



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

Councillors Falconer and Perkins –  
Site Visit 1  
Councillors Hollingworth and Rayner –  
Site Visit 2  
Councillors Ludlow and Parsons –  
Site Visit 3  
Councillors Serjeant and Slack –  
Site Visit 4

1 December 2017

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 11 DECEMBER 2017 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Committee Room 1 at 12:40. Ward members wishing to be present should attend on site as indicated below:-

1. 12:50 Goytside Road, Chesterfield  
CHE/17/00756/OUT and CHE/17/00757/OUT
2. 13:15 Newbold Surgery, Windermere Road  
CHE/17/00540/FUL

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)

3. 13:45 109 Middlecroft Road, Chesterfield  
CHE/17/00747/FUL
4. 14:10 8 Park View, Hasland, Chesterfield  
CHE/17/00477/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 11 December, 2017. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 20)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 21 - 150)
5. Building Regulations (P880D) (Pages 151 - 156)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 157 - 170)
7. Applications to Fell or Prune Trees (P620D) (Pages 171 - 176)
8. Appeals Report (P000) (Pages 177 - 180)

9. Enforcement Report (P410) (Pages 181 - 184)

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, 20th November, 2017**

Present:-

Councillor Brittain (Chair)

Councillors	Hill	Councillors	Miles
	Callan		P Barr
	Elliott		Brady
	Simmons		Wall
	Caulfield		Sarvent

\*Matters dealt with under the Delegation Scheme

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

**CHE/17/00661/FUL** - Two semi-detached houses at 51 Chesterfield Road, Staveley, Chesterfield, Derbyshire, S43 3QG For Mr Michael Bellfield of Bellfield Construction.

Councillors P Barr, Brady, Brittain, Callan, Caulfield, Elliott, Hill, Miles, Sarvent, Simmons and Wall.

**CHE/17/00326/REM** - Submission of Reserved Matters pursuant to planning approval CHE/15/00116/OUT for the development of 106 residential dwellings (revised details rec'd 25/09/2017, 10/10/2017, 13/10/2017, 27/10/2017, 01/11/2017, 07/11/2017 and 09/11/2017) at Camac Coal, Dunston Road, Chesterfield, Derbyshire, S41 9RL for Strata Homes Yorkshire Limited.

Councillors P Barr, Brady, Brittain, Callan, Caulfield, Elliott, Hill, Miles, Sarvent, Simmons and Wall.

**CHE/17/00421/FUL** - Resubmission of CHE/16/00591/FUL - Residential development of 12 units and associated ancillary works - Revised plans received 12/10/2017 at the Shrubberies, 46 Newbold Road, Newbold, Chesterfield, Derbyshire, S41 7PL for Peppermint rove Ltd.

Councillors P Barr, Brady, Brittain, Callan, Caulfield, Dickinson (ward member), Elliott, Hill, Miles, Sarvent, Simmons and Wall.

**82 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bingham, Catt, Davenport and T Gilby.

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

No declarations of interest were received.

**84 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

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

**85 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/17/00421/FUL - RESUBMISSION OF CHE/16/00591/FUL - RESIDENTIAL DEVELOPMENT OF 12 UNITS AND ASSOCIATED ANCILLARY WORKS - REVISED PLANS RECEIVED 12/10/2017 AT THE SHRUBBERIES, 46 NEWBOLD ROAD, NEWBOLD, CHESTERFIELD, DERBYSHIRE S41 7PL FOR PEPPERMINT GROVE LTD

In accordance with Minute No.299 (2001/2002) Mr Matt Barnett (objector) and Ms L Mathews (objector) addressed the meeting. The Chair invited any representative of the applicant, if present, to respond to matters raised during consideration of the application, but there was no response.

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

In the opinion of the local planning authority the development fails to recognise the contribution of the protected trees on the site to the character and appearance of the local area. The development is thereby detrimental to the character and appearance of the site and area having regard to the loss of protected trees contrary to policy CS9 and CS18 of the adopted Chesterfield Core Strategy 2011 – 2031.

CHE/17/00326/REM -SUBMISSION OF RESERVED MATTERS PURSUANT TO PLANNING APPROVAL CHE/15/00116/OUT FOR THE DEVELOPMENT OF 106 RESIDENTIAL DWELLINGS (REVISED DETAILS REC'D 25/09/2017, 10/10/2017, 13/10/2017, 27/10/2017, 01/11/2017, 07/11/2017 AND 09/11/2017) AT CAMMAC COAL, DUNSTON ROAD, CHESTERFIELD, DERBYSHIRE S41 9RL FOR STRATA HOMES YORKSHIRE LIMITED

In accordance with Minute No.299 (2001/2002) Mr Phil Brook (agent for the applicant) addressed the meeting.

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

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

SH/CHEST/LP01 - LOCATION PLAN

House Types

MY (08-V1-2) REV 09 AND MY (09-V1-4) REV 08 – MILAN (FLOOR PLAN & ELEVATIONS)

MY (07-V2-3) REV 10, 12, 13 AND 14 - PARETTI V2 (FLOOR PLAN & ELEVATIONS)

MY (03-V1-4) AND MY (10-V1-4) REV 20 – BARCELONA AND MADRID (FLOOR PLAN & ELEVATIONS)

MY (04-V10-4) REV 10 AND 11 – BOLOGNA (FLOOR PLAN & ELEVATIONS)

MY (04-V11-4) REV 11 AND 12 – CATANIA (FLOOR PLAN & ELEVATIONS)

MY (09-V1-4) REV 08 AND 09 – VENICE (FLOOR PLAN & ELEVATIONS)

MY (19-V1-4) REV 10G AND 11G – COLOGNE (FLOOR PLAN & ELEVATIONS)  
MY (17-V1-4) REV 10, 11 AND 12 – VIENNA (FLOOR PLAN & ELEVATIONS)  
MY (11-V2-4) REV 11 AND 12 – STOCKHOLM (FLOOR PLAN & ELEVATIONS)  
MY (13-V-1-4) REV 10, 11 AND 16 – OPORTO (FLOOR PLAN & ELEVATIONS)  
MY (02-V6-5) REV 11, 12 AND 13 – PALERMO (FLOOR PLAN & ELEVATIONS)  
MY (02-V7-5) REV 01, 02 AND 03 – LAUSANNE (FLOOR PLAN & ELEVATIONS)  
MY (20-V1-5) REV 10 – BORDEAUX (FLOOR PLAN & ELEVATIONS)  
MY (14-V1-5) REV 10 AND 11 – VALENCIA (FLOOR PLAN & ELEVATIONS)

#### Garages

PA/WY/SG1 REV A – SINGLE GARAGE (FRONT TO BACK ROOF)  
PA/WY/DG3 REV A – TWIN GARAGE (FRONT TO BACK ROOF)

#### Site Layout

SH/CHEST/AP01 REV L – APPRAISAL LAYOUT  
SH/CHEST/02/01/04 – CROSS SECTIONS  
SH/CHEST/MAT02 – MATERIALS LAYOUT

#### Engineering Details

1076-1C – ENGINEERING LAYOUT  
1076-5B – MANHOLE SCHEDULE  
1076-2-1B - LONGITUDINAL SECTIONS  
1076-2-2B - LONGITUDINAL SECTIONS  
1076-2-3B - LONGITUDINAL SECTIONS  
1076-2-4B - LONGITUDINAL SECTIONS  
1076-2-5B - LONGITUDINAL SECTIONS  
1076-2-6B - LONGITUDINAL SECTIONS  
1076-9-1A – HIGHWAY CONSTRUCTION  
1076-9-2A – HIGHWAY CONSTRUCTION

#### Landscaping



1501-01B (SHEET 1 OF 4) - DETAILED LANDSCAPE PROPOSALS  
 1501-02B (SHEET 2 OF 4) - DETAILED LANDSCAPE PROPOSALS  
 1501-03B (SHEET 3 OF 4) - DETAILED LANDSCAPE PROPOSALS  
 1501-04B (SHEET 4 OF 4) - DETAILED LANDSCAPE PROPOSALS  
 1501-05B (MASTERPLAN) – LANDSCAPE MASTERPLAN  
 SH/CHEST/AP04 – SURFACING PLAN  
 SH/CHEST/AP05 – BOUNDARY TREATMENTS PLAN

## Documents

Arboricultural Impact Assessment (ref. BA6021AIA)  
 BA6021AIA - Tree Impact Assessment Plan  
 Planning Statement  
 Landscape Management Proposals  
 Covering Letter

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

3. Notwithstanding the details accompanying this reserved matters application, within 2 months of the commencement of development further hard landscaping details shall be submitted to the Local Planning Authority for consideration and subsequent approval in writing. Only those details agreed shall be implemented on site.

CHE/17/00661/FUL - TWO SEMI-DETACHED HOUSES AT 51  
 CHESTERFIELD ROAD, STAVELEY, CHESTERFIELD, DERBYSHIRE  
 S43 3QG FOR MR MICHAEL BELLFIELD OF BELLFIELD  
 CONSTRUCTION

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:

- Streetview rev A
- Parking Provision and Amenity Plan rev A
- Site Location rev A
- Existing Site layout/levels rev A
- Proposed Site levels rev A
- Proposed and existing floor plans rev A
- Cross section rev A
- Landscaping plan rev A
- Drainage layout rev A

with the exception of any approved non material amendment.

3. Before any 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.

4. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawings for vehicles to be parked.

5. 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.

6. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the cladding 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.

7. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a

Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

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

9. 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 finished levels; means of enclosure; gates; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and bin storage areas. The agreed details shall be implemented as part of the development and be retained thereafter.

(B) That a CIL Liability Notice be served for £2,320 as per paragraph 9 of the officer's report.

86 **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/17/00114/FUL	Single storey side and rear extension (Revised drawings received 21.08.2017) at 46 Spring House Close Holme Hall Chesterfield S42 7PD for Mr Richard Houghton
CHE/17/00305/LBC	Provide and fix new aluminium glazing bars with purpose made glazing capping, fix 8 new reinforced glazing panels to match existing and resecure all glazing bars and make watertight and minor repairs to surrounding slate roofs where scaffold is accessible at Brearley Hall Woodmere Drive Old

## Whittington S41 9TA for Brearley Hall Ltd

- CHE/17/00334/FUL Replacement of the existing window units and the proposed installation of 2 no personnel doors on the east facing elevation. Accompany to prior notification submission for conversion of vacant building to residential use CHE/17/00230/TCU at 10B Marsden Street Chesterfield Derbyshire S40 1JY for ASW Consultants LTD
- CHE/17/00375/REM Approval of reserved matters of CHE/16/00508/OUT - Outline planning application for the construction of two blocks of linked townhouses and one bungalow at Hady Miners Welfare Club Houldsworth Drive Hady S41 0BS for Mr Mark Noakes
- CHE/17/00425/FUL Installation of extractor equipment as amended by revised retrospective plans received 20.9.17 and amended site location plan received 20.10.17 at 5 Stephenson Place Chesterfield S40 1XL for Miss Monica Sardisco
- CHE/17/00453/FUL Proposed new unit for B1, B2 and B8 use with parking (revised plans received 11.10.2017) at Turnoaks Business Park Burley Close Chesterfield S40 2UB for Altek Europe Ltd
- CHE/17/00516/FUL 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 hydrogen dispensing unit. The access road will be form a semi-circle with two dropped kerbs allowing access from Colliery Close at Colliery House Colliery Close Staveley S43 3QE for ITM Power (Trading) Ltd
- CHE/17/00591/FUL Erection of a two storey side/rear extension at 48 Glenthorne Close Chesterfield for Mr and Mrs

## Robson

- CHE/17/00599/COU Change of use from bridal shop to a bar including installation of further toilet facilities. Amended site location plan received 20.10.2017 at 37 Holywell Street Chesterfield for Mr Justin Fleming
- CHE/17/00611/FUL Single storey extension at Wood View 7 Florence Close Birdholme S40 2JL for Mr Mark Wood
- CHE/17/00613/FUL Erection of a rear extension and removal of existing detached garage at 1 Poplar Avenue Somersall S40 3JT for Mrs S Gretton
- CHE/17/00614/ADV 1 new suspended LED illuminated logo over the entrance to replace existing, 1 new surface fixed LED illuminated logo over the window to replace existing 2 new double sided projecting signs LED part illuminated logo box, one next to main entrance and one over the window to replace existing at 18 Vicar Lane Chesterfield S40 1PY for H and M Hennes and Mauritz UK and Ireland
- CHE/17/00617/FUL Two storey side extension, single storey rear extension and detached garage. Revised plans received 25 September 2017 at 40 Mansfeldt Road Newbold S41 7BW for Mr J Bedford
- CHE/17/00618/FUL Proposed first floor side extension at 53 Foljambe Avenue Walton S40 3EY for Mr Barry Ward
- CHE/17/00619/FUL Proposed new shop front and siting of condensers on plant deck at 25 - 27 Vicar Lane Chesterfield S40 1PY for Deichmann Shoes UK Ltd
- CHE/17/00620/ADV Fascia sign and projecting sign at 25-27 Vicar Lane Chesterfield S40 1PY for Deichmann Shoes UK Ltd
- CHE/17/00621/FUL Two storey side/front extension. Parking plan received 5.10.17 at 5 Holmebank West Brockwell Chesterfield S40 4AS for Mr John Wall

- CHE/17/00623/COU Change of use from D1 to C3 (A) Residential at 54 Rutland Road Chesterfield Derbyshire S40 1LY for Mrs Susan Cooper
- CHE/17/00626/FUL Proposed change of use of end terrace property into 2 no 1 bed flat units at 64 Chester Street Chesterfield Derbyshire S40 1DW for Mr Raj Dhir
- CHE/17/00629/FUL Retention of an ATM installed through the glazed shop front to the single storey flat roof extension to the right. Replacing glazing to the window to the right of the fixed closed glazed door with new white laminate security infill panels incorporating the ATM. NCR 5887. The internal security roller shutter has been modified to allow constant use of the ATM. Yellow Box Privacy Zone demarcation has been applied to the ground in front of the ATM. Two black steel bollards have been installed in front of the ATM at Spar 58 Mansfield Road Hasland Derbyshire S41 0JF for Cardtronics Service Solutions Ltd
- CHE/17/00630/ADV Illuminated polycarbonate black and green surround signage with illuminated white lettering "free cash withdrawals and balance enquiries" and "cash zone" Halo illumination to polycarbonate surround. Illuminated signage to ATM fascia. Green acrylic sign with white lettering "cashzone" and accepted card logos at Spar 58 Mansfield Road Hasland S41 0JF for Cardtronics Service Solutions Ltd
- CHE/17/00633/TPO Works to lime tree at Devonshire Park Devonshire Street Brimington S43 1GA for Mrs Jane Bulko
- CHE/17/00635/FUL Hip to gable loft conversion with rooflights on the front elevation and a dormer on the rear elevation at 340 Brimington Road Tapton S41 0TF for Mrs H Peet
- CHE/17/00639/RET Resubmission of CHE/16/00780/RET - Removal of fence and hedge to replace with wooden fencing and reduce the height of fencing to front at 1 Tollbridge Road Woodthorpe S43 3BL for Miss

Linda Kinsey

- CHE/17/00648/FUL Single storey extension to garage, with new roof and rear canopy at 9 Lansdowne Avenue Newbold S41 8PL for Mr Rob Hemming
- CHE/17/00650/FUL Ground floor extension to the rear at 63 Hollingwood Crescent Hollingwood S43 2HF for Mrs Melissa Hout
- CHE/17/00654/FUL Resubmission for application CHE/17/00276/FUL (for proposed two storey side extension and replacement front porch) to include room in roof at 191 Whitecotes Lane Walton S40 3HJ for Mr Roger Brailsford
- CHE/17/00657/ADV 1 internally illuminated "Mercedes-Benz" letter set at Mercedes-Benz Lockoford Lane Tapton S41 7JB for Mercedes-Benz UK
- CHE/17/00662/FUL Single storey side and front extension at 2 Nevis Close Loundsley Green Chesterfield S40 4NS for Mr and Mrs Amissah-Berntssso
- CHE/17/00664/CA Removal of tree branches encroaching onto Manor Farm Church Street North at St Bartholomew's Church Church Street North Old Whittington Derbyshire S41 9QW for Miss Lucinda Lister
- CHE/17/00671/TPO Remove dead wood and thin crowns on trees T24, T25 and T26 at 42 Netherleigh Road Ashgate Chesterfield S40 3QJ for Mr Peter Passmore
- CHE/17/00676/FUL Extension and alteration to dwelling at 3 Wentworth Avenue Walton S40 3JB for Rachael Stapleton
- CHE/17/00693/LBC Redecoration and repair of existing shop front and new non-illuminated signage at 47 Low Pavement Chesterfield S40 1PB for J G Foods Ltd
- CHE/17/00701/TPO T6 - Reduction in height to leave main stem to height of 6-8 metres T7 - Fell at 47 Paisley Close

Staveley Derbyshire S43 3NS for Neighbourhoods Team

CHE/17/00704/FUL Detached garage at 3 Litton Close Staveley Derbyshire S43 3TD for Mr Darren Norton

CHE/17/00745/LBC To fix blue plaque on entrance to Ringwood Hall at Ringwood Hall Chesterfield Road Brimington S43 1DQ for Chesterfield and District Civic Society

(b) Refusal

CHE/17/00641/TPO Fell 3 Pine trees adjacent to the gable of the house, not only are they causing subsidence but they have insufficient amenity value to justify protection at 392 Ashgate Road Chesterfield S40 4DD for Mr Roger Myddelton

(c) Discharge of Planning Condition

CHE/17/00681/DOC Discharge of planning conditions 4 and 24 of approved application CHE/16/00016/OUT re-submission of CHE/14/00873/OUT - Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save for means of access into the site) at land to the west of Dunston Lane Newbold for William Davis Ltd

CHE/17/00684/DOC Discharge of Condition Nos. 9 (Site Investigation) and No. 11 (Specifications and Samples of Materials) - Planning Application CHE/17/00068/FUL (Proposed new dormer bungalow within the curtilage of 7 Myrtle Grove) at 7 Myrtle Grove Hollingwood S43 2LN for Mr. Shaun Cooper

CHE/17/00734/DOC Discharge of condition 15 (employment and training scheme) of CHE/16/00016/OUT - Residential development along with associated access, public open space, landscaping and surface water balancing (all matters reserved save



for means of access into the site) at land to the west of Dunston Lane Newbold for William Davis Ltd

(d) Split decision with conditions

CHE/17/00666/TPO Crown lift and crown thin including pulling in some long branches of T7 (large sycamore) and crown lift and crown thin including pulling in some large long branches of T135 (large copper beech) at St Peter and St Paul School Hady Hill Hady S41 0EF for St Peter and St Paul School

CHE/17/00697/TPO Ash Tree - Height reduction - crown lift to 3.5m and crown thin to 25% at 11 Whitecotes Park Chesterfield S40 3RT for Mr P Arscott

(e) Prior notification approval not required

CHE/17/00696/TPD Kitchen and shower room extension and utility room extension to end of garage at 33 Highfield Lane Newbold S41 8AZ for Mrs G Roberts

CHE/17/00699/TPD Single storey rear extension at 25 Larch Way Brockwell Chesterfield S40 4EU for Mr Ross Metcalfe

CHE/17/00743/TPD Extension to rear of detached property. Replacing and exceeding plan layout of existing conservatory. Traditional cavity wall and tiled pitched roof to match existing building at 4 Bunting Close Walton S42 7NU for Mrs Jane Christian

(f) Prior Notification Approval

CHE/17/00723/PA Conversion of first and second floor office space to form 4 no studio apartments and associated storage space at Derbyshire Carers Association 69 West Bars Chesterfield S40 1BA for Sycamore Estates

(g) Other Council no objection without comments

CHE/17/00728/CPO Relocation and extension of security fencing at Gilbert Heathcote Infant and Nursery School Sheffield Road Whittington Moor Derbyshire S41 8NF for Mr Dave Massingham

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

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

(a) The felling and pruning of trees:-

CHE/17/00641/TPO Consent is refused to the felling of 3 Pine trees within G2 on the Order map for Anderson tree care on behalf of Mr Myddelton of 392 Ashgate Road, Ashgate, Chesterfield.

CHE/17/00666/TPO Consent is granted to the felling of one Beech tree reference T169 and the pruning of 30 trees reference T7, T116, T117, T118, T120, T151 and T152 Sycamore, T112 and T113 Lime, T114, T115, T121, T126, T129, T131, T136 and T137 Yew, T119, T124, T134, T135 and T139 Beech, T122 and T127 Weeping Ash, T123 and T128 Holly, T125 Cedar and T130, T132 and T133 Pear on the Order Map Ken Portas tree services on behalf of St Peter and St Paul School, Hady Hill, Chesterfield.

The replacement tree is to be one standard sized Oak.

CHE/17/00633/TPO Consent is granted to the pruning of one Lime tree reference T2 on the Order map for Mrs Bulko of 28 Devonshire Street, Brimington. The tree is allegedly blocking out light and touching the dwelling. The tree is located in Devonshire Park, Brimington, Chesterfield.

CHE/17/00697/TPO Consent is refused to the pruning of one Ash

tree reference T4 on the Order map for Mr Arscott of 11 Whitecotes Park, Boythorpe, Chesterfield.

CHE/17/00701/TPO

Consent is granted to the felling of one Ash tree reference T7 and the pruning of one Ash tree reference T6 on the Order map for Chesterfield Borough Council Housing Services with a condition to plant a Beech tree in the adjacent grassed area in the first available planting season. The tree is at 47 Paisley Close, Middlecroft, Chesterfield.

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

CHE/17/00664/CA

The pruning of 2 Sycamore trees for Miss L. Lister at Bartholomew's Church, Old Whittington

Agreement to the pruning of two Sycamore trees. The pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Old Whittington Conservation Area and the applicant wishes to prune the trees because of the low branches hitting the lighting columns to the ménage at Manor Farm, Church Street North, Old Whittington, Chesterfield.

**88 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.

**89 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.

**90 DIVERSION OF PUBLIC RIGHTS OF WAY (FOOTPATHS) AT LOUNDSLEY GREEN ESTATE, CHESTERFIELD**

The Development and Conservation Manager submitted a report to consider routes of definitive footpaths in and around the Loundsley Green area which had been affected by development of the estate and to consider the need for formal diversion orders.

**\*RESOLVED –**

That the opportunity for a joint CBC and DCC approach should be pursued to resolve the diversion and extinguishment issues referred to in the report involving:

1. under s119 of the Highways Act 1980 FP 63, 66 be diverted as shown on the plans appended to the report and as described in the report, subject to the decision on the precise route being delegated to officers, and the required full publicity and consultation exercise and that any unresolved objections received to the proposed Order be considered (if appropriate) by Planning Sub Committee and referred to the Secretary of State for a decision.
2. under s118 of the Highways Act 1980 FP 60, 63, 66, 165, 166 and 167 be extinguished as shown on the plans appended to the report and as described in the report, subject to the decision on the precise route being delegated to officers, and the required full publicity and consultation exercise and that any unresolved objections received to the proposed Order be considered (if appropriate) by Planning Sub Committee and referred to the Secretary of State for a decision.

# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	11 <sup>TH</sup> DECEMBER 2017
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER'S REPORT ON THE 11<sup>TH</sup> DECEMBER 2017**

- ITEM 1**     **CHE/ 17/00756/OUT - Outline application for residential development on land on Goytside Road corner with Factory Street, Chesterfield, Derbyshire for LIDL UK GMBH**
- ITEM 2**     **CHE/17/00757/OUT - Outline application for residential development on land off Goytside Road, Chesterfield, Derbyshire for LIDL UK GMBH**
- ITEM 3**     **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**
- ITEM 4**     **CHE/17/00540/FUL - Extension at ground floor for new consulting rooms and pharmacy, new offices at first floor level at Newbold Surgery, 3 Windermere Road, Newbold, Chesterfield**
- ITEM 5**     **CHE/17/00209/FUL - 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**
- ITEM 6**     **CHE/17/00747/FUL – Residential development at land to rear of 109 Middlecroft Road, Staveley, Chesterfield**

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 11<sup>th</sup> December 2017

File No: CHE/17/00756/OUT  
Plot No: 2/536

## ITEM 1

### OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND ON GOYTSIDE ROAD CORNER WITH FACTORY STREET, CHESTERFIELD, DERBYSHIRE FOR LIDL UK GMBH

Local Plan: Unallocated  
Ward: Holmebrook

#### 1.0 CONSULTATIONS

DCC Highways	Referred on 02/11/2017 – no further comments received
Environmental Services	Comments received 27/10/2017 – see report
Crime Prevention Design Advisor	Comments received 03/11/2017 – see report
Lead Local Flood Authority	Comments received 07/11/2017 – refer to Standing Advice
DCC Archaeologist	Comments received 14/11/2017 – see report
Design Services	Comments received 15/11/2017 – see report
Planning Policy Team	Comments received 16/11/2017 – see report
Coal Authority	Comments received 17/11/2017 – see report
Derbyshire Wildlife Trust	Comments received 17/11/2017 – see report
Yorkshire Water Services	Comments received 20/11/2017 – see report
Urban Design Officer	Comments received 28/11/2017 – see report
Ward Members	No comments received
Site Notice / Neighbours	Two letters of representation received

## 2.0 **THE SITE**

2.1 The site is currently used for vehicle storage as part of Perrys Ford Garage located off Chatsworth Road and is 0.11 hectares (0.27 acres) in area. It is located at the junction of Factory Street and Goytside Road and is enclosed by a metal fence along its south and west boundaries. Vehicular access into the site can be taken from Factory Street and from within the garage site. Existing residential development is located to the east of the site and a full planning application has been submitted on behalf of Lidl for the redevelopment of the Perrys Ford Dealership site for a replacement new Lidl foodstore to the north / north east.

## 3.0 **RELEVANT SITE HISTORY**

3.1 CHE/17/00757/OUT - Outline application for residential development on land off Goyt Side Road, Brampton. Pending consideration.

3.2 CHE/17/00209/FUL - Demolition of existing buildings and structures apart from the retention of the former Sunday School building, erection of foodstore and creation of new/alterations to existing accesses, with associated parking, servicing and landscaping.  
Pending decision – Planning Committee resolution 30<sup>th</sup> October 2017 to approve subject to S106.

## 4.0 **THE PROPOSAL**

4.1 The application submitted seeks outline planning permission with all matters reserved for the proposed development of the site located at the corner of Factory Street and Goyt Side Road for residential purposes. Access to the development is indicated as being proposed from Factory Street which adjoins the site on its western boundary.

4.2 The application submission is accompanied by the following plans / documentation / reports:  
P415 REV A – Site Location Plan  
P413 REV D – Indicative Site Masterplan  
Lichfields Covering Letter dated 17/10/2017  
Coal Mining Risk Assessment prepared by Brownfield Consulting & Development (dated August 2017)

Ecology Survey prepared by BSG Ecology (dated March 2017)  
Flood Risk Assessment prepared by Eastwood & Partners (dated October 2017)  
Arboricultural Report & Impact Assessment prepared by AWA Tree Consultants dated March 2017.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated in within the built settlement of the Holmebrook ward, adjacent to the designated Chatsworth Road District Centre and Chatsworth Road Conservation Area. The site is surrounded by a mix of commercial and residential uses.

5.1.2 Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS18, CS19 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

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

### 5.2 **Principle of Development**

5.2.1 The application site is not identified for any specific use on the Local Plan Regulation 22 (1) (b) proposals map, however it is within the extent of the broad area covered by Place Shaping Policy PS2: 'Chatsworth Road Corridor'. PS2 and policies CS1 and CS2 are therefore the key factors in determining the principle of development in this case.

5.2.2 The site, which is on previously developed land, is within walking distance of Chatsworth Road District Centre and benefit from the proximity of public transport links along Chatsworth Road and the presence of the Hipper Valley Cycle Trail. Chatsworth Road is also identified through place shaping policy PS2 as an area for regeneration. It is are therefore in accordance with the principles for the location of development ('concentration and regeneration') set out in CS1 and CS2.

- 5.2.3 Policy PS2 sets out a series of criteria against which development in this area should be assessed. Of Particular note is a) (vitality and viability of Chatsworth Road district centre), c) (strengthening links between the land south of Chatsworth Road with the district centre and surrounding communities, and d) providing a new variety of uses that will create a mixed, sustainable community). By adding to the residential components in the area, the proposal is likely to contribute positively towards these three objectives, and would not be contrary to any of the other objectives of the policy.
- 5.2.4 Although the application is in outline only, attention is drawn to the potential relationship to the recently approved scheme for a new food store to the north (by the same applicant) and nearby substation. Assessments of noise and, if necessary, appropriate mitigation will need to be undertaken to support future reserved matters applications in order to satisfy the requirements of policy CS8.
- 5.2.5 Given the potential to create off-street parking opportunities for future residents, the comments of the council's Environmental Health team, and the government's commitment for all new vehicles in the UK to be zero emission at source by 2040, attention is drawn to criteria (e) of policy CS20, that development proposals will be expected to demonstrate 'provision of opportunities for charging electric vehicles where appropriate'. A condition requiring submission of a scheme for electric vehicle charging should be considered.
- 5.2.6 The proposed developments would be liable for the Community Infrastructure Levy (CIL), subject to exemptions, upon commencement. The proposals are in the 'medium' charging zone, subject to a charge of £50 per sqm GIA (subject to index linking). The applicant's attention should be drawn to the requirements of CIL going forwards in terms of providing appropriate information and applying for any exemptions.

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

- 5.3.1 The application seeks outline planning permission with all matters reserved; however an indicative layout is provided at this stage with buildings shown addressing the Goyt Side Road and the corner with Factory Street and parking to the rear. This is

appropriate in principle and any development should positively address the frontages and the corner location in particular, which is an important location within the local townscape.

- 5.3.2 As currently shown, one plot appears to cut across the rear of two units facing Goyt Side Road, which is unlikely to prove acceptable in practice but at this stage it is appreciated that this layout is only indicative in showing potentially how a development may be formed on the site.
- 5.3.3 Private amenity space appears very limited and would be likely to fall short of the normal expected requirements as defined within the adopted SPD (Successful Places, 2013). This would need to be considered at the reserved matters stage having regard to the nature of the accommodation (for example flats require less amenity space), the number of units proposed and the ability to deliver a suitable form of development for the location.
- 5.3.4 The comments of the Crime Prevention Design Advisor are noted in relation to the rear parking area. However, provided that any rear parking is appropriately design i.e. with lighting, good levels of supervision, robust boundary treatments and hard and soft landscaping there is no reason why a successful rear parking area could not be achieved in principle. Further guidance on the design of rear courts is available within the parking section of the Councils SPD Successful Places (2013).
- 5.3.5 Given the corner position of the site, local building lines, the need to achieve adequate visibility and limit conflicting vehicle movements, the provision of individual on-plot parking is unlikely to prove practical or appropriate in townscape terms. As such, a rear parking court would provide a suitable parking solution (subject to achieving a satisfactory design).
- 5.3.6 Scale and massing is currently reserved, although the adjacent 3-storey houses would provide a suitable benchmark in respect of height and scale and the corner position is such that the scale of development at the junction could potentially be slightly higher to address this location in the local townscape.
- 5.3.7 Appearance and Landscaping are also reserved and therefore materials, hard and soft landscaping can be addressed at the detailed application stage. Requirements for landscaping and

approval of materials / finishes should however be required by condition.

- 5.3.8 Overall there is no objection in principle, from an urban design perspective, to residential development in this location. However, the way in which any development addresses the corner position and adjacent frontages will be a particularly important consideration. 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 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 The application submission was referred by the Local Highways Authority (LHA) to their team for review; however no further comments have been received at the time of writing this report (despite the statutory consultation period having lapsed).
- 5.4.2 Notwithstanding this given that the application at this stage is only seeking outline permission with all matters (including access) reserved, highways considerations are limited to securing an agreement that a point of access could be achieved to serve the development.
- 5.4.3 The indicative site layout plans shows that for this development parcel an access could be created to Factory Street which is considered to be acceptable. It is noted that the frontage to this particular development site is also the suggested route for an enhancement to the footway along Factory Street to upgrade the footpath to a shared pedestrian and cycle path to serve the new Lidl foodstore proposed on the site to the north. Notwithstanding this it is considered that there would still be an opportunity to create an access to serve residential development; however this is likely to take the form of a dropped crossing to ensure pedestrian / cycle priority is not interrupted. Visibility would need to be designed into a reserved matters layout commensurate to this type of route.

5.4.4 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 **Flood Risk & Drainage**

5.5.1 The application submission is supported by a Flood Risk Assessment which was passed to the **Design Services (Drainage) team** (DS team) and **Yorkshire Water Services** (YWS) for review in the context of policy CS7 of the Core Strategy.

5.5.2 The DS team and YWS responded to the application as follows (respectively):

*'With regards to the above planning applications for the residential development at Goytside Road, the drainage strategy mentions the use of infiltration drainage. If this is proposed we would like to see percolation tests of the subsoils prior to approval to ensure that soakaways are suitable for use at this site. The soakaway should be designed in accordance with BRE Digest 365 to ensure that no flooding occurs during a 30 year design storm and no flooding to property occurs during a 100 year storm.'*

*If any connections are to be made to the public sewer then the applicant will also need to liaise with Yorkshire Water.*

*We would like to see full details of the proposed drainage from site. The surface water drainage should be carried out in accordance with DEFRA technical standards and should look to employ sustainable drainage principles where suitable.'*

*'The Flood Risk Assessment (prepared by Eastwood and Partners - Report 36710-008 dated October 2017) is acceptable. In summary, it states that foul water will discharge to public combined sewer, and with regard to surface water, sub-soil conditions do not support the use of soakaways so surface water will drain to watercourse (River Hipper).'*

*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. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.'*

- 5.5.3 It is considered that an appropriate planning conditions can be imposed which requires the submission of further detailed drainage designs to satisfy the queries outstanding. Both consultees are agreeable in principle to the drainage strategy being proposed, but seek further technical detail on the system to be fully satisfied. This can be dealt with by pre-commencement condition in accordance with policy CS7 of the Core Strategy.

## 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 (which included a Coal Mining Risk Assessment) and provided the following response:

*'The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.'*

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

*In the event that the site investigations confirm the need for remedial works to treat 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, including the results of gas monitoring;*
- \* The submission of a scheme of remedial works for approval; and*
- \* The implementation of those remedial works.*

*The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report 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 has no objection to the proposed development subject to the imposition of a condition to secure the above.'*

5.6.2 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.

5.6.3 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:

*'The site has a previous industrial use, in light of this any development will require the submission of a desk study and it is likely that follow up site investigation may be required carried out. All reports should be submitted in writing to Chesterfield Borough Council for approval prior to commencement of development.*

*Any approval granted will require restrictions on the hours of building operation due to the proximity of dwellings.*

*Noise assessments will be required on the impact of the existing electrical transformers and substation to the east of the site, and mitigation measures which will be included in the design of the proposed dwellings*

*Noise assessments will be required on the impact of the proposed plant room at the proposed supermarket to the north of the site and mitigation measures which will be included in the design of the proposed dwellings or supermarket*

*As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase of the dwellings.'*

5.6.4 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. In respect of land contamination these can be required prior to the commencement of development; however in respect of noise assessment these will need to be undertaken to inform any subsequent reserved matters application (as the results may have an impact /bearing upon the overall layout of the site, landscaping and the design of the dwellings). The standard construction hours restriction condition would also need to be imposed to protect the amenity of the adjoining residential neighbours.

5.6.5 It is noted that the comments of the EHO and also those from the Planning Policy team (incorporated in section 5.2 above) refer to the provisions of policy CS20 of the Core Strategy (and more up to date Government guidance) where the need to ensure provision for electrical vehicle charging is incorporated into new development is set out. It is considered an appropriate planning condition can be imposed to this effect to ensure that any reserved matters application is designed to facilitate these provisions.

## 5.7 **Archaeology / Heritage**

5.7.1 In respect of archaeological / heritage issues the site the subject of the application is of interest to the DCC Archaeologist due to potential below ground archaeological remains from the industrial history associated with the site. The DCC Archaeologist sought

consultation on the planning application and provided the following response:

*'An archaeological desk-based assessment which was prepared for the wider site, in association with application number: CHE/17/00209/FUL, identified archaeological potential in the area which is the subject of this application.*

*Historic mapping which is depicted in the desk-based assessment shows that the wider application site (CHE/17/00209/FUL ) had some level of development by the time of a plan of 1811 depicting the route of the Chesterfield to Baslow Turnpike diversion. The Walton Township of tithe map of 1849 however, shows structures and land divisions within the footprint of the proposed development site (CHE/17/00756/OUT ). Immediately to the south of these features is a mill goyt. It is thought that this was constructed to power the iron foundry known as Cannon Mill which lay c. 400m to the east of the site. This mill was one of the earliest industrial buildings in the Chesterfield area, built before 1778, and was part of the Griffin Foundry operated by John & Ebenezer Smith and Co in the period 1775 – 1833.*

*The 1878 O.S. map of this part of Chesterfield shows a block of terraced housing (Sherwin's Row) within the development site (CHE/17/00756/OUT ), which were largely demolished by the mid 1960s, but for a row of houses which front on to Factory Street. These structures are shown on maps which date from the mid 1990s, but have since been demolished. .*

*The desk-based assessment confirms that the wider site has high potential for 19th and 20th century industrial archaeological remains, medium potential of deeper cut features such as coal mining bell pits and medium potential for palaeoenvironmental remains and Mesolithic flint knapping sites associated with the River Hipper (sections 5.4 and 6.5 ). These remains are non-designated heritage assets and the desk-based assessment recognises that these will be impacted by the groundworks involved in the development (section 5.6) and that they are of archaeological significance (section 5.11 – 5.13).*

*In terms of the proposed development site (CHE/17/00756/OUT) specifically, is likely that the subsurface remains of the structures which are shown on the 1849 Tithe map, as well as those of the*

*housing which is shown on the 1878 O.S, still survive as foundations. In addition to this, the close proximity of the line of the River Hipper and the former goyt structure, are likely to retain waterlogged conditions which will contain the palaeoenvironmental remains described in the desk-based assessment.*

*Paragraph 141 of NPPF requires that developers should record and advance understanding of the significance of any heritage assets to be lost. In order that this requirement can be can be addressed we would recommend that the following condition be attached to CHE/17/00756/OUT:*

*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.'*

5.7.2 Having regard to the comments received above from the DCC Archaeologist the Council is aware of the potential below ground interest as it arose as a result of the adjacent sites proposed development considerations for the new foodstore (CHE/17/00209/FUL). The studies which were submitted recommend that the further WSI works are undertaken and therefore it is considered to be acceptable to impose an appropriate condition to this affect where these potential features affect this particular application site.

## 5.8 **Ecology**

5.8.1 The site the subject of the application is predominantly hard surfaced and is subsequently cleared of any vegetation with peripheral trees being the only soft landscaped features.

5.8.2 The application submission was accompanied by a Tree Survey and Ecology Survey which were reviewed by Derbyshire Wildlife Trust under their service level agreement with the LPA. The following comments were received:

*'The ecology report submitted covers the entire car sales site, of which the current application area is located in the south-eastern corner. The area supports ephemeral/short perennial vegetation and hardstanding, with scattered trees and a small area of scrub. There are no buildings within the application area and the River Hipper is located 50 m to the north.*

*Whilst the ecology report does not specifically assess the impacts of the proposed housing (it deals only with proposals of a supermarket), it does conclude that the loss of ephemeral/perennial vegetation would be of importance at the level of the Site only.*

*We note that the Masterplan indicates that all trees within the application area will be removed. Currently, ecological value on site is limited and this will result in the loss of the main features of ecological interest. We recommend that these trees should only be removed if absolutely necessary and that replacement native tree planting is incorporated. There appears to be scope for this in the very eastern corner.*

*It is considered that sufficient information has been provided to determine the planning application. In accordance with national planning policy, we would encourage ecological enhancements to be included within proposals. If the council are minded to grant permission, we recommend that the following conditions are attached:*

*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.'*

- 5.8.3 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 could be secured in the form of bird and bat boxes and under the provisions of policy CS9 it is considered that these measures should be conditioned.

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

- 5.9.1 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.
- 5.9.2 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 site notice posted on 01/11/2017 and by neighbour notification letters sent on 27/10/2017.

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

### **A Local Resident**

I support the residential development of this vacant Brownfield land.

### **Sidcot Group – Walton Papermill**

Having looked at the plans, I write in response to your notification letter;

Whilst we support the overall regeneration of the area as laid out in section 4.11 of the local plan, we feel we must make an objection to this application on grounds of potential future complaints about noise and vehicular movements;

Goytside Road and Factory Street are the roads that we use for our site access, we have over forty HGV movements between our premises and Chatsworth Road daily over a 24hr period Mon-Fri and at least twenty movements over a 24hr period Sat-Sun;

The development if approved will cause an inevitable source of future complaints against our premises and established B2 class operation because of these vehicle movements and noise from our sites plant and equipment. Any such complaints would seriously compromise the operation of our site.

6.3 ***Officer Response. The comments of the representation above are noted; however it is considered that appropriate measures can but put in place to protect the future amenity of any residents through noise assessment and mitigation. This***

***reflects the approach which has already been advocated on the Walton Works development proposals which include housing development on sites also in close proximity to the Papermill. The quantum and frequency of the HGV movements along Factory Street and Goyt Side Road associated with the Papermill are noted; however this does not justify rejection of planning permission for any other development in the nearby vicinity.***

## 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 (inc. a CIL Liability note imposed as per section 5.9 above):

### **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. 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.

*Reason – In the interests of residential amenity.*

09. 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 LAmax(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).

*Reason - In the interests of the amenities of any future occupants.*

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.*

### 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.

*Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.*

### 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.*

## 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.

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

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.

*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.*

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.

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

## Notes

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



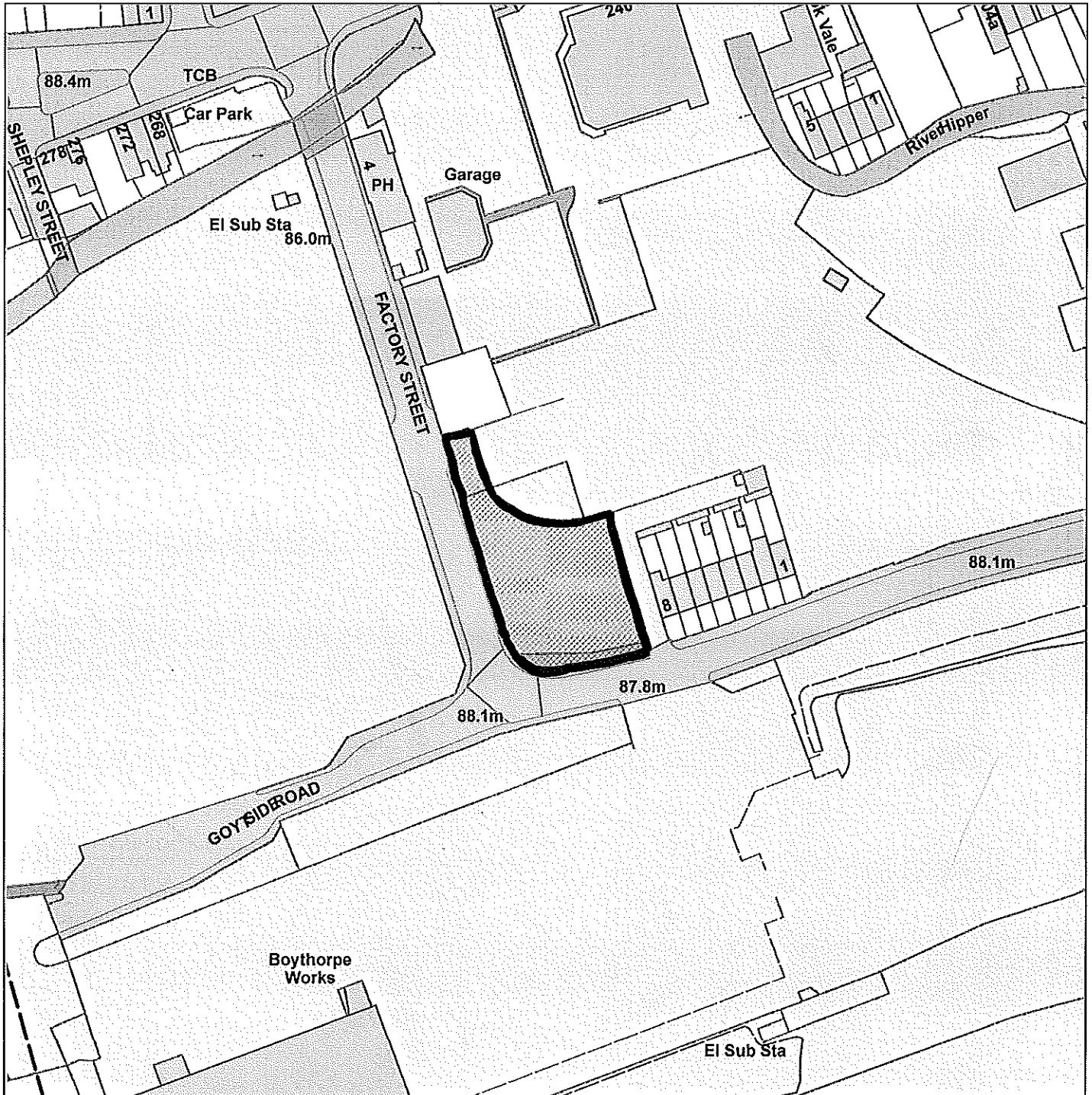
05. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel 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'.

Not Set



Scale : 1:1333

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 November 2017
<b>SLA Number</b>	Not Set

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 11<sup>th</sup> December 2017

File No: CHE/17/00757/OUT  
Plot No: 2/536

## ITEM 2

### OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND OFF GOYT SIDE ROAD, CHESTERFIELD, DERBYSHIRE FOR LIDL UK GMBH

Local Plan: Unallocated  
Ward: Holmebrook

#### 1.0 CONSULTATIONS

DCC Highways	Referred on 02/11/2017 – no further comments received
Environmental Services	Comments received 30/10/2017 – see report
Crime Prevention Design Advisor	Comments received 03/11/2017 – see report
Lead Local Flood Authority	Comments received 09/11/2017 - refer to Standing Advice
DCC Archaeologist	Comments received 14/11/2017 – see report
Design Services	Comments received 15/11/2017 – see report
Planning Policy	Comments received 16/11/2017 – see report
Coal Authority	Comments received 17/11/2017 – see report
Derbyshire Wildlife Trust	Comments received 20/11/2017 – see report
Yorkshire Water Services	Comments received 21/11/2017 – see report
Urban Design Officer	Comments received 28/11/2017 – see report
Ward Members	No comments received
Site Notice / Neighbours	One letter of representation received

## 2.0 **THE SITE**

- 2.1 The site is currently used for vehicle storage as part of Perrys Ford Garage located off Chatsworth Road and is 0.23 hectares (0.57 acres) in area. It is located off Goytside Road and is enclosed by a brick wall and fencing along its boundary adjacent to Goytside Road. Vehicular access can be taken from Goytside Road and from within the Perrys Ford garage site. The Chatsworth Business Park is located adjacent to the site to the east and existing residential development is located to the west. A full planning application has been submitted on behalf of Lidl for the redevelopment of the Perrys Ford Dealership site for a replacement new Lidl foodstore to the north.

## 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/17/00756/OUT - Outline application for residential development on land on the corner of Factory Street and Goyt Side Road, Brampton.  
Pending consideration.
- 3.2 CHE/17/00209/FUL - Demolition of existing buildings and structures apart from the retention of the former Sunday School building, erection of foodstore and creation of new/alterations to existing accesses, with associated parking, servicing and landscaping.  
Pending decision – Planning Committee resolution 30<sup>th</sup> October 2017 to approve subject to S106.

## 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks outline planning permission with all matters reserved for the proposed development of the site located on land off Goyt Side Road for residential purposes. Access to the development is indicated as being proposed from Goyt Side Road which adjoins the site on its southern boundary.
- 4.2 The application submission is accompanied by the following plans / documentation / reports:  
P415 REV A – Site Location Plan  
P413 REV D – Indicative Site Masterplan  
Lichfields Covering Letter dated 17/10/2017

Coal Mining Risk Assessment prepared by Brownfield Consulting & Development (dated August 2017)  
Ecology Survey prepared by BSG Ecology (dated March 2017)  
Flood Risk Assessment prepared by Eastwood & Partners (dated October 2017)  
Arboricultural Report & Impact Assessment prepared by AWA Tree Consultants dated March 2017.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated in within the built settlement of the Holmebrook ward, adjacent to the designated Chatsworth Road District Centre and Chatsworth Road Conservation Area. The site is surrounded by a mix of commercial and residential uses.

5.1.2 Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS18, CS19 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

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

### 5.2 **Principle of Development**

5.2.1 The application site is not identified for any specific use on the Local Plan Regulation 22 (1) (b) proposals map, however it is within the extent of the broad area covered by Place Shaping Policy PS2: 'Chatsworth Road Corridor'. PS2 and policies CS1 and CS2 are therefore the key factors in determining the principle of development in this case.

5.2.2 The site, which is on previously developed land, is within walking distance of Chatsworth Road District Centre and benefit from the proximity of public transport links along Chatsworth Road and the presence of the Hipper Valley Cycle Trail. Chatsworth Road is also identified through place shaping policy PS2 as an area for regeneration. It is are therefore in accordance with the principles

for the location of development ('concentration and regeneration') set out in CS1 and CS2.

- 5.2.3 Policy PS2 sets out a series of criteria against which development in this area should be assessed. Of Particular note is a) (vitality and viability of Chatsworth Road district centre), c) (strengthening links between the land south of Chatsworth Road with the district centre and surrounding communities, and d) providing a new variety of uses that will create a mixed, sustainable community). By adding to the residential components in the area, the proposal is likely to contribute positively towards these three objectives, and would not be contrary to any of the other objectives of the policy.
- 5.2.4 Although the application is in outline only, attention is drawn to the potential relationship to the recently approved scheme for a new food store to the north (by the same applicant) and nearby substation. Assessments of noise and, if necessary, appropriate mitigation will need to be undertaken to support future reserved matters applications in order to satisfy the requirements of policy CS8.
- 5.2.5 Given the potential to create off-street parking opportunities for future residents, the comments of the council's Environmental Health team, and the government's commitment for all new vehicles in the UK to be zero emission at source by 2040, attention is drawn to criteria (e) of policy CS20, that development proposals will be expected to demonstrate 'provision of opportunities for charging electric vehicles where appropriate'. A condition requiring submission of a scheme for electric vehicle charging should be considered.
- 5.2.6 The proposed developments would be liable for the Community Infrastructure Levy (CIL), subject to exemptions, upon commencement. The proposals are in the 'medium' charging zone, subject to a charge of £50 per sqm GIA (subject to index linking). The applicant's attention should be drawn to the requirements of CIL going forwards in terms of providing appropriate information and applying for any exemptions.

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

- 5.3.1 The application seeks outline planning permission with all matters reserved; however an indicative layout is provided at this stage



with buildings shown addressing the Goyt Side Road frontage. A central point of access is indicated between two short terraces of four houses. This access drive serves an area of communal parking to the rear. This is appropriate in principle and any development should positively address the frontage onto Goyt Side Road. This would ensure a reinstatement and continuation of the streetscene that is currently absent, and which would enhance the local townscape.

- 5.3.2 Private amenity space appears very limited for most plots and would be likely to fall short of the normal expected requirements for garden sizes as defined within the adopted SPD (Successful Places, 2013). This would need to be considered at the reserved matters stage having regard to the nature of the accommodation (for example flats require less amenity space), the number of units proposed and the ability to deliver a suitable form of development for the location.
- 5.3.3 An alternative parking arrangement could assist in this respect. For example there would appear to be sufficient site frontage to separate the buildings into pairs of semi-detached houses and locate some parking between the dwellings. This would obviate the need for the rear parking court and facilitate larger gardens for each unit. This is however, less beneficial in townscape terms than the terraces currently shown on the indicative layout, which would provide a strong street scene. However, much will depend on the nature of the proposed development at the reserved matters stage.
- 5.3.4 The comments of the Crime Prevention Design Advisor are noted in relation to the rear parking area. However, provided that any rear parking is appropriately designed i.e. with lighting, good levels of supervision, robust boundary treatments and hard and soft landscaping there is no reason why a successful rear parking area could not be achieved in principle (notwithstanding the comments in relation to private amenity space above). Further guidance on the design of rear courts is available within the parking section of the Councils SPD Successful Places (2013). As currently shown this appears more as a car park rather than a domestic 'courtyard' space and amendment of the parking court design would be required.
- 5.3.5 Given the building line of the neighbouring houses and the relationship to the street, maintaining the building line as well as a

positive frontage addressing Goyt Side Road is a design principle that would be sought at the reserved matters stage. An appropriate front boundary treatment, such as a brick wall, to continue the adjacent brick walls would also be necessary in this location.

5.3.6 Scale and massing is currently reserved, although the adjacent 3-storey houses would provide a suitable benchmark in respect of height and scale and as such that the scale of development should potentially be similar to address and enclose Goyt Side Road and provide continuity to the street at this point.

5.3.7 Appearance and Landscaping are also reserved and therefore materials, hard and soft landscaping can be addressed at the detailed application stage. Requirements for landscaping and approval of materials / finishes should however be required by condition.

5.3.8 Overall there is no objection in principle, from an urban design perspective, to residential development in this location. However, the way in which any development addresses the corner position and adjacent frontages will be a particularly important consideration. 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 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 The application submission was referred by the Local Highways Authority (LHA) to their team for review; however no further comments have been received at the time of writing this report (despite the statutory consultation period having lapsed).

5.4.2 Notwithstanding this given that the application at this stage is only seeking outline permission with all matters (including access) reserved, highways considerations are limited to securing an agreement that a point of access could be achieved to serve the development.

- 5.4.3 The indicative site layout plans shows that for this development parcel an access could be created to Goyt Side Road which is considered to be acceptable. It is considered that there is sufficient site frontage to create an access to serve residential development; however this is likely to take the form of a dropped crossing to ensure pedestrian / cycle priority is not interrupted along Goyt Side Road. Visibility would need to be designed into a reserved matters layout commensurate to this type of route.
- 5.4.4 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 **Flood Risk & Drainage**

- 5.5.1 The application submission is supported by a Flood Risk Assessment which was passed to the **Design Services (Drainage) team** (DS team) and **Yorkshire Water Services** (YWS) for review in the context of policy CS7 of the Core Strategy.
- 5.5.2 The DS team and YWS responded to the application as follows (respectively):

*'With regards to the above planning applications for the residential development at Goytside Road, the drainage strategy mentions the use of infiltration drainage. If this is proposed we would like to see percolation tests of the subsoils prior to approval to ensure that soakaways are suitable for use at this site. The soakaway should be designed in accordance with BRE Digest 365 to ensure that no flooding occurs during a 30 year design storm and no flooding to property occurs during a 100 year storm.*

*If any connections are to be made to the public sewer then the applicant will also need to liaise with Yorkshire Water.*

*We would like to see full details of the proposed drainage from site. The surface water drainage should be carried out in accordance*

*with DEFRA technical standards and should look to employ sustainable drainage principles where suitable.'*

*'The Flood Risk Assessment 36710-008 (prepared by Eastwood and Partners - Report dated October 2017) is acceptable.*

*In summary, the report states that foul water will discharge to public combined water sewer. In terms of surface water sub-soil conditions do not support the use of soakaways. A watercourse exists near to the site, connection to which is subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.*

*It is noted from the submitted Flood Risk Assessment that surface water is proposed to be drained to watercourse.*

*Please note further restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.*

*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. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.'*

- 5.5.3 It is considered that an appropriate planning conditions can be imposed which requires the submission of further detailed drainage designs to satisfy the queries outstanding. Both consultees are agreeable in principle to the drainage strategy being proposed, but seek further technical detail on the system to be fully satisfied. This can be dealt with by pre-commencement condition in accordance with policy CS7 of the Core Strategy.

## 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 (which included a Coal Mining Risk Assessment) and provided the following response:

*'The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.*

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

*In the event that the site investigations confirm the need for remedial works to treat 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, including the results of gas monitoring;*
- \* The submission of a scheme of remedial works for approval; and*
- \* The implementation of those remedial works.*

*The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report 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 has no objection to the proposed development subject to the imposition of a condition to secure the above.'*

5.6.2 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.

5.6.3 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:

*'The site has a previous industrial use, in light of this any development will require the submission of a desk study and it is likely that follow up site investigation may be required carried out. All reports should be submitted in writing to Chesterfield Borough Council for approval prior to commencement of development.'*

*Any approval granted will require restrictions on the hours of building operation due to the proximity of dwellings.*

*Noise assessments will be required on the impact of the existing electrical transformers and substation to the east of the site, and mitigation measures which will be included in the design of the proposed dwellings*

*Noise assessments will be required on the impact of the proposed plant room at the proposed supermarket to the north of the site and mitigation measures which will be included in the design of the proposed dwellings or supermarket*

*As the government has set an aspirational target for all new vehicles in the UK to be zero emission at source by 2040 (as contained in The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations: Detailed Plan, published July 2017), I ask that infrastructure for electric charging points be installed as part of the build phase of the dwellings.'*

5.6.4 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. In respect of land contamination these can be required prior to the commencement of development;

however in respect of noise assessment these will need to be undertaken to inform any subsequent reserved matters application (as the results may have an impact /bearing upon the overall layout of the site, landscaping and the design of the dwellings). The standard construction hours restriction condition would also need to be imposed to protect the amenity of the adjoining residential neighbours.

- 5.6.5 It is noted that the comments of the EHO and also those from the Planning Policy team (incorporated in section 5.2 above) refer to the provisions of policy CS20 of the Core Strategy (and more up to date Government guidance) where the need to ensure provision for electrical vehicle charging is incorporated into new development is set out. It is considered an appropriate planning condition can be imposed to this effect to ensure that any reserved matters application is designed to facilitate these provisions.

## 5.7 **Archaeology / Heritage**

- 5.7.1 In respect of archaeological / heritage issues the site the subject of the application is of interest to the DCC Archaeologist due to potential below ground archaeological remains from the industrial history associated with the site. The DCC Archaeologist sought consultation on the planning application and provided the following response:

*'An archaeological desk-based assessment which was prepared for the wider site, in association with application number: CHE/17/00209/FUL, identified archaeological potential in the area which is the subject of this application.*

*Historic mapping which is depicted in the desk-based assessment shows that the route of the Brampton branch line of the Midland Railway lies in the area of the footprint of the proposed development site. This branch line was established to service New Brampton colliery operations in the late 19th century. Early maps of the site (1st edition O.S. 1875 – 82; and 2nd edition O.S. 1896 – 90) show the New Brampton Colliery immediately to the east of the proposed development area. Extensive areas of housing are also shown within the site at this time, as well as a large area of railway sidings on the 2<sup>nd</sup> Edition O.S. map. By this time the colliery has become Brampton Wharf.*

*The desk-based assessment confirms that the wider site has high potential for 19th and 20th century industrial archaeological remains, medium potential of deeper cut features such as coal mining bell pits and medium potential for palaeoenvironmental remains and Mesolithic flint knapping sites associated with the River Hipper (sections 5.4 and 6.5 ). These remains are non-designated heritage assets and the desk-based assessment recognises that these will be impacted by the groundworks involved in the development (section 5.6) and that they are of archaeological significance (section 5.11 – 5.13).*

*Paragraph 141 of NPPF requires that developers should record and advance understanding of the significance of any heritage assets to be lost. In order that this requirement can be addressed we would recommend that the following condition be attached to CHE/17/00757/OUT:*

*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.'*

- 5.7.2 Having regard to the comments received above from the DCC Archaeologist the Council is aware of the potential below ground interest as it arose as a result of the adjacent sites proposed development considerations for the new foodstore (CHE/17/00209/FUL). The studies which were submitted recommend that the further WSI works are undertaken and therefore it is considered to be acceptable to impose an appropriate condition to this affect where these potential features affect this particular application site.

## 5.8 **Ecology**

- 5.8.1 The site the subject of the application is predominantly hard surfaced and is subsequently cleared of any vegetation with peripheral trees being the only soft landscaped features.

- 5.8.2 The application submission was accompanied by a Tree Survey and Ecology Survey which were reviewed by Derbyshire Wildlife Trust under their service level agreement with the LPA. The following comments were received:

*'The ecology report submitted covers the entire car sales site, of which the current application area is located in the south-eastern corner. The area supports ephemeral/short perennial vegetation and hardstanding, with scattered trees and a small area of scrub. There are no buildings within the application area and the River Hipper is located 50 m to the north.*

*Whilst the ecology report does not specifically assess the impacts of the proposed housing (it deals only with proposals of a supermarket), it does conclude that the loss of ephemeral/perennial vegetation would be of importance at the level of the Site only.*

*We note that the Masterplan indicates that all trees within the application area will be removed. Currently, ecological value on site is limited and this will result in the loss of the main features of ecological interest. We recommend that these trees should only be removed if absolutely necessary and that replacement native tree*

*planting is incorporated. There appears to be scope for this in the very eastern corner.*

*It is considered that sufficient information has been provided to determine the planning application. In accordance with national planning policy, we would encourage ecological enhancements to be included within proposals. If the council are minded to grant permission, we recommend that the following conditions are attached:*

*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.'*

- 5.8.3 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 could be secured in the form of bird and bat boxes and under the provisions of policy CS9 it is considered that these measures should be conditioned.

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

- 5.9.1 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.

- 5.9.2 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 site notice posted on 01/11/2017 and by neighbour notification letters sent on 30/10/2017.

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

### **A Local Resident**

I support the residential development of this vacant Brownfield land.

6.3 ***Officer Response: Noted.***

## 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 (inc. a CIL Liability note imposed as per section 5.9 above):

**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.*

06. 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.

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

## Site Investigations / Contamination / Noise

07. 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.*

- 08. 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.*

09. 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.

*Reason – In the interests of residential amenity.*

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 LAmax(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).

*Reason - In the interests of the amenities of any future occupants.*

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.

*Reason - In the interests of residential amenities.*



## 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.

*Reason - To ensure that any archaeological interest is appropriately assessed and documented prior to any other works commencing which may affect the interest in accordance with policy CS19 of the Core Strategy and the wider NPPF.*

## 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.

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

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

#### Others

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.

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

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.

*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.*

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.

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

### **Notes**

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

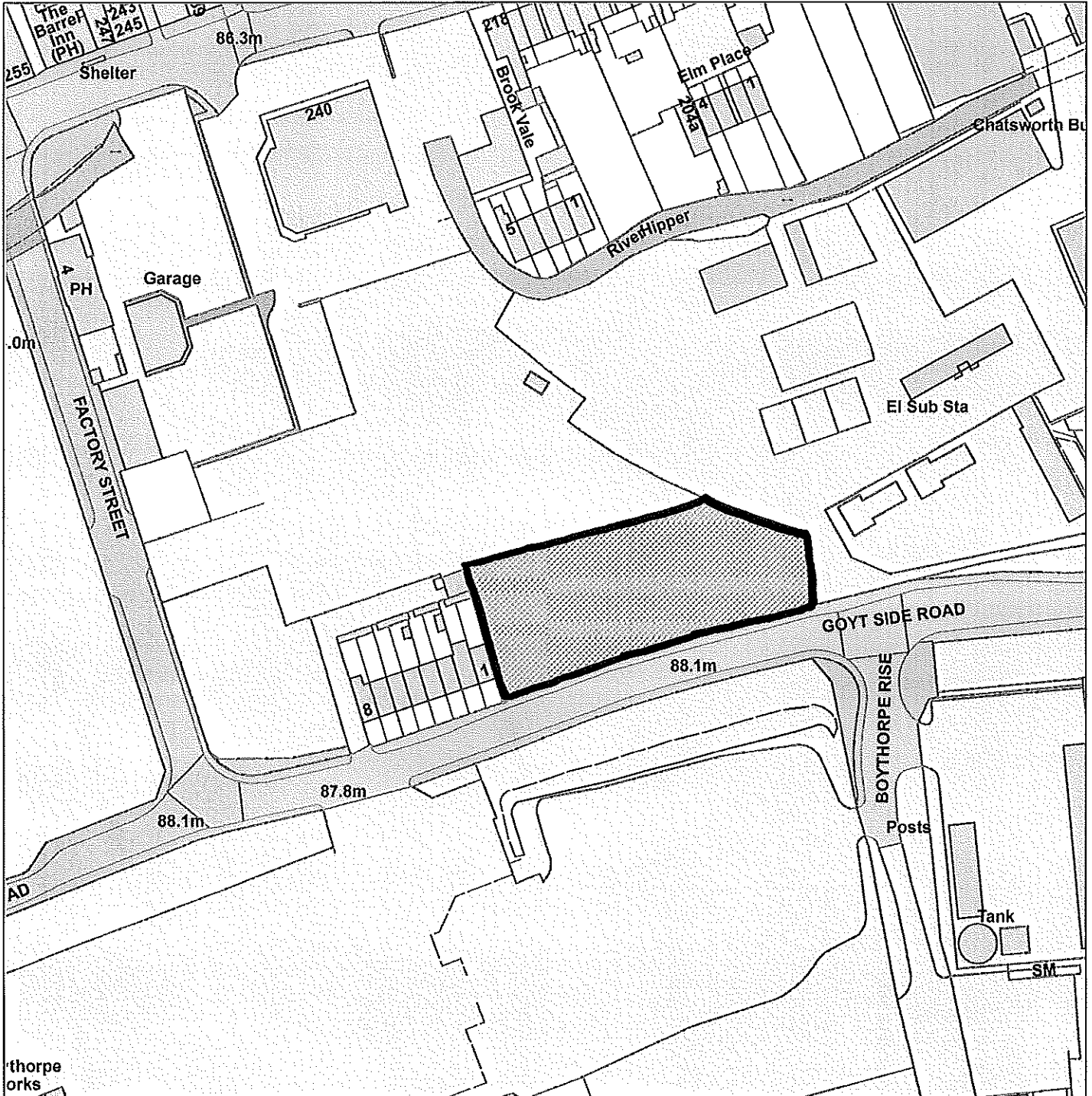
07. Car parking provision should be made on the basis of 1.5no, 2no. or 3no. spaces per 1 bedroom, 2/3 bedroom or 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 5.5m (with an additional 0.5m of width to any side adjacent to a physical barrier) with adequate space behind each 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'.

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Scale : 1:1333

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	29 November 2017
<b>SLA Number</b>	Not Set

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Case Officer: Eleanor Casper  
Telephone No: 01246 345785  
Committee Date: 11<sup>th</sup> December

File No: CHE/17/00477/FUL  
Plot No: 2/4325

### **ITEM 3**

## **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**

Local Plan: Town, District and Local Centre  
Ward: Hasland

### 1.0 **CONSULTATIONS**

Ward Members	No Comments
Site Notice/Neighbours	1 representation received – see report
Forward Planning Team	Comments received – see report
Environmental Services	Comments received, No objection– see report
Design Services (Drainage)	Comments received, No objection– see report
Yorkshire Water	No Comments received
DCC Highways	Comments received, No objection– see report
Urban Design Officer	Objection – comments made on basis of original submission for two dwellings - see report

## 2.0 **THE SITE**

- 2.1 The site subject of the application is located on Park View which is situated to the south of Mansfield Road and is within the defined local centre of Hasland. Park View streetscene is comprised of a vehicular access lane which terminates adjacent to No 28 Park View. The street has no footway and a central channel is marked by stone setts. The lane provides rear access to the high street of shops located on Mansfield Road and the residential dwellings on Park View.
- 2.2 No's 10 to 28 Park View consist of a row of terraced houses, arranged so that the principle elevation faces south (towards what would have once been the historic grounds of Hasland Hall) and the rear elevations face towards Park View. No's 2 to 8 Park View comprises of two pairs of semi-detached houses (circa 1905), arranged to face towards Park View and which are the only properties on the street orientated towards the lane. Although altered, each pair of houses largely retains its symmetry and original form, which includes a two-storey side element set back from the front elevation.
- 2.3 The dwelling subject of this application is a two storey, semi-detached dwelling set back approximately 8m from the edge of the street, which is defined by a low red brick wall. The entrance door to No 8 is currently positioned on the side (east) elevation facing towards No 10 Park View. The existing dwelling is faced in pebble dash render with white upvc windows.
- 2.4 The application site is formed of the side garden of No 8. The site is broadly rectangular in shape, measuring 5.5m in width and approximately 165 square metres in area.



### 3.0 **SITE HISTORY**

3.1 None relevant

### 4.0 **THE PROPOSAL**

4.1 The application started as a proposal for two dwellings but which was amended by the applicant as a result of discussions on the submission.

4.2 The application as revised proposes the erection of a 2/3 bed, two storey detached dwelling located to the east of No 8 Park View. The proposed dwelling is formed of a dual pitched roof with intersecting gable to the principle elevation and features a decorative porch with roof canopy. The proposal measures 8m in height to the ridge and is set down from the ridge of No 8 Park View. The eaves of the proposal are in line with the eaves of No 8, measuring 5.1m in height.

4.3 Two parking spaces are proposed for the new dwelling and two spaces are shown for the existing dwelling.

### 5.0 **CONSIDERATIONS**

#### 5.1 **Planning Policy**

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

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

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

- CS8 Environmental Quality
- CS18 Design

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

- National Planning Policy Framework (NPPF)
- SPD ‘Successful Places: A Guide to Sustainable Housing Layout and Design’ (adopted July 2013)
- Technical Housing Standards (Department for Communities and Local Government, revised May 2016)  
– not formally adopted by the Local Planning Authority

### 5.4 **Key Issues**

- Principle of development;
- Design and appearance of the proposal;
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;

### 5.5 **Principle of Development**

#### **Relevant Policies**

5.5.1 The application site is situated within the built settlement of Hasland. The area is predominantly residential in character therefore policies CS1, CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.5.2 Policy CS1 states that *‘The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.’*

5.5.3 Policy CS2 states that when *‘assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:*

- a) adhere to policy CS1*
- b) are on previously developed land*
- c) are not on agricultural land*
- d) deliver wider regeneration and sustainability benefits*
- e) utilise existing capacity in social infrastructure*

*f) maximise walking / cycling and the use of public transport  
g) meet sequential test requirements of other national / local policies'*

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

5.5.4 Policy CS18 (Design) states that *'all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context'* and development should have *'an acceptable impact on the amenity of users and neighbours.'*

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

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

### **Principle of Development**

5.5.7 The site is located within the defined local centre of Hasland and therefore has access to a range of shop/services within walking distance. The Strategy Planning team were consulted on the scheme and they commented that:  
*The proposal is for a residential use in a location that is within walking distance of the Local Service Centre at Hasland, and is therefore in principle meets the requirements outlined by the Spatial Strategy (CS1).'* However, all development proposals are expected to meet the policy requirements regarding amenity as set out in CS2 and the criteria as set out in Policy CS18 (Design) and they confirmed that they shared the

*concerns of the Urban Design Officer and consider that as it stands the proposal does not comply with these policies. It represents over development and subject to comments from the Highways Authority, I do not consider the parking and highways access and safety to be acceptable.'*

5.5.8 *'No information has been provided on how the proposal meets the requirements of CS6. Although the Code for Sustainable Homes has been abolished, the criteria a to d of policy CS6 remain relevant and the applicant should be asked to submit additional information setting out how the proposal meets these criteria.'* *'The development would be subject to the Community Infrastructure Levy (CIL). The proposed development falls within a 'medium' CIL zone and would therefore be eligible for a levy of £50 per m<sup>2</sup> of the gross internal floorspace.'*

5.5.9 In response to the revised scheme for a single dwelling they commented that *'they offer an improvement, but in my view, the proposal still does not comply with CS2 CS18 and regarding amenity.'* *'The private rear garden size remains below the SPD recommended size of 70m<sup>2</sup> for a three bedroomed house, and the private rear garden of the existing property would also be below the recommended size. These sizes include patio area, which is likely to be used for bin storage, reducing the area available for amenity use.'* *'Subject to comments from the Highways Authority, the amount of proposed parking is sufficient. The Highway Authority will need to confirm whether the dimensions (providing additional width but not the recommended length) are adequate. My previous comments still stand re CS6 and sustainable design.'*

5.5.10 Comments received from the Strategy Planning Team reference policy CS6 and suggest that the applicant must set out how the proposed development will meet criteria a to d of this policy. Local Plan policy CS6 requires that residential development meets level four of the Code for Sustainable Homes (Level 5 will be required if built from 2017), however following the Deregulation Act and removal of the Code for Sustainable Home, this is no longer a requirement that can be applied or required. Criteria a to d of policy CS6 are now covered by different legislation, predominately Building Regulations. It is therefore not considered necessary to require

the applicant to submit further information to satisfy policy CS6 to the proposal.

5.5.11 Consideration of the principle of development in respect of the design/appearance of the proposal and potential impact on neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7). The proposal is considered to accord with policy CS1 of the Core Strategy and is acceptable in principle.

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

### **Relevant Policies**

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

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

5.6.3 The Urban Design Officer provided comments on the proposal in respect of the original submission for the erection of two dwellings on the site, a summary of the response is listed below however no further comments have been provided on the revised drawings.

5.6.4 *'In its present form the application should be refused or withdrawn on the basis that a number of areas remain unsatisfactory in terms of urban design considerations. Alternatively, the application could be reviewed and amended taking account of these comments before progressing to a decision ... In light of the above comments it is considered that the proposed development represents an over-development of the site that would:*

1. *Appear as a jarring and incongruous addition to the existing house and within the streetscene.*
2. *Provide inadequate amenity space resulting in unacceptable living conditions for future occupiers.*
3. *Appear detrimental to the appearance of the street scene as a result of the parking dominated frontage to the site.*
4. *Provide poor rear access, bin storage and collection arrangements that would be likely to result in bins being stored on frontages.'*

5.6.5 *'The current submission is contrary to Policy CS18 and guidance contained within the Successful Places (2013) SPD. As such, it is recommended that the application should be refused or withdrawn. An alternative proposal for one detached dwelling may potentially be more suited to this site. However, the applicant would need to explore whether a less intense form of development can be designed in a manner that is capable of overcoming these concerns identified.'*

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

5.6.6 The proposed dwelling is formed of a dual pitched roof with intersecting gable to the principle elevation and features a decorative porch with roof canopy. The principle elevation of the dwelling incorporates two windows at first floor level and two at ground floor level.

5.6.7 The adjacent houses display mainly vertical window proportions with stone cills and deep overhanging gable verges. The proposed design indicates a square window pattern, with plain solid brick headers and cills. The proportions and proposed detailing are therefore considered to contrast with the adjacent dwelling. Observation of the surrounding streetscene suggests that Park View is not uniform in character, particularly as the dwellings to the east (No's 10 to 28 Park View) are orientated away from the lane with rear elevations facing onto the street. It is therefore accepted that design of the proposal in respect of window proportions does not accord with the adjacent dwelling but when viewed in respect of the surrounding streetscene this is considered to be acceptable.



- 5.6.8 The proposed dwelling has been designed to respond to the adjoining properties in respect of height and scale. The proposal measures 8m in height to the ridge and is set down from the ridge of No 8 Park View. The eaves of the proposal are in line with the eaves of No 8, measuring 5.1m in height.
- 5.6.9 The application form and associated plans states that the proposed dwelling will be faced in brick and the application drawings state that the roof tile specification is '*to be agreed by the local planning authority*'. The dwellings within the immediate vicinity of the application site are mixed in character predominately incorporating brick, which has been painted or rendered. The proposed materials are therefore considered to be acceptable and a condition could be attached to the decision requesting the submission of materials.
- 5.6.10 The block/layout plan shows that the principle (north) elevation of the dwelling will be set approximately 3m forward of the principle elevation of No 8 Park View and 1m forward of the rear elevation of No 10 Park View. No 10 Park View appears to have been previously extended by way of a two storey side extension and as a result the rear elevation is stepped in design.
- 5.6.11 The block/layout plan shows a rear garden measuring 33.5m<sup>2</sup> in area will be provided. The 'Successful Place' SPD details the recommended minimum size outdoor amenity space for a new dwelling. The SPD states that a three bedroom house should normally have a minimum of 70m<sup>2</sup> of outdoor amenity space and a two bedroom house should have 50m<sup>2</sup> however this is guidance. The proposed development is described as a three bedroom dwelling, however internal proportions of the dwelling reflect a two bedroom dwelling with an additional study/box room. The new dwelling does not meet the recommended standards for outdoor amenity space and the proposal will significantly impact the outdoor amenity space of No 8.
- 5.6.12 On the basis of the above observations it is therefore necessary to consider the site within the context of the surrounding area. Park View is mainly characterised by a typical high density terrace of properties, each served by small 'yards' as outdoor amenity space. The 'yards' serving the dwellings are smaller than the amenity space provided by this

application. Viewed within this context the proposed amenity space is not considered to be unreasonable. Adverse impacts on the residential amenity of the occupiers of No 8 and future potential occupiers of the dwelling will be discussed in section 5.7 below.

- 5.6.13 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause significant adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

## 5.7 **Impact on Residential Amenity**

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

- 5.7.2 The application site is adjoined by No 8 Park View to the west and No 10 Park View to the east. The rear garden of the application site is bound by 'The Green' nursing home to the south. No's 26 to 36 Mansfield Road face the site to the north on the opposite side of Park View highway.

### **Impact on residential amenity of future occupiers**

- 5.7.3 The Department for Communities and Local Government has produced technical housing standards with recommended minimum gross internal floor area for new developments (revised in May 2016). It is acknowledged that the Local Planning Authority has not formally adopted these standards for housing purposes, however the recommended minimum standards for a two storey, 2 bedroom, 3 person dwelling is 70m<sup>2</sup>.

The proposed dwelling has a total internal floor space of 77.5m<sup>2</sup> and although described as a three bedroom dwelling it is considered to be a two bedroom property with an additional study/box room. The proposed internal living accommodation is therefore considered to be acceptable.

5.7.4 The revised scheme has been amended to allow for a shared access to the rear of the proposed dwelling and No 8 Park View. This is considered necessary to allow for bin storage at the rear of the properties, avoiding the need for bins to be left on the frontage which would be detrimental to the appearance of the site and the streetscene. The gap between the dwellings measures 0.85m this is considered to be sufficient for a standard size wheelie bin.

#### **Impact on No 8 Park View**

5.7.5 The proposal will result in a loss of outdoor amenity space for the occupiers of No 8. The proposed dwelling will reduce the private amenity space of the dwelling to 30.5m<sup>2</sup> and will incorporate some additional landscaping to the frontage. The revised scheme incorporates alterations to No 8 to minimise the impact of the development.

5.7.6 The agent/applicant have also made alterations to No 8 Park View to enable the occupiers to have an acceptable level of amenity. The revised scheme incorporates moving the main access door of No 8, from the side (east) elevation dwelling to the principle elevation of the dwelling (in the same location as the adjoining semi No 6). The revised proposal also includes the installation of a secondary window to serve the kitchen of No 8 and provide a more acceptable outlook.

5.7.7 It is therefore acknowledged the proposal will have an adverse impact of the occupiers of No 8 is respect of outdoor amenity space. The existing site is entirely hard surfaced and is not considered to provide high quality amenity space. Viewed within this context and observations contained in paragraph 5.6.11, the loss of outdoor amenity space is not considered harmful enough to warrant a refusal.

#### **Impact on No 10 Park View**

5.7.8 No 10 Park View is a two storey end of terrace, situated to the east of the application site. The dwelling appears to have been previously extended by way of a two storey, flat roof rear extension which is located adjacent to the shared boundary of the No 10 and the application site. There are no windows in the side elevation of the extension facing towards the application,

mitigating potential adverse impacts of overshadowing arising as a result of the development. There are also no windows proposed within the side (east) elevation of the dwelling facing towards No 10, this is considered to be acceptable.

### **Impact on all other boundary sharing neighbours**

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

### **Environmental Health Comments**

- 5.7.10 The Council's Environmental Health team has raised no objections to the proposal. Due to the close proximity of the site to residential properties a condition to restrict the hours of work on site is considered to be reasonable to protect the residential amenity of the neighbouring properties.
- 5.7.11 Overall it is accepted that the proposal will impose an impact upon boundary sharing neighbours, No 8 Park View. Adverse impacts arising as a result of the proposed development are not considered to be significant enough to warrant a refusal. The proposal is considered to be appropriately designed and therefore accords with the provisions of policy CS2 and CS18 of the Core Strategy and the wider SPD.

### **5.8 Highways Safety and Parking Provision**

- 5.8.1 DCC Highways consultation made the following comments on the basis of the original submission. DCC Highways were re-consulted on the revised scheme and provided no further comments;
- 5.8.2 *'Whilst Park View is publicly maintainable highway, it does have geometrical limitations e.g. exit visibility, lack of margins, footways etc. However, given the existing nature and level of use of the street, coupled with there being no reported injury accidents within the last 3 year period, it is considered unlikely that any objection on the grounds of increased vehicular use could be sustained for the scale and nature of the development being proposed.'*

- 5.8.3 *'Notwithstanding, due to the existing limitations of the street, it is considered that the proposal should be provided with adequate off-street parking in order to reduce the likelihood of vehicles being parked on Park View, a situation that would be considered against the best interests of safe and efficient operation of the public highway. It's recommended that off-street parking is provided on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling respectively. Although current guidance for parking space dimensions is 2.4m x 5.5m, it's suggested that spaces within this site may need to be adjusted in length and/or width to ease manoeuvring due to the lack of highway width that is further constrained by the presence of vehicles parked on opposite side of the street i.e. it's recommended that an aisle width of 6.0m is available to the rear of spaces for manoeuvring and, where this can't be achieved, spaces are widened accordingly (swept path analysis may assist in demonstrating adequacy of the proposed layout).'*
- 5.8.4 *'Therefore, taking into consideration the above recommendations and site/ highway constraints, it's considered that the proposals as submitted represent an overdevelopment of the site and it's suggested that the applicant is given opportunity to submit further details demonstrating an adequate level of off-street parking provision for the scale of development proposed.'*
- 5.8.5 *'However, should you be minded to approve the proposals as submitted, it's recommended that the following conditions are included within the consent:-*
- 1. Before any other operations are commenced, 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.*

2. *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.*
3. *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.*
4. *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 property without the grant of further specific planning permission from the Local Planning Authority.*
5. *There shall be no gates or other barriers within 6.5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*
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. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.'*

5.8.6 The comments from the Highways Officer have been noted. The 'Successful Place' SPD details the minimum size off-street parking space and the minimum number of spaces required is contained within appendix G of the Core Strategy (p146). Appendix G states that for a 2/3 bedroom dwelling a minimum of 2 spaces are required. The development will provide 2 off-street parking spaces measuring 2.4m x 5m for the proposed dwelling and 2 off-street parking spaces for No 8 Park View. The proposed spaces therefore meet the requirements of the 'Successful Places' SPD and Core Strategy.

5.8.7 Based on the observations listed above the proposal is considered to accord with policies CS2 and CS18 of the Core Strategy. Overall, no adverse highway safety concerns arise as a result of the development.

## 5.9 **Flood Risk and Drainage**

5.9.1 Design Services (Drainage) were consulted on this application and raised no objection to the proposal. The site is not shown to be located within an area at risk of flooding on the environment agency flood maps. The Design Services (Drainage) Officer requests that the applicant seeks approval from Yorkshire Water to connect to the public sewer. A note will be attached to the decision notice to make the applicant aware of the minimum standards for drainage in the Chesterfield area.

5.9.2 Yorkshire Water were consulted on the proposal, no comments were received.

5.9.3 Based on the comments listed above, the proposal is considered to accord with policy CS7 of the Core Strategy.

## 5.10 Community Infrastructure Levy (CIL)

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

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

plot	Proposed floorspace (GIA in Sq.m)	calculation	Total
1	77.5	78 x £50	£3900
<b>Total</b>			<b>£3900</b>

## 6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters sent on 25.07.2017, deadline for responses 15.08.2017. Following the receipt of revised drawings neighbours were re-consulted on 08.11.2017, deadline for responses 22.11.2017. A site notice was also displayed on 10.08.2017, deadline for 31.08.2017. As a result of the neighbour notification, one letter of representation has been received.

### **Representation received 11.08.2017 – 10 Park View**

6.2 *'I am writing to inform you that we the residents at 10 Park View object to the proposed planning application. We have lived at number ten park view since 1969, we believe that to develop the existing building and add two further dwellings would not only affect our privacy as in all our years at Park view that land has either been used as a garden or a car standing space. We believe that the proposed development is out of scale to the existing properties surrounding number 8 and will look a monstrosity a case of garden grabbing will have occurred with loss of space and greenery to the front and side of the property.'*



- 6.3 *'We would ask you to take in to consideration the volume of traffic, Park view also serves the properties of Mansfield road, many of these properties are shops and receive a daily stream of deliveries including a 28 tonne lorry and countless vans. Access to the street from either entrance is difficult and at times dangerous, frequently blocked by the volume of traffic using it if not parking there. The application and subsequent plans highlight changes to vehicle and pedestrian access; we would ask that you reconsider how safe the siting of this will be see (Section 6). Similarly, the application refers to one extra parking space. There have only ever been two cars on this drive that would mean that an already busy, dangerous street would have three extra cars using the public highway.'*
- 6.4 *'We object to the development as this year Yorkshire Water have been out to the Main Drain on many occasions, we note that in the application the response to disposal of foul sewage is an unknown factor.'*
- 6.5 *'We hope that you will consider the effect of building further properties on a street that is already struggling to process foul waste from the food and takeaway outlets and the residents of the streets.'*
- 6.6 *'In section 15 – Trees and hedges, there are trees adjacent to the property behind it which act as a wildlife corridor and sound barrier to the nursing homes laundry and staff rooms. Some of these trees have a preservation order on them as they belonged to the old Hasland Hall. Hasland does not require any more private sale housing sales or rentals, it requires social housing but not at the cost of garden grabbing.'*
- 6.7 **Officer Comments – The comments received above have been noted. The adjoining neighbours were re-consulted on the revised scheme for one detached dwelling. No further representations have been received. DCC Highways have provided comments on the principle of two dwellings on the site and made recommendations for parking arrangements. The proposal will provide off-street parking for two vehicles which is considered to be acceptable. Yorkshire Water were also consulted on the proposal and no comments were received. A note will be attached to the decision notifying the applicant that any potential**

**connections to public sewers require consent from Yorkshire Water. There are no protected trees within the immediate vicinity of the site which are considered to be at risk as a result of the development.**

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

## **10.0 RECOMMENDATION**

- 10.1 That the CIL Liability Notice referred to within section 5.10 above be served.
- 10.2 That the application be **GRANTED** subject to the following conditions:

## **Conditions**

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing No 102 Revision D, with the exception of any approved non material amendment.

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

03. 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.

**Reason** – *In the interests of highway safety*

04. 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.

**Reason** – *In the interests of highway safety*

05. 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.

***Reason*** – *In the interests of the amenity of the adjoining occupiers*

- 06.** 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.

***Reason*** – *In the interests of highway safety*

- 07.** Working hours - Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

***Reason*** – *In the interests of residential amenity*

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

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

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

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

## Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), email [ETENetmanadmin@derbyshire.gov.uk](mailto:ETENetmanadmin@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190. Such works shall also include the reinstatement of any redundant vehicular access.
4. The Highway Authority recommends that the first 5m of the proposed accesses/driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street

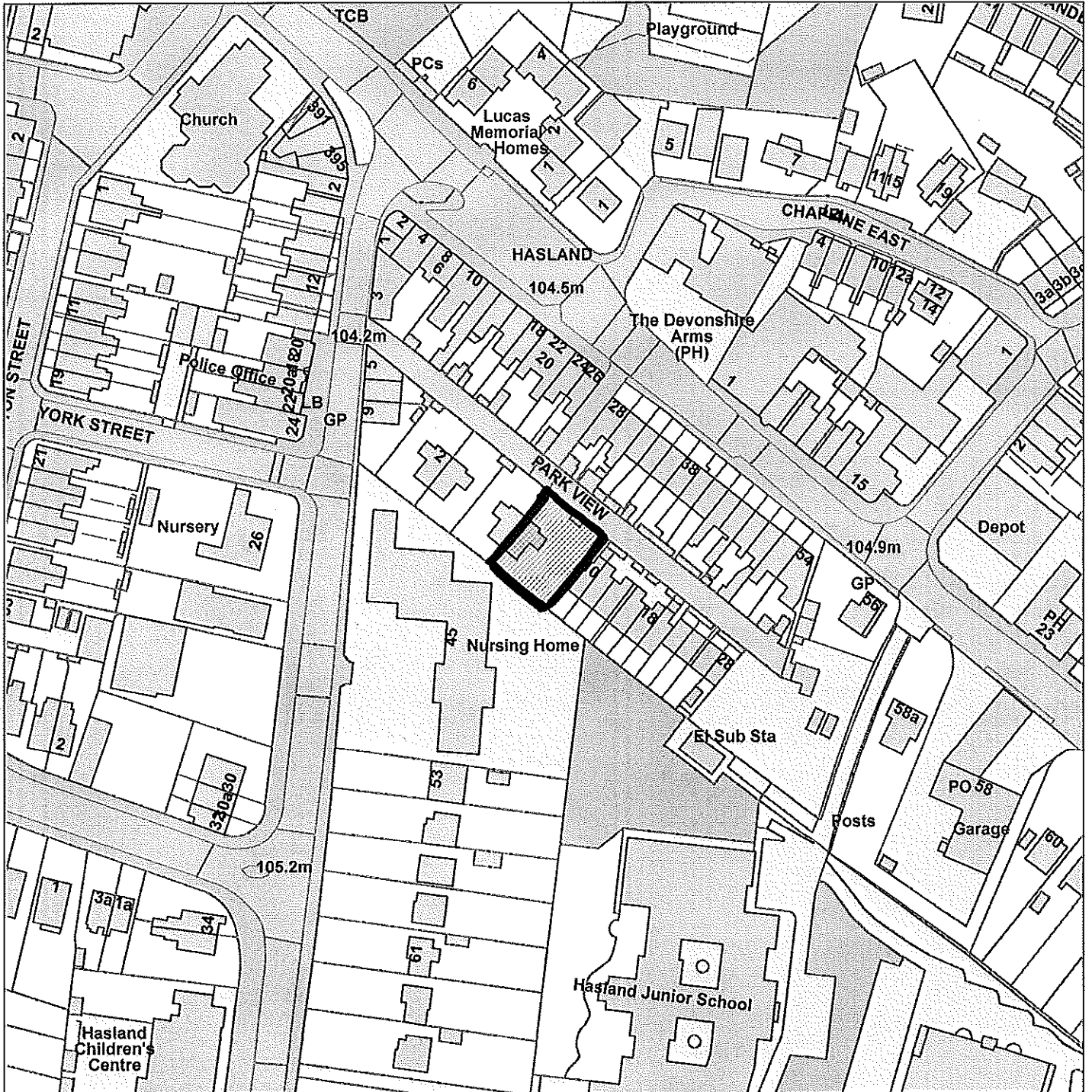
sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

6. 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
7. The applicant should be aware that relocation/diversion/protection of any street furniture or Statutory Undertakers apparatus will be at their expense.
8. Any foul connections must be agreed with Yorkshire Water.
9. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.
10. Attention is drawn to the Council's 'Minimum Standards for Drainage'.

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	30 November 2017
<b>SLA Number</b>	Not Set

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Case Officer: Chris Wright File No: CHE/17/00540/FUL  
Tel. No: 01246 345787 Plot No: 2/314  
Committee Meeting: 11<sup>th</sup> December 2017

## **ITEM 4**

### **Extension at ground floor for new consulting rooms and pharmacy, new offices at first floor at Newbold Surgery, 3 Windermere Road, Newbold, Chesterfield**

Local Plan: Unallocated  
Ward: Dunston

#### **1.0 CONSULTATIONS**

<b>Ward Members:</b>	No comments received.
<b>Strategic Planning:</b>	No objection
<b>Highways:</b>	No objection
<b>Design Services:</b>	No objection
<b>Yorkshire Water Services:</b>	No comments
<b>Derbyshire Constabulary:</b>	No objection
<b>Public Comments:</b>	4 objections and 2 support comments received

#### **2.0 THE SITE**

2.1 This application relates to a detached two storey building which is a Doctors Surgery. It is on the edge of a local centre and has a library to the west and a Co-op local convenience store to the east, on the southern corner with Windermere Road and Littlemoor. Further to the east there is a local centre with a range of retail

outlets and car parking facilities. To the north and south there are residential dwellings.

- 2.2 The building has previously had several extensions and currently has 29 parking spaces (as stated in the applicants correspondence). There is a separate single storey building on site which is being utilised as a pharmacy and the parking spaces in front of this building are also under the ownership of the pharmacy, but the customers are required to travel over the car park to reach these spaces.
- 2.3 The pharmacy on site is owned by a separate group to the surgery.

### **3.0 SITE HISTORY**

- 3.1 CHE/0685/0398 – Permission for new Doctors Surgery – Conditional Permission – 23/08/85

CHE/1294/0719 - Alterations and extension to premises to provide additional first floor office accommodation – Conditional Permission – 15/03/95

CHE/0695/0292 – First floor extension to existing Surgery – Conditional Permission – 20/07/95

CHE/0503/0330 - Single storey extension to form one consulting room and enlarge office – Conditional Permission – 06/06/03

CHE/09/00620/FUL – First Floor Extension – Conditional Permission – 14/12/09

### **4.0 PROPOSAL**

- 4.1 The original scheme proposed a front and side extension in a scheme that produced 7 additional consulting rooms and led to the loss of parking spaces on site. It was going to project between 6.5m and 7.5 forwards of the existing eastern part of the front elevation and between 5m and 5.5m from the side elevation.

- 4.2 The application has been revised to lessen the scale of the development and to ensure that no parking spaces were lost and further consultations have been carried out.
- 4.3 Planning approval is now sought for a single storey side and front extension and 1<sup>st</sup> floor rear extension. This would lead to an increase in 4.no consulting rooms, a relocated pharmacy and offices and this proposal would result in parking spaces for 26. This scheme has a comparable side projection of 5-6m but a much reduced front projection 2-3m to be in-line with the western section of the front elevation. This would lead to a gap between the proposed building and existing pharmacy of approximately 1.2m.
- 4.4 The rear 1<sup>st</sup> floor extension would be an in-fill plot on the rear north-west corner with a 6m projection and 7.2m width.
- 4.5 The side extension would have a flat roof section and a small pitch on the side, just like the existing building. It is proposed to match the existing design and materials of the existing building, with brick, tiles and windows to match.

Photo 1 – space where extension will go and adjacent pharmacy



## 5.0 **OFFICER ASSESSMENT**

### 5.1 **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).

#### 5.1.2 **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
- CS6 Sustainable Design and Construction
- CS17 Social Infrastructure
- CS18 Design
- CS20 Influencing Demand for Travel

#### 5.1.3 **Other Relevant Policy and Documents**

The Sections of the National Planning Policy Framework (NPPF) considered relevant to the decision are:

- Chapter 7: Requiring good design

Other relevant documents include:

- SPD 'Sustainable Design' (adopted Oct 2008)
- SPD 'Successful Places' (adopted July 2013)
- BRE Report 209: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2<sup>nd</sup> Edition 2011)

- Planning Practice Guidance

## **5.2 Key Issues**

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Highways Safety and Parking Provision

## **5.3 Principle of Development**

5.3.1 The proposal for the extension to the existing surgery is considered acceptable in principle as it is located within the urban area and is part of the existing surgery. CS17 encourages the provision of health facilities providing they meet the other requirements of the plan and it is not considered that the extension to the surgery located on the edge of the Littlemoor local centre will harm the retail function of the local centre. The surgery is sustainably located.

5.3.2 The proposed development is considered acceptable in principle against policies CS1, CS2, CS3, CS17 and CS18 of the Core Strategy and the wider objectives of the NPPF.

## **5.4 Design and Visual Amenity**

5.4.1 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.

5.4.2 The building has had numerous extensions and changes to it from the original building, with two storey and single storey elements. As the plot is reasonably wide, development is possible without having

a significant impact upon the streetscene or leading to the perception of overdevelopment. The proposed side extensions will take up some of the greenspace to the eastern side of the building and will lead to the majority of the gap in-between the existing surgery and pharmacy being taken up by the new consulting rooms and pharmacy.

- 5.4.3 This site is within a residential suburban area where the buildings are spaced out. Further extensions to the buildings on the site is not considered to be a negative as the proposed gap between the two buildings will be hard to see from the majority of positions, especially as this steps out towards the rear. There would however be a perception of a continued mass of building, as the existing gap and greenery would be reduced. It is considered that the impact on the street scene is neutral and not sufficiently harmful to be recommended for refusal.
- 5.4.4 The proposal to introduce a new pharmacy into the scheme could result in one of the pharmacy's becoming vacant or lead to 2 competing pharmacies on site however such competition is not a material planning consideration. The owners of the existing adjacent pharmacy have stated within their objection comments that they would appreciate some dialogue with the surgery owners/managers.
- 5.4.5 In terms of design the proposal is designed to be in-keeping with the style and materials of the existing building; this is acceptable in these terms. Architecturally, the scheme has been designed to reflect the scale, design and appearance of the existing building,
- 5.4.6 Having considered the proposal in context of the site and the surrounding area it is considered that the development would not significantly detract from the character and appearance of the application site or wider locality. This application is therefore considered to accord with the design objectives of policy CS18 of the Chesterfield Borough Local Plan: Core Strategy.



## **5.5 Residential Amenity**

- 5.5.1 Core Strategy Policy CS18 comments that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.5.2 Due to the layout of the site in comparison to surrounding dwellings it is not considered that the proposal will significantly impact upon the residential amenity of the surrounding dwellings in terms of overshadowing and overlooking. No objections have been received in terms of these issues from residential dwellings.
- 5.5.3 The owners of the adjacent pharmacy have commented that the proposal will overshadow a window in the western side elevation, however it is considered that the amended plans have a reduced impact upon the pharmacy as the rear positioned westerly window is not impacted as much by the proposal.
- 5.5.4 It is considered that the proposal is acceptable in terms of residential amenity.

## **6.0 Highways**

- 6.1 The scheme will lead to the Surgery being capable of accepting a higher number of patients in the future, as 4 new consulting rooms and a diversification of the services offered by the unit will impact upon how many patients could attend the site. The changes to how Doctors Surgeries are going to be considered by the NHS will affect how frequently staff may come and go from the site as well as the type of appointments available on site including ones which may have previously been attended at The Royal Hospital. There are also a number of residential schemes in the vicinity which will generate new patients (Wm Davis, Strata Homes)

- 6.2 The number of parking spaces on site is said by the applicant to be 29 however there are not 29 marked out space on site. There are currently marked out spaces for 23 on the site. The proposed scheme provides 26 marked out spaces. The applicant also refers to the opportunity for visitors to the site to park on-street in the area and at other parking areas within other community facilities (potentially whilst visiting more than one location in the area) such as the library, the local convenience store or Local Centre car park (all within a 5 minute walk). Several objections received have stated that the current on-street parking situation in the area is unacceptable and that staff and patients appear to park on Windermere Road and Ulverston Road. It has also been stated that some users appear to utilise parking spaces in front of the Library. The Highways Authority has stated that Traffic Regulation Orders are in place in the area to restrict parking. Parking on footpaths and high numbers of on-street parking spaces in front of the Surgery has already led to comments being received regarding highway safety. During busy times this can also spread up Ulverston Road resulting in blocking of driveways however this is an existing situation and the unsafe/inconsiderate parking by members of the public is not a planning issue. There is a potential for the situation to become worse as the surgery site becomes busier.
- 6.3 The proposal is likely to lead to an increase in users and staff numbers, but as it is sited within a residential area and close to a local centre it is expected that some visitors will either use public transport, walk or cycle to the site or visit multiple locations in area and park off-site. The applicant recognises this as a main issue and has submitted a Green Travel Plan which promotes alternative measures to access the site than the use of motor vehicles for both staff and patients. A condition will be needed to require the travel plan to be reviewed regularly and to be promoted to achieve the desired reductions. No objection has been offered by the highways authority with a comment that they are not aware of any existing highway safety issues which would justify a reason for refusal that could be sustained at appeal.

6.4 It is considered that the proposal will be offering an important service to the community. The previous expansions of the building have led to a stage where the proposed site is at the limit of being overdeveloped where it cannot cope with existing demand. It is likely that further development of the site will require consideration of a larger site. On balance it is considered that this scheme can be accepted.

## 7.0 **REPRESENTATIONS**

7.1 4 objections received:  
2 from local residents (1 South View and 67 Ulverston Road) both raising objections regarding existing parking and highways issues, 1 from the joint owners of the pharmacy building and 1 on behalf of an agent acting for the business interests in the existing pharmacy on site. They have objected on the grounds of the impact upon the pharmacy, and the relationship that the new extension would have with the pharmacy with the view that they also believe that the proposal would have a negative impact upon highway safety in the area.

There are also 2 objections from the manager of Library, which is sited to the west of the site and they object on inadequate parking grounds and that the matter will become worse as the doctors site expands.

7.2 2 supporting comments received: One was from North Derbyshire Clinical Commissioning Group explaining part of the process behind the planning application and supporting the scheme. Another letter was from the Patient Participation Group also stating that they are fully supportive of the application.

### ***Comments***

***The issues raised are addressed in the report above.***

## 8.0 **HUMAN RIGHTS ACT 1998**

8.1 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

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

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

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

9.2 Given that the proposed development does not conflict with the NPPF and 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, and requested changes to make the scheme acceptable.

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

## 10.0 **CIL LIABILITY**

10.1 Having regards to the nature of the proposals the development comprises the creation of new space for a pharmacy within the extended building, a condition will be included that this space will be retained as a pharmacy only, and the development is therefore not CIL Liable.

## 11.0 **CONCLUSION**

11.1 The proposals are considered to be appropriately designed such that they are considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS17, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

11.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS2 and CS18 of the Core Strategy and the wider NPPF.

## 12.0 **RECOMMENDATION**

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

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

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

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

- 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.

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

03. No development shall take place 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

*Reason: In the interests of highway safety*

04. 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.

*Reason: In the interests of highway safety*

05. 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.

*Reason: To enable the Local Planning Authority to review the permission in the event of the property changing hands and to prevent the establishment of a permanent retail business use within a residential area.*

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

*Reason: To facilitate a reduction in car orientated visits to the site in the interests of highway safety.*

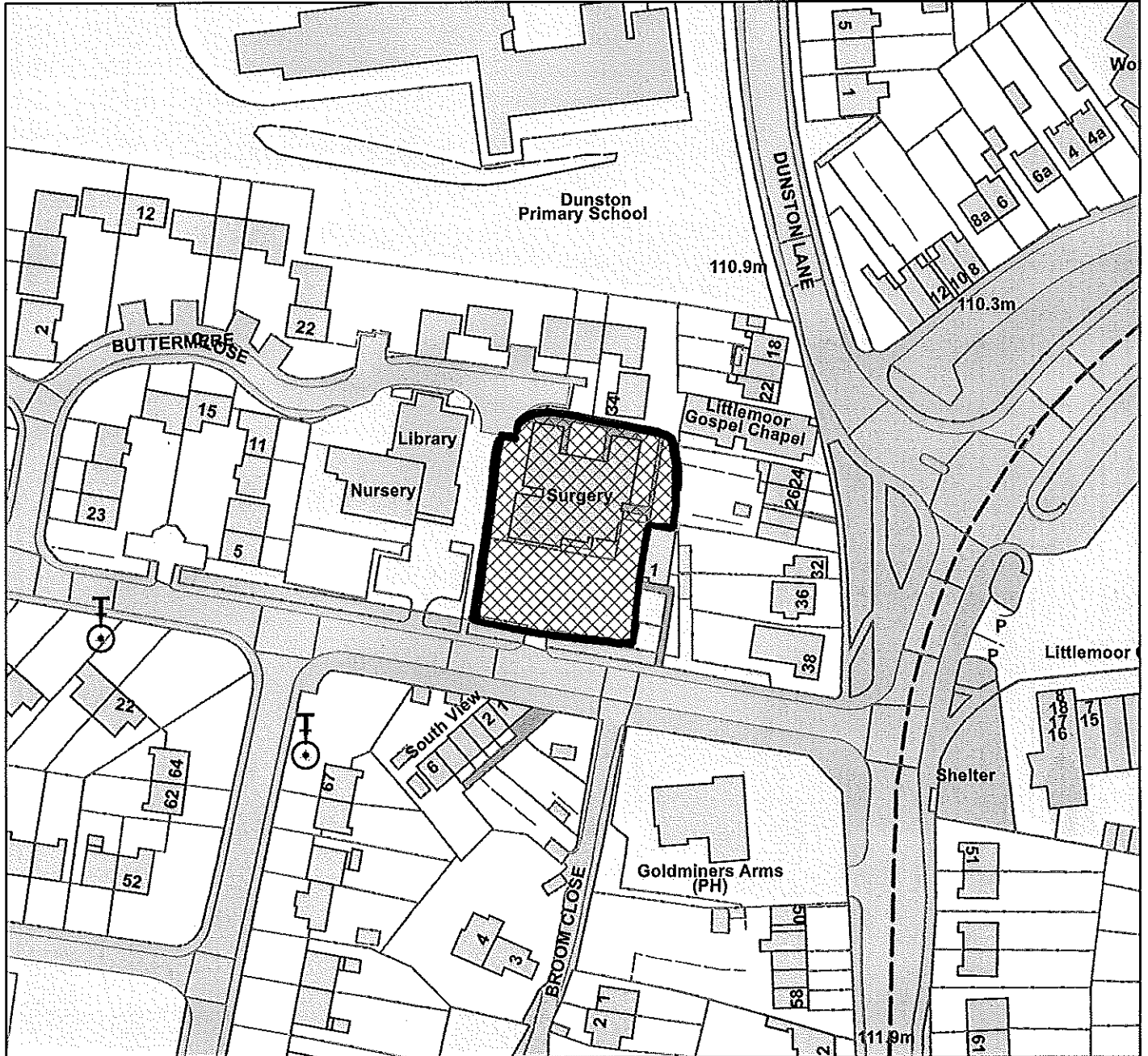
### **Notes**

01. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management on 01629 538686.
02. 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.
03. 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.

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	01/12/2017
MSA Number	Not Set

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 11<sup>th</sup> December 2017

File No: CHE/17/00209/FUL  
Plot No: 2/536

## **ITEM 5**

### **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**

Local Plan: Unallocated  
Ward: Holmebrook

#### 1.0 **CONSULTATIONS**

C/Field Cycle Campaign                      Comments received 24/11/2017  
– see report

#### 2.0 **BACKGROUND**

2.1            On the 30<sup>th</sup> October 2017 planning committee resolved to approve a scheme for development of a new Lidl foodstore on land off Chatsworth Road (the Perrys Ford Garage), Chesterfield, Derbyshire, S40 2BJ.

2.2            The committee voted to include an additional planning condition requiring the developer to provide a cycle/pedestrian connection to Goyt Side Road as follows:

28.          Development shall not commence until a scheme to provide a shared cycle / footpath connection from the new store cycle park through to Goyt Side Road has been submitted to the Local Planning Authority for consideration. The shared connection route shall be solid bound surfaced and lit. The details agreed in writing by the local planning authority shall

be implemented on site and be available for use prior to the store hereby approved being opened. Thereafter the route shall be maintained fit for purpose and free from any impediment to its intended use. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

*Reason – To promote sustainable travel and provide connection to the strategic cycle network in accordance with policies CS2 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.*

2.3 The committee resolution included ongoing negotiations for a S106 agreement regarding Percent for Art and therefore the final planning permission has not yet been issued. The developer has however submitted a scheme to the Local Planning Authority in the interim to show how they intend to provide the cycle connection to the site and there is an opportunity to review and agree the scheme such that any planning permission issued can reflect the latest position and the cycle connection scheme rather than a requirement to submit the scheme for approval under a Discharge of Condition Application as per the originally suggested wording.

2.4 It is also considered prudent for this addendum report to be included on the same committee agenda as the 2 no. reports for applications CHE/17/00756/OUT and CHE/17/00757/OUT, as these applications affect the same site boundary as the proposed Lidl foodstore and the potential location of the cycle route connection.

### 3.0 **PROPOSALS / CONSIDERATIONS**

3.1 On the 17<sup>th</sup> November 2017 the developer submitted drawing no. 1831 410 Rev H which detailed the proposed site layout / masterplan for the foodstore indicating that a cycle connection to Goyt Side Road could be achieved by upgrading the width of the footway leading from the new store access onto Factory Street along the sites western boundary to link to Goyt Side Road. The increased footway width would allow for pedestrians and cycles to utilise this pavement giving cyclists a dedicated route into the site.

3.2 The drawing was forward to the Chesterfield Cycle Campaign who responded as follows:

*Thank you for forwarding the proposed cycle access to the new Lidl site on Chatsworth Road.*

*Our comments:*

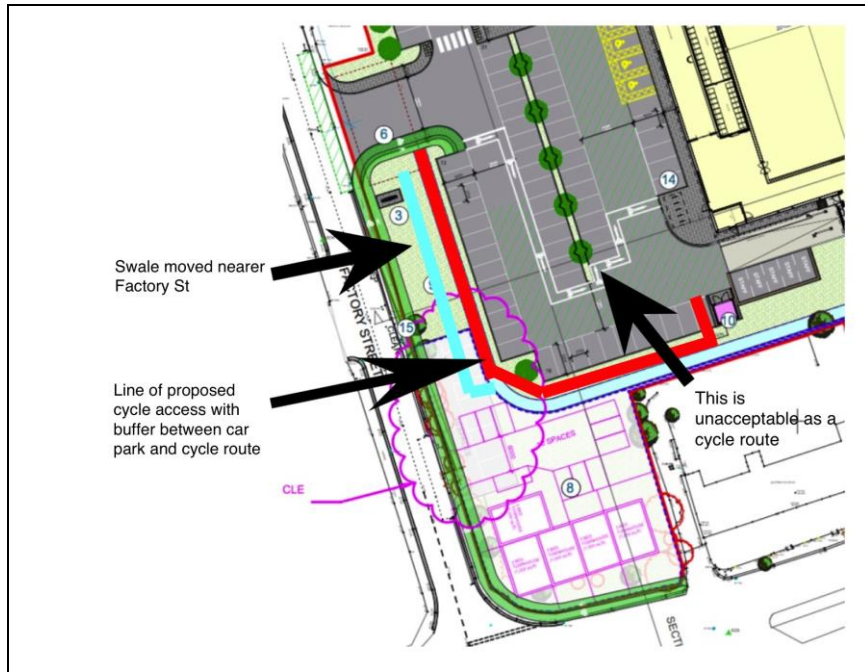
- No width of the shared path is shown, national guidelines are 3m.*
- We need more detail of how the path will end on Goytside Road, there should be a flush dropped kerb, in this case leading onto the access road for the existing cottages.*
- An additional entrance has been created off Factory St to access the proposed car park for the housing development. The shared footway should appear continuous across this entrance to give pedestrians and cyclists priority and we expect that to appear on the full planning application for the housing.*
- The cycle route within the car park is unacceptable. Standards are published by the government and Sustrans detailing minimum radii for cycle paths. As shown cyclists are required to make a series of tight 90 degree turns.*
- The cycle route within the car park is dangerous, having cyclists riding immediately adjacent to parking spaces puts them in serious danger of being hit by cars with limited visibility manoeuvring in and out of parking spaces.*

*The shared path alongside Goytside Road and Factory St is acceptable if built to the correct width but the layout within the car park is dangerous and the Campaign objects to this arrangement.*

*We propose two solutions;*

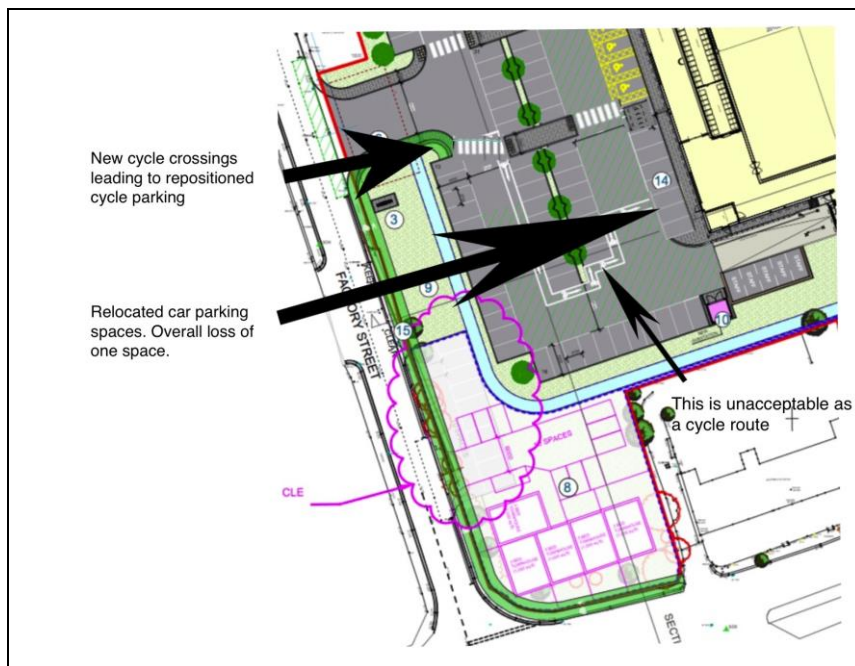
*1, The swale alongside point 3 and 9 could be moved nearer to Factory St to allow a cycle only route to be built around the side of the car park (minimum 2.4m wide) with one parking space removed next to the bin store to allow bikes to cross to the bike parking. There will need to be a 0.5m buffer between the car parking and the edge of the route to allow for overhanging cars.*

*See plan below with the route shown in red.*



2, Cyclists cross directly across the car park, two parking spaces are removed to allow access and the cycle parking is moved adjacent to the disabled parking. If two standard parking spaces next to the disabled parking are used for bicycle parking then three parking spaces can be put where the original cycle parking was shown.

See plan below



Please pass our proposed solutions to Lidl.

*We would not support their revised plan '1831 P410H Proposed Site Masterplan' as copied to us on 23<sup>rd</sup> November 2017 because of the very poor route through the car park and no width detail shown on the proposed shared route.*

3.3 The comments of the Chesterfield Cycle Campaign have been passed to the developer to consider and at the time of writing this report they are currently working up a solution to satisfy the comments made by the Cycle Campaign in solution 2 detailed above.

3.4 Upon receipt of these revisions further consultation will take place with the Cycle Campaign however it is requested that the committee agree to delegate powers to officers to agree the final details of the route and accordingly amend the suggested wording of condition 28 to avoid the need for the applicant to submit a further DOC application in this respect 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.

*Reason – To promote sustainable travel and provide connection to the strategic cycle network in accordance with policies CS2 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.*

3.5 Condition 2 of the previously agreed committee resolution will also need to 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

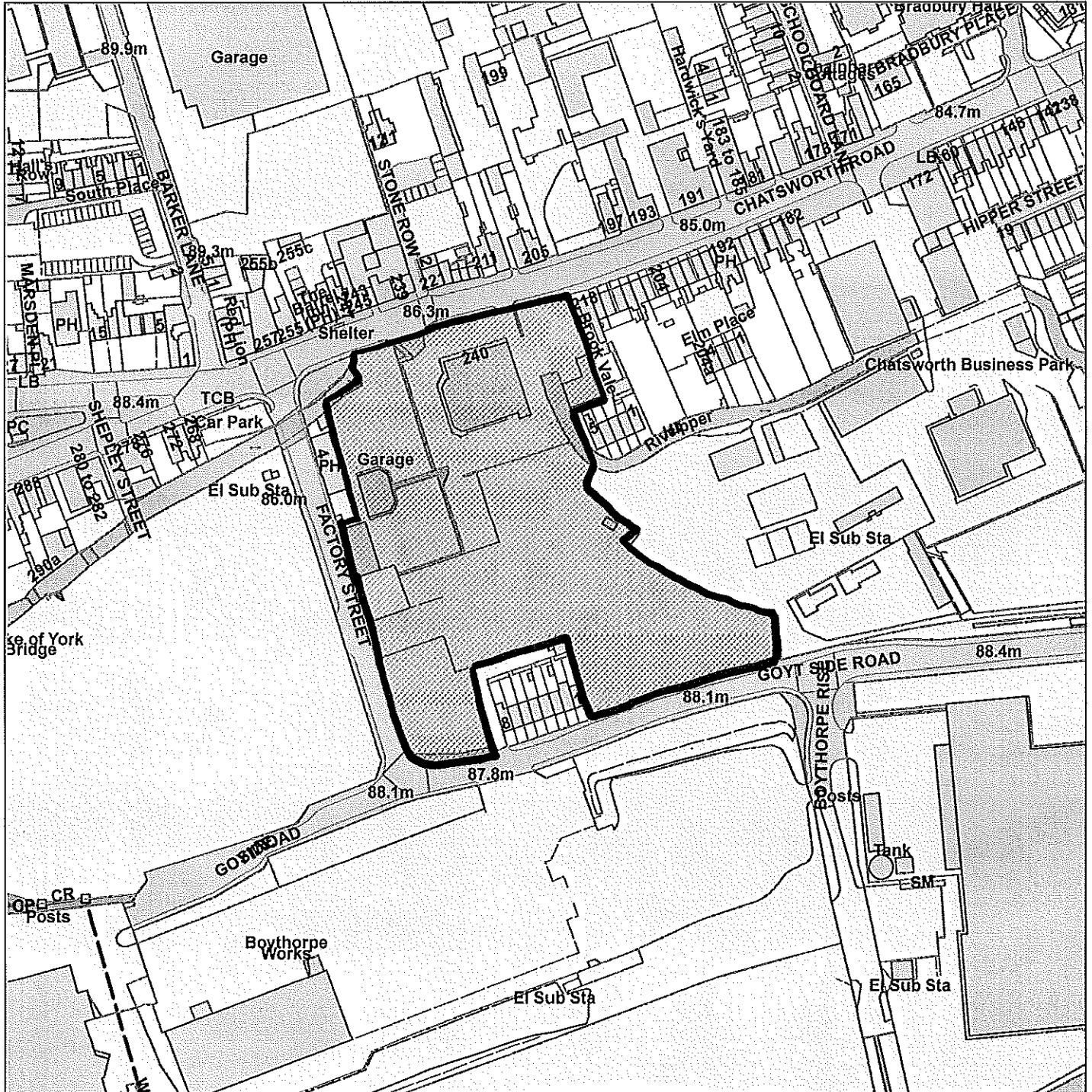
- Proposed Site Plan 1831 P409 REV F

- 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

*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.*



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Department	Not Set
Comments	Not Set
Date	01 December 2017
SLA Number	Not Set

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Case Officer: Chris Wright  
Tel. No: (01246) 345787  
Planning Committee: 11<sup>th</sup> December 2017

File No: CHE/17/00747/FUL  
Plot No 2/3026

## **ITEM 6**

### **Residential development at Land to Rear of 109 Middlecroft Road, Staveley, Chesterfield**

Local Plan: Unallocated  
Ward: Middlecroft and Poolsbrook

#### 1.0 **CONSULTATIONS**

DCC Highways	No objection subject to condition
Design Services	No objections subject to condition in relation to permeability tests.
The Coal Authority	Material Consideration. No objection subject to conditions.
Environmental Services	No objection subject to the completion of a contaminated land desktop study and site investigation and another condition in relation to working hours.
Ward Members	No comments received
Derbyshire Wildlife Trust	Requested an ecological assessment to be completed.
Neighbours/Site Notice	Three representations received

#### 2.0 **THE SITE**

2.1 This application relates to land positioned to the rear of no.109 Middlecroft Road, which comprises a former Coal

Merchants Yard. The Coal Merchants Yard is no longer trading and has lain unused since that use ceased.

2.2 The site is accessed via a driveway that runs along the southern boundary of no.109 Middlecroft Road. The site forms the rear boundaries of no.109 and 111 and the side boundaries of land previously under the ownership of no.107 and 113. The rear boundary of the site adjoins St Joseph's Catholic and Church of England primary school. The site boundaries are served by a mixture of timber fencing and mature hedging on some sides with an open boundary with no. 113 at present. There was a porta cabin and some larger coniferous trees on site when the site was last visited.

### 3.0 **RELEVANT SITE HISTORY**

- STA/249/1 – Garage for use of housing lorries in connection with coal, coke and haulage merchant. 1949
- CHE/1188/890 – Improved vehicular access and used land for parking and turning. Permission refused and subsequent appeal dismissed. 1988.
- CHE/0800/0472 - Outline application for residential development. Conditional Permission. 26.02.2001
- CHE/1102/0675 - Erection of 3 detached dwellings with detached garage block. Withdrawn. 15.07.2003
- CHE/14/00853/OUT - Outline application for planning permission to redevelop former Coal Merchants Yard for two dwellings (All Matters Reserved). Approved. 06.02.15
- CHE/16/717/FUL – Residential Development for 4 dwellings – Refused – 07/02/17. The decision was appealed and was dismissed.

## 4.0 **THE PROPOSAL**

- 4.1 The proposal seeks permission to erect 3 detached two storey dwellings. These dwellings would all be 3 bedroom houses. Each property would be 6.2m wide and 11m in depth. To the front would be a ground floor projecting section, this would have a flat roof and it would also form a canopy over the front door area. French doors would be sited towards the rear
- 4.2 The rear gardens for plots 1 and 2 would be 70 sqm and for plot 3 would be over 90 sqm. Access is possible to these areas from the front of the houses. 1.8m high fences will surround these gardens and the whole site. To the front of the site there will be two parking spaces per dwelling sited upon a block paved area. Some soft landscaping is provided also.
- 4.3 It is proposed to use red brick on the ground floor and render on the 1<sup>st</sup> floor, with Marley Modern grey tiles on the roof.
- 4.4 The access way is between 4.2m and 4.8m in width including a footpath area. No information has been provided regarding the bin dwell areas for bin collection days and other days as well as more detailed information in relation to soft landscaping.
- 4.5 The application is a resubmission scheme following the previously refused application for 4 dwellings under application number CHE/16/00717/FUL.

## 5.0 **CONSIDERATIONS**

### 5.1 **Local Plan Issues**

- 5.1.1 The site is situated within the Middlecroft and Poolsbrook ward of Chesterfield. This area is predominantly residential in nature. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

- 5.1.2 Policy CS2 (Principles for Location of Development) states that when assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:
- a) adhere to policy CS1
  - b) are on previously developed land
  - c) are not on agricultural land
  - d) deliver wider regeneration and sustainability benefits
  - e) utilise existing capacity in social infrastructure
  - f) maximise walking / cycling and the use of public transport
  - g) meet sequential test requirements of other national / local policies

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

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

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

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

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

5.1.5 After reviewing the application against the relevant policies and previous applications the principle of the proposal is considered to be acceptable. It is within a residential area and a development in this location would support the council's spatial strategy of 'concentration and regeneration' by re using a brownfield site in a location well served by a range of facilities and methods of transport, this ensures the proposal is in line with CS1 and CS2.

## 5.2 **Design, Visual and Residential Amenity**

5.2.1 Use - The use of the site for residential purposes has been established previously through the granting of permission for houses in 2001 and more recently in 2015 for two dwellings.

5.2.2 Amount - The site area measures 1046sqm. The development of three houses on site produces a scheme that allows for reasonable levels of amenity for residents, as the previous scheme of four houses had multiple issues related to increased density.

5.2.3 Layout - The layout comprises three detached properties positioned centrally within the main section of the site which face on to the rear of the gardens on Middlecroft Road. A communal parking and turning area is shown located in front of the houses to form a parking forecourt. The rear gardens are approximately 10m in depth (variable) and back onto the grounds of the neighbouring Primary School immediately to the east. The layout has been amended since the previous application in order to enlarge the rear gardens of each plot as these were below previously below the minimum size guidance of 70sqm identified within the Successful Places SPD (2013).

5.2.4 Parking Forecourt - The parking forecourt is awkward in shape and contains little to relieve its appearance. The extent of hard surfacing is likely to result in a stark and unappealing outlook for future occupiers. Some soft landscaping has been included, but a condition has been included to seek to maximise greenery within this space and soften the area. The parking spaces are arranged in front of the dwellings, perpendicular to each plot. However, the spaces serving Plot 1 will result in residents reversing across

the frontage of the other two dwellings to leave the site in a forwards gear. This is not ideal, but as the parking spaces and turning circles for the other dwellings is acceptable this is considered acceptable.

- 5.2.5 Rear garden sizes – The gardens measure between 70 and 100 sqm in size and are acceptable garden sizes for three bedroom houses as set out within the Successful Places SPD (2013).
- 5.2.6 Servicing - The distance between Middlecroft Road and the parking forecourt is approximately 45m. The track is narrow with no footways and would be unlikely to be adopted as public highway. Refuse collection vehicles (RCV's) will not normally enter private land to undertake waste collections. It would appear that the shape of the site and the space available would restrict the ability to turn an RCV within the site, although it has not been demonstrated through tracking. Given the length of the track and its narrow dimensions, reversing an RCV into the site is also unlikely to be acceptable. It would therefore be necessary to place bins at the edge of the adopted road on collection day. Bin carry distances should not normally exceed a maximum of 30m, whereas the distance between Middlecroft Road and the nearest dwelling measures 57m, well in excess of the maximum threshold. In addition, it would be necessary to provide a bin presentation point where waste bins can be placed on collection day ready for emptying. This would need to be sufficient to hold six 240 litre bins on double bin collection days. Unfortunately, the narrow width of the access track leaves no room to provide such as presentation point. Whilst existing properties place their bins on the footway, if the proposed development were to follow the same practice, the number of bins involved would be likely to be problematic in terms of obstructing the footway and potentially leaving bins on the frontage to avoid moving them the distances involved. A condition has been included to request information in relation to a bin dwell areas.
- 5.2.7 Scale and massing - The proposed dwellings are two-storeys in height and this is compatible with the scale of houses in the immediate context on Middlecroft Road.



- 5.2.8 Landscaping - Few details of landscaping are provided at this stage. The majority of the communal space in front of the dwellings is designed for parking and turning. Enclosures around the communal parking area will have a timber fence boundary treatment. A combination of hard surfacing, parking and fencing, together with some soft landscaping is likely to create a confined and visually unappealing environment, often associated with poorly designed rear parking courts. As such, on the basis of the current details, to ensure that the communal forecourt area is an attractive place for future occupiers a condition has been included to request more information.
- 5.2.9 Appearance - Development on the frontage with Middlecroft Road is from the inter-war period and comprises houses with brick and render elevations under mainly plain tile roofs. The proposed dwellings are an improvement in comparison to the previous application, with a mixture of brick and render and more finishing details included.
- 5.2.10 Access - The developable part of the site is accessed via a long narrow entrance track, the width of this has been clarified on a detailed drawing and the reduction in dwelling numbers from 4 to 3 has lessened the requirements for the width of this driveway. Derbyshire Highways Authority has no objections to the scheme.
- 5.2.11 In its revised form this proposal is considered to be an improvement on the previous scheme.
- 5.2.12 In terms of overlooking or overshadowing there is not considered to be any specific issue. No objections have been received from the residents in terms of this. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not significantly impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.
- 5.2.13 In reference to an objection to overlooking of the dwellings into land associated to the Primary School to the east, any potential for overlooking will be into part of the school site

that is not considered to be sensitive e.g. not a playground. Also, no objections were received directly from the school in reference to the proposal.

- 5.2.14 Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

### 5.3 **Highways Issues**

- 5.3.1 Highways Authority officer comments: *You will be aware that the site has a long history and a recent application for four dwellings was refused and subsequently dismissed at appeal although the principle of residential development has been accepted.*

*It is acknowledged that a driveway width of 4.1m has been previously accepted and on this basis the width is considered acceptable. It is noted that a pedestrian route has been included although at 0.8m this is rather narrow, footways usually being 2m in width.*

*Vehicular swept paths are shown but it is unclear for what type of vehicle this relates to. The dwellings will be some distance from the publicly maintainable highway and manoeuvring should be provided for, at a minimum, smaller service/delivery vehicles e.g. supermarket delivery. Whilst this is likely to be accommodated within the area available the applicant should liaise with the refuse/recycling collection Authority as to whether such vehicles would enter the site. Should they do so then manoeuvring will have to accommodate such vehicles to allow entry and exit in a forward gear and avoid overlong reversing manoeuvres. In the event such vehicles will not enter the site then the Highway Authority would look for the provision of a bin dwell area for refuse/recycling collection day. This should be clear of the public highway and access and be of adequate dimensions to accommodate the maximum number of bins on any one collection day. You will of course appreciate that occupiers of the properties will be required to take their bins some considerable distance.*

*In order to ease vehicular movements to and from parking spaces it is recommended that the 'turning head' area is increased slightly in size and that two of the parking spaces are relocated slightly as indicated on the attached plan. Subject to the above, there are no objections to the proposal.*

- 5.3.2 The officer agrees with the highways officer comments, and subject to the discharge of relevant conditions the proposal will be acceptable.
- 5.3.3 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is considered that the development proposals do not pose an adverse risk to highway safety.
- 5.4 **Flood Risk/Drainage**
- 5.4.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding. The Council's Design Services Team has sought additional information in regards permeability rates for the proposed soakaways on site. A condition has been included to deal with this aspect of the scheme.
- 5.5 **Land Condition/Contamination**
- 5.5.1 The site the subject of the application is currently developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.
- 5.5.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area. The Coal Authority was consulted on the application and agreed with the Coal Mining Report findings that site investigation works should be undertaken prior to development.
- 5.5.3 In respect of contaminated land it has been requested that a desktop study and site investigations be completed.

## 5.6 Ecology/Wildlife

- 5.6.1 Derbyshire Wildlife Trust was consulted in regards this application. They have requested that an Ecology Assessment be completed for the site. A condition has been included to request for this to be completed before the commencement of development, as the previous use of the site and the position of surrounding dwellings and a school is not considered to lead to an ecologically sensitive site.

## 6.0 REPRESENTATIONS

- 6.1 As a result of neighbour notification, three letters of representation have been received with the following comments:
- 6.2 Someone (of unknown address) comments that the issues with the previous development should be dealt with as part of this process. ie: that the part of the land which is to the rear of 113 (which is not part of the scheme) should be fenced off and not impacted by the development.
- 6.3 The resident of 113 Middlecroft Road objects on the basis that the development will overlook towards the school (to the rear) and that the entrance access is narrow and not capable of accommodating the development.
- 6.4 A local Chesterfield resident supports the redevelopment of the vacant brownfield site so long as the scheme addresses the issues raised on the previous refusal.
- 6.5 ***In response to the comments made, it is considered that the primary school grounds to the rear of the proposed buildings are not a sensitive part of the school site, and thus any overlooking into the site will not be a significant issue. The boundary treatments for the north and south of the site would be 1.8m high timber fencing.***

## 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.

## 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 and 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, and requested changes to make the scheme acceptable.

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

## 9.0 **CIL LIABILITY**

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

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

Plot	New GIF sqm	Calculation	Total
Plot 1	122.5	123 x £20	£2,460
Plot 2	122.5	123 x £20	£2,460
Plot 3	122.5	123 x £20	£2,460
Total			£7,380

## 10.0 **CONCLUSION**

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

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS18 of the Core Strategy and the wider NPPF in respect of Highways, the Coal Authority, drainage, and ecology.

## 11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in liner with the details at paragraph 9.0 above.

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

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans:
- Entrance Plan,
  - Site Plan OS4A and OS3B,
  - Proposed Scheme;
- with the exception of any approved non material amendment.

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

03. 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.

*Reason – In the interests of highway safety.*

04. 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.

*Reason – In the interests of highway safety.*

05. 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.

*Reason – In the interests of highway safety.*

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

*Reason – in the interests of highway safety.*

07. 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.

*Reason – in the interests of highway safety*

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

*Reason – in the interests of highway safety*

09. 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.*

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.

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

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.

*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.*

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.

*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.*

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.

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

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.

*Reason: To prevent the increased risk of flooding.*

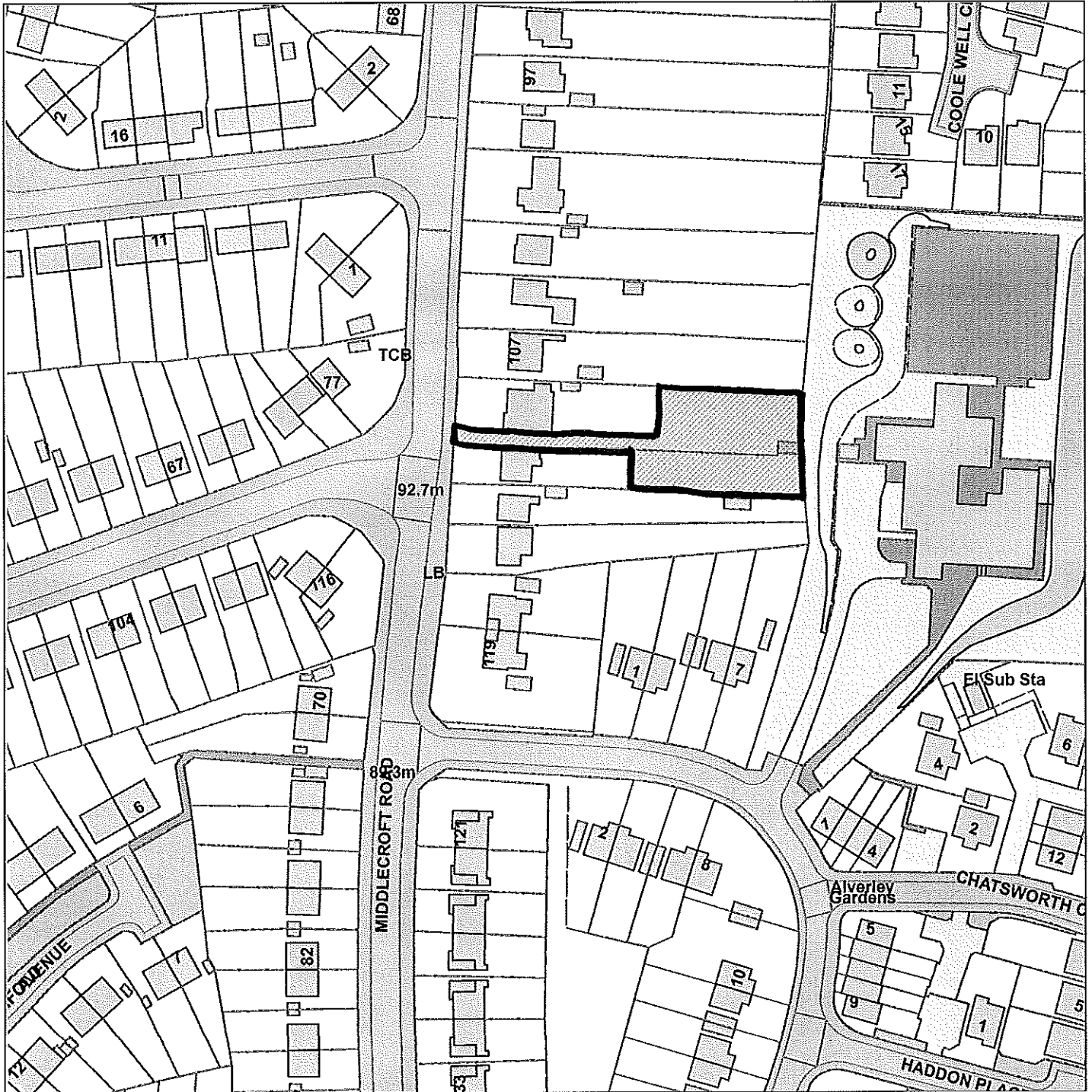
15. Prior to determination of this application it is recommended that a Preliminary Ecological Appraisal is undertaken of the site in order to establish the habitats that are present on site and to determine the presence or absence of protected species i.e. bat building assessment. The field survey work 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.

*Reason: In the interests of biodiversity within the district.*

## Notes.

01. 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.
02. 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.
03. 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.

Not Set



Scale : 1:1333

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	01 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>	11 <sup>TH</sup> DECEMBER 2017
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Building Regulations P150D and P160D, P570D, P580D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Building Regulations	Stuart Franklin	345820
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## **Decisions made under the Building Regulations**

14/01948/DEX	Domestic Extensions/Alterations, Ground floor rear extension plus internal alterations, 13 Tennyson Avenue Chesterfield Derbyshire S40 4SN	Unconditional Approval	22-Sep-17
17/01387/DOM	Domestic Buildings and New Dwellings, Proposed dormer bungalow within the curtilage, 7 Myrtle Grove Hollingwood Chesterfield Derbyshire S43 2LN	Conditional Approval	05-Sep-17
17/01390/DEX	Domestic Extensions/Alterations, Proposed Extensions, Ravensworth 30 Markham Road Duckmanton Chesterfield Derbyshire S44 5HP	Rejected	09-Oct-17
17/01392/MUL	Multiple Domestic, Extension, garage conversion, hall extension, wall removal, ensuite and porch, 26 Hillside Drive Walton Chesterfield Derbyshire S40 2DB	Conditional Approval	06-Sep-17
17/01449/DIS	Disabled Work, Downstairs bathroom, 128 Bamford Road Inkersall Chesterfield Derbyshire S43 3DS	Unconditional Approval	09-Nov-17
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	Rejected	16-Nov-17
17/01294/DEX	Domestic Extensions/Alterations, Single storey pitched roof rear extension, 60 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4EE	Rejected	26-Sep-17
17/01443/OTHC	Other Works (Commercial), Fit-out works to change use to restaurant, 5 Stephenson Place Chesterfield Derbyshire S40 1XL	Unconditional Approval	31-Oct-17
17/01305/DEX	Domestic Extensions/Alterations, Single storey rear extension, 1 St Davids Rise Walton Chesterfield Derbyshire S40 3HD	Conditional Approval	18-Oct-17
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	Unconditional Approval	11-Sep-17
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	Rejected	20-Sep-17
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	Unconditional Approval	01-Nov-17
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	Rejected	16-Oct-17
17/01418/DRO	Domestic in-roof Extensions/Alterations, Loft conversion, 34 Cobden Road Chesterfield Derbyshire S40 4TD	Unconditional Approval	18-Sep-17

17/01482/DRO	Domestic in-roof Extensions/Alterations, Loft conversion and general alterations, 571 Chatsworth Road Chesterfield Derbyshire S40 3JX	Conditional Approval	07-Sep-17
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	Conditional Approval	04-Oct-17
17/01488/DEX	Domestic Extensions/Alterations, Two storey rear extension, 93 Gloucester Road Stonegravel Chesterfield Derbyshire S41 7EF	Conditional Approval	22-Sep-17
17/01535/MUL	Multiple Domestic, Single storey rear extension and internal alterations, 2 Belvedere Close Somersall Chesterfield Derbyshire S40 3LU	Conditional Approval	13-Sep-17
17/01728/OTHD	Other Works (Domestic), First floor extension and alterations to the existing ground floor, 50 Hillman Drive Inkersall Chesterfield Derbyshire S43 3SJ	Conditional Approval	15-Nov-17
17/01632/DEX	Domestic Extensions/Alterations, Extension of single storey garage, 9 Lansdowne Avenue Newbold Chesterfield Derbyshire S41 8PL	Conditional Approval	17-Oct-17
17/01638/DEX	Domestic Extensions/Alterations, Single storey rear extension, 27 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JB	Conditional Approval	12-Oct-17
17/01678/DGA	Domestic Garages (40 sq.m or less), Detached garage, 3 Litton Close Staveley Chesterfield Derbyshire S43 3TD	Unconditional Approval	14-Nov-17
17/01574/DEX	Domestic Extensions/Alterations, Ground floor rear extension; internal alterations, 52 Ringwood Road Brimington Chesterfield Derbyshire S43 1DG	Rejected	20-Nov-17
17/01590/OTHD	Other Works (Domestic), Structural internal alterations, 17 Traffic Terrace Barrow Hill Chesterfield Derbyshire S43 2NJ	Conditional Approval	17-Oct-17
17/01636/DEX	Domestic Extensions/Alterations, Extension to rear, 20 Station Road Brimington Chesterfield Derbyshire S43 1JH	Conditional Approval	22-Nov-17
17/01650/MUL	Multiple Domestic, Proposed rear extension, internal alterations and replacement windows, 218 Lockoford Lane Tapton Chesterfield Derbyshire S41 0TQ	Conditional Approval	17-Oct-17
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	Unconditional Approval	14-Nov-17
17/01685/DEX	Domestic Extensions/Alterations, Single storey side extension, 3 Welbeck Close Inkersall Chesterfield Derbyshire S43 3EN	Unconditional Approval	18-Oct-17

17/01686/PART	Partnership Application, Side extension, 36 Grassthorpe Road Sheffield S12 2JH	Unconditional Approval	09-Nov-17
17/01690/DEX	Domestic Extensions/Alterations, Single storey rear extension, 7 Mayfield Road Chesterfield Derbyshire S40 3AJ	Conditional Approval	19-Oct-17
17/01782/DEX	Domestic Extensions/Alterations, Rear extension and new en-suite, 25 Deerlands Road Ashgate Chesterfield Derbyshire S40 4DF	Conditional Approval	01-Nov-17
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	Conditional Approval	14-Nov-17
17/01816/DIS	Disabled Work, Two storey extension to side for disabled lift, 98 Ashgate Road Chesterfield Derbyshire S40 4AF	Unconditional Approval	10-Nov-17
17/01818/DRO	Domestic in-roof Extensions/Alterations, Loft conversion, Red Roof Ivy House Farm Lane Chesterfield Derbyshire S41 3AF	Unconditional Approval	14-Nov-17
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	Conditional Approval	09-Nov-17
17/01820/DEX	Domestic Extensions/Alterations, Extensions to rear and side of house, 18 Endowood Road Somersall Chesterfield Derbyshire S40 3LX	Unconditional Approval	14-Nov-17
17/01807/OTHD	Other Works (Domestic), Roof dormers to existing bedroom over garage, 678 Chatsworth Road Chesterfield Derbyshire S40 3NU	Unconditional Approval	17-Nov-17
17/01697/DEX	Domestic Extensions/Alterations, Front extension, 100 Norwood Avenue Hasland Chesterfield Derbyshire S41 0NH	Unconditional Approval	19-Oct-17
17/01730/PART	Partnership Application, Single storey rear extension, 8 Longstone Crescent Sheffield S12 4WP	Conditional Approval	09-Nov-17
17/01712/OTHD	Other Works (Domestic), Internal alterations, 6 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH	Unconditional Approval	21-Nov-17
17/01895/DEX	Domestic Extensions/Alterations, Single storey rear extension, 49 Brushfield Road Holme Hall Chesterfield Derbyshire S40 4XF	Unconditional Approval	16-Nov-17
17/01928/MUL	Multiple Domestic, Two storey side extension, single storey rear extension and internal alterations., 40 Mansfeldt Road Newbold Chesterfield Derbyshire S41 7BW	Conditional Approval	17-Nov-17
17/01608/DIS	Disabled Work, Sub-division of bedroom specifically for disabled use, 4 Nesfield Close Newbold Chesterfield Derbyshire S41 8DF	Unconditional Approval	17-Nov-17
17/01792/DEX	Domestic Extensions/Alterations, Proposed extension over existing, 91 Coronation Road Brimington Chesterfield Derbyshire S43 1EU	Unconditional Approval	22-Nov-17

17/01709/DEX	Domestic Extensions/Alterations, Ground floor side extension, 55 Brearley Street Old Whittington Chesterfield Derbyshire S41 9LN	Unconditional Approval	08-Nov-17
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# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	11 <sup>TH</sup> DECEMBER 2017
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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**Delegated List**  
**Planning Applications**

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00516/FU	Lowgates And Woodthorp	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 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.	CP	09/11/2017
CHE/17/00555/FU	St Leonards	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 re-furbishment works. Amended plans received 15.11.17 and additional information. At 3 Corporation Street Chesterfield Derbyshire S41 7TU For Triward Holdings Ltd	CP	23/11/2017

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00575/DOC 1498	Hasland	Discharge condition 3 (materials) on application CHE/16/00371/FUL At 65 Smithfield Avenue Hasland Derbyshire S41 0PR For Miss Ellis & Mr Orton	DPC	15/11/2017
CHE/17/00640/FU	Old Whittington	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	CP	20/11/2017
CHE/17/00648/FU	Moor	Single storey extension to garage, with new roof and rear canopy At 9 Lansdowne Avenue Newbold Derbyshire S41 8PL For Mr Rob Hemming	CP	09/11/2017
CHE/17/00670/FU 313	Dunston	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	CP	14/11/2017



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00674/RET	Brockwell	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	CP	23/11/2017
CHE/17/00679/LB	Barrow Hill And New Whittington	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	CP	22/11/2017
768				
CHE/17/00680/AD	Brockwell	New signage to replace the existing  At Accommodation At Highfield Hotel 138 Newbold Road Newbold S41 7AA For Mitchells and Butlers	CP	15/11/2017
320				
CHE/17/00682/LB	Hasland	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	CP	23/11/2017
1452				

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00690/OUT  6	Lowgates And Woodthorp	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	CP	28/11/2017
CHE/17/00691/AD  848	Old Whittington	Alterations to existing fascia signs, 2 ACM Direct Print Panels, 2 PETG Frames and 2 x Poster Frames.  At Post Office 20 High Street Old Whittington S41 9JT For One Stop Stores	CP	09/11/2017
CHE/17/00695/DOC  218 4127	Dunston	Discharge of conditions 12 and 19 of CHE/16/00016/OUT  At Land To The West Of Dunston Lane Newbold Derbyshire For William Davis Ltd	DPC	16/11/2017
CHE/17/00700/REM  1932	St Leonards	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	CP	16/11/2017

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00703/TP	West	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	CP	13/11/2017
CHE/17/00705/DOC 3137	St Helens	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	DPC	15/11/2017
CHE/17/00706/FU 11	Walton	First floor garage and utility and second floor bedroom At 41 Lichfield Road Walton S40 3EZ For Mr Darren Ashmore	WDN	16/11/2017
CHE/17/00708/TP 161	Rother	T1- Ash- Reduce by 25% branches causing excessive shading, biased to north side of tree. T2 - Hawthorn - Reduce to a height of 2metres for similar reasons. At 22 Staunton Close Chesterfield Derbyshire S40 2FE For Mr Denis Llewellyn	CP	23/11/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00710/DOC 208 1926	Dunston	Discharge of planning permissions: 4(Foul and surface water drainage), 6(Surface water outlet), 8(Site investigation), 9(Geotechnial 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	DPC	15/11/2017
CHE/17/00712/DOC 1261	St Leonards	Discharge of condition No's 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	DPC	15/11/2017
CHE/17/00715/FU 1302	Hasland	Proposed demolition of an existing rear, lean-too conservatory and out buildings 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	CP	17/11/2017

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00716/FU 1103	West	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	CP	23/11/2017
CHE/17/00717/FU 208	Dunston	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	CP	17/11/2017
CHE/17/00718/DOC 1932	St Leonards	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	DPC	20/11/2017
CHE/17/00720/FU 5578	Walton	Side and rear extensions At 2 Creswick Close Walton Derbyshire S40 3PX For Mr and Mrs R and L Wallace	REF	28/11/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00724/FU 4810	Walton	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	CP	27/11/2017
CHE/17/00729/DOC 1017	Hollingwood And Inkersall	Discharge conditions 3 external 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	DPC	27/11/2017
CHE/17/00731/MA 934	Old Whittington	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	CP	17/11/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00735/DOC 218	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 Derbyshire For William Davis Ltd	DPC	29/11/2017
CHE/17/00736/TP 308	West	Portugese Laurel - Fell due to low amenity value, excessive shading and signs of canker and general degredation 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	CP	13/11/2017
CHE/17/00739/FU 5577	Walton	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	CP	28/11/2017
CHE/17/00742/TP 2574	West	Crown Lift of low hanging branches.  At 8 Oakfield Avenue Chesterfield Derbyshire S40 3LE For Mr Michael Henshaw	CP	27/11/2017
CHE/17/00748/TP	Walton	Proposed Rear extension  At 114 Walton Road Walton Derbyshire S40 3BU For Mr P	PANR	09/11/2017

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00749/TP	Rother	Rear Sunroom At 15 Fenland Way Chesterfield Derbyshire S40 3RH For Mr John Tait	PANR	09/11/2017
CHE/17/00764/TP	Hasland	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	CP	27/11/2017
CHE/17/00787/TP	Hollingwood And Inkersall	Single storey rear extension. At 15 Mulberry Croft Chesterfield Derbyshire S43 2LY For Mr Fletcher	PANR	28/11/2017
CHE/17/00806/NMA 2553	Holmebrook	Non-material amendment to reduce the size of the development area by 470 m2 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	UP	23/11/2017



## *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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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	11 <sup>TH</sup> DECEMBER 2017
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/17/00736/TPO TPO 4901.7 13/11/17	<p>The felling of one Portuguese Laurel tree within A1 on the Order map for Mr Brindle of 5 Pine View, Ashgate.</p> <p>The tree has decay at the base and is generally in a poor condition.</p>	<p>Consent is granted to the felling of one Portuguese Laurel tree by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season to the satisfaction of the Borough Council.</p> <p>The replacement tree is to be an Indian Bean tree and planted as near as is reasonably possible to the original tree.</p>
CHE/17/00703/TPO TPO 4901.7 13/11/17	<p>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.</p>	<p>Consent is granted to crown thin the tree by 20 which also includes the removal of dead and damaged branches in the crown.</p>

<p>CHE/17/00708/TPO</p> <p>TPO 4901.203</p> <p>23/11/17</p>	<p>The pruning of one Ash tree and one Hawthorn tree within W1 on the Order map located to the south of 22 Staunton Close and the banking of Birdholme Brook.</p>	<p>Consent is granted to the reduction of horizontal branches growing towards 22 Staunton Close by a maximum of 1.5 metres pruning back to suitable replacement branches. Consent is also granted to the crown reduction of one Hawthorn to 2 metres.</p>
<p>CHE/17/00764/TPO</p> <p>TPO 4901.160</p> <p>27/11/17</p>	<p>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. The tree Pine tree has a 30 degree lean towards the property.</p>	<p>Consent is granted to the felling of one Pine tree within G5 by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season to the satisfaction of the Borough Council.</p> <p>The replacement tree is to be a Mountain Ash tree and planted as near as is reasonably possible to the original tree.</p> <p>Consent is also granted to the removal of dead wood within two Pine trees and the crown lifting of one Yew tree by 3 metres to</p>

		allow vehicular access over the driveway.
CHE/17/00742/TPO TPO 4901.16 27/11/17	The pruning of 3 trees reference T2 & T4 Lime and T5 Alder on the Order map for Mr Henshaw of 8 Oakfield Avenue, Somersall.	Consent is granted to the crown lifting of 3 trees by 3.5 metres pruning back to suitable replacement branches.
CHE/17/00850/TPO TPO 4901.297 29/11/17	The pruning of roots growing towards Chiltern Court, Loundsley Green on two London Plane trees reference T10 & T11 on the Order map for Mr Featherstone on behalf of Chesterfield Borough Council Housing Services. The trees roots are allegedly causing damage to the boundary wall, tarmac and flats.	Consent is granted to the root pruning of roots growing towards Chiltern Court pruning back to the boundary line. The majority of the rooting system will be retained in the neighbouring property and the species of tree can withstand limited root pruning without affecting the long term health of the tree. A condition has been attached for the roots to be covered with soil in the same day to limit desiccation.

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## APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 11<sup>th</sup> DECEMBER 2017  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

<u>TITLE</u>	<u>LOCATION</u>
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	
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	

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# FOR PUBLICATION Agenda Item 9

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 11<sup>TH</sup> DECEMBER 2017  
**REPORT BY:** LOCAL GOVERNMENT AND REGULATORY LAW MANAGER  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

#### **4.0 MORE INFORMATION ABOUT THE TABLE**

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services  
Tel 01246 345310 or email [gerard.rogers@chesterfield.gov.uk](mailto:gerard.rogers@chesterfield.gov.uk)

# ENFORCEMENT REPORT

Enforcements currently Authorised: 9

01 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>1,874</small>	occupation of land					Resubmitted application for relocation site granted 06/10/14, and details on conditions submitted. Outcome of Village Green Inquiry - DCC rejected the applications on 25/07/16. Now moved to authorised site.	<input checked="" type="checkbox"/> <small>20/11/16</small>	Ha
Page 182 Lincoln Street	13/03/17 <small>264</small>	use of materials to extend hardsurfacing		17/05/17 <small>65</small>	20/10/17 <small>43</small>	20/01/18 <small>-49</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>327</small>	excavation - engineering works		25/01/17 <small>16</small>			Appeal.	<input type="checkbox"/> <small>02/05/17</small>	
Tapton View Road	47 24/04/17 <small>222</small>	unauthorised extension	16/00648				Application for retention dismissed on appeal. Application for changes to extension expected.	<input type="checkbox"/> <small>20/09/17</small>	SH

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
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Walton Works	27/06/16 523	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. Amended draft with agents.	<input type="checkbox"/> 20/11/17	Wa
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York Street	2	17/07/17 138	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 54	conversion and extension of roof space				About to be issued.	<input type="checkbox"/> 29/11/17	Ha

**Stop Notice**

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

Walton Works	27/06/16 523	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
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**TPO Prosecution**

*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
Newbold Road	04/07/17 151	damage / removal of trees					Offences by multiple parties. 02/11/17 Guilty pleas. Fine £1600, £100 costs, £120 victim surcharge. Other two cases adjourned for sentencing and one guilty plea on 21/12/17.	<input checked="" type="checkbox"/> 01/12/17	N

*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*