



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

Councillors D Collins and L Collins –  
Site Visit 1  
Councillors D Collins and L Collins –  
Site Visit 2  
Councillors Bagley and T Murphy –  
Site Visit 3  
Councillors Falconer and Perkins –  
Site Visit 4

9 February 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 19 FEBRUARY 2018 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Committee Room 1 at 12:45. Ward members wishing to be present should attend on site as indicated below:-

1. 13:05 1 Bridle Road, Chesterfield  
CHE/17/00634/OUT
2. 13:20 23 Bridle Road, Chesterfield

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

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

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

CHE/17/00855/FUL

3. 13:50 89 Sheffield Road, Chesterfield  
CHE/17/00874/REM
4. 14:10 2a Springfield Avenue, Chesterfield  
CHE/17/00758/COU

***Members are reminded that only those attending on site will be eligible to take part in the debate and make a decision on these items. Members intending to declare a Disclosable Pecuniary Interest, or any other matter which would prevent them taking part in discussions on an item, should not attend the site visit for it***

Ward members are invited to attend on site and should confirm their attendance by contacting Charlotte Kearsey on tel. 01246 345236 or via e-mail: [charlotte.kearsey@chesterfield.gov.uk](mailto:charlotte.kearsey@chesterfield.gov.uk) by 9.00 a.m. on Monday 19 February, 2018. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 38)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 39 - 132)
5. Building Regulations (P880D) (Pages 133 - 138)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 139 - 148)
7. Applications to Fell or Prune Trees (P620D) (Pages 149 - 154)
8. Appeals Report (P000) (Pages 155 - 162)

9. Enforcement Report (P410) (Pages 163 - 166)
10. Local Government Act 1972 - Exclusion of Public

To move “That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part I of Schedule 12A of the Act.”

11. Appeal by Peppermint Grove Ltd regarding The Shrubberies, Newbold Road, Chesterfield (Pages 167 - 178)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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## PLANNING COMMITTEE

Monday, 29th January, 2018

Present:-

Councillor Brittain (Chair)

Councillors Callan Simmons Catt Caulfield P Barr	Councillors Brady Wall Bingham Sarvent
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\*Matters dealt with under the Delegation Scheme

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

**CHE/17/00830/FUL** - 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.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Catt, Caulfield, Niblock (ward member), Sarvent, Simmons and Wall.

**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, Derbyshire S40 3PN.

Councillors P Barr, Bingham, Brady, Brittain, Callan, Catt, Caulfield, Niblock (ward member), Sarvent, Simmons and Wall.

**CHE/17/00462/RET** - Retention of three additional rooms at Hasland Hotel, 51 Calow Lane, Hasland, Chesterfield, Derbyshire S41 0AX for Mr Nigel Chadwick.

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

**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.

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

**CHE/17/00769/FUL** - 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.

Councillors P Barr, Bingham, Brady, Brittain, Brunt (ward member) Callan, Catt, Caulfield, Dickinson (ward member) Sarvent, Simmons and Wall.

**109 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Davenport, Gilby and Miles.

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

No declarations of interest were received.

**111 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 8 January, 2018 be signed by the Chair as a true record.

**112 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/17/00725/FUL - 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

In accordance with Minute No.299 (2001/2002) Mr Nunn (objector), Mr Malcolm Smith (objector) and Mr Steve Haslam of Mitchel Proctor (agent for the applicant), addressed the meeting.

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

In the opinion of the local planning authority the absence of any very special circumstances, by which inappropriate development could be accepted in the green belt area, will result in a development which is contrary to the principles relating to the Green Belt area as contained within policies CS1 and CS9 of the Chesterfield Borough Core Strategy 2011-31 and the National Planning Policy Framework chapter 9.

CHE/17/00830/FUL - 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

In accordance with Minute No.299 (2001/2002) Ms Charlotte Brett (objector), Ms Katie Priest of Pegasus Planning (agent for the applicant) and Mr Andy Thompson of Co-op (applicant), addressed the meeting.

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.

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

### Highways

3. 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.
4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

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.

## 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.

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

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

## 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.

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.

(B) That a CIL Liability Notice be served for £9,520 as per paragraph 5.7 of the officer's report.

CHE/17/00462/RET - RETENTION OF THREE ADDITIONAL ROOMS AT HASLAND HOTEL, 51 CALOW LANE, HASLAND, CHESTERFIELD, DERBYSHIRE S41 0AX FOR MR NIGEL CHADWICK

That the officer recommendation be upheld and 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.

CHE/17/00769/FUL - 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

In accordance with Minute No.299 (2001/2002) Mr Chris Butt of The Planning Bureau (agent for the applicant), addressed the meeting.

(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.

NW 2425 01 AC 001 Rev A – Location & Context Plan  
 NW 2425 01 AC 002 Rev B – Street Scene  
 NW 2425 01 AC 003 Rev A – Perspective View From Saltergate  
 NW 2425 01 AC 004 Rev B – Site Layout  
 NW 2425 01 AC 005 Rev C – Elevations 1 of 2  
 NW 2425 01 AC 006 Rev D – Elevations 2 of 2  
 NW 2425 01 AC 007 Rev D – Ground Floor and First Floor Plans  
 NW 2425 01 AC 008 Rev D – Second and Third Floor Plans  
 NW 2425 01 AC 009 Rev B – Roof Plans  
 NW-2425-01-LA-001 Rev A – 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

## Drainage

3. No development shall take place, other than demolition and site clearance, 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.

## Archaeology

4. (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.

#### Site Investigation/Contamination/Noise

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

6. No development shall take place, other than demolition and site clearance, 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 30<sup>th</sup> 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.

7. 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.

## Highways

8. 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

9. 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.

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.

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.

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.

13. No development shall take place, other than demolition and site clearance, until details have been 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.

#### Ecology/Trees

14. No development shall take place, other than demolition and site clearance, until details of a Biodiversity Enhancement Strategy have been 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.

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.

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.

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.

## 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.

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 RPAs.

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.

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.

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.

(B) That a S106 agreement be negotiated and signed concurrent with the planning permission relating:

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

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

In accordance with Minute No.299 (2001/2002) Mr Tim Turner of Blue Deer (agent for the applicant), addressed the meeting.

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.

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)

### Revisions

3. 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.

### 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 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.

## Contamination

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.

## Ecology

7. 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.

8. 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.

9. 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.

## 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.

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.

## 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.

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.

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

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

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.

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.

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.

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.

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.

#### 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.

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.

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.

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.

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.

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.

(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).

(C) That a CIL Liability Notice be served for £137,470 as per paragraph

5.8 of the officer's report.

**113 BUILDING REGULATIONS (P880D)**

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

Approvals

17/01689/DRO	Domestic in-roof Extensions/Alterations - Loft conversion and dormer create gable at 70 Yew Tree Drive Somersall Chesterfield Derbyshire S40 3NB
17/01985/DCC	Derbyshire County Council - Renewal of roof covering, structure and associated work at Alfreton Park Wingfield Road Alfreton Derbyshire DE55 7AL
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 at Henry Bradley County Infant School Princess Street Brimington Chesterfield
17/01885/PART	Partnership Application -Removal of wall between kitchen and dining room at 24 Thorpe House Avenue Sheffield S8 9NG
17/02068/OTHD	Other Works (Domestic) - Proposed wall removal at 92 Norwood Avenue Hasland Chesterfield Derbyshire S41 0NH
17/02134/OTHD	Other Works (Domestic) - Internal Alterations at 36 Devonshire Avenue East Hasland Chesterfield Derbyshire S41 0AE
17/01698/OTHD	Other Works (Domestic) - Internal alterations to form 2 new openings with beams over and window replacements at 15 Elm Close Newbold

## Chesterfield Derbyshire S41 8SL

- 17/02130/DEX Domestic Extensions/Alterations - Single storey extension to rear of house to create dining area at 9 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH
- 17/02114/DEX Domestic Extensions/Alterations - Single storey extension to rear of house to create dining area at 9 Thornbridge Crescent Birdholme Chesterfield Derbyshire S40 2JH
- 17/02114/DEX Domestic Extensions/Alterations - Single storey extension to rear of house at 18 Ashopton Road Upper Newbold Chesterfield Derbyshire S41 8WD
- 17/02125/DEX Domestic Extensions/Alterations - Kitchen extension at 222 Walton Road Walton Chesterfield Derbyshire S40 3BS
- 17/02137/DEX Domestic Extensions/Alterations - Proposed rear extension at 20 Wythburn Road Newbold Chesterfield Derbyshire S41 8DR

114 **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/17/00231/RET 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

- CHE/17/00259/ADV 3 free standing signs, 2 sign posts and 2 vinyl window stickers at Holywell House Holywell Street Chesterfield S41 7SH for CVS Vets
- 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/17/00542/ADV 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
- CHE/17/00577/FUL 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
- CHE/17/00580/FUL 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
- CHE/17/00632/FUL 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
- CHE/17/00658/FUL Demolition of existing outbuildings, proposed wash and valet bay structure at 464 Chatsworth Road Chesterfield S40 3BD for Vertu Motors
- CHE/17/00687/FUL 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 at 225 Lockoford Lane Tapton S41 0TG for Mrs Melissa Smith

- CHE/17/00688/FUL 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 at 227 Lockoford Lane Tapton S41 0TG for Mr Shane Madden
- CHE/17/00714/FUL Conversion of existing integrated garage into a living room and utility room at 2 Bate Wood Avenue Inkersall S43 3GD for Mr Richard Webb
- CHE/17/00744/FUL 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) at 18A Avondale Road Chesterfield S40 4TF for Mr and Mrs Taylor
- CHE/17/00746/FUL Two storey extension to side of dwelling at 16 Kelburn Avenue Walton Derbyshire S40 3DG for Mr Mike Andrews
- 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 Derbyshire for Mr A Davis
- CHE/17/00762/LBC 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 at

Old Rectory Guest House 8 Church Street  
Staveley S43 3TL for Mr William Cooney

- CHE/17/00763/FUL 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 at Old Rectory Guest House 8 Church Street Staveley S43 3TL for Mr William Cooney
- CHE/17/00771/RET Erection of 2m high fence panel within 2m of public highway at 15 Milldale Close Holme Hall S40 4RG for Geoff Talbot
- CHE/17/00773/RET 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
- CHE/17/00774/RET The retention of an automated teller machine at 1 Littlemoor Centre Newbold S41 8QW for Cardtronics UK Ltd
- CHE/17/00776/FUL Proposed side extension at 103 Cuttholme Road Chesterfield S40 4PU for Mr L Kamwendo
- CHE/17/00778/FUL Proposed roof dormer windows to bedroom over garage at 678 Chatsworth Road Chesterfield S40 3NU for Mr J Haag
- CHE/17/00785/FUL Ground floor extension to a dwelling at 21 South Crescent Duckmanton S44 5EQ for Mr Jamie Ducker
- CHE/17/00786/FUL Proposed 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

- CHE/17/00789/TPO To cut all branches back to their crowns as previously prescribed by Steve Perry on Monday 23rd Oct 2017 at 109 Whitecotes Lane
- CHE/17/00791/COU 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 for A Herring Ltd
- CHE/17/00792/TPO 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
- CHE/17/00793/FUL Single storey extension to front elevation at 10 Wolfe Close Walton S40 2DF for Mr and Mrs Davenport
- CHE/17/00795/TPO 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
- CHE/17/00796/FUL Re-submission of CHE/17/00144/FUL - workshop extension with ground floor kitchen and WC block at Spectrum House Turnoaks Business Park McGregors Way Chesterfield S40 2WB for Spectrum Welding Supplies
- CHE/17/00797/FUL 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
- CHE/17/00801/FUL 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
- CHE/17/00802/FUL 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
- CHE/17/00803/ADV 5 no. fascia signs and low level poster boards at Unit 3 Spire Walk Business Park Spire Walk Chesterfield S40 2WG for Go Outdoors Ltd
- CHE/17/00804/FUL Re-submission of CHE/16/00804/FUL - 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
- CHE/17/00805/FUL New single story rear extension to replace existing conservatory and utility room at 101 Whitecotes Lane Walton S40 3HJ for Mr Chris Maggs
- CHE/17/00810/CA Pruning 1 Silver Birch and 1 Orn Pear at 1 Somersall Willows Chesterfield Derbyshire S40 3SR for Mr Stephen Lane
- CHE/17/00811/TPO Felling one Horsechestnut (T15) and pruning one Sycamore T16 and one Oak T17 at 1 Somersall Willows Chesterfield S40 3SR for Mr Stephen Lane
- CHE/17/00812/TPO T4 - Horse Chestnut tree to be felled at 19 Penmore Lane Hasland S41 0SG for Mrs Claire Widdowson
- CHE/17/00813/FUL Two storey extension to front of dwelling at 11 Birkdale Drive Walton S40 3JL for Mr A Ward
- CHE/17/00815/TPO T4 - Oak Tree - Crown lift branches causing vehicle strike at Post House Nursery 15 High Street Brimington S43 1DE for Mr Richard

- CHE/17/00817/CA T1 Oak Tree - Cut back branches from telegraph pole wires. 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 at Post House Nursery 15 High Street Brimington S43 1DE for Mr Richard
- CHE/17/00822/FUL Construction of a new double garage with a pitched roof at 16 Wingerworth Way Grangewood S40 2JD for Mr C Calver
- CHE/17/00825/FUL Proposed garage/store - re submission of CHE/17/00551/FUL at 61 Lindale Road Newbold S41 8JH for Mr Darren Pugh
- CHE/17/00827/FUL 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
- CHE/17/00832/TPO 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
- (b) Refusal
- CHE/17/00472/FUL Resubmission of CHE/16/00812/FUL - Proposed erection of dwelling unit and 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
- (c) Discharge of Planning Condition
- CHE/17/00770/DOC 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 at land to rear of 19 Bentham Road Chesterfield S40 4EZ for Mr David Jackson

CHE/17/00779/DOC 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 for Singh Bains Properties

CHE/17/00823/DOC 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

(d) Split decision with conditions

CHE/17/00826/TPO 2 Oaks - Crown lift 3m, crown reduce 1m and crown thin by 5% at 386 Old Road Chesterfield S40 3QF for Mr Walker

CHE/17/00828/TPO 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

CHE/17/00847/TPO 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

(e) Prior notification approval not required

CHE/17/00819/DEM Demolition of community room - method of demolition statement received 9.1.18, additional information received 10.1.18 at Community Centre

Duckmanton Road Duckmanton for Chesterfield  
Borough Council

CHE/17/00845/TPD Single storey flat roof extension to rear extending  
6m at 144 Chatsworth Road Chesterfield S40 2AR  
for Rebel Clothing

CHE/17/00859/TPD Kitchen/dining room extension at 16 Larch Way  
Brockwell Chesterfield S40 4ET for Mr John Ball

(f) Other Council no objection without comments

CHE/17/00883/CPO Submission of Condition 12 - Badger Update  
Survey of planning permission CW2/0113/133 -  
Submission code SW3041 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

#### 115 **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.

#### 116 **PLANNING AGREEMENT REPORT**

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report to inform members about outcome of planning agreements authorised since September 2017 and to summarise the terms of completed agreements.

**\*RESOLVED -**

That the report be noted.

**117 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.

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# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	19 <sup>th</sup> FEBRUARY 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 19<sup>TH</sup> FEBRUARY 2018**

- ITEM 1**      **CHE/17/00758/COU** - Proposed change of use of part of premises to fast food takeaway to run alongside existing shop at 2A Springfield Avenue, Chesterfield, Derbyshire, S40 1DB for Mr Ishmail Ali.
- ITEM 2**      **CHE/17/00634/OUT** - Outline application for residential development (application site boundary amended 21.11.17 from previously advertised /consulted), updated coal mining risk assessment received 21.01.18 at 1 Bridle Road, Woodthorpe, Chesterfield, Derbyshire, S43 3BY for Mr and Mrs Needham.
- ITEM 3**      **CHE/17/00855/FUL** - Demolition of existing dwelling and erection of replacement house - CMRA rec'd 15/01/2018 at Farmhouse of 23 Bridle Road, Woodthorpe, Chesterfield, Derbyshire, S43 3BY for Mr S Weatherall.
- ITEM 4**      **CHE/17/00874/REM** - Proposed application for reserved matters for CHE/16/00069/OUT on Land adj to 89 Sheffield Road, Stonegravels, Chesterfield, Derbyshire for the Derby Diocesan Board of Finance Ltd.

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Case Officer: Eleanor Casper  
Telephone No: 01246 345785  
Committee Date: 19.02.2018

File No: CHE/17/00758/COU  
Plot No: 2/3167

## **ITEM 1**

### **PROPOSED CHANGE OF USE OF PART OF PREMISES TO FAST FOOD TAKEAWAY TO RUN ALONGSIDE EXISTING SHOP AT 2A SPRINGFIELD AVENUE, CHESTERFIELD, DERBYSHIRE, S40 1DB FOR MR ISHMAIL ALI**

Local Plan: Unallocated  
Ward: Holmebrook

Date: 06.02.2018

#### **1.0 CONSULTATIONS**

DCC Highways	No objection – see report
Ward Members	No representations received
Neighbours and Site Notice	No representations received
Forward/Policy Planning	Comments received – see report
Environmental Health	Comments received – see report
Design Services Drainage	Comments received – see report
Economic Development	No comments received
DCC Public Health	No comments received

#### **2.0 THE SITE**

2.1 The application site is located on the southern side of Southfield Avenue. The site is formed of two linked buildings, the largest is faced in brick with a dual pitched slate roof, the adjoining building is formed of sheet metal and also has a dual pitched roof. The premises is being operated as a convenience retail store. The principle (north) elevation of the building is orientated towards Springfield Avenue public highway and consists of a large glazed shop window with customer entrance.

2.2 The surrounding streetscene is predominately formed of residential dwellings, Brampton Primary School is situated on opposite side of Springfield Avenue to the north of the application site. The application site is bound by the rear garden of No 58 School Board Lane and the rear gardens of No's 41 and 43 Sydney Street.



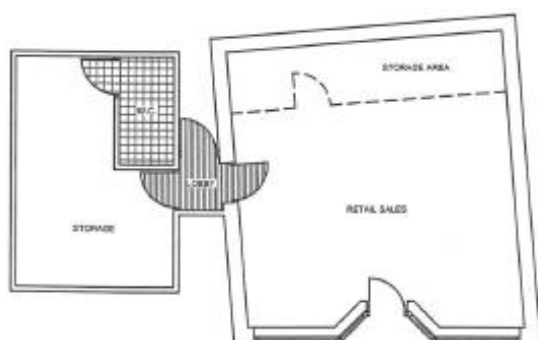
Photo taken facing south towards the principle elevation of the application site



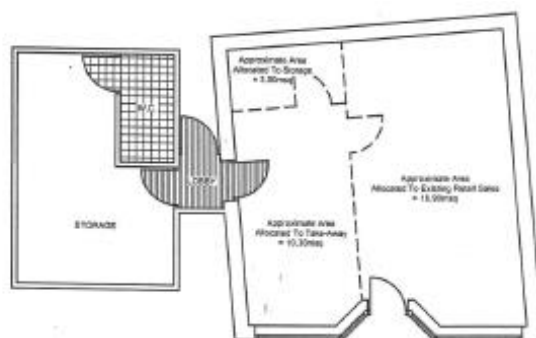
Photo taken facing north west towards the application site

### 3.0 THE PROPOSAL

3.1 The proposal seeks to change the use of part of the existing convenience shop (A1) to a hot food takeaway (A5), creating a mixed use premises. The block plan details the proposed floorspace arrangements dividing the largest building to create 18.9m<sup>2</sup> of retail shop space, 10.3m<sup>2</sup> of floorspace for the proposed hot food takeaway and 3m<sup>2</sup> of storage space. The floorspace of the smaller linked building will be retained as existing.



EXISTING FLOOR LAYOUT



PROPOSED FLOOR LAYOUT

3.2 It is understood that the proposed takeaway is to be an Indian takeaway with food being prepared on the premises. The application form states that the hours of operation will be in line with those of the existing convenience store and are as follows, 8:30 to 22:00 Monday to Friday and 8:30 to 22:30 Saturday to Sunday and including Bank Holidays.

#### 4.0 **SITE HISTORY**

4.1 CHE/09/00379/FUL - Single storey extension to convenience store at 2A Springfield Avenue, Chesterfield for Mr Ali – **CONDITIONAL PERMISSION (04.08.2009)**

4.2 CHE/15/00329/FUL - Application for hot food takeaway to run alongside existing retail shop at 2A Springfield Avenue, Chesterfield for Mr Ali – **REFUSED (19.08.2015) with subsequent APPEAL DISMISSED**

##### 4.2.1 Reasons for Refusal

1. *The application site is positioned within an edge of centre location, where a sequential test approach should be applied. No details have been submitted in this regard and accordingly the application fails to meet the requirements of policy CS16 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031, Chapter 3 of the National Planning Policy Framework and paragraph 011 Reference ID:2b-011-20140306 of the National Planning Practice Guidance.*
2. *Insufficient information has been submitted in respect of noise and odour control to enable the local planning authority to adequately assess the impact of the proposed development on the character, form and setting of the site and surrounding area; or the impact of the development on the amenity of users and neighbours. Contrary to Local Plan: Core Strategy policies CS8 and CS18; and Chapter 7 of the National Planning Policy Framework.*

4.2.2 **The applicant submitted an appeal to the Planning Inspectorate (Appeal Reference: APP/A1015/W/15/3136652). The Appeal was dismissed by the Planning Inspectorate (see paragraphs 3.2.3 to 3.2.16 for extracts from the Appeal Decision below)**

#### 4.2.3 Main Issues

1. *The effect of the proposal on the vitality and viability of the Chatsworth Road District Centre.*
2. *The effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and odour.*
3. *The effect of the proposal on the character and appearance of the area.*

#### Vitality and Viability

4.2.4 *Annex 2 of The National Planning Policy Framework (the Framework) identifies recreation uses as main town centre uses, citing restaurants and drive-through restaurants as examples. Whilst there is no explicit reference to hot food takeaways within the Framework, it does not suggest the examples given are definitive. Policy CS15 of the Chesterfield Core Strategy<sup>1</sup> (CS) identifies a hierarchy of centres for retail and other town centre uses. It reflects the wording of the Framework, identifying recreation uses (including restaurants and drive through restaurants) as main town centre uses. It goes on to state that a range of uses including food and drink will be encouraged within centres. Consequently, I am satisfied that the proposal would constitute a main town centre use having regard to Policy CS15 and the Framework.*

4.2.5 *Policy CS16 of the CS states that a sequential approach will be used to assess sites for retail and other town centre uses. The aim of the sequential approach is to focus such development on district centres in line with paragraph 23 of the Framework which indicates that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their vitality and viability. Policy CS16 goes on to state that individual shops (less than 200sqm) designed to serve local day to day needs will be permitted outside of centres. The policy does not allow A52 uses less than 200sqm outside of centres, however.*

4.2.6 *The Framework in Annex 2 states that an edge of centre site is located within 300m of a town centre boundary and when determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances. The Council considers given the proximity to the Chatsworth Road*

*District Centre, that the appeal site can be considered as an edge of centre location. On the basis of the evidence before me, I agree and have no reason to come to an alternative view.*

- 4.2.7 *Paragraph 27 of the Framework states that main town centre uses not in an existing centre and not in accordance with an up-to-date Local Plan should be subject to a sequential test which requires such uses to be within town centres, then edge of centre locations and only if suitable sites are not available then out of centre locations. It goes on to state that if a proposal fails to satisfy the sequential test, it should be refused.*
- 4.2.8 *As the proposal would constitute a main town centre use, a sequential test is necessary and the proposals should only be permitted if suitable sites are not available within the Chatsworth Road District Centre. No such test has been carried out. I have had regard to the need for flexibility on issues such as format and scale as referred to in the Framework and I note that the appellant indicates that no appropriate properties were vacant at the time of the application. However, I have no evidence to suggest no such sites exist within the district centre. Consequently, I can not be satisfied that the requirements of the Framework have been met.*
- 4.2.9 *As a result, I find that the proposal fails to satisfy the sequential test and would therefore have an adverse effect on the vitality and viability of the Chatsworth Road District Centre, contrary to Policy CS16 of the CS and paragraph 27 of the Framework.*

#### *Living Conditions*

- 4.2.10 *The appeal site is a single storey property which fronts onto Springfield Avenue. The property is located to the rear of 41 and 43 Sydney Street and to the side and rear of 58 School Board Lane. It is not uncommon on proposals for hot food takeaways for details of odour extraction equipment to be required by condition. However, for such a condition to meet the tests set out in Paragraph 206 of the Framework there must be a reasonable prospect that extraction equipment can be accommodated without giving rise to unacceptable levels of noise. Minimal evidence has been provided to suggest that is a reasonable prospect in this instance.*

- 4.2.11 *In this case little detail of how odours would be dealt with has been submitted. The appellant has indicated that a small extractor duct would be provided but no details have been submitted regarding its location on the building or its design or specification. The proposal would be close to neighbouring residential properties. There is therefore the potential for noise and odours to have a detrimental effect on the living conditions of neighbouring occupiers. I am not satisfied that it has been adequately demonstrated that a viable and effective solution to odours and noise would be available. As a result, it would not be reasonable to deal with this matter by condition.*
- 4.2.12 *I find therefore that the proposal would be likely to have a harmful effect on the living conditions of neighbouring residents with particular regard to noise and odour. The proposal would conflict with policies CS8 and CS16 of the CS which seek to protect and enhance environmental quality and ensure acceptable impacts on residential amenity. The proposal would also conflict with the provisions of the Framework to secure a good standard of amenity for existing and future occupants of land and buildings.*

#### Character and Appearance

- 4.2.13 *The appeal site is a small, single storey commercial property surrounded by two-storey dwellings. The area is predominately residential in character and appearance. Two of the appeal site's elevations adjoin rear boundaries of neighbouring residential properties. The principal elevation faces onto Springfield Avenue and Brampton Primary School opposite.*
- 4.2.14 *As set out in preceding paragraphs, little detail of the proposed extract equipment has been provided. In order to require such details by condition, there must be a reasonable prospect that extraction equipment can be accommodated without resulting in harm to the character and appearance of the area. There is no evidence to suggest that there is a reasonable prospect such equipment would not do so.*
- 4.2.15 *Given the small scale of the existing building and its proximity to existing residential properties, there is limited external space on the building for extract equipment to be located. Moreover, I agree with the Council that such equipment located on the principal elevation on Springfield Avenue has the potential to appear as an*



*intrusive and discordant commercial feature within a predominately residential area.*

4.2.16 *In the absence of any detail of extract equipment, I am unable to conclude that such equipment would not have a detrimental effect on the character and appearance of the area. I find therefore, that the proposal would likely have a harmful effect on the character and appearance of the area, in conflict with policy CS18 of the CS which seeks to ensure all development identifies, responds to and integrates with the character of the site and its surroundings. It would also conflict with the high quality design aims of the Framework.*

4.3 CHE/17/00110/FUL - Change of use of part of premises to hot food takeaway to run alongside existing shop at 2A Springfield Avenue, Chesterfield for Mr Ali – **REFUSED (16.05.2017)**

4.3.1 *Reasons for Refusal*

- 1. The application site is positioned within an edge of centre location, where a sequential test approach should be applied. Insufficient details have been submitted in this regard and accordingly the application fails to meet the requirements of policy CS16 of the Core Strategy, paragraphs 24 and 27 of the National Planning Policy Framework and paragraph 011 of the National Planning Practice Guidance.*
- 2. The noise created by the proposed development would have an unacceptable impact on nearby residential properties and the surrounding area. Inadequate evidence has been provided to demonstrate that this would not be the case and no information has been submitted in respect of noise control. As such, this application is contrary to policies CS8 and CS18 of the Core Strategy, Core Principle 4 and Paragraph 61 of the National Planning Policy Framework.*
- 3. The proposed type of extraction/abatement would not be suitable, due to the proximity of neighbouring residential properties, the low level termination point of the ducting and the type of food that is proposed to be cooked. As such, this application is contrary to policies CS8 and CS18 of the Core Strategy, and Core Principle 4 and Paragraph 61 of the National Planning Policy Framework.*

4. *These plans would result in an intensification in the demand for parking, thereby creating an unacceptable impact on parking and highway safety. As such this application is contrary to policy CS18 and the Parking Standards of the Core Strategy*
5. *The plans would exacerbate public health concerns due to the type of business proposed, the high levels of obesity within the borough, the close proximity to Brampton Primary School, and the high number of existing hot food takeaways located in close proximity. As such, this application is contrary to Core Principle 12 of the National Planning Policy Framework, Paragraph 2.48 of the Core Strategy Picture and Paragraphs 3.2 and 3.27 of the Core Strategy Vision.*

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy**

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

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

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS8 Environmental Quality
- CS15 Vitality and Viability of Centres
- CS16 Retail
- CS18 Design
- CS20 Influencing the Demand for Travel

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

- National Planning Policy Framework (NPPF)

#### 5.4 **Key Issues**

- Principle of development;
- Design and Amenity of the proposal;
- Highways safety and parking provision;

#### 5.5 **Principle of Development**

5.5.1 The Forward/Policy Planning team were consulted on the proposal and they provided the following comments;

5.5.2 *The application site is located outside of a defined centre but within 300m of Chatsworth Road District Centre as defined in the Replacement Chesterfield Borough Local Plan (2006). The National Planning Policy Framework (NPPF) considers that for retail purposes an “edge of centre” site is “a location that is well connected and up to 300 metres of the primary shopping area. For other main town centre uses, a location within 300 metres of a town centre boundary. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.” Taking into account such circumstances, the site can be considered ‘edge-of-centre’ in retail terms.*

5.5.3 *Policy CS16 of the adopted Core Strategy allows for individual small shops of up to 200 sqm outside of defined centres. However this relates to small shops serving local day to day needs and does not include hot food take-aways. Given that the proposal is for a town centre use not within a defined centre, sequential tests should be applied as set out in the National Planning Policy Framework (paragraph 24). In applying the sequential test the council must consider whether the applicant has assessed other premises, and the reasons why they were discounted. Although the applicant’s agent has indicated that they have looked at other premises, no evidence has been submitted with the application relating to this. However, it is unlikely that this location would be considered acceptable for the proposed use given the site’s proximity to Chatsworth Road District Centre and the likely availability of more suitable sites. It should be noted that para 24 of the NPPF only requires that ‘out of centre’ locations only need to be ‘considered’, there is no obligation on the planning authority to grant permission for uses in such areas if other more sequentially preferable sites*

- 5.5.4 *are not available. Para 27 of the NPPF makes it clear that where an application fails to meet the sequential test it should be refused. In considering whether this proposal can only be accommodated in this location, reference to Paragraph 011Reference ID: 2b-011-20140306 of the NPPG applies. This states that “use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification.” No evidence has been submitted to argue the case for locational preference other than the applicant runs an existing convenience store from the premises.*
- 5.5.5 *Policy CS18 (Design) requires (amongst other criteria), that development will be expected to “have an acceptable impact on the amenity of users and neighbours”. Given the nature of the proposal, there are likely to be increased vehicular activity and issues with noise and odour. Given that the area is primarily residential in nature, the proposal is likely to have an unacceptable impact on the amenity of local residents. I note the consultation response from the EHO as whether the proposal is acceptable in these terms. It is clear that the EHO at this stage, is “not confident that the proposed extraction would be suitable for this proposed location, particularly as the details of the food type are unknown”. Given this the proposals is contrary to policy and therefore recommend that the application be refused.*
- 5.5.6 *Additionally, Derbyshire County Council’s Public Health team has prepared evidence on the links between hot food takeaways and obesity in children in Chesterfield. I understand that they have been consulted and will be providing a response. Taking account of and supporting local strategies to improve health is one of the 12 core principles set out in the NPPF and it sets out (para 69) that planning should facilitate the creation of healthy communities. The proposed site is directly opposite a primary school; in the event that it is decided to grant planning permission, this should be subject to a condition requiring that the hot food takeaway element’s opening hours are limited to outside of school hours for the purposes of facilitating the creation of healthy communities. Given the above, in policy terms this resubmission is still considered contrary to policy*

- 5.5.7 It is accepted that the application site is for a town centre use and is located in an 'edge of centre location'. Policy CS16 of the Core Strategy permits individual small shops with a floor area of up to 200m<sup>2</sup> designed to serve local day to day needs, however, this does not encompass A5 uses. It is therefore necessary to consider whether a sequential test should be applied to this proposed town centre use.
- 5.5.8 Consideration of Paragraph 011 Reference ID:2b-011-20140306 of the National Planning Policy Guidance suggests that some town centre uses can have relevant market and locational requirements which mean that they may only be accommodated in specific locations. Paragraph 24 of the NPPF references the necessity for sequential tests, however, it also states '*Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale*'. Paragraph 24 highlights that a degree of flexibility can be applied by the LPA in determining the requirements for a sequential test.
- 5.5.9 Taking account of the location of the site and its proximity to Chatsworth Road District Centre (approximately 80m walking distance from Chatsworth Road) it is anticipated that a sequential test would conclude that there are restricted options for such small scale premises (similar in size to the application site) within this district centre. The proposed hot food takeaway occupies approximately 10.3sqm of floor space within the existing retail unit and the existing convenience store function will be retained, occupying 18.9 sqm of floor space. The applicant states that the proposal will enable the diversification of the existing business, enhancing the overall viability of the premises. In this instance it is considered that the size and scale of the proposal and its situation within an existing commercial unit is acceptable in principle and does not require such rigorous sequential testing. To separate the takeaway from the convenience store would defeat the objective of diversifying the business in the interests of its survival and in this case it is appropriate to apply flexibility in the application of the sequential test requirement. Potential impacts on adjoining residential dwellings will be discussed in section 5.6.
- 5.5.10 The suggested link between hot food takeaways and obesity in children in Chesterfield is understood and this is one of the 12 core principles set out in the NPPF. It is also accepted that the proposed site is directly opposite a primary school. The proposed

use is however and evening use which would operate when the school is closed and in any event children from a primary school would not have access to such a facility during the day. Furthermore no additional retail space is being provided at the site and the existing convenience store provides the opportunity at school closing and opening times to purchase foods that may be considered against the best interests of a healthy diet and which the Council as local planning authority has no control over. It is not considered that this issue can be justifiably used as reason for refusal of the proposal.

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

- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 5.6.2 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.6.3 The application site is bordered by the rear garden of No 58 School Board Lane to the south and the rear gardens of No's 41 and 43 Spencer Street to the west. Brampton Primary School faces the site to the north, on the opposite side of Springfield Avenue highway.

### Design

- 5.6.4 The application proposes internal alterations to the existing unit to accommodate a hot food takeaway of 10.3 sqm floor space. External alterations to the building are minimal and include extraction facilities to the side (east) elevation serving the kitchen area of the takeaway. The principle elevation of the unit will remain unaltered. Should planning permission be granted any alterations to the façade of the building including advertisements may require separate consent. Additional information is required regarding the design of the proposed extraction/mechanical ventilation which can be covered by condition.

### Amenity

- 5.6.5 The site is located within a predominantly residential area and is bordered by residential dwellings to the east and west. However taking account of the location of the premises to immediate neighbours it is not anticipated that the additional movements to and from the site generated by the proposed takeaway element would be materially different than existing.
- 5.6.6 The applicant has provided details of the proposed ventilation equipment within a document produced by Far East Kitchen Solutions (dated 30 January 2017) titled 'Planning consent information mechanical ventilation system'.
- 5.6.7 The Environmental Health Officer was consulted on the proposed equipment and provided the following comments;
- *'UV and electrostatic precipitation will only work well if the system is maintained to a high standard. If planning consent is granted, I recommend that that this is added as a conditional requirement to the planning consent.'*
  - *The applicant needs to consider how a grease filter. The UV/electrostatic precipitator deals with the odour, but there needs to be a system in place to deal with the grease.*
  - *What if the hot food takeaway changes food type? The extraction system may not be suitable. I recommend that this a condition is added to the planning consent to 'future proof' any future businesses.*
  - *The applicant needs to consider the height of the extraction flue (in light of the above information). The building is only single storey and the flue height may well exceed the height of the building.*
  - *If the system is not maintained adequately this will give rise to odours in a residential area.*
  - *The applicant needs to give consideration to controlling noise and vibration from the system and the extraction flue.*

- 5.6.8 On the basis of the comments provided by the Environmental Health Officer it is recommended that a condition can reasonably be attached to the decision, requiring further details of the proposed mechanical ventilation system and including a maintenance schedule. This can secure an appropriate level of protection for the nearest neighbours. The condition is considered necessary in order to protect the amenity of the surrounding residential dwellings and to ensure that measures are put in place to control odour and noise to a satisfactory level.
- 5.6.9 Having consideration for the observations above the proposal is considered to be acceptable with respect to its function and subject to the submission of further details regarding the siting and maintenance of the proposed mechanical ventilation system. In addition no letters of representation have been received. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

## 5.7 **Highways Safety and Parking Provision**

- 5.7.1 DCC Highways consultation raised no objections and made the following comments; *'I refer you to my letter dated 20 July 2015 in response to similar proposals Application Ref:15/00329/FUL which was subsequently dismissed at Appeal on planning grounds alone. This Authority did not raise objections. The highway comments remain as previously stated.'*
- 5.7.2 DCC Highways comments for application CHE/15/00329/FUL are as follows; *'the existing premises does not benefit from any on-site parking spaces. The site is located close to a local primary school; however, there are no Traffic Regulation Orders restriction parking across the frontage of the site including the school's zig-zag keep clear markings. It is not considered likely that the proposed small scale, ancillary, hot food takeaway would result in any significant increase in on street parking, over and above existing, at this location. As such this Authority would not wish to raise objections'*
- 5.7.3 The comments from the Highways Officer have been noted. On the basis of the comments provided it is not considered that the proposal would adversely impact highway safety with plenty of opportunities for parking on nearby streets available during the opening hours of the takeaway component of the use.



## **6.0 REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters were sent to the boundary sharing neighbours on 11.12.2017, deadline for responses 01.01.2018. A site notice displayed on 03.01.2018, deadline for responses 24.01.2018. No representations have been received as a result.

## **7.0 HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a

presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

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

## **9.0 CONCLUSION**

- 9.1 Overall the proposal is acceptable in design and appearance terms. It is not considered that that the proposal would result in an unacceptable impact on neighbouring properties. The proposal would not compromise parking arrangements or highway safety. On balance a reasonable and proportionate response to the application would suggest that planning permission can be granted. Therefore, the proposal complies with CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## **10.0 RECOMMENDATION**

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

### **Conditions**

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing no 104/15/Y11-01c with the exception of any approved non material amendment.

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

03. Before the use hereby permitted commences, details of a scheme for the mechanical ventilation of the working area and for the filtration of grease and cooking odours, including details of its siting, location, maintenance schedule noise attenuation measures for the ventilation machinery, shall be submitted to and approved in writing by the Local Planning Authority and thereafter so retained in accordance with the approved details unless further written approval from the Local Planning Authority for an alternative scheme is gained.

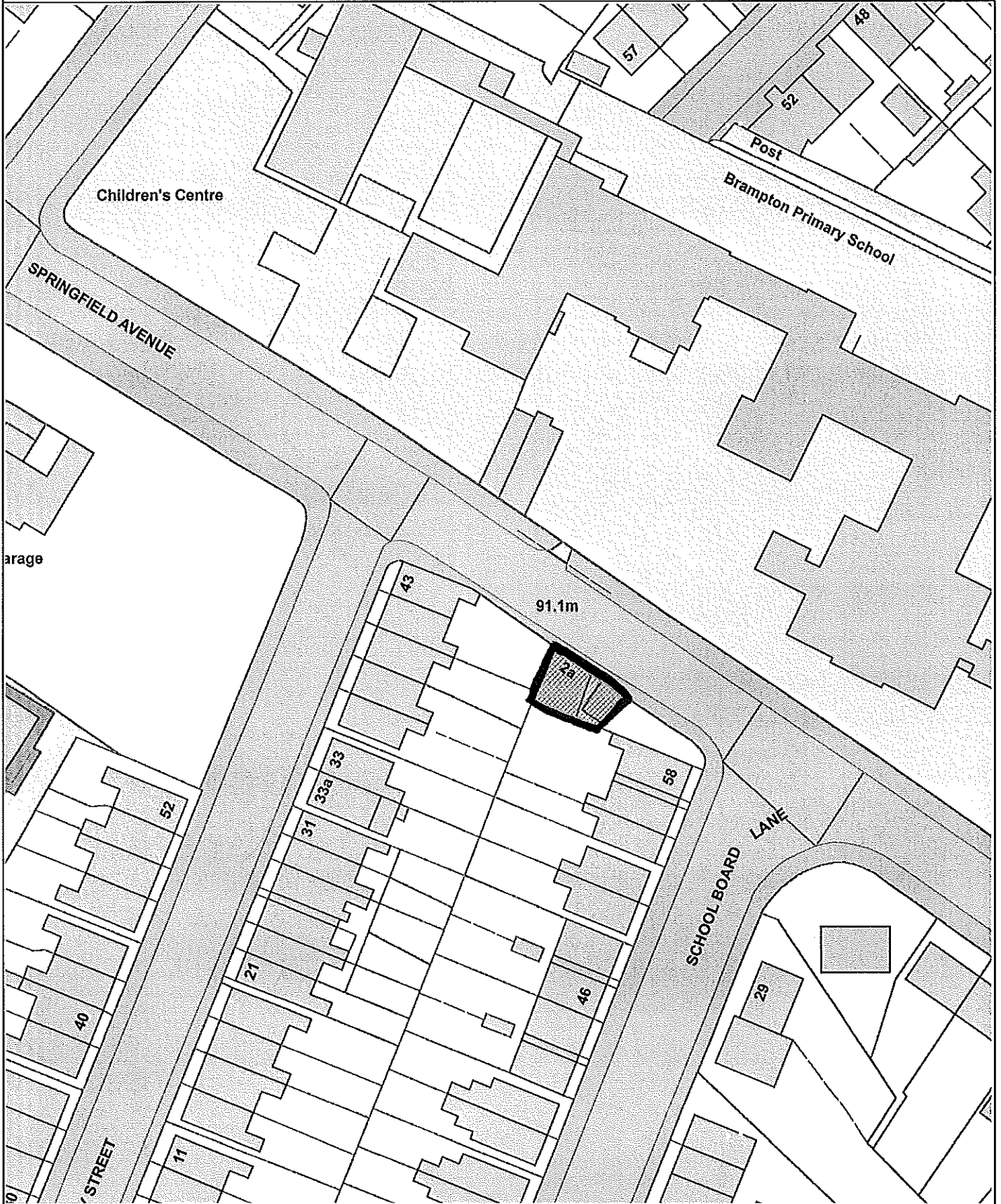
***Reason*** - *The condition is imposed to preserve the residential and visual amenities of the locality.*

### **Informative 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.

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# PLAN - CHE/17/00758/COU - 2A Springfield Ave



**CHESTERFIELD**  
BOROUGH COUNCIL

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Case Officer: Joe Freegard  
Tel. No: (01246) 345580  
Ctte Date: 19th February 2018

File No: CHE/17/00634/OUT  
Plot No: 2/5302

## **ITEM 2**

### **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (APPLICATION SITE BOUNDARY AMENDED 21.11.17 FROM PREVIOUSLY ADVERTISED / CONSULTED), UPDATED COAL MINING RISK ASSESSMENT RECEIVED 21.01.18 AT 1 BRIDLE ROAD, WOODTHORPE, DERBYSHIRE, S43 3BY FOR MR AND MRS NEEDHAM**

Local Plan: Development in open countryside and other open space  
Ward: Lowgates and Woodthorpe

#### 1.0 **CONSULTATIONS**

Ward Members	No comments
Staveley Town Council	Comments received – see report
Strategy Planning Team	Comments received – see report
Environmental Services	Comments received – see report
Design Services	Comments received – see report
Economic Development	Comments received – see report
Housing Services	Comments received – see report
Leisure Services	No comments
Environment Agency	Comments received – see report

Yorkshire Water	Comments received – see report
Derbyshire Constabulary	No objections
DCC Strategic Planning	Comments received – see report
Lead Local Flood Authority	No objections
DCC Highways	Comments received – see report
C’field Cycle Campaign	No objections
Coal Authority	Comments received – see report
Tree Officer	No objections
Urban Design Officer	Comments received – see report
Neighbours/Site Notice	11 representations received – see report

## 2.0 **THE SITE**

2.1 This application concerns part of the site of 1 Bridle Road, in the Woodthorpe area of Chesterfield. The application site previously comprised a larger area, however this was reduced on 21.11.17 and the application was started afresh. The site in question is a roughly rectangular shaped plot of land situated on the corner of Bridle Road and Woodthorpe Road. The site is allocated as Open Countryside, however it is covered by hardstanding and is occupied by a large sheet metal building that was used for haulage. The gradient of the site is relatively flat, and the hardstanding is interrupted by occasional scatterings of grass and foliage. The site was formerly part of St John’s Farm to the West, and one of the traditional stone buildings associated with this use overlaps onto the site in question. Vehicular access to the site is via an entrance from Woodthorpe Road, to the North East of the



site, where a set of wide double gates are located. The site can also be accessed via the main entrance to 1 Bridle Road, to the West of the site, from Bridle Road itself. The roadway of Bridle Road and Woodthorpe Road is situated to the North of the site, numbers 2 and 4 Woodthorpe Road are situated to the East of the site, open fields are situated to the South of the site, and 1 Bridle Road is situated to the West of the site. The boundary to the North of the site comprises a mixture of attractive stone walls and a traditional stone building, along with a hedgerow and timber fences. The boundary to the East of the site comprises a series of concrete walls, and the boundary to the South of the site is open. The boundary to the West of the site comprises a mix of traditional stone buildings, open sections, and brick walls and fences that surround the garden to 1 Bridle Road.





### 3.0 **RELEVANT SITE HISTORY**

- 3.1 An application was originally made under the same reference number in 2017 for a scheme of the same description. This application was altered by reducing the proposed site area.
- 3.2 An application was made for residential development in 2000 under CHE/0600/0349. This application remains undetermined due to a Section 106 Agreement not being signed.
- 3.3 An application was approved for residential development in 1985 under application CHE/0185/00003.

### 4.0 **THE PROPOSAL**

- 4.1 An outline planning application with all matters reserved has been made for residential development (application site boundary amended 21.11.17 from previously advertised / consulted), updated coal mining risk assessment received 21.01.18. As previously stated, the original application was altered by reducing the proposed site area to exclude undeveloped land, all of which was situated in the Open Countryside annotation. The application site was reduced to land regarded as previously developed land only. The description of the application was amended accordingly and the application was started afresh.
- 4.2 Clearance of the site and the demolition of the existing large sheet metal building would be required to cater for the proposed development. It is unclear as to whether the existing traditional stone building that partially overlaps onto the site would be retained or demolished. No further details have been submitted at this stage, and as such it is not possible to comment on the number, type or layout of the proposed dwellings. No details have been provided in relation to external spaces or access either, although it is expected that the gated entrance from Woodthorpe Road, to the North East of the site would be utilised. These details and others would be dealt with at the Reserved Matters stage, as this application purely concerns the principle of residential development on the site only with all matters reserved matters for approval at a later date. The application

is assessed on the basis of the application form, site location plan and supporting documentation alone.

## 5.0 **CONSIDERATIONS**

### **Local Plan Issues**

5.1 The site is situated within the settlement of Woodthorpe. This area is partly residential and partly comprises areas of open countryside. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

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

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

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

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

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

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

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

5.5 As recently concluded by the Planning Inspectorate on a nearby site Bridle Road and therefore the proposed development site is situated within walking and cycling distance from Staveley Centre (via bridle path), is on a bus route, and is located on land that has been previously developed. The site is located within a partially built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature. Furthermore the scheme removes a none conforming use form what is essentially a residential area.

#### **Strategy Planning Team**

5.6 The Strategy Planning Team objected to the original plans however no objections were raised in relation to the amended application and the following comments were made:

*The revised site boundary is now limited to the previously developed part of the site, removing this objection. The main tests are therefore how well the proposal accords with the council's adopted Spatial Strategy as expressed in policies CS1 and CS2 of the Local Plan core strategy 2013. This seeks to locate new development within walking and cycling distance of centres. The application site is not within easy*

walking distance of the nearest identified Local Centre at Lowgates (over 1.5km). However this needs to be balanced against the small scale of the proposal (a site of 0.17ha developed at 30-40 dwellings per ha would result in between 5 and 7 dwellings), and the re-use of previously developed land, including the removal of the historic haulage use. It should be noted that the nearest primary school is within easy walking distance, there are bus routes within walking distance and there is a proposal to improve cycle routes adjacent to the site. On this basis the principle of residential development on the site is acceptable based on the revised site boundary.

Although not formally listed, some of the buildings on site form a significant historic feature of Woodthorpe Village and should be retained and/or incorporated into new development wherever possible, in line with the objectives of policy CS19. The scale of development is unlikely to trigger a requirement for affordable housing, percent for art of a Local Labour Clause. The development would be CIL liable; and is located within the Low CIL zone (£20 per sqm GIA, index linked). The NPPF and policy CS9 seek a 'net gain' in biodiversity. The applicant's Protected Species survey sets out a range of recommendations including bat roosts, swallow nests, wildflower and hedgerow planting. These should be secured through conditions on any planning permission. Policy CS20 expects development proposals to demonstrate provision of opportunities for charging electric vehicles where appropriate. Where new dwellings have garages or other off-street parking spaces, provision should be made for a domestic recharging point. The principle of development is considered acceptable. Conditions should be sought relating to habitat and biodiversity improvements, and the provision of electric vehicle charging. The development would be liable for CIL upon commencement subject to the exemptions set out in the regulations and the council's charging schedule.

- 5.7 DCC Strategic Planning have also been consulted and they raised no objections however a financial contribution for education was requested. This matter is now dealt with via CIL.

5.8 In response to these comments from the Strategy Planning Team, it is considered that the proposed development site is situated in a sufficiently sustainable location and that the suggested conditions are necessary in the interests of biodiversity and reducing emissions. Whilst the Strategic Planning team comment that the site is not within easy walking distance of a local centre, the Planning Inspectorate recently concluded on an appeal at 23 Bridle Road that such facilities were easily accessible via the local footpath network.

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

5.9 Although detailed design is not considered at this stage, the proposed plans would potentially improve the appearance of the site by replacing a large unsightly sheet metal building with housing. An attractive stone wall and traditional stone building are situated to the North of the site, and it is hoped that these are intended to be retained as part of the detailed plans. These features contribute to the character of the site and the surrounding area, and the applicant is therefore encouraged to retain these as part of any reserved matters submission.

5.10 The site location plan indicates that the development area would abut the boundaries with numbers 2 and 4 Woodthorpe Road to the East of the site, and 1 Bridle Road to the West of the site. Having regard to the site location plan, the development would impose the greatest degree of change to these neighbouring properties. It is worth highlighting that the dwellings at numbers 2 and 4 Woodthorpe Road are situated at least 10M away from the proposed development site, and that 1 Bridle Road is in the ownership of the applicant. Overall, it is considered that a scheme can be devised that would result in no significant issues for neighbours in terms of overlooking, overshadowing or an overbearing impact. These matters would be clarified through the submission of detailed designs at the Reserved Matters stage. The site location plan indicates that there would be sufficient space to provide new dwellings that would have gardens that meet the requirements of the 'Successful Places' SPD in terms of size. This would also be clarified through the submission of detailed designs at the Reserved Matters stage.

5.11 Overall it is accepted that development of this nature would impose an impact upon boundary sharing neighbours. In this instance there is however a case to argue that this impact will be minimal due to the level of separation, and the relationship between properties. On balance, it is considered that the impact of the development on neighbouring properties is capable of being sufficiently mitigated such that a refusal of planning permission could not be warranted. 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 a scheme can be devised that would not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

### **Environmental Services**

5.12 The Environmental Services Officer was consulted on this application and they raised no objections. They recommended that the applicant gives consideration to the industrial heritage of the area and ensures that the site is suitable for use. Should planning consent be granted, as a minimum, the applicant will need to submit a desk study/phase 1 report. 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), they ask that infrastructure for electric charging points be installed as part of the build phase. With regards to noise control, the hours of construction shall be limited as per the standard construction hours condition to between 8:00am to 6:00pm Monday to Friday and 9:00am to 5:00pm Saturday, with no working on a Sunday or Public Holiday. The proposed site is near to the commercial site of Markham Vale and not far from the M1. The applicant will need to have regard to this and ensure that internal noise levels of bedrooms and living rooms meet the current British Standard of BS8233 for internal noise and vibration.



5.13 In response to these comments from Environmental Services, it is considered that the suggested conditions are necessary in the interests of contamination, reducing emissions and the amenity of neighbours.

#### **Design Services**

5.14 Design Services were consulted on the application and they raise no objections. It was stated that the site is shown to be in Flood Zone 1 and not at risk of surface water flooding on the Environment Agency flood maps. The site may therefore be compatible with housing development. It is noted that the application form states that surface water from the development will be discharged via soakaways. Soil infiltration tests should be completed in accordance with BRE Digest 365 to demonstrate the infiltration capacity of the subsoils. Soakaways should be designed in accordance with DEFRA Minimum Standards for SuDS and CBC's Minimum Drainage Standards to ensure that no flooding occurs for a 1 in 30 year storm and no flooding must occur to properties or leave site for a 1 in 100 year event plus an allowance for climate change. They comment that they would therefore require a drainage strategy for the development including the above surface water proposals and the proposed discharge of foul sewage from site. It is also noted that a public foul sewer may be present within the site or in close proximity to the site at the northern boundary and a pumped rising main at the eastern boundary which may require suitable easements.

5.15 In response to these comments from Design Services, it is considered necessary to impose a condition requiring the submission of drainage details in the interests of sustainable drainage and the prevention of flooding.

#### **Economic Development**

5.16 The Economic Development Officer was consulted on this application and raised no objections. A local labour clause is recommended, however on the basis that the site extent is unlikely to generate 10 or more dwellings (Major) it is not considered that this is appropriate in light of the significant reduction in the site area of the proposed development.

### **Housing Services**

- 5.17 Housing Services was consulted on this application and stated that they have no comments in relation to this outline application and would comment again on any reserved matters submission. It is not expected that the scale of the site would result in a requirement for any affordable housing provision.

### **Leisure Services**

- 5.18 Leisure Services was consulted on this application and made no comments.

### **Drainage**

- 5.19 The Environment Agency was consulted on this application and they raised no objections. Yorkshire Water was also consulted and they also raised no objections. It was stated that if planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure: No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public rising main i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand - off distance is to be achieved via diversion, the developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
- 5.20 In response to these comments from Yorkshire Water, it is considered necessary to impose the suggested condition in order to allow sufficient access for maintenance and repair work at all times.
- 5.21 The Lead Local Flood Authority was consulted on this application and raised no objections.

### **DCC Highways**

5.22

DCC Highways has raised no objections. It was stated that it is recommended that the following conditions are included in any consent.

- 1. Notwithstanding the information on the application form the area, the subject of the application, is of insufficient size to accommodate 18 No. dwellings and this does not, therefore, form part of the application.*
- 2. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*
- 3. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.*
- 4. Before any other operations are commenced, a new estate street junction shall be formed to Woodthorpe Road located, designed, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the 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.*
- 5. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the 6 C's Design Guide which can be accessed at*

[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control) and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

6. *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.*
7. *The proposed access to Woodthorpe Road shall be no steeper than 1:30 for the first 10m and should not exceed 1:12.*

5.23 In response to these comments from DCC Highways, it is considered necessary to impose all of the suggested conditions apart from condition 1 in the interests of highway safety. In relation to condition 1, it is not considered appropriate to limit the number of dwelling units by imposing a condition. The number of units has been omitted from the application description, and the quantum of development would be considered in detail at the reserved matters stage.

5.24 The Chesterfield Cycle Campaign have been consulted on this application and they raised no objections.

#### **The Coal Authority**

5.25 The Coal Authority was consulted on this application and they initially objected due to an inadequate coal mining risk assessment. An updated coal mining risk assessment was provided on 21.01.18, the Coal Authority was re-consulted and no objections were raised.

5.26 The Coal Authority stated that although it is appreciated that the application is still not supported by a detailed Coal Mining Risk Assessment it is now accompanied by a letter from AP Building Design (Commercial) Limited which identifies that boreholes should be drilled on site in order to establish the exact situation in respect of coal mining legacy issues. In the event that shallow mine workings are encountered, the Coal

Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. It is noted that the letters author gives depths to which he considers the boreholes should be drilled, however, the intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exaction situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

5.27 The Coal Authority stated that it considers that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

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

- \* The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity;

- \* The submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and
- \* Implementation of those remedial works.

5.29 In response to these comments from The Coal Authority, it is considered that the suggested condition is required in the interests of coal mining legacy and safety.

**Tree Officer**

5.30 The Tree Officer has been consulted on this application and he raised no objections. It was stated that if consent is granted to the application careful consideration must be given to any proposed landscaping and layout especially to the frontage of the site and where it borders the rural landscape. The use of native tree and shrub species should be used to encourage wildlife and to enhance the visual amenity of the site. These issues would be considered at the reserved matters stage.

**Urban Design**

5.31 The Urban Design Officer concluded that the application contains only limited information on which the judge the design considerations relevant to its future redevelopment. The submitted Design and Access Statement would benefit from inclusion of a thorough a site appraisal process to demonstrate an understanding of the site constraints and opportunities and formulate design principles by which reserved matters proposals would then be informed. As such, it is recommended that the applicant to provides an amended the DAS and undertake a site appraisal in accordance with guidance contained within the Borough's SPD, Successful Places (2013).

5.32 The Urban Design Officer stated that in the event that planning permission is recommended for approval the following matters should be conditioned:

- A requirement for the provision of an updated design and access statement prior to the submission of any reserved matters applications, including a site appraisal.

- Details of hard and soft landscaping.
- Details of external materials.
- Details of all boundary treatments.
- Retention of the stone front boundary wall except where amendments are necessary to facilitate an access into the site. Details of any proposed alterations should be first submitted to an agreed in writing by the LPA.

5.33 In response to these comments from the Urban Design Officer, it is considered that the recommended conditions would be covered by the standard requirements for any forthcoming detailed reserved matters application.

**Derbyshire Wildlife Trust**

5.34 Derbyshire Wildlife Trust has raised no objections. It was stated that it is noted that the application area has been reduced in size and no longer includes the southern grass paddock or land to the rear of the workshop. As such, the suitability of site habitats for reptiles is greatly reduced.

5.35 Derbyshire Wildlife Trust stated that should the council be minded to approve the application, we advise that the following conditions are attached:  
 Given the presence of existing reptile records in the local area, there is a low residual risk of reptiles being present, around the farm buildings and in/under piles of rubble and other material. A precautionary Method Statement detailing reasonable avoidance measures should be produced and submitted to the LPA for approval.  
 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 as outlined in Section 5 of the ecology report, along with the following:

- details of bird and bat (positions/specification/numbers), including sufficient mitigation for swallows.
- sensitive lighting plan.
- measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm).

- ecologically beneficial landscaping.

Such approved measures should be implemented in full and maintained thereafter.

- 5.36 In response to these comments from Derbyshire Wildlife Trust, it is considered appropriate to impose the suggested conditions in the interests of biodiversity.

**DCC Archaeology**

- 5.37 DCC Archaeologist has raised no objections. It was stated that the site is within what is likely to have been the medieval core of Woodthorpe. The site frontage area has however been subject to light industrial use with a steel-framed building and hard-standings in place, and is therefore unlikely to retain any archaeological significance. A small area to the rear is located within an arable field which historic mapping suggests was outside the village core in part of the former open field. This is recorded (Derbyshire Historic Landscape Assessment) as being fossilised medieval strip fields, but there has been substantial boundary loss which renders the historic landscape importance of this area low. I therefore recommend that the site is unlikely to retain archaeological or historic landscape significance.

**NHS**

- 5.38 The CCG were originally consulted on this application and they raised no objections, subject to a financial contribution for services. It is not however considered appropriate, since the revisions to the application site boundary, to require this contribution as the application is no longer a major application.

6.0 **REPRESENTATIONS**

- 6.1 As a result of neighbour notification, letters of representation were received from Staveley Town Council and residents at 3 Bridle Road, 2, 2A, 4 and 12 Seymour Lane, 16, 41, 63 and 85 Norbriggs Road, and 2 un-named addresses. Only one of these letters of representation was received after the application had been amended by reducing the site boundary.



6.2 The letters of representation raise concerns that the application is contrary to policy, would result in the loss of greenfield land, that the site has been identified as a strategic gap, that excessive residential development has already been allowed in the area, and it has been suggested that the development is restricted to brownfield land.

***In response to these comments, the application is no longer contrary to policy as the proposals are for development on the brownfield land only and there have been no objections from the Strategy Planning Team. Although other schemes for residential development have been approved and are being considered in the area, it is not considered that the relatively small scale of the proposed development would result in any significant impact in terms of additional residents in the locality.***

6.3 The letters of representation raise concerns with regards to residential amenity, raising issues with regards to overlooking, a loss of privacy, overshadowing, an overbearing impact, a loss of views, and concerns with regards to noise and disturbance.

***In response to these comments, it is considered that a scheme can be devised that would result in no significant issues for neighbours in terms of overlooking, overshadowing, a loss of privacy or an overbearing impact. These matters would be clarified through the submission of detailed designs at the Reserved Matters stage. A loss of views for neighbouring properties is not considered to be a Planning matter. In terms of noise and disturbance, the hours of construction can be limited in order to minimise any impact.***

6.4 The letters of representation raise concerns that the development would result in reduced living standards, that the scheme would exacerbate issues with regards to a lack of school capacity, and that the development would introduce excessive additional residents to the locality.

***In response to these comments, it is not considered that the relatively small scale of the proposed development would result in any significant impact in terms of additional residents in the locality in terms of result in any significant impact upon living standards or school capacity.***

- 6.5 The letters of representation raise concerns with regards to issues with low pressure from the existing water supply being exacerbated, and concerns about subsidence being caused for neighbouring properties as a result of the disturbance of the site.

***In response to these comments, it is not considered that water pressure would constitute a Planning consideration and there have been no objections from Yorkshire Water to these plans. In terms of subsidence as a result of this development, the Coal Authority has been consulted with regards to these matters and raised no objections subject to the imposition of conditions.***

- 6.6 The letters of representation raise concerns with regards to traffic and highways, indicating that the application would result in increased traffic and highway safety concerns, indicating that the road around Seymour Lane is already very dangerous, that there is inadequate parking in the village, highlighting that some parents having to park in a pub car park at school drop off and collection times, and that there is a lack of appropriate transport routes in the locality.

***In response to these comments, it is not considered that the relatively small scale of the proposed development would result in any significant impact in terms of highway safety or parking. DCC Highways have been consulted on this application and raised no objections, subject to the imposition of conditions.***

- 6.7 The letters of representation raise concerns with regards to visual impact, stating that new housing estates are not in keeping with the rural location, that the development would have an adverse impact on setting of Grade II Listed church, and that the development would be out of scale and out of character with the area.

***In response to these comments, it is not possible to comment on the detailed design of the scheme as these plans have not been provided at this stage. These matters would be clarified through the submission of detailed designs at the Reserved Matters stage.***

- 6.8 The letters of representation raise concerns with regards to the impact on wildlife, with reference to the site providing roosting grounds for grey partridge.

***In response to these comments, Derbyshire Wildlife Trust have been consulted on this application and raised no objections subject to the imposition of conditions.***

- 6.9 There has also been an unspecified objection, and a request from Staveley Town Council that the decision on this application be deferred until a larger application for the Mastin Moor/Woodthorpe area is determined.

***In response to these comments, it is not possible to comment on any unspecified objections. The application is judged on its own merits, so it is not appropriate to defer the decision on this application until other applications are determined.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objectors, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control.

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

- 8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).
- 8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.
- 8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

9.0 **CONCLUSION**

- 9.1 The proposals are considered to be appropriate in principle, would be in keeping with the character of the surrounding area and would not have a significant unacceptable impact on the amenities of neighbouring residents or highway

safety. The location of the proposed development site is sufficiently sustainable and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

- 9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of drainage, flood risk, biodiversity, and coal mining legacy. This application would be liable for payment of the Community Infrastructure Levy.

10.0 **RECOMMENDATION**

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

**Conditions**

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

the Local Planning Authority for consideration. The details submitted shall include sufficient cross sections to fully assess the relationship between the proposed levels and immediately adjacent land/dwellings. The dwellings shall be constructed at the levels approved under this condition unless otherwise agreed, in writing, by the Local Planning Authority.

5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
6. Demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 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. 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 contamination. Ground gas, ground water and chemical analysis, identified as being appropriate

desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
  
  - B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
  
  - C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
8. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public rising main i.e. a protected strip width of 6 metres, that crosses the site. If the required stand -off distance is to be achieved via diversion, the developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

9. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
10. 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.
11. Before any other operations are commenced, a new estate street junction shall be formed to Woodthorpe Road located, designed, laid out, constructed and provided with visibility splays of 2.4m x 43m in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the 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.
12. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the 6 C's Design Guide which can be accessed at [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control) and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.



13. 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.
14. The proposed access to Woodthorpe Road shall be no steeper than 1:30 for the first 10m and should not exceed 1:12.
15. 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.
16. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
  - The submission of a scheme of intrusive site investigations for approval;
  - The undertaking of that scheme of intrusive site investigations;
  - The submission of a report of findings arising from the intrusive site investigations;
  - The submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works.
17. 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 as outlined in Section 5 of the ecology report, along with the following:

- details of bird and bat (positions /specification/numbers), including sufficient mitigation for swallows.
- sensitive lighting plan.
- measures to maintain connectivity throughout the site for wildlife such as hedgehogs will be clearly shown on a plan, such as garden fencing raised above ground level or the inclusion of small gaps (130 mm x 130 mm).
- ecologically beneficial landscaping.

Such approved measures should be implemented in full and maintained thereafter.

18. 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.

### **Reasons for Conditions**

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

7. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard
8. In order to allow sufficient access for maintenance and repair work at all times
9. In the interests of highway safety.
10. In the interests of highway safety
11. In the interests of highway safety.
12. In the interests of highway safety.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. To ensure that the development can be properly drained.
16. In the interests of coal mining legacy and safety
17. In the interests of biodiversity.
18. In the interests of reducing emissions in line with Core Strategy policy CS20 and CS8

### **Notes**

1. Any new drainage for the proposed building and any amendments to the existing building drainage may require Building Control approval. Consultations with Yorkshire Water will be required should the applicant wish to discharge to a public sewer.
2. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008.

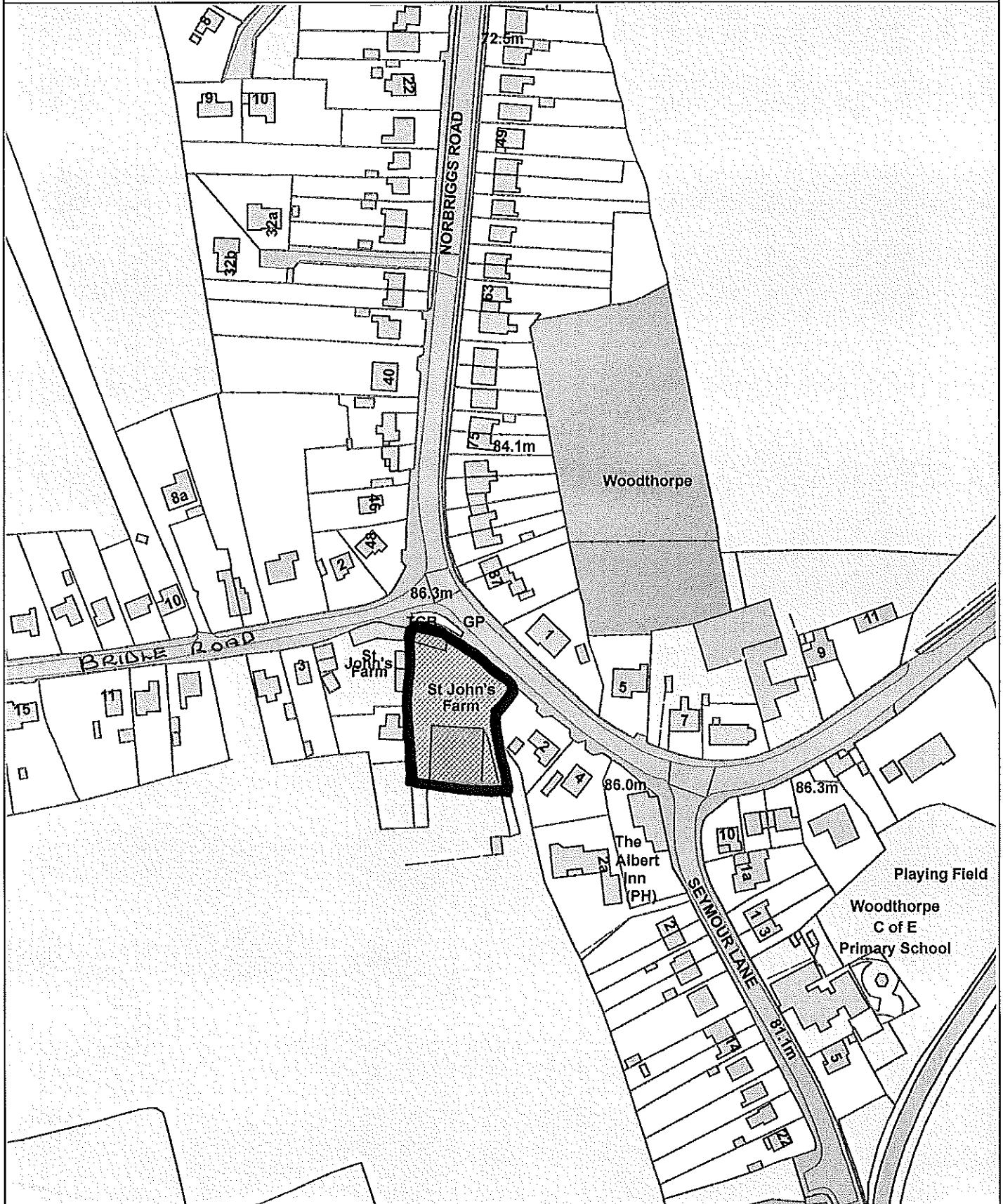
A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may be eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), e-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.
4. The Highway Authority recommends that the first 5m of proposed driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

6. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway (if required) 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 127 Agreements may be obtained by contacting this Authority via email – [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
7. Car parking provision should be made on the basis of two spaces per two/three bedroom dwelling or three spaces per four/four plus bedroom dwelling. Each parking bay should measure 2.4m x 4.8m (larger in the case of spaces for use by disabled drivers) with adequate space behind each space for manoeuvring.
8. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock, contact Mr I Turkington on 01629 538578.
9. Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g.; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

10. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

# PLAN - CHE/17/00634/OUT - 1 Bridle Road



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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 19<sup>th</sup> February 2018

File No: CHE/17/00855/FUL  
Plot No: 2/544

### ITEM 3

## DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT HOUSE - CMRA REC'D 15/01/2018 AT FARMHOUSE OF 23 BRIDLE ROAD, WOODTHORPE, CHESTERFIELD, DERBYSHIRE, S43 3BY FOR MR S WEATHERALL

Local Plan: Open Countryside / Other Open Land  
Ward: Lowgates & Woodthorpe

### 1.0 CONSULTATIONS

<b>DCC Highways Authority</b>	Comments received 14/12/2017 – no objections subject to 3 no. off street parking spaces
<b>Design Services</b>	Comments received 20/12/2017 – no objections
<b>Environmental Health Officer</b>	Comments received 18/12/2017 – no objections but request a condition to secure elec. vehicle charging point
<b>CBC Strategic Planning</b>	Comments received 15/12/2017 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 16/01/2018 – surveys requested
<b>Coal Authority</b>	Comments received 28/12/2017– see report
<b>Yorkshire Water Services</b>	No comments received
<b>Tree Officer</b>	No comments received
<b>Ward Members</b>	No comments received
<b>Staveley Town Council</b>	No comments received
<b>Site Notice / Neighbours</b>	One letter of representation received

## 2.0 **THE SITE**

- 2.1 The site the subject of the application concerns the farmhouse of 23 Bridle Road, which is one property in a complex of farm buildings which have in the past 10 years received permission and been converted (in part) into 3 no. separate dwellings.
- 2.2 The original farmhouse building is a two storey stone built property which has been extended with modern domestic additions and received planning permission in 2012 for annex accommodation in the form of an attached single storey extension.

### **Farmhouse**



### **Annex Accommodation**



- 2.3 The site is accessed via a shared driveway taken from Bridle Road which also provides access to Poppy Barn and Eastwood Barn on the same complex.

### 3.0 **RELEVANT SITE HISTORY**

3.1 CHE/12/00336/FUL - Proposed garden room extension to rear of property and two bedroom accommodation for aged parents on side of house.

Conditional permission granted 26/07/2012.

3.2 CHE/12/00513/DOC – Discharge of condition 3 (materials) of CHE/12/00336/FUL.

Agreed 04/09/2012

### 4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the proposed demolition of the existing farmhouse building at 23 Bridle Road; and erection of a replacement dwelling (two storey / 4 no. bed). The proposals also detail the retention of the existing single storey annex accommodation on site.

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

Existing Site Location Plan

Existing Block Plan

Existing Plans & Elevations DSC.712.A3.02

Proposed Block Plan

Proposed Plans & Elevations DSC.712.01

Proposed Side Elevations

Design & Access Statement and Covering Letter

Coal Mining Risk Assessment

4.3 The plans submitted illustrate the replacement dwelling will comprise of open plan kitchen / dayroom and dining room, lounge, garden room, lobby (to annex) and w.c at ground floor; and 4 no. bedrooms (2 en-suite) and family bathroom at first floor.

4.4 Access to the site will be maintained via the shared driveway off Bridle Road where provision is to be made for 3 no. off street parking spaces to be provided in the front garden area between the building and the highway.

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site the subject of the application lies in the open countryside / other open land (policy EVR2) to the south west of the built settlement of Woodthorpe. Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

5.1.2 In addition the Councils Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

### 5.2 **Principle of Development**

5.2.1 The proposal is for a replacement dwelling in the open countryside. As such consideration must be given to saved Policy EVR2 of the 2006 Local Plan, which stipulates that replacement dwellings in the open countryside are acceptable where:

(c) the scale, siting, design, materials and landscape treatment are such that the visual effect of the proposal is minimised and buildings are in keeping with their surroundings and reflect local character; and

(f) the proposed building does not have a greater impact on the open character of the countryside and the purpose of including land within it than the existing buildings and does not occupy a materially larger area of the site than the existing buildings.

5.2.2 In respect of the criteria of policy EVR2, the Strategic Planning team commented that, *'the proposal accords with criteria c, but has a larger footprint than the existing house and therefore does not accord with criteria f'*. Notwithstanding this, criteria f states the proposed development should not occupy a materially larger area than the existing dwelling and therefore it is considered that there is scope to explore the impacts of a 'materially' larger scheme on the site and policy context further.

- 5.2.3 As submitted the footprint of the replacement dwelling is proposed to be sited in the exact same position as the principle (west) and side (north) elevations as the existing farmhouse, however to the rear the replacement dwelling includes a proposal to increase the depth of the overall farmhouse footprint by 2m but reduce the depth of the garden room addition by 2m. Overall this results in an increase of 8.8m x 2m to the footprint of the property (concentrated to the rear (east) elevation of the building). *The proposals also detail the addition of a first floor above the footprint of the garden room (which as previously only a single storey extension) and an increase in the ridge height of the dwelling by 1.1m.*
- 5.2.4 The policy is clear in that the issue for consideration in respect of criteria f is the area that the buildings occupy, and therefore the increase in roof height and the addition of a first floor are not instrumental to criteria f. In respect of area therefore a matter which is a consideration of the 'material' footprint of the building however is the fact the dwelling benefits from permitted development (PD) rights as a fall back position. Under these provisions the existing building could be extended across the entire breadth of the rear elevation to a depth of 4m at single storey, and across the entire breadth of the rear elevation to a depth of 1m at two storey without the need for planning permission. On this basis the fall back position is a material consideration and what must therefore be weighed into the balance of considerations is whether what is being proposed is materially larger in footprint than what the dwelling could be extended to be under permitted development rights.
- 5.2.5 In this case the footprint being proposed is actually less than what could be built / extended under PD rights and therefore it can only be reasonable to conclude that the proposals will not occupy a materially larger area than the existing dwelling (as it could be extended); for the purposes of criteria f of the policy EVR2. Furthermore given that criteria c is also met, the principle of development is considered to be acceptable.
- 5.2.6 In the context of these considerations however, permitted development rights for extensions / alterations to any replacement dwelling would be granted by default, if planning permission was granted for this new dwelling, and therefore this scenario could pose a further impact upon the open countryside which should be controlled by removal of PD rights in this case.

- 5.2.7 The Strategic Planning team also commented that the existing annex (approved under CHE/12/00336/FUL) has a clear potential to function as a separate dwelling, as there is very little connectivity between the proposed dwelling and the existing annex, however the connection between the new dwelling and the annex is exactly the same as currently exists and therefore it can only be regarded as being acceptable.
- 5.2.8 It is noted the existing annex was approved on the basis of it being ancillary to the existing farmhouse, and conditioned such that the annex cannot be not be occupied in the event the main dwelling is unoccupied (which will be the case for the period of the demolition and re-building), therefore a separate variation of condition application will need to be submitted to authorise the temporary occupation of the existing annex as ancillary independent to the farmhouse (when it is demolished) and thereafter to authorise its future occupation tied to the new replacement dwelling.
- 5.3 **Design and Appearance Considerations (inc. Neighbouring Impact / Amenity)**
- 5.3.1 The site the subject of the application lies within the curtilage of 23 Bridle Road, which is a complex of existing, converted and new buildings which are located on the western end of Bridle Road in a rural setting. The site is not a conservation area nor are any of the buildings within the complex listed. There has been substantial elements of rebuild works take place to some of the barns adjacent and newer more modern additions added to all of the three properties taking the form of stables / goat sheds and domestic extensions / conversions.
- 5.3.2 The application submitted proposes the erection of a replacement dwelling which takes a similar form and appearance to the original property, including similar window locations / proportions, chimneys, external finishes and footprint. The differences include the increase in footprint to the rear, the increased ridgeline height of the roofline and the addition of the first floor above the garden room.

- 5.3.3 The application details that the replacement dwelling will be constructed with a natural stone finish, with brick faced chimney stacks and a slate / slate tiled roof. The finishes proposed are considered to be acceptable.
- 5.3.4 Having regard to the proposed siting, scale and overall design of the replacement dwelling it is considered that the development proposals are acceptable. The dwelling (maintaining the same principle elevation footprint) will reflect the same relationship to the existing neighbouring properties as exists at present, with the exception of the increased ridge height which is of sufficient separation / orientation to not impose any adverse overbearing / overshadowing effects.
- 5.3.5 In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not adversely impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

#### 5.4 **Highways Issues**

- 5.4.1 The proposals include the provision of a replacement 4 bedroom dwelling, which generates the need for the site to be served by 3 no. dedicated off street parking spaces in accordance with policy CS20 of the Core Strategy.
- 5.4.2 The application submission details the provision of 3 no. space which are to be provided in the front garden area of the site off the shared driveway. The details submitted are considered to be acceptable and can be secured by appropriate planning condition.
- 5.4.3 In addition to the parking provision requirements, policy CS20 also expects development proposals to demonstrate provision of opportunities for charging electric vehicles where appropriate. Where new dwellings have garages or other off-street parking spaces, provision should be made for a domestic recharging point and this should be secured by condition.

## 5.5 **Flood Risk & Drainage**

- 5.5.1 Having regard to the provisions of policy CS7 of the Core Strategy the application site is located in the lowest flood risk zone 1 and is not shown to be at risk from surface water or fluvial flooding. The existing property is drained by soakaway (surface water) and package treatment facility (foul water) and it is intended that the new dwelling will be connected to the same systems.
- 5.5.2 Both the Design Services (DS) team and Yorkshire Water Services (YWS) were consulted on the application proposals, with no objections received from the DS team and YWS declining to comment given the proposed foul water proposals.
- 5.5.3 Amendments to the existing system as a result of the development proposals would be handled through Building Regulations and therefore in respect of flood risk and drainage the proposals are acceptable.

## 5.6 **Land Condition / Contamination / Noise**

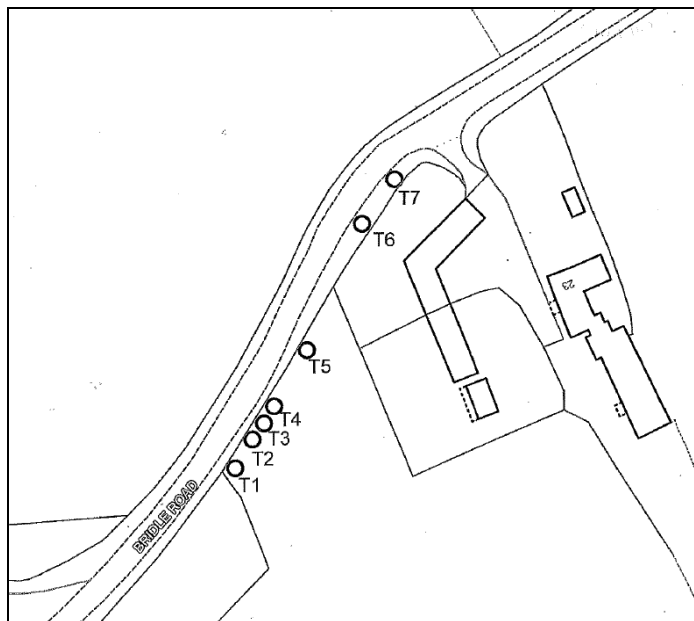
- 5.6.1 The application submission has been reviewed by the Coal Authority (CA) and Environmental Health Officer (EHO) having regard to issues in respect of land condition and contamination / noise under the provisions of policy CS8 of the Core Strategy.
- 5.6.2 The CA made an initial request for a Coal Mining Risk Assessment (CMRA) to be prepared and submitted for consideration and this was received on 15/01/2018. Further comments were sought from the CA who are yet to provide a formal response, however the CMRA concludes that further site investigations are necessary to determine the presence and / or otherwise of unrecorded coal working sand therefore an appropriate planning condition can be imposed on any decision issued to secure these site investigations before any other works (except demolition) take place.
- 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.



5.6.4 The EHO's response raised no objections to the proposals in respect of contamination, however in the interest of neighbouring amenity it will be necessary to control construction hours.

## 5.7 Ecology & Trees

5.7.1 There are a number of mature trees aligning Bridle Road, of which 7 no. are protected by Tree Preservation Order (TPO) 4901.345; notwithstanding this the application proposals will not adversely affect any of the protected trees along the highway frontage.



5.7.2 Having regard to the nature of the application proposals and the provisions of policy CS9 of the Core Strategy **Derbyshire Wildlife Trust** (DWT) were consulted on the application submission. Given the proposals include the proposed demolition of the existing farmhouse building DWT's response requested further ecological survey work of the existing building to establish any potential bat presence.

5.7.3 In response the initial comments of DWT the applicant's agent (a building surveyor) confirmed that the existing building had been completely re-roofed 2 years ago and therefore the roof space was entirely enclosed and the potential for any bat roosting opportunities were low (this was confirmed by the case officers site inspection and previous involvement in the sites development).

5.7.4 On the above basis it is considered that the need for the applicant to undertake a further bat survey is unnecessary as the likelihood of the survey revealing any presence given the recent works are unlikely.

5.7.5 Notwithstanding this however, under the provisions of policy CS9 of the Core Strategy, there lies future opportunity to secure ecological enhancements to the new building through the provision of bird and bat boxes (which can be built integral to the building fabric) and an appropriate planning condition can be imposed to this effect.

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

5.8.1 The application site lies within the ward of Woodthorpe and Lowgates which is in the 'low' CIL charging zone and on the basis the development proposals involve the creation of a new dwelling the development will be CIL liable.

5.8.2 Demolition of existing occupied floorspace can be discounted from the charge calculation and therefore the CIL charge for these development proposals have been calculated as follows:

Existing floorspace      139sqm  
(to be demolished)

Proposed floorspace      195sqm

Net increase              56sqm x £20 = **£1,120**

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 18/12/2017 and by neighbour notification letters sent on 12/12/2017.

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

### **3 Cairn Drive (owner of adjacent Eastwood Barn)**

The drawings submitted do not show the full extent of the existing building; therefore until this is corrected it is unrealistic that anyone could form an opinion of the proposals;

The dwelling has already been extended in 2013 and any further increase in built footprint would not be in line with local plan policy which obviously should take into account existing extensions, building already approved and structures erected for which permission was not applied;

The plans uploaded onto the Portal are unable to be scaled from, although it appears the front of the new dwelling will be situated closer to the barn opposite which is under conversion to a dwelling. Privacy should be maintained;

I would like to review the Coal Mining Risk Assessment when it becomes available;

The application commentary says the building is small, but if all the buildings were shown on the plans this would be far from the case, this statement is misleading;

The proposals materials indicate the use of stone and render, however I considered that if permission is granted the building should match in with the surrounding area and be built of stone;

The present property has already undergone improvements (new windows, roof, extension etc) and therefore the comments of the supporting letter which state it is more economical to re-build the property are incorrect. There are many different building methods in the construction trade that can facilitate conversion and upgrades to existing buildings to make them more energy efficient without demolishing them; and

Since the extensions were built there have been a number of buildings erected in the curtilage of this address without permission, brick built and with hipped roofs which are out of character.

### 6.3 **Officer Response:**

***Refer to sections 5.2 5.3 and 5.6 of the report above.***

***It is not considered necessary to require the applicant to extend their drawings to include the annex building on the submitted elevation and floor plans of the proposals. The application proposes only to replace the farmhouse building and therefore the annex is unaffected. The retention of the annex is reflected on the block plans submitted.***

***It is the applicants choice to demolish and rebuild the building as opposed to renovate, despite recent home improvements. The economics / cost of such are not a material planning consideration as the building is neither listed nor in a conservation area.***

***Any ongoing enforcement investigations in respect of other buildings in the curtilage of the site do not prevent this application from being determined. The appropriateness and / or otherwise of these buildings is not being considered as part of this application.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

## 9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriate having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policy EVR2 of the Local Plan, policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS9 of the Core Strategy and the wider NPPF in respect of drainage, flood risk, land condition and contamination.

## 10.0 **RECOMMENDATION**

10.1 It is therefore recommended that the application be **GRANTED** subject to a CIL Liability Notice being issued (as per section 5.8 above) and the following conditions / notes:

## **Conditions**

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

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

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

Existing Site Location Plan

Existing Block Plan

Existing Plans & Elevations DSC.712.A3.02

Proposed Block Plan

Proposed Plans & Elevations DSC.712.01

Proposed Side Elevations

Design & Access Statement and Covering Letter

Coal Mining Risk Assessment

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

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

*Reason - To fully establish the presence and / or otherwise of any 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.*

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

*Reason – In the interests of highway safety.*

05. The dwelling shall be occupied until space has been laid out within the site in accordance with approved planning layout for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

*Reason – In the interests of highway safety.*

06. 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.

*Reason - In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.*

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

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

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

08. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without the prior written agreement of the Local Planning Authority.

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

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

*Reason - In the interests of residential amenities.*

10. 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.*

11. 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.*

12. 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.

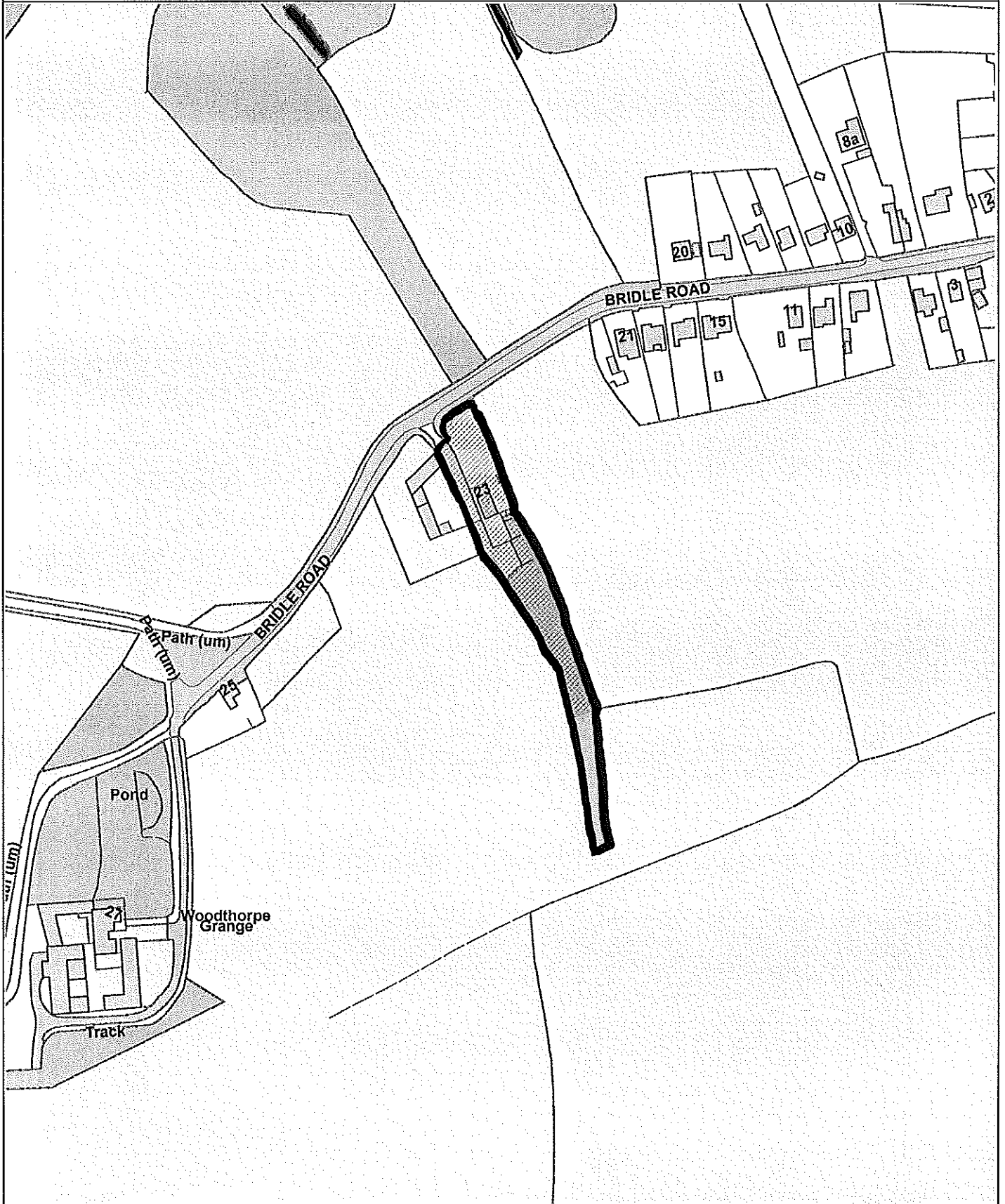
*Reason - The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.*

### **Notes**

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

03. The applicant is advised that under the conditional requirements of planning permission CHE/12/00336/FUL the annex accommodation (which is proposed to be retained whilst the farmhouse is demolished and rebuilt) is not permitted to be occupied if the farmhouse is not; and therefore a separate application to temporarily vary the condition will need to be made.
04. 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.
05. 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.

PLAN - CHE/17/00855/FUL - 23 Bridle Road



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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 19<sup>th</sup> February 2018

File No: CHE/17/00874/REM  
Plot No: 2/3310

#### **ITEM 4**

### **PROPOSED APPLICATION FOR RESERVED MATTERS FOR CHE/16/00069/OUT ON LAND ADJ TO 89 SHEFFIELD ROAD, STONEGRAVELS, CHESTERFIELD, DERBYSHIRE FOR THE DERBY DIOCESAN BOARD OF FINANCE LTD**

Local Plan: Unallocated  
Ward: St Helens

#### 1.0 **CONSULTATIONS**

<b>DCC Highways Authority</b>	Comments received 10/01/2018 – see report
<b>Environmental Health Officer</b>	Comments received 22/01/2018 – see report
<b>Design Services</b>	Comments received 05/01/2018 – see report
<b>Yorkshire Water Services</b>	Comments received 09/01/2018 – see report
<b>Tree Officer</b>	Comments received 06/02/2018 – see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	One letter of representation received

#### 2.0 **THE SITE**

2.1 The site the subject of the application forms the garden area of the church vicarage, known as No 89 Sheffield Road. Access to the application site is taken from a narrow driveway leading between the Community Centre and No 87 Sheffield and serves the small car park to the rear of the Community Centre and the private parking area for No 89. Beyond the application site to the east lies the Christ Church Hall, which is situated at the far end of the shared driveway.

2.2 The application site is 0.1256 ha and measures approximately 26m wide along the northern and southern (driveway frontage) boundaries; 30m deep along its western boundary; and 33m deep along its eastern boundary. The edge of the application site is sited 50m from the adopted highway edge of Sheffield Road.

2.3 The site is adjoined on its eastern and northern boundaries with mature trees, set in the grounds of the adjoining northern site and the Christ Church Hall. In addition there are two mature lime trees situated on access driveway boundary within the application site, and two further lime trees adjacent to the Community Centre. The rear gardens of No 20 and 22 Hazlehurst Lane and No 87 Sheffield Road share immediate boundaries with the access driveway forming the southern boundary of the application site.

### 3.0 **RELEVANT SITE HISTORY**

3.1 CHE/16/00808/DOC - Discharge of conditions 5, 7, 8, 9, 10 and 11 of CHE/16/00069/OUT.

- Conditions 5, 10 and 11 agreed 02/02/2017

- Conditions 7, 8 and 9 still outstanding (pending REM application)

3.2 CHE/16/00069/OUT - Erection of 3 new dwellings and improvements to vehicular access to Sheffield Road (previously approved under CHE/13/00814/OUT).  
Conditional permission granted 29/03/2016.

3.3 CHE/13/00814/OUT – The creation of 3 new dwellings and improvements to vehicular access to Sheffield Road (resubmission of CHE/13/00213/OUT). Approved conditionally on 18/12/2014.

3.4 CHE/13/00213/OUT - The creation of 3 No new dwellings and improvements to vehicular access to Sheffield Road. Refused on 04/06/2013.

3.5 CHE/11/00503/OUT - Proposed 3 new dwellings and improvements to vehicular access. Refused on 26/10/2011.

### 4.0 **THE PROPOSAL**

4.1 In March 2016 planning permission was granted in outline for residential development of up to 3 no. dwellings on land located to the rear of 89 Sheffield Road.

- 4.2 This is an application which seeks reserved matters approval for the erection of 3 no. dwellings (1 no. detached dwelling and 1 no. pair of semi-detached dwellings) with access for each plot served off the existing access driveway.
- 4.3 The application site is to be sub-divided into 3 no. plots, with each respective boundary running north to south. The first plot adjoining the western boundary details a detached two storey, 3 bed house with driveway parking providing 1 no. space and an integral garage. The remaining second and third plots site the proposed semi-detached dwellings, both served by driveway parking for 2 no. vehicles each accessed off a new 9m x 9m turning area formed at the end of the original access driveway. The plot layout plans submitted also indicate the retention of the 4 no. mature lime trees along the existing access driveway (ref. T1 – T4 which are protected by Tree Preservation Order 4901.317).
- 4.4 The application submitted is supported by the following list of plans / documents:  
Location Plan - 679 003 Rev A  
Site Plan As Existing - 679 001  
Site Plan As Proposed – 679 101  
Plot 1 Proposed Floor Plans and Elevations - 778 100  
Plots 2 & 3 Proposed Floor Plans and Elevations – 778 200

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

- 5.1.1 The site the subject of the application remains within the built settlement of Stonegravels which is predominantly residential in nature, but includes commercial / community uses in the surrounding locality. Having regard to the nature of the application policies CS1, CS2, CS3, CS7, CS8, CS9, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 5.1.2 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.

## 5.2 **Principle of Development**

5.2.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/16/00069/OUT for the erection of 3 no. dwellings (1 no. detached dwelling and 1 no. pair of semi-detached dwellings) with access for each plot served off the existing access driveway, which was approved on 29/03/2016 subject to 17 no. conditions.

5.2.2 The live outline permission enables applications for reserved matters approval to be submitted for a period of three years following the date of the outline approval (i.e up to 28/03/2019).

5.2.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions the outline permission cannot be revisited. Only the outstanding reserved matters issues concerning access, appearance, landscaping, layout and scale are to be considered.

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

5.3.1 It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the proposed site layout to ensure a good standard of design overall is achieved. The application submission is supported by working details of hard and soft landscaping solutions which have been considered and are acceptable in principle. They offer appropriate response and legibility to the streetscene being created.

5.3.2 The site has been laid out such that all adjoining and adjacent neighbouring properties have an acceptable separation distance to the new dwellings and all gardens are of appropriate depths to protect the privacy and amenity of neighbours commensurate with the requirements of the Council's adopted SPD 'Successful Places – Housing Layout and Design.



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

5.3.4 In respect of the protected trees on site the Tree Officer has been involved in the evolution of the reserved matters design to ensure that the root protection areas of the protected trees are respected in the layout and form of development proposed. This has led to some degree of compromise being necessary in respect the driveway and access / parking layout. The Tree Officer provided the following comments:

*Drawing 778 101 by Haxton Koyander Architecture Ltd dated 4th December 2017 has been submitted showing the siting and layout of the 3 dwellings which are located outside the root protection area of the protected trees reference T3-T14. It is however proposed that a car port is to be constructed to plot 3 on the east boundary within the RPA of trees T5-T7. A condition should therefore be attached to any decision for further details of the construction details and construction method for the car port and how it affects the rooting environment.*

*Details should also submitted showing the location of the 'no dig' above ground construction areas where they encroach into the root protection areas of the protected trees. Only the details approved by the Local Planning Authority shall be implemented as part of the development*

*The drawing 778 101 by Haxton Koyander Architecture Ltd dated 4th December 2017 shows the location and trunk diameter of T3 & T4 adjacent to the access road. It is proposed that the existing Privet hedge will be removed to the east of T4 to allow the construction of the turning space and the re-location of the lamp post. There is no objection to the section of hedgerow being removed and new hedging planted to follow the new alignment, however the location of the lamp post will be in the canopy of the protected tree and result in the need for continuous pruning. An alternative location for the lamp stand should therefore be proposed outside the canopy of the trees.*

*Drawing 778 101 by Haxton Koyander Architecture Ltd dated 4th December 2017 refers to the Tree Protection Plan SRC03 by Weddle Landscape Design – however a revised site layout has now been submitted which is not reflected in the latest submission. A condition should therefore be attached to any decision notice for the submission of a revised Tree Protection plan (TPP) which shows the location of the tree protective fencing in relation to the proposed site layout as shown on drawing 778 101 by Haxton Koyander Architecture Ltd. The TPP should also show the tree protection measures for the proposed car port on plot 3 and locations for the ‘no dig’ above ground construction. Only the details approved by the Local Planning Authority shall be implemented as part of the development.*

*Details of the above ground ‘no dig’ construction method of the turning space, driveways and parking areas to plots 1- 3 have been submitted in the Arboricultural Impact Assessment and Arboricultural Method Statement (AIA) dated December 2016 for the application CHE/16/00808/DOC however this should also be revised and re-submitted along with the revised Tree Protection Plan. It is noted that the drawing 778-101 and AIA refers to tree protection plan SRC03 however these documents do not relate to the new layout proposals.*

- 5.3.5 On the basis of the comments made by the Tree Officer above it is considered that the details submitted in respect of tree protection measures can be appropriately dealt with by the requirement to provide revised information in respect of conditions of the outline permission.

#### 5.4 **Highways Issues**

- 5.4.1 The application submission is seeking approval of access, amongst all other remaining reserved matters, and accordingly the Local Highways Authority was consulted on the application details. The following comments were received:

*This application is for approval of reserved matters from CHE/16/00069/OUT and under development description on the application form it makes reference to improvements to the vehicular access to Sheffield Road approved under CHE/10/00814 although I believe this should be CHE/13/00814. It is taken that these are the improvements at the junction of Sheffield Road and*

*access and the immediate section of the access including the passing place and comments are given on this basis.*

*The plan submitted with CHE/13/00814 indicated the access at 4.1m wide, on the plan submitted with the current application, however, the width measures below this at approximately 3.0/3.2m. It should be noted that whilst not an ideal situation, development has previously been accepted on the basis of improvements that would be of benefit to all users.*

*The proposed dwellings would all access/egress via the turning head via a single and shared driveway rather than individual accesses. The shared driveway is considered to be too narrow and should be a minimum width of 4.25m. It is felt more likely that the turning will be more prone to parking thereby negating its provision.*

*Single garages should have minimum internal dimensions of 3m x 6m.*

*The Highway Authority considers that the layout shown on the drawing submitted with CHE/13/00814/OUT is preferable to the currently proposed layout. Subject to the access width being increased in width to 4.1m, the single garage being increased in internal dimensions to 3m x 6m and the shared driveway to Plots 1 and 2 being increased in width to a minimum 4.25m it is then recommended, if you are minded to grant planning permission, that the following conditions are included in any consent.*

- 1. Prior to any works commencing, the applicant shall submit and have approved, in writing, by the Local Planning Authority in consultation with the Highway Authority a revised plan showing an access width of 4.1m, a single garage of minimum internal dimensions of 3m x 6m and the private drive to Plots 1 and 2 increased in width to a minimum 4.25m.*
- 2. Before any other operations are commenced, the existing access to Sheffield Road shall be modified in accordance with Drawing No. 002 Revision E submitted with application Code CHE/13/00814/OUT, laid out, constructed and provided with visibility splays of 2.4m x maximum achievable over land in the ownership/control of the applicant and/or highway in both directions, the area in advance of the sightlines being*

*maintained clear of any object greater than 1m in height (0.6 m in the case of vegetation) relative to nearside carriageway channel level.*

3. *The premises, the subject of the application, shall not be occupied until the access has been laid out and constructed with inclusion of a 9m x 9m turning facility.*
4. *The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the revised application drawing approved under condition 1 above for the parking of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
5. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage to Plot 1 shall not be used other than the parking of a motor vehicle associated with the occupation of the dwelling except with the prior permission of the Local Planning Authority granted on an application made in that regard.*
6. *The garage hereby permitted shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.*
7. *There shall be no gates or other barriers on the access.*
8. *The proposed driveways shall be no steeper than 1 in 14 over their entire length.*

#### 5.4.2

Having regard to the comments of the LHA detailed above, it is unclear why they are making reference to details approved under application CHE/13/00814/OUT as this consent has lapsed and is not the outline permission against which these reserved matters details are sought.

- 5.4.3 The current outline permission upon which the details are prepared is application CHE/16/00069/OUT and these details previously illustrated a proposed increase in width of the driveway beyond the Community Centre. Notwithstanding this the indicative layout submitted with the outline permission was not agreed, due to the fact the widening of the driveway to 4.1m and the creation of a separate driveway to Plot 1 resulted in the loss of protected trees (T3 and T4) which the LPA wanted retaining as part of the redevelopment scheme.
- 5.4.4 On this basis whilst it is accepted that the latest layout revisions do include a compromise in terms of the resulting width of the driveway access, the compromise needed to the driveway width is well clear of the public highway and therefore does not result in an adverse impact upon the safe operation of the public highway. Essentially the compromise means that there might be an instance where someone manoeuvring from the shared driveway into the 9 x 9m turning area might force someone to wait on the driveway whilst this happens; however there is clear intervisibility available and a passing place on the shared driveway access has been secured under the provisions of the outline permission to enable this to take place without affecting vehicle flow on Sheffield Road.
- 5.4.5 The comments of the LHA in respect of the dimensions of the single garages are noted, however only Plot 1 includes a garage which in fact measures 3.0m x 6.1m internally. Plots 2 and 3 are to be served by a car port structures instead (to avoid the need to dig foundations in root protection areas of trees) and therefore the internally dimension of an open sided structure is less critical.
- 5.4.6 The remainder of the conditions suggested by the LHA in their comments above are already secured as conditions of the outline planning permission and therefore need not be duplicated on any reserved matters approval granted.

## 5.5 **Technical Considerations**

- 5.5.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, land condition and contamination; however these matters and the detailed matter thereof are dealt with under a discharge of conditions applications which have also

been submitted for consideration. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised are being dealt with separately in connection with each respective planning condition / discharge of conditions application.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 03/01/2018 and by neighbour notification letters sent on 19/12/2017.

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

### **Local History Society, Christ Church, 91 Sheffield Road**

With reference the application there is conflicting advice about the location and status of the air raid shelter; which has been discovered underneath the site; and

As a hirer of the Community Centre Annex in Christ Church we are concerned that parking at the Centre will be frustrated by the parking of visitors to the new builds and existing vicarage.

6.3 ***Officer Response:***

***In respect of the air raid shelter discovered as part of the site investigation works, the applicant / agent submitted details of their structural engineers report on the findings and the necessary steps needed to remediate the site to undertake the development – despite this not being necessary or a conditional requirement of the outline planning permission; and***

***The matters in respect of parking have already been considered and agreed under the outline planning permission. The development proposals are considered to be appropriate served by an acceptable degree of off road parking provision.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary

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

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

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

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

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

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

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

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

## 9.0 **CONCLUSION**

9.1 The proposals are considered to be appropriately designed having regard to the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies CS2, CS10, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

9.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS9 of the Core Strategy and the wider NPPF in respect of technical considerations.

## 10.0 **RECOMMENDATION**

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

### Conditions

01. All external dimensions and elevational treatments shall be as shown on the approved plans / documents (listed below) with the exception of any approved non material amendment.  
Location Plan - 679 003 Rev A  
Site Plan As Existing - 679 001  
Site Plan As Proposed – 679 101  
Plot 1 Proposed Floor Plans and Elevations - 778 100  
Plots 2 & 3 Proposed Floor Plans and Elevations – 778 200

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

02. In accordance with the requirements / provisions of condition 9 of the outline planning permission (which require revision to reflect this agreed layout detail), further details of the proposed method of construction of the car port to Plot 3 which lies within the root protection area of the adjacent trees shall be submitted to and agreed in writing by the Local Planning Authority. Only the details approved in writing by



the Local Planning Authority shall be implemented as part of the development.

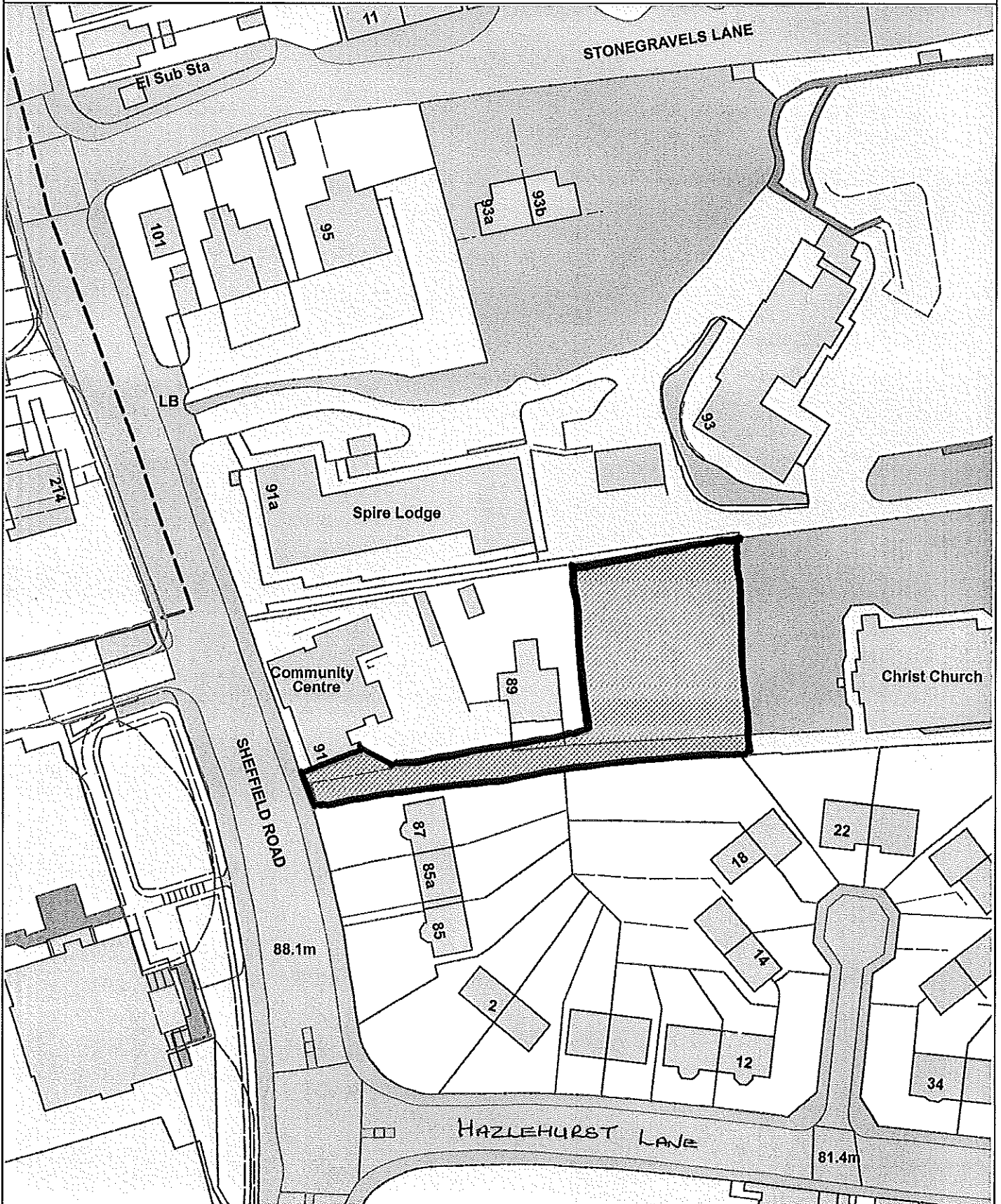
*Reason - In the interest of safeguarding the protected trees, having regard to their root protection areas, and in the interest of the appearance of the surrounding area.*

### 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 permission is granted further to an earlier grant of outline planning permission to which any developer should also refer.
03. The applicant is advised that where details may have been agreed in respect of the discharge of conditions of the outline planning permission; there is likely to be the need to review the details submitted so that they reflect the layout and detail of this reserved matters approval. Namely conditions 7, 8, 9, 10 and 16 of CHE/16/00069/OUT.

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PLAN - CHE/17/00874/REM - LAND REAR OF 89 SHEFFIELD RD



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# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	19 <sup>th</sup> FEBRUARY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Building Regulations P150D and P160D, P570D, P580D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

17/01209/OTHC	Other Works (Commercial) New Industrial Unit to Provide PDI Centre Site Of Proposed Valeting Bay And Vehicle Compound Storage Station Road Whittington Moor Derbyshire	Conditional Approval	24/01/2018
17/01986/DCC	Derbyshire County Council Internal refurbishment and remodelling of offices County Hall (North Complex) Smedley Street Matlock Derbyshire The S Room DE4 3JJ	Unconditional Approval	22/01/2018
17/02067/MUL	Multiple Domestic Single storey extension - kitchen, bathroom, utility room - Lounge extension 34 Highfield Avenue Newbold Chesterfield Derbyshire S41 7AX	Conditional Approval	18/01/2018
17/01789/DEX	Domestic Extensions/Alterations Extension 1 Penmore Close Hasland Chesterfield Derbyshire S41 0SH	Conditional Approval	15/01/2018
17/02135/DEX	Domestic Extensions/Alterations Knocking conservatory down, single storey extension to be put in its place 360 Ashgate Road Chesterfield Derbyshire S40 4BW	Unconditional Approval	22/01/2018
17/02003/PART	Partnership Application Single storey front and rear extensions, two storey side extension, alterations to roof including rear facing dormer, entrance porch and the provision of a detached double garage. 113 Church Lane, Underwood, Nottingham, NG16 5FS	Conditional Approval	24/01/2018
18/00082/DEX	Domestic Extensions/Alterations Single storey rear extension 2 Westwood Close Inkersall Chesterfield Derbyshire S43 3JE	Conditional Approval	18/01/2018
17/02053/PART	Partnership Application Side extension to Kitchen 12 Doctor Lane Harthill Sheffield S26 7XL	Unconditional Approval	25/01/2018
17/02112/MUL	Multiple Domestic Two storey extension, one storey extension and loft extension 11 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JB	Conditional Approval	17/01/2018
18/00006/OTHD	Other Works (Domestic) Proposed Garage Conversion 103 Cuttholme Road Loundsley Green Chesterfield Derbyshire S40 4PU	Unconditional Approval	15/01/2018
17/02097/DCC	Derbyshire County Council Bathroom adaptation 39 New Road Crich Matlock Derbyshire DE4 5BX	Unconditional Approval	29/01/2018
18/00024/OTHD	Other Works (Domestic) Internal wall removal between lounge and kitchen 56 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4EE	Unconditional Approval	15/01/2018
18/00132/DRO	Domestic in-roof Extensions/Alterations Loft conversion 340 Brimington Road Tapton Chesterfield Derbyshire S41 0TF	Conditional Approval	16/01/2018
17/02124/PART	Partnership Application Rear extension 31 Cobnar Avenue SHEFFIELD S8 8RL	Unconditional Approval	26/01/2018

17/02118/OTHD	Other Works (Domestic) Installation of double stacked porta cabins Engine Shed Barrow Hill Railway Centre Campbell Drive Barrow Hill Chesterfield Derbyshire S43 2PN	Conditional Approval	31/01/2018
17/02141/DEX	Domestic Extensions/Alterations Single storey domestic extension 31 Barley Lane Holme Hall Chesterfield Derbyshire S42 7JA	Conditional Approval	26/01/2018
18/00148/PART	Partnership Application Single storey rear extension 4 Bunting Close Walton Chesterfield Derbyshire S42 7NU	Conditional Approval	16/01/2018
18/00150/DEX	Domestic Extensions/Alterations Second storey extension 53 Foljambe Avenue Walton Chesterfield Derbyshire S40 3EY	Conditional Approval	18/01/2018





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# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	19 <sup>TH</sup> FEBRUARY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No File No</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
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 Derbyshire S41 9DA  For Mr Clive Moorwood	CP	15/01/2018
CHE/17/00658/FUL 277	West	Demolition of existing outbuildings, proposed wash and valet bay structure  At 464 Chatsworth Road Chesterfield S40 3BD  For Vertu Motors	CP	15/01/2018
CHE/17/00753/FUL	Walton	Demolition of existing conservatory, rear extension and garage and erection of new single storey side and rear extension, extended raised patio and shed. Revised drawings to scale received 22.11.17  At 12 Matlock Road Chesterfield S40 3JQ  For Mr and Mrs Turner	CP	17/01/2018
CHE/17/00782/FUL 1505	Dunston	Proposed two storey B1, B2 & B8  At Unit 1 Digital House Foxwood Road Sheepbridge S41 9RF  For A M International Agencies Directors Pension Fund	CP	17/01/2018

Code No File No	Ward	Proposal	Decision	Decision Date
CHE/17/00820/FUL 1261	St Leonards	Rear extensions to private dwelling house At 215 Hady Lane Hady S41 0DA For Mr Simon Davidson	CP	16/01/2018
CHE/17/00821/DOC 876	Barrow Hill And New Whittington	Discharge condition 3 (Drainage) from approved application CHE/17/00568/FUL At London Borough Estate Barrow Hill Derbyshire For Chesterfield Borough Council	DPC	19/01/2018
CHE/17/00824/FUL 2/1746	Brockwell	Two storey side and single storey rear extension At 41 Larch Way Brockwell Chesterfield Derbyshire S40 4EU For C Rooney	CP	16/01/2018
CHE/17/00825/FUL 1922	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
CHE/17/00827/FUL 4907	St Helens	Single storey extension to dwelling - Re-submission of At 47 Tapton View Road Newbold Derbyshire S41 7JY For Mrs Yasmin Shafiq	CP	15/01/2018

<b>Code No File No</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00831/FUL 288	St Leonards	Security fencing to the top of existing boundary walls facing At Chesterfield Police Station New Beetwell Street Chesterfield S40 1QP For Mr Hardyl Dhinsa	CP	17/01/2018
CHE/17/00833/DOC 1655	Dunston	Discharge conditions 15 (remedial works & mitigation measures), 16 (site investigations on the mine entry (ADIT) ) and 17 (mine entry (shaft) remediation scheme) on application CHE/16/00421/FUL - Erection of a bungalow At Land Adjacent To 105 Kendal Road Newbold Derbyshire For Blackamoor Ltd	DPC	17/01/2018
CHE/17/00835/FUL 1395	Walton	Erection of 2 storey rear extension At 5 Lancelot Close Walton S40 3ET For Mr Josh Smithurst	CP	19/01/2018
CHE/17/00836/FUL 4016	Rother	Loft extension / roof alteration At 92 Langer Lane Chesterfield Derbyshire S40 2JJ For Mr Paul McCann	CP	16/01/2018
CHE/17/00838/TPO 1658	Dunston	(T43) Ash - To fell. excessive shading to house, continual falling At The Hawthornes 8 Lancaster Road Newbold Derbyshire S41 8TR For Mr Gary Fearnehough	REF	06/02/2018

<b>Code No File No</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00843/FUL 26	Old Whittington	Changes to the external facade At Unit 4 Brimington Road North Industrial Park Brimington Road North Chesterfield S41 9AJ For Stoneacre Motor Group	CP	02/02/2018
CHE/17/00851/ADV 5964	St Leonards	Six fascia signs At York House St Marys Gate Chesterfield Derbyshire  For Mr James Boyle	CP	02/02/2018
CHE/17/00858/FUL 794 2022	Old Whittington	Two storey side extension At The Old Stables 35-35A Prospect Road Old Whittington Derbyshire S41 9DS For Mr and Mrs M Payne	CP	24/01/2018
CHE/17/00860/FUL 2/5884	Hasland	Resubmission of CHE/16/00798/FUL - first floor front extension due to different building materials At 112 Broomfield Avenue Hasland Derbyshire S41 0ND For Mr J Dooley	CP	01/02/2018
CHE/17/00861/FUL 5903	Walton	Two storey side extension and extension of dropped kerbs. At 40 Greenways Walton Chesterfield S40 3HF For Mr James Hodgson	CP	05/02/2018



Code No File No	Ward	Proposal	Decision	Decision Date
CHE/17/00875/ADV 544 3509	Lowgates And Woodthorpe	Elevation mounted 'Great Bear' lettering to face fix sign At Plot 13 Markham Lane Duckmanton Derbyshire  For Great Bear Distribution Ltd	CP	29/01/2018
CHE/17/00884/DOC 2553	Holmebrook	Discharge planning conditions 2 (Drainage), 3 (foul and surface water), 4 (surface water), 6 (site storage), 9 (parking and turning), 10 (estate roads), 11 (gates), 13 (wheel wash facilities), 14 (soft landscaping), 15 (windows), 16 (sustainable homes), 17 (energy efficiency), 18 (working hours), 19 (designing out crime), 20 (external dimensions) and 21 (S106 agreement) of application CHE/14/00409/REM1 - Two sets of three terrace houses with three bedrooms plus private parking and private rear gardens. One detached unit containing four one bedroom apartments with private parking for each apartment and communal rear gardens At Former Garage Site Barker Lane Chesterfield Derbyshire  For Mr John Frederick	DPC	02/02/2018
CHE/17/00888/FUL 5163	Brimington South	Rear single storey extension At 30 Manor Avenue Brimington Derbyshire S43 1NQ  For Mrs Vivienne Swift	CP	02/02/2018

<b>Code No File No</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00892/ADV 1926 208	Dunston	Two non illuminated advertisement signage At Cammac Coal Dunston Road Chesterfield S41 9RL  For Strata Homes Ltd	CP	30/01/2018
CHE/18/00004/TPO 12365	Linacre	T1- Oak - Crown lift to 3m, crown clean, prune awayfrom building to previous pruning crown thin At 21 Pearson Croft Upper Newbold Derbyshire S41 8WX  For Mr Tony Curran	CP	23/01/2018
CHE/18/00041/NMA 2165 & 1343	St Helens	Non Material Amendment - fascia, soffits and barge boards finished dark grey At Land To The Rear Of 79 Sheffield Road Stonegravels Chesterfield Derbyshire  For Beauchief Homes Limited	UP	02/02/2018

## *Delegated List - Planning Applications*

### Key to Decisions

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

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	19 <sup>TH</sup> FEBRUARY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/17/00828/TPO TPO 4901.179 21/12/17	The pruning of nine trees reference T1 & T3 Lime, T2 Horsechestnut and T4-T9 Sycamore on the Order map for Walker Tree Services on behalf of the Chesterfield Lawn Tennis Club, Hawksley Avenue.	<p>Consent is refused to the crown lifting of T1-T3 by 8 metres because this is considered excessive when the trees are only 12-13 metres high. Consent is also refused to the reduction of branches of T1-T3 which are growing towards the lighting stands because there are none near to the trees.</p> <p>Consent is granted to the crown lifting of nine trees by 4 metres and a crown clean to remove dead branches within the crown. Consent is also granted to the reduction of branches growing over the tennis court of T1-T3 pruning back to suitable replacement branches.</p>
CHE/17/00847/TPO TPO 4901.173 28/12/17	The pruning of one Cedar tree reference T12 for Walker Tree Services on behalf of Mrs K Ashworth of 333a Ashgate Road. The tree is allegedly blocking out light to the property.	Consent is refused to the all-round crown reduction of the tree because other pruning operations are available to reduce the perceived problems and the reduction of the tree will greatly reduce its natural growth habit and amenity value.

		Consent is granted to the crown lifting of the tree by 3.5 metres, the removal of two lower branches growing towards the property, the reduction of one further lower branch by 2 metres and the crown thinning of the tree to allow light to filter through the canopy.
CHE/17/00792/TPO TPO 4901.281 28/12/17	The felling of one small Sycamore and one dead Hawthorn and the pruning of two Field Maples within G3 on the Order map for Mr Alistair Frazer of plot 25 (51 Pomegranate Road, Newbold) to trees to the rear of the plot on the banking adjacent Newbold Back Lane.	Consent is granted to the felling of one dead Hawthorn by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season to the satisfaction of the Borough Council. The replacement tree is to be a Hawthorn and planted as near as is reasonably possible to the original tree.



		Consent is also granted to the removal of one small Sycamore tree before its location becomes a problem growing towards the new development and the pruning of two Field Maples to remove branches growing towards the new building plot.
CHE/17/00826/TPO TPO 4901.12 28/12/17	The pruning of two Oak trees reference T23 & T24 on the Order map for Heathscapes Tree Service on behalf of Mr Walker of 386 Old Road, Brampton.	Consent is refused to the crown reduction by 1 metre of two Oak trees because this is considered unnecessary as the two trees are located away from any properties and the works would reduce the natural appearance of the trees and reduce their amenity value.  Consent is granted to the crown lifting and crown thinning of the two trees.
CHE/17/0004/TPO TPO 4901.213 23/01/18	The pruning of one Oak tree reference T1 on the Order map for Mr Curran of 21 Pearson Croft, Newbold.	Consent is granted to the crown lifting, crown thinning and reduction of branches growing towards 21 Pearson Croft to give a 2 metre clearance from the dwelling.

CHE/17/00838/TPO	The felling of one Ash tree reference T43 on the Order map for Mr Fearebrough of 8 Lancaster Road. The tree is allegedly causing light issues and dropping branches.	Consent is refused to the felling of one Ash tree because the tree has been inspected and found to be in a good condition with the exception of minor dead wood in the crown. The tree is located in the rear garden of the property but still adds character to the local area and streetscene. It is felt that the felling of the tree is excessive for the perceived problems and the re-pollarding of the tree is more acceptable which would remove the dead wood which is falling from the tree and alleviate the light issues.
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## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 19<sup>th</sup> February 2018  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

##### TITLE

##### LOCATION

Non exempt papers on files  
referred to in report

Development Management  
Section  
Planning Service  
Town Hall Chesterfield

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER**

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

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**APPEALS**

<b><u>FILE NO.</u></b>	<b><u>APPLICATION CODE &amp; WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
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	Dismissed 24/01/18 see appendix A
2/1192	Brockwell ward	Peppermint Grove Ltd	CHE/17/00421/FUL – 12 dwellings at 46 Newbold Road – the Shrubberies - Refusal	Planning Committee against officer advice	12/12/17	Written Reps + Full Costs application	

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## APPENDIX A

### Appeal by M Hopkinson

### Extension at 31 Queen Mary Road, Chesterfield.

### CHE/17/00365/FUL

### 2/6147

1. Planning permission was refused on 7<sup>th</sup> July 2017 for the development of a second floor extension at 31 Queen Mary Road for the following reasons:

*The proposed extension, as a result of its design that does not match the existing roof design of the dwelling and the majority of neighbouring dwellings, would produce a building which would be incongruous and out of keeping in the street scene. The proposal would be a negative impact upon visual amenity and be contrary to the Council's Supplementary Planning Document 'Successful Places' (3.16 Building Design), policy CS18 of the Chesterfield Borough Local Plan and paragraph 17 ('always seek a high quality of design') and paragraph 58 ('are visually attractive as a result of good architecture') of the National Planning Policy Framework.*

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues is the effect of the proposal on the character and appearance of the host property and surrounding dwellings. The appeal property is one half of a semi-detached pair of properties within a small cul-de-sac containing a total of 6 dwellings. There are 2 pairs of two storey semi-detached dwellings, one two-storey detached dwelling and a single storey bungalow on the cul-de-sac. As a consequence of the layout of this part of Queen Mary Road the cul-de-sac provides a clearly defined context. Any assessment of the character and appearance is therefore limited in principle to the dwellings within the cul-de-sac. All roofs within the cul-de-sac are pitched. Within the cul-de-sac, 2 dwellings, Nos 33 and 37, have 2-storey side extensions which have both been sited and designed to be subservient to their host dwelling. The roofs to both extensions are not an identical match to

their host dwelling, but they are both pitched and therefore enable a harmonious design link retaining the prevailing roof type within the cul-de-sac.

4. The appeal proposal sought to add an upper storey to an existing single storey part of the building, therefore the siting of the built form of the extension has already been established. Although the proposed side extension would be marginally set back from the front elevation, it would be sited much forward than those present at Nos 33 and 37. This siting therefore increases the prominence of the proposal. The proposed flat roof would introduce a harsh and incongruous addition to the host dwelling.
5. From the entrance to the cul-de-sac the land gradually rises such that Nos 35, 33 and 31 are visible from main part of Queen Mary Road. At the time of the site visit, the existing hedging to No 23 provided some interruption to the view into the cul-de-sac and No 31. As it is not within the control of the appellant it would not be acceptable to rely upon its presence as a form of mitigation for the visual impact of the proposal. If the hedging was removed it would enable a full and uninterrupted view of No 31 from a much wider area thereby increasing its impact.
6. The appellant drew attention to No 43 Queen Mary Road which sits at the entrance to the cul-de-sac. This is a two storey flat roofed extension to No 43 and the inspector has had regard to its presence. However, No 43 is of a different design to No 31. The inspector had no evidence to understand its planning history and the reasons that the Council found it to be acceptable. This limits the weight the inspector can give to it in the decision making process. The presence of the flat roof at No 43 alone was not sufficient to justify allowing the appeal.
7. Reference was also made to No 68 Netherfield Road as an example of another flat roofed 2-storey side extension. The inspector noted that this scheme originally proposed a pitched roof but was amended during the application to a flat roof. The inspectors attention was drawn to the reference regarding 'exceptional circumstances' which led to a change in roof design. However, without any indication as to what these may have been, it limits the weight the inspector could give to this



scheme. On the site visit the inspector saw that the main roof of No 68 was predominantly covered with solar panels. The inspector did not agree that this 2-storey extension is prominent, it is substantially set back from the front elevation, thereby reducing its prominence in the streetscene. The character of Netherfield Road is more spacious and the dwellings are more modern. Consequently the inspector did not find No 68 to be a comparable scheme which would justify approval of the appeal proposal.

8. The inspector concluded that the proposed 2 storey side extension would be harmful to the character and appearance of the host property and surrounding dwellings. Accordingly, it fails to satisfy Policy CS18 of the Chesterfield Borough Local Plan, which seeks amongst other things, that new development responds to and integrates with the character and distinctiveness of the context. It would also be contrary to paragraphs 17 and 58 of the National Planning Policy Framework, which advise that proposals should secure high quality design and are visually attractive.

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## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 19<sup>TH</sup> FEBRUARY 2018  
**REPORT BY:** LOCAL GOVERNMENT AND REGULATORY LAW MANAGER  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

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

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

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

# ENFORCEMENT REPORT

Enforcements currently Authorised: 8

08 February 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
<b>Enforcement Notice</b>		<i>Total currently Authorised: 6</i>			<i>Authorised to Issue Average: 32 days</i>				
Lincoln Street	13/03/17 <small>333</small>	use of materials to extend hardsurfacing		17/05/17 <small>65</small>	20/10/17 <small>112</small>	20/01/18 <small>20</small>	Appeal dismissed, with costs award paid. Complied. Materials in piles on adjacent land for removal over next weeks.	<input type="checkbox"/> <small>15/01/18</small>	
Pottery Lane West	10 09/01/17 <small>396</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>58</small>	13/03/18 <small>-32</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>291</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		27/06/16 592	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	17/07/17 207	2 vending machines		01/08/17 15			2 unauthorised vending machines. Issued. Appeal.	<input type="checkbox"/> 07/09/17	Ha
York Street	2	09/10/17 123	conversion and extension of roof space					About to be issued. Application received for flat conversion CHE/17/00800/FUL to be considered by Committee	<input type="checkbox"/> 11/12/17	Ha

### Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Walton Works	27/06/16 <i>592</i>	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> <i>03/03/17</i>	Wa

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### TPO Prosecution

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

Victoria Street	Ringwood Centre (former)	21/12/17 <i>50</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 Hollingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • Wa Walton • We West*

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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