposed development site and its environs. This has confirmed the extent of the buildings complex of the Pearson’s Pottery (Derbyshire Historic Environment Record no.31503) which occupied the site until recently. This had its origins in the mid-19<sup>th</sup> century (or earlier) and had grown to occupy almost the whole of the current site by the mid-1960s. The desk-based assessment has confirmed that below ground remains of the earliest phases of the pottery may survive as subsurface evidence. Such remains, which would be considered to be non-designated heritage assets, may provide an insight in to early industrial techniques which were used in pottery production at this time.*
- 5.11.3.2 *Further work is needed here to characterise and understand the significance of these features. We would advise that a programme of archaeological investigation should be undertaken as a pre-commencement condition of any grant of planning permission for this scheme. This requirement is in line with paragraph 141 of NPPF which requires that developers should record and advance understanding of the significance of any heritage assets to be lost. This work may involve more than one stage, depending upon the nature and extent of any archaeological remains which are encountered. It should be undertaken in advance of **any** ground preparation works on site, including ecological mitigation works.*
- 5.11.3.3 *In order that this requirement can be can be addressed we would recommend that the following condition be attached to CHE/17/00569/FUL, CHE/17/00645/FUL and CHE/17/00647/FUL:*
- a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and*

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

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

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

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

5.11.3.4 *The archaeological evaluation is to be undertaken, by a suitably experienced and qualified archaeological contractor (ClfA registered organisation), to a Written Scheme of Investigation which is to be agreed with ourselves.*

5.11.4 **Officer Comments – On the basis of the comments listed above it is considered necessary attached to the permission (if approved) the conditions recommended above to ensure that an appropriate scheme is secured which meets the requirements of the DCC Archaeology.**

5.11.5 Having consideration for the observations listed above and pending the submission and approval of a written scheme of

investigation, the proposal is considered to accord with policy CS19 of the Core Strategy.

## 5.12 Land Contamination and Stability

5.12.1 Policy CS8 (Environmental Quality) of the Core Strategy states that *'The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality...Unstable and Contaminated Land: Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable of remediation and fit for the proposed use and shall include: a) a desk top survey with the planning application b) a phase II study and strategy for remediation and final validation where the desk top survey (a) indicates remediation may be necessary, on any full or reserved matters planning applications'*

5.12.2 The development site is situated within an area defined as High Risk by The Coal Authority, as such it was necessary to consult The Coal Authority as a statutory consultee. The Environmental Service (Health) team were also consulted regarding potential land contamination arising as a result of previous land uses.

### **Land Stability and Coal Mining Risk**

5.12.2 The Coal Authority provided the following comments;

5.12.2.1 *'The Coal Authority considers the content and conclusions of the Report on Site Investigation and the Additional Site Investigation letter report to be sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposal'*

### **Land Contamination**

5.12.3 The Environmental Health Officer provided the following comments;

5.12.3.1 'The application is supported with a site investigation report (dated 2005) and an additional site investigation report covering land that was previously occupied by buildings. I have no concerns about the reports.

5.12.4 Having consideration for the observations listed above, the proposal is considered to accord with policy CS8 of the Core Strategy.

## **5.13 Other Considerations**

### **Impact on Adjacent Railway Line**

5.13.1 The application sites are bound by a railway line to the east. Network Rail were consulted on the proposal and provided the following comments;

#### **5.13.1.1 Drainage**

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

#### **5.13.1.2 Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

#### **5.13.1.3 Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure

can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

#### 5.13.1.4 **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rails Asset Protection Project Manager.

#### 5.13.1.5 **Armco Safety Barriers**

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rails existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

#### 5.13.1.6 **Method Statements/Fail Safe/Possessions**

Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection



agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks.

**Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

#### 5.13.1.7 **OPE**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

#### 5.13.1.8 **Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

#### 5.13.1.9 **Scaffolding**

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

#### 5.13.1.10 **ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures.

There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### 5.13.1.11 **Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rails boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash. Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata Zebrina

Not Acceptable: Acer (Acer pseudoplatanus), Aspen Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore, Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash

(Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europaea)  
A comprehensive list of permitted tree species is available upon request.

#### 5.13.1.12 **Lighting**

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Standard lighting condition: For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies

#### 5.13.1.13 **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. Network Rail is required to recover all reasonable costs associated with facilitating these works.

5.13.1.14 I would advise that in particular the **drainage, Armco barriers, method statements/OPE, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

**5.13.2 Officer comments – The conditions requested by Network Rail are considered to be in the interests of public safety. The LPA considers it necessary to secure this by condition.**

## **Percent for Art Contribution**

- 5.13.3 In respect of Policy CS18 of the Core Strategy, the Council's policy requires all major development proposals to contribute to the Percent for Art scheme promoted within the Borough, it is appropriate to require plot by plot development to contribute to this initiative.
- 5.13.4 When the BMW / Mini dealership was approved on plot 4 the S106 agreement secured a contribution of £10,000 or 1% of the development costs (whichever is greater) towards the Percent for Art initiative and it is therefore considered that this mechanism would reasonable apply to this particular development given that are comparable in nature and scale. Accordingly it is considered that a S106 agreement should be sought from the applicant for a Percent for Art contribution on this basis.

## **Training and Employment**

- 5.14 The Economic Development Team were consulted on the proposals and provided the following comments;
- 5.14.1 *'The EDU is supportive of the proposal. Given the scale nature of the proposal there will be significant employment, training and supply chain opportunities created during the construction phase and operational phase.*

*It is recommended that a local labour/ supply chain clause is negotiated and secured with the developer and end user via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction and operational phase to promote the opportunities to local businesses and local people.*

*We would also encourage the end user to work with the council and its partners to ensure that local people are able to benefit from any additional jobs created by the development.*

*The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and the Chesterfield Local Plan Core Strategy 2011 – 2031.'*

**5.15 Officer Comments - It is recommended that a standard condition be attached to the decision notices requiring the submission of an employment and training scheme prior to the commencement of development.**

## **6.0 REPRESENTATIONS**

6.1 The applications have been publicised by site notices displayed on 13.10.2017, deadline for responses 03.11.2017 and 17.11.2017, deadline for responses 08.12.2017. Advertisements were also placed in the Derbyshire Times on 24.08.2017, deadline for responses 14.09.2017 and 21.09.2017, deadline for responses 12.10.2017. No letters of representation have been received as a result.

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

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

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

## **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 CONCLUSIONS**

9.1 The proposals are considered to be acceptable in principle having regard to the provisions of policies CS2 and CS13 of the Chesterfield Local Plan: Core Strategy 2011 – 2031. The development site is served by the existing highway network and the proposals will not adversely impact the amenity of the adjoining occupiers. The proposals, subject to appropriate conditions being imposed, is considered to demonstrate compliance with policies CS7, CS9, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## **10.0 ADDITIONAL RECOMMENDATION**

10.1 That a s106 legal agreement be negotiated in respect of % for Art for the scheme

## **11.0 RECOMMENDATION**

11.1 That the applications CHE/17/00569/FUL, CHE/17/00645/FUL and CHE/17/00647/FUL be **GRANTED** subject to the following conditions:

**(A) CHE/17/00569/FUL**

**Three years from date of permission**

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

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

**Development in accordance with approved plans**

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s with the exception of any approved non material amendment.

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

**Construction Management Plan**

3. No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- *parking of vehicles of site operatives and visitors*
- *routes for construction traffic, including abnormal loads/cranes etc.*
- *hours of operation*
- *wheel wash facilities/method of prevention of debris being carried onto highway*
- *pedestrian and cyclist protection*
- *proposed temporary traffic restrictions*
- *arrangements for turning vehicles*

*Reason - In the interests of highway safety.*

**Construction Environmental Management Plan**

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Methods for the safe removal of Japanese knotweed within the site

**Reason** - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*

#### **Biodiversity Enhancement Strategy**

5. Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council.

**Reason** – *to mitigate against adverse impacts on biodiversity and ecology arising as a result of this development*

#### **Reptile Survey**

6. No disturbance of soil, roots or vegetation in respect of the development hereby approved shall take place until a full reptile survey has been undertaken and the details submitted to and approved in writing by the Local Planning Authority. The details shall include measures and programme for reptile mitigation and conservation, including a detailed methodology for the capture and translocation of such. The mitigation and conservation measures shall be implemented in accordance with the approved details and programme to the satisfaction of the Local Planning Authority.

**Reason** - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*



**Development in accordance with flood risk assessment**

7. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

*Reason - To reduce the risk of flooding to the proposed development and future occupants.*

**Submission of surface water drainage details**

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

*Reason – To prevent the increased risk of flooding and to ensure the site benefits from adequate and sustainable drainage.*

**Means of surface water pollution control**

9. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

**Reason -** *To reduce the risk of pollution to the water environment. To prevent pollution of the water environment.*

**Archaeological investigations**

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

**Reason -** *In order to secure the recording of any archaeological remains*

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

**Reason -** *In order to secure the recording of any archaeological remains*

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

**Reason** - *In order to secure the recording of any archaeological remains*

**Site storage and accommodation**

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.*

**Soft landscaping**

14. Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site shall be submitted to the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details 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.*

**Hard landscaping**

15. Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs,

lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.

**Reason** - *The condition is imposed in order to enhance the appearance of the development and ensure appropriate surface water drainage.*

**Employment and Training Scheme**

16. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

**Reason** – *In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.*

**Excavations and earthworks near boundary**

17. Prior to commencement of any development on site, full details of excavations and earthworks and any structural works to be carried out near the railway undertaker's boundary fence or the adjacent public highways should be submitted to the Local Planning Authority acting in consultation with the railway undertaker and Highway Authority for consideration. Only those works subsequently agreed in writing by the Local Planning Authority shall be carried out in accordance with the approved details.

**Reason** – *in the interests of public safety*

**Excavations and earthworks near boundary**

18. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

**Reason** – *in the interests of public safety*

## **Informatives for application (A) CHE/17/00569/FUL**

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. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's

Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

5. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.'
6. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).
7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & 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 email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190 or via the County Councils website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp).
8. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.
9. If planning permission is granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager, Network Rail (London North

Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

10. Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.** (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
11. For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies

**(B) CHE/17/00645/FUL**

**Three years from date of permission**

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

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

**Development in accordance with approved plans**

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s with the exception of any approved non material amendment.

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

**Submission of Lighting/Lux Contour Plan**

3. Prior to the commencement of development, details of proposed lighting with appropriate adjustments to maintain public safety (on the highway and railway line) and a lux contour map shall be submitted to the Local Planning Authority for consideration. The submitted details shall include the lux levels at various distances on the ground in relation to lighting. Only those details approved in writing by the Local Planning Authority shall be implemented as part of the development and shall be retained thereafter in throughout the life of the development.

**Reason** - *In the interests of highway safety and surrounding visual amenity.*

**Construction Management Plan**

4. *No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:*
- *parking of vehicles of site operatives and visitors*
  - *routes for construction traffic, including abnormal loads/cranes etc.*
  - *hours of operation*
  - *wheel wash facilities/method of prevention of debris being carried onto highway*
  - *pedestrian and cyclist protection*
  - *proposed temporary traffic restrictions*
  - *arrangements for turning vehicles*

**Reason** - *In the interests of highway safety.*

**Construction Environmental Management Plan**

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to



and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

**Reason** - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*

#### **Biodiversity Enhancement Strategy**

6. Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council.

**Reason** – *to mitigate against adverse impacts on biodiversity and ecology arising as a result of this development*

#### **Development in accordance with flood risk assessment**

7. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the

timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason** - *To reduce the risk of flooding to the proposed development and future occupants.*

**Submission of surface water drainage details**

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

**Reason** – *To prevent the increased risk of flooding and to ensure the site benefits from adequate and sustainable drainage.*

**Means of surface water pollution control**

9. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

**Reason** - *To reduce the risk of pollution to the water environment. To prevent pollution of the water environment.*

**Site storage and accommodation**

10. 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.*

**Car/cycle provision**

11. Prior to the occupation of the development hereby approved, space shall be laid out within the plot in accordance with the approved plan for cars/ cycles to be parked, for the loading and unloading of vehicles. The parking spaces including cycle parking spaces and manoeuvring space shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - *In the interests of highway safety.*

**Materials**

12. Before construction works commence on any plot or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials (including details of the glazing and lookalike panels) to be used on the buildings 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.

**Reason** - *The condition is imposed in order to enhance the appearance of the development*

**Soft landscaping**

13. Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site shall be submitted to the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details

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.*

#### **Hard landscaping**

14. Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.

**Reason** - *The condition is imposed in order to enhance the appearance of the development and ensure appropriate surface water drainage.*

#### **Employment and Training Scheme**

15. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

**Reason** – *In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.*

#### **Bin Store and Waste Collection**

16. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste (including specialist waste) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and

the facilities retained for the designated purposes at all times thereafter.

**Travel Plan**

17. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a Green Travel Plan proposal shall be submitted to the Local Planning Authority for consideration. The proposal shall include details of its implementation and a monitoring programme. The Green Travel Plan approved in writing by the Local Planning Authority shall be implemented as approved, monitored and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - *To encourage the wider use of more sustainable methods of transport*

**Railway conditions specified by National Rail/Highways**

18. Prior to commencement of any development on site, full details of excavations and earthworks and any structural works to be carried out near the railway undertaker's boundary fence should be submitted to the Local Planning Authority acting in consultation with the railway undertaker for consideration. Only those works subsequently agreed in writing by the Local Planning Authority shall be carried out in accordance with the approved details.

**Reason** – *in the interests of public safety*

**Railway conditions specified by National Rail**

19. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

**Reason** – *in the interests of public safety*

**CCTV/Security**

20. Prior to the commencement of development details of proposed CCTV and security system shall be submitted to and approved by the Local Planning Authority. The approved scheme shall

then be installed in full prior to the occupation of the development and shall be retained as such thereafter.

**Reason – *in the interests of public safety***

**Informatives for application (B) CHE/17/00645/FUL**

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. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine

entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

5. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.'
6. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).
7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & 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 email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190 or via the County Councils website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp).
8. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).

9. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.
10. If planning permission is granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
11. Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.** (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
12. For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies



**(C) CHE/17/00647/FUL**

**Three years from date of permission**

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

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

**Development in accordance with approved plans**

2. All external dimensions and elevational treatments shall be as shown on the approved plan/s with the exception of any approved non material amendment.

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

**Submission of Lighting/Lux Contour Plan**

3. Prior to the commencement of development, details of proposed lighting with appropriate adjustments to maintain public safety (on the highway and railway line) and a lux contour map shall be submitted to the Local Planning Authority for consideration. The submitted details shall include the lux levels at various distances on the ground in relation to lighting. Only those details approved in writing by the Local Planning Authority shall be implemented as part of the development and shall be retained thereafter in throughout the life of the development.

***Reason** - In the interests of highway safety and surrounding visual amenity.*

**Construction Management Plan**

4. *No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:*
  - *parking of vehicles of site operatives and visitors*
  - *routes for construction traffic, including abnormal loads/cranes etc.*
  - *hours of operation*

- *wheel wash facilities/method of prevention of debris being carried onto highway*
- *pedestrian and cyclist protection*
- *proposed temporary traffic restrictions*
- *arrangements for turning vehicles*

**Reason** - *In the interests of highway safety.*

**Construction Environmental Management Plan**

5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

**Reason** - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*

**Biodiversity Enhancement Strategy**

6. Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council.

**Reason – to mitigate against adverse impacts on biodiversity and ecology arising as a result of this development**

**Development in accordance with flood risk assessment**

7. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason - To reduce the risk of flooding to the proposed development and future occupants.**

**Submission of surface water drainage details**

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

**Reason – To prevent the increased risk of flooding and to ensure the site benefits from adequate and sustainable drainage.**

**Means of surface water pollution control**

9. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or

sealed system.

**Reason** - *To reduce the risk of pollution to the water environment. To prevent pollution of the water environment.*

**Site storage and accommodation**

10. 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.*

**Car/cycle provision**

11. Prior to the occupation of the development hereby approved, space shall be laid out within the plot in accordance with the approved plan for cars/ cycles to be parked, for the loading and unloading of vehicles. The parking spaces including cycle parking spaces and manoeuvring space shall be maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - *In the interests of highway safety.*

**Materials**

12. Before construction works commence on any plot or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials (including details of the glazing and lookalike panels) to be used on the buildings 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.

**Reason** - *The condition is imposed in order to enhance the appearance of the development*

### **Soft landscaping**

13. Within 2 months of commencement of development full details of a soft landscaping scheme for the approved development on the application site shall be submitted to the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details 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.*

### **Hard landscaping**

14. Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.

**Reason -** *The condition is imposed in order to enhance the appearance of the development and ensure appropriate surface water drainage.*

### **Employment and Training Scheme**

15. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

**Reason** – *In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.*

**Bin Store and Waste Collection**

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

**Travel Plan**

17. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a Green Travel Plan proposal shall be submitted to the Local Planning Authority for consideration. The proposal shall include details of its implementation and a monitoring programme. The Green Travel Plan approved in writing by the Local Planning Authority shall be implemented as approved, monitored and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - *To encourage the wider use of more sustainable methods of transport*

**Railway conditions specified by National Rail/Highways**

18. Prior to commencement of any development on site, full details of excavations and earthworks and any structural works to be carried out near the railway undertaker's boundary fence or the adjacent public highways should be submitted to the Local Planning Authority acting in consultation with the railway undertaker and Highway Authority for consideration. Only those works subsequently agreed in writing by the Local Planning Authority shall be carried out in accordance with the approved details.

**Reason** – *in the interests of public safety*

**Railway conditions specified by National Rail**

19. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

**Reason** – *in the interests of public safety*

**CCTV/Security**

20. Prior to the commencement of development details of proposed CCTV and security system shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be installed in full prior to the occupation of the development and shall be retained as such thereafter.

**Reason** – *in the interests of public safety*

**Shared cycle path**

21. Prior to the commencement of development details of improvements to the existing pedestrian footway on the Pottery Lane East frontage of the site to create a shared cycle/footway, linking the development site to the wider cycle network accessed on Pottery Lane West (through the existing A61 underpass) shall be submitted to the Local Planning Authority for consideration. Only the proposed scheme approved in writing shall be installed on site and maintained free from impediment to its intended use unless otherwise agreed in writing by the local planning authority. The agreed scheme shall be available for its intended use concurrent with the occupation of the development.

**Reason** - *To encourage the wider use of more sustainable methods of transport*

**Informatives for application (C) CHE/17/00647/FUL**

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. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)
5. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are



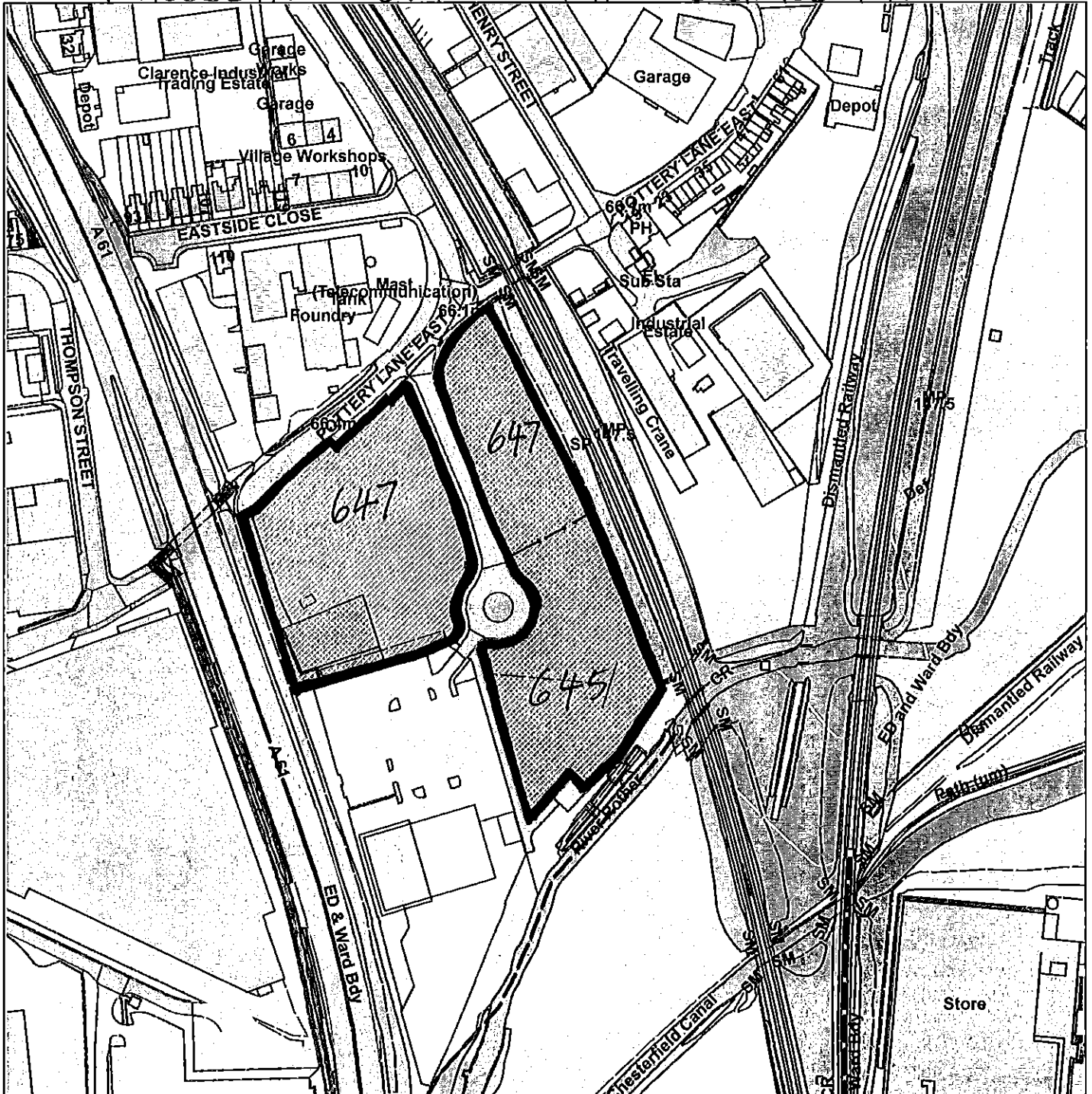
taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.'

6. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).
7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & 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 email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190 or via the County Councils website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp).
8. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).
9. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.
10. If planning permission is granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

(Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

11. Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.** (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
  
12. For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies

CHE/17/00569/FUL CHE/17/00645/FUL CHE/17/00647/FUL



Scale : 1:2667

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	
<b>Date</b>	21 December 2017
<b>SLA Number</b>	Not Set

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# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	8 <sup>TH</sup> JANUARY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Building Regulations P150D and P160D, P570D, P580D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Building Regulations	Stuart Franklin	345820
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## Decisions made under the Building Regulations

17/01644/DEX	Domestic Extensions/Alterations Extension to rear of kitchen area and insertion of beam and alteration of existing wet room to utility	Rejected	28/11/2017
17/01666/DCC	53 Windermere Road Newbold Chesterfield Derbyshire S41 8DT Derbyshire County Council Staff/meeting room extension with associated servicing	Rejected	01/12/2017
17/01994/DCC	Somercotes Infants School Somercotes Alfreton Derbyshire DE55 4LYT Derbyshire County Council Outhouse toilet and store conversion to bathroom facility	Conditional Approval	28/11/2017
17/01720/PART	12 North Crescent Duckmanton Chesterfield Derbyshire S44 5EZ Partnership Application Internal alterations	Unconditional Approval	11/12/2017
17/01962/DEX	25 Plunket Road Doncaster DN2 5EW Domestic Extensions/Alterations Single storey kitchen extension at the rear of the property	Unconditional Approval	30/11/2017
17/01913/PART	22 Kent Street Hasland Chesterfield Derbyshire S41 0PL Partnership Application Proposed loft extension and single storey rear extension	Conditional Approval	28/11/2017
17/01695/DEX	21 Charnock Crescent, Sheffield, S12 3HB Domestic Extensions/Alterations Single storey rear extension	Conditional Approval	04/12/2017
17/01696/DEX	Dar Es Salaam Bent Lane Staveley Chesterfield Derbyshire S43 3UG Domestic Extensions/Alterations Rear extension	Unconditional Approval	14/12/2017
17/02020/DOM	114 Walton Road Walton Chesterfield Derbyshire S40 3BU Domestic Buildings and New Dwellings One new dwelling at land aj 91 Brearley Avenue	Conditional Approval	05/12/2017
17/01963/MUL	91 Brearley Avenue New Whittington Chesterfield Derbyshire S43 2DZ Multiple Domestic Kitchen extension and Internal alterations	Unconditional Approval	28/11/2017
17/01724/DRO	127 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4EH Domestic in-roof Extensions/Alterations Loft conversion and dormer to existing garage	Conditional Approval	30/11/2017
17/01975/DEX	17 Foxbrook Court Walton Chesterfield Derbyshire S40 3SS Domestic Extensions/Alterations Single storey extension	Unconditional Approval	04/12/2017
17/01917/OTHD	50 Howard Drive Old Whittington Chesterfield Derbyshire S41 9JU Other Works (Domestic) Wall Removal	Unconditional Approval	07/12/2017
17/02055/DEX	210 Walton Road Walton Chesterfield Derbyshire S40 3BS Domestic Extensions/Alterations Single storey extension	Conditional Approval	07/12/2017
	593 Newbold Road Newbold Chesterfield Derbyshire S41 8AA		

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# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	8 <sup>TH</sup> JANUARY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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**Delegated List**  
**Planning Applications**

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00047/FUL  2407	Rother	Proposed erection of 7No. Starter homes constructed using MMC and to code level 3 as a minimum. All associated parking and turning included to ensure access and egress is maintained within the site.  At 98 Grangewood Road Birdholme S40 2TA  For Mr Green	WDN	01/12/2017
CHE/17/00204/FUL  5639	Loundsley Green	Proposed new retail unit - coal mining risk assessment received 21/11/2017  At Land Adjacent Unit 1 Wardgate Way Holme Hall Chesterfield For Mr Sajan Keshwala	CP	05/12/2017
CHE/17/00340/FUL	Middlecroft And Poolsbrook	Proposed first floor extension to provide 3 flats and as amended by revised plans received 13.11.17.  At 24 High Street Chesterfield S43 3UX  For Sandaul Ltd	CP	15/12/2017
CHE/17/00586/FUL	Old Whittington	Erection of a two storey dwelling - revised drawings received 1.11.2017  At Land Adjacent To, 12 Cavendish Street North Old Whittington S41 9DH  For Mr Tom Hunt	CP	06/12/2017

CHE/17/00615/FUL 1700	Hollingwood And Inkersall	Single storey rear extension At 24 Stanley Avenue Inkersall S43 3SU For Mr Nick Hooper	CP	07/12/2017
CHE/17/00663/FUL 49	West	Removal of existing carport and garage, single storey side and rear extension and first floor front extension At 6 Horsewood Road Walton S42 7LS For Mr Michael Gill	CP	12/12/2017
CHE/17/00667/FUL 4680	Hasland	Two storey side and single storey rear extension to existing dwelling - revised drawing received 09.11.17 At 3A Storforth Lane Chesterfield S41 0PP For Mr James Yates	CP	14/12/2017
CHE/17/00668/FUL 126	St Leonards	Erection of an oak framed garage At Hady House 75 Hady Hill Hady S41 0EE For Mr Craig Fletcher	CP	29/11/2017
CHE/17/00669/LBC 126	St Leonards	Erection of an oak framed garage. At Hady House 75 Hady Hill Hady S41 0EE For Mr Craig Fletcher	CP	29/11/2017
CHE/17/00673/DOC 4730	Old Whittington	Discharge of conditions 4, 5, 6 and 11 on application CHE/16/00727/FUL At 18 Thompson Street Chesterfield S41 9AR For Mr Michael Walker	DPC	13/12/2017

CHE/17/00686/FUL		Erection of one detached dwelling and CP associated works. Coal mining risk assessment received 7.11.17, revised tree protection plan received 15.11.17		05/12/2017
4329		At Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW For KBJ (Chesterfield) Ltd		
CHE/17/00702/RET	Hasland	Retrospective application for rear extension with two brick and glazed elevations and slate effect tile roof - Revised drawing received 14.11.17	CP	05/12/2017
		At 1 Hartfield Close Hasland S41 0NU For Mrs Linda Allen		
CHE/17/00713/FUL	St Leonards	Change of use from B1 to D2 - to be used as a martial arts and personal training academy.	CP	11/12/2017
5964		At York House St Marys Gate Chesterfield S41 7TH For Mr James Boyle		
CHE/17/00721/FUL	Hasland	Proposed mixed use B1, B2 and B8 units with car parking.	CP	11/12/2017
1277		At Unit 1 Turnoaks Industrial Estate Turnoaks Lane Birdholme S40 2HA For The Trustees Of The Asprey Pension Scheme		
CHE/17/00726/COU	Holmebrook	Change of use of first floor from A1 to Beauty Salon	CP	05/12/2017
4553		At Former Second Floor Century House 417A Chatsworth Road Chesterfield S40 3AD For Miss Rebecca Hales		

CHE/17/00727/FUL West	Two storey rear extension to replace existing flat roof kitchen and removal of existing flat roof and bay windows to rear and new gable roof to tie in with existing ridge and eaves heights. At 376 Ashgate Road Chesterfield S40 4DD For Georgina Humphrey	CP	30/11/2017
CHE/17/00733/DOC Dunston	Discharge of condition 6 (site investigation)of CHE/14/00252/FUL - Proposed single storey light industrial workshop within the curtilage of the existing site premises At Marine House Dunston Road Chesterfield S41 8NY For Cathelco Ltd		05/12/2017
208			
CHE/17/00735/DOC Dunston	Discharge of condition 2 (roads and footways)of CHE/17/00351/REM - Erection of 99 dwellings and associated public open space, landscaping and surface water balancing (phase 1) At Land To The West Of Dunston Lane Newbold For William Davis Ltd	DPC	29/11/2017
218			
CHE/17/00737/FUL West	Proposed front porch At 3 Belvedere Close Somersall S40 3LU For Mr Paul Balderson	CP	30/11/2017
49			
CHE/17/00750/FUL Dunston	Engineering works to provide new driveway and steps with new dropped kerb. At 107 Coniston Road Newbold S41 8JE For Mr Chris Humphreys	CP	05/12/2017
2101			

CHE/17/00751/FUL	Walton	Single/Two Storey Side Extension and Porch	CP	11/12/2017
5897		At 97 Foljambe Avenue Walton S40 3EY For Mr Paul Brassington		
CHE/17/00752/DOC	St Helens	Discharge of planning conditions 2 (materials for bridge parapet), 3 (concrete abutments to bridge), 4 (Coal Mining risk Assessment), 5 (soft landscaping scheme), 10 (water vole and otter survey) and 12 (removal of himalayan balsam)of CHE/15/00119/FUL for new road bridge and access road	DPC	11/12/2017
163		At Land At East Of A61Known As Chesterfield Waterside Brimington Road Tapton For Arnold Laver Regeneration Limited		
CHE/17/00754/FUL	Dunston	Front porch,side two storey extension ,rear single storey extension and creation of vehicular access	CP	07/12/2017
313		At 106 Thirlmere Road Newbold S41 8EL For Mr and Mrs Steve Perryman		
CHE/17/00755/DOC	Dunston	Discharge of planning conditions 17 (japenese knotweed control) 18 (tree protection plan) 19(root protection area) 21 (open space scheme) 27 (junction and right of way layout) 30 (internal site layout) and 31 (estate roads and footways) of CHE/15/00116/OUT - Outline planning application for the development of up to 146 residential dwellings with approval of access from Dunston Road - additional information received 16/10/2015 at Land Off Dunston Road, Chesterfield, Derbyshire, S41 9RL.	DPC	11/12/2017
1926		At Cammac Coal Dunston Road Chesterfield S41 9RL For Cammac Homes Yorkshire Limited		

CHE/17/00759/REM	St Leonards	Erection of 1 dwelling (plot 1) Reserved CP matters application for CHE/16/00034/OUT - Outline application for residential development of 6 two storey dwellings (extension of the management plan for a further 15 years to protect and enhance the wildlife site under a S106 agreement as previously arranged)		18/12/2017
1932		At Land Adjacent Five Acres Piccadilly Road Chesterfield		
		For Mr A Davis		
CHE/17/00760/FUL	Brockwell	Re-submission of CHE/16/00774/FUL (Demolish existing two story offshoot rear extension and erect new two story extension) to increase size of first floor to match that of ground floor	REF	08/12/2017
3448		At 49 Compton Street Chesterfield S40 4TA		
		For Mr Richard Burke		
CHE/17/00761/FUL	Barrow Hill	Ground floor side extension	CP	08/12/2017
622	And New Whittington	At 55 Brearley Street Old Whittington S41 9LN		
622		For Mr Simon Hogan		
CHE/17/00765/DOC	Dunston	Discharge of planning conditions 2 (details of materials of construction), 8 (details of security shutters) and 10 (Delivery Management Plan) of CHE/15/00024/FUL (Demolition of existing public house and erection of a single storey convenience store (Class A1) with associated car parking, Landscaping, plant and ATM machine) and as amended by revised information received 6.12.17	DPC	11/12/2017
3065		At The Wheatsheaf 74 Newbold Village Newbold Road Newbold		
		S41 8RJ		



CHE/17/00767/FUL 12/12/2017 701	Holmebrook	Installation of 2No new first floor windows At 7 Victoria Street West Chesterfield S40 3QY For Mr John Ball	CP	
CHE/17/00772/FUL  1702	Hollingwood And Inkersall	Two storey pitched roof extension to side of property and a single storey pitched roof extension to the rear.  At 25 West Croft Drive Inkersall S43 3GA For Mrs Sarah Saunders	CP	12/12/2017
CHE/17/00780/ADV	St Leonards	Replacement signage and hanging sign  At Unit 3 16 Packers Row Chesterfield S40 1RB For Ms Boardman	CP	14/12/2017
CHE/17/00781/FUL  4794	Brockwell	Two storey side extension  At 98 Ashgate Road Chesterfield S40 4AF For Mr Alan Higginbottom	CP	12/12/2017
CHE/17/00807/TPD	Linacre	Single storey rear extension  At 31 Barley Lane Holme Hall Chesterfield S42 7JA For Mr Craig Sewell	PANR	07/12/2017
CHE/17/00808/CLO	St Leonards	Single storey rear extension and garage conversion  At 80 Wain Avenue Chesterfield S41 0FB For Miss Julie Mclean	GR	07/12/2017

CHE/17/00850/TPO Loundsley  
Green

1751

Root pruning to either T10 or T11  
At  
Brendon House  
Brendon Avenue  
Chesterfield  
S40 4NJ  
For  
Mr K Featherstone

CP

29/11/2017

## *Delegated List - Planning Applications*

### Key to Decisions

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

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# Agenda Item 7

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	8 <sup>TH</sup> JANUARY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/17/00795/TPO TPO 4901.153 19/12/17	The pruning of 3 Ash trees and 1 Oak tree reference G1 on the Order map for Affinity Sutton Homes at 5 Hassop Close. The tree works are required to remove poor pruning cuts from unauthorised works.	Consent is granted to the removal of 7 long stubs pruning back to the main stem.
CHE/17/00815/TPO TPO 4901.119 19/12/17	The pruning of one Oak tree reference T2 on the Order map for Dronfield Landscapes on behalf of Mr Michael of 15 High Street, Brimington. The tree is low over the highway.	Consent is granted to the crown lifting of one Oak tree by 5 metres to remove the low branches over the highway.
CHE/17/00811/TPO TPO 4901.43 19/12/17	The felling of one Horsechestnut tree reference T15 and the pruning of one Sycamore T16 and one Oak T17 on the Order map for Mr Stephen Lane of 1 Somersall Willows, Somersall. The Horsechestnut tree is allegedly in poor condition and has little amenity value.	Consent is granted to the felling of one Horsechestnut tree due to an infection of bleeding canker resulting in the limited life expectancy of the tree and its lack of visual amenity to the rear of the property. The removal of the tree will also allow the two adjacent protected trees to grow to a more natural shape and unrestricted. The duty to plant a replacement tree has been dispensed with on this occasion due to no suitable planting positions and other trees in

		<p>the garden.</p> <p>Consent is also granted to the crown lifting of T16 &amp; T17 and the removal of dead wood within the crown.</p>
<p>CHE/17/00832/TPO</p> <p>TPO 4901.75</p> <p>19/12/17</p>	<p>The pruning of 1 Beech tree reference T2 and 1 Lime tree reference T3 on the Order map for Trueman Tree Services on behalf of Mrs Paivi of 170 Old Hall Road, Brampton. The tree works are required due to storm damage.</p>	<p>Consent is granted to the crown reduction of one Beech tree by 2-3 metres to reduce the weight load on the upper crown and the crown lifting of one Lime tree to allow access and clear the garden area.</p>
<p>CHE/17/00784/TPO</p> <p>TPO 4901.237</p> <p>19/12/17</p>	<p>The pruning of two groups of trees reference G1 consisting of 5 Sycamore trees and G2 consisting of 7 Sycamore trees on the Order map for Dr John Hadfield on behalf of the Terminus Bowling Club, 666 Chatsworth Road.</p>	<p>Consent is granted to the crown lifting by 5.2 metres and the crown thinning by 25% of 12 Sycamore trees, pruning back to suitable replacement branches and leaving a well-balanced crown.</p>
<p>CHE/17/00789/TPO</p> <p>TPO 4901.35</p> <p>19/12/17</p>	<p>The pruning of one London Plane tree reference T5 on the Order map for Mr Abel of 109 Whitecotes Lane.</p>	<p>Consent is granted to the crown reduction by 3-4 metres pruning back to previous reduction points and the crown lifting by 5.2 metres to clear the highway.</p>
<p>CHE/17/00812/TPO</p> <p>TPO 4901.77</p> <p>19/12/17</p>	<p>The felling of one dead Horsechestnut tree reference T4 on the Order map for Mrs Widdowson of 19 Penmore Close, Hasland.</p>	<p>Consent is granted to the felling of one dead Horsechestnut tree reference T4 by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and</p>



		<p>Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season to the satisfaction of the Borough Council.</p> <p>The replacement tree is to be either a Mountain Ash, Field Maple, Himalayan Birch or Ornamental Crab Apple and planted as near as is reasonable possible to the original tree or agreed alternative.</p>
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**SECTION 2****NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/17/00817/CA The pruning of 4 Sycamore trees, 1 Elm tree and 1 Oak tree for Dronfield Landscapes at 15 High Street, Brimington. Page 25	The trees are within the Brimington Conservation Area and the applicant wishes to prune the trees because they are obstructing the highway and telephone wires.	Agreement to the crown lifting of 6 trees over the highway and the reduction of branches growing towards the telephone wires. The pruning of the trees will have no adverse effect on the amenity value of the area.	19/12/17
CHE/17/00810/CA The pruning of one Ornamental Pear and one Silver Birch for Mr Stephen Lane of 1 Somersall Willows, Somersall.	The trees are within the Somersall Conservation Area and the applicant wishes to prune the trees for general maintenance.	Agreement to the crown lifting of one Silver Birch tree by 2.5 metres and the crown thinning of one Ornamental Pear. The pruning of the trees will have no adverse effect on the amenity value of the area.	19/12/17

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## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 8<sup>th</sup> JANUARY 2018  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

##### TITLE

##### LOCATION

Non exempt papers on files  
referred to in report

Development Management  
Section  
Planning Service  
Town Hall Chesterfield

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER**

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

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## APPEALS

<u>FILE NO.</u>	<u>APPLICATION CODE &amp; 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	Dismissed 13/12/17 see appendix A
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	
2/6147	West ward	Mr M Hopkinson	CHE/17/00365/FUL – Second Storey Side extension at 31 Queen Mary Road - Refusal	Officer Delegated	22/09/17	Written Reps	
2/1192	Brockwell ward	Peppermint Grove Ltd	CHE/17/00421/FUL – 12 dwellings at 46 Newbold Road – the Shrubberies - Refusal	Planning Committee against officer advice	12/12/17	Written Reps + Full Costs application	

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## Appendix A

### Appeal by Mr David Revitt

#### Land at 10 Pottery Lane West, Chesterfield.

2/4071

1. An Enforcement Notice was served on 25<sup>th</sup> January 2017 requiring the reinstatement of land in the rear garden of 10 Pottery Lane West to its prior level by 1<sup>st</sup> June 2017. The garden had been excavated to a depth of approximately 1.2 metres over the majority of its area
2. An appeal against the notice was made on grounds (c) and which has been dismissed and the notice upheld.

#### **Procedural matter**

3. The notice stipulates a particular date for compliance. Compliance periods should not refer to a specific date because if the notice is appealed, as here, the date will not be valid. However as no injustice will result to the parties by amending the notice to omit the date of 1st June 2017, the inspector has exercised his powers in s176 of the 1990 Act to make this correction.

#### **The appeal on ground (c)**

4. The basis of an appeal on ground (c) is that those matters which are the subject of the allegation do not constitute a breach of planning control. The burden of proof is on the appellant to demonstrate this on the balance of probability.
5. The appellant's house has suffered from damp and his rear garden has been waterlogged for some time. In the course of removing the saturated soil in the garden, a brick-built well or culvert was discovered, the exact purpose of which is unknown although it may possibly be connected in some way with former pottery works in the area. The appellant does not dispute that for a period of well over a year at least, the garden has been excavated as alleged. However he disputes that the works amount to development or that he needs planning permission to carry them out. He maintains that the works are temporary maintenance works to resolve a ground water

issue.

6. Section 55 of the 1990 Act describes “development” as the carrying out of building, engineering, mining or other operations in, on, over or under land and, subject to a number of specified exceptions, planning permission is required for the carrying out of any development on land. There is no statutory definition of engineering operations. It has been held that an engineering operation can be an operation that would generally be supervised by an engineer but it was unnecessary that it should have been so supervised. The inspector agreed that it would cover excavation works of a nature and scale that change the physical character of the landform beyond a temporary basis.
7. A significant part of the garden has been excavated and a low wall on the east side of the garden has been removed that once separated it from the access lane between Nos 10 and 12 Pottery Lane West, which lane leads to commercial premises. Some drainage pipework has been exposed and in heavy rainfall the site is flooded. Safety barriers have been erected to this side of the garden; however there are large gaps where the lower level of the garden is exposed to users of the access, giving rise to safety concerns. A mechanical digger has been used in the excavation work, and given the large scale of the works, and the length of time the landform has remained altered from its original state, in the inspectors opinion and as a matter of fact and degree, they amount to an engineering operation under s55 of the 1990 Act. The appellant has not pointed to any specific permission from which the development might benefit under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Looking at the position most favourable to the appellant, the inspector considered Part 4 of the second Schedule to the GPDO allows for the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. Development is not permitted if

permission is required for such operations but is not granted or deemed to be granted. Since the notice was issued the appellant states he has installed concrete retaining blocks to secure the stability of his neighbour's garden. When the inspector visited breeze blocks were arranged on three sides of a square, but curiously not on the fourth side which is on the line of the boundary with his neighbour. It is doubtful that this structure stabilises the land. The appellant has stated his intention to build a garage to the rear of his house. He has also told the Council that the excavation was in order to hard surface the entire rear garden, however the works go well beyond what would be reasonably required for this purpose. Yet again, in his appeal statement the appellant contemplates flattening the base of the excavation with 150mm of scalping to enable foundations to be laid for a garage. Whatever the true purpose of the works no permission exists, so far as the inspector was aware for a garage, nor is it explained how such a garage or for that matter a hardstanding over the whole of the rear garden, might benefit from permitted development rights. Therefore the evidence did not persuade the inspector that the development benefits from a temporary permission of the kind set out in Part 4 of the second Schedule to the GPDO.

8. The inspector also considered the possibility that Part 13 of the GPDO, Water and sewerage, might avail the appellant in that the development subject to the notice may be connected to drainage or watercourse related problems. However the works were not undertaken, as would be required for this Part to apply, by or on behalf of a drainage body or other statutory body.
9. In summary therefore, the excavation works do not benefit from permitted development rights and no express planning permission has been granted. Section 171A(1)(a) states that development without the required planning permission is a breach of planning control. The inspector therefore concluded on the balance of probability that the notice correctly alleges a breach of planning control. The appeal on ground (c) must therefore fail.

**Formal decision**

10. It is directed that the compliance period as described in the enforcement notice is corrected by the insertion of “within” before “three months” and the deletion of “by 1st June, 2017”. Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

# FOR PUBLICATION Agenda Item 9

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 8TH JANUARY 2018  
**REPORT BY:** LOCAL GOVERNMENT AND REGULATORY LAW MANAGER  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

#### **4.0 MORE INFORMATION ABOUT THE TABLE**

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services  
Tel 01246 345310 or email [gerard.rogers@chesterfield.gov.uk](mailto:gerard.rogers@chesterfield.gov.uk)

Enforcements currently Authorised: 9

## ENFORCEMENT REPORT

21 December 2017

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
<b>Enforcement Notice</b>		<i>Total currently Authorised: 7</i>			<i>Authorised to Issue Average: 32 days</i>				
Hady Lane	15/10/12 <small>1,894</small>	occupation of land					Resubmitted application for relocation site granted 06/10/14, and details on conditions submitted. Village Green Inquiry: DCC rejected the applications 25/07/16. Now relocated to authorised site. Unauthorised residential occupation ceased.	<input checked="" type="checkbox"/> <small>15/12/17</small>	Ha
Lincoln Street	13/03/17 <small>284</small>	use of materials to extend hardsurfacing		17/05/17 <small>65</small>	20/10/17 <small>63</small>	20/01/18 <small>-29</small>	Use of materials to extend hardsurfacing. Appeal dismissed with costs award.	<input type="checkbox"/> <small>31/10/17</small>	
Pottery Lane West	10 09/01/17 <small>347</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>9</small>	13/03/18 <small>-81</small>	Appeal dismissed - see Appeals Report	<input checked="" type="checkbox"/> <small>14/12/17</small>	

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Tapton View Road	47	24/04/17 242	unauthorised extension	16/00648				Application for retention dismissed on appeal. Application for changes to extension received CHE/17/00827/FUL.	<input checked="" type="checkbox"/> 15/12/17	SH
Wagon Works		27/06/16 543	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. Chasing agents.	<input type="checkbox"/> 14/12/17	Wa
York Street	2	17/07/17 158	2 vending machines		01/08/17 15			2 unauthorised vending machines. Issued. Appeal.	<input type="checkbox"/> 07/09/17	Ha
York Street	2	09/10/17 74	conversion and extension of roof space					About to be issued. Application received for flat conversion.	<input type="checkbox"/> 11/12/17	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	27/06/16 543	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	04/07/17 171	damage / removal of trees					Offences by multiple parties. 02/11/17 Guilty pleas - Defendant 1: Fine £1600, Costs £100, Victim Surcharge £120. 21/12/17: Defendant 2: Fines £21600 Costs £1643.37 Victim Surcharge £170. Defendant 3: Fine £1500, Costs £1066.61 Victim Surcharge £150	<input checked="" type="checkbox"/> 21/12/17	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