



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

Councillors Borrell and Niblock –
Site Visit 1
Councillors Borrell and Niblock –
Site Visit 2
Councillors Serjeant and Slack –
Site Visit 3
Councillor Brown –
Site Visit 4
Councillors Brunt and Dickinson –
Site Visit 5

19 January 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 29 JANUARY 2018 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Committee Room 1 at 12:20. Ward members wishing to be present should attend on site as indicated below:-

1. 12:30 Crispin Inn, Ashgate Road
CHE/17/00830/FUL

2. 12:50 Former Brookside Nursery, Chatsworth Road
CHE/17/00725/FUL
3. 13:15 Hasland Hotel, 51 Calow Lane
CHE/17/00462/RET
4. 13:45 Former Fire Station on Sheffield Road
CHE/17/00612/FUL
5. 14:10 Former NEDDC Offices, Saltergate
CHE/17/00769/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 Kearsy on tel. 01246 345236 or via e-mail: charlotte.kearsey@chesterfield.go.uk by 9.00 a.m. on Monday 29 January, 2018. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 54)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 55 - 244)
5. Building Regulations (P880D) (Pages 245 - 248)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages

249 - 268)

7. Appeals Report (P000) (Pages 269 - 272)
8. Planning Agreement Report (Pages 273 - 282)
9. Enforcement Report (P410) (Pages 283 - 286)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE**Monday, 8th January, 2018**

Present:-

Councillor Brittain (Chair)

Councillors	Callan	Councillors	Davenport
	Elliott		P Barr
	Simmons		Wall
	Caulfield		Bingham
	Miles		Sarvent

*Matters dealt with under the Delegation Scheme

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

CHE/17/00685/REM - Application for the approval of the reserved matters of CHE/14/00404/OUT for residential development of 120 dwellings - amended plans received 30.11.2017 and 05.12.2017 at land north-east of Sainsburys Roundabout, Rother Way, Chesterfield, Derbyshire for Harron Homes.

Councillors P Barr, Bingham, Brittain, Callan, Caulfield, Davenport, Elliot, Miles, Sarvent, Simmons and Wall.

CHE/17/00569/FUL (A) CHE/17/00645/FUL (B) CHE/17/00647/FUL (C) - Proposed earthworks on development land (CHE/17/00569/FUL) and (b) proposed bodyshop, wash and valet buildings (CHE/17/00645/FUL) and (c) proposed vehicle sales and service centres for the sale, service and m.o.t of motor vehicles (CHE/17/00647/FUL) at land off Eastside Park, Eastside Road, Chesterfield S41 9BU for Pendragon plc.

Councillors P Barr, Bingham, Brittain, Callan, Caulfield, Davenport, Elliot, Miles, Sarvent, Simmons and Wall.

CHE/17/00327/FUL - Erection of motor retail dealership comprising motor vehicle sales showroom, motor vehicle maintenance workshop and ancillary rooms, detached valet building, formation of access roads and

associated hard and soft landscaping (revised plans received 24/08/2017) at Vertu Landrover, Discovery Way, Whittington Moor, Chesterfield, Derbyshire S41 9EG for Vertu Motors plc.

Councillors P Barr, Bingham, Brittain, Callan, Caulfield, Davenport, Elliot, Miles, Sarvent, Simmons and Wall.

CHE/16/00083/OUT - Outline application for development on land to construct residential properties and access drive off Sherbourne Avenue (coal mining risk assessment rec'd 09/03/2016, ecological assessment rec'd 15/11/2016 and reptile survey rec'd 14/11/2017) at land to the rear of 18 Lancaster Road, Newbold, Derbyshire for Mrs Ashton.

Councillors P Barr, Bingham, Brittain, Callan, Caulfield, Davenport, Elliot, Miles, Sarvent, Simmons and Wall.

100 APOLOGIES FOR ABSENCE

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

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

No declarations of interest were received.

102 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 11 December, 2017 be signed by the Chair as a true record.

103 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/17/00685/REM - APPLICATION FOR THE APPROVAL OF THE RESERVED MATTERS OF CHE/14/00404/OUT FOR RESIDENTIAL

DEVELOPMENT OF 120 DWELLINGS - AMENDED PLANS RECEIVED 30.11.2017 AND 05.12.2017 AT LAND NORTH-EAST OF SAINSBURYS ROUNDABOUT, ROTHER WAY, CHESTERFIELD, DERBYSHIRE FOR HARRON HOMES

In accordance with Minute No.299 (2001/2002) Mr A Meikle (objector), Ms L Hopkinson (objector) and Mr C Dwan (agent of applicant), addressed the meeting.

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

(A) 1. All external dimensions and elevational treatments shall be as shown on the approved plans 280-01 rev Q; 280-02 rev K; 280-03 rev G; 280-05; 280-06 rev B; 41379/002 rev B; 41379/008; 41379/009 rev F; 41379/022 rev A; R/2009/1F; G1-00-PD; PD/06/01; PD/06/02; PD/07/01; PD/07/02; PD/07/04; PD/51/01; PD/53/01; PD/53/03; PD/54/01; PD/55/01; PD/56/01; PD/57/01; PD/59/01; PD/59/03; PD/60/01; PD/60/03; PD/61/01; PD/61/02; PD/70/01; PD/71/01; P.01.00; P.14.00.V0 with the exception of any approved non material amendment or amendment required by conditions of this consent.

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

3. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

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

windows installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

6. Within 2 months of the commencement of the development revised details of both hard and soft landscape works, bin storage and boundary treatments shall have been submitted to the Local Planning Authority for consideration. Only those details agreed in writing shall be carried out as approved as part of the scheme.

7. Prior to occupation of each dwelling hereby approved the windows in the first floor side elevations shall be obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. The obscured glazing shall be maintained as such thereafter.

8. Before development commences, a revised scheme of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme so approved and the measures implemented retained thereafter.

9. Before development commences, details of the construction and finished treatment of the pedestrian pathways shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall thereafter be carried out as part of the development.

10. Before development commences, details of an appropriate cycle and pedestrian connection to the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall thereafter be carried out as part of the development.

11. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

12. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 11 above, space shall be

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

13. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

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

- Parking of vehicles of site operatives and visitors.
- Routes for construction traffic, including abnormal loads/cranes etc.
- Hours of operation.
- Method of prevention of debris being carried onto highway.
- Pedestrian and cyclist protection.
- Proposed temporary traffic restrictions.
- Arrangements for turning vehicles.

15. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

16. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 15 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall

be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

17. Private accesses shall not be taken into use until 2m x 2m x 45° pedestrian inter-visibility splays have been provided on either side of the accesses at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

18. No development shall take place until a swept path analysis has been carried out for the proposed estate streets, based on a large (11.6m long) refuse vehicle and which shall have been submitted to and agreed in writing by the Local Planning Authority.

19. No part of the development shall be occupied until all internal adoptable estate street junctions have been provided with visibility sightlines extending from a point 2.4m metres from the carriageway edge, measured along the centreline of the access, for a distance of 25m in each direction measured along the nearside carriageway edge in each direction. The area in advance of the visibility sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.

20. No development shall take place until full detailed construction designs of the proposed access road, cycle and pedestrian routes and associated verges between the existing A619 Sainsburys roundabout and the junction of road 2 into the development site have been submitted to the Local Planning Authority for consideration. The details shall include construction of a 7.3 metre carriageway up to binder course level with narrower surface features to produce a 5.5 metre carriageway. The development shall only proceed on the basis of the details agreed in writing and the approved scheme shall be completed prior to first occupation of any dwelling on the site.

21. No dwelling shall be occupied until space has been provided within the site curtilage for the parking of residents and visitors vehicles, in accordance with the submitted application drawings, laid out and constructed all as agreed in writing with the Local Planning Authority and

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

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

23. The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable highway boundary and 1 in 10 thereafter.

24. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

25. No dwelling hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote

and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

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

27. Prior to commencement of any development on the site a Tree Protection Plan shall be submitted to the local planning authority for consideration. The Tree Protection Plan shall include a scaled plan with the location and type of tree protective fencing conforming with BS 5837 'Trees in Relation to Design, Demolition and Construction – Recommendations 2012'. Notices should also be attached to the fencing at regular intervals indicating the purpose of the fencing. The fencing shall be erected prior to any land stripping, drilling or construction works on site and shall be retained intact for the full duration of the development and should not be repositioned or removed without the prior written permission of the local planning authority. There shall be no storage of materials or excavations within the root protection area unless otherwise agreed in writing by the local planning authority.

(B) That a variation of the s106 agreement be negotiated in respect of reduced width of the corridor for the Chesterfield/Staveley Regeneration Route to 14.4 metres (7.3 metres carriageway separated from a 3 metre shared pedestrian/cycle route by a 1.5 metre verge) as set out in the report.

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

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

PENDRAGON PLC

That the officer recommendation be upheld and that applications CHE/17/00569/FUL, CHE/17/00645/FUL and CHE/17/00647/FUL be approved subject to the following conditions:-

(A) CHE/17/00569/FUL

Three years from date of permission

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

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

Development in accordance with approved plans

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

Construction Management Plan

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

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

Construction Environmental Management Plan

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management

plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

Biodiversity Enhancement Strategy

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

Reptile Survey

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

Development in accordance with flood risk assessment

7. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery

Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Submission of surface water drainage details

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

Means of surface water pollution control

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

Archaeological investigations

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

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

and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

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

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

Site storage and accommodation

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

Soft landscaping

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

Hard landscaping

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

Employment and Training Scheme

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

Excavations and earthworks near boundary

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

Excavations and earthworks near boundary

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

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

19. 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.

20. 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.

21. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.

22. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

23. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur,

it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

24. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).

25. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Councils website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

26. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

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

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

cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

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

(B) CHE/17/00645/FUL

Three years from date of permission

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

Development in accordance with approved plans

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

Submission of Lighting/Lux Contour Plan

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

Construction Management Plan

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

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

Construction Environmental Management Plan

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

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

Biodiversity Enhancement Strategy

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

Development in accordance with flood risk assessment

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

Submission of surface water drainage details

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

Means of surface water pollution control

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

Site storage and accommodation

10. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking

and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.

Car/cycle provision

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

Materials

12. Before construction works commence on any plot or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials (including details of the glazing and lookalike panels) to be used on the buildings shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

Soft landscaping

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

Hard landscaping

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

Employment and Training Scheme

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

Bin Store and Waste Collection

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

Travel Plan

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

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

Railway conditions specified by National Rail/Highways

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

Railway conditions specified by National Rail

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

CCTV/Security

20. Prior to the commencement of development details of proposed CCTV and security system shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be installed in full prior to the occupation of the development and shall be retained as such thereafter.

Informatives for application (B) CHE/17/00645/FUL

21. 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.

22. 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.

23. Attention is drawn to the fact that, this permission is granted in

conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.

24. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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

26. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).

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

relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Councils website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

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

29. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

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

31. Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be

submitted for NR approval. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

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

(C) CHE/17/00647/FUL

Three years from date of permission

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

Development in accordance with approved plans

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

Submission of Lighting/Lux Contour Plan

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

Construction Management Plan

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

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

Construction Environmental Management Plan

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

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

Biodiversity Enhancement Strategy

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

Development in accordance with flood risk assessment

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

Submission of surface water drainage details

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

Means of surface water pollution control

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

Site storage and accommodation

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

Car/cycle provision

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

Materials

12. Before construction works commence on any plot or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials (including details of the glazing and lookalike panels) to be used on the buildings shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.

Soft landscaping

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

Hard landscaping

14. Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road shall be submitted to the Local Planning Authority for consideration. Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures

(e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out on the particular plot and access road, as approved, prior to the occupation of the buildings hereby approved.

Employment and Training Scheme

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

Bin Store and Waste Collection

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

Travel Plan

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

Railway conditions specified by National Rail/Highways

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

Local Planning Authority shall be carried out in accordance with the approved details.

Railway conditions specified by National Rail

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

CCTV/Security

20. Prior to the commencement of development details of proposed CCTV and security system shall be submitted to and approved by the Local Planning Authority. The approved scheme shall then be installed in full prior to the occupation of the development and shall be retained as such thereafter.

Shared cycle path

21. Prior to the commencement of development details of improvements to the existing pedestrian footway on the Pottery Lane East frontage of the site to create a shared cycle/footway, linking the development site to the wider cycle network accessed on Pottery Lane West (through the existing A61 underpass) shall be submitted to the Local Planning Authority for consideration. Only the proposed scheme approved in writing shall be installed on site and maintained free from impediment to its intended use unless otherwise agreed in writing by the local planning authority. The agreed scheme shall be available for its intended use concurrent with the occupation of the development.

Informatives for application (C) CHE/17/00647/FUL

22. 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.

23. 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.

24. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.

25. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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

27. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no.

01629 538516).

28. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Councils website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

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

30. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

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

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

cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

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

(B) That a S106 agreement be negotiated and signed concurrent with the planning permission relating to Percent for Art (up to 1% of development costs).

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

CHE/17/00327/FUL - ERECTION OF MOTOR RETAIL DEALERSHIP COMPRISING MOTOR VEHICLE SALES SHOWROOM, MOTOR VEHICLE MAINTENANCE WORKSHOP AND ANCILLARY ROOMS, DETACHED VALET BUILDING, FORMATION OF ACCESS ROADS AND ASSOCIATED HARD AND SOFT LANDSCAPING (REVISED PLANS RECEIVED 24/08/2017) AT VERTU LANDROVER, DISCOVERY WAY, WHITTINGTON MOOR, CHESTERFIELD, DERBYSHIRE S41 9EG FOR VERTU MOTORS PLC

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

(A) Time Limit etc

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

2. All external dimensions and elevational treatments shall be as shown

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

- Proposed Site Plan - 2711(PL)05.RevB
 - Proposed GF and FF Plans - 2711(PL)06.RevB
 - Proposed Elevations - 2711(PL)07.RevB
 - Indicative 3D Visualisation - 2711(PL)08
 - Proposed Valet - 2711(PL)09
 - Proposed Drainage - 119669/2003
 - Proposed Site levels and Drainage H132-103 Rev C
 - CCTV Plan - Q1758-R1
 - Design and Access Statement (prepared by McLaren Murdoch & Hamilton Chartered Architects April 2017)
 - Flood Risk Assessment (prepared by Fairhurst August 2017)
 - Coal Mining Risk Assessment (prepared by Fairhurst August 2017)
 - Due Diligence Report (prepared by Remedios March 2016)
- Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

Site Investigations

3. 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.

Land Condition/Contamination

4. 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.

Highways

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

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

- arrangements for turning vehicles

6. Prior to the development, the subject of the application, being brought into use, the vehicular and pedestrian accesses shall be created/ modified in accordance with the approved designs all areas in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

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

8. The development hereby permitted shall not be occupied until the cycle parking facilities have been fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

9. 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.

Other

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

11. Before construction works commence or ordering of external materials

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

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

(B) That a S106 agreement be negotiated and signed concurrent with the planning permission relating to Percent for Art (up to 1% of development costs).

CHE/16/00083/OUT - OUTLINE APPLICATION FOR DEVELOPMENT ON LAND TO CONSTRUCT RESIDENTIAL PROPERTIES AND ACCESS DRIVE OFF SHERBOURNE AVENUE (COAL MINING RISK ASSESSMENT REC'D 09/03/2016, ECOLOGICAL ASSESSMENT REC'D 15/11/2016 AND REPTILE SURVEY REC'D 14/11/2017) AT LAND TO THE REAR OF 18 LANCASTER ROAD, NEWBOLD, DERBYSHIRE FOR MRS ASHTON

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

Time Limit etc

1. Approval of the details of the layout, scale and external appearance of the building(s), the means of access and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Drainage

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

Site Investigations/Contamination/Noise

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

I. A desktop study/Phase 1 report documenting the previous land use history of the site.

II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the

Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

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

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

8. 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.

Highways

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

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

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

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

Ecology

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

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

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

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

Others

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

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

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

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

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

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

104 BUILDING REGULATIONS (P880D)

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

(a) Approvals

17/01994/DCC	Derbyshire County Council - Outhouse toilet and store conversion to bathroom facility at 12 North Crescent Duckmanton Chesterfield Derbyshire S44 5EZ
17/01720/PART	Partnership Application - Internal alterations at 25 Plunket Road Doncaster DN2 5EW
17/01962/DEX	Domestic Extensions/Alterations - Single storey kitchen extension at the rear of the property at 22 Kent Street Hasland Chesterfield Derbyshire S41 0PL
17/01913/PART	Partnership Application - Proposed loft extension and single storey rear extension at 21 Charnock Crescent, Sheffield S12 3HB
17/01695/DEX	Domestic Extensions/Alterations - Single storey rear extension at Dar Es Salaam Bent Lane Staveley Chesterfield Derbyshire S43 3UG
17/01696/DEX	Domestic Extensions/Alterations - Rear extension at 114 Walton Road Walton Chesterfield Derbyshire S40 3BU
17/02020/DOM	Domestic Buildings and New Dwellings - One new dwelling at land aj 91 Brearley Avenue at 91 Brearley Avenue New Whittington Chesterfield Derbyshire S43 2DZ
17/01963/MUL	Multiple Domestic - Kitchen extension and Internal

alterations at 127 Brockwell Lane Brockwell
Chesterfield Derbyshire S40 4EH

- 17/01724/DRO Domestic in-roof Extensions/Alterations - Loft conversion and dormer to existing garage at 17 Foxbrook Court Walton Chesterfield Derbyshire S40 3SS
- 17/01975/DEX Domestic Extensions/Alterations - Single storey extension at 50 Howard Drive Old Whittington Chesterfield Derbyshire S41 9JU
- 17/01917/OTHD Other Works (Domestic) - Wall Removal at 210 Walton Road Walton Chesterfield Derbyshire S40 3BS
- 17/02055/DEX Domestic Extensions/Alterations - Single storey extension at 593 Newbold Road Newbold Chesterfield Derbyshire S41 8AA

(b) Refusals

- 17/01644/DEX Domestic Extensions/Alterations - Extension to rear of kitchen area and insertion of beam and alteration of existing wet room to utility at 53 Windermere Road Newbold Chesterfield Derbyshire S41 8DT
- 17/01666/DCC Derbyshire County Council - Staff/meeting room extension with associated servicing at Somercotes Infants School Somercotes Alfreton Derbyshire DE55 4LY

105 **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/17/00204/FUL	Proposed new retail unit - coal mining risk assessment received 21/11/2017 at land adjacent Unit 1 Wardgate Way Holme Hall Chesterfield for Mr Sajan Keshwala
CHE/17/00340/FUL	Proposed first floor extension to provide 3 flats and as amended by revised plans received 13.11.17 at 24 High Street Chesterfield S43 3UX for Sandaul Ltd
CHE/17/00586/FUL	Erection of a two storey dwelling - revised drawings received 1.11.2017 at land adjacent to 12 Cavendish Street North Old Whittington S41 9DH for Mr Tom Hunt
CHE/17/00615/FUL	Single storey rear extension at 24 Stanley Avenue Inkersall S43 3SU for Mr Nick Hooper
CHE/17/00663/FUL	Removal of existing carport and garage, single storey side and rear extension and first floor front extension at 6 Horsewood Road Walton S42 7LS for Mr Michael Gill
CHE/17/00667/FUL	Two storey side and single storey rear extension to existing dwelling - revised drawing received 09.11.17 at 3A Storforth Lane Chesterfield S41 0PP for Mr James Yates
CHE/17/00668/FUL	Erection of an oak framed garage at Hady House 75 Hady Hill Hady S41 0EE for Mr Craig Fletcher
CHE/17/00669/LBC	Erection of an oak framed garage at Hady House 75 Hady Hill Hady S41 0EE for Mr Craig Fletcher
CHE/17/00686/FUL	Erection of one detached dwelling and associated works. Coal mining risk assessment received 7.11.17, revised tree protection plan received 15.11.17 at Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW for KBJ (Chesterfield) Ltd
CHE/17/00702/RET	Retrospective application for rear extension with

- two brick and glazed elevations and slate effect tile roof - Revised drawing received 14.11.17 at 1 Hartfield Close Hasland S41 0NU for Mrs Linda Allen
- CHE/17/00713/FUL Change of use from B1 to D2 - to be used as a martial arts and personal training academy at York House St Marys Gate Chesterfield S41 7TH for Mr James Boyle
- CHE/17/00721/FUL Proposed mixed use B1, B2 and B8 units with car parking at Unit 1 Turnoaks Industrial Estate Turnoaks Lane Birdholme S40 2HA for The Trustees of the Asprey Pension Scheme
- CHE/17/00726/COU Change of use of first floor from A1 to Beauty Salon at former Second Floor Century House 417A Chatsworth Road Chesterfield S40 3AD for Miss Rebecca Hales
- CHE/17/00727/FUL Two storey rear extension to replace existing flat roof kitchen and removal of existing flat roof and bay windows to rear and new gable roof to tie in with existing ridge and eaves heights at 376 Ashgate Road Chesterfield S40 4DD for Georgina Humphrey
- CHE/17/00737/FUL Proposed front porch at 3 Belvedere Close Somersall S40 3LU for Mr Paul Balderson
- CHE/17/00750/FUL Engineering works to provide new driveway and steps with new dropped kerb at 107 Coniston Road Newbold S41 8JE for Mr Chris Humphreys
- CHE/17/00751/FUL Single/two storey side extension and porch at 97 Foljambe Avenue Walton S40 3EY for Mr Paul Brassington
- CHE/17/00754/FUL Front porch, side two storey extension, rear single storey extension and creation of vehicular access at 106 Thirlmere Road Newbold S41 8EL for Mr and Mrs Steve Perryman

- CHE/17/00759/REM Erection of 1 dwelling (plot 1) reserved matters application for CHE/16/00034/OUT - Outline application for residential development of 6 two storey dwellings (extension of the management plan for a further 15 years to protect and enhance the wildlife site under a S106 agreement as previously arranged) at land adjacent Five Acres Piccadilly Road Chesterfield for Mr A Davis
- CHE/17/00761/FUL Ground floor side extension at 55 Brearley Street Old Whittington S41 9LN for Mr Simon Hogan
- CHE/17/00767/FUL Installation of 2 No new first floor windows at 7 Victoria Street West Chesterfield S40 3QY for Mr John Ball
- CHE/17/00772/FUL Two storey pitched roof extension to side of property and a single storey pitched roof extension to the rear at 25 West Croft Drive Inkersall S43 3GA for Mrs Sarah Saunders
- CHE/17/00780/ADV Replacement signage and hanging sign at Unit 3 16 Packers Row Chesterfield S40 1RB for Ms Boardman
- CHE/17/00781/FUL Two storey side extension at 98 Ashgate Road Chesterfield S40 4AF for Mr Alan Higginbottom
- CHE/17/00850/TPO Root pruning to either T10 or T11 at Brendon House Brendon Avenue Chesterfield S40 4NJ for Mr K Featherstone
- (b) Refusal
- CHE/17/00760/FUL Re-submission of CHE/16/00774/FUL (Demolish existing two story offshoot rear extension and erect new two storey extension) to increase size of first floor to match that of ground floor at 49 Compton Street Chesterfield S40 4TA for Mr Richard Burke

(c) Discharge of Planning Condition

- CHE/17/00673/DOC Discharge of conditions 4, 5, 6 and 11 on application CHE/16/00727/FUL at 18 Thompson Street Chesterfield S41 9AR for Mr Michael Walker
- CHE/17/00733/DOC Discharge of condition 6 (site investigation) of CHE/14/00252/FUL - Proposed single storey light industrial workshop within the curtilage of the existing site premises at Marine House Dunston Road Chesterfield S41 8NY for Cathelco Ltd
- CHE/17/00735/DOC Discharge of condition 2 (roads and footways) of CHE/17/00351/REM - Erection of 99 dwellings and associated public open space, landscaping and surface water balancing (phase 1) at land to the west of Dunston Lane Newbold for William Davis Ltd
- CHE/17/00752/DOC Discharge of planning conditions 2 (materials for bridge parapet), 3 (concrete abutments to bridge), 4 (Coal Mining risk Assessment), 5 (soft landscaping scheme), 10 (water vole and otter survey) and 12 (removal of Himalayan balsam) of CHE/15/00119/FUL for new road bridge and access road at land at east of A61 known as Chesterfield Waterside Brimington Road Tapton for Arnold Laver Regeneration Limited
- CHE/17/00755/DOC Discharge of planning conditions 17 (Japanese knotweed control) 18 (tree protection plan) 19 (root protection area) 21 (open space scheme) 27 (junction and right of way layout) 30 (internal site layout) and 31 (estate roads and footways) of CHE/15/00116/OUT - Outline planning application for the development of up to 146 residential dwellings with approval of access from Dunston Road - additional information received 16/10/2015 at land off Dunston Road, Chesterfield, Derbyshire S41 9RL at Cammac Coal Dunston Road Chesterfield S41 9RL for Strata Homes Yorkshire

Limited

CHE/17/00765/DOC Discharge of planning conditions 2 (details of materials of construction), 8 (details of security shutters) and 10 (Delivery Management Plan) of CHE/15/00024/FUL (Demolition of existing public house and erection of a single storey convenience store (Class A1) with associated car parking, Landscaping, plant and ATM machine) and as amended by revised information received 6.12.17 at The Wheatsheaf 74 Newbold Village Newbold Road Newbold S41 8RJ for NewRiver REIT (UK) Ltd

(d) Prior notification approval not required

CHE/17/00807/TPD Single storey rear extension at 31 Barley Lane Holme Hall Chesterfield S42 7JA for Mr Craig Sewell

(e) CLOPUD granted

CHE/17/00808/CLO Single storey rear extension and garage conversion at 80 Wain Avenue Chesterfield S41 0FB for Miss Julie Mclean

(f) Withdrawn

CHE/17/00047/FUL Proposed erection of 7 No. Starter homes constructed using MMC and to code level 3 as a minimum. All associated parking and turning included to ensure access and egress is maintained within the site at 98 Grangewood Road Birdholme S40 2TA for Mr Green

106 **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/17/00795/TPO Consent is granted to the pruning of 3 Ash trees and 1 Oak tree reference G1 on the Order map for Affinity Sutton Homes at 5 Hassop Close.
- CHE/17/00815/TPO Consent is granted to the pruning of one Oak tree reference T2 on the Order map for Dronfield Landscapes on behalf of Mr Michael of 15 High Street, Brimington.
- CHE/17/00811/TPO Consent is granted to the felling of one Horsechestnut tree reference T15 and the pruning of one Sycamore T16 and one Oak T17 on the Order map for Mr Stephen Lane of 1 Somersall Willows, Somersall.
- The duty to plant a replacement tree has been dispensed with on this occasion due to no suitable planting positions and other trees in the garden.
- CHE/17/00832/TPO Consent is granted to the pruning of 1 Beech tree reference T2 and 1 Lime tree reference T3 on the Order map for Trueman Tree Services on behalf of Mrs Paivi of 170 Old Hall Road, Brampton.
- CHE/17/00784/TPO Consent is granted to the pruning of two groups of trees reference G1 consisting of 5 Sycamore trees and G2 consisting of 7 Sycamore trees on the Order map for Dr John Hadfield on behalf of the Terminus Bowling Club, 666 Chatsworth Road.
- CHE/17/00789/TPO Consent is granted to the pruning of one London Plane tree reference T5 on the Order map for Mr Abel of 109 Whitecotes Lane.
- CHE/17/00812/TPO Consent is granted to the felling of one dead Horsechestnut tree reference T4 on the Order map for Mrs Widdowson of 19 Penmore

Close, Hasland.

The replacement tree is to be either a Mountain Ash, Field Maple, Himalayan Birch or Ornamental Crab Apple and planted as near as is reasonable possible to the original tree or agreed alternative.

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

CHE/17/00817/CA

The pruning of 4 Sycamore trees, 1 Elm tree and 1 Oak tree for Dronfield Landscapes at 15 High Street, Brimington.

Agreement to the crown lifting of 6 trees over the highway and the reduction of branches growing towards the telephone wires. The pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Brimington Conservation Area and the applicant wishes to prune the trees because they are obstructing the highway and telephone wires.

CHE/17/00810/CA

The pruning of one Ornamental Pear and one Silver Birch for Mr Stephen Lane of 1 Somersall Willows, Somersall.

Agreement to the crown lifting of one Silver Birch tree by 2.5 metres and the crown thinning of one Ornamental Pear. The pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Somersall Conservation Area and the applicant wishes to prune the trees for general maintenance.

107 **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.

108 **ENFORCEMENT REPORT (P410)**

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

***RESOLVED -**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	29 TH JANUARY 2018
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 29TH January 2018**

- ITEM 1** **CHE/17/00725/FUL** – Proposed demolition of existing site buildings and construction of two dwellings with associated infrastructure at land adjacent to 756 Chatsworth Road, Chesterfield, S40 3PN for Proctors Nurseries
- ITEM 2** **CHE/17/00830/FUL** – Change of use from a Public House (Class A4) to retail use (Class A1), alterations to site including demolition of extension, construction of new extension, alterations to entrance and shop front, service yard and new plant area and associated parking spaces (revised plans received 10.01.2018) at Crispin Inn, Ashgate Road, Chesterfield, S40 4AW for Pegasus Planning Group Ltd
- ITEM 3** **CHE/17/00769/FUL** – Demolition of existing building and erection of Extra Care accommodation for older people, landscaping and car parking.
(Revised drawing and report received 10.01.2018) at Site of former North East Derbyshire District Council Offices, Saltergate, Chesterfield, Derbyshire S40 9TA for Your Life Management Services
- ITEM 4** **CHE/17/00462/RET** – Retention of three additional rooms at Hasland Hotel, 51 Calow Lane, Hasland, Chesterfield, Derbyshire, S41 0AX for Mr Nigel Chadwick
- ITEM 5** **CHE/17/00612/FUL** - Mixed use leisure development comprising of a main leisure / retail / bar and restaurant (use classes A1, A2, A3, A4 & A5), business centre and associated offices / office facilities (use classes B1, D1 and 1 no. Residential unit) with car parking, servicing, landscaping and access - Additional information received 04/12/2017 at former Derbyshire Fire and Rescue Station, Sheffield Road, Whittington Moor, S41 8LF for Blue Deer Ltd

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Case Officer: Joe Freegard
Tel. No: (01246) 345580
Committee Date: 29th January 2018

File No: CHE/17/00725/FUL
Plot No: 2/1497

ITEM 1

Proposed demolition of existing site buildings and construction of two dwellings with associated infrastructure at land adjacent to 756 Chatsworth Road, Chesterfield, Derbyshire, S40 3PN

Local Plan: Green Belt
Ward: West

1.0 CONSULTATIONS

Ward Members	No representations received
Environmental Services	No objections
Design Services	No objections
Yorkshire Water Services	No comments
DCC Highways	No objections
The Coal Authority	No objections
Tree Officer	No objections
Urban Design	No comments
Derbyshire Wildlife Trust	No objections
Natural England	No objections
Neighbours/Site Notice	Seven neighbour representations received – see report Objection from County Cllr J Boulton.

2.0 **THE SITE**

2.1 The site the subject of the application comprises land known as the former Proctors/Brookside Nursery forming land adjacent to 756 Chatsworth Road, in the West ward area of Chesterfield. The site area is comprised of a former plant nursery that has been disused for a number of years. The site accommodates a range of vacant buildings and greenhouses with areas of rough grassland and hardstanding present.

2.2 The site is enclosed on three sides by existing residential development and associated residential curtilage. To the North lies 752, 754 and 756 Chatsworth Road, to the East lies Lutyens Court, and to the West lies 760, 760A and 760B Chatsworth Road. Further to the West, the nursery site is adjacent to a small private park (Belmont Park), with mature vegetation to the boundaries which separates the built edge of Chesterfield from the settlement of Holymoorside to the South West. Open countryside, forming agricultural fields, lies to the South of the application site. This is part enclosed by the Western extent of Chesterfield to the East and South East (beyond the River Hipper at Yew Tree Drive), with Holymoorside (and Holymoore Road) to the West and South West. The application site is located to the South West of the administrative area of Chesterfield Borough Council, being located within designated Green Belt.





3.0 Relevant Site History

- 3.1 Pre-application enquiries have been made over recent years for residential redevelopment schemes ranging from between 3 and 6 units.
- 3.2 An application was made in 2015 for residential development off the existing access drive of up to 3 dwellings (revised plans and information received 14/4/16) on land at Brookside Nurseries under CHE/15/00123/OUT. This application was subsequently withdrawn.

4.0 THE PROPOSAL

- 4.1 A full application has been made for the proposed demolition of the existing site buildings and the construction of two dwellings with associated infrastructure.
- 4.2 Extensive clearance of the site would be required to cater for this proposed development. An application form, Design and Access Statement, site location plans, plans and elevations, ecological appraisal, bat survey, landscape masterplan, landscape and visual appraisal, landscape management plan, site analysis plan, and technical highways note have been submitted with this application.

- 4.3 The site layout indicates that the proposed new dwellings would be roughly T-shaped in footprint, with a combined volume of approximately 1,796 cubic metres. The demolition and removal of existing buildings with a combined volume of 1,939 cubic metres would take place in order to allow for this development. The proposed new dwellings are of an innovative modern design, incorporating living roofs, extensive areas of glazing, natural stone and cladding. The dwellings would be relatively low slung, making use of shallow mono-pitched roofs, with attached double garages and stores. The dwellings are proposed to measure a maximum of approximately 6M in height, 17M in width and 20M in depth.
- 4.4 The site is set back from Chatsworth Road and would be accessed via an existing driveway that currently serves 756, 758, 790, 790A and 790B Chatsworth Road. One dwelling is proposed to be situated to the East of the end of this existing driveway, identified as plot 1. A further dwelling is proposed to the East of this, identified as plot 2. Vehicular and pedestrian access to each dwelling is proposed to the North of each plot, with the main garden areas to the dwellings situated to the South of each plot. The dwellings are proposed to be situated approximately 80M from Chatsworth Road itself, which is located to the North of the site. Neighbouring properties to the North of the site would be approximately 50M away from the proposed new dwellings, on Chatsworth Road. Neighbouring properties to the East of the site are proposed to be situated approximately 10M away from the proposed new dwellings, on Lutyens Court. The closest neighbouring property to the West of the site is proposed to be situated approximately 30M away from the proposed new dwellings, 790 Chatsworth Road. To the South of the site are fields, where there are no neighbouring properties.
- 4.5 The new dwellings are proposed to comprise entrance, hallway, lounge, kitchen, dining room, study, WC, storage and double garage at ground floor level. At first floor level, the dwellings comprise four bedrooms, two en-suite bedrooms, two balconies, hallway and bathroom. The internal spaces appear to be appropriate and fit for purpose,

offering generous dimensions. Areas of garden are proposed to surround the properties, with extensive landscaping shown on the plans including a garden meadow, dining terrace, water feature and other areas of hard and soft landscaping immediately to the South of each dwelling, with further landscaping to the North of the site and living roofs to the new dwellings themselves. Ample on site car parking provision is proposed, and bins are expected to be situated in the storage areas proposed at ground floor level.

5.0 **Considerations**

Local Plan Issues

- 5.1 The Strategic Planning Policy Team consider that available evidence indicates that the primary use of the land was and still is (by reason of an implemented planning permission) horticulture and not a mixed use. Horticulture falls within the definition of agriculture and as such is not previously developed land as defined by the NPPF. The site is within the Green Belt area and protected species have been evidenced within the site.
- 5.2 The site is however within reasonable walking and cycling distance of a local centre and has reasonable access to bus services to Chesterfield Town Centre, Matlock and Sheffield. As such the proposal would be located appropriately in relation to Core Strategy (CS) policy CS1 notwithstanding green belt considerations. The proposal would accord with the majority of criteria in policy CS2 with the exception of it not meeting criterion (b), in that the site is not within the definition of previously developed land (PDL).
- 5.3 The site's exclusion from the definition of PDL is significant in that policy CS10 applies and because the proposal would be inappropriate development in green belt as assessed against the NPPF. However, the proposal appears to be one of few (if any) other options to regenerate the site and if this is clearly the case, then it would accord with policy CS2(ii) and could be accepted as an exception to other Local Plan policies that would normally restrict housing development in such a location. Policy CS2 (ii) provides an opportunity to accept development if it "*is required to regenerate sites and*

locations that could not otherwise be addressed or to support existing community facilities that would otherwise be at risk of closure”.

- 5.4 The purpose of policy CS10 is to ensure a supply of housing that meets the overall aims of the Core Strategy. Policy CS10 only permits housing-led greenfield development in the absence of a deliverable 5year housing land supply and where proposals accord with the Local Plan spatial strategy or a specific housing need is to be met. Currently the Council can demonstrate a deliverable 5yr supply of housing land and given this the proposal would not accord with policy CS10, despite being in a location compatible with the spatial strategy of ‘concentration and regeneration’ set out in policy CS1.
- 5.5 Furthermore the site is home to protected species and also contains various habitats. To accord with CS policy CS9 the proposal must demonstrate that the loss of the habitats is unavoidable and that alternative and better provision is to be made including mitigation where possible, compensation and enhancements to achieve a net gain in habitat. New habitat should focus on the priority habitats set out in the Chesterfield Greenprint and the Derbyshire Lowland Biodiversity Action Plan.
- 5.6 The issue of air quality is currently in focus given the Government’s recent commitment as part of a zero emission vehicle alliance to ensure that ‘almost every car and van is a zero emission vehicle by 2050’. Core Strategy policy CS20 expects development such as that proposed to demonstrate the provision of opportunities for charging electric vehicles where appropriate. Provided there are no overriding material considerations such as viability. The Strategic Planning Policy Team consider a charging point should be secured by condition as required by policy CS20. Core Strategy policy CS8 lends further weight to the requirement for provision of a charging point, given that cumulatively such small urban infill is likely to materially increase vehicular emissions within the borough sufficiently to prejudice the aims of local and national air quality strategies, unless mitigation is put in place.

- 5.7 The main policy issue is that the site is within green belt. The Council currently has no intention to review green belt within the Borough's boundary as currently no exceptional circumstances are deemed to exist to warrant such a process. Given that the site is not on PDL the proposed new development would represent inappropriate development in green belt. (new residential development) Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF para87). Accordingly substantial weight should be given to the harm on green belt by reason of inappropriateness, of the proposed development. Very special circumstances need to be demonstrated by the applicant that would clearly outweigh the harm by inappropriateness and any other harm from the development.
- 5.8 The proposal performs relatively well against the overall aims and objectives of the Core Strategy in that it would make a contribution to meeting housing requirements in a location accessible to public transport, services and facilities, could provide for biodiversity mitigation and also subject to conditions there is an opportunity for an overall enhancement in terms of biodiversity (inclusive of protected species), and it would provide some visual amenity benefit by removing derelict horticultural structures from open countryside. Whilst the proposal would not strictly accord with policy CS10 there may be few other (if any) realistic options to achieve the consequent visual amenity and (potentially) biodiversity improvements. If the development is clearly required to regenerate the site it could be argued to be in accordance with policy CS2(ii), which in broad terms permits development in alternative locations that may not be in strict accordance with the council's spatial strategy.
- 5.9 It is considered that the planning benefits in this case are sufficient cumulatively to warrant the very special circumstances necessary to outweigh any identified harm. The main function of the green belt is to maintain openness and prevent coalescence of urban settlements. The volume of development proposed is less volume than that of the existing structures on site, and would not project as far into the open green belt land to the South of the site. Although

the proposed new dwellings are fairly large in scale, the height of the dwellings is modest and the properties would not project as far South as neighbouring properties on Lutyens Court, to the East or 760A to the West. As such, it is considered that the proposed plans would result in a potential improvement to openness as a result of the proposed building volume, layout, scale, appearance and massing. The proposed development would improve the aesthetics of the site by replacing a series of unattractive unused former horticulture buildings with high quality dwellings, and the proposed living roofs would further reduce any impact on the green belt when viewed from the south. Not all the site is included within the residential curtilages which have been restricted limiting the built form to closely relate to the existing urban area to the north. It is necessary however to secure delivery and compliance with the submitted Landscape Management Plan for the remainder of the site to ensure it is maintained in the interests of openness and biodiversity value.

Design and Appearance (Including. Neighbour Effect)

- 5.10 It is considered that the innovative design and materials of the proposed new properties are of a high quality and would complement the surrounding locality. The modest height, use of living roofs and limited projection to the South of the site would also ensure that any impact on the openness of the green belt would be minimal. A condition should be imposed requiring the submission of details of the material samples, to ensure that these are appropriate in terms of quality, shade and detailing.
- 5.11 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to neighbouring properties on Lutyens Court, to the East of the site. The properties on Lutyens Court would be separated from the new houses by at least 10M, and it is considered that this level of separation would be sufficient to prevent any significant issues in terms of overshadowing or an overbearing impact. First floor bathroom windows are proposed to the East elevation of plot 2, and as such it is considered necessary to impose an obscure glazing condition to prevent any issues with

overlooking from these windows. The nearest other neighbouring properties would be situated at least 30M away from the proposed new dwellings, and it is considered that this level of separation would prevent any significant issues in terms of overlooking, overshadowing or an overbearing impact.

- 5.12 The 'Successful Places' SPD indicates that a new four bedroom dwelling would require a minimum of 90 Square Metres of outdoor amenity space. The site calculations indicate that the proposed new dwellings would have outdoor amenity spaces that far exceed guidelines and are therefore considered to be acceptable.
- 5.13 Whereas it is accepted that the development imposes an impact upon boundary sharing neighbours, in this instance there is a case to argue that this impact would be minimal, due to the proposed layout, low slung design, separation distances, the orientation of the site and the relationship between properties.
- 5.14 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development is designed to prevent any significant adverse impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours. As such, the development is considered to be acceptable in terms of these policies.

Environmental Services

- 5.15 Environmental Services were consulted on this application and have raised no objections. It was recommended that 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), that infrastructure for electric charging points be installed as part of the build phase.

- 5.16 In response to these comments, it is considered appropriate to impose a condition requiring electric charging points to be installed as part of the build phase in the interests of reducing emissions.

Design Services

- 5.17 Design Services have been consulted on this application and have raised no objection. They stated that the area is not shown to be at risk according to the Environment Agency flood maps. The application indicates that surface water will be disposed of using sustainable drainage. If it is planned to use infiltration drainage then they would wish 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. The applicant will also need to contact Yorkshire Water for any connections to the public sewer.

- 5.18 In response to these comments, it is considered necessary to impose a condition requiring the submission of drainage details for approval in the interests of sustainable drainage.

Highways Issues

- 5.19 DCC Highways have raised no objections. They reiterated their response to pre-application discussions DCC Highways where it was concluded that 'in the event of a formal application being submitted for the development of two dwellings and all other uses of the site ceasing, preferably including improvements to the access layout it is considered unlikely the Highway Authority would raise any objection'.
- 5.20 The County Highways Officer states that the properties will be located some distance from the publicly maintainable highway and as such, consideration needs to be given to the following:- Refuse/recycling collection – a bin dwell area should be provided for refuse/recycling collection days clear of the highway and access on the basis that such vehicles will not enter the site. It should be of sufficient dimensions to accommodate the maximum number of bins on any one

collection day. Manoeuvring should be provided within the site curtilage for smaller service/delivery vehicles e.g. supermarket delivery to allow such vehicles to enter and exit the site in a forward gear.

5.21 DCC Highways state that subject to the above matters being satisfactorily resolved there are no objections to the proposal and it is recommended that the following conditions are included in any consent:

- A revised plan demonstrating manoeuvring suitable for smaller service/delivery vehicles and a bin dwell area and sufficient hard paved frontage in front of the garages for vehicles to manoeuvre to enter and exit the site in a forward gear.
- No dwelling shall be occupied until space has been 2.laid out within the site in accordance with the drawing approved under the bullet point above for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.
- 3.The garages to be kept available for the parking of vehicles at all times.
- 4.The proposed driveways to the individual properties shall be no steeper than 1:14 over their entire length.

5.22 In response to these comments, it is considered necessary to consider any fall back position which may exist. The site was last occupied as a commercial nursery and whilst it has been vacant for a number of years, this use remains the authorised use and which can be reintroduced at any time without the need for any further planning permission. Whilst in a poor state the existing buildings remain suitable for nursery use. This is a significant fall back position which needs to be considered. A commercial nursery site will attract traffic and it is considered appropriate that this is replaced by the traffic associated with 2 dwellings such that the impact on highway safety is unlikely to be significant. Apart from the condition regarding driveway gradients (which is not justified as a result of the generally level site) it is appropriate to impose the suggested conditions in the

interests of highway safety and parking provision. It is acknowledged that the entrance drive to the site is relatively narrow with limited passing or turning places, however it is not considered that the introduction of two new dwellings would result in any significant additional impact. It is not considered that any impact that may be caused would necessarily be any more significant than that of the nursery being brought back into use. This can be done as a result of the last existing use, and may result in further impact in terms of highway safety. The application in question would result in the nursery use ceasing.

The Coal Authority

- 5.23 The Coal Authority was consulted on this application and have raised no objections.

Tree Officer

- 5.24 The Tree Officer stated that the development would result in the removal of the old nursery buildings and vegetation within the site which include self-set trees and shrubs from its former use and natural succession. As stated in the Design and Access statement by Mitchell Proctor Architects, the existing mature trees and hedgerows on the boundaries will be retained. An Ecological Appraisal by James Frith Ecological Consultants dated February 2017 has been submitted and has highlighted the need for a tree protection plan to be submitted at a later date. A condition should therefore be attached if consent is granted to the development for a tree protection plan to be submitted and approved and implemented before any demolition, soil stripping or construction commences on site to ensure that the retained trees on and adjacent to the site are not damaged during these phases.
- 5.25 A further condition should be attached stating that the hedgerow and trees on the northern boundary of the site and to the rear of the properties along Chatsworth Road are to be retained. Further details should also be submitted showing the access layout directly off Chatsworth Road and adjacent to T58 Oak of the above mentioned tree preservation Order to show how this affects the protected tree. Details should

include excavations required with existing and proposed levels and construction details and specifications. The Tree officer has no objection to the proposal as long as the conditions above are attached and details of the access are submitted and approved before construction on the site commences.

- 5.26 In response to these comments, it is considered necessary to impose the suggested conditions in the interests of the protection of trees however it is clear from the application that no changes are to be made to the driveway and therefore within the proximity of T58 oak.

Derbyshire Wildlife Trust

- 5.27 Derbyshire Wildlife Trust stated that a full desk study has been undertaken as part of the Ecological Appraisal including:
- Updated Ecological Appraisal. James Frith. October 2017.
 - Updated Bat Survey Report. JT Ecology. October 2017.

- 5.28 The Trust support the assessment and recommendations made in the Ecological Appraisal. Bat survey work at the site has identified a day roost of brown long-eared bats in Building 3 and a maternity or satellite roost of the same species in Building 2. Both buildings are being demolished as part of the proposals and therefore a European Protected Species licence will be required from Natural England prior to demolition. Detailed mitigation will be provided within the licence application. As the report states, a new roost space should be provided of either equivalent or appropriate size. Bat boxes would not provide an appropriate roost alternative in this instance. The report indicates that the proposed buildings are not suitable to include a brown long-eared roost space and that a stand-alone building should be created to provide roosting opportunity. The exact mitigation strategy will be approved by Natural England at the licensing stage but providing that a like-for-like roost space is provided as part of the works and that all works proceed in accordance with a Natural England licence, Derbyshire Wildlife Trust has no further comments in relation to bats.

5.29

Derbyshire Wildlife Trust stated that should the council be minded to grant planning permission, they recommend that the following conditions are attached:

- Prior to the demolition of buildings with confirmed bat roosts, a European Protected Species licence must be obtained from Natural England and all works should proceed in accordance with this document. The licence application should include a detailed lighting strategy.
- No works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
- Best practice measures to protect badgers and other wildlife shall be implemented during site clearance and construction, including:
 - a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 200 mm outside diameter shall be blanked (capped) off at the end of each working day.
 - c) appropriate storage of chemicals on site.
 - d) if any badger holes are uncovered during scrub clearance, works shall cease and an ecologist will be contacted for advice.
- Prior to the commencement of development, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. This should include bird nesting provision to replace the opportunities to be lost within the derelict buildings and may include other enhancements suggested in Section 5 of the Ecological Appraisal report. Such approved

measures should be implemented in full and maintained thereafter.

5.30 In response to these comments, it is considered necessary to impose the suggested conditions in the interests of biodiversity.

6.0 Community Infrastructure Levy (CIL)

6.1 Having regard to the nature of the application proposals the development comprises the creation of new dwellings and the development is therefore CIL Liable as follows.

Plot	New GIF sqm	Calculation	Total
Plot 1	255	255 x £80	£20,400
Plot 2	255	255 x £80	£20,400
Total			£40,800

7.0 REPRESENTATIONS

7.1 As a result of neighbour notification, objections have been received from 7 neighbouring addresses and 1 councillor as follows:

7.1.1 County Councillor John Boulton:

- Site in green belt where former nursery use was compatible. Residential is not;
- The access already serves 5 dwellings, is 80m long and 4 m wide obstructed by landscape making it difficult form refuse collection and emergency service vehicles;
- Result in up to 14 wheelie bins along Chatsworth Road which will be an obstruction to pedestrians;
- Highway safety concerns.

7.1.2 3 Lutyens Court:

- Site is green belt and not brownfield. A policy objection - contrary to Core Strategy. Not aware that the Council has agreed any significant green belt developments. This scheme should be no different;
- The properties are not affordable housing;

- The access is a huge problem and restricts refuse vehicles. Construction traffic will obstruct. Any access should be two way;
- No need for such sized properties in Chatsworth Road area. Already plenty of such property for sale in area.

7.1.3 5 Lutyens Court:

- Site is green belt;
- Contrary to Core Strategy Strategic Objective S11 concerning maintenance and enhancement of green belt area;
- Contrary to NPPF regarding green belt – residential development not appropriate in green belt – not demonstrated any very special circumstances;
- Site is not previously Developed Land – It is defined as agriculture;
- Impact on privacy as 5 Lutyens Court is 2 metres below the site. The development will overshadow and have a severe impact on privacy and right to peaceful enjoyment of their home;
- Overlooking of gardens and bedrooms;
- Consideration of Human Rights Act –article 1 and 8.

7.1.4 758 Chatsworth Road:

- Inadequate access – already 5 properties use the driveway;
- Access too narrow – difficulty with fire engine access. Not designed for modern vehicle use. Guideline widths should be 3.2 metres. The existing drive is far narrower. Concerns regarding suggested removal of step to improve width;
- Conflict as vehicles attempt to pass at Chatsworth Road frontage;
- Damage to property due to close proximity to access;
- Use of unsubstantiated data re traffic flows;

7.1.5 760 Chatsworth Road:

- Don't object to development of derelict site but object to use of existing access. When the site was a nursery large, vehicles parked on Chatsworth Road and goods were transported down the access by van. The access is not wide enough for construction traffic. They would

be the neighbour most affected. They have to reverse out into the access which is difficult.

- Likely damage to neighbouring property by large vehicles using access;
- Intensification of use of access – can take 3 – 5 minutes to get out onto Chatsworth Road.
- Inconvenience to others using driveway.

7.1.6 1 Lutyens Court:

- Site is green belt;
- Contrary to Core Strategy Strategic Objective S11 concerning maintenance and enhancement of green belt area;
- Contrary to NPPF regarding green belt – residential development not appropriate in green belt – not demonstrated any very special circumstances;

7.1.7 760A Chatsworth Road:

- Object to use of existing driveway. The services to all 5 dwellings accessed off the drive are contained in the drive and it is in a vulnerable condition;
- The access should be a 2 way road in the same way as what was required for Lutyens Court;
- Difficulties will arise where drive joins Chatsworth Road;
- Green belt land.

7.1.8 23 Brookside Bar:

- Site is green belt. Contrary to Core Strategy concerning maintenance and enhancement of green belt area;
- Contrary to NPPF regarding green belt – residential development not appropriate in green belt – not demonstrated any very special circumstances;
- Site is not previously Developed Land – It is defined as agriculture;
- Contrary to policy CS9 and CS10 of Core Strategy
- Object to use of existing driveway which already accesses 5 dwellings;
- The access is too narrow with no adequate turning facility. Difficulty with emergency vehicle access.

- Difficulties will arise where drive joins Chatsworth Road;
- When a nursery large vehicles parked on Chatsworth Road and goods were transported down the access by van. The access is not wide enough for construction traffic.
- Intensification of use of existing drive.
- Impact on Ecological value of site

7.2 ***It is acknowledged that the proposed development is situated in the green belt and is technically contrary to policy as a result of this. In response, it is considered that the planning benefits are sufficient cumulatively to warrant the very special circumstances necessary to outweigh any identified harm. The volume of development proposed in the built form is less than that of the existing structures on site, and would not project as far into green belt land to the South of the site. The height of the dwellings would be modest, the properties would not project as far South as neighbouring properties on Lutyens Court and 760A to the west, and the plans would result in the removal of a series of derelict structures scattered around the site. The scheme also brings with it a maintenance and management plan for the remainder of the site. As such, it is considered that the proposed plans would result in an improvement in so far as the openness of the green belt.***

7.3 ***In reference to overlooking, overshadowing, and a loss of light, it is not considered that these would be significant issues for any neighbouring properties subject to obscure glazing at first floor level to the East elevations. This is as a result of the proposed layout, low slung design, separation distances, the orientation of the site and the relationship between properties.***

7.4 ***In reference to highway safety, a lack of passing places, and inadequate turning space, it is not considered that these would be significant issues subject to the imposition of conditions. It is not considered that the introduction of two new dwellings would result in any significant additional impact and there have been no***

objections from DCC Highways. It is not considered that any impact that may be caused would necessarily be any more significant than that of the nursery being brought back into use. This can be done as a result of the last existing use, and may result in further impact in terms of highway safety. The application in question would result in the nursery use ceasing.

- 7.5 ***In reference to the impact on ecology, there have been no objections from Derbyshire Wildlife Trust or Natural England, subject to the imposition of conditions. With regards to disruption during construction, a condition should be imposed restricting working hours during construction in order to reduce the impact on neighbouring residents. It is acknowledged that some level of noise and disruption would be caused by the development, however it is considered that the imposition of such a condition would ensure that this was kept to a minimum and such impacts are likely to only be temporary during construction works. In terms of visual impact, it is considered that the proposed development would improve the aesthetics of the site by replacing a series of unattractive horticulture buildings with high quality dwellings. In terms of affordable housing, there is no requirement to provide any for a scheme of this scale. In reference to the latter point, it is considered that a demand for houses of this size is likely to exist given that an application of this nature has been made.***

8.0 HUMAN RIGHTS ACT 1998

- 8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective

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

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

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

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

9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

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

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

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

10.0 **CONCLUSION**

- 10.1 It is considered that the planning benefits are sufficient cumulatively to warrant the very special circumstances necessary to outweigh any identified harm. The volume of development proposed is less than that of the existing structures on site, and would not project as far into green belt land to the South of the site. Although the proposed new dwellings are fairly large in scale, the height of the dwellings would be modest and the properties would not project as far South as neighbouring properties on Lutyens Court, to the east and 760A to the west. As such, it is considered that the proposed plans would result in an improvement to openness as a result of the proposed building volume, layout, scale, appearance and massing.
- 10.2 The proposed development would improve the aesthetics of the site by replacing a series of unattractive horticulture buildings with high quality dwellings, and the proposed living roofs would further reduce any impact on the green belt. The proposals are considered to be appropriate in terms of scale, form and materials, and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway safety. It is considered that the design and materials are of a high quality that would complement the surrounding locality. The location of the proposed development site is sufficiently sustainable, is in a built up area and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.
- 10.3 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 of the Core Strategy and the wider NPPF in respect of Highways, design, landscaping, biodiversity, trees and materials. This application would be liable for payment of the Community Infrastructure Levy. It is considered necessary to impose conditions removing Permitted Development rights and requiring full details of landscaping, in order to protect the aesthetics of the site and to prevent any adverse impact on neighbours.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability notice be issued as per section 6.0 above.

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

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling, roofing, and window and door materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
6. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.
8. Details of the proposed site cross sections showing existing and proposed land levels and the proposed finished floor level of the dwelling shall be submitted to the Local Planning Authority for consideration and written approval. Only the approved details shall be incorporated as part of the development, unless otherwise agreed in writing by the Local Planning Authority.
9. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
10. Prior to occupation of the development hereby approved the first floor windows in the East elevations of the properties shall be obscure glazed with a minimum obscurity level of 3 as referred to in the Pilkington Texture Glass Range leaflet, or nearest equivalent as may be agreed in writing by the Local Planning Authority. The obscured glazing shall be maintained as such thereafter.
11. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.
12. Prior to any demolition, soil stripping or construction commencing on site a tree protection plan shall be submitted to the local authority for approval in writing and shall be implemented.

13. The hedgerow and trees on the northern boundary of the site and to the rear of the properties along Chatsworth Road shall be retained.
14. Prior to development commencing, further details shall be submitted to the local authority for approval in writing showing the access layout directly off Chatsworth Road and adjacent to T58 Oak to show how this affects the protected tree. Details should include excavations required with existing and proposed levels and construction details and specifications. Only the approved plans shall be implemented.
15. Prior to the demolition of buildings with confirmed bat roosts, a European Protected Species licence shall be obtained from Natural England and all works should proceed in accordance with this document. The licence application should include a detailed lighting strategy.
16. No works relating to removal of any landscaping shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
17. Best practice measures to protect badgers and other wildlife shall be implemented during site clearance and construction, including:
 - a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

- b) open pipework greater than 200 mm outside diameter shall be blanked (capped) off at the end of each working day.
 - c) appropriate storage of chemicals on site.
 - d) if any badger holes are uncovered during scrub clearance, works shall cease and an ecologist will be contacted for advice.
18. Prior to the commencement of development, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. This should include bird nesting provision to replace the opportunities to be lost within the derelict buildings and may include other enhancements suggested in Section 5 of the Ecological Appraisal report. Such approved measures should be implemented in full and maintained thereafter.
19. The Maintenance and Management of the land to the south of the residential curtilages as set out in the submitted Landscape Management Plan dated October 2017 shall be carried out in accordance with the report

Reasons

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.
3. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
4. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

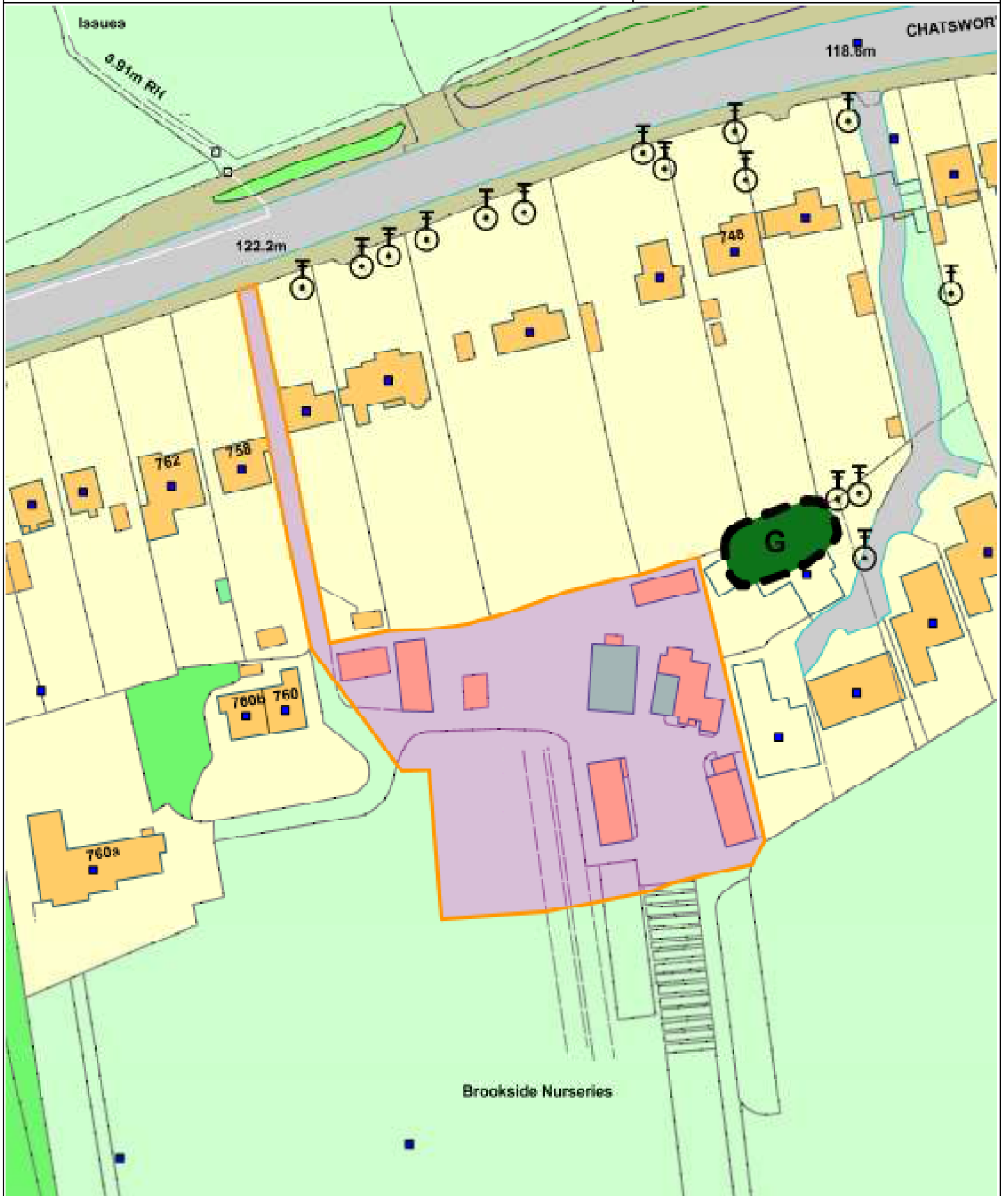
6. In the interests of residential amenities.
7. In the interests of the amenities of occupants of adjoining dwellings.
8. In the interests of residential amenities.
9. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
10. To safeguard the privacy of adjoining residents
11. In the interests of reducing emissions in line with Core Strategy policy CS20 and CS8
12. To ensure that the retained trees on and adjacent to the site are not damaged during these phases.
13. In the interests of the protection of trees.
14. In the interests of the protection of trees.
15. In the interests of the protection of bats.
16. In the interests of the protection of roosting birds.
17. In the interests of the protection of badgers and other wildlife.
18. In the interests of biodiversity enhancement.
19. In the interests of safeguarding the openness of the green belt and the biodiversity value of the land concerned.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
05. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
06. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.

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

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 29th January 2018

File No: CHE/17/00830/FUL
Plot No: 2/319

ITEM 2

CHANGE OF USE FROM PUBLIC HOUSE (CLASS A4) TO RETAIL USE (CLASS A1), ALTERATIONS TO SITE INCLUDING DEMOLITION OF EXTENSION, CONSTRUCTION OF NEW EXTENSION, ALTERATIONS TO ENTRANCE AND SHOPFRONT, SERVICE YARD AND NEW PLANT AREA AND ASSOCIATED PARKING SPACES (REVISED PLANS RECEIVED 11/01/2018) AT CRISPIN INN, ASHGATE ROAD, CHESTERFIELD, S40 4AW FOR PEGASUS PLANNING GROUP LTD

Local Plan: Unallocated
Ward: West

1.0 CONSULTATIONS

DCC Highways	Comments received 08/01/2018 – see report
Planning Policy	Comments received 29/12/2017 and 10/01/2018 – see report
Coal Authority	Comments received 19/12/2017 and 10/01/2018 – see report
Design Services	Comments received 08/12/2017 – see report
Urban Design Officer	Comments received 0/12/2017 – see report
Chesterfield Cycle Campaign	Comments received 05/12/2017 – see report
Environmental Health Officer	Comments received 13/12/2017 and 03/01/2018 – see report
Yorkshire Water Services	No comments received
Ward Members	No comments received
Site Notice / Neighbours	14 letters of representation received

2.0 THE SITE

2.1 The application site is a two storey red brick public house building which has been used historically as a public house, known as The Crispin Inn. The public house has been closed since May 2015.

The building has single storey, flat roof rear extensions and a conservatory to the western site. The public house areas comprise the ground floor, with ancillary staff accommodation contained on the first floor level.

- 2.2 The site is 0.16ha and consists of a car park to the north in front of the site providing 16 no. existing car parking spaces. The car park has two separate crossovers providing vehicular access from the site onto Ashgate Road. The public house building itself is detached, with a landscaped beer garden and play area to the rear (south) of the pub.
- 2.3 Boundary treatments to the site comprise a brick wall to the west, a stone wall with a fence on top to the east, and a mix of fence and vegetation to the rear. To the north, the site boundary is contiguous with the footpath on the highway, delineated in the centre of the site with some concrete bollards, interspersed with planters, and without any boundary towards the east and west of this elevation.
- 2.4 Ashgate Road runs to the west to east adjacent to the site, and leads to Chesterfield Town Centre approximately 1 mile to the east. There is a bus stop on the public highway in front of the site, with a further bus stop on the northern side of Ashgate Road to the north east of the property.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/13/00253/FUL - Alterations to the front and side elevations and installation of front access ramp.
Planning committee refused 06/08/2013.
APP/A1015/A/13/2205691 - Appeal allowed 24/10/2014.
- 3.2 CHE/13/00252/FUL - Demolition of the existing conservatory, the erection of an extension and side access ramps, access alterations and parking and the installation of plant equipment and associated screening to the service yard and additional hardstanding to the rear - re-submission of CHE/12/00785/FUL, CHE/12/00786/FUL and CHE/12/00788/FUL.
Planning committee refused 06/08/2013.
APP/A1015/A/13/2205692 - Appeal allowed 24/10/2014.

- 3.3 CHE/12/00790/ADV - Erection of gantry sign and car park signage.
Advertisement consent granted 13/03/2013.
- CHE/12/00789/ADV - Installation of fascia signage.
Advertisement consent granted 13/03/2013.
- 3.4 CHE/12/00788/FUL - Installation of plant equipment and associated screening to service yard
Planning committee refused 13/03/2013.
APP/A1015/A/13/2197209 – Appeal allowed 24/10/2014.
- 3.5 CHE/12/00787/FUL - Installation of an ATM and bollards.
Planning committee refused 13/03/2013.
APP/A1015/A/13/2197208 – Appeal allowed 24/10/2014.
- 3.6 CHE/12/00786/FUL - Alterations to the front and side elevations and installation of front and side access ramps.
Planning committee refused 13/03/2013.
APP/A1015/A/13/2197205 – Appeal allowed 24/10/2014.
- 3.7 CHE/12/00785/FUL - Demolition of existing conservatory and erection of an extension and side access ramp, access alterations and parking.
Planning committee refused 13/03/2013.
APP/A1015/A/13/2197213 – Appeal allowed 24/10/2014.
- 3.8 CHE/1199/0618 - Construction of ramp and alterations to entrance to assist disabled access.
Conditional permission granted 06/12/1999.
- 3.9 CHE/1087/0618 - Permission for extension to form family room.
Conditional permission granted 07/03/1988.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed change of use of the former public house (Class A3) known locally at The Crispin to Class A1 Retail inc. proposals to demolish the rear extensions and conservatory whilst retaining the outside shell and roof structure of the original building and extending to the rear to create a convenience food retail unit.

- 4.2 The access/egress will largely remain unchanged however the car park will be reconfigured with customer car parking spaces to the western side of the property, stretching to the rear. These will include 16 no. parking spaces, including 2 no. accessible spaces nearest to the shop entrance. Additionally, 4 no. cycle hoops will be provided to the right hand side of the entrance.
- 4.3 A delivery and loading area will be included to the east of the site, which will enable the site to be appropriately serviced. The site incorporates sufficient space to enable delivery vehicles to enter and leave in a forward gear and for servicing to take place off the highway. There is sufficient room for an artic HGV to do this.
- 4.4 The proposals include an area for plant relating to heating and cooling of the premises and the chiller units. This is intended to be to the south of the site, to the rear of the store. This plant area will be contained within close-boarded plant enclosures and noise levels will be compliant with required levels to ensure no harm to neighbouring occupiers.
- 4.5 The new rear extension will be constructed from a steel frame with a mansard roof. The external finish will be brickwork to match the existing to eaves level, with a pitched, slanted mansard roof over.
- 4.6 The front (northern) elevation will be modified to include the insertion of a new, centrally positioned, glass shopfront entrance to enhance inclusive access into the site. The ramp currently provided on the front elevation will be removed and a new ramp and steps will be constructed on the front elevation to allow inclusive access to the building.
- 4.7 On the eastern elevation, the new extension will also have a separate goods in entrance with a ramped access.
- 4.8 To the south elevation, as well as the plant area detailed above, two 900mm diameter satellite dishes will be erected to provide a communications link for the store.
- 4.9 The western elevation will be extended following the removal of the side conservatory. The existing ramped entrance on this elevation will be removed.

- 4.10 The proposed opening hours of the site are from 06:00 – 23:00 and controls on delivery times between 7:00 – 22:00 (excepting newspaper and magazine deliveries).
- 4.11 The application submission is accompanied by the following plans / documents:
 Location Plan 3231 PL_001 Rev G
 Existing Site Layout 3231 PL_002 Rev B
 Proposed Site Layout 3231 PL_003 Rev G
 Existing Floor Plans 3231 PL_004 Rev B
 Proposed GF Plan 3231 PL_005 Rev J
 Proposed FF Plan 3231 PL_009
 Existing Elevations 3231 PL_006
 Proposed Elevations 3231 PL_007 Rev E
 Proposed Block Plan 3231 PL_008 Rev F
 Design & Access Statement prepared by AMCA Architects
 Planning Statement prepared by Pegasus Group
 Sequential Sites Assessment prepared by Pegasus Group
 Transport Statement prepared by Croft Transport Solutions
 Ground Conditions Report (inc. Coal Mining Risk Assessment) prepared by Soiltechnics
 Noise Impact Assessment prepared by Hann Tucker
 Arboricultural Statement prepared by Crown Consultants
 Statement of Community Consultation prepared by Instinctif Partners
 Viability Statement prepared by Fleurets
 Marketing Report prepared by Wright Silverwood

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated in the built settlement of West ward in an area predominantly residential in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS8, CS9, CS15, CS16, CS17, CS18 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework (NPPF) apply.

5.2 **Principle of Development**

- 5.2.1 The application is for conversion of an existing pub to retail use. The NPPF subjects retail to a sequential approach to the location

of development and this is the key consideration in determining whether the principle of the change of use is appropriate. The site of the proposed use would be considered 'out of centre'. The key policies in this case being CS15 and CS16 of the Core Strategy. Policy CS16 in particular sets out a threshold for 'small shops 'designed to serve local day to day needs' that exempts them from the Sequential Assessment.

5.2.2 The development would also result in the loss of 'social infrastructure' and policy CS17 therefore also applies.

Loss of Social Infrastructure

5.2.3 The Local Plan Core Strategy identified public houses as 'Social Infrastructure'; essential to the quality of life of the borough's residents. Before considering alternative uses of the building, the loss of the use must be considered. Policy CS17 sets out two tests:

- a) There is an equivalent facility available in the locality or an equally accessible one is made available prior to the commencement of redevelopment to serve the same need; or
- b) It can be demonstrated through a viability assessment that the current use is economically unviable and all reasonable efforts have been made to let or sell the unit for the current use over a 12 month period.

5.2.4 The applicant has provided information on equivalent facilities (at 8.9 of the Planning Statement). It is clear that criteria (a) of the policy can be met. The Planning Statement also contains a lengthy viability appraisal but it is not necessary to consider this in further detail if the first criteria can be met.

Retail and Sequential Assessment (policies CS15 and CS16)

5.2.5 It is noted that the applicant claims that the threshold set out in CS16 is not compliant with NPPF however in response it is commented that the Core Strategy was adopted in 2013, post publication of the NPPF in 2012. As one of the tests of soundness set out in the NPPF is that plans be "consistent with national policy"¹ it can be safely assumed that the policy is, in fact, fully compliant with the NPPF and full weight can be given to it.

¹ NPPF para 182

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

5.2.6 The draft Local Plan published in January 2017 proposed an amendment to this policy changing the proposed floorspace limit to 280 sqm net retail space (to bring it in line with Sunday Trading Act 1994). Both the existing floorspace of the Crispin Inn and the proposed net retail floorspace of the proposed change of use would exceed the existing threshold but be below the proposed new threshold. The weight that can be given to the emerging policy is therefore important in determining whether a sequential assessment is necessary.

5.2.7 The **Planning Policy** team initially commented on the sequential test submitted as follows:

The scope of the assessment and data sources used was not the subject of pre-application discussion. The assessment uses a catchment of just 500m radius, which is considered too small (no evidence is provided to justify such a small catchment, for example data from similar stores). The sequential assessment prepared to support the appeal over application CHE/13/00252/FUL used a catchment of 1000m and Manual for Streets 2 refers to a typical walking distance being 800m; a ten minute walk (and this is referred to in the applicant's assessment at para 1.9 when identifying the area the store may serve). On the basis of a 500m catchment the applicant has identified 4 premises which are not considered suitable. I have no argument regarding the conclusions reached on the identified premises but, on the basis of the limited catchment used, cannot agree that the sequential assessment has been passed.

It is therefore important to consider the weight that should be given to the emerging policy CS16 and the associated 280 sqm threshold. Typically little weight would be given to emerging policies at this stage in the plan preparation process. However in this case there are a number of mitigating factors:

- 1) No objections were received to the changed threshold and one supporting comment received (from Derbyshire County Council) to the use of thresholds.*
- 2) The new threshold proposed is to bring the policy into line with other national legislation that controls the operation of retailing and allows 7 day/week retailing from small shops in line with the objective of the policy of allowing uses that 'serve local day-to-day needs'.*
- 3) The application is predominantly for the change of use of an existing building and, as this already exceeds the threshold, it*

would be unrealistic to expect the floorspace of the existing building to be reduced.

- 4) The change of use allows for the retention of the existing building*
- 5) The degree to which the proposed floorspace exceeds the adopted 200 sqm threshold*

Policy CS2 also allows provision to take into consideration whether a proposed use needs to be in a specific location to serve a local catchment or need, and the proposed use would clearly serve a local purpose. Furthermore it is unlikely that a scheme of the proposed size would have a demonstrably greater harm than one that met the 200sqm threshold

For these reasons in this case the Council would consider it appropriate to give greater weight to emerging policy and CS2 than be the case in other circumstances (eg. an entirely new build unit) and consider that the proposed change of use is considered acceptable in principal, subject to the application of a condition limiting the net sales area to that described in the application (234sqm net sales area).

5.2.8 Notwithstanding the comments made above, the applicant provided an updated narrative on their sequential test methodology as follows:

I note that the Planning Policy comments read the sequential assessment as being drawn tightly around the site as 500m. It is noted that within my assessment at paras 2.5 and 2.6, I discuss the site's walking catchment area which is 500m. However, this is a reference to the site's intended catchment area and does not reflect the scope of the area which has been sequentially assessed.

At paragraphs 2.25-2.27 of my assessment I go on to discuss the scope of the sequential test undertaken. This includes the closest District Centre (Chatsworth Road) as well as the closest Local Centre (Loundsley Green). Chesterfield Town Centre is excluded from the scope of the Sequential Test, as I state at paragraph 2.26, as it is more than 1000m away from the site. You will see that at Appendix 3 of the Sequential Assessment, the 500m walking catchment is drawn around the site, which only encompasses Loundsley Green within this catchment. However, Chatsworth Road

is also shown, which is between 500m and 1km from the site. The assessment is made on both of these centres, and does not focus only on the 500m catchment.

These are the only two centres identified within the 1000m catchment that your colleagues refers to as acceptable. The scope of my sequential assessment considers properties in sequentially preferable location (in centre or edge of centre) within Loundsley Green and Chatsworth Road, which are up to 1000m from the site. I note that your colleague confirms he has “no argument regarding the conclusions reached” on the premises assessed, but does not feel that the assessment has been passed based on the limited catchment, which he considers is only 500m. However, as explained, these premises are actually up to 1000m from the site.

I'd be grateful if this could be revisited, given that the actual sequential assessment submitted has assessed designated centres up to 1000m from the site.

5.2.9 On the basis of the comments made above, it is acknowledged that the sequential test submitted does provide an assessment of an appropriate search area. Nevertheless the conclusions reached by the Planning Policy team supported the principle of development and this conclusion is not changed by the clarification provided.

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

5.3.1 The submission proposes a large extension to the rear of the existing building in order to provide a regular trading area. Internal walls would be removed to form a single large internal space. The proposed layout is very similar to that previously found to be acceptable under the previous appeals. As such, there is no objection to the overall form of the extension and general layout of the proposals.

5.3.2 The size, appearance, scale and mass of the rear extension to the building are very similar to that allowed under the previous appeals. As such, there is no objection to the scale and form of the additions to the building.

5.3.3 It is considered that details of hard and soft landscaping should be provided together with boundary treatments.

5.3.4 The proposed extension is a large single storey addition to the rear of the building and comprises plain brick elevations under a dummy pitched roof, with a flat roof behind. A very similar arrangement was allowed at appeal. Whilst the depth of the extension appears disproportionately deep relative to the host building, the position of the extension is such that the overall impact would not be fully appreciated from the streetscene. Details of all external materials should be required by condition to ensure these harmonise with the host building.

5.3.5 Overall it is considered that the siting, scale and design of the proposed alterations and extension to the building are considered to be acceptable having regard to the provisions of policies CS2 and CS18 of the Core Strategy. The separation and scale of the alterations and extension relative to the adjoining and adjacent boundary sharing neighbours are such that the development proposals are not considered to impose any adverse amenity issues to these neighbours. Matters in respect of noise and impact of the operation of the service yard are considered in section 5.6 below.

5.4 **Highways Issues**

5.4.1 The application submission has been reviewed that the **Local Highways Authority** (LHA) who has provided the following response:

The site is located to the south side of Ashgate Road, a classified road subject to a 30mph speed limit, in a predominantly residential area to the south of Chesterfield town centre. The site is currently vacant having a previous use as a Public House.

The site was the subject of a number of applications in 2013-14, concerning the change of use of the public house to a 'Tesco Express' convenience store, with consent ultimately being granted following a public enquiry.

This proposal seeks a similar change of use from a public house (A4) to a 'Co-Op' Retail Store (A1). There is some inconsistency with regard to the floor area proposed. However the net sales area is understood to be 234m². This compares with a net sales area of 233m² for the Tesco convenience store application mentioned above.

Accordingly, it is considered that the principle of the change of use has already been established, with this application seeking a similar size store to that approved at appeal.

Within the site a total of 18 parking spaces are proposed, including 2 disabled spaces, with sufficient manoeuvring space also being provided. This level of parking, coupled with the anticipated length of visit due to the nature of the proposed store, the sites location close to residential properties, cycle parking and the adjacent bus stops, result in the level of parking proposed to be considered adequate, with the site having the potential to encourage sustainable means of travel. It is also noted that this application will provide several additional parking spaces over the level provided to the previous application on the site.

To encourage the use of non-car modes of transport, should consent be granted the Highway Authority would recommend the applicant improve the existing bus stop facilities adjacent the site, by providing bus demarcation markings and a raised bus boarder.

The existing accesses to Ashgate Road are proposed to be widened as part of the above proposal, such improvements are considered acceptable, with visibility splays measuring 2.4m x 47m being achievable in both directions. The Highway Authority would however recommend that a 'no entry sign' or similar to erected adjacent the eastern access, within the site, informing customers not to use this access.

Concerning deliveries to site, whilst the proposed access and egress is not ideal for delivery vehicles, subject to a Service Management Plan as drafted in Appendix 4, being suitably conditioned as part of any consent, the Highway Authority does not consider that a refusal would be sustainable at appeal.

Accordingly, in view of the above comments, the Highway Authority would not wish to raise objections to the above proposal, subject to the following conditions being included in any consent in the interests of highway safety.

- 1. Before any other operations are commenced, the existing access to Ashgate Road shall be modified in accordance with the application drawings, laid out, constructed and provided with 2.4m*

x 47m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

2. The access, the subject of condition 1 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on both sides of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

3. Before the premises, the subject of the application, shall not be taken into use until appropriate signage has been erected within the site so as to inform customers that the eastern access to Ashgate Road is not to be used. Once provided such signage will be maintained in perpetuity.

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

5. The premises, the subject of the application, shall not be taken into use until cycle parking has been provided within the application site in accordance with the application drawings, with the cycle stands being maintained throughout the life of the development free from any impediment to its designated use.

6. No development shall take place until a scheme for the provision of bus demarcation markings to delineate the bus stop adjacent the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the above provisions have been provided in accordance with the approved scheme.

7. The premises, the subject of the application, shall not be taken into use until a Service Management Plan, that shall address matters including the maximum length of delivery vehicles and that deliveries to the development hereby permitted shall not be made from the highway, has been submitted to and approved in writing

by the Local Planning Authority. Servicing, including deliveries, shall only be made in accordance with the approved Service Management Plan.

5.4.2 The comments and support of the LHA above is noted alongside the proposed list of suggested conditions.

Car Parking

5.4.3 The proposals include 18 car parking spaces which will accommodate the customer parking allocation as well as sufficient car parking for the staff (1 no. space).

5.4.4 It is accepted that stores of this nature serve a local area and have a significant level of non-car borne trips however in addition; the length of stay is much lower than superstore customers. Comments from the LHA support this assumption and consider the level of on site car parking proposed. In this regard the number of available car parking spaces contained within the site for customers should be sufficient to cater for the likely parking demand generated by the proposals. It is also noted that the previously proposed tesco conversion included only 15 no. on site spaces and this was accepted by the Planning Inspectorate.

Servicing

5.4.5 The application submission is accompanied by a Transport Statement (TS) which sets out typically proposed servicing arrangements for the store.

5.4.6 The TS sets out that the proposed store will be serviced by a series of delivery vehicles, most likely a 10.35 metre rigid HGV. From experience at other stores of this size and type it is envisaged that the proposed convenience store will have one rigid vehicle and two transit van type delivery vehicles every morning. In addition there will be another transit van type vehicle during the day and three other rigid vehicles per week.

5.4.7 Deliveries to the site will be timed and programmed to ensure that the conflict with customer vehicles and pedestrians will be minimal and will be targeted to occur during periods of lower background traffic flows on the surrounding highway network and also avoid busy convenience store trading periods. Servicing will take place via the front of the store using the improved entry and exit access points off Ashgate Road and this will be managed by a 'banksman'

or an employee of the site at the time of a delivery. This arrangement is commonplace for convenience stores across the country.

- 5.4.8 A swept path analysis for a 10.35 metres long rigid and with a large articulated vehicle of 13.4 metres in length are submitted in the TS and this demonstrates that if a larger vehicle does need to service the site for any reason then it is clear that this type of vehicle can access the site safely and efficiently.

Cycle Parking

- 5.4.9 The proposed site layout details that the development is to be served by cycle parking provision located on the LH side of the principle facade, adj to the ramped access. The site layout plan submitted shows 4 no. sheffield cycle parking stands are proposed spaced 0.4m apart; however the **Chesterfield Cycle Campaign** (CCC) has commented on the application advising that the stands should be spaced 1.2m to allow cyclists to park with panniers (which is likely to occur with cycle visitors to a convenience store) – but they would accept a reduction in provision from 4 no. hoops to 3 no. hoops.
- 5.4.10 It is considered that an increase in the spacing between the hoops would improve functionality and therefore it is consider that an appropriate planning condition can be imposed on any permission granted asking for a minimum of 3 no. stands be provided spaced a minimum of 1.2m apart.
- 5.4.11 In addition to the comments concerning the cycle stand provision CCC also requested that the service driveway be bollarded in the same way that the loading bay is proposed to be bollarded (in advance of the principle elevation of the premises) to deter indiscriminate parking by customers in this area at busy periods. Presumably this is to ensure that users of the cycle parking facilities are not faced with conflict in the use of this area.
- 5.4.12 Notwithstanding this however it is considered in the best interests of highway safety that unrestricted access to the service area is maintained to avoid service vehicles waiting on the highway. It will be the responsibility of the site operative to ensure that their service area is not misused and it is noted that the LHA recommend the positioning of a sign advising 'no entry' other than for service vehicles.

Bus Stop Improvements

- 5.4.13 Adjacent to the application site there is an existing bus stop located on the southern carriageway of the Ashgate Road. The TS details the stop is utilised by the existing number 2 and 2A Stagecoach bus service with up to two services per hour.
- 5.4.14 Whilst not initially detailed as a proposal / offer of this current application; the previous appeal decisions concerning the site imposed a requirement to improve the bus stop facilities and secure formal demarcation of the bus stop outside the site. In addition to this it is noted that the LHA are now recommending that in addition to the demarcation works the footway is enhanced to provide a raised bus boarder at this location.
- 5.4.15 The requirement to demarcate the bus stop is reasonable and this was a requirement imposed by the Planning Inspectorate on the previous planning appeals at the same site. The applicant has confirmed that they are happy to agree to provide these facility enhancements.
- 5.4.16 Overall it is considered that the development proposals offer an appropriate and acceptable design having regard to highway matters. The proposed car parking layout, access amendments and service arrangements are considered to be acceptable and meet the requirements of policies CS2, CS18 and CS20 of the Core Strategy in this regard.

5.5 Flood Risk / Drainage

- 5.5.1 The application form details that the proposed development will be connected to existing foul and surface water mains sewers, however there are no further details of drainage proposals shown on the application drawing submitted.
- 5.5.2 The Design Services team and Yorkshire Water Services were both consulted on the application submission. YWS did not provide any detailed comments however the DS team responded as follows:
'The area is not shown to be at risk according to the Environment Agency flood maps. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. The applicant will also need to contact

Yorkshire Water for any additional connections to the public sewer.'

5.5.3 With regard to the comments received above it is considered that further drainage details are not required to be submitted. Building control approval will ensure that development is adequately connected to the existing drainage infrastructure.

5.6 **Land Condition / Contamination / Noise**

Land Condition / Contamination

5.6.1 The application submission is accompanied by a Ground Investigations Report which considers issues in respect of land condition and contamination under policy CS9 of the Core Strategy. The Report includes a Coal Mining Risk Assessment (CMRA), which is a requirement of the submission given the nature of the development and the fact the site lies in the Coal Authority's development referral area. The application was referred to the **Coal Authority (CA)** and the Council's **Environmental Health Officer (EHO)** for further comments in this respect.

5.6.2 The CA's latest response confirmed they, *'consider that the content and conclusions of the Coal Mining Risk Assessment Report contained within the Ground Investigation Report are 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 developmentHowever, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application'*.

5.6.3 The EHO did not raise any comments in their consultee response specifically in relation to land contamination.

5.6.4 Overall having regard to matters concerning land condition and contamination the Ground Investigation Report concludes there is no need for any further site investigation or remediation (subject to the development proceeding as planned). This conclusion is supported by the comments of the CA who advise subsequent Building Regulations approval will control foundation design and gas protection measures deemed necessary by ground conditions.

Noise

- 5.6.5 The application proposals look to install an area of plant and equipment to the rear of the new extension (southern elevation) alongside in formation of a service yard / delivery area to serve the convenience store on the eastern elevation of the premises. In this respect the application submission is accompanied by a Noise Survey Report (NSR) which has been reviewed by the EHO and commented upon.
- 5.6.6 In respect of plant and equipment The EHO confirms the application is supported with a noise assessment report using BS4142:2014 and is a recognised assessment tool for determining whether the noise source is likely to give rise to complaints. The BS4142 calculation uses known noise information (e.g. background noise levels, the sound power levels of the equipment etc.) and determines how significantly the noise levels from the equipment will impact on the surrounding area and whether the equipment is likely to give rise to complaints. The report concludes that for both daytime and night-time hours the equipment will generate noise levels which will be “below marginal significance” and complaints are unlikely to be made by local residents.
- 5.6.7 The EHO’s response also details matters in respect of the proposed construction / development phase and the general operation of the convenience store. In principle the EHO does not object to the application proposals but recommend measures to control construction hours and the general operation of the convenience store as follows:
- *the hours of demolition/construction/installation be limited to 08:00 hours to 18:00 hours Monday to Friday only. Demolition/construction/installation shall not be carried out during the weekend or on a public holiday. This recommendation includes the delivery of construction materials.*
 - *the delivery vehicle to park as close to the delivery area as possible to ensure cages are pulled/pushed a minimum distance.*
 - *roll cages will not be moved externally during the hours of 20:30 hours to 07:30 hours.*
 - *a trained member of staff will be present during all deliveries to assist with delivery vehicle access and egress, where required, as well as with the movement of goods from vehicle to store.*
 - *vehicle engines will be switched off at all times during the unloading/loading operation in order to ensure that vehicle noise is kept to a minimum.*

- *delivery roll cages will remain on the service vehicles until such time as they can be immediately unloaded into the store.*
- *cage marshalling will be undertaken within the store until such time as they can be immediately loaded onto the tail lift of service vehicles.*
- *the delivery hours shall be restricted to 07:30 hours to 20:00 hours Monday to Friday; 08:00 hours to 19:30 hours on Saturday. No deliveries shall take place on a Sunday or Public Holiday. This recommendation would exclude deliveries of newspapers, bread and milk which are generally made via smaller vehicles.*
- *appropriate and legible signage is located and prominently displayed in the car park advising patrons to be considerate to neighbours.*
- *all lighting installed on site will be designed to minimize glare and nuisance to nearby residential properties.*

- 5.6.8 Having regard to the recommendations made by the EHO in their comments it is noted that there is some disparity between their requirements against the sites fall-back position, the recent appeal decisions and other 'standard' conditions imposed where they relate to construction hours.
- 5.6.9 Firstly in respect of construction hours the Council's standard condition which is replicated across the Borough allows *construction work to 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.* It is noted that the EHO has requested no construction work to take place on a Saturday however this is not in line with the standard condition which is accepted across the Borough. There is no reason to suggest why Saturday working is unacceptably harmful to residential amenity between the hours of 9.00am until 5.00pm.
- 5.6.10 Secondly in respect of delivery hours the potential impact arising from this activity relates to the character of the surrounding area as a predominantly residential suburb and the fact there is a common boundary sharing neighbour located immediately east of the proposed service yard and delivery doors that could be adversely impacted upon. In this respect the applicant has sought freedom to accept deliveries between the hours of 07:00am and 22:00pm 7 days a week; however the recent Appeal decisions considered the potential impact of deliveries taking place to service the sites operation as a convenience store upon the amenity of local

residents (in particular those boundary sharing ones located in closest proximity to the service yard) and the Planning Inspectorate imposed the following condition:

Deliveries to the retail use hereby permitted and the associated activity of loading and unloading shall be restricted to the hours of 07:00hrs to 18:00hrs Mondays to Saturdays and 08:00hrs to 16:00hrs on Sundays.

5.6.11 Whilst the applicant has sought to argue that delivery hours between 07:00am and 22:00pm 7 days are necessary to ensure adequate operation and servicing of the store with the submission of a number of appeal decisions for other Co-op stores in the UK; it is considered that in this case there is a recent appeal decision for the site in question and this is the most appropriate decision to base any subsequent recommendation upon. The Inspector of those appeals did consider the fall back position of the public house being able to operate without restriction however it was their view that the potential adverse impacts of deliveries to a convenience store being made and transferred into the service area upon the closest neighbouring property carried greater weight. The Inspector concluded that an hours control was necessary and this in turn is considered to be appropriate and reasonable in the interests of amenity.

5.7 **Community Infrastructure Levy (CIL)**

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

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

Existing Floorspace	Floorspace lost by COU or Demolition	Floorspace proposed (inc. COU)	Net additional Floorspace
211sqm	211sqm	330sqm	119sqm
Total:		119 x £80 (index linked) = £9,520	

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 06/12/2017 and by neighbour notification letters sent on the 05/12/2017. As a result of the applications publicity there have been 14 letters of representation received as follows:

195 Ashgate Road

This is a formal objection against the proposed Coop Store on Ashgate Road;

The area is already saturated with supermarkets and convenience stores, off licenses and ATMs with 6 other convenience stores in a 1 mile radius;

The development will affect local and small businesses negatively and is at odds with local and national regulations on sustainable communities;

Street parking will be adjacent to our home causing noise, pollution and dust at all times of day and night and there will be an increase in traffic congestion, emissions, noise, congestion and accidents;

Ashgate Road is already busy and the additional concentration will cause traffic problems and create a safety hazard for local residents, children and other motorists;

Delivery lorries will add to these issues, especially as the site is close to Ashgate Croft School which is extremely busy as the majority of people attending this school need transport to and from its location;

The new store will overlook our property, bright security lighting will be installed around the whole of the site leading to a loss of privacy, impacting upon the peaceful enjoyment of our home;

The number of out of town outlets is threatening the unique character of Chesterfield and the local economy (shops shutting weekly in the town centre) and as a Council you should be doing everything you can to support independent traders, not national retailers; and

Before the election, the Conservative Party pledged to introduce a 'needs test' to enable local councils to take competition issues into account in our local plans.

Officer Response: Competition in the local economy is not a material planning consideration.

Please see sections 5.2, 5.3 and 5.4 above.

193 Ashgate Road

Customer objects to the Planning Application

Comment Reasons:

- Noise
- Traffic or Highways
- Visual

Comment: Will cause traffic & parking issues, air, light and noise pollution & will be detrimental to area.

Officer Response: Please see sections 5.2, 5.3 and 5.4 above.

193 Ashgate Road

I wish to object to the application on the following grounds;

Parking is already at a premium on Ashgate Road and any subsequent restrictions imposed to facilitate this development will cause a strain on existing residents and lead to dangerous and illegal parking;

At the location of the development the road and footways are narrower and often people speed along this section of Ashgate Road;

There is an ambulance station situated in close proximity and emergency vehicles often use the road – delivery vehicles will hinder their progress;

A number of side roads have been the scenes of RTAs caused by speeding traffic and poor visibility on Ashgate Road. In addition Cuttholme Road is often used as a turning circle by drivers who want to make a quick u-turn;

Congestion is experienced during rush hours, at school drop off and pick up and over weekends and on bin collection days (often when bins obstruct the footway);

Children access the local play area only the footways described above and make the journey to and from school on foot from an early age. The only pedestrian crossing however is at the town end of Ashgate Road;

There is a new housing development beside the former Crispin and the proximity of the entrance to the development to The Crispin will make entering and exiting troublesome for the residents;

The delivery profile of the new development would probably closely match that of the Spar mini-market and petrol station at the bottom of Ashgate Road which will cause congestion and also add an environmental impact (at least one HGV a day and other transit vans);

The proposals imply that delivery trucks would be expected to back out of the development's yard - again this would impact on the safe flow of traffic and the route of emergency vehicles on Ashgate Road

It is likely that the new housing development adjacent will be adversely affected by the noise from the heavy plant machinery and this should be taken into consideration. Also the houses opposite the development will be subject to considerable light pollution from signage; and

Finally the area has three local convenience stores within easy reach, two national supermarket chains within a kilometre as well as at least four convenience stores from the Co-op who are making the current proposal within the same sort of range.

Officer Response: Please see sections 5.2, 5.3 and 5.4 above.

19 Churston Road

Customer made comments in support of the Planning Application
Comment: A new convenience store with an ATM will clearly be an asset for the local residents.

Officer Response: Noted.

19 Churston Road

I support the application to turn the Crispin Inn to a Co-op retail store;

A new store with an ATM will clearly be an asset for the local residents;

The odd car coming out of the new Co-op store parking area onto Ashgate Road is not going to make that much difference from when it was a thriving public inn;

The suggestion of proposed hours of deliveries having the potential to cause disturbance cannot be any worse for residents from when the Crispin Inn was a busy public house and had loud music until midnight;

This proposal is very similar to that previously found to be acceptable under the previous appeal;

It will enhance the quality of main and top-up food shopping available for local residents; and

It will be conveniently accessible and will generate employment.

Officer Response: Noted.

Anthony Aston Builders Ltd (adj Developer)

We have no objection to the planning application in principle, our only objection relates to the site plans submitted.

The block plan, existing and proposed site plans are all incorrect regarding the position of the Western Boundary, it has been drawn outside of the Crispin Inn's registered land and encroaches onto our site by a considerable distance. We enclose our land registry plan showing the correct position of the boundary.

Can you please seek to get these plans corrected prior to considering the application?

Officer Response: This matter was addressed with the submission of a set of plans with a revised red line boundary (11/01/2018) and by the applicant further providing land registry plans of the site. These were passed on and the objector was advised that on the basis the red line plan now appeared to reflect land registry details provided any further boundary dispute they might have would be a private / civil matter.

34 Ashgate Avenue

Customer objects to the Planning Application

Comment Reasons:

- Policy
- Residential Amenity
- Traffic or Highways

Comment: Need low cost housing

Road congestion

Ample retail outlets within walking distance will be affected

Officer Response: Please see sections 5.2, 5.3 and 5.4 above.

34 Ashgate Avenue

Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Residential Amenity

Comment: A great opportunity for the Council to develop some innovative Low Cost Housing, think out of the box

Officer Response: Noted.

39 School Board Lane

Customer made comments in support of the Planning Application
Comment Reasons:

Comment: The pub is dead, area needs development and it might hide the new hideous properties to the rear

Officer Response: Noted.

A Local Resident

The proposal is very similar to that which was found to be acceptable by the previous appeal inspectorate;

I fully support the application to turn the Crispin Inn to a Co-op retail store. A new store with an ATM will be an asset for the local residents;

I cannot fully understand why any local residents would object to a more useful local amenity, when they didn't object to a public house, and the more recently built St Crispin's Court properties causing far more of a disruption to our community. If they are so concerned in the whole of their community, instead of just themselves, they would have sympathy with the residents of Churston Road;

Cars have been parking along the pavement on Ashgate Road for many years, while the public house was still operating. We had noisy children playing in the beer garden, regular late night music and the occasional firework display; and

A quiet little convenience store will be a positive paradise in comparison.

Officer Response: Noted.

A Local Resident

I OBJECT to the proposed Co-op plans CHE/17/00830/FUL for the same reasons that I objected to a Tesco at this location;

The increased amount of vehicular movement in and out of the premises by customers and large delivery vehicles attempting to reverse in, or out of the tight, restricted access could create a danger on this very busy road, and because this is the main route for emergency ambulances from the nearby ambulance station in to chesterfield, this may also cause emergency ambulances to be delayed;

When it was a quiet pub, most customers visited on foot and deliveries were only a few times a week. Most local convenience stores of the this type appear to have numerous deliveries every day;

The only realistic way to improve road safety at this site, would be to introduce parking restrictions on both sides of Ashgate Rd, between the junctions of Churston Rd and Cuttholme Rd, but then that would cause problems on Churston Rd and Cuttholme Rd because all the vehicles that are currently parking on Ashgate Rd, and the Crispin car park will have to park elsewhere, which will most likely be these two nearby roads;

The nearby Inkerman park still has a serious problem with underage drinking, often resulting in vandalism and general anti-social behaviour (which Chesterfield Borough Council and police will be aware of). This is very intimidating, which makes for a no go area for many people, and a very unpleasant situation for any residents bordering the park. Having a nearby shop selling cheap alcohol will only exacerbate the problem;

There is no need for another shop in the area, as there are plenty of other shops within walking distance. Having yet another Co-op will mean that their businesses will suffer; and

Some residents who are objecting to this property being a pub again, need to realise that it had always been a pub long before any current living person has been in existence. So why did these people choose to live near a pub in the first place? The main reason why the pub has closed is because Enterprise Inns created near impossible trading conditions for its landlords, as a result, no experienced landlord/ licensee would go near it. As is the case for many other failed pubs owned by PubCo's. There is no reason why it couldn't succeed as a pub again under the right circumstances.

Officer Response: Please see sections 5.2, 5.3 and 5.4 above.

45 Wash Green, Matlock

Stance: Customer made comments in support of the Planning Application

Reasons for comment:

- Visual

Comments: Nice to see the area is being redeveloped will look good inline with the superb new builds next door

Officer Response: Noted.

Rear of 246 Ashgate Road

Stance: Customer made comments in support of the Planning Application

Comments: Pleased to see regeneration of unused buildings, should compliment the exquisite new builds adjacent.

Officer Response: Noted.

100 Old Road

Stance: Customer objects to the Planning Application

Reasons for comment:

- Noise
- Residential Amenity
- Traffic or Highways

Comments: I object on the grounds of health and safety. No pedestrian crossing nearby and increased traffic.

Officer Response: Please see sections 5.2, 5.3 and 5.4 above.

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

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

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

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

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

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

9.0 **CONCLUSION**

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

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

10.0 **RECOMMENDATION**

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

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

Time Limit etc

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

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

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

Location Plan 3231 PL_001 Rev G

Existing Site Layout 3231 PL_002 Rev B

Proposed Site Layout 3231 PL_003 Rev G

Existing Floor Plans 3231 PL_004 Rev B

Proposed GF Plan 3231 PL_005 Rev J

Proposed FF Plan 3231 PL_009

Existing Elevations 3231 PL_006

Proposed Elevations 3231 PL_007 Rev E

Proposed Block Plan 3231 PL_008 Rev F

Design & Access Statement prepared by AMCA Architects

Planning Statement prepared by Pegasus Group

Sequential Sites Assessment prepared by Pegasus Group

Transport Statement prepared by Croft Transport Solutions

Ground Conditions Report (inc. Coal Mining Risk Assessment) prepared by Soiltechnics

Noise Impact Assessment prepared by Hann Tucker

Arboricultural Statement prepared by Crown Consultants

Statement of Community Consultation prepared by Instinctif Partners

Viability Statement prepared by Fleurets

Marketing Report prepared by Wright Silverwood

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

Highways

03. Before any other operations are commenced, the existing access to Ashgate Road shall be modified in accordance with the application drawings, laid out, constructed and provided with 2.4m x 47m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason - In the interests of highway safety.

04. The access, the subject of condition 1 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on both sides of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

Reason - In the interests of highway safety.

05. Before the premises, the subject of the application, shall not be taken into use until appropriate signage has been erected within the site so as to inform customers that the eastern access to Ashgate Road is not to be used. Once provided such signage will be maintained in perpetuity.

Reason - In the interests of highway safety.

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

Reason - In the interests of highway safety.

07. The premises, the subject of the application, shall not be taken into use until at least 3 no. cycle parking stands have been provided within the application site spaced at least

1.2m apart, with the cycle stands being maintained throughout the life of the development free from any impediment to its designated use.

Reason - In the interests of highway safety.

08. No development shall take place until a scheme for the provision of bus demarcation markings to delineate the bus stop adjacent the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the above provisions have been provided in accordance with the approved scheme.

Reason - In the interests of highway safety.

09. The premises, the subject of the application, shall not be taken into use until a Service Management Plan, that shall address matters including the maximum length of delivery vehicles and that deliveries to the development hereby permitted shall not be made from the highway, has been submitted to and approved in writing by the Local Planning Authority. Servicing, including deliveries, shall only be made in accordance with the approved Service Management Plan.

Reason - In the interests of highway safety.

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

Reason - In the interests of highway safety.

Hours Restrictions etc

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.

12. The use hereby permitted shall not be open to customers outside the following times: 06:00hours to 23:00hours Monday to Sunday.

Reason - In the interests of residential amenities.

13. Deliveries to the retail use hereby permitted (excluding newspapers, magazines and sandwiches, providing that these deliveries are made by transit 'type' vehicles only) and the associated activity of loading and unloading shall be restricted to the hours of 07:00hrs to 18:00hrs Mondays to Saturdays and 08:00hrs to 16:00hrs on Sundays

Reason - In the interests of residential amenities.

Others

14. 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.

15. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved

development shall be submitted to the Local Planning Authority for consideration.

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.

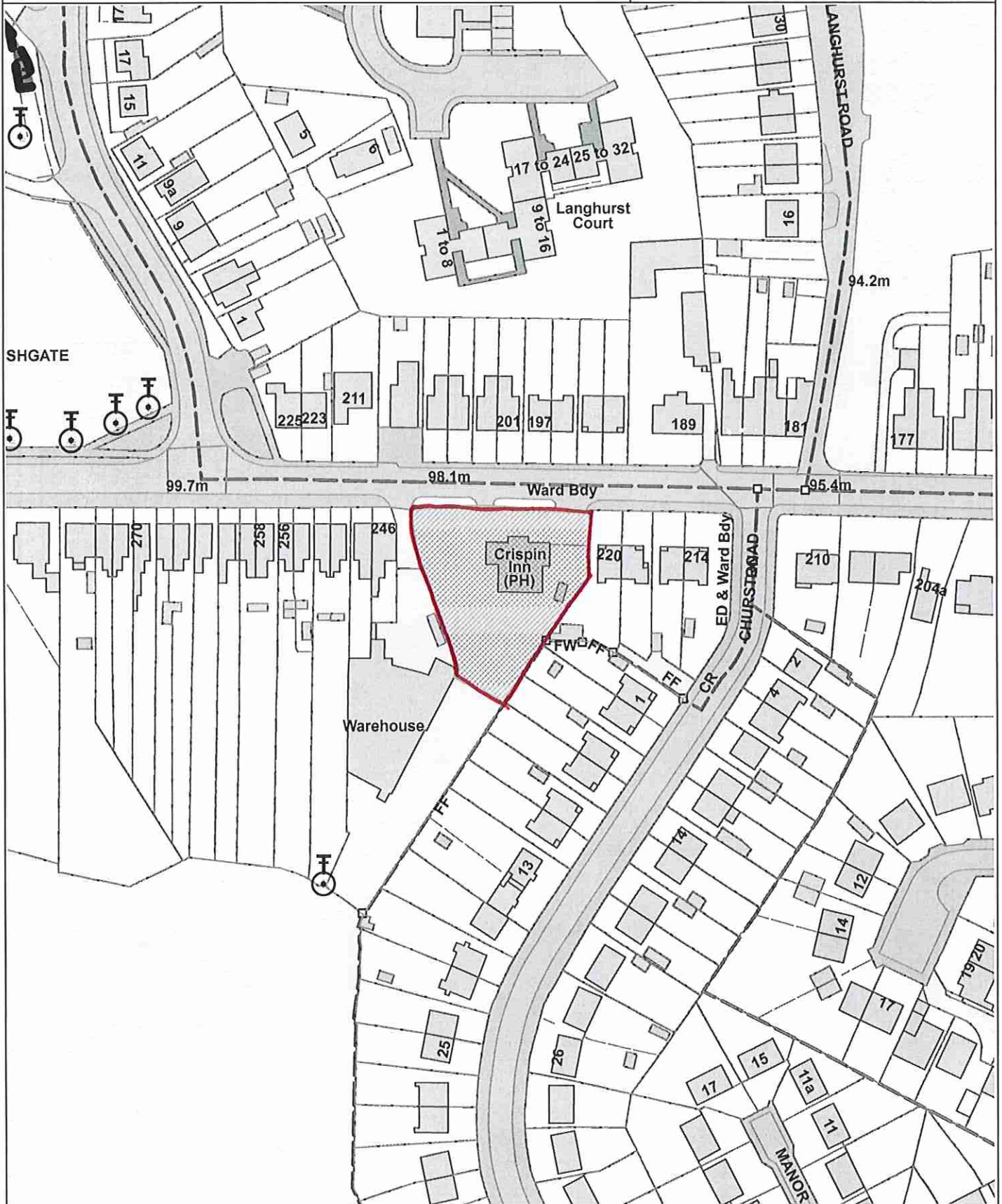
Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.

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. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

04. 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 gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 29th January 2018

File No: CHE/17/00769/FUL
Plot No: 2/1339

ITEM 3

DEMOLITION OF EXISTING BUILDING AND ERECTION OF EXTRA CARE ACCOMMODATION FOR OLDER PEOPLE, LANDSCAPING AND CAR PARKING (REVISED PLANS RECEIVED 10/01/2018 and 16/01/2018) AT SITE OF FORMER NORTH EAST DERBYSHIRE DISTRICT COUNCIL OFFICES, SALTERGATE, CHESTERFIELD, DERBYSHIRE, S40 9TA FOR YOUR LIFE MANAGEMENT SERVICES LTD

Local Plan: Town / District / Local Centre
Ward: Brockwell

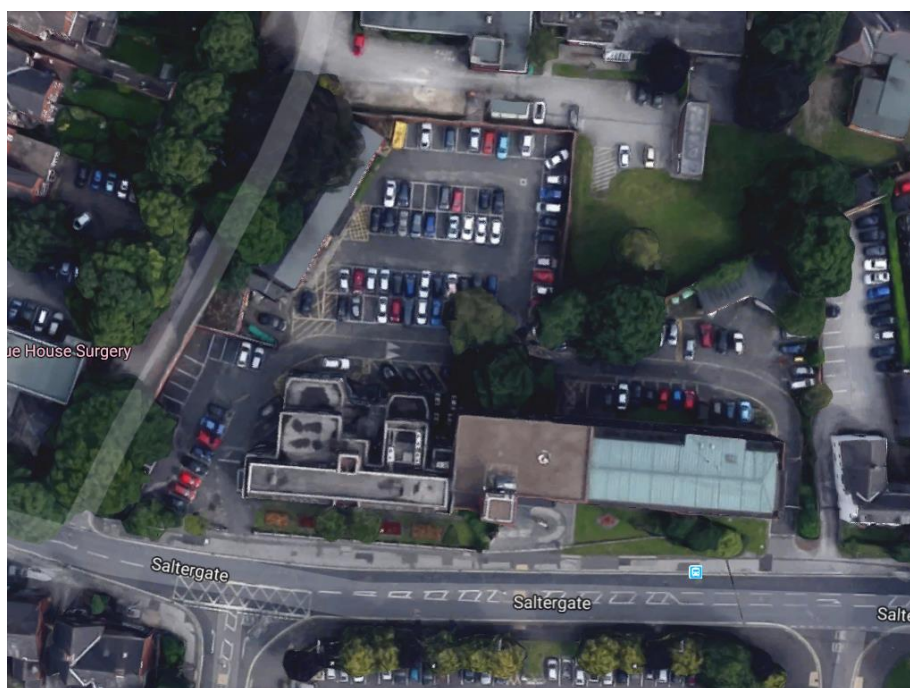
1.0 CONSULTATIONS

DCC Highways Authority	Comments received 08/12/2017 – see report
North Derbyshire CCG	Comments received 02/11/2017 – see report
Crime Prevention Design Advisor	Comments received 06/11/2017 – see report
Economic Development Team	Comments received 10/11/2017 – see report
Design Services	Comments received 15/11/2017 – see report
DCC Archaeologist	Comments received 15/11/2017 – see report
Lead Local Flood Authority	Comments received 17/11/2017 – see report
C/Field and District Civic Society	Comments received 19/11/2017 – see report
Coal Authority	Comments received 20/11/2017 – see report
DCC Planning Policy	Comments received 20/11/2017 – no contributions required
Derbyshire Wildlife Trust	Comments received 22/11/2017 – see report
Yorkshire Water Services	Comments received 22/11/2017 – see report

Housing Services	Comments received 05/12/2017 – see report
Urban Design Officer	Comments received 05/12/2017 – see report
C/Field Cycle Campaign	Comments received 07/12/2017 – see report
Environmental Health Officer	Comments received 07/12/2017 – see report
Tree Officer	Comments received 14/12/2017 – see report
Conservation Officer	No comments received
CBC Forward Planning	Comments received 13/12/2017 – see report
Ward Members	No comments received
Site Notice / Neighbours	6 letters of representation received

2.0 **THE SITE**

2.1 The site is situated off Saltergate in Chesterfield within a mixed development area of residential properties and a civic setting. The site is located to the north west of Chesterfield Town Centre and comprises of the former Headquarters of North East Derbyshire District Council. The site lies within Chesterfield Town Centre Conservation area



- 2.2 The application site itself comprises of an irregularly-shaped plot of land with an area of approximately 0.46 hectares (1.13 acres). Topographically the site has a generalised fall which is observed from the west (c105m AOD) to the east (c104m AOD). Ground levels for the rest of the site reflect the surrounding area.
- 2.3 Currently the site is unoccupied and has a large 4 storey built form fronting onto Saltergate. Access and egress from the site is available at two points onto Saltergate and there is currently a one way circulation operating around the building.
- 2.4 There are some small building structures located in the northwest corner and the rest of the site area is surfaced by tarmac and is operated as a pay and display car park. An electrical sub-station is situated in the southwest corner of the site.
- 2.5 The existing boundary treatment to Saltergate consists of brick wall with piers, landscaping and trees set behind. The rest of the boundary treatment to the site comprise strong feature brick wall with piers at various levels and sizes.

3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/07/00512/FUL - Sculpture for the entrance.
Conditional permission approved 30/08/2007.
- 3.2 CHE/05/00866/FUL - The refurbishment of the entrance and reception area of the council offices.
Conditional permission approved 09/02/2006.
- 3.3 CHE/05/00404/FUL - Alterations and refurbishment of the annexe.
Conditional permission approved 28/07/2005.
- 3.4 CHE/0403/0256 - Upgrade of existing rooftop telecommunications equipment and erection of GRP shroud to disguise equipment.
Conditional permission approved 16/05/2003.
- 3.5 CHE/1295/0615 – Replacement windows.
Conditional permission approved 12/04/1996.
- 3.6 CHE/1293/0729 – Erection of polycarbonate screen to front of main entrance.
Conditional permission approved 10/02/1994.

3.7 CHE/0392/0197 – Rooftop extension on top of 3 storey block.
Conditional permission approved 10/06/1992.

3.8 CHE/1091/0661 – Temporary siting of 2 stacked portacabin for temporary office space.
Conditional permission approved 18/11/1991.

4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the proposed demolition of existing building and erection of a four storey development to provide extra care accommodation for older people with associated landscaping and car parking.

4.2 The development comprises 64 no. units and will also feature an estate manager's office and staff sleepover accommodation to allow for 24 hour assistance along with communal facilities such as a residents' lounge; a restaurant with catering kitchen; a heavy duty laundry; electric buggy store; and emergency call/alarm systems. The site schedule indicates that 33 no. will be 1 bed units and 31 no. will be two bed units.

4.3 Access to the site will be provided via a new junction to Saltergate located centrally in the application site frontage to Saltergate, off which a dedicated access to the sites car parking area will be formed. 34 no. car parking spaces are indicated to be provided.

4.4 The remaining eastern half of the site (the other side of the new access and junction) will be the subject of separate development proposals – annotated as land for future development on the site layout plan.

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

- NW 2425 01 AC 001 – Location & Context Plan
- NW 2425 01 AC 002 – Street Scene
- NW 2425 01 AC 003 – Perspective View From Saltergate
- NW 2425 01 AC 004 Rev A – Site Layout
- NW 2425 01 AC 005 Rev B – Elevations 1 of 2
- NW 2425 01 AC 006 Rev B – Elevations 2 of 2

- NW 2425 01 AC 007 Rev C – Ground Floor and First Floor Plans
- NW 2425 01 AC 008 Rev C – Second and Third Floor Plans
- NW 2425 01 AC 009 Rev A – Roof Plans
- NW-2425-01-LA-001 – Landscape Layout
- 030117JC-01 – Site Survey
- SK1000 P1 – Preliminary Drainage Strategy
- 9380/02 – Tree Protection Plan
- Planning Statement
- Design & Access Statement
- Statement of Community Involvement
- Transport Statement
- Arboricultural Report
- Heritage Statement
- Phase I and Phase II Ground Reports
- Phase I Extended Habitat Report
- Model Planning Conditions Report

4.6 Revised / additional plans were received on 10/01/2018 and 16/01/2018 which are reflected in the list above.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.1.1 The site is situated within the built settlement of Brockwell ward in an area that reflects its transitional location from the commercial town centre to residential suburbs beyond.

5.1.2 Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS11, CS13, CS18, CS19, CS20 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2 **Principle of Development / Demolition**

5.2.1 The site is within the town centre boundary in the adopted Local Plan but is not within the retail core. The policy sets out that permission will be granted for development that enhances the

range and quality of residential uses with the town centre and contributes towards the objectives of the town centre masterplan.

- 5.2.2 The site, which is considered previously developed, is within easy walking and cycling distance of the full range of facilities available in Chesterfield Town Centre and excellent public transport connections. It is therefore in accordance with the principles for the location of development ('concentration and regeneration') set out in CS1 and CS2 and is sustainable development supported by policy CS3.
- 5.2.3 The site is shown as a potential housing allocation in the draft Local Plan (2017) as site H128. The allocation was for the purposes of consultation only and has yet to be put through the final stage of the council's Land Availability Site Assessment methodology.
- 5.2.4 The principle of residential development of this site therefore supports the objectives of the Local Plan Core Strategy.

Demolition

- 5.2.5 The application submission includes within the application description the proposed demolition of the existing building which needs planning permission in its own right as it is not covered by the prior approval process of the GPDO. This is because the site lies within the Town Centre Conservation Area / Article 2(3) land.
- 5.2.6 The control of the demolition of the building is covered through this application and therefore it is reasonable to insist that a demolition methodology is submitted and agreed to control the means of demolition, if the development is agreed. The methodology would need to cover proposed demolition hours, means of demolition, means of site enclosure and retention of soft landscaping features of importance on the site frontage, protection measures for trees / landscaping for example and this could be dealt with by the imposition of an appropriate planning condition.

5.3 **Design and Appearance (Inc. Neighbouring Effect)**

- 5.3.1 The application submission has been reviewed by both the Council's **Urban Design Officer (UDO)** and the **Crime Prevention Design Advisor (CPDA)** and their comments have been

incorporated in this section of the report below. Initial consultation responses from both parties were considered by the applicant in formulating the design amendments to the scheme, which were submitted for consideration on 10/01/2018.

- 5.3.2 The site is located within Chesterfield Town Centre on the north-west edge of this area. Residential development within and close to the town centre is appropriate in principle and the provision of specialist accommodation for older people will provide a valuable addition to the housing stock within an accessible part of the Borough.
- 5.3.3 The site measures 0.46 hectares in area. The proposal seeks permission for 64 apartments, comprising 33 one-bed apartments and 31 two-bed apartments. This equates to a density of 139 dwellings per hectare which is a very high density residential development, although given the town centre location such densities are appropriate, subject to satisfactory design.
- 5.3.4 The footprint of the proposed flats has a 'T' shaped plan with a frontage which follows and extends the building line of the former Council Offices. This provides a positive edge to Saltergate and a strong relationship with the street (as with the current building).
- 5.3.5 The layout provides a new access drive on the central part of the frontage, dividing the existing premises into two plots, with the McCarthy & Stone proposal occupying the western plot. Off the new access the development will take a dedicated driveway leading into a barrier controlled car park providing 34 no. spaces.
- 5.3.6 The building is set back sufficiently from the street to allow for soft landscape planting behind a proposed boundary railing. This will provide a positive interface with the edge of Saltergate. The areas around the north and west of building will provide communal landscaped gardens for residents.
- 5.3.7 The north end of the building overlooks the adjoining Saltergate Clinic site which is currently being redeveloped for housing by Woodall Homes. The north corner of the proposed rear elevation is positioned close to the rear gardens of the neighbouring Plots 28 and 31.

- 5.3.8 Having regard to the original submission design, a detailed appraisal and response from the UDO was sent to the applicant to consider and a follow up intermediate design meeting was held during the application process to discuss these points in more detail.
- 5.3.9 As a result of these discussions a series of revisions to the scheme were made (which principally concerned design matters) as follows:
- *Front corner tower amended:*
 - *Front corner repositioned 2m closer to Saltergate (south), to better express the key corner element of the design and entrance location.*
 - *Materials adjusted to incorporate a greater proportion of cladding to the south and east facades of the corner.*
 - *Additional windows introduced on east elevation of corner tower to further articulate this façade.*
 - *Top floor of apartment 60 (south elevation) set back to form an outside terrace and moderate the scale of the western end of the building as seen from Saltergate.*

Apartment 32 is reduced in size and reconfigured, with the rear (north) elevation stepped back to reduce the height and scale of the elevation where adjacent to the Woodall Homes development immediately to the north. Balcony removed and north facing windows to be obscurely glazed.
 - *Privacy louvres introduced to balcony of apartment 14 to restrict overlooking of gardens on neighbouring development (Woodall Homes site).*
 - *Car park and pedestrian/buggy circulation arrangements amended and access and circulation in front of main entrance removed.*
 - *Substation proposed in car park removed and existing substation located in SW corner to be utilised.*
 - *Car park adjusted to increase parking from 32 to 33 parking spaces.*
 - *The front boundary in front of apartment 04 steps in to provide a 'bay' identified a position for potential public art.*
- 5.3.10 Having regard to the amendments made the alterations to the front corner provide additional emphasis to this prominent location and within the local townscape. The corner steps forward (2m) but is not increased in height. The tight 'wrap over' aluminium coping around the corner tower appears in the UDO's opinion somewhat

thin and timid and he suggests this element would benefit from a more emphatic detail to form a decisive finish to the top of the tower element. This could be resolved through the introduction of a stronger, projecting parapet coping detail that would better resolve and 'finish off' the top of the front corner. This could be similar to the projecting canopy proposed above the top floor communal lounge (rear elevation) but less pronounced. The detail could be managed by a suitably worded condition.

- 5.3.11 The alterations of the east elevation of the front corner (facing the access road) provide greater visual relief to this elevation and the entrance to the site.
- 5.3.12 The accommodation comprises a mainly four storey building to reflect the height and scale of the former Council Offices and other nearby buildings (Chesterfield Town Hall and Bay Heath House). The top floor of the western end of the building onto Saltergate (apartment 60) has been set back approximately 1.6m, to assist in reducing the apparent scale and mass of the building, as viewed from Saltergate and a provide a sense of transition to the lower scale buildings to the west of the site.
- 5.3.13 Apartments 14 and 32 have been amended, setting back the second floor of apartment 32 to provide a more 'stepped' façade, reducing the scale and mass of the elevation so as to improve the relationship with the neighbouring properties.
- 5.3.14 A number of north facing windows have been omitted to reduce overlooking and remaining windows above ground floor are shown to be obscurely glazed to avoid direct overlooking into the rear gardens of the neighbouring houses. The first floor balcony to apartment 14 remains although this is indicated to have a louvered screen. It is recommended that details of the any privacy screens should be required by condition to ensure privacy can be maintained.
- 5.3.15 The top floor of the north spur of the building includes a communal lounge with an external terrace. The outside terrace is now deeper than previously proposed by reason of the changes to the apartment below. This new arrangement has greater potential to introduce overlooking from the terrace area into the gardens of the adjacent properties (Woodall Homes site). However, this could be reconciled through the introduction of a suitable privacy screen

above the parapet (e.g. opaque glass panels or similar to ensure a lightweight appearance), with a minimum height of 1.7m, in order to prevent downward views into the gardens. This should be managed by a suitably worded condition or the plans amended to indicate the necessary details.

- 5.3.16 Secure and weather tight cycle stands for staff and visitors should be provided within the layout although, no cycle parking is currently shown. This remains unchanged from the previous layout. Provision of suitable details should be required by condition.
- 5.3.17 The layout now shows a recessed area identified a location for potential public art installation. However, this recessed space is relatively large and interrupts the continuity of the front enclosure to Saltergate and potentially the line of trees intended for the site frontage. As it is not yet known what form the public art would take (this could take a variety of formats such as railings, art within paved surfaces etc). As such, it is recommended that the provision of public art is managed by way of a suitably worded condition and the layout amended to re-instate a continuous front boundary along Saltergate.
- 5.3.18 As previously advised, details of the railings to the frontage should be provided in elevation at scale 1:20 together with the extent and nature of all new and retained boundary enclosures.
- 5.3.19 The apartments have a contemporary appearance, with modern fenestration, forms and detailing. Architectural features should be shown in detail and scale drawings (1:20) should be provided for window reveals/chamfered reveals, parapet copings and balconies should be provided, including horizontal and vertical sections and elevations. Materials should be managed by way of condition.
- 5.3.20 Overall it is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, CS18 and CS19 of the Core Strategy. The development, albeit 4 storeys in scale, is set at an appropriate separation distance from the residential properties which are currently being built on the site to the north and the design of the scheme has been amended to improve the relationship with Plots 28 and 31. It is accepted that development proposals will change to relationship of built form to Plots 28 and 31; however given the existing building is of a similar scale and mass some

overshadowing impact is to be expected. The neighbouring relationship to other adjoining / adjacent neighbours is also accepted.

5.4 **Highways Issues**

5.4.1 The application submission, along with its accompanying Transport Statement (TS), has been reviewed by the **Local Highways Authority** (LHA) who provided the following response:

The submitted details propose demolition of the existing office building, closure of the accesses currently serving it and replacement with a 64no. bedroom Extra Care Home served via a new vehicular access from Saltergate.

A Transport Statement has been submitted in support of the development the conclusions of which indicate that there should be no highway reasons why the proposals should not be consented.

Given the previous and existing uses of the site, it's agreed that the proposed development would be unlikely to generate any more trips than the extant use and, this being the case, it's considered that the proposals would be unlikely to result in any further detriment to operation of the local highway network.

It's proposed to create a new vehicular access more centrally located on the site frontage to serve the Extra Care development. The Highway Authority considers that there is adequate site frontage to accommodate an acceptable access layout, although this should take the form of a dropped kerb crossing of the footway thereby giving priority to pedestrians on Saltergate, and that shown on the Planning Site Layout drawing would appear to have been superimposed on an Ordnance Survey Base rather than a topographical survey. There is no indication of impact on bus stop locations and the existing carriageway channels and pedestrian refuge will need to be accurately recorded in order to ensure swept paths for a Large Refuse Vehicle of 11.6m length (unless agreed otherwise by the local refuse collection service) can be comfortably accommodated.

As shown, it's highly likely that the proposed access works will require repositioning of the existing bus stop currently located on the frontage of the site. As a consequence, it may also be

necessary to relocate the stop on the opposite side of Saltergate. The applicant will, therefore, need to liaise with this Authority's Public Transport Section with respect to any necessary bus stop relocation requirements once a detailed design for the proposed access has been prepared and agreed.

It's stated that the existing vehicular access to the west of the site frontage is to be permanently closed by reinstatement of the footway and full face kerb. However, there is no mention of similar Works to be undertaken at the existing eastern access. As the latter currently functions as an exit only, in order to maintain the existing situation at the junction of Rose Hill West and Saltergate, it's recommended that entry to the 'land for future development' is taken from the proposed access road. Ideally, all access to and from the future development site should be taken via the new arrangement with the eastern access being formally closed.

It should be noted that in order to carry out works within highway for the closure of existing accesses, creation of the new access and relocation of bus stops will require the applicant to enter into a legal Agreement under Section 278 of the Highways Act 1980 with the Highway Authority.

Beyond the access, it's proposed to construct an access road laid out to adoptable standards (it's noted that both this and the access are located outside of the red line boundary on the details submitted to this office). In order to achieve this, the carriageway should be of 4.8m minimum width, flanked by footways of 2.0m minimum width to each side, and be provided with an unobstructed turning facility suitable for use by a Large Refuse Vehicle – it's noted that the turning area currently shown would not be available for use at all times due to presence of the car park barrier. Notwithstanding, it's unlikely that the Highway Authority would seek to maintain the road at public expense therefore, whilst unobstructed turning will be required, the internal footway widths may be considered acceptable.

The Transport Statement includes justification for the proposed level of off-street parking provision based on similar developments countrywide. I trust that you will ensure this is satisfactory for your requirements although, given the existing on-street parking restrictions in the vicinity, it's unlikely that any under-provision would be likely to severely impact on operation of the existing

highway. It's currently recommended that car parking spaces are of 2.4m x 5.5m minimum dimension (with an additional 0.5m width to any side adjacent to a physical barrier e.g. fence, wall, etc) with adequate manoeuvring space to the rear.

Whilst the scale of development does not require provision of a Travel Plan, it's pleasing to see that a site specific Travel Pack, containing information on a number of services to reduce reliance on private vehicles, is to be provided for all residents.

Therefore, should you be minded to approve these proposals, it's recommended that the applicant is requested to submit revised drawings to satisfactorily address the above issues and the following Conditions are included within the Consent. It should be noted that resolution of the proposed access arrangements may impact on the currently proposed layout and almost certainly fall outside of the red line boundary as it appears within the details submitted to this office:-

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

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

2. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works on Saltergate for the creation of the new site access, closure of redundant access(es) and relocation of existing bus stop(s) together with a programme for the implementation and completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the

avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

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 revised and approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

4. There shall be no gates or other barriers between the nearside highway boundary and turning facility suitable for use by a Large Refuse Vehicle and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

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

6. 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.

5.4.2

A revised package of plans was submitted on 10/01/2018 and the LHA were further invited to comment on these details as slight amendments to the site access and car parking layout were made. The following comments were received:

I refer to your request for comments on the revised Site Layout Plan, drg no. NW 2425 01 AC 004 Rev A, for the above proposals.

From a highways viewpoint, there is little to change the comments and recommendations contained within the response dated 8 December 2017 e.g. form of crossing; impact on existing highway

infrastructure; no revised red line boundary; inadequate unobstructed turning facility; parking space dimensions; etc.

I note inclusion of a proposed access and hardstanding area for servicing of the existing substation. There would be no objection to this in principle subject to an appropriate turning area being secured to enable the largest vehicle likely to frequently visit the substation to enter and exit Saltergate in a forward gear.

Therefore, I'd suggest that the previously recommended Conditions and Notes remain valid subject to the access/ layout of the substation service area being included within Condition 2.

- 5.4.3 On the basis of the highway comments received; consideration of the revised details; and with regard to the proposed integration with the existing highway network to the Saltergate frontage it is considered that the development proposals are acceptable. The formation of the new centralised access to Saltergate is accepted in principle by the LHA and it offers future opportunity to connect the adjacent development site to it. The proposed car parking layout is also considered to be acceptable and given the town centre proximity (with access to amenities and other car parks) the level of on-site parking provision is adequate. It is noted that the revised parking layout submitted doesn't include any disabled parking bays or provision of sheltered cycle parking and therefore the layout will need to be the subject of a slight amendment to incorporate both of these facilities to fully accord with the provisions of policy CS20 of the Core Strategy. This amendment can be secured by planning condition. The recommended conditions of the LHA's comments above are noted and will also be imposed on any decision issued in the interests of highway safety.

5.5 **Flood Risk / Drainage**

- 5.5.1 The application submission is accompanied by a Preliminary Drainage Strategy Plan (detailed on drawing no. SK1000 P1) which indicates potential surface water and foul water drainage solutions; however these are based upon the necessity of a more detailed design needing to be prepared prior to development commencing. The Prelim Plan is not based upon the most up to date site layout etc and therefore is only considered at this stage as a concept drainage solution which shows underground surface

water storage tanks and hydro brake solutions to control off site run off / discharge to the mains drainage in Saltergate.

- 5.5.2 In accordance with policy CS7 of the Core Strategy and the wider NPPF the development will be required to demonstrate and implement an appropriate drainage solution which explores the possibility to utilising sustainable drainage solutions and at the very least maintains a system to control site runoff at a rate which accords with current guidance.
- 5.5.3 The **Lead Local Flood Authority (LLFA), Yorkshire Water Services (YWS)** and the **Design Services (DS)** team have reviewed the application submission. All parties have commented upon the lack of information / clarity provided with the current preliminary details.
- 5.5.4 Notwithstanding this however it is accepted, given the scale of the development site, that an appropriate drainage strategy can be incorporated on the site. A pre-commencement planning condition imposed on any permission granted would require the developer to design and submit a full drainage strategy for the site accompanied by all the relevant evidence and information being sought by the LLFA, YWS and DS team in their initial comments (exploration of greenfield run off rates, percolation testing, appropriate calculation of any storage volume etc).
- 5.5.5 Having regard to the outstanding matters it is considered that an appropriate planning condition can be imposed which requires the submission of further detailed drainage designs. This can be dealt with by pre-commencement condition in accordance with policy CS7 of the Core Strategy.

5.6 **Land Condition / Contamination / Noise**

- 5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.
- 5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and provided the following response:

The Coal Authority concurs with the recommendations contained within the Phase 1: Desk Top Study; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works, including ground gas monitoring 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 works prior to commencement of development (excluding demolition).

In the event that the site investigations/gas monitoring confirms the need for remedial works/mitigation to treat the areas of shallow mine workings/abate mine gas to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works/mitigation identified by the site investigation/gas monitoring are undertaken either prior to commencement of the development or integral to it.

A condition should therefore require prior to the commencement of development (excluding demolition):

** The submission of a scheme of intrusive site investigations/gas monitoring for approval;*

** The undertaking of that scheme of intrusive site investigations/gas monitoring;*

** The submission of a report of findings arising from the intrusive site investigations/gas monitoring;*

** The submission of a scheme of remedial works/mitigation for approval; and*

** Implementation of that remedial work/mitigation.*

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

5.6.3

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

Notwithstanding this however, the comments provided appear to only be based upon the findings of the Phase I (Desk Top) Report submitted and not the accompanying Phase II (Ground Investigations) Report. At the time of writing this report the CA have been asked to review their comments and the Phase II submitted; therefore a verbal update of their comments will follow

at the associated committee meeting which may require revision / deletion of the condition the CA have requested.

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

I have inspected the above application and have no adverse comments to make.

I have reviewed the supporting information with regard to the historical use of the site, and associated made ground, and agree with the conclusions reached, and the recommendations made regarding further actions required.

5.6.5 The recommendation to which the EHO refers above is contained in Section 8.0 of the Phase II Ground Investigation Report submitted alongside the application. The recommendations detail a Site Remediation Strategy should be prepared and followed up by the submission of a Validation Report to address ground conditions identified by desk top and intrusive site investigation works which have already been undertaken on site.

5.6.6 The measures set out in the Phase II Report can be written / required by the imposition of appropriate planning conditions under policy CS8 of the Core Strategy to satisfy the comments of the EHO. Furthermore, whilst not specifically raised as a requirement by the EHO the site is adjoined by neighbouring residential properties and therefore it will be necessary to impose the standard construction hours condition in the interests of amenity.

5.7 **Ecology / Trees**

5.7.1 The site the subject of the application is predominantly hard surfaced, with the exception of the Saltergate frontage which is soft landscaped and includes some mature trees and shrubbery which are offered protection through the sites conservation area status. To the periphery of the site (on adjoining land) there are a number of mature trees which are also the subject of protection / tree preservation order (these are mainly located on Lime Tree Park – the adjacent residential development by Woodall Homes). In addition to trees the application proposes demolition of the existing buildings on site which could also have a potential ecological value.

5.7.2

Having regard to the identified tree and ecological constraints the application submission is accompanied by an Arboricultural Report and Phase I Extended Habitat Report which were reviewed by **Derbyshire Wildlife Trust** (DWT) under their service level agreement with the LPA and the Council's **Tree Officer**. The following comments were made respectively:

DWT - It is clear that the site is of low ecological value with little potential to support protected species. As such, no further survey is recommended and it is considered that the Local Planning Authority is able discharge its duties in respect of regulation 9(5) of the Habitats Regulations.

Opportunities exist to enhance the site for biodiversity, in accordance with Paragraph 118 of the National Planning Policy Framework (NPPF) which states that "opportunities to incorporate biodiversity in and around developments should be encouraged".

Should the council be minded to grant permission for the proposed development, we recommend that the following conditions are attached:

- 1. Prior to the commencement of development, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. This should include measures such as bat and bird boxes (types/numbers/locations), green walls, bug boxes and ecologically beneficial planting, as appropriate. Swift boxes in particular are recommended for this scheme due to the height of the proposed buildings. Such approved measures should be implemented in full and maintained thereafter.*
- 2. No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.*

TO - There are 5 protected trees of the above mentioned tree preservation order to the west of the development site along the access road to the new development of the former Saltergate Health Centre that may be affected by the proposed application.

An arboricultural report consisting of a tree survey and arboricultural impact assessment has been submitted by Ian Keen Ltd and identifies a further 17 trees/Shrub species on and adjacent to the site that will be removed but which have limited visual amenity or could easily be replaced with a good landscaping scheme with no loss of amenity to the conservation area.

The development site is dominated by the former N.E.D.D.C officers and hardsurfaces and landscaping to the frontage.

As noted in the arboricultural report, the most important trees are the protected trees outside the western boundary which were also flagged up and protected during the construction of the access road to the new development on the former Saltergate Health Centre site.

Protected trees along the western boundary

In general there are no objections to the proposed development however further consideration should be given to the location of the building in relation to T31 Sycamore & T29 Beech whose canopy encroaches into the site by up to 12 metres and is not fully considered or shown in the submitted documents and drawings. Drawing NW-2425-01-LA-001 titled Planning Landscape Layout shows the approximate extent of existing trees but is totally misleading and shows the outer canopy of T31 Beech 4 metres away from the corner of the restaurant and Bistro/apartments. The Planning Site Layout drawing reference NW-2425-01-AC-004 shows the corner of the restaurant & bistro/apartments approximately in the centre of the existing temporary building. Previous on-site observations and google earth photographs clearly shows the outer canopy of T29 & T31 reaching to the eastern building line of this structure. This will therefore require facilitating pruning to accommodate the construction and siting of the building.

To accommodate the location of the proposed building the trees crown will have to be cut back substantially to accommodate any construction scaffolding and the building itself as the outer branches of the crown will be in contact with the proposed restaurant and bistro and the two apartments and balconies on the proposed first and second floors. This is totally unacceptable for

the future residents and the ongoing maintenance problem the pruning will create.

The working area and foundations for the building on this corner will also encroach into the trees RPA causing more disturbance in the trees rooting area.

As stated in the Arboricultural report section 6.4 'On residential developments consideration must be given to future tree growth and orientation, i.e. adverse shading and blocked views from windows raise concerns for incoming residents, which may lead to pressure to fell or remove trees in the future'.

In addition it is proposed that the drains for the development will also run within the root protection area (RPA) of these trees and T32 & T33 Beech as shown on drawing SK1000 Rev P1 titled Site plan with preliminary drainage strategy.

These are very important trees in the landscape and Town centre and their presence should be exploited not hidden from view and seen as a perceived nuisance by the owners and residents.

Arboricultural Report

The Arboricultural Impact assessment Section 1.2 states that a tree constraints plan was prepared and submitted to the design team showing tree locations, approximate actual crown spreads and root protection areas however this plan has not been made available to planning services to assess.

Section 5.2 of the Arboricultural Assessment also states that 'Notwithstanding the need for a detailed arboricultural method statement a tree protection plan has been prepared and submitted with this assessment'. No details have been provided.

Suggested arboricultural conditions, part 2, page 5 of 5 of the assessment also refers to drawing 9380/02 on two occasions for the protection of trees however this is also unavailable.

Conclusion

I am therefore unable to assess the tree protection measures any further until these details are provided. In general I have no other issues with the development including the proposed landscaping

scheme but at this stage I am unable to assess how the retained trees on the adjacent site will be protected.

Section 5 of the Arboricultural report states that the means of tree protection can be achieved by condition requiring an arboricultural method statement to be submitted to and approved by the Local Authority prior to the commencement of works on site. In part this is acceptable however only if the proposals are achievable in the first instance without being detrimental to the trees long term health and reducing their visual amenity by unsympathetic pruning to accommodate the structure.

I also have serious concerns that the section of the proposed building near to T29 Beech is too close and should therefore be redesigned in this area and moved further to the east away from the tree as previously suggested in the pre-application discussions.

Further details should also be provided to show the extent of excavations within the RPA's of T29-T33 and how any root damage can be avoided.

As the application stands I therefore object to the application until the issues above have been resolved.

- 5.7.3 Having regard to the comments firstly made by DWT it is considered that the suggested conditions sought by them are acceptable. Biodiversity enhancement measures associated with major development proposals are a requirement of policy CS9 of the Core Strategy and such measures can be incorporated into the building fabric as well as through soft landscaping proposals.
- 5.7.4 Having regard to the comments secondly made by the Tree Officer above it is noted that his reservations relate to the absence submission of the tree protection plan which is cross referenced in the Arboricultural Report.
- 5.7.5 The plan was subsequently provided (16/01/2018) and this has been considered in light of the Tree Officer's initial concerns raised above as follows.
- 5.7.6 T29 (Beech), T31 (Sycamore), T32 (Beech) and T33 (Beech) are all located outside of the application site boundary on the access road to the Woodall Homes development to the west and north

west. On the tree protection plan the canopy spread of these trees are shown, all of which are clear of the actual built footprint of the building. It is however noted that there are works detailed underneath the canopies of these trees to provide footpaths and driveways (to the retained substation) which will need to be undertaken using above ground construction methods.

5.7.7 The layout of the building proposed is such that communal and circulatory area of the development have been concentrated where the greatest overshadowing impacts of the trees canopies is likely to take place; however it is accepted given the orientation of the development and trees that there will be some compromise to be made to allow development to take place on this brownfield site where mature protected trees align its boundaries.

5.7.8 Notwithstanding this, it is not considered that the future potential of this development placing pressure on the trees to be pruned is reason alone to warrant refusal of planning permission. Anyone purchasing the apartments will do so in the full knowledge that the trees are present and are protected.

5.7.9 Overall it is considered that further details of calculated root protection areas, root protection measures and an arboricultural method statement can be required by pre-commencement planning condition to satisfy the concerns of the Tree Officer and on this basis it is considered that the relationship of the development to the trees surrounding will be acceptable.

5.8 **Heritage and Archaeology**

5.8.1 The application site lies within the Town Centre Conservation Area as well as being located just west of the Town Centre Historic Core and accordingly matters in respect of heritage and archaeology are material considerations (Policy CS19 of the Core Strategy).

5.8.2 In addition to the actual development proposals the application includes the proposed demolition of the existing building, which requires planning permission in its own right as a building is located in a conservation area (Part 11, GPDO 2015). To this end the application submission is accompanied by a Heritage Statement in support of the Design and Access Statement upon which the views of the **Conservation Officer**, the **DCC Archaeologist** and **Chesterfield Civic Society** were sought.

5.8.3

The DCC Archaeologist provided the following response:
The proposal site is about 60m west of the Chesterfield Town Centre Historic Core (local plan policies), relating to the likely extent of the medieval town. Because the site is so close to the historic core and is located on Saltergate – one of the main arterial routes west of the town in the medieval period – there is a moderate-high potential for medieval activity within the site boundary. This potential is however reduced by subsequent activity on the site, in the 19th century and particularly in terms of the 20th century redevelopment to create the NEDDC council offices. The footprint of the office building thus retains no archaeological potential, but the surrounding open area may have ‘islands’ of preservation where there is a moderate potential for remains associated with the medieval/post-medieval town.

I previously commented on the site as part of the Local Plan Sites and Boundaries consultation in 2013 (recommending that archaeological desk-based assessment be submitted with any planning application), and was contacted by an archaeological consultant (CGMS) earlier in 2017 in relation to the current proposals. As part of this pre-application discussion I was shown, and commented on, an archaeological desk-based assessment for the site, and agreed with the applicant’s consultant that the archaeological interest in the site should be dealt with through a post-consent scheme of work. This desk-based assessment does not seem to have been submitted as part of the current application, and archaeology is not considered in the accompanying ‘heritage statement’; the local planning authority may wish to ask the applicant to submit the document as additional information in pursuance of the aims of NPPF para 128.

In the absence of the archaeological desk-based assessment, I am however able to base a planning recommendation on the information within Derbyshire HER and my records of the pre-application consultation discussed above. I recommend that the archaeological interest in the site is addressed through a conditioned scheme of archaeological work in line with NPPF para 141, to comprise archaeological evaluation (trial trenching) of the open area surrounding the office building, with further excavation to mitigate the impact of the proposed redevelopment in the event that significant archaeological remains are present.

The following conditions should therefore be attached to any planning consent:

- 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-commencement 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.*

5.8.4

The Civic Society also commented:

We feel that the former Chesterfield rural district council office, opened in 1938 (see Derbyshire Times, 25 March 1938, p. 7), which occupies the northern half of the street frontage and was designed by the local architects, Houfton & Kington, is a building of some merit and local interest, but as far as we know has never been a candidate for listing.

We appreciate, however, that the applicants wish to redevelop the whole of the site and that it is impracticable to retain part of the existing building. Given the high quality of the design of the

proposed new building, which we are very impressed with, we agree that the former RDC office should be demolished, as the applicants wish.

Overall, we feel that this is a very good proposal. It will bring a large new residential building to the town centre, within easy reach of the main shops; will fill a gap in housing provision for better-off retired people in need of extra support; and will improve the street picture on this stretch of Saltergate. The building is a good choice for a sensitive location, at more or less the highest point of the road and immediately behind the Town Hall, the most important modern building in the town centre. It will enhance, rather than detract from, the setting of the Town Hall.

- 5.8.5 Although the Conservation Officer did not formally respond to the consultation request informal discussions with the case officer confirmed his support for the scheme proposed.
- 5.8.6 Having regard to the comments of the consultees detailed above, it is acknowledged that there lies local merit in the existing building located on site, however the building is not named on any statutory listing and is therefore not afforded any statutory protection beyond the conservation area status. The significance of the site, its prominent frontage to Saltergate and its inclusion in the Town Centre Conservation Area mean that any development which replaces the existing building must stand up to scrutiny against policy CS19 of the Core Strategy and wider NPPF. The sites 'civic' location within the conservation area means that new development proposals are required to 'preserve or enhance' the setting of the designation, as well as nearby listed buildings and the design approach of the developer pays strong reference to this in their accompanying Design and Access Statement (DAS).
- 5.8.7 The supportive comments of the Conservation Officer and the Civic Society reflect the strength of the design response of this development (which is further supported by the Urban Design Officer – section 5.3 above).
- 5.8.8 Overall therefore it is considered that the development proposals accord with the provisions of policy CS19 of the Core Strategy and subject to condition para. 128 – 129 of the NPPF. It is considered that the developments design respond positively to the 'civic'

heritage and statutory designations in the surrounding area and are acceptable.

- 5.8.9 In accepting the loss of the existing building, para 136 of the NPPF states that 'Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'. Therefore it is considered necessary to impose a condition of permission to ensure that a contract for the redevelopment of the site is in place before the demolition of the existing building is permitted.

5.9 **Other Considerations**

S106 / Planning Obligations

- 5.9.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.
- 5.9.2 Internal consultation has therefore taken place with the Councils own **Economic Development**, and **Housing Services** teams, as well as externally with **Derbyshire County Councils Strategic Planning** team on the development proposals to ascertain what specific contributions should be sought.
- 5.9.3 The responses have been collaborated to conclude a requirement to secure S106 contributions via a legal agreement in respect of up to 1% of the overall development cost for a percent for art scheme (Policy CS18); and a Health contribution via the CCG (Policy CS4).
- 5.9.4 Initially comments were received from the Housing Services team which included a request for a commuted sum to be made towards an affordable housing contribution, however on the basis the scheme is for a development which falls within a C2 Use Classification (Residential Institution) the scheme does not trigger policy CS11 of the Core Strategy as it is not a development of C3 Dwellinghouses, rather a development of Extra Care Accommodation.

- 5.9.5 In respect of the Percent for Art scheme (Policy CS18) the applicant has confirmed that the development cost will exceed £1m and therefore a sum towards a public art contribution is required to be sought.
- 5.9.6 A request for a contribution has also been received from the North Derbyshire Clinical Commissioning Group (CCG) for a contribution of £14,760 towards providing GP services.
- 5.9.7 As Health services are not currently covered by the council's CIL Regulation 123 list and it is therefore necessary to consider if this should be addressed through a financial contribution, secured by a S106 agreement. Policy CS4 states that 'developers will be required to demonstrate that the necessary infrastructure (green, social and physical) will be in place in advance of, or can be provided in tandem with, new development'. The preamble (para 5.6) to the policy describes infrastructure, but does not provide an exclusive or exhaustive list. It does refer to health facilities specifically as an example of social infrastructure. Para 5.8 refers to working 'co-operatively and jointly with partners to ensure delivery of the infrastructure required to enable development and improve existing facilities'.
- 5.9.8 Under the policy, strategic infrastructure set out in the council's Infrastructure Delivery Plan should be secured through CIL. The expansion of GP services in this area is not in the IDP or on the Regulation 123 list and therefore securing a contribution through S106 would not be considered 'double counting'.
- 5.9.9 The CIL regulations and NPPF set out the tests for planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development
- 5.9.10 The CCG has clearly set out the evidence relating to the second two tests. On the basis of Policy CS4, as expanded in the preamble to the text, it is clear that health facilities are covered by Policy CS4 where a need can be identified. The request also

therefore meets the first test and it is considered that this contribution should be sought.

- 5.9.11 In respect of the remaining comments arising from the Economic Development Unit it will be necessary to look to secure by planning condition the requirement for local labour (best endeavours). Furthermore the applicant has confirmed (15/01/2018) that they agreed to pay the CCG contribution of £14,760 as well as making an offer of £20,000 towards public art, which is considered to be acceptable.

Community Infrastructure Levy (CIL)

- 5.9.12 The proposed use of the building falls within Use Class C2 (Residential Institutions) and therefore the development is not CIL liable. CIL only applies to C3 or A1 – A5 uses.

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 01/11/2017; by advertisement placed in the local press on 09/11/2017; and by neighbour notification letters sent on 01/11/2017.
- 6.2 As a result of the applications publicity there have been 6 letters of representation received as follows:

A Local Resident (same comments rec'd 02/11/2017, 13/11/2017 and 20/11/2017)

While I support the proposed redevelopment of this vacant brownfield land, I feel that the proposed building is visually disappointing in its Conservation Area location;
Despite the Design & Access Statement that it references the local architecture, I can fail to see these references and feel it looks too bland and boxy;
I feel it would look better if it had a mansard roof and coursed stonework on the ground floor elevations (as on the Town Hall and Future Walk buildings);
There is also the height issue, as most buildings along Saltergate are 2 or 3 storeys; and
I feel the images of precedent developments on page 3 of the Design & Access Statement are of more traditional appearance and would be more in-keeping with this application site.

3 Stirling Court, Nightingale Close

This is good for us and its something Chesterfield residents have wanted for a very long time; and
Good luck from us older people of the town.

25 Fenland Way

My husband and I are looking forward to downsizing and the apartments on Saltergate would be perfect;
They are convenient for conducting business in Chesterfield;
The development sounds exactly what we are looking for wit the opportunity to use the restaurant and support services offered; and
I started work in the then RDC offices and the chance to complete full cycle by living there in my twilight year would be a privilege.

39 Thornbridge Crescent

We fully support this application and hope that we will be the first people to move into an apartment there;
It is an ideal location and we have been looking at several McCarthy & Stone developments – they are very well designed and we had hoped for a development in Chesterfield; and
If you approve the application our wish will be granted and we are sure there is a need for this type of development in the town.

35 Spire Heights

We have looked at the presentation done earlier this year and are quite interested in the site and development if planning goes ahead.

8 Siena Gardens

This development will help the older person to live independently and securely, many of which wouldn't have to go into care homes;
This development will be very welcome and in the perfect location for various amenities; and
I am hoping to be able to purchase on the apartments.

Officer Response: Noted

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law

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

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

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

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

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

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

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

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

9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS11, CS13, CS18, CS19, CS20 and PS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

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

10.0 **ADDITIONAL RECOMMENDATION**

10.1 That a S106 agreement be negotiated (as per section 5.9 above) to cover:

- £20,000 towards Percent for Art; and
- £14,760 towards GP Services.

11.0 **RECOMMENDATION**

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

Time Limit etc

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

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

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

NW 2425 01 AC 001 – Location & Context Plan

NW 2425 01 AC 002 – Street Scene

NW 2425 01 AC 003 – Perspective View From Saltergate

NW 2425 01 AC 004 Rev A – Site Layout

NW 2425 01 AC 005 Rev B – Elevations 1 of 2

NW 2425 01 AC 006 Rev B – Elevations 2 of 2

NW 2425 01 AC 007 Rev C – Ground Floor and First Floor Plans
NW 2425 01 AC 008 Rev C – Second and Third Floor Plans
NW 2425 01 AC 009 Rev A – Roof Plans
NW-2425-01-LA-001 – Landscape Layout
030117JC-01 - Site Survey
SK1000 P1 - Preliminary Drainage Strategy
Planning Statement
Design & Access Statement
Statement of Community Involvement
Transport Statement
Arboricultural Report
Heritage Statement
Phase I and Phase II Ground Reports
Phase I Extended Habitat Report

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

Drainage

03. 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. If discharge to public sewer is proposed, the information shall include:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means by which the discharge rate shall be restricted to a maximum rate of 5 (five) litres per second.
- Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

Archaeology

04. 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-commencement 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.

Site Investigation / Contamination / Noise

05. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy

issues 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.

06. 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.
 - A. Site Remediation Strategy, according with the recommendations of the Phase II Ground Investigations Report (prepared by ARC Environmental dated 30th March 2017), shall be prepared and submitted to the Local Planning Authority for consideration and written approval. The Strategy 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) 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. Construction work (inc. demolition works) 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 amenity.

Highways

08. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- Parking of vehicles of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles

Reason – In the interests of highway safety.

09. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works on Saltergate for the creation of the new site access, closure of redundant access(es) and relocation of existing bus stop(s) together with a programme for the implementation and completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980

Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

Reason – In the interests of highway safety.

10. 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 revised and approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles (including secure covered cycle parking), 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.

11. There shall be no gates or other barriers between the nearside highway boundary and turning facility suitable for use by a Large Refuse Vehicle and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety.

12. 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.

13. 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.

Reason – In the interests of highway safety.

Ecology / Trees

14. Prior to the commencement of development, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council. This should include measures such as bat and bird boxes (types/numbers/locations), green walls, bug boxes and ecologically beneficial planting, as appropriate. Swift boxes in particular are recommended for this scheme due to the height of the proposed buildings. Such approved measures should 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.

15. No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

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.

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

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

17. Prior to the commencement of development an Arboricultural Method Statement shall be prepared and submitted (alongside a revised Tree Protection Plan) to include the following details:
- Details of defined root protection areas to all protected and retained trees on site;
 - Details of the type and position of protective barriers;
 - Details and type of no dig road, path and hardsurfacing construction;
 - Details and position of any underground services;
 - Details of any changes in ground levels in proximity to root protection areas;
 - Details of site huts, parking, storage of materials and construction activities such as cement silos and mixing areas; and
 - Details of site supervision and any involvement necessary by an approved arboriculturist.

Only those details that received written approval of the Local Planning Authority shall be implemented on site and they should accord with BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012).

Tree protection measures shall be established to all protected trees bounding the periphery of the application site boundary. Protective fencing shall be erected conforming to BS 5837 during site clearance and while any construction is in progress and notices should be attached to the fencing at regular intervals to this effect. There must be no excavations, no soil stripping and no grading of the site within the RPAs and there should also be no storage of materials within the RPAs.

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

Demolition

18. Prior to demolition a Demolition Methodology / Management Plan shall be submitted to the Local Planning Authority for consideration. Only those details, which shall include measures to protect retained soft landscaping features in advance of the eastern portion of the site (annotated on

plans as 'land for future development') and protected trees, means of demolition, site compound details, details of any crushing / compaction machinery to be used on site and proposed demolition hours shall be implemented on site.

Reason – In the interests of visual and neighbouring amenity.

19. Prior to demolition a Landscaping Protection Methodology shall be submitted for consideration which should confirm to BS5837 'Trees in relation to design, demolition and construction – recommendations 2012. The methodology shall include details of the following:
- A detailed scale drawing showing exclusion zones (RPA's) around the trees and landscaped areas and protective fencing to create a Root Protection Area (RPA).
 - The fencing should be installed and inspected by an officer of the Council prior to the commencement of demolition.
 - The protected area should be regarded as sacrosanct, and, once installed, barriers and ground protection should not be removed or altered without approval from the local planning authority.
 - Barriers should be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place around the retained tree(s). Barriers should be maintained to ensure that they remain rigid and complete.
 - When demolishing the structure (including underground structures) within what would otherwise be the RPA, barriers should be erected, and ground protection installed to protect the underlying soil to the edge of the existing structure unless hardsurfacing is already present.
 - All plant and vehicles engaged in demolition works should either operate outside the RPA, or run on the ground protection. Where such ground protection is required, it should be installed prior to commencement of operations.
 - Where trees stand adjacent to structures to be removed, the demolition should be undertaken inwards within the footprint of the existing building (often referred to as "top down, pull back").
 - The advice of an arboriculturist should be sought where underground structures present within the RPA are, or

will become, redundant. In general it is preferable to leave such structures in situ, as their removal could damage adjacent tree roots.

- Where an existing hard surface is scheduled for removal, care should be taken not to disturb tree roots that might be present beneath it. Hand-held tools or appropriate machinery should be used (under arboricultural supervision) to remove the existing surface, working backwards over the area, so that the machine is not moving over the exposed ground.

- Wherever trees on or adjacent to a site have been identified within the tree protection plan for protective measures, there should be an auditable system of arboricultural site monitoring. This should extend to arboricultural supervision whenever construction and development activity is to take place within or adjacent to any RPA.

- To avoid damage to tree roots, existing ground levels should be retained within the approved RPA's. Only once the Landscaping Protection Methodology has been approved in writing by the Local Planning Authority shall any works commence on site in strict accordance with the details contained therein and as per the requirements set out above.

Reason - In the interest of safeguarding the protected trees and established landscaping in the Conservation Area, having regard to their Root Protection Areas, and in the interest of the appearance of the surrounding area.

20. The demolition hereby authorised shall not take place until such time as evidence showing that a contract has been let for the construction of the replacement development has been presented to and confirmed in writing as satisfactory, by the Local Planning Authority.

Reason – For the avoidance of premature demolition which would be contrary to the interests of the streetscene and the conservation area.

21. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The

Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

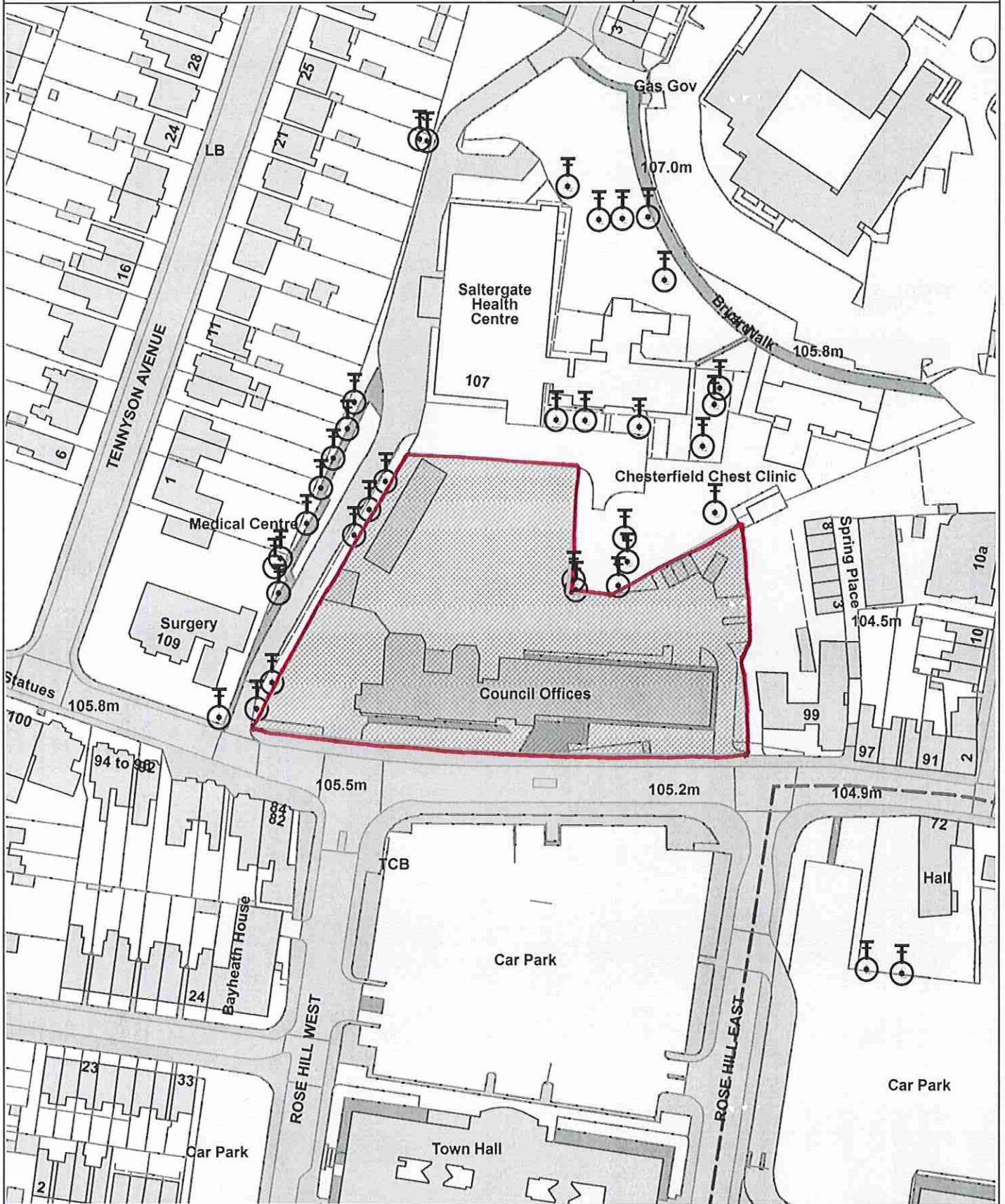
Reason - In order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CS13 of the Core Strategy.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. 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.
04. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway [new estate street] measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

05. Each parking bay should measure 2.4m x 5.5m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.
06. 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.
07. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.
08. The applicant / developer is advised that in respect of any protected trees and associated RPAs the following advice should be taken into account in association with any soft / hard landscaping details required by condition.
 - soft surface finishes, including turf, mulch and cultivated beds are preferred around the protected trees as there is less likelihood of damage and there is a provision for adequate penetration of water and air into the soil. Any reinstatement of the ground surface within the RPA that is impermeable should not cover more than 20% of the root protection area and there should be no change to the existing ground level around the tree. Any hard surfacing within the root protection areas should be constructed above ground using a recognised 'no dig' method.

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Case Officer: Paul Staniforth
Tel. No: 01246 345781
Ctte Date: 29th January 2018

File No: CHE/17/00462/RET
Plot No: 2/5823

ITEM 4

RETENTION OF THREE ADDITIONAL ROOMS AT HASLAND HOTEL, 51 CALOW LANE, HASLAND, CHESTERFIELD, DERBYSHIRE, S41 0AX FOR MR NIGEL CHADWICK.

Local Plan: Unallocated
Ward: Hasland

1.0 CONSULTATIONS

DCC Highways	Comments received – see report
Ward Members	no representations received
Neighbours/Site Notice	objection petition containing 18 signatures and support petition containing 107 signatures. 4 letters of objection and 10 letters of support - see report

2.0 THE SITE

2.1 The application site relates to the Hasland Hotel which is situated at the junction of Calow Lane and Meakin Street, Hasland and comprises No 2 Meakin Street and 49 Calow Lane. It is a late c19 / early c20 two storey public house building which forms an extension of the terraced housing which fronts onto Calow Lane and Meakin Street. The premise was formerly the New Inn. The Calow Lane frontage is set back with an area of echelon hard-surfaced parking to the frontage (3 spaces). The Meakin Street elevation is set on the back edge of pavement however there is a carriage arch access through the building off Meakin Street and which provides access to a rear yard which is used partly as a beer garden and partly as garaging and a car park area.



2.2 The site is within an area which is generally of residential terraced housing and where the public highway is generally used for parking purposes due to the absence of off street parking opportunities. As a result the highway junction at the site is protected by double yellow line restrictions. The pavements in the vicinity of the site are generally narrow reflecting the tight knit turn of the century suburb area.

2.3 The building is painted render beneath a welsh slate roof however a substantial array of solar panels are fixed on the front Calow Lane roof slope

2.3 With reference to the Policies Map of the adopted Local Plan the site is not subject to any land allocation or designation.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/1287/0728 – Change of Use of 49 Calow Lane from dwelling to be part of public house – Approved on 22/04/88.

3.2 CHE/10/00552/FUL – Refurbishment and upgrade of New Inn premises to Hasland Hotel from NC & DR Property Development Ltd - Approved with conditions 26/11/10.

4.0 **THE PROPOSAL**

4.1 The application is submitted in retrospect and proposes the retention of alterations to the rear roof slope of the building to

create an additional three lettable hotel rooms associated with the existing hotel business. The additional rooms are created in the roof space of 2 Meakin Street and 49 and 51 Calow Lane and include the construction of a flat roofed full width dormer extension with balcony walkway and projecting canopy over and which is accessed by a metal spiral staircase from the rear yard of 51 Calow Lane. The applicant owns 51 – 55 Calow Lane and has therefore incorporated the loft and part of rear yard of 51 Calow Lane into the Hasland Hotel demise. No 51 to 55 are occupied by the applicants tenants.



4.2. The three rooms are accessed only via the external spiral staircase and each room is slightly different but each provide bed bathroom, wall mounted TV and drinks making facilities.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 The site is situated within the built settlement of Hasland in an area which is mainly residential in nature. It is however very close to the Hasland District Centre which is just a couple of minutes walk away. Having regard to the nature of the application policies CS1 (Spatial Strategy), CS2 (Principles for Location of Development), CS3 (Presumption in Favour of Development, CS13 (Economic Growth), CS14 (Tourism and the Visitor Economy), CS15 (Vitality and Viability of Centres), CS17 (Social Infrastructure), CS18 (Design) and CS20 (Influencing the Demand for Travel) of the Core Strategy and chapters 1, 2 and 7 of the wider National Planning Policy Framework (NPPF) apply.

5.1.2 The National Planning Practice Guidance is also of relevance to the case.

5.1.3 **Key Issues**

- Principle of the development;
- Impact on neighbouring residential amenity;
- Design of the proposal; and
- Highways Safety and Parking Provision.

5.2 **Principle of Development**

5.2.1 The premise is an established public house with lettable rooms and which has existed for many years in a fairly dense mainly residential area. The applicant, and presumably previous owners have found it necessary to diversify to attract custom and maintain a viable business and this is no different to any other similar establishment within the Borough. The fact of the matter is that public houses are a community asset valued generally for their contribution as a community facility. Indeed policy CS17 of the adopted Core Strategy protects against the loss of such facilities.

5.2.2 It is also the case that the facility is well located close to a fairly large residential catchment within walking or cycling distance and

is also close to the Hasland Local Centre where customers can use other facilities and services including access to public transport which is easily accessible. The site is considered to be sustainable and meets the locational and concentration requirements referred to under policy CS1, CS2 and CS3.

5.2.3 In so far as the principle of the development the two main policies are CS13, Economic Growth and CS14, Tourism and Visitor Economy. CS13 supports sustainable economic growth, supporting existing jobs and businesses and delivering inward investment. Under the policy proposals need to be considered against the locational criteria under policy CS2 and the employment to be generated is a material issue. Clearly the public house use is appropriately located in the urban area to take advantage of the local catchment. Policy CS2 also requires consideration of the opportunity of proposals to support existing community facilities that would otherwise be at the risk of closure. It is considered that lettable rooms above a public house are common place and are a valuable way in which public house businesses can be viable on an ongoing basis. Policy CS14 states the Council will promote and enhance tourism development in the borough subject to a number of criteria:

- Located in areas that can accommodate additional visitor numbers without detriment to the environment or the vitality of existing centres;
- Appropriate to the local environment context;
- Contributes to sustainable economic growth and delivery of the Core Strategy;
- In locations that are well connected to other tourist destinations and amenities, particularly by public transport, walking and cycling.

The policy also encourages proposals where they are related to enhancing the offer of existing centres.

5.2.4 There is a need to provide additional accommodation for visitors in Chesterfield. The applicant is already providing an element of such provision albeit providing accommodation mainly for workers in the area rather than tourists. Such accommodation in the area is never the less required and has a number of positive regenerative benefits. Those that stay will be spending money locally and using facilities supporting other businesses. This includes food outlets in Hasland Centre for example. The additional rooms will also support employees of the Hasland Hotel with cleaners and service

requirements for example. The applicant has stated that he has developed a successful business over the last 7 years and has contributed significantly to the local economy always employing local people as well as reinvesting back into the business and the property to make it a sustainable business now and in the future. There is a logical connection therefore between such visitor accommodation and the positive benefits which are likely.

5.2.5 The scheme delivers 3 additional rooms increasing the total at the Hasland Hotel from 7 to 10. In principle the development is supported by policies CS1, CS2, CS3, CS13 and CS14 of the Core Strategy and provides a local facility as part of a network of such facilities across the borough.

5.2.6 Overall, having regard to the policy context set out above it is considered that the principle of the development is acceptable, subject to detailed assessment of other material considerations in accordance with remaining policies CS18 and CS20 of the Core Strategy which are dealt with below.

5.3 **Design / Appearance**

5.3.1 Core Strategy Policy CS18 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 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.'

5.3.2 The only external component of the scheme is the rear facing dormer and spiral stair with balcony and canopy. There is no opportunity to see such extensions from the public domain and they are not visible from any of the surrounding public highways. There is therefore no streetscene impact. It is accepted that the extension can be seen from the rear courtyard within the site and from the rear of dwellings and their gardens which front Calow

Lane, Meakin Street and Hoole Street which create the enclosure. The rear of the properties in the vicinity have however been altered including permitted development extensions and addition of dormers and also a two storey flat roof extensions. There is clearly a lesser importance in design and appearance terms when comparing fronts with backs.

- 5.3.3 The proposal is considered to be reasonably well designed as far as a dormer extension is concerned and its appearance impact is reduced by the use of darker infill panels between the doors and the shadowing created by the projecting canopy above. Overall, in the context of the site, the proposed development is not considered to be so inappropriately sited, scaled and designed such that it would have to be refused. It is considered that the proposal sufficiently responds to the provisions of policy CS18 of the Core Strategy and can be accepted.

5.4 **Neighbouring Amenity (excluding highways impact)**

- 5.4.1 Core Strategy Policy CS2 states that when assessing planning applications for new development, proposals 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.
- 5.4.2 Core Strategy Policy CS18 also states that, 'Development will be expected to, inter alia, have an acceptable impact on the amenity of users and neighbours'.
- 5.4.3 There is clearly no impact arising from the dormer roof extension to the rear of the premises on the neighbouring properties which face the front of the premises. The main properties affected are 51 – 57 Calow Lane, evens on Meakin Street and odds on Hoole Street.

51 – 57 Calow Lane

- 5.4.4 These properties are a continuation of the Hasland Hotel terrace along the Calow Lane frontage. 51 – 55 are owned by the applicant and let to tenants with 57 in private ownership. These four properties are the closest affected dwellings to the proposal however whilst there is an opportunity to see their rear yards and garden enclosures from the stair and balcony, the view from the

additional rooms is limited. There is no real opportunity to overlook rear windows of these dwellings from the development mainly because their rear elevations have been altered such that windows have been removed and the main rear fenestration relates to bathrooms and kitchens as illustrated in the photograph below. This also achieves a more appropriate relationship between dwellings and public house where the dwellings back onto what is used as a pub car park and beer garden area.



- 5.4.5 It is the case that there will always be an opportunity in a tight knit residential area for overlooking of neighbouring properties and gardens, especially from the upper floor windows. This is generally accepted and is common place.
- 5.4.6 No 57 Calow Lane has a two storey flat roof extension and single storey extension as shown in the photograph below and which virtually completely fills their former rear yard area. The extensions include windows looking directly into the neighbouring rear garden area however the windows are a first floor bathroom and a ground floor kitchen area which it is noted are provided with blinds to prevent views in.



- 5.4.7 There will be no overshadowing impact on these neighbours due to the main extensions being at roof level and due to the orientation to the north east and which are already impacted upon by the existing buildings around the perimeter of Calow Lane and Meakin Street.
- 5.4.8 It is considered that the development will have an impact upon boundary sharing neighbours on Calow Lane however in this instance there is a case to argue that this impact will be minimal due to the relationship between the properties and the orientation of the site.
- 5.4.9 On balance, it is considered that the impact of the development on these neighbouring properties is not sufficiently harmful such that a refusal of planning permission is warranted. It is not considered that this development would cause any major issues in terms of overshadowing, overlooking or an overbearing impact and in the context of the provisions of policies CS2 and CS18 of the Core

Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the proposals are acceptable.

Meakin Street

- 5.4.10 The only impact arising from the development on Meakin Street property relates to an over looking and overbearing presence situation as perceived by the residents of the properties. The photograph below is taken from the balcony towards this terrace of properties and shows that there is no real opportunity to look into any windows because of the separating angle and distance.



- 5.4.11 It is the case that there will always be an opportunity in a tight knit residential area for overlooking of neighbouring properties and gardens, especially from the upper floor windows. This is generally accepted and is common place however in this case the rear car park and yard area provides a meaningful separation and the closest rear garden boundary of the nearest property at 6 Meakin Street is at least 18 metres away. Furthermore because of the angle of the terraces of Calow Lane and Meakin Street, the development generally faces away from these properties.
- 5.4.12 It is considered that the development will have little impact upon the neighbours on Meakin Street and the development is not sufficiently harmful such that a refusal of planning permission is

warranted. It is not considered that this development would cause any major issues in terms of overlooking or an overbearing impact and in the context of the provisions of policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the proposals are acceptable.

Hoole Street

- 5.4.13 A similar relationship exists to that described under Meakin Street however the angle of the properties means that the proposal is angled more towards this terrace. The first pair at 5 and 7 Hoole Street are the closest to the proposal but as shown in the photograph above at para 5.4.6 they have no real rear amenity area and the rear fenestration comprises of bathroom windows. The impact on these two properties is insignificant. Property at 9 to 17 Hoole Street are screened from view by the applicants existing outbuildings forming the perimeter of the rear yard / car park area as shown in the photograph below and the impact again will be insignificant.



- 5.4.14 The impacts on the remainder of property on Hoole Street is diminished by distance and screening by landscaping which exists in the rear garden areas as shown in the photograph below.



5.4.15 In summary the development has limited adverse impacts on the surrounding residential neighbours and a refusal based on such impacts cannot be justified in planning terms. The development is sufficiently in accord with the requirements of policy CS2 and CS18.

5.5 **Highways Issues**

5.5.1 Policy CS20 seeks to influence the demand for travel and seeks to locate development in areas where more sustainable travel choices can be made. Policy CS18 expects developments to provide adequate and safe vehicle access and parking facilities.

5.5.2 The premises currently have off street parking provision in the form of 3 spaces to the frontage and at least 7 spaces to the rear yard. It is accepted that there are limitations on the use of the rear yard area because of the carriage arch access however it is also accepted that the area in general is heavily parked due to the terraced nature of properties and the absence of any meaningful off street parking provision. As a result critical areas of the highway are protected against parking by double yellow lines. There has been a considerable difficulty with the free flow of traffic on Calow Lane as a result of the on street parking along one side which takes place and which limits the width of the carriageway to single width. This situation has existed for many years and is unlikely to improve without major intervention which is unlikely. Some members will recall the Council taking formal enforcement action 20 or so years ago against a limousine hire business which had set

up on this part of Calow Lane specifically in the interests of highway safety issues.

- 5.5.3 Derbyshire County Council Highways has been consulted on this application and they have commented that ideally the applicant should demonstrate adequate off street parking to serve the entire development however it is unlikely that any objection on highway grounds could be sustained.
- 5.5.4 The Highway Authority is therefore accepting that it is not uncommon for such urban public houses to operate without any significant parking provision and which rely on the street for parking or on customers walking from the nearby area. There are at least 10 spaces at the site which provide some off street parking opportunity. The Council currently has no control over how these spaces are used and whether customers choose to use them or not however there are spaces which can be used by customers of the pub and visitors using the overnight accommodation. It is clear that the local traffic problems are not solely as a result of the Hasland Hotel operation. All property in the area will be contributing to the problem and on this basis it could be argued that the 3 additional letting rooms at the premises will have an insignificant impact in the grand scale of things. It is also accepted that the issue is finely balanced since parking in the area is at a premium and any additional demand, however small, will add to the problem and be unacceptable.
- 5.5.5 All objectors have referred to the problem of parking in the area and the difficulty with the free flow of traffic on Calow Lane. They refer to the situation being a nightmare. It is accepted however that this is an existing problem associated with the historic development of the area from the late c19 / earlyc20 with narrow streets and pavements and no off street parking opportunities for the majority of terraced houses fronting the street.
- 5.5.6 The NPPF requires any highway safety harm to be 'severe' before permission is refused on these grounds, accepting that this generally relates to more substantial schemes. It is considered that the proposal for 3 additional rooms at the hotel / public house is unlikely to contribute so much to the acknowledged existing problems on Calow Lane that the specific impact could be regarded as a 'severe' harm to the safe operation of the highway network in this instance.

- 5.5.7 It is considered however that the proposal puts additional pressure on parking facilities in the local area and it is appropriate therefore to consider the opportunity to impose a condition on the back of a permission which seeks to maintain the existing on site parking areas available for customer use as a way of mitigating the impacts which may arise. A number of objectors have referred to parking spaces being used for other purposes (vehicles for sale, mobile signage trailer for example). A condition could be imposed on the basis that it is important that as many spaces as possible at the site are available for customers and visitors to the premises to offset any impact on highway parking.
- 5.5.8 On balance, on the basis of no objection from the highway authority and the likely insignificant impact arising as a result of the proposal it is considered that the presumption in favour of supporting sustainable development should prevail and that planning permission should be given.
- 5.5.9 On the basis of the above, the proposal generally accords with the requirements of Policy CS18 criteria (g) of the Local Plan: Core Strategy.

6.0 **REPRESENTATIONS**

6.1 The proposal was publicised by site notice and neighbour letters on 13/14th November 2017. The statutory period of publicity has expired and resulted in a petition of objection containing 18 signatures and 4 letters of objection and a petition in support of 107 signatures together with 10 letters.

6.2 **Objectors**

6.2.1 **56 Calow Lane:**

The Calow Lane area is already very busy with traffic. Parking is difficult. If you go out you lose your parking space and end up parking a distance from your home. Mr Chadwick does not reside on the road so does not have the problem. He already has 7 rooms in the pub and 5 rooms in the house next door on Meakin Street so why the need for more rooms? The pub has parking front and back but not enough if all the rooms are taken. Most guests have their own vehicles. Many guests are workmen in the area from various lengths of time and most have large vans and often park on the

street. Parking vans to the rear of the pub is awkward. The proposal will make matters worse. Mr Chadwick did not consult anyone before constructing the rooms. He expects to bypass the usual procedures and get away with it. Aware there are other problems with Mr Chadwick in other parts of Hasland due to the way he does things. He is not a popular figure in Hasland.

6.2.2 58 Calow Lane:

1st letter

I presume these changes are what caused all the issues with parking back in the summer when the hotel had work done to the rear & roof area. Residents were not notified of this change. I would like to bring to your attention, the absolute chaos the pub/hotel brings to the area.

Calow lane has become a rat run from early morning to late evening, we have a lot of residents that like to park outside our own properties which makes difficult for the traffic cutting through to use the road with ease, add to this the amount of cars & vans that use the pub/hotel, it is a nightmare. We certainly do not need an additional 3,4,5 vehicles added to this street, as well as 5 or so for the rooms the hotel has let. And this does not include the patrons travelling by car to have a drink. Where will they park? If the hotel provided parking, where do the workmen park? Their vans are too long for the front spaces & they cant park on the rear as they cant get a van through the small drive to the rear. They have to use the road!

The hotel claims to provide parking for its patrons only, yes it does have 3 spaces to the front & maybe now only 4 or 5 to the rear since the area had an additional beer garden installed, but the issue straight away is that there is no parking available at all, only what may be available on Calow Lane or on Meakin Street, this then causes issues for the actual residents of the local area to park on the road around the hotel once the patrons & hotel guests have arrived, it can be impossible.

The reason the hotel does not actually provide parking is that, the front spaces are in use permanently by the advertising board on wheels (parked in the same spot for months on end), the car that belongs to the house next to the pub. (possibly owned by Mr Chadwick), the selling of various vehicles, taking up the last space or it being used by the owners/staff cars, all the car park at the rear is taken by residents of the house, next door to the pub, owned by

Mr Chadwick or residents that cant park on Meakin street itself. It has also decreased in size since the beer garden was installed. The hotel runs various entertainment nights & during these evenings the additional cars can be up to 10 to 15 extra, parking anywhere they can including on double yellow lines, using both sides of the street which is not wide enough to have cars parked on both sides. Its ridiculous.

My other concern is that patrons are driving to the pub & drinking, then driving home! Since the pub reopened as a hotel the issues have increased, not only the parking issues but noise issues, this is not just the patrons leaving noisily into the early hours, but also the fighting in the street, taxi's piping after midnight to collect patrons, but also the majority of hotel guests are workmen & are up & around from 4am slamming van doors, revving engines etc. As the owner does not live in this village he does not see or hear any of the problems! Nor does he care, I have never known this road so bad in the last 18 years as it is now with parking issue's caused by the pub/hotel.

The owner/patrons/hotel guests (travelling by vehicle) have no thought for the actual residents, we do make sure that we are home every day early afternoon as if not, we could end up parking on the main Hasland Road near the shops, which has happened more than once when I have been at work till 8pm and as I have a new born baby, it is not appreciated that I cant park near my property when I need to the most. I understand that no one has a right to park outside their own property, we park on a public highway which is available to all, but the issues it causes having all these extra vehicles visiting the pub/hotel has an immense impact & that is why we strongly object to this.

2nd letter

A vehicle (van) staying at the establishment tried to park in a very small space opposite the pub & actually reversed into my car, not causing damage as such but causing the electronic parking system in the car to go into safety mode because of the jolt, this meaning we now cannot start or move the car, he denied the incident & moved his vehicle onto the front parking spaces, where as you can clearly see from the photographs, said vehicle was too big & the end of the vehicle was clearly overhanging into the highway, this caused road uses that evening to have to manoeuvre at the last minute to avoid the corner of vehicle. This is surely a safety concern, not only for pedestrians that need to walk on the highway to gain access to footpath but also to other road uses.

6.2.3 Unknown address

The applicant has already built the extending rooms. At the moment with the rooms that he already has the parking for residents is terrible. Mr Chadwick has parking at the back of the b & b but parks his works vans there so anyone that stays at the b & b has to park on the road. He has a van outside the pub advertising and selling cars and the third parking space going to the house next door to the pub as he owns that as well. It is bad enough at the moment so with more people staying the residents will not be able to park near their home. Every day I have to park 30 or so metres down the road due to drink drivers parking their cars and people staying at the b and b parking on the road. On several occasions I have had bus drivers and police knocking on your door for me to move my car as ambulances and buses cannot get past because of the vans parking on the road that are staying at the b and b.

6.2.4 14 Meakin Street

Invasion of privacy – Considerable overlooking from new windows and balcony over all even numbered property on Meakin Street. Residents are no longer comfortable sitting in their own back gardens – also unsightly and not in keeping with local area. Parking issues in local area has been a long standing problem and which has become worse over last few years. Getting along Calow Lane at peak times is difficult. There are not enough parking spaces for the current guests let alone the additional ones. The application indicates provision for 9 cars and 4 motorcycles. This is not the case. There is space for 3 at the front although the space is limited and vehicles block the footpath. There is not enough space to the rear for 6 vehicles without blocking others in. The access to the rear is also via a narrow archway off a narrow street with restricted turning.

A quote from their website suggests their business model is targeting the contractor trade. As such there are lots of commercial vehicles parked on the streets around the hotel.

As the hotel has grown over recent years due to constant redevelopment there has been a noticeable increase in noise pollution. This is apparent early in the morning when contractors are setting off for work and at night time when noise from the pub is apparent. In the summer residents now see their gardens as a no go area due to noise and overlooking. Local residents are angry

of having to suffer the consequences of Mr Chadwicks business interests. Mr Chadwick does as he likes and then applies retrospectively undermining the planning system.

6.2.5 A petition containing 18 signature of local residents on Meakin Street/Calow Lane against the development and supporting the comments made by 14 Meakin Street has also been received.

6.3 **Supporters**

6.3.1 53 Calow Lane

Do not see an issue as referred to by objectors. We have stayed at the hotel for over 6 years and now live on Calow Lane.

6.3.2 80 The Green

Aware that several residents from the Calow Lane area have made complaints and accusations regarding the addition of accommodation at the Hasland Hotel. It is common knowledge that the complainants are grinding a personal axe rather than displaying a community interest.

Living on The Green in Hasland I am not directly affected by their parking issues but as a resident of Hasland for over 30 years I am very aware of how this area has been horrendous traffic wise for as long as memory serves. I would suggest that the number of terraced house dwellers with more than one car ownership is a far bigger cause of traffic congestion than the residents of three more hotel rooms. I note from reading the complaint letters that the contents seem far too similar to have originated from several sources which suggests to me that they have been orchestrated and perhaps owe more to personal grudges than genuine interest in community.

Note that a major problem is not being able to park outside their own properties as this is not a given or legal right on the Queens' Highways and given the volume of vehicles in the area is neither feasible nor should be a valid consideration. These types of objection unfortunately can close a small business without thought being given to the bigger picture. I admit to a selfish attitude in this matter as I am a frequenter of the hostelry.

The Hasland Hotel is a rare pub nowadays in being an old style community one. The customers keep an eye on older members of the area, many charity ideas are discussed and carried out, dog owners are welcomed. I have met many of the people who take

advantage of the accommodation and come from home and abroad, the majority via public transport/taxis. This obviously helps to increase local jobs and revenues.

Another popular comment in the 'complaint letters' states the number of pub clients arriving by car to drink! I am a regular as this establishment is the only real real ale pub in the area and I am not aware of 'all these drink drivers' in attendance and I for one would soon be on the phone to police if I did see someone heading to a car after alcohol. I would hope any decisions or actions will only be carried out after thoughts have been given to all the facts.

6.3.3 Unknown address

I use the hotel which is always well managed accommodation. The new rooms look fab with uplifted spec, car park, view and which are safe with cctv.

6.3.4 Penmore Gardens

I own a property on Penmore Gardens, Hasland and often walk to the Hasland Hotel. The majority of the other people I have met and spoken to in the pub also walk there from the local area, and therefore do not contribute to any traffic or parking issues. In a time where many local pubs have been shut down, the applicant and his team have made the Hasland Hotel into a huge asset to the village which should be supported and encouraged by the local community and Chesterfield BC.

6.3.5 Manor Road, Brimington;

I lived at 27 Meakin Street between 1997 - 2000 and now live on Manor Road, Brimington Common. I frequently walk my dog to the Hasland Hotel as in my opinion it is one of the best local real ale pubs in Chesterfield. The applicant & his team have developed the formerly derelict pub into a quality community asset. I note that the majority of the complaints & objections relating to this application are with respect to traffic and parking. In my experience, the parking situation is exactly the same now as it was 20 years ago. I have never experienced any anti-social behaviour in these premises whilst the applicant has been the owner.

6.3.6 127 The Green

The concerns that have been raised regarding Hasland Hotel are totally unfounded. Issues with parking and travelling Calow lane are due more to the people that live on Calow lane as most houses tend to own more than one car. This is apparent to me as I have travelled the road for the past eight years to and from work in Bolsover and I've seen it gradually get worst over the years with peak hours are the worst. There is no way that the few amount of cars that frequent Hasland Hotel have any bearing on the traffic issues on Calow Lane.

I have been visiting Hasland Hotel for the past six years and seen Mr Chadwick create a place with social events for the local community, games nights, dart teams, pool teams, help with birthdays, funerals, family gatherings and also the effort that Hasland Hotel and its patrons dedicate to fund raising for local charity's is a credit to Mr Chadwick's determination to ensure all have an excellent establishment as I know of no other in Hasland. I hope common sense prevails in any issues that have been raised against Hasland Hotel as it is an integral part of the Hasland community as is Mr Chadwick.

6.3.7 1 Old Stables, Birdholme Farm

We are regular customers of the Hasland Hotel and support the scheme. We live close by on Derby Road and use Calow Lane every day. The real problem is the parking which obstructs traffic on Calow Lane and that will remain the case as long as on road parking is allowed regardless of the success of the application. The problem cannot be laid at Mr Chadwicks shoulders. His property does have adequate parking off road unlike most of the neighbouring properties. The objectors claim they have an automatic right to park on the road but their objections seem to suggest otherwise.

The activities of the pub business area big community asset but provide little income. The proposal will assist in the profitability of the business and allow it to succeed.

6.3.8 Unknown Address

During my time as a patron of the Hasland New Inn/Hotel for the last 30 years Calow Lane has always had issues with the amount of traffic that uses it and limited parking space for cars. The morning and afternoon rush hours are really problematic now and often result in a gridlock situation where vehicles are

trapped attempting to get up and down the road. Calow Lane's traffic problems are twofold in that it was not constructed for modern day traffic volumes and has restricted car parking space available. I would therefore put forward that this is the longstanding predicament that needs to be examined and resolved to benefit both residents and businesses along Calow Lane and it's adjoining streets.

Aware that plans to build 284 houses on land off Calow Lane has been agreed. The additional traffic on Calow lane will have been accepted. 3 additional rooms will be insignificant compared with this.

6.3.9 Unknown Address

I can't understand why the council haven't granted planning permission to the Hasland Hotel a business which employ's 7 people all from the village all over parking. In my view it's not the Hotel that's the problem it's the household around it, some of these have 3/4 cars.

I have the pleasure of using the pub as a local, I'm the chairman of Ashfield Allotment Society and we use the pub for all our meetings and our AGM which the applicant opens up on a Sunday morning to accommodate us and gives us tea and coffee (free of charge). It's a community pub and gets involved with most things that go off in the village and always gives freely. There are other pubs in the village and these have both converted their car parks into gardens which in my view makes parking worse in the surrounding streets. The people who stay in the hotel are mostly traveling workers like myself, there could be two/ three men turn upon in one van/car, I have to travel for work and if it wasn't for affordable accommodation like the Hasland Hotel we couldn't compete for work, if planning isn't granted I can see that the applicant would be left with no other options but to close the Hotel and then turn it all back to private housing which could make matters even worse, one solution could be parking permits and let households have two permits and have then to pay for any other ones like in the town centre, please give your consideration to the pub as a local community asset, there are to many local pubs closing please don't let this be one of them (Wingerworth now only has one pub as the Barley Mow has now shut).

6.3.10 Unknown Address

Sorry to hear about the complaints on my recent visit on 29/12/17. I am led to believe that the neighbours are up in arms about the recent development at the Hasland hotel. One of the things they are saying is that none of the guests use the rear/front car parks. As for myself I always try to use the parking provided, unless of course one of the residents has parked across the front of the entrance (more than one occasion). As accounts will show I use the accommodation on a frequent basis and have stayed at the hotel on over 200 occasions (in that time, if I have parked on Meakin St 12 times that will be too much). Also drink driving was mentioned, if this is the case then surely the person that sees this should ring the police (is it scaremongering again). Perhaps the residents should look at their own parking habits. Don't block the turning circle on Meakin Street.

6.3.11 Petition– 107 signatures

I am signing this petition in support of the application for 3 additional hotel rooms and Mr Chadwick's response to the various objections from local residents. I am a regular customer of the Hasland Hotel and believe it is unfair and inaccurate to claim that the parking issues on Calow Lane and surrounding streets are caused by the hotel.

Additional comments within petition:

- No parking at Devonshire Arms as car park used for seating. Also fighting each week and beer is flat. Hasland Hotel best pub in Hasland. People should move if they have more than 1 car per terraced house. Residents should know better after 7 years of running;
- 3 additional rooms will have no impact on local parking issues;
- Landlord always tries to address problems. They hold many charity events. They are many dodgy, not to a very good standard, extensions around Hasland. The development is to a very good standard. I come to the pub by car and only drink coca cola or shandy and have a breathalyser machine in my car. I have never had a problem with parking at any time.

Comments

The majority of comments received both in support and in opposition refer to the same issues and which are dealt with through the considerations section of this report. Whereas a number are of relevance a number of representations received

refer to matters which are not material to the determination of the submission. The applicant has responded to a number of comments which have been received and it is appropriate to make reference to some of the comments in relation to the key issues being considered.

The applicant confirms that the entire plot has been significantly improved since he purchased it in 2010 when it was a derelict, boarded up building which was definitely 'unsightly'. He comments that the same neighbours were thrilled at that time that someone was finally investing in the site.

In terms of parking issues he comments that they have become a problem all over Hasland over the years as more and more vehicles are on the road and it is common for one property to have several vehicles including his neighbours. Residents chose when buying or renting their homes to live in properties with no off road parking.

The applicant confirms that his guests include contractors as well as a wide variety of other people needing much needed accommodation when working in or visiting Chesterfield. He says that making an assumption that every commercial vehicle parked in the area belongs to his guests is both naive and inaccurate. For example they have guests who travel in commercial vehicles as well as cars, motorcycles, bus, train, taxi and on foot. Assuming that every person staying at the hotel has a vehicle is again inaccurate as several guests may be travelling in one vehicle. He confirms he has contacts with 2 local training providers whose delegates generally arrive by car or train and he works with a local business who has overseas visitors staying with them and they do not have transport but are collected each day by the company etc. There are many other reason why guests stay at the hotel and their mode of transport is varied.

The pub does partake in Chesterfield Pool and Darts & Dominoes leagues and does have visiting teams usually around 8 people. They often come in taxis, mini bus and in full cars with a designated driver. The applicant comments that the statement that these nights generate 10 to 15 extra vehicles is unfounded.

Another assumption is that all rooms will be occupied at 100% all of the time. This is not the case.

The reference to the beer garden is also noted however this has always been there and was redeveloped in 2010 at the

same time that the rear car park was extended and resurfaced to create the maximum number of parking spaces. The beer garden in 2010 did not decrease the size of the parking area.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

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

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

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

line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 The local planning authority offers a free pre-application advice service and, in this instance, the applicant did not engage in any pre-application discussions or enquiries regarding this proposal. The applicant has been informed of the concerns raised during the consideration and has been afforded the opportunity to respond.

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

9.0 **CONCLUSION**

9.1 The site is sustainably located and provides a community facility for the benefit of the economy and the local area. Provision of visitor accommodation generally accords with Core Strategy policy. The premise has existed for a considerable number of years without apparent local complaint or problem. The proposal is not inappropriately designed and has very limited impacts on the nearest neighbours in so far as their amenities are concerned. The main issues concern parking provision and highway safety which is accepted as being finely balanced however on balance the proposal presents an insignificant overall impact on what is an existing problem on Calow Lane and to which the Highway Authority confirm could not be sustained as part of a refusal. As such, the proposal accords sufficiently with the requirements of Core Strategy policy and the NPPF and planning permission should be granted.

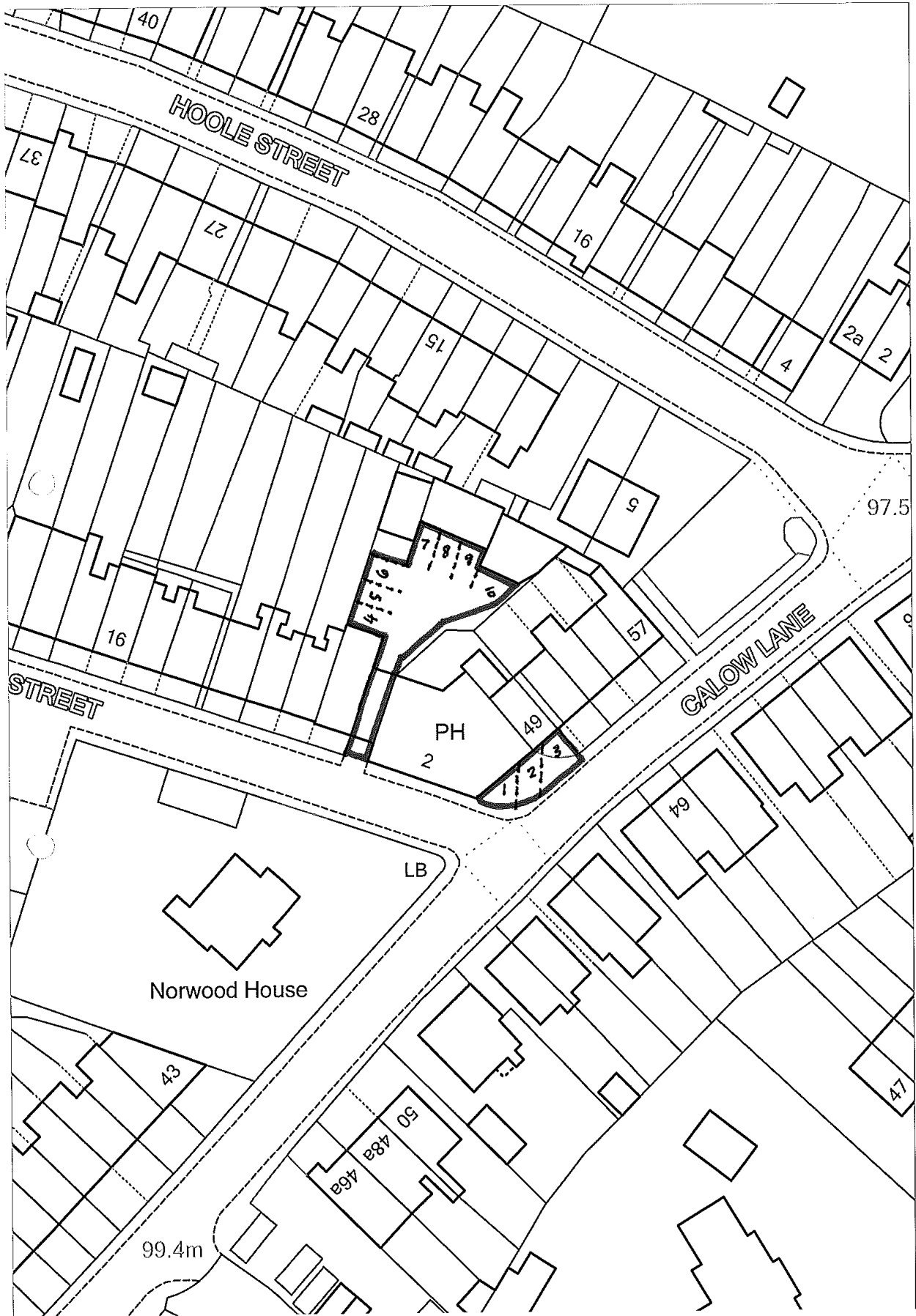
10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be retrospectively approved subject to the following condition.

1. The 3 echelon parking spaces to the Calow Lane frontage and the 7 parking spaces to the rear yard area as shown on the attached plan shall be maintained clear and available for parking purposes at all times.

Reason

1. In the interests of maximising the amount of off street parking opportunities in the interests of highway safety.



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Case Officer: Sarah Kay
 Tel. No: (01246) 345786
 Ctte Date: 29th January 2018

File No: CHE/17/00612/FUL
 Plot No: 2/2746

ITEM 5

MIXED USE LEISURE DEVELOPMENT COMPRISING OF A MAIN LEISURE / RETAIL / BAR AND RESTAURANT (USE CLASSES A1, A2, A3, A4 & A5), BUSINESS CENTRE AND ASSOCIATED OFFICES / OFFICE FACILITIES (USE CLASSES B1, D1 AND 1 NO. RESIDENTIAL UNIT) WITH CAR PARKING, SERVICING, LANDSCAPING AND ACCESS - ADDITIONAL INFORMATION RECEIVED 04/12/2017 AT FORMER DERBYSHIRE FIRE AND RESCUE STATION, SHEFFIELD ROAD, WHITTINGTON MOOR, S41 8LF

Local Plan: Economic Growth (CS13)
 Ward: Moor

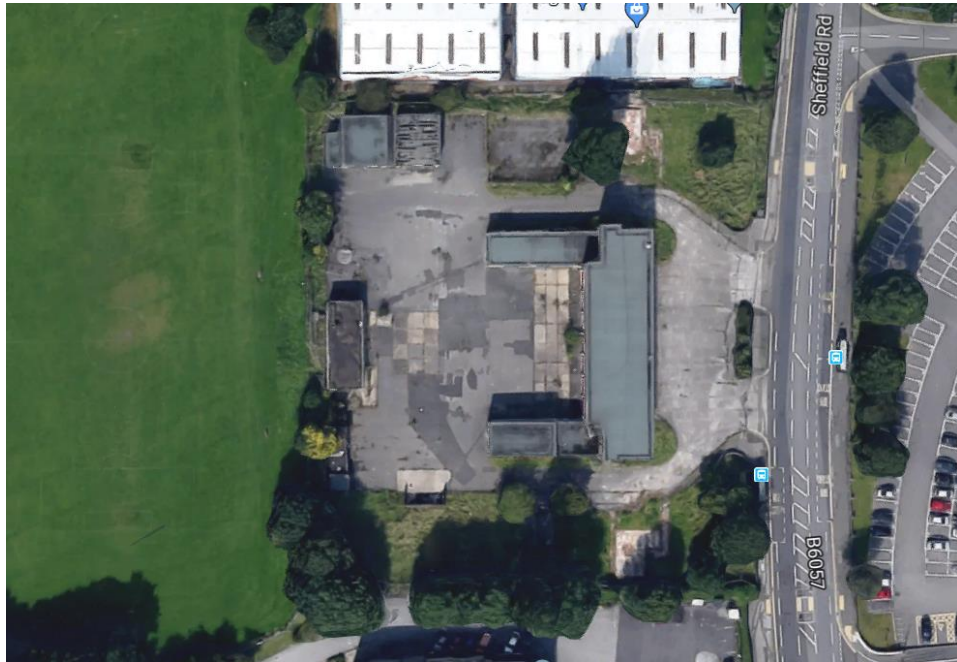
1.0 **CONSULTATIONS**

DCC Highways Authority	Comments received 14/11/2017 and 13/12/2017 – see report
Environmental Health Officer	Comments received 07/09/2017 – see report
Design Services Team	Comments received 20/09/2017 and 05/12/2017 – see report
Economic Development Team	Comments received 13/09/2017 – see report
Yorkshire Water Services	Comments received 21/09/2017 – see report
Crime Prevention Design Advisor	Comments received 18/09/2017 – see report
Lead Local Flood Authority	Comments received 15/09/2017 and 07/12/2017 – see report
C/Field Cycle Campaign	Comments received 22/09/2017 – see report
Tree Officer	Comments received 17/11/2017 and 15/12/2017 – see report
Urban Design Officer	Comments received 09/10/2017 and 05/12/2017 – see report
Derbyshire Wildlife Trust	Comments received 07/09/2017 and 19/12/2017 – see report

Planning Policy Team	Comment received 25/09/2017 and 05/01/2018 – see report
DCC Archaeologist	Comments received 18/09/2017 – no objections
Ward Members	No comments received
Site Notice / Neighbours	One letter of representation received

2.0 **THE SITE**

2.1 The site is situated approximately 2.0km to the north of Chesterfield Town Centre on B6057 Sheffield Road and was previously the site of the former Derbyshire Fire and Rescue Station. The site measures 0.85ha (2.11 acres) in area.



2.2 The buildings on the site (seen in the aerial photograph above) were demolished by the Fire Authority in 2012 and since that time the site has been vacant and is secured with temporary heras fencing.

2.3 To the north of the sites lies and electrical distributors set within a warehouse style building; Simply Gym operates from a similar warehouse unit to the south; Stand Road Recreational Ground forms the western boundary; and there is a low stone wall forming the eastern boundary to Sheffield Road.

2.4 There are existing trees on the site and a significant group of trees along the southern boundary which are protected by Tree Preservation Order 4901.303.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/12/00467/DEM - Demolition of former fire station and associated outbuildings to the rear.
Prior approval given 13/09/2012

3.2 CHE/12/00024/DEM - Demolition of two former fire service houses linked to former fire station site.
Prior approval given 24/02/2012

4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the entire redevelopment of the site to create a mixed use leisure development comprising of a main leisure / retail / bar and restaurant (use classes A1, A2, A3, A4 & A5), business centre and associated offices / office facilities with car parking, servicing, landscaping and access.

4.2 The development proposals detail a contemporary designed development that incorporates two elements of built form. One element being an 'L' shaped development running along the northern and western boundaries of the site providing 18 no. offices in a continuous two storey development form. The second element being a central 'barn' building which is set out across a three storey building to incorporate A1 – A5 uses and a self-contained residential apartment across three floors. The building adopts a contemporary designed approach, with a feature ridgeline running from corner to corner rather than centred across the building.

4.3 The general office space proposals are located to the perimeter of the site and will provide 142.5 square meters of flexible multi-functional B1 space. Each unit is provided with 3 no. dedicated undercroft parking spaces and cycle parking is available for each units at their ground floor entrance area (54 no. spaces in total). In addition 6 no. electric vehicle charging points are shown.

- 4.4 The central barn building named 'The Batch House' will focus on artisan food producers, restaurants, cafés and retail units. Built over multiple levels featuring an open central space that allows for informal dining/ seating with the bonus of adapting to facilitate exhibitions, presentations or workshops. It is also intended that this building will provide a hub for the businesses that occupy the perimeter offices, as well as the local area. Around the main centralised building a one way circulatory route is shown which takes advantage of the sites current 2 no. dedicated access points to Sheffield Road - the sites most southern access being the 'In' route and the sites northern access being the 'Out' route. 122 no. car parking spaces are shown, with an additional 8 no. disabled parking spaces and 8 no. cycle parking stands.
- 4.5 The provision of a residential unit inside the 'Batch House' building is for the purpose of accommodating an on site manager to oversee the security and logistics of daily activity within the site.
- 4.6 The application submission is accompanied by the following plans / documentation:
4282 Topographical Survey
128 001 Existing Site Plan
128 106 Rev A – Site Plan Proposed
128 101 Batch House GF Plan
128 102 Batch House FF Plan
128 103 Batch House SF Plan
128 104 Batch House TF Plan
128 105 Batch House Roof Plan
128 131 Batch House North Elevation
128 132 Batch House South Elevation
128 133 Batch House East Elevation
128 134 Batch House West Elevation
128 135 Office Elevations
128 111 Office GF Plan
128 112 Office FF Plan
128 113 Office Mezzanine Level
128 114 – Office Roof Plan
Design and Access Statement (prepared by Llama Architects)
Transport Statement (prepared by CBO Transport)
Ecological Appraisal (prepared by BSG Ecology)
Flood Risk Assessment / Drainage Strategy (prepared by ARK Environmental Consultancy Ltd)
Tree Report

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the built settlement of Moor ward in an area predominantly commercial in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS13, CS15, CS16, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.2 **Principle of Development**

5.2.1 The site is in a location shown on the adopted Local Plan Reg 22 Submission Policies map as employment land, subject to policy CS13. The proposal includes both Office and 'Main Town Centre' uses (as defined by the NPPF), both of which are subject to a sequential assessment under the NPPF. The location would be considered 'Edge of Centre' in relation to the Whittington Moor District Centre.

5.2.2 Policy CS13 allows for B1 office use 'within and on the edge of existing town and district centres', there is therefore no need for a sequential assessment of the office element and the principal is considered appropriate in this location.

5.2.3 The single residential unit would accord with policy CS1 and CS2 in terms of the location of development.

5.2.4 A sequential assessment is required by paragraph 24 of the NPPF and policy CS16 of the adopted Local Plan Core Strategy for the retail (A1 to A5). The applicant has submitted a retail sequential assessment which was prepared following discussions with the council's Strategic Planning Team and is considered appropriate. The Sequential test set out in the NPPF is therefore considered met. It is noted that the total amount of 'retail' (A1 to A5) floorspace is below the 2,500sqm threshold for an impact assessment and this is therefore not required.

5.2.5 Having regard to the policy provisions considered above the principle of development is considered to be acceptable.

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

5.3.1 The application submission has been reviewed by both the Council's **Urban Design Officer** (UDO) and the **Crime Prevention Design Advisor** (CPDA) and their comments have been incorporated in this section of the report below.

Use

5.3.2 The site is located outside the local centre but is on the edge of this area. As such, the acceptability of a retail and commercial use will need to be advised by Forward Planning.

Amount

5.3.3 The amount of development is acceptable in terms of its layout and arrangement on the site. The quantum of space would need to be considered in relation to its potential impact on the adjacent local centre, having regard to the proposed food retail and dining components of the scheme.

Layout

5.3.4 The layout comprises a range of small office business units aligned along the northern and eastern boundaries. The office unit on the eastern end of the building against Sheffield Road (Unit18) is 'grounded' and includes a highly glazed gable which addresses the street well and provides a positive interface with Sheffield Road.

5.3.5 Within the centre of the site the main mixed use leisure building (The Batch House) would be positioned at an angle and tilted so the front corner is a pivot against Sheffield Road. Although this arrangement is somewhat unconventional the appearance of the building and its position should give it presence on the street frontage.

5.3.6 The internal road is designed as a one-way system utilising the existing access points on Sheffield Road, albeit modified to reflect the proposed access and egress arrangements.

5.3.7 Parking would be arranged around the perimeter of the main building and along the southern boundary. Parking to serve the offices would be provided at ground level beneath each office with three spaces allocated per unit.

5.3.8 A separate gated pedestrian entrance is proposed on the western boundary to provide access to Stand Road Park at the rear of the site.

5.3.9 The existing front boundary wall would be retained and repointed. Strap style pointing should be avoided. It would be appropriate to seek a sample panel to agree the method and mortar mix prior to commencing works on the wall. This should be conditioned.

Scale and Massing

5.3.10 The main leisure building (The Batch House) is a large rectangular form with an unconventional ridgeline that runs diagonally across the building. This creates an interesting form with a highpoint facing Sheffield Road. Although the building has a large scale and mass, this can be absorbed by the size of the site and its setting, which is characterised by large scale buildings.

5.3.11 The office buildings around the northern and western boundaries are smaller scale with a narrow depth, although their height will serve to enclose and define the edges of the site.

Landscaping

5.3.12 Indicative landscaping is indicated although in the event that planning permission is recommended for approval a detailed landscaping scheme would be required. This could be managed a suitably worded condition.

Appearance

5.3.13 The appearance of the development makes reference to an agricultural aesthetic but with contemporary styling. The Batch House proposes a fibre cement board cladding over a corten steel mesh, which sits above a concrete panel plinth.

5.3.14 The surrounding offices propose a similar palette of materials and include concrete agricultural panels to the plinth; Kinspan Trapezoidal insulated panels and core-ten elements. The palette of materials will provide a cohesive language to the buildings that will help tie the appearance of the development together as a whole. Samples could be managed by condition.

Access

- 5.3.15 A number of parking spaces are shown close the exit lanes on the on-way system. These could potentially interfere with the traffic exiting the site and a reduction in the number of spaces in the vicinity of the exit may be required. This would have the benefit of introducing a broader area of public realm at the threshold to the north side of The Batch House.

Conclusion

- 5.3.16 In light of the above comments, there have been no objections to the scheme raised on urban design / crime prevention grounds. Where identified, conditions are recommended to manage the final agreement of materials, landscaping (hard and soft) and a sample panel of walling and pointing.
- 5.3.17 Having regard to potential neighbouring effect, the site is bound to the immediate north and south by other commercial properties and it is not considered that the development will introduce any adverse overlooking / overshadowing impacts upon these neighbours. To the east and west are Sheffield Road (the Proact Stadium beyond) and Stand Road Park and both of these neighbouring uses are likely to benefit from activity to the street frontage and 'eyes' over the park to improve surveillance.
- 5.3.18 Overall it is considered that the siting, design and scale of the development proposals are acceptable having regard to the provisions of policies CS2, CS18 and CS19 of the Core Strategy.

5.4 Highways Issues

- 5.4.1 The application submission, along with its accompanying Transport Statement (TS), has been reviewed by the **Local Highways Authority** (LHA) who provided the following response:

The Transport Statement includes traffic speed and flow data collected by means of an automatic traffic counter over a recording period of one week. Whilst it's noted that 85%ile traffic speeds averaged out over the entire recorded period are in excess of the existing 30mph speed limit on Sheffield Road, this Authority generally requires 85%ile approach speeds to be determined by a specific speed survey of free flow traffic as the results as submitted are likely to have been affected by turning traffic, busses leaving/ approaching stops (along with any convoy of traffic behind),

temporary obstructions in the carriageway, etc. A brief review of the traffic speed data submitted indicates that there are a number of hourly periods throughout the week where 85%ile speeds are in excess of 40mph. Notwithstanding, it's considered that adequate exit visibility may be achieved from the frontage of the site.

The Statement makes reference to the proposed one-way operation of the access arrangements, i.e. exit from the northern access and entry via the southern one. It's stated that existing carriageway markings on Sheffield Road will be revised to focus right turn vehicles into the site to the southern access and the kerbed radius on the north side of this same access would be modified to better define the entry only.

Given relative lack of physical interventions and previously stated concerns with respect to access width, proximity of parking, etc., concern remains with respect to enforcement of the proposed entry/ exit arrangements. The centrelines of the accesses are approximately 25m apart therefore, should both be used by vehicles leaving the site, exit visibility (that should be commensurate with 85%ile free flow approach speeds) from each would be obstructed by a stationary vehicle at the other. Therefore, the question remains, how is it intended to enforce the one-way proposals to prevent this situation occurring?

Swept path analysis for several types of vehicle are included within the Statement. However, the Highway Authority would expect swept paths for a Large Refuse Vehicle of 11.6m length to be demonstrated, rather than a 8.74m refuse vehicle as submitted, unless supported otherwise by the local refuse collection service. Whilst the Statement envisages most servicing will be by Transit type vans, the application covers all manner of future uses and deliveries to small retail outlets are frequently by much larger vehicles including articulated HGV's. As servicing from Sheffield Road would be considered against the best interests of safe and efficient flow of traffic on the public highway, unless suitability of the layout can be demonstrated for larger vehicles, how is it intended to restrict the maximum size of vehicle permitted to enter the site? Where would the largest vehicles currently shown (10m rigid) park to service units without causing obstruction to other, possibly delivery, vehicles? It's noted that the swept path drawings do not include the 'nib' on the north side of the southern access nor right turn in and out of the site.

The proposed exit would be separated into 2 lanes, one to turn northwards and the other south although no markings to reinforce this should be located within the highway.

Reversing manoeuvres from the disabled bay closest to the proposed entrance would be likely to result in there being insufficient stacking length for another vehicle within the site, a situation that may lead to vehicles being queued out into Sheffield Road that in turn would be considered against the best interests of safe and efficient flow of traffic on the public highway.

The Transport Statement includes an analysis of personal injury accidents in the vicinity of the site frontage and suggests that proximity of the football stadium may be a contributing factor in the pedestrian accidents. Bearing in mind the potential nature of development, pedestrian activity between the site and stadium may well increase although no reference is made to this and how any concern may be mitigated.

A predicted demand for off-street parking has been included and I trust that you will be satisfied that this is suitable to meet your Authority's requirements. However, it's noted that the parking spaces are substandard to current recommendations of 2.4m x 5.5m minimum dimension.

Trip generations are considered to be acceptable and the capacity assessment indicates that there would be no operational issues with negligible queuing.

It's considered that a Travel Plan should be prepared for the proposed development as a whole.

Whilst there are no objections in principle to the proposed scale and nature of development for this site, when bearing in mind the perceived enforcement issues with respect to the proposed in/ out arrangements and consequential sub-standard separation between accesses, the Highway Authority would recommend investigation into serving the site via a single point of access for both ingress and egress. It's considered that such an arrangement, with right turn harbourage, would be likely to operate largely without congestion and may well offer opportunity to provide an additional

refuge to accommodate the perceived increase in pedestrian flows to/ from the leisure elements of the scheme.

Therefore, unless the applicant is able to submit further details to satisfactorily address the above issues, it's recommended that the proposals as submitted are refused on the following grounds:-

- 1. The proposed development, if permitted, would be likely to lead to the intensification in use of an existing substandard access arrangement with Sheffield Road (B6057) where exit visibility is restricted due to proximity of the accesses to each other, thereby leading to a potential danger and inconvenience to other highway users.*
- 2. No adequate provision is included in the proposals for the parking/ loading/unloading/ manoeuvring of vehicles clear of the public highway, which would be likely to result in loading/unloading/ reversing onto or off of the public highway against the best interests of safe and efficient traffic movement.*
- 3. The application proposals are premature until such time as satisfactory details to:-*
 - enable enforcement of the proposed access arrangements or an alternative access layout.*
 - demonstrate suitability of the modified access(es) and internal layout to accommodate the largest vehicles likely to frequently enter the site clear of areas dedicated to parking or legally restrict the size of vehicles permitted to service the site.*
 - reduce the likelihood of vehicles being stationary on Sheffield Road as a consequence of manoeuvring to/ from parking spaces within the site.*
 - demonstrate servicing arrangements for each unit that would not prevent passage of other vehicles.**have been submitted and approved by the Local Planning Authority.*

5.4.2

It is noted that the LHA's concerns relate primarily to the operation of the sites proposed one way system which rely upon the use (with slight amendment) of the 2 no. existing access points which currently exist to Sheffield Road which were used in association with the former Fire Station operation. The LHA are concerned

that the application submission is absent of sufficient information to evidence how the one way operation will be signed and enforced; how the site will be serviced; and whether the layout submitted is navigable by an 11.6m large refuse vehicle. Furthermore the LHA suggest that visibility from the 'out' access point could be obscured by vehicles waiting at the 'in' access whist vehicles manoeuvres from the parking spaces closes to this point.

- 5.4.3 Having regard to the proposed layout of the development it is unlikely that the developer intends to service the development from Sheffield Road. The reason for the proposed one way operation of the site layout is to allow service vehicles a route around the site to negate the need to provide on site turning, but it intended that the development will have service access from within the site. It is accepted that the current site layout plan does not formalise where service vehicles will park when servicing the site and therefore at present it would appear that such vehicles would block access to / from parking spaces which is undesirable. In the respect the developer has indicated that it is their intention to operate a site service management plan to ensure that any occupiers of the premises adhere to set servicing arrangements to ensure this doesn't happen. Servicing is likely to be required to take place outside of the sites standard 'customer' opening hours to ensure that customers / visitors are not hindered in their use and enjoyment of the site by such inconveniences. An appropriate condition along the lines of the following wording would ensure that these details are submitted and complied with:

Prior to the approved development being first brought into operational use, a robust Delivery / Servicing Management Plan shall be submitted to and shall have to be agreed in writing by the Local Planning Authority. All deliveries to the site shall thereafter be carried out in total accordance with the approved Delivery / Servicing Management Plan.

- 5.4.4 In respect of the sites access arrangements as it is currently laid out the southern access to Sheffield Road is intended to operate as the 'in' access and the northern access to the Sheffield Road as the 'out' access. The proposed site layout shows the carriageway width of the 'in' varying from 7.5m to 6m in width as it feeds into the site. At this width it is accepted that the route could be used by vehicles in both directions (as the LHA suggest) however it could be further engineered to provide a pinch point narrower than 6m to

physically discourage misuse of the one way operation, in addition to appropriate signage.

- 5.4.5 Further consideration of the LHA's concerns about vehicles queuing into the site, forced by vehicles manoeuvring into and out of the car parking spaces close to the 'in' access point, are also noted and this could be negated by removal of these 4 no. car parking spaces to ensure there is a clear / unobstructed route into the site. Currently they are shown to be disabled parking spaces, so these will need to be re-designated around the site to ensure an appropriate ratio is maintained. Notwithstanding this, Sheffield Road is a busy road and if the development provides to be popular queues into the site might not be avoidable despite this slight amendment.
- 5.4.6 The sites proximity to the Whittington Moor District Centre, the nearby Football Stadium and the accessibility to public transport services into the Town Centre could lead to the sites on site parking provision being abused. The application submission doesn't detail how the developer intends to manage this position; however it is considered necessary that further consideration is given to this issue. Although it could be argued that the responsibility of this lies with the developer, the management of the on site parking provision to ensure that the scale of development being provided is adequately served is a matter for the Local Planning Authority.
- 5.4.7 Notwithstanding the LHA's comments / recommendation to refuse planning permission, having regard to the commentary set out above and the ability of the Local Planning Authority to impose appropriate conditions to seek the submission of revised / additional information it is not considered that there are sufficient grounds to refuse planning permission on the grounds of highway safety.
- 5.4.8 Through a conditional requirement to revise the site layout in respect of parking to remove the 4 no. parking spaces positioned in closest proximity to the 'in' access point; by the imposition of a condition which require the submission of a delivery / service management plan; and by the imposition of a condition which requires the applicant / developer to submit a Parking and Circulatory Management Plan detailing one way site signage / measures and measures to ensure that the on-site parking is

managed and not used by commuter parking or by visitors to the adjacent football stadium it is considered that the concerns of the LHA can be negated such that the development is considered to accord with the provisions of policies CS2 and CS20 of the Core Strategy and wider NPPF.

5.5 Flood Risk and Drainage

5.5.1 The site is previously developed / brownfield land which was predominantly hard surfaced given its previous occupation by the fire service. The site is located in Flood Zone 2 and is identified to be at risk from surface water flooding. Local drainage connections are available in Sheffield Road and the application form submission indicates that the development will look to connect surface and foul water drainage to the mains systems.

5.5.2 Given the applications location in flood zone 2, the application submission was substituted with the submission of a Flood Risk Assessment (FRA) and Drainage Strategy which were initially requested by the **Lead Local Flood Authority (LLFA)** and **Design Services** team (DS team) following their initial review of the application submission in the context of policy CS7 of the Core Strategy.

5.5.3 Both the LLFA and DS team were further invited to review the FRA / Drainage Strategy with the following comments being received:

LLFA - In order to provide an informed comment on the above application the LLFA requires more detail on several areas (see below)

- *Site plan and impermeable area (**Figure for impermeable area on site**)*
- *Topographic survey of the site (Submitted)*
- *Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company (**A more detailed drainage strategy is required, detailing how the site will dispose of foul and surface water and how this is linked to existing infrastructure**)).*
- *Basic calculations of the greenfield/brownfield runoff and discharge rates, in l/s/Ha, for the site (**Present brownfield rate and proposed discharge rate**)*
- *A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location*

(Evidence of the calculation of the required on-site storage volume)

- *Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep*
- *Basic ground investigation (desktop survey as a minimum)*
- *Evidence of consideration of a variety of SuDS methods (**The LLFA expects a comprehensive evaluation of a range of SuDS techniques, including site specific evaluation of suitability**).*

DS Team - We have reviewed the flood risk assessment and agree in principle with the proposals. The FRA however discusses proposals which do not appear to be finalised and are not reflected in the proposed site plan, such as permeable paving. The FRA also discusses the potential use of infiltration for the permeable paving or as an alternative, discharge to the sewer system at a restricted rate.

The applicant should therefore provide some definitive proposals prior to final approval. If infiltration is to be utilised soil testing should be carried out to determine if this is suitable for this site. The testing should be carried out in accordance with BRE Digest 365.

5.5.4

Yorkshire Water Services (YWS) were also received which confirmed that, *'they also promote the surface water disposal hierarchy and that the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.....As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.'*

- 5.5.5 The comments of the three drainage consultees were passed to the applicant for further consideration and in their response the applicant advised that they were currently working with a company who designed permeable paving drainage solutions. Furthermore the detailed design work for the site was an ongoing progress, but the company has indicated the principle would be fitting to the scale and constraints of the site (and thus provided storm event and drainage calculations – 05/01/2018).
- 5.5.6 In the context of the above, given the scale of the development site, it is accepted that an appropriate drainage strategy can be incorporated on the site. A pre-commencement planning condition imposed on any permission granted would require the developer to design and submit a full drainage strategy for the site accompanied by all the relevant evidence and information being sought by the LLFA, YWS and DS team in their initial comments (exploration of greenfield run off rates, percolation testing, appropriate calculation of any storage volume etc).
- 5.5.7 Having regard to these outstanding matters it is considered that an appropriate planning condition can be imposed which requires the submission of further detailed drainage designs. This can be dealt with by pre-commencement condition in accordance with policy CS7 of the Core Strategy.

5.6 **Land Condition / Contamination / Noise**

- 5.6.1 Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the application site lies in an area covered by the Coal Authority's Standing Advice. It was not necessary to refer the application submission to the **Coal Authority** for comment as the CA have provided the LPA with relevant advisory notes they wish to be imposed on any planning permissions granted in such areas.
- 5.6.2 In respect of potential land contamination (and noise) the Council's **Environment Health Officer** (EHO) has also reviewed the application submission and provided the following comments:

I have inspected the above application, and have no adverse comments to make.

However, due to the sites former use I request that the standard contaminated land condition be added to any approval granted:

Further to the above, I note that the site plan appears to suggest the provision of EV charging facilities, can this be formalised by a condition in the approval for the site, due to the large number of vehicles proposed at the site, and a nearby traffic pollution “hot-spot”, at a directly adjacent site?

5.6.3 On the basis of the comments received above the conditions as suggested by the EHO are considered to be reasonable and necessary.

5.7 **Ecology and Trees**

5.7.1 Despite the previously developed / brownfield status of the land there are a number of mature trees located in and around the application site that are protected by Tree Preservation Order (TPO). All vacant buildings were demolished under previous 2012 consents and since then the site has remained vacant / fenced and has been allowed to overgrow.

5.7.2 The existence of the mature trees and the overgrown nature of the site meant that initial consultee responses from Derbyshire Wildlife Trust (DWT) and the Tree Officer (TO) sought further detailed survey of the site in accordance with the provisions of the NPPF and policy CS9 of the Core Strategy. The application was thereafter substituted by the submission of an Preliminary Ecological Appraisal (PEA) and Tree Report / Topographical Survey which were passed to DWT and the TO for further comment.

DWT - We welcome the provision of the PEA and support the assessment and recommendations made within.

The majority of trees on site are proposed for removal, despite these occurring along the site boundaries and therefore more easily incorporated within a redevelopment of the site.

The Trust support the comments made by the Tree Officer dated 15th December 2017. The removal of mature trees, most of which are protected by TPO, is not considered well justified. We strongly encourage the retention of existing trees, particularly those in the south-east and south-west. This is also recommended in section 4.4 of the PEA.

If the council are minded to grant permission, we advise that the following conditions are attached:

- 1. No vegetation works (trees/shrubs/scrub/hedgerow) shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.*
- 2. Prior to the commencement of development a biodiversity enhancement strategy as outlined in Section 4.5 of the ecology report shall be submitted to and approved in writing by the Council. Such approved measures should be implemented in full and maintained thereafter. Measures may include:*
 - details of bird, bat and insect boxes (positions/specification/numbers).*
 - measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm) or permeable boundary treatments.*
 - ecologically beneficial landscaping.*

TO - Further my comments of the 17th November 2017 the tree report submitted is exactly the same which was submitted previously and as previously stated is very poor and therefore not surprisingly without the authors details.

A revised site layout plan has been submitted drawing number 106 Rev by Llana Architects Ltd dated 1st June 2017. This drawing now clearly shows that the applicant wishes to remove 15 or the 17 protected trees on the site. This is totally unacceptable and with no justification for their removal given other than the dropping of aphid sap and in order for the development to take place.

No alternative solution have been provided to retain the trees within the development other than replacing the trees with Maples, London Plane or Oak which if the author of the tree report was knowledgeable in the field of arboriculture he/she would know that Maples also attract aphids. It is accepted that aphid sap is a known problem with trees and car parking areas so surely a more thought

out design or preventive measures should be used with the car parking areas rather than felling healthy mature trees.

My previous comments on this application pointed the applicant towards retaining the trees with an above ground construction method for the parking areas and roadway where they encroach into the root protection areas of the trees but the applicant seems to have ignored this and gone for the most convenient solution to fell the trees.

If fact the applicants own Ecological Appraisal by BSB Ecology dated November 2017 supports the retention of mature trees on the site and states:

'In line with the aims of the National Planning Policy Framework (NPPF) to incorporate biodiversity in and around developments (see Appendix 2 for further information), consideration should be given to the retention of some of the existing trees. In particular, the locations of the semi-mature small-leaved lime and sycamore at the southwest corner of the Site and the semi-mature Norway maple and sycamore at the southeast corner of the Site (T1-T4) would lend these trees to retention, without the need for significant amendments to the proposed development layout'.

I therefore strongly object to the proposed development due to the loss of the mature protected trees on the site and other reason previously stated in my comments of the 17th November 2017.

TO (17/11/2017) - There are 11 individual trees reference T1 Weeping Ash, T2 Lombardy Poplar, T3 Hawthorn, T4 Lime, T5 – T8 & T10 Sycamore T9 Ash and T11 Maple and 1 group of trees consisting of 6 Sycamore's on the site which are protected by the above mentioned tree preservation order.

It is proposed in the tree report that T1-T3 and T10-T11 are felled in order for the development to take place. The tree report does not go into any specific details regarding the trees and at best is very poor. Not surprisingly there are no details of who carried out the report but is dated June 2017. There are also no tree protection measures within the report or assessment of the condition of the trees and is written to suit the proposed development rather than giving a factual assessment of the trees on the site, the constraints or possible solutions for tree retention.

I am in agreement that T3 Hawthorn can be removed because of its poor condition. It is also accepted that to retain the large Lombardy Poplar along with the required root protection area would be unrealistic and put a large constraint on any development proposals. Although there is nothing wrong with T1 Weeping Ash and T10 Sycamore it is agreed that the proposed new tree planting to the frontage of Sheffield Road in mitigation will be more than adequate to readdress the amenity lost.

There are other unprotected trees on the site which are mostly insignificant but include 2 Laburnums and a Lombardy Poplar on the southern boundary. These trees can be removed as they were assessed when the preservation order was made and during a recent site visit where it was noted that they contribute very little to the local amenity of the area and their loss would in general not be noticed when removed because of the more dominant trees on the site.

It is also proposed that the Maple tree reference T11 of the above mentioned Order in the south east corner of the site is removed however no justification for this other than 'for the development to take place' is given. The removal of this tree is more for convenience rather than for any arboricultural reasons. As the tree is located to the frontage of the site, this tree makes a valuable contribution to the streetscene providing maturity and visual amenity to the area due to its size and presence along the frontage. The tree can easily be retained and does not stop the development from taking place. The retention of the tree would only affect the layout for the car parking bays as shown on drawing 106 titled 'Site Plan Proposed' by Llama Architects Ltd dated (Mon 17?). An above ground construction method 'no dig' must be used for the car parking bays along the southern boundary and for the proposed bin store location in the south west corner where T5 & T6 are located. The proposed stone chipping laid with honeycomb gravel guard is totally unacceptable for this type of construction under protected trees. Details of an above ground construction method 'No dig' using a recognised cellular confinement system should therefore be submitted for consideration to protect the trees rooting environment along this boundary and include the surfacing and edgings around T11 Maple.

The drawing 106 also shows trees to be retained if possible- dependant on an arboricultural survey. This doesn't really tell us

much other than the tree might be retained. A tree protection plan should therefore be submitted showing the trees to be removed and the trees retained in the scheme along with root protection areas and the areas to be constructed using an approved and recognised above ground construction method.

The submitted tree report mentions tree pruning on the site. A formal tree application should therefore be submitted for any facilitating pruning to planning services for consideration before any works are carried out to the protected trees. No pruning works should be carried out until a written decision notice is issued.

Details of any excavations for the drainage system runs and other utilities should also be provided on a scaled drawing and which should avoid the approved root protection areas of the retained trees.

Details should be provided of the land clearance within the approved RPA of retained trees including the removal of any hard surfacing and old drainage systems if any.

A condition should also be attached for a more detailed landscaping scheme showing the species, size, quantity and location of trees, shrubs, herbaceous and other soft landscaping proposals along with a details drawing of any proposed planting beds and pits. Tree planting along the frontage should be at a suitable distance away from the boundary wall to allow future unrestricted growth.

If consent is granted to the application it is recommended that planning committee consider the new trees to the frontage of the site for a tree preservation order so that the council have future control of any pruning or felling to these trees which will become very prominent in the streetscene.

Summary and additional information required

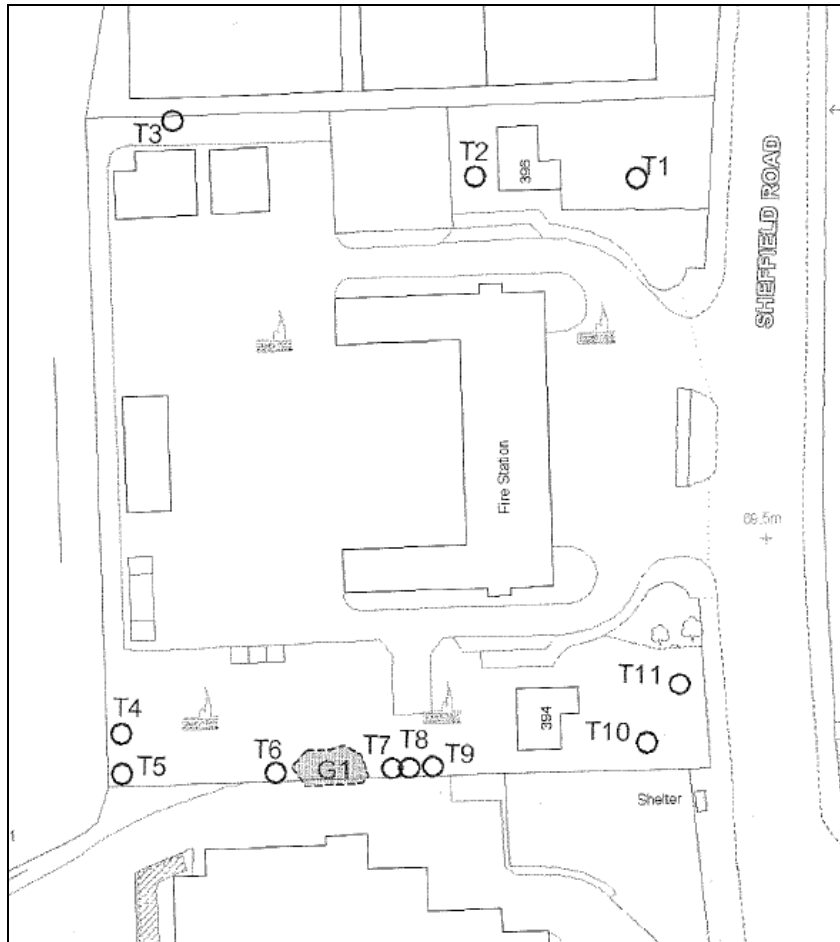
In general I have no objection to the proposal as long as:

- 1. A detailed tree protection plan is submitted for approval before any machinery is brought on to the site and/or land/soil clearance is carried out on site. This should include root protection areas (exclusion zones) for the retained trees and the details/location of any tree protection measures which should also be installed and checked by an officer from planning services before any machinery or work commences on the site whether land clearance or construction.*

2. *T11 Maple is retained in the scheme.*
3. *T4 – T9 and G1 are retained in the scheme.*
4. *An approved above ground ‘no dig’ construction method is used around T4-T9 & T11 and G1 for the car parking bays and bin store. Details, specifications and a method statement should therefore be submitted before development commences.*
5. *Prior to the commencement of the development, details of the existing and proposed land levels around the retained trees shall be submitted to the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land around/within the root protection areas of T4 – T9, T11 and G1 to show how these trees along the boundary will be affected.*
6. *Details should be submitted before the commencement of the development of any excavations for drainage and other utilities which should be located outside the RPA’s of the retained trees. Any street lighting should not be located underneath the retained trees canopies.*
7. *Details should be submitted before the commencement of the development of any land clearance within the retained trees RPA’s which includes the removal of any hard surfacing and old drainage runs or chambers.*
8. *A detailed landscaping scheme is submitted for approval which should include specifications/details of the tree planting areas and tree pits.*
9. *Details of any boundary treatment to the south boundary adjacent to the protected trees should be submitted for consideration and approval.*
10. *Details should be provided on a scaled plan of the material storage areas, car parking, site cabins and any other construction areas while the development is in progress. These should be outside the retained trees RPA’s.*
11. *If any pruning is required to the retained trees as noted in the tree report then a formal tree application should be submitted for consideration to Planning Services.*

5.7.3

Having regard to the comments received from both the DWT and the TO above, it is accepted that neither consultee object to the principle of development and it is the matter in connection with protected trees T4 – T9, T11 and G1 which continue to raise cause for concern (see TPO extract below).



5.7.4 As it currently stands the application proposals, as laid out on drawing no. 128 106 Rev A – Site Plan Proposed, would see the removal of T4 Lime, T5 – T8 & T10 Sycamore T9 Ash and T11 Maple and 1 Group of trees consisting of 6 Sycamore’s (albeit the T4 and T5 are indicated on the layout to be retained yet they lie in the same position as the proposed bin store!). 7 no new replacement trees are shown on the layout to be provided along the site frontage to Sheffield Road.

5.7.5 During pre-application discussions it was agreed that of the eleven trees protected on site, retention of the lombardy poplar (T2) would potentially have an adverse impact upon the site redevelopment given its location, size and subsequent root protection area. No specific advice was given in respect of T1 and T3, but certainly the collection of trees to the southern border of the site were considered of value and this is reflected in the comments of the TO above.

- 5.7.6 On the basis of the comments made by the TO (supported by the recommendations of the applicants own Preliminary Ecological Appraisal and DWT) it is considered that as submitted the proposed site layout plan is not acceptable due to the resultant loss of the protected trees on site.
- 5.7.7 Notwithstanding this, it is considered that there is scope within the proposed layout to reconfigure the parking arrangements at the south eastern / southern part of the site to secure retention and integration of the protected trees within the development. At the south eastern corner T10 and T11 could be retained and the car parking configuration amended; along the southern boundary the row of car parking spaces could be set in from the site boundary (by 1m) to retain a rooting environment at the boundary to the G1 and T6 – T9; and the through accurate representation of the stem of T4 and T5 on the proposed site layout these trees could be retained alongside the bin store proposals. Certainly the TO is of the opinion (through the submission of conditional information of any planning permission) that these trees can be retained and in the interest of policy CS9 of the Core Strategy.
- 5.7.8 In securing measures to retain the protected trees the site would benefit from established ecological features which is supported by the TO and DWT. Furthermore through physical development there lies an opportunity to incorporate ecological enhancement measures in the form of bird and bat boxes; as well as pockets of soft landscaping feature throughout the scheme to ensure there remain a net gain in biodiversity to accord with the provisions of policy CS9 of the Core Strategy and wider NPPF.

5.8 **Community Infrastructure Levy (CIL)**

- 5.8.1 The development would be Community Infrastructure Levy (CIL) liable for the retail and residential floorspace at a rate of £80 per sqm for retail and £50 per sqm for the residential unit (index linked).
- 5.8.2 Based upon the proposed floor area provided with the application submission the following CIL liability has been calculated:

	New GIF (sqm)	Calculation	Total
A1 – A5 Uses	1674sqm	1674 x 80	£133,920
Residential	71sqm	71 x 50	£3,550
Total			£137,470

- 5.8.3 Notwithstanding the calculation set out above the applicant has indicated that they are proposing to enhance sports and leisure provision on Stand Road Recreation Ground and they have already entered into initial discussions with the Friends of Stand Road Park about these potential works.
- 5.8.4 In this respect off-site POS improvements are covered by the council's Community Infrastructure Levy (CIL) regulation 123 list and therefore the contribution / improvement works potentially being offered cannot be addressed through S106 agreements as this would result in 'double counting'.
- 5.8.5 The council has adopted a CIL 'Payment in Kind' policy, which would allow the developer to pay all or part of their CIL obligation through the provision of land and/or works which may be an appropriate route in this case. Further information would be required from the applicant as to the cost and value of the proposed works, submitted in line with the Payment in Kind policy, following the applicant assuming liability to pay CIL should planning permission be granted.
- 5.8.6 The policy subjects the development, developer and proposed land/infrastructure to a series of tests. However not all of these apply before a decision is taken on whether to grant planning permission.
- 5.8.7 For the purposes of determining the current planning application it is confirmed that the infrastructure offered would not otherwise be necessary to make the proposed development acceptable in planning terms (ie: would not normally need to be secured by condition or S106) and is related to the infrastructure types and projects listed in the Council's Regulation 123 List (specifically "Strategic Green Infrastructure – public open space and/or play provision and/or improvements"). As the Recreation Ground is owned by the Borough Council it can be assumed that the applicant 'has, or is likely to have, sufficient control over the land on which the infrastructure is to be constructed, and evidence has

been provided to the Council that the applicant has obtained, or will be very like to be able to obtain, any relevant statutory authorisations that are necessary to enable the infrastructure to be constructed’.

5.9 **Other Considerations / S106**

- 5.9.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.
- 5.9.2 Internal consultation has therefore taken place with the Councils own Economic Development team and the Planning Policy team on the development proposals to ascertain what specific contributions should be sought.
- 5.9.3 The responses have been collaborated to conclude a requirement to secure S106 contributions via a legal agreement in respect of up to 1% of the overall development cost for a percent for art scheme (Policy CS18).
- 5.9.4 In respect of the Percent for Art scheme (Policy CS18) in the instance that the development cost will exceed £1m and a sum towards a public art contribution is required to be sought through S106 negotiations.
- 5.9.5 In respect of the remaining comments arising from the Economic Development team it will be necessary to look to secure by planning condition the requirement for local labour.

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 06/09/2017; advertisement placed in the local press on 14/09/2017; and neighbour notification letters sent on 04/09/2017.
- 6.2 As a result of the applications publicity there has been one letter of representation received as follows:

A Local Resident

I support plans to redevelop the former fire station site and the appearance of the proposed buildings;
I feel the application site is an EYESORE in its present condition and I've previously submitted this site for Redevelopment; and
These proposals can only be good for Chesterfield.

Officer Response: Noted

7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

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

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

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

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

9.0 **CONCLUSION**

9.1 The proposed development is considered to be appropriately sited, detailed and designed such that the development proposals comply with the provisions of policies CS1, CS2, CS4, CS11, CS13, CS18, CS19, CS20 and PS1 of the Chesterfield Local Plan: Core Strategy 2011 – 2031.

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

10.0 **ADDITIONAL RECOMMENDATION**

10.1 That a S106 agreement be negotiated (as per section 5.9 above) to cover:

- Negotiations up to 1% of development costs towards Percent for Art.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be issued in accordance with section 5.8 above.

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

Time Limit etc

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

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

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

4282 Topographical Survey

128 001 Existing Site Plan

128 106 Rev A – Site Plan Proposed (to be amended by Condition 3 below)

128 101 Batch House GF Plan

128 102 Batch House FF Plan

128 103 Batch House SF Plan

128 104 Batch House TF Plan

128 105 Batch House Roof Plan

128 131 Batch House North Elevation

128 132 Batch House South Elevation

128 133 Batch House East Elevation

128 134 Batch House West Elevation

128 135 Office Elevations

128 111 Office GF Plan

128 112 Office FF Plan

128 113 Office Mezzanine Level

128 114 – Office Roof Plan

Design and Access Statement (prepared by Llama Architects)

Transport Statement (prepared by CBO Transport)

Ecological Appraisal (prepared by BSG Ecology)

Flood Risk Assessment / Drainage Strategy (prepared by ARK Environmental Consultancy Ltd)

Tree Report

Retail Impact Assessment (prepared by Llama Architects)

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.

Revisions

03. Notwithstanding the details submitted on drawing no. 128 106 Rev A – Site Plan Proposed, the relationship of the car parking layout respective to trees is not agreed. Prior to the commencement of development details of the consequential amendments to the car parking layout alongside the retention of protected trees shall be submitted to the Local Planning Authority for consideration and written approval. These details shall coincide with the details contained in the Arboricultural Method Statement (required by Condition 10 below). Only those details which are subsequently agreed in writing, shall be implemented in full and maintained thereafter.

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

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 but not exclusive to :-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority.
- Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of

surface water from the development prior to the completion of the approved surface water drainage works.

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Contamination

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.

Ecology

07. Prior to the commencement of development a biodiversity enhancement strategy as outlined in Section 4.5 of the ecology report shall be submitted to and approved in writing by the Council. Such approved measures should be implemented in full and maintained thereafter. Measures may include:
- details of bird, bat and insect boxes (positions/specification/numbers).
 - measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm) or permeable boundary treatments.
 - ecologically beneficial landscaping.

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

08. No vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

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.

09. Prior to the installation of any external lighting a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.

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

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

Trees

10. Prior to the commencement of development an Arboricultural Method Statement shall be prepared and submitted to include the following details:

- Details of defined root protection areas to all protected and retained trees on site;
- Details of the type and position of protective barriers;
- Details of how the existing hard surfaces, services and security boundary fencing is to be removed within the designated Root Protection Areas (RPAs). *The removal of any existing hard surfaces within the RPAs should be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools or appropriate machinery should be used to remove the existing surface.*
- Details and type of no dig road, path and hardsurfacing construction;
- Details and position of any underground services;
- Details of any changes in ground levels in proximity to root protection areas;
- Details of site huts, parking, storage of materials and construction activities such as cement silos and mixing areas; and
- Details of site supervision and any involvement necessary by an approved arboriculturist.

Only those details that received written approval of the Local Planning Authority shall be implemented on site and they should accord with BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012).

Tree protection measures shall be established to all

protected trees bounding the periphery of the application site boundary. Protective fencing shall be erected conforming to BS 5837 during site clearance and while any construction is in progress and notices should be attached to the fencing at regular intervals to this effect. There must be no excavations, no soil stripping and no grading of the site within the RPAs and there should also be no storage of materials within the RPAs.

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

11. Prior to the commencement of the development, details of the existing land levels and proposed car parking levels shall be submitted. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels the root protection areas of G1; and T4 – T11 to show how these trees along the southern boundary of the site will be affected (this should also include how the proposed excavations for the retaining walls, boundary treatment and any change in land levels will affect the protected trees). The development shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

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

Highways

12. Alongside the pre-commencement submission of details required by condition 03. above, the 4 no. disabled parking spaces located at the proposed 'in' access point shall be deleted (with compensatory disabled provided elsewhere) and the physical width of the 'in' access point shall be restricted to a single carriageway width to discourage the unauthorised use of this particular access point as an 'exit' from the site. Only a revised site layout plan subsequently

submitted to and approved in writing by the Local Planning Authority shall be implemented on site.

Reason – In the interests of highway safety.

13. Prior to the approved development being first brought into operational use, a robust Delivery / Servicing Management Plan shall be submitted to and shall have to be agreed in writing by the Local Planning Authority. All deliveries to the site shall thereafter be carried out in total accordance with the approved Delivery / Servicing Management Plan.

Reason – To avoid the need for the site to be serviced direct from Sheffield Road and in the interests of highway safety.

14. Prior to the approved development being first brought into operational use, a Parking Control and Circulatory Management Plan (including appropriate means of physical barriers / signposting etc) shall be submitted to and shall have to be agreed in writing by the Local Planning Authority. The site shall thereafter be operated in total accordance with the approved Parking Control and Circulatory Management Plan

Reason – To avoid the site being used for commuter parking and to ensure safe and efficient operation of the one way system in the interests of highway safety.

15. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - parking of vehicles of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of debris being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles

Reason – In the interests of highway safety.

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

Reason – In the interests of highway safety.

17. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason – In the interests of highway safety.

18. No part of the development shall be brought into use 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.

19. No building or use hereby permitted shall be occupied or the use commenced until a Framework Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. Subsequently with each Reserved Matters application a Travel Plan including targets, relating to each phase (or sub-phase as may be agreed in writing with the Local Planning Authority) shall be submitted

to and approved in writing by the Local Planning Authority. The approved Travel Plans shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason – In the interests of highway safety.

20. Electric vehicle charging points shall be installed as part of the development which shall be retained available for use for the life of the development.

Reason - In the interests of reducing emissions in line with policy CS20 and CS8 of the Core Strategy.

Others

21. 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 amenity.

22. 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.

23. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration. The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other

operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

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

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

25. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard 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 building.

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

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

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

Notes

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

Highways

04. 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.

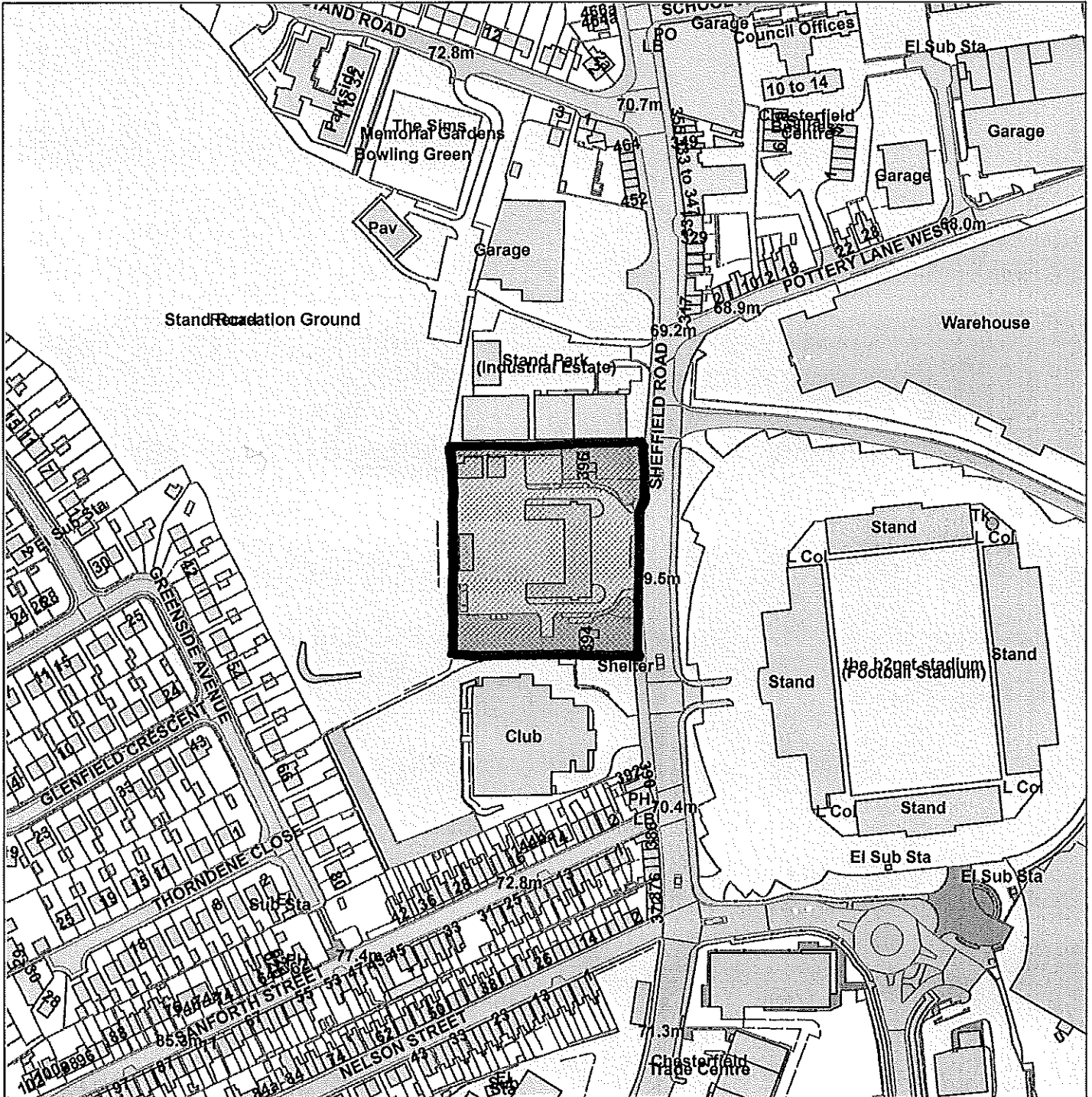
05. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements 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.
06. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
07. 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.

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

Trees

09. The applicant / developer is advised that in respect of any protected trees and associated RPAs the following advice should be taken into account in association with any soft / hard landscaping details required by condition.
- soft surface finishes, including turf, mulch and cultivated beds are preferred around the protected trees as there is less likelihood of damage and there is a provision for adequate penetration of water and air into the soil. Any reinstatement of the ground surface within the RPA that is impermeable should not cover more than 20% of the root protection area and there should be no change to the existing ground level around the tree. Any hard surfacing within the root protection areas should be constructed above ground using a recognised 'no dig' method.

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	19 January 2018
SLA Number	Not Set

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	29 JANUARY 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Group Leader, Development Management under the following Delegation references:- Building Regulations P150D and P160D, P570D, P580D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Building Regulations	Stuart Franklin	345820
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Decisions made under the Building Regulations

17/01689/DRO	Domestic in-roof Extensions/Alterations Loft conversion and dormer create gable 70 Yew Tree Drive Somersall Chesterfield Derbyshire S40 3NB	Unconditional Approval	04/01/2018
17/01985/DCC	Derbyshire County Council Renewal of roof covering, structure and associated work Alfreton Park Wingfield Road Alfreton Derbyshire DE55 7AL	Conditional Approval	20/12/2017
17/02158/DCC	Derbyshire County Council Re-roofing scheme to pitched roof to main school building, including work to suspended ceilings;Replacement of two closed casement windows Henry Bradley County Infant School Princess Street Brimington Chesterfield Derbyshire S43 1HR	Unconditional Approval	09/01/2018
17/01885/PART	Partnership Application Removal of wall between kitchen and dining room 24 Thorpe House Avenue Sheffield S8 9NG	Unconditional Approval	10/01/2018
17/02068/OTHD	Other Works (Domestic) Proposed wall removal 92 Norwood Avenue Hasland Chesterfield Derbyshire S41 0NH	Unconditional Approval	10/01/2018
17/02134/OTHD	Other Works (Domestic) Internal Alterations 36 Devonshire Avenue East Hasland Chesterfield Derbyshire S41 0AE	Unconditional Approval	03/01/2018
17/01698/OTHD	Other Works (Domestic) Internal alterations to form 2 new openings with beams over and window replacements 15 Elm Close Newbold Chesterfield Derbyshire S41 8SL	Unconditional Approval	03/01/2018
17/02130/DEX	Domestic Extensions/Alterations Single storey extension to rear of house to create dining area 9 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH	Conditional Approval	05/01/2018
17/02114/DEX	Domestic Extensions/Alterations Single storey extension to rear of house 18 Ashopton Road Upper Newbold Chesterfield Derbyshire S41 8WD	Conditional Approval	19/12/2017
17/02125/DEX	Domestic Extensions/Alterations Kitchen extension 222 Walton Road Walton Chesterfield Derbyshire S40 3BS	Unconditional Approval	05/01/2018
17/02137/DEX	Domestic Extensions/Alterations Proposed rear extension 20 Wythburn Road Newbold Chesterfield Derbyshire S41 8DR	Unconditional Approval	03/01/2018

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Agenda Item 6

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	29 TH JANUARY 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00231/RET 1702	Hollingwood And Inkersall	Re-contouring of land levels in the rear garden area to provide usable living space on two separate levels. A lower decked area and a higher level with play equipment, a soft play area and an area finished with Astroturf. At 7 Westwood Close Inkersall S43 3JE For Mr James Shorten	CP	03/01/2018
CHE/17/00259/ADV 1918	St Helens	3 free standing signs, 2 sign posts and 2 vinyl window stickers At Holywell House Holywell Street Chesterfield S41 7SH For CVS Vets	CP	05/01/2018
CHE/17/00340/FUL	Middlecroft And Poolsbrook	Proposed first floor extension to provide 3 flats and as amended by revised plans received 13.11.17. At 24 High Street Chesterfield S43 3UX For Sandaul Ltd	CP	15/12/2017
CHE/17/00472/FUL 2207	Brimington South	Resubmission of CHE/16/00812/FUL - Proposed erection of dwelling unit & formation of off-street parking spaces - revised drawings received 16/10.17 - Revised red line area on site layout plan received 25.10.17 At 160 Manor Road Brimington S43 1NW For Mr and Mrs Rollett	REF	20/12/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00542/ADV 1208	Moor	1 new internally illuminated flexible skin box sign to front elevation, 2 new non illuminated flexible skin signs to front elevation 1 existing box sign to side elevation to have replacement flexible skin At 364-368 Sheffield Road Whittington Moor S41 8JZ For Halfords Group plc	CP	20/12/2017
CHE/17/00577/FUL 3962	Hasland	Proposed house extension and new detached garage and as amended by revised plans received 14.11.17 At 369A Hasland Road Hasland S41 0AQ For Mr Drew Lilleker	CP	22/12/2017
CHE/17/00580/FUL 934	Old Whittington	New service bays and MOT bay (Revised drawing no. 017/036/PD/D received on the 27th October 2017) At Armytage Industrial Estate Station Road Old Whittington S41 9ET For Stoneacre	CP	21/12/2017
CHE/17/00632/FUL 5464	Old Whittington	Demolition of existing stone wall and re-building in materials to match the property and formation of a hardstanding area - Revised plans received 20.11.17 At 10A Broomhill Road Old Whittington S41 9DA For Mr Clive Moorwood	CP	15/01/2018

**Ward
Decision
FileNo**

CHE/17/00658/FUL	West	Demolition of existing outbuildings, proposed wash and valet bay structure	CP	15/01/2018
277		At 464 Chatsworth Road Chesterfield S40 3BD For Vertu Motors		
CHE/17/00687/FUL	Brimington South	Proposed single-storey rear extension, and double-storey side extension, to comprise extended kitchen / dining area at ground Floor, and integrated garage to the side, with extended bathroom, bedroom, and creation of third bedroom at first floor. Revised drawings received 27.11.2017	CP	22/12/2017
3322		At 225 Lockoford Lane Tapton S41 0TG For Mrs Melissa Smith		
CHE/17/00688/FUL	Brimington South	Proposed single-storey rear and side extension, to comprise extended kitchen / dining area, extended entrance lobby, and creation of third bedroom, all at ground floor level.	CP	22/12/2017
3322		At 227 Lockoford Lane Tapton S41 0TG For Mr Shane Madden		
CHE/17/00714/FUL	Hollingwood And Inkersall	Conversion of existing integrated garage to into a living room and utility room	CP	11/01/2018
1702		At 2 Bate Wood Avenue Inkersall S43 3GD For Mr Nigel Webb		

CHE/17/00744/FUL	Brockwell	Two storey extension to the front, a single storey extension to the side with a balcony area above it, as well as a dormer window to the rear and the re-cladding and re-rendering of the dwelling, as part of a re-submission of CHE/17/00087/FUL (amended description, but no change to proposal 07.12.17)	CP	03/01/2018
2325		At 18A Avondale Road Chesterfield S40 4TF For Mr and Mrs Taylor		
CHE/17/00746/FUL	Walton	Two storey extension to side of dwelling	CP	22/12/2017
5570		At 16 Kelburn Avenue Walton Derbyshire S40 3DG For Mr Mike Andrews		
CHE/17/00759/REM	St Leonards	Erection of 1 dwelling (plot 1) Reserved matters application for CHE/16/00034/OUT - Outline application for residential development of 6 two storey dwellings (extension of the management plan for a further 15 years to protect and enhance the wildlife site under a S106 agreement as previously arranged)	CP	18/12/2017
1932		At Land Adjacent Five Acres Piccadilly Road Chesterfield Derbyshire For Mr A Davis		

Ward
Decision
FileNo

CHE/17/00762/LBC	Middlecroft And Poolsbrook	Re-submission of previously approved applications (CHE/16/00540/FUL and CHE/16/00538/LBC) for a ground floor extension with amendments to the proposed side elevations, including the installation of additional glazing	CP	21/12/2017
636		At Old Rectory Guest House 8 Church Street Staveley S43 3TL For Mr William Cooney		
CHE/17/00763/FUL	Middlecroft And Poolsbrook	Re-submission of previously approved applications (CHE/16/00540/FUL and CHE/16/00538/LBC) for a ground floor extension with amendments to the proposed side elevations, including the installation of additional glazing	CP	21/12/2017
636		At Old Rectory Guest House 8 Church Street Staveley S43 3TL For Mr William Cooney		
CHE/17/00770/DOC	Brockwell	Discharge of planning conditions 2 3 (foul and surface water drainage) 4 5 (site investigation) and 8 (materials samples) of CHE/16/00428/FUL - erection of a detached house to Plot 4	DPC	04/01/2018
6000		At Land To Rear Of 19 Bentham Road Chesterfield S40 4EZ For Mr David Jackson		
CHE/17/00771/RET	Linacre	Erection of 2m high fence panel within 2m of public highway	UP	28/12/2017
5641		At 15 Milldale Close Holme Hall S40 4RG For Geoff Talbot		

CHE/17/00773/RET	Rother	Retrospective consent for the sub - division of existing dwelling (C3) to form two separate flats. At 9 Dryden Avenue Birdholme S40 2SY For Mr Singh	CP	20/12/2017
4784				
CHE/17/00774/RET	Moor	The retention of an automated teller machine At 1 Littlemoor Centre Newbold S41 8QW For Cardtronics UK Ltd	CP	03/01/2018
1644				
CHE/17/00776/FUL	Loundsley Green	Proposed side extension At 103 Cuttholme Road Chesterfield S40 4PU For Mr L Kamwendo	CP	20/12/2017
131				
CHE/17/00778/FUL	West	Proposed roof dormer windows to bedroom over garage At 678 Chatsworth Road Chesterfield S40 3NU For Mr J Haag	CP	20/12/2017
1526				
CHE/17/00779/DOC	Moor	Discharge of Conditions Nos. 4 -7 and 9 -11 of Planning Application CHE/14/00896/FUL - Demolition of existing staircases at shopping centre to form 11 apartments and 2 retail units including the demolition of existing garages to form new detached dwelling house At Littlemoor Shopping Centre Littlemoor Centre Newbold S41 8QW	DPC	19/12/2017
1644				

Ward
Decision
FileNo

CHE/17/00785/FUL 2945	Hollingwood And Inkersall	Ground floor extension to a dwelling. At 21 South Crescent Duckmanton S44 5EQ For Mr Jamie Ducker	CP	22/12/2017
CHE/17/00786/FUL 48	Brimington South	Prposed 2 storey detached dwelling on land adjacent 5 Westwood Lane, Brimington, Chesterfield. Previous Planning Permission CHE/17/00272/FUL - Revised drawing received 17.11.17 (garage increase) At 5 Westwood Lane Brimington Derbyshire S43 1PA For Mr Wayne Knott	CP	22/12/2017
CHE/17/00789/TPO 3914	Walton	To cut all branches back to their crowns as previously prescribed by Steve Perry on Monday 23rd Oct 2017. At 109 Whitecotes Lane Walton Derbyshire S40 3HJ For Mr Richard Abel	CP	19/12/2017
CHE/17/00791/COU 1320 2553	Holmebrook	Change of use of land from agreed residential to vehicle manoeuvring area in association with adjoining commercial use At Toc H Yard 27A Old Road Chesterfield Derbyshire S40 2RE	CP	20/12/2017

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00792/TPO 3059	Brockwell	Field Maple with multiple trunks - two trunks are bent and growing towards Plot 25 (No. 51), one trunk has multi-stems, one of which is badly damaged and diseased. Sycamore with multi small stems and one main trunk encroaching on the protected Oak (T8) At 51 Pomegranate Road Newbold Derbyshire S41 7BL For Mr Alistair Frazer	CP	28/12/2017
CHE/17/00793/FUL 05/01/2018 1668	Walton	Single storey extension to front elevation At 10 Wolfe Close Walton S40 2DF For Mr and Mrs Davenport		CP
CHE/17/00795/TPO 1265	Linacre	Pruning back branches of hedgerow that are hanging over onto property 5 Hassop Close. At 5 Hassop Close Holme Hall Chesterfield S40 4FD For Affinity Sutton	CP	19/12/2017
CHE/17/00796/FUL 1317 6313	Hasland	Re-submission of CHE/17/00144/FUL - workshop extension with ground floor kitchen and W.C.block At Spectrum House Turnoaks Business Park Mcgregors Way Chesterfield S40 2WB For Spectrum Welding Supplies	CP	02/01/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00797/FUL 5040	Rother	Erection of new retaining wall to side of property, and alterations to existing vehicular access off Langer Lane (revised drawings received 02.01.2017) At 201 Langer Lane Birdholme S40 2JW For C/o Irwin Mitchell Trustees Ltd	CP	09/01/2018
CHE/17/00801/FUL 2166	Dunston	Replace dilapidated railway goods van/store with detached single storey garage/workshop/store At W F Simpson and Sons Albert Street North Chesterfield S41 8NP For Mr Colin Simpson	CP	05/01/2018
CHE/17/00802/FUL	St Leonards	External alterations, installation of plant and gas cylinder storage compound At Unit 3 Spire Walk Business Park Spire Walk Chesterfield S40 2WG For Go Outdoors Ltd	CP	20/12/2017
CHE/17/00803/ADV 953	St Leonards	5no. fascia signs and low level poster boards At Unit 3 Spire Walk Business Park Spire Walk Chesterfield S40 2WG For Go Outdoors Ltd	CP	05/01/2018

CHE/17/00804/FUL	Lowgates And Woodthorpe	Re-submission of CHE/16/00804/FUL - CP Conversion of existing goat shed/stables into holiday let using shared access drive At 23 Bridle Road Woodthorpe S43 3BY For Mr and Mrs Geoff Hall		20/12/2017
5617				
CHE/17/00805/FUL	Walton	New single story rear extension to replace existing Conservatory and Utility Room. At 101 Whitecotes Lane Walton S40 3HJ For Mr Chris Maggs	CP	03/01/2018
4276				
CHE/17/00810/CA	West	Pruning 1 Silver Birch and 1 Orn Pear At 1 Somersall Willows Chesterfield Derbyshire S40 3SR For Mr Stephen Lane	UP	19/12/2017
4747				
CHE/17/00811/TPO	West	Felling one Horsechestnut (T15) and pruning one Sycamore T16 and one Oak T17 At 1 Somersall Willows Chesterfield S40 3SR For Mr Stephen Lane	CP	19/12/2017
4747				
CHE/17/00812/TPO	St Leonards	T4 - Horse Chestnut tree to be felled At 19 Penmore Lane Hasland S41 0SG For Mrs Claire Widdowson	CP	19/12/2017
1102				

Ward
Decision
FileNo

CHE/17/00813/FUL	Walton	Two storey extension to front of dwelling	CP	03/01/2018
		At 11 Birkdale Drive Walton S40 3JL For Mr A Ward		
CHE/17/00815/TPO	Brimington North	T4 - Oak Tree - Crown lift branches causing vehicle strike	CP	19/12/2017
2/717		At Post House Nursery 15 High Street Brimington S43 1DE For Mr Richard		
CHE/17/00817/CA	Brimington North	T1 Oak Tree - Cut back branches from telegraph pole _ wires.	UP	19/12/2017
T2 _ T3		Sycamore Trees - Crown lift branches causing vehicle strike		
T5 Elm Tree -		Crown lift branches causing vehicle strike _ cut back branches interfering with BT wires		
T6 _ T7 Sycamore		Trees - Crown lift branches causing vehicle strike and cut back branches interfering with BT wires.		
717		At Post House Nursery 15 High Street Brimington S43 1DE For Mr Richard		
CHE/17/00819/DEM	Hollingwood And Inkersall	Demolition of community room - method of demolition statement received 9.1.18, additional information received 10.1.18	PANR	11/01/2018
4248		At Community Centre Duckmanton Road Duckmanton		

**Ward
Decision
FileNo**

CHE/17/00822/FUL	Rother	Construction of a new double garage with a pitched roof. At 16 Wingerworth Way Grangewood S40 2JD For Mr C Calver	CP	18/12/2017
CHE/17/00823/DOC	Middlecroft And Poolsbrook	Discharge of condition 3 (parking provision) of CHE/17/00408/FUL - extension to dwelling At 1 Cromford Drive Staveley S43 3TB For Mr N Otter		21/12/2017
2423 1705				
CHE/17/00825/FUL	Dunston	Proposed garage/store - re submission of CHE/17/00551/FUL At 61 Lindale Road Newbold S41 8JH For Mr Darren Pugh	CP	15/01/2018
1922				
CHE/17/00826/TPO	West	2 Oaks - Crown lift 3m, crown reduce 1m and crown thin by 5% At 386 Old Road Chesterfield S40 3QF For Mr Walker	SC	28/12/2017
1311				
CHE/17/00827/FUL	St Helens	Single storey extension to dwelling - Re-submission of CHE/16/00648/FUL At 47 Tapton View Road Newbold Derbyshire S41 7JY For Mrs Yasmin Shafiq	CP	15/01/2018
4907				

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00828/TPO 530	Brockwell	Crown lift trees surrounding the car park to 4m (T2 T3 T4) and the tennis courts to 8m (T1) to the left of the building At Chesterfield Lawn Tennis Club Hawksley Avenue Chesterfield S40 4TW For Chesterfield Lawn Tennis Club	SC	21/12/2017
CHE/17/00832/TPO 2394	Holmebrook	Reduce beech tree (T2) by approx. 2m and remove epidermic on stem and raise over grassed area to 3m of lime (T3) At 170 Old Hall Road Chesterfield S40 1HQ For Mrs Paivi Raine	CP	19/12/2017
CHE/17/00845/TPD	Holmebrook	Single storey flat roof extension to rear extending 6m At 144 Chatsworth Road Chesterfield S40 2AR For Rebel Clothing	PANR	03/01/2018
CHE/17/00847/TPO 4517	West	T1 Blue Cedar located in front lawn of property, 20% reduction to entire crown, remove dead wood, crown lift to 3.5m and crown thin by 15% At 333A Ashgate Road Chesterfield S40 4DB For Mrs Katy Ashworth	SC	28/12/2017
CHE/17/00859/TPD	Brockwell	Kitchen/dining room extension At 16 Larch Way Brockwell Chesterfield S40 4ET For Mr John Ball	PANR	03/01/2018

**Ward
Decision
FileNo**

**Code No
Proposal
Decision Date**

CHE/17/00883/CPO Barrow Hill And New Whittington	Submission of Condition 12 - Badger Update Survey of planning permission CW2/0113/133 - Submission code SW3041	OW	03/01/2018
Submission of condition 13 -	Water Voles update -of planning permission CW2/0113/133 - Submission code SW3042		
	At Land At Former Staveley Works Works Road Hollingwood S43 2PD For Derbyshire County Council		

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Delegated List - Planning Applications

Key to Decisions

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

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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 29th JANUARY 2018
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

TITLE

LOCATION

Non exempt papers on files
referred to in report

Development Management
Section
Planning Service
Town Hall Chesterfield

1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER**

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

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APPEALS

<u>FILE NO.</u>	<u>APPLICATION CODE & WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/3991	Hasland ward	Mr N Chadwick	2 York Street Two vending machines. Enforcement Notice (Grounds (a), (b), (c) and (f). Planning permission ought to be granted, the matters alleged have not occurred, there has been no breach and the steps required are excessive.	Planning Committee	09/08/17	Written Reps	
2/6147	West ward	Mr M Hopkinson	CHE/17/00365/FUL – Second Storey Side extension at 31 Queen Mary Road - Refusal	Officer Delegated	22/09/17	Written Reps	
2/1192	Brockwell ward	Peppermint Grove Ltd	CHE/17/00421/FUL – 12 dwellings at 46 Newbold Road – the Shrubberies - Refusal	Planning Committee against officer advice	12/12/17	Written Reps + Full Costs application	

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FOR PUBLICATION

PLANNING AGREEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 29TH JANUARY 2018
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW
MANAGER
DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION	BACKGROUND PAPERS
TITLE: D1229	LOCATION: LEGAL SERVICES
Copy planning	on Planning Register (Regeneration
agreements: Non	Directorate)
exempt documents:	on planning/legal files

1.0 PURPOSE OF REPORT

1.1 To update members on progress of authorised planning agreements, summarise completed agreements since the last report (18th September 2017) and to monitor performance.

2.0 BACKGROUND

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

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

3.0 RECOMMENDATION

3.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
AND CONSERVATION
MANAGER

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

PLANNING AGREEMENT REPORT

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

Planning Obligation

Total currently authorised: 10 Authorised to Completed Average: 211 days

Canal Wharf Chamber of Commerce Site 20/11/17 42	East Midlands Chamber	09/10/17 99	17/00237/OUT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SH	15/01/18
<p>Health Service contribution £11,412 payable when 50% of dwellings occupied. No Affordable Housing if retention of Thornfield House, otherwise provision to viability appraisal. Percent for Art - to be agreed. Completed. Completed.</p>																					

Carpenter Avenue - Land West of	Norbriggs Partnership	08/08/16 526	16/00114/OUT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LW	07/12/16
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Percent for Art value and Affordable Housing Scheme to be agreed.
Awaiting further comments about title from developer's solicitor.

Chatsworth Road Perrys Site	Lidl UK GMBH	30/10/17 78	17/00209/FUL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ho	15/01/18
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Highways contributions (£12,500 maximum)
Awaiting return of signed document.

Discovery Way Vertu Landrover	Vertu Morors PLC	30/10/17 78	17/00327/FUL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OW	15/01/18
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Percent for Art to be agreed
Draft with developer. Seeking agreement of £15,000 on percent for art contribution.

Address	Developer	Authorised days from	CHE/	%	AH	HS	MCO	MCS	OS	OP	P	H	FP	CT	TC	TH	ED	GT	note update	Wd	CF
Date Completed	Other terms/notes																				last update
Days Authorised to Completed																					
Eastside Road	Pendragon PLC	08/01/18 8	17/00647/FUL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OW	15/01/18
	Percent for Art. Awaiting instructions.																				
Factory Street / Walton Works and Boythorpe Works	Robinsons PLC	09/01/17 372	15/0832/FUL and CHE/15/0843/LB C	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wa	
	Repair of listed building, highways and traffic related contributions. Awaiting discussions. Awaiting discussions.																				
Hasland Road Bank Close House	Vital Balance Ltd	10/10/16 463	16/00229/OUT and CHE/16/00225/L BC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		15/01/18
	Percent for Art value to be agreed. Application of sale proceeds towards refurbishment of listed building Awaiting return of signed document.																				
High Street 07/12/17 185	V Zheng	05/06/17 225	16/00835/FUL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		07/12/17
	Viability appraisal showed scheme not viable with percent for art and affordable housing. £4,000 TRO Contribution (parking monitoring and TRO) paid on completion Completed.																				

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

Sheffield Road 955 (former Boat 10/10/17 406	Electraplas Ltd	30/08/16 504	16/00171/OUT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OW	07/12/16
Percent for Art value and Affordable Housing Scheme to be agreed. Completed.																					

Walton Works	Tan House Spartan Ltd	12/12/16 400		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		15/01/18
Regulation of unlawful use (war and airsoft games) pending redevelopment Seeking confirmation on who now acts for operator.																					

Unilateral Undertaking Total currently authorised: 1 Authorised to Completed Average: days

Dunston Way	Suon Limited	10/09/17 128	16/00779/FUL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D	15/01/18
Awaiting details from DCC Developer to enter into agreement with DCC (highway authority) for phased contribution for highways work on next phases. Awaiting update from DCC.																					

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

Bevan Drive	Wildgoose Homes	13/03/17 309	16/00800/FUL and CHE/15/00755	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HI	15/01/18
Modification of 29/03/16 deed. To remove affordable housing requirement unless market conditions improve and/or increase in housing units on site. Awaiting return of signed document. Modification of 29/03/16 deed. Awaiting return of signed document.																					

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

Wheeldon Mill	Harron Homes	08/01/18	17/00685/REM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BS	15/01/18
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Change to overall width of regeneration route (reduced from 17.3 to 14.3 metres, combined pedestrian/cycleway)
 Draft to be prepared (awaiting consideration of further issues).

Agreements: Planning Obligation: under S.106 of the Town and Country Planning Act 1990 • Variation of Planning Obligation: modifies a planning obligation. • Variation of Section 52 Agreement: modifies an older planning agreement.) • Unilateral Undertaking: a legal undertaking usually made by a landowner at appeal
Policies: % Percent for Art (EVR27)• AH Affordable Housing (HSN7)• OS Open space/Play area (POS3) • TH Turning Head (TRs1) • OP Off-Site Play (POS3) • ED Education Contrib. (Struct Plan) • P Parking, Walking etc (TRS1, 12) • GT Green Travel Scheme (TRS11) • H Highway Improvements (TRS1) • FP Footpath (TRS1, 12) • Other Other requirements • HS Health Service Contribution • MCS Management Company - SuDS MCO Management company - Open Spaces) • Other Other requirements
Forums and Wards: BHW Barrow Hill and Whittington: BNW Barrow Hill and New Whittington, OW Old Whittington • BT Brimington and Tapton: BN Brimington North, BS Brimington South • DMS Dunston, Moor and St Helens: D Dunston, Mo Moor, SH St Helens • HSL Hasland and St Leonards: Ha Hasland, SL St Leonards • HR Holmebrook and Rother: Hb Holmebrook, R Rother • NB Newbold and Brockwell: B Brockwell, L Linacre, LG Loundsley Green, N Newbold • St Staveley: HI Hollingwood and Inkersall, LW Lowgates and Woodthorpe, MP Middlecroft and Poolsbrook • WW Walton and West: Wa Walton, We West.
Information in the report and summary sheets compiled from records available at time report prepared and may not be complete.

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation Chamber of Commerce Site Canal Wharf Chesterfield**

Ward: St Helens

Application Ref: CHE/17/00237/OUT **Applicant/Landowner:** East Midlands Chamber

Authorised: 09/10/17

Completed: 20/11/17

Discontinued etc:

Terms of Deed:

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

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Percent for Art	*	TBC		
Social Housing	*			Subject to viability appraisal if Thornfield House not retained
<ul style="list-style-type: none"> • On site provision (Units) • Value/Off site contribution 		TBC		
Education Contribution				
Health Service Contribution	*	£11,412		
Play Area/Open Spaces				
<ul style="list-style-type: none"> • On Site • Maintenance • Off Site Provision 				
Parking etc				
Highway Improvement				
Footpath Improvement				
Cycleway Improvement				
Turning Head				
Management Scheme: Sustainable Drainage				
Management Scheme: Green Spaces				
Other Requirements				Health Service contribution £11,412 payable when 50% of dwellings occupied. No Affordable Housing if retention of Thornfield House, otherwise provision to viability appraisal. Percent for Art - to be agreed. Completed.
Legal Costs on Deed				

Total Contributions	<u>11,987+</u>
Notes	Completed.

15 January 2018
2083

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation Elm Tree Inn High Street Chesterfield**

Ward: Middlecroft & Poolsbrook

Application Ref: CHE/16/00835/FUL **Applicant/Landowner:** V Zheng

Authorised: 05/06/17

Completed: 07/12/17

Discontinued etc:

Terms of Deed:

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

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Percent for Art				
Social Housing				
<ul style="list-style-type: none"> • On site provision (Units) • Value/Off site contribution 				
Education Contribution				
Health Service Contribution				
Play Area/Open Spaces				
<ul style="list-style-type: none"> • On Site • Maintenance • Off Site Provision 				
Parking etc				
Highway Improvement	*	4,000		
Footpath Improvement				
Cycleway Improvement				
Turning Head				
Management Scheme: Sustainable Drainage				
Management Scheme: Green Spaces				
Other Requirements				Viability appraisal showed scheme not viable with percent for art and affordable housing. £4,000 TRO Contribution (parking monitoring and TRO) paid on completion
Legal Costs on Deed		575		
Total Contributions		<u>£4,575+</u>		
Notes	Completed.			

**Planning Agreement Completion Delegation Report and Summary Sheet
Planning Obligation 955 (former Boat Yard) Sheffield Road Chesterfield**

Ward: Old Whittington

Application Ref: CHE/16/00171/OUT **Applicant/Landowner:** Electraplas Ltd

Authorised: 30/08/16

Completed: 10/10/17

Discontinued etc:

Terms of Deed:

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

<u>Requirement</u>	<u>Applied</u> * = applied	<u>Contribution</u>	<u>When</u>	<u>Other information</u>
Percent for Art	*	TBA		
Social Housing • On site provision (Units) • Value/Off site contribution	*	TBA		
Education Contribution				
Health Service Contribution				
Play Area/Open Spaces • On Site • Maintenance • Off Site Provision				
Parking etc				
Highway Improvement				
Footpath Improvement				
Cycleway Improvement				
Turning Head				
Management Scheme: Sustainable Drainage	*			
Management Scheme: Green Spaces	*			
Other Requirements				Percent for Art value and Affordable Housing Scheme to be agreed.
Legal Costs on Deed		875		
Total Contributions		<u>£875+</u>		
Notes	Completed.			

15 January 2018
2055

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FOR PUBLICATION Agenda Item 9

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 29TH JANUARY 2018
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

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

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

ENFORCEMENT REPORT

Enforcements currently Authorised: 9

19 January 2018

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	<small>update last update</small>	Ward
Enforcement Notice		<i>Total currently Authorised: 6</i>		<i>Authorised to Issue Average: 32 days</i>					
Lincoln Street	13/03/17 <small>313</small>	use of materials to extend hardsurfacing		17/05/17 <small>65</small>	20/10/17 <small>92</small>	20/01/18 <small>0</small>	Use of materials to extend hardsurfacing. Appeal dismissed with costs award, now paid. Complying, Sought Council advice on final levels	<input type="checkbox"/> <small>15/01/18</small>	
Pottery Lane West	10 09/01/17 <small>376</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>38</small>	13/03/18 <small>-52</small>	Appeal dismissed. Council seeking details of method for compliance.	<input type="checkbox"/> <small>08/01/18</small>	
Taton View Road	47 24/04/17 <small>271</small>	unauthorised extension	16/00648				Application for retention dismissed on appeal. Application for changes to extension CHE/17/00827/FUL approved.	<input checked="" type="checkbox"/> <small>15/01/18</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
Walton Works		27/06/16 572	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. Seeking confirmation as to who now acting for operator.	<input type="checkbox"/> 08/01/17	Wa
York Street	2	17/07/17 187	2 vending machines		01/08/17 15			2 unauthorised vending machines. Issued. Appeal.	<input type="checkbox"/> 07/09/17	Ha
York Street	2	09/10/17 103	conversion and extension of roof space					About to be issued. Application received for flat conversion CHE/17/00800/FUL to be considered	<input type="checkbox"/> 11/12/17	Ha
Stop Notice			<i>Total currently Authorised: 1 Authorised to Issue Average: days</i>							
Walton Works		27/06/16 572	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
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TPO Prosecution

Total currently Authorised: 2 Authorised to Issue Average: days

Newbold Road	04/07/17 <i>200</i>	damage / removal of trees					Offences by multiple parties. Total Fines £24700, Costs £2810 Victim Surcharge £440. Requirement to replant.	<input type="checkbox"/> <i>08/01/18</i>	N
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Victoria Street	Ringwood Centre (former)	21/12/17 <i>30</i>	damage to roots of T18				Instructed	<input checked="" type="checkbox"/> <i>15/01/18</i>	BN
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

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

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