



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

Councillors Bellamy and P Gilby –  
Site Visit 1  
Councillors Bexton and Derbyshire –  
Site Visit 2

2 March 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 12 MARCH 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 13:15. Ward members wishing to be present should attend on site as indicated below:-

1. 13:30 31 Manor Drive, Brimington, Chesterfield  
CHE/17/00189/FUL
2. 14:00 46 Flintson Avenue, Chesterfield  
CHE/16/0000567/OUT

***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 12 March, 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 3 - 22)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 23 - 70)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 71 - 82)
6. Applications to Fell or Prune Trees (P620D) (Pages 83 - 90)
7. Appeals Report (P000) (Pages 91 - 94)
8. Enforcement Report (P410) (Pages 95 - 98)
9. Variation of s106 Agreement for development on land at Wheeldon Mill, Chesterfield (Pages 99 - 106)

Yours sincerely,



# Local Government and Regulatory Law Manager and Monitoring Officer

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**PLANNING COMMITTEE****Monday, 19th February, 2018**

Present:-

Councillor Brittain (Chair)

Councillors	Hill	Councillors	Caulfield
	T Gilby		Miles
	Callan		Davenport
	Elliott		P Barr
	Simmons		Wall
	Catt		Sarvent

\*Matters dealt with under the Delegation Scheme

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

**CHE/17/00634/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, Derbyshire, S43 3BY for Mr and Mrs Needham.

Councillors P Barr, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, T Gilby, Hill, Miles, Sarvent, Simmons.

**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.

Councillors P Barr, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, T Gilby, Hill, Miles, Sarvent, Simmons.

**CHE/17/00874/REM** - Proposed application for reserved matters for che/16/00069/OUT on land adjacent to 89 Sheffield Road, Stonegravels, Chesterfield, Derbyshire for the Derby Diocesan Board Of Finance Ltd.

Councillors P Barr, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, T Gilby, Hill, Miles, Sarvent, Simmons and Wall.

**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.

Councillors P Barr, Brittain, Callan, Catt, Caulfield, Davenport, Elliott, T Gilby, Hill, Miles, Sarvent, Simmons and Wall.

**118 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bingham and Brady.

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

No declarations of interest were received.

**120 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 29 January, 2018 be signed by the Chair as a true record.

**121 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/17/00874/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**

In accordance with Minute No.299 (2001/2002) Mr John Holmes (objector) and Mr David Nightingale (objector), addressed the meeting.

That the officer recommendation be upheld and the application be approved 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
  
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.

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

In accordance with Minute No.299 (2001/2002) Mr Shane Weatherall (applicant), addressed the meeting.

That the officer recommendation be upheld and the application be approved 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.

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
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.
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.
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.



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.
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.
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.
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.
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.
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.

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.

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

In accordance with Minute No.299 (2001/2002) Mr John Church of John Church Planning Consultants (agent for the applicant), addressed the meeting.

That the officer recommendation be upheld and the application be approved 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.

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.
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.

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, DERBYSHIRE, S43 3BY FOR MR AND MRS NEEDHAM

That the officer recommendation be upheld and the application be approved subject to the following 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 subdivision 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.

## 122 **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

17/01209/OTHC	Other Works (Commercial) - New Industrial Unit to Provide PDI Centre. Site Of Proposed Valeting Bay And Vehicle Compound Storage at Station Road Whittington Moor Derbyshire
17/01986/DCC	Derbyshire County Council - Internal refurbishment and remodelling of offices at County Hall (North Complex) Smedley Street Matlock Derbyshire The S Room DE4 3JJ
17/02067/MUL	Multiple Domestic - Single storey extension - kitchen, bathroom, utility room – Lounge extension at 34 Highfield Avenue Newbold Chesterfield Derbyshire S41 7AX
17/01789/DEX	Domestic Extensions/Alterations – Extension at 1 Penmore Close Hasland Chesterfield Derbyshire S41 0SH



17/02135/DEX	Domestic Extensions/Alterations - Knocking conservatory down, single storey extension to be put in its place at 360 Ashgate Road Chesterfield Derbyshire S40 4BW
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 at 113 Church Lane, Underwood, Nottingham, NG16 5FS
18/00082/DEX	Domestic Extensions/Alterations - Single storey rear extension at 2 Westwood Close Inkersall Chesterfield Derbyshire S43 3JE
17/02053/PART	Partnership Application - Side extension to Kitchen at 12 Doctor Lane Harthill Sheffield S26 7XL
17/02112/MUL	Multiple Domestic - Two storey extension, one storey extension and loft extension at 11 Ashgate Avenue Ashgate Chesterfield Derbyshire S40 1JB
18/00006/OTHD	Other Works (Domestic) - Proposed Garage Conversion at 103 Cuttholme Road Loundsley Green Chesterfield Derbyshire S40 4PU
17/02097/DCC	Derbyshire County Council - Bathroom adaptation at 39 New Road Crich Matlock Derbyshire DE4 5BX
18/00024/OTHD	Other Works (Domestic) - Internal wall removal between lounge and kitchen at 56 Brockwell Lane Brockwell Chesterfield Derbyshire S40 4EE
18/00132/DRO	Domestic in-roof Extensions/Alterations - Loft conversion at 340 Brimington Road Tapton Chesterfield Derbyshire S41 0TF
17/02124/PART	Partnership Application - Rear extension at 31

Cobnar Avenue Sheffield S8 8RL

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

123 **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/17/00632/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 Derbyshire S41 9DA For Mr Clive Moorwood
- CHE/17/00782/FUL Proposed two storey B1, B2 & B8 At Unit 1 Digital House Foxwood Road Sheepbridge S41 9RF For A M International Agencies Directors Pension Fund
- CHE/17/00820/FUL Rear extensions to private dwelling house At 215

	Hady Lane Hady S41 0DA For Mr Simon Davidson
CHE/17/00824/FUL	Two storey side and single storey rear extension At 41 Larch Way Brockwell Chesterfield Derbyshire S40 4EU For C Rooney
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 At 47 Tapton View Road Newbold Derbyshire S41 7JY For Mrs Yasmin Shafiq
CHE/17/00831/FUL	Security fencing to the top of existing boundary walls facing At Chesterfield Police Station New Beetwell Street Chesterfield S40 1QP For Mr Hardyl Dhinsa
CHE/17/00835/FUL	Erection of 2 storey rear extension At 5 Lancelot Close Walton S40 3ET For Mr Josh Smithurst
CHE/17/00836/FUL	Loft extension / roof alteration At 92 Langer Lane Chesterfield Derbyshire S40 2JJ For Mr Paul McCann
CHE/17/00843/FUL	Changes to the external façade Unit 4 Brimington Road North Industrial Park Brimington Road North Chesterfield S41 9AJ For Stoneacre Motor Group
CHE/17/00851/ADV	Six fascia signs At York House St Marys Gate Chesterfield Derbyshire For Mr James Boyle
CHE/17/00858/FUL	Two storey side extension At The Old Stables 35-35A Prospect Road Old Whittington Derbyshire S41 9DS For Mr and Mrs M Payne
CHE/17/00860/FUL	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

- CHE/17/00861/FUL Two storey side extension and extension of dropped kerbs. At 40 Greenways Walton Chesterfield S40 3HF For Mr James Hodgson
- CHE/17/00888/FUL Rear single storey extension At 30 Manor Avenue Brimington Derbyshire S43 1NQ For Mrs Vivienne Swift
- CHE/17/00892/ADV Two non-illuminated advertisement signage At Cammac Coal Dunston Road Chesterfield S41 9RL For Strata Homes Ltd
- (b) Refusal
- CHE/17/00838/TPO (T43) Ash - To fell. shading to house, continual falling At The Hawthornes 8 Lancaster Road Newbold Derbyshire S41 8TR For Mr Gary Fearnehough
- (c) Discharge of Planning Condition
- CHE/17/00821/DOC Discharge condition 3 (Drainage) from approved application CHE/17/00568/FUL At London Borough Estate Barrow Hill Derbyshire For Chesterfield Borough Council
- CHE/17/00833/DOC 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
- CHE/17/00884/DOC 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

## 124 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

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

(a) The felling and pruning of trees:-

CHE/17/00828/TPO

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.

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.

CHE/17/00847/TPO

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

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

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

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

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.

**125 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.

**126 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.

**127 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC**

**RESOLVED –**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Act.

**128 APPEAL BY PEPPERMINT GROVE LTD REGARDING THE SHRUBBERIES, NEWBOLD ROAD, CHESTERFIELD**

The Development Management and Conservation Manager submitted a report informing Members of advice received from the Council's Barrister relating to the appeals by Peppermint Grove Ltd. in relation to The Shrubberies, Newbold Road, Chesterfield and sought Members' views on the options available to the Council.

**\*RESOLVED –**

That the option summarised at paragraph 5.1 of the report, be agreed.



# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	12TH MARCH 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 12TH MARCH 2018**

- ITEM 1      CHE/16/00567/OUT - Outline application for the development of three new town houses, updated coal mining risk assessment received 10.01.18, at land adjacent to 46 Flintson Avenue, New Whittington, Chesterfield, Derbyshire for Stonewall Developments Ltd.**
- ITEM 2      CHE/17/00189/FUL - Proposed erection of one 3 no. bedroom bungalow and three 2 no. bedroom dwellings on land adjacent to 31 Manor Drive, Brimington, Chesterfield, Derbyshire for Chesterfield Borough Council.**

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Case Officer: Joe Freegard                      File No: CHE/16/00567/OUT  
Tel. No: (01246) 345580                      Plot No: 2/144  
Ctte Date: 12th March 2018

## ITEM 1

### OUTLINE APPLICATION FOR THE DEVELOPMENT OF THREE NEW TOWN HOUSES, UPDATED COAL MINING RISK ASSESSMENT RECEIVED 10.01.18, AT ADJACENT TO 46 FLINTSON AVENUE, NEW WHITTINGTON, CHESTERFIELD, DERBYSHIRE FOR STONEWALL DEVELOPMENTS LTD

Local Plan: Unallocated  
Ward: Barrow Hill and New Whittington

#### 1.0 CONSULTATIONS

Ward Members	No comments
Environmental Services	No response
Design Services	Comments received – see report
Yorkshire Water	No objections
DCC Highways	Comments received – see report
Coal Authority	Comments received – see report
Neighbours/Site Notice	Three representations received – see report

#### 2.0 THE SITE

2.1 The application site is an area of land situated adjacent to 46 Flintson Avenue, in the New Whittington area of Chesterfield. The site in question is a roughly L-shaped plot of land situated at the end of Flintson Avenue, which is a cul-de-sac. The site is unallocated within the Local Plan, and is largely covered by overgrown areas of vegetation. The gradient of

the site is fairly steep, and the land is situated in between the residential curtilages of neighbouring plots. The residential curtilage of 41 Glasshouse Lane and a field are situated to the North West of the site, the residential curtilages of 35, 37 and 39 Glasshouse Lane are situated to the North East of the site, the turning head to Flintson Avenue is situated to the South East of the site, and the residential curtilage of 46 Flintson Avenue is situated to the South West of the site. The boundary to the North of the site is made up by a raised bank with a timber panel fence above, the boundaries to the North East and South West sides comprise brick walls and areas of foliage, and the front boundary to the South East of the site is occupied by temporary security fencing.





### 3.0 **RELEVANT SITE HISTORY**

- 3.1 An outline application for the erection of one house was approved in 1994 under application CHE/1194/0670.
- 3.2 An outline application for the erection of one house was approved in 1999 under application CHE/0899/0472.
- 3.3 An application for the erection of a pair of semi-detached houses was approved in 2001 under application CHE/0601/0308.
- 3.4 A full application for the erection of three dwellings was refused in 2004 under application CHE/04/00708/FUL.
- 3.5 A full application for the erection of three new dwellings was approved in 2005 under application CHE/05/00317/FUL.
- 3.6 A full application for the erection of three town houses was refused in 2008 under application CHE/08/00010/FUL.
- 3.7 A full application for the erection of three new town houses was refused in 2012 under application CHE/12/00423/FUL. An appeal was lodged and this was dismissed in 2013.

### 4.0 **THE PROPOSAL**

- 4.1 An outline planning application with all matters reserved has been made for the development of three new town houses, updated coal mining risk assessment received 10.01.18. The initial application was missing a coal mining risk assessment, and this was subsequently provided and updated. Several agreements were made in order to facilitate an extension of time and the coal authority were re-consulted.
- 4.2 Clearance of the site would be required to cater for the proposed development. No further details have been submitted at this stage, and as such it is not possible to comment on the design, size 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 turning head that abuts 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 New Whittington. This area is largely residential with areas of open countryside situated in close proximity. 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 The proposed development site is situated within walking and cycling distance from New Whittington Centre, is on a bus route, however it is located on land that has not been previously developed. The site is located within a built-up area where new housing development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature.

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

- 5.6 Although detailed design is not considered at this stage, the proposed plans would potentially improve the appearance of the site by developing an overgrown area of land.
- 5.7 The site location plan indicates that the development area would abut the boundaries with 35, 37, 39 and 41 Glasshouse Lane and 46 Flintson Avenue. 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 35, 37, 39 and 41 Glasshouse Lane are situated at least 29M away from the proposed development site, and that the rear garden to 46 Flintson Avenue is predominantly North facing. 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 three new small dwellings with sufficient parking provision and 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.

- 5.8 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**

- 5.9 Environmental Services was consulted on this application and no response was received. In terms of environmental health matters, 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). As such a condition could be imposed requiring infrastructure for electric charging points to be installed as part of the build phase. With regards to noise control, the

hours of construction should also 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. It is considered that these conditions are necessary in the interests of reducing emissions and the amenity of neighbours.

### **Design Services**

- 5.10 Design Services was consulted on the application and they raise no objections. It was stated that the site is not shown to be at risk of flooding according to the Environment Agency flood maps. 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. 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.

### **Yorkshire Water**

- 5.11 Yorkshire Water was consulted on this application and raised no objections.

### **DCC Highways**

- 5.12 DCC Highways has raised no objections. It was stated that it is recommended that the following conditions are included in any consent;
1. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Flintson Avenue, located, designed, laid out, constructed and provided with visibility splays of 2.4m x maximum achievable over land the subject of the application and/or highway in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height

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

2. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking 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.

5.13 DCC Highways recommended that the following notes be included for the benefit of the applicant;

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

4. 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 5.5m (larger in the case of spaces for use by disabled drivers). If garages are to be provided these should have adequate internal dimensions (see 6 C's design guide at [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk) transport and roads roads and traffic development control) with any space in front of a garage having appropriate length depending on the type of garage door (see 6 C's)

5.14 In response to these comments from DCC Highways, it is considered necessary to impose the suggested conditions and informatives in the interests of highway safety.

### **The Coal Authority**

5.15 The Coal Authority was consulted on this application and they initially objected due to the absence of a coal mining risk assessment, and then an inadequate coal mining risk assessment. An updated coal mining risk assessment was provided on 10.01.18, the Coal Authority was re-consulted and no objections were raised.

5.16 The Coal Authority stated that the agent handling this application has now provided a copy of a Coal Mining Risk Assessment, dated 10 January 2018 and prepared by Chandlers Building Surveyors Ltd. This report has been updated from that previously submitted. I appreciate that the report author has acknowledged that the site is at risk from past coal mining activity and that further investigation works are required in order to establish the exact situation in respect of coal mining legacy issues on the site. In order to try and expedite the planning process we accept the view in this case that further intrusive investigations are required and that the findings of these should inform the layout of development and remedial measures required. 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 exact situation in respect of coal mining legacy and the potential risks posed to the development by past coal

mining activity. These works should establish to locate the line of the adits on the application site by probe drilling. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. 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.

5.17 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 mine entries (adits) and 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.

5.18 The Coal Authority recommended that a condition should therefore require prior to the submission of the reserved matters:

- \* The submission of a scheme of intrusive site investigations for the mine entries (adits) for approval;
- \* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- \* The undertaking of both of those schemes of intrusive site investigations;

- \* As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
- \* As part of the reserved matters application the submission of a layout plan which identifies the location of the adits, if found to be present on the site, and how these relate to the development layout;
- \* As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;
- \* As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

- \* Implementation of those remedial works.

5.19 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.

## 6.0 **REPRESENTATIONS**

6.1 As a result of neighbour notification, letters of representation were received from residents at 35 and 37 Glasshouse Lane, and 46 Flintson Avenue .

6.2 The letters of representation raise concerns that the application provides insufficient detail as to what would be constructed.

***In response to these comments, no further details have been submitted at this stage as this application purely concerns the principle of residential development on the site. Details with regards to the design, size and layout of the proposed dwellings and other matters would be dealt with at the Reserved Matters stage. The application***



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

- 6.3 The letters express concerns with regard to residential amenity, raising issues relating to a loss of privacy, overshadowing, and an overbearing impact.

***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.***

- 6.4 The letters of representation raise concerns with regards to coal mining legacy and potential subsidence being caused for neighbouring properties as a result of the disturbance of the site.

***In response to these comments, the Coal Authority has been consulted with regards to these matters and raised no objections subject to the imposition of conditions.***

- 6.5 The letters of representation raise concerns with regards to the quantum of development being excessive and state that applications for the development of three developments have been refused in the past.

***In response to these comments, the site location plan indicates that there would be sufficient space to provide three new small dwellings with sufficient parking provision and gardens that meet the requirements of the 'Successful Places' SPD in terms of size. Although applications for the development of three houses on the site have been refused in the past, applications for the development of three houses on the site have also been approved in the past. It is considered that the previous approvals on the site indicate that there is scope to provide the level of development currently proposed.***

## 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 proposal is 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 and CS10 of the Core Strategy and the wider NPPF in respect of drainage 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. Before any other operations are commenced, a new vehicular and pedestrian access shall be formed to Flintson Avenue, located, designed, laid out, constructed and provided with visibility splays of 2.4m x maximum achievable over land the subject of the application and/or highway in both directions, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
8. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking 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.
9. 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.
10. Prior to the submission of the reserved matters, site investigation works shall be 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 the mine entries (adits) and shallow coal workings for approval;
  - The undertaking of both of these schemes of intrusive site investigations;
  - As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;

- As part of the reserved matters application the submission of a layout plan which identifies the location of the adits, if found to be present on the site, and how these relate to the development layout;
  - As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;
  - As part of the reserved matters the submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works prior to the commencement of development.
11. Electric vehicle charging points shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

### **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. In the interests of highway safety and parking.
8. In the interests of highway safety and parking.
9. To ensure that the development can be properly drained.
10. In the interests of coal mining legacy and safety
11. In the interests of reducing emissions in line with Core Strategy policy CS20 and CS8

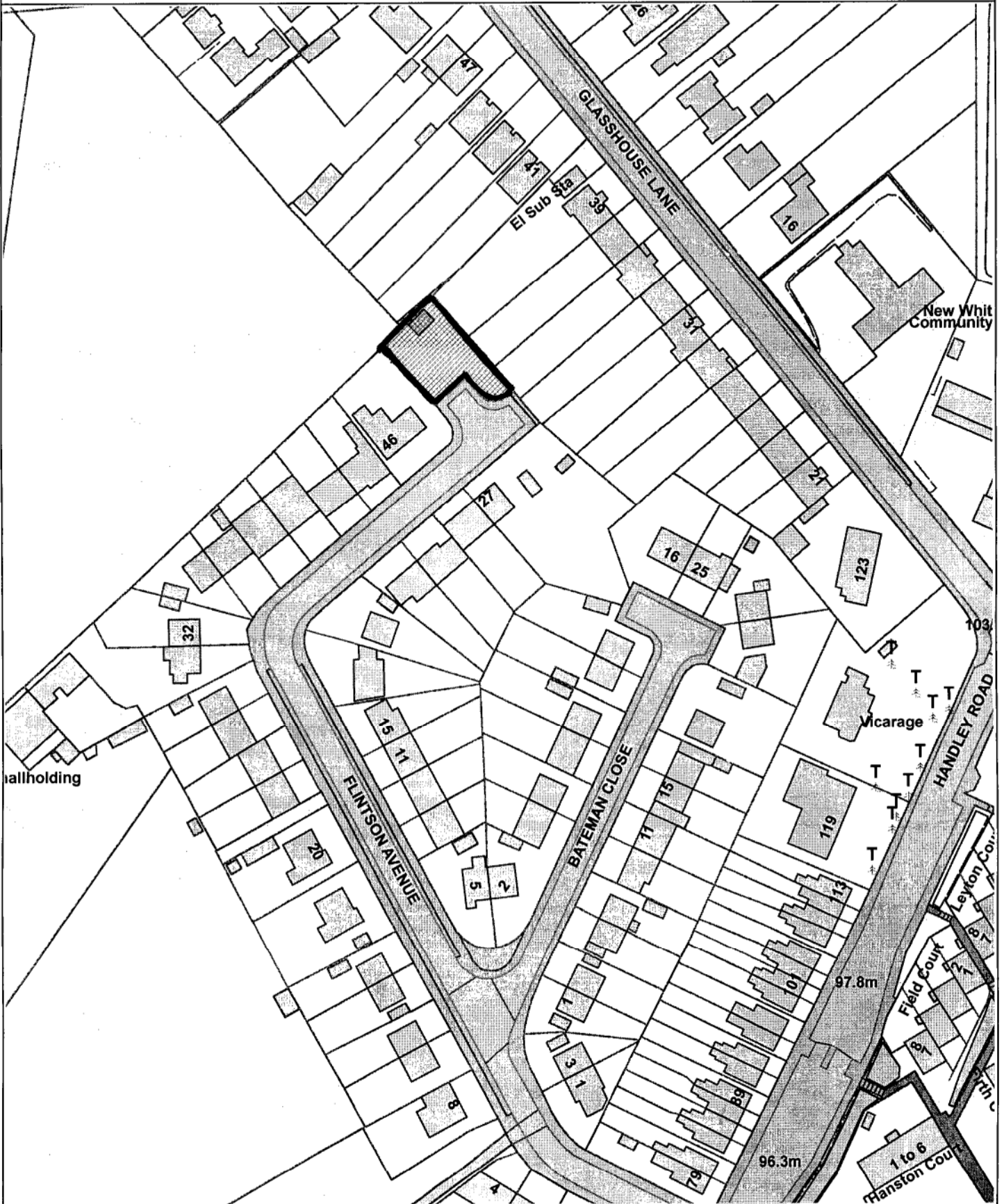
### **Notes**

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. 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.



PLAN - CHE/16/00567/OUT - Land adj to 46 Flintson Avenue



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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 12<sup>th</sup> March 2018

File No: CHE/17/00189/FUL  
Plot No: 2/5263 & 2925

## ITEM 2

### PROPOSED ERECTION OF ONE 3 NO. BEDROOM BUNGALOW AND THREE 2 NO. BEDROOM DWELLINGS ON LAND ADJACENT TO 31 MANOR DRIVE, BRIMINGTON, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL

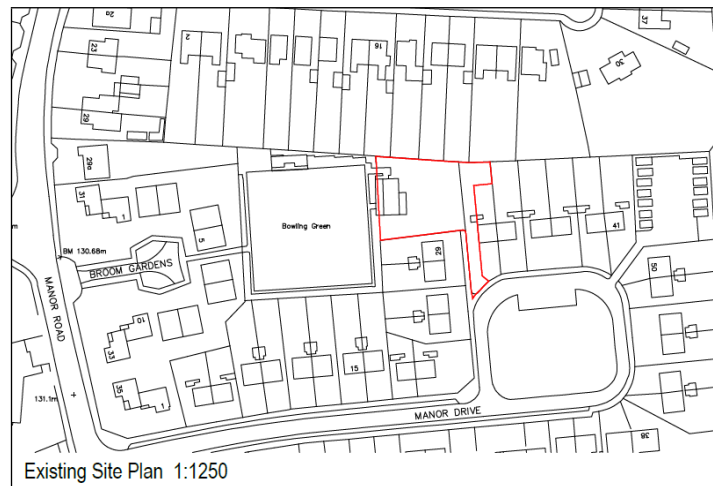
Local Plan: Unallocated  
Ward: Brimington South

#### 1.0 CONSULTATIONS

<b>DCC Highways Authority</b>	Comments received 13/02/2018 – see report
<b>Design Services</b>	Comments received 02/02/2018 – see report
<b>Environmental Health</b>	Comments received 24/01/2018 – see report
<b>Yorkshire Water Services</b>	No comments received
<b>Coal Authority</b>	Standing advice applicable
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	Two representations received

#### 2.0 THE SITE

- 2.1 The site the subject of the application comprises mainly of a parcel of vacant land located north west of No 31 Manor Road and north of No 29 Manor Road in Brimington.
- 2.2 The site also includes part of the rear and side garden of No 31 and a footpath leading between No 31 and No's 25, 27 and 29 Manor Drive up to the site and land upon which the current clubhouse of the adjacent bowling green sits. The northern boundary of the application site adjoins the rear gardens of No's 18 – 24 Manor Avenue. The site is currently overgrown and is secured by a chain link fence.



### 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/15/00529/FUL - Proposed 3 No 2 bed roomed dwellings - revised plans received on 25/11/2015. Approved conditionally on 04/01/2016.
- 3.2 CHE/15/00650/FUL - Off-street parking project and re-radius of kerb line. The proposal involves altering the position of a street kerb radius to prevent larger vehicles churning the grassed area. An additional parking area will be created adjoining the cul-de-sac to allow for 8 additional spaces. Approved conditionally on 07/12/2015.
- 3.3 CHE/0796/0388 – Road widening and car parking for residents/visitors. Approved conditionally on 22/08/1996.

## 4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks full planning permission for the proposed erection of one 3 no. bedroom bungalow and three 2 no. bedroom townhouses on the main parcel of land north of No 29 Manor Drive served by the creation of a new driveway access (using the footpath and side garden of No 31\*) leading from Manor Drive. The application is also facilitated by the inclusion (and demolition) of the bowling green clubhouse and part of the rear garden of No 31 Manor Drive.
- 4.2 The application details that the development will be sited such that the town house block will be positioned on an east – west axis, set back in the site to allow for formation of a shared driveway and turning area and the provision of a driveway / 1 no. parking space per dwelling. The front elevation of the town houses will face south and each dwelling will be provided with a private garden area to the north (which includes space for the storage of bins and a garden shed), with the far eastern dwelling will be provided with a garden which is formed by the subdivision of the rear garden of No 31\* adjacent.  
\* It is noted that No 31 Manor Drive is owned by the Council (the applicant).  
The proposed bungalow will be positioned at the far west of the application site, with it 'L' shaped footprint terminating the proposed shared driveway.
- 4.3 The application submission is supported by the following plans / documents:  
7477 05 - Site Location Plan, Proposed Block Plan and Bungalow Elevations / Floorplans  
7477 06 - Proposed Town House Elevations / Floorplans

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of Brimington South ward in an area predominantly residential in nature.

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

## 5.2 **Principle of Development**

5.2.1 The site the subject of the application is unallocated and lies within the built settlement of Brimington surrounded mainly by residential properties. There is a bowling green which adjoins the site to the west.

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

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

5.3.1 The site the subject of the application is surrounded by a variety and mix of architecture styles and dwelling types however there is a clear character and style to Manor Drive, which is where the development will sit in terms of its streetscene context.

5.3.2 Having regard to the context of Manor Drive the development will obviously appear as a modern addition, with a slight variance in architecture due to the inclusion of a feature gable to each of the town houses however its scale is not out of character with its setting and the development is only likely to glimpsed through

between the built form of No 31 and the row of houses comprising No's 23, 25, 27 and 29.

- 5.3.3 Overall the layout, design and density of the development proposals is considered to be appropriate having regard to the wider characteristics of the area. In the context of the provisions of policy CS18 of the Core Strategy and the wider NPPF the development is considered to be acceptable.
- 5.3.4 The application site is bound on its northern, eastern and southern boundaries by neighbouring residential properties, whilst to the west lies the adjacent bowling green.
- 5.3.5 The development has been proposed such that its relationship with the neighbouring properties to the north (No's 18 – 24 Manor Avenue) establishes a separation distance of at least 31m between the rear windows of the proposed dwellings and the closest built footprint of these neighbours. This degree of separation is considered to be acceptable and accords with the design aspirations which preserve and protect amenity of the Housing Layout and Design SPD. Whilst it is accepted that a development to the south of these neighbours (as proposed) will cast some overshadowing to the rear gardens of these neighbours from mid-morning to mid-afternoon the impact of overshadowing solely on the lower half of their rear garden is not regarded to be severely detrimental and would not justify refusal.
- 5.3.6 Having regard to the proposed layout of the development it is noted that the front elevations of the development will face both the side elevation of No 29 Manor Drive and the partially the rear elevation of No 31 Manor Drive (see photographs below). However in considering the fact the there are no habitable room windows positioned in the side elevation of No 29 and there are no habitable room windows in the RH side of the rear elevation of No 31 it is not considered that this potential overlooking relationship will be detrimental to the privacy / amenity of these facing neighbouring properties.

No 31



No 29



5.3.7 Having regard to the above and in the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded the proposals will not impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours and are acceptable in terms of these policies.

5.3.8 Notwithstanding the above the case officer is mindful of the fact that future domestic development on each plot through permitted development opportunities might adversely impact upon the success of the developments integration in the surrounding area and the relationship with neighbours. Therefore given the overall acceptance of the development design it would be appropriate if permission is granted to withdraw the permitted development rights of each dwelling to enable future control of other ad hoc domestic extensions.

#### 5.4 **Highways Issues**

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

*Basically the proposal for 3 no. dwellings has previously been accepted and granted planning permission under code CHE/15/00529/FUL. The current application is for a slightly larger area of land and the provision of a bungalow in addition to the previously approved dwellings.*



*For clarification the proposed site plan would appear to be scale 1:100 rather than 1:200 indicated and comments are given on this basis.*

*It should be noted that off-street parking will be required to be maintained for the existing dwelling.*

*Only one off street parking space is proposed per dwelling which is below that generally looked for but has been previously accepted. These spaces are wider than the usual width presumably to assist with manoeuvring given the restricted width to the rear. They are, however somewhat short in length should be 5.5m) and it is considered that vehicle swept paths should be provided to demonstrate the vehicles can enter and exit the site in a forward gear. The Highway Authority would have concerns regarding the parking for the proposed bungalow and it is felt that a better arrangement would be to move the parking further into the garden of the bungalow.*

*The Highway Authority previously raised the issue of service / delivery vehicles but it was stated that bearing in mind the access location and nature / volume of traffic using Manor Drive, it is unlikely that any on-site deficiencies would result in severe harm in the safe operation of the public highway. Ideally though it would be preferable for the additional area to be used for the better provisions manoeuvring and / or additional parking.*

*If, however you are minded to approve the proposal as submitted it is recommended that the following conditions are included in any consent:*

- 1. 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.*

2. *Before any other operations are commenced a new access and replacement off-street parking for 31 Manor Drive shall be laid out and constructed in accordance with the approved drawings, the parking area maintained clear from any obstruction to its designated use for the life of the development.*
3. *Before any other operations are commenced, excluding Conditions 2 and 3 above, the existing vehicular and pedestrian access to Manor Drive shall be modified in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.*
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 approved application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.*
5. *There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.*
6. *No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.*

#### 5.4.2

Having regard to the latest comments of the LHA detailed above it is noted that they still express some reservations over the scheme proposed, given the fact the development is set back from the adopted highway along a shared private driveway. Furthermore it is noted that they remain concerned on-site parking provision, still at one space per dwelling, is low than their desired standard (albeit that the Councils adopted standard are maximum and therefore 1 no. space per dwelling is perfectly acceptable in this instance).

5.4.3 Success of the scheme in terms of providing a safe access to each dwelling will require the shared driveway in advance of each dwelling to be kept clear at all times and not used as compensatory parking. This will ensure that each dwelling can appropriately turn a vehicle so that they can enter and leave the shared driveway in a forward gear. A condition to this effect will be necessary alongside also imposing the conditions as suggested by the LHA above in the interest of highway safety and policy CS20 of the Core Strategy.

## 5.5 **Flood Risk & Drainage**

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

5.5.2 The DS team commented, *'I refer to the above application; the site is not shown to be at risk of flooding, according to the Environment Agency flood maps. No drainage details have been submitted – we would like to see details of how the developer intends to dispose of surface water. These must be in accordance with CBC Minimum Development Control Standards (copy attached). Any connections to the public sewerage system will require prior approval from Yorkshire Water.'*

5.5.3 No comments were received from YWS however it is considered that appropriate planning conditions can be imposed which requires the submission of further detailed drainage designs to satisfy the queries outstanding in accordance with policy CS7 of the Core Strategy.

## 5.6 Land Condition / Contamination / Noise

5.6.1 Having regard to land condition and the requirements of the NPPF and policy CS8 of the Core Strategy the planning application site lies in an area covered by the Coal Authority's Standing Advice. It was not necessary to refer the application to the **Coal Authority** for comment as the CA have provided the LPA with relevant advisory notes they wish to be imposed on any planning permissions granted in such areas.

5.6.2 In respect of other environmental considerations the Council's **Environment Health Officer** (EHO) has also reviewed the application submission and provided the following comments:

*'I have no objection to this application in principle.*

*Should planning consent be granted, the hours of construction shall be restricted to minimise noise impact upon surrounding residents.*

*A contingency plan shall be put in place to deal with any land contamination issues that might be identified during site preparation and excavation/foundation works.*

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

5.6.3 To address the comments of the EHO above appropriate planning conditions can be imposed on any consent given to secure the necessary infrastructure and to control construction hours accordingly.

## 5.7 Community Infrastructure Levy (CIL)

5.7.1 Having regard to the nature of the application proposals the development comprises the creation of 4 no. new dwellings and the development is therefore CIL Liable.

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

	New GIF (sqm)	Calculation	Total
Bungalow	89sqm		
Town Houses (x3)	222sqm		
Building (to be demolished)	Bowling Green Clubhouse (?) - Floorspace unknown		
CIL Liable GIF sqm	311sqm	311 x £50 (index linked)	£15,550
<b>Total</b>			<b>£15,550</b>

5.7.3 Having regard to the above, the application as presented is to build new social / council housing stock and therefore the scheme could benefit from social housing relief / exemption under the CIL regulations via the relevant CIL application process providing the claim is made pre-commencement of development.

## 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 01/02/2018 and by neighbour notification letters sent on 22/01/2018.

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

### **23 Manor Drive**

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons: Traffic or Highways

Comment: If vehicles park on road outside 23 & 25 causes a visual restriction for access to/from drive at no 23

### **23 Manor Drive (on behalf of No 25)**

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons: Traffic or Highways

Comment: Sent on behalf of Miss Starbuck No 25. No parking in front of house she is disabled, access required

- 6.3 ***Officer response: Parking spaces are provided on the green at Manor Drive, however it is noted that parking also takes places on the highway in advance of properties on Manor Avenue. There are no parking restrictions in force (double yellow lines) on the Drive and therefore parking cannot be regulated. The blocking of private drives is a matter for the police and cannot be controlled through planning legislation. Disabled parking bays can be provided on the public highway by DCC but there was no such bay observed by the case officer outside No 25 during their site inspection. The availability of this area for parking by No 25 cannot therefore be guaranteed through the planning process.***

### 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 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 5.7 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.  
7477 05 - Site Location Plan, Proposed Block Plan and Bungalow Elevations / Floorplans  
7477 06 - Proposed Town House Elevations / Floorplans

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

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

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

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

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



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

*Reason - In the interests of residential amenities.*

06. 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.

*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.*

07. 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.*

08. Before any other operations are commenced a new access and replacement off-street parking for 31 Manor Drive shall be laid out and constructed in accordance with the approved drawings, the parking area maintained clear from any obstruction to its designated use for the life of the development.

*Reason – In the interests of highway safety.*

09. Before any other operations are commenced, excluding Conditions 8 and 9 above, the existing vehicular and pedestrian access to Manor Drive shall be modified in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

12. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

*Reason – In the interests of highway safety.*

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

*Reason – In the interests of highway safety.*

14. 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.*

15. The entire length of the shared driveway and turning area located in advance of the 3 no. new dwellings and adjacent to No 31 Manor Drive shall not be used for the parking of vehicles and shall in perpetuity be kept clear at all times free from any impediment to its designated use as access to the designated parking spaces provided at each dwelling and associated turning area.

*Reason – In the interests of highway safety.*

16. If during development contamination not previously identified is found to be present at the site then not further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning

Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implanted as approved.

*Reason - To protect the environment.*

17. 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.*

### **Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

04. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

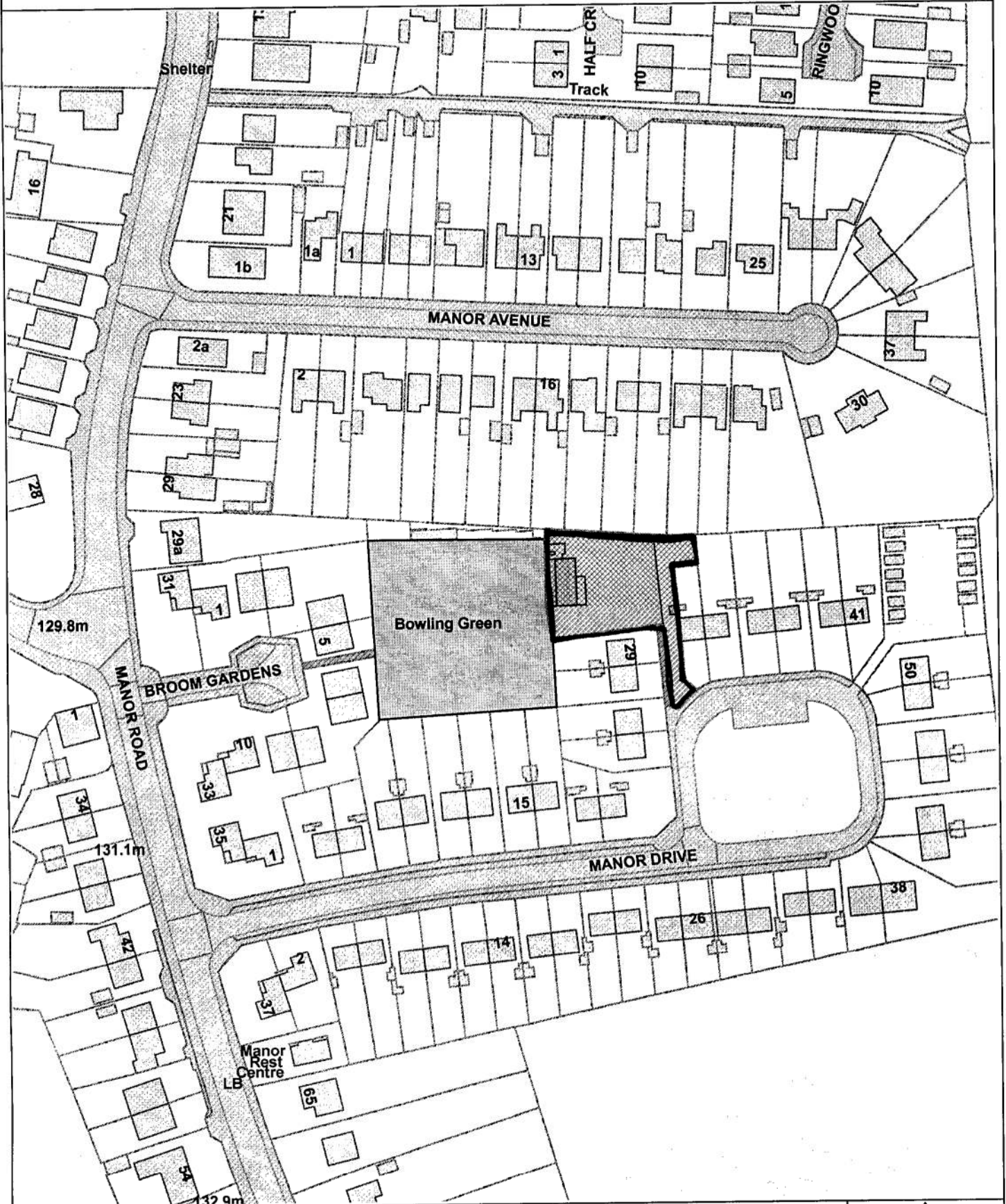
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

05. 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 by email [ETENetmanadmin@derbyshire.gov.uk](mailto:ETENetmanadmin@derbyshire.gov.uk), telephone Call Derbyshire on 01629 533190 or 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)
06. The Highway Authority recommends that the first 6m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
07. The applicant should be aware that relocation of the telegraph pole / column (which is required to widen the driveway and provide parking for No 31 Manor Drive) would be at their expense.

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# PLAN - CHE/17/00189/FUL - Land Adj to 31 Manor Drive



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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	12 <sup>TH</sup> MARCH 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00541/FUL	Brimington North	Detached single garage, detached double garage with associated access, detached garden room, raising in height of existing boundary wall and erection of a fence along highway boundary (Revised drawing received  At 137 Station Road Hollingwood S43 2HW For Mr Ian Dunkley	CP	13/02/2018
CHE/17/00768/OUT  0126	St Leonards	Erection of a dwelling - Coal Mining Risk Assessment received 19.12.17, revised drawings submitted 23.01.18  At 73 Hady Hill, Hady Derbyshire S41 0EE  For Mr Glyn Pocock	REF	26/02/2018
CHE/17/00777/FUL  3553	Brimington North	Proposed rear extension over existing single storey extension  At 91 Coronation Road Brimington, Chesterfield Derbyshire S43 1EU  For Mr Dolphin	CP	12/02/2018
CHE/17/00837/FUL	Brockwell	Two storey extension to side of property (revised drawings received 09.01.2018)  At 140 Ashgate Road, Chesterfield Derbyshire S40 4AQ  For Mr Derek Goodwin	CP	22/02/2018

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00838/TPO 1658	Dunston	(T43) Ash - To fell. excessive shading to house, continual falling At The Hawthornes 8 Lancaster Road Newbold Chesterfield Derbyshire S41 8TR For Mr Gary Fearnough	REF	06/02/2018
CHE/17/00844/FUL 2/1597	St Leonards	Two storey side extensions with single storey extension At 1 Rosedale Avenue Chesterfield S40 2UY For Mr M Rogers	CP	27/02/2018
CHE/17/00853/FUL 2446	Brimington North	Side and rear single storey extension (revised drawing received 24.01.2018 and 06.02.2018) At 2 Summerfield Crescent Brimington Chesterfield S43 1HA For Mr and Mrs Bradley	CP	12/02/2018
CHE/17/00862/FUL	Linacre	First floor bedroom extension At 7 Pearson Croft Upper Newbold Derbyshire S41 8WX For J Cook	CP	12/02/2018
CHE/17/00863/DOC 544	Hollingwood And Inkersall	Discharge of condition 33 - Design Framework for Markham Vale in relation to CHE/13/00781/EOT At Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS For Derbyshire County Council	REF	22/02/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00872/FUL 3261	West	Extensions and alterations to bungalow. At 309 Ashgate Road Chesterfield Derbyshire S40 4DB For Mr Stuart Haslam	CP	22/02/2018
CHE/17/00873/FUL 1901	West	First floor front extension to create large bedroom with mezzanine gallery and office/ utility room and new front door and canopy set at front face of elevation (revised drawings received 29.01.2018) At 8 Greengate Close Chesterfield Derbyshire S40 3SJ For Mr Chris Pell	CP	12/02/2018
CHE/17/00878/DOC	Moor	Discharge of conditions 4 (exact position of container), 6 (details of how container is to be off loaded on site) and 7 (landscaping)of CHE/17/00186/FUL - Siting of steel storage container for kayaking and canoeing equipment At Tapton Lock Lockoford Lane Chesterfield Derbyshire S41 7JB For Pleaseley Canoe Club	DPC	14/02/2018
CHE/17/00879/COU 2106	St Leonards	Change of use from A1 shop to D1 Podiatry/Chiropody Surgery At Shop 2 Market Hall Market Place Chesterfield Derbyshire S40 1AR For Mr Christopher Maggs	CP	12/02/2018

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/17/00880/DOC 218/4127	Dunston	Discharge of condition 3 (planting) of CHE/17/00351/REM At Land To The West Of Dunston Lane Newbold Derbyshire For William Davis Ltd	REF	22/02/2018
CHE/17/00881/FUL 2158	Holmebrook	Alterations including re routing of fire escape, introduction of bi-fold doors to the rear and roof lanterns to flat roof at rear, new extraction flue New air inlet New timber fencing and gate to rear courtyard At Crafty Dog 261 Chatsworth Road Chesterfield Derbyshire S40 2BL For Inspired Venues Ltd	CP	26/02/2018
CHE/17/00887/FUL 131	Loundsley Green	Re-submission of CHE/17/00198/FUL – two storey side extension At 9 Purbeck Avenue Brockwell Chesterfield S40 4NP For Mr Chris Armstrong	CP	27/02/2018
CHE/17/00894/FUL 6137	Walton	Demolition of existing single storey kitchen and erection of single storey kitchen/dining room extension and first floor bathroom extension At 255 Walton Road Walton Chesterfield S40 3BT For Mr John Fox	CP	20/02/2018
CHE/18/00001/FUL 6317	Hasland	Front bay window extension and alterations to first floor window At 21 Kent Street Hasland S41 0PJ For Mr Matthew Youd	CP	23/02/2018

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/18/00002/FUL 3319	St Leonards	Side extension and extension to garage  At 6 Spital Brook Close Spital Chesterfield Derbyshire S41 0GD  For R Stevens	CP	27/02/2018
CHE/18/00003/DOC 544	Hollingwood And Inkersall	Discharge of planning conditions 5 (hard and soft landscaping) and 7 (external lighting) of CHE/17/00182/REM - Construction of a Use Class B2/B8 unit with Use Class B1(a) office space plus sub- station, cycle shelter, smoking shelter, associated drainage, landscaping, engineering and access works, parking arrangements and provision of pump house and sprinkler tanks  At Markham Employment Growth Zone Markham Lane Duckmanton Derbyshire S44 5HS  For Henry Boot Developments Limited	DPC	26/02/2018
CHE/18/00006/NMA	Brockwell	Additional roof light on west elevation. Repositioning of first floor window on North elevation. (Refer to drawing GR-PL-001:1 Rev H) and as amended by revised plans received 14.02.2018. Proposed new detached dwelling on land adjacent to No21 Clarence Road, Chesterfield - CHE/16/00831/FUL  At Land Adjacent To 21 Clarence Road Chesterfield  For Mr Graham Reynolds	UP	14/02/2018

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/18/00013/CA 1313	West	Removal of one oak tree At The Pightle 19C Somersall Lane Somersall Derbyshire S40 3LA  For J Salway	UP	14/02/2018
CHE/18/00033/TPO	Holmebrook	Single storey rear extension At 126 Old Hall Road Chesterfield Derbyshire S40 1HG  For Mr Richard Bellfield	PANRZ	15/02/2018
CHE/18/00034/TPO 1313	West	Crown lift and reduce branches growing towards the property of T195 - oak At The Pightle 19C Somersall Lane Somersall Derbyshire S40 3LA  For J Salway	CP	14/02/2018
CHE/18/00081/TP0	Barrow Hill And New Whittington	Fell dangerous Poplar tree in G1 of TPO 72 At The Lodge Whittington Road Barrow Hill Derbyshire S43  For P Heath	UP	14/02/2018



<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/18/00084/TPO	Brockwell	<p>Crown lift, clear structure and rectify poor pruning cuts to T2 Lime and T3 _ T4 Sycamore</p> <p>At Avenue House Surgery 109 Saltergate Chesterfield Derbyshire S40 1LE</p> <p>For Avenue House and Hasland Partnership</p>	CP	15/02/2018
CHE/18/00094/CA	Brockwell	<p>1 Hornbeam - Crown Lift, prune poor pruning cuts and reduce away from structure</p> <p>At Avenue House Surgery 109 Saltergate Chesterfield Derbyshire S40 1LE</p> <p>For Avenue House and Hasland Partnership</p>	UP	15/02/2018

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## *Delegated List - Planning Applications*

### Key to Decisions

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

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# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	12TH MARCH 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/18/00889/TPO  TPO 4901.13  07/02/18	The felling of one Lime tree within G5 and the pruning of one Sweet Chestnut and one Lime tree also within G5 on the Order map for Mrs Susan Smith (DLS Construction Ltd) 97 High Street, Old Whittington. The trees are located to the north of 87 High Street, Old Whittington and the applicant wishes to prune and fell the trees for a potential development.	<p>Consent is granted to the crown lifting and a crown clean of one Lime tree referred to as T1 in the MWA tree report.</p> <p>Consent is also granted to the removal of dead wood to one Sweet Chestnut tree referred to as T3 in the MWA tree report.</p> <p>Consent is refused to the felling of one Lime tree because the recommendations in the tree report are considering a development on the piece of land and no planning application has yet been received for consideration and there is no justification on arboricultural reasons for the trees removal.</p> <p>Consent is also refused to the removal of one lower branch on T3 Sweet Chestnut for the same reasons.</p>

<p>CHE/18/00034/TPO</p> <p>TPO 4901.43</p> <p>14/02/18</p>	<p>The pruning of one Oak tree reference T195 on the Order map for Westside Landscapes at 19c Somersall Lane, Somersall. The tree is allegedly close to the property and low over the garden.</p>	<p>Consent is granted to the crown lifting of one Oak tree by 3.5 metres from ground level and the reduction of branches growing towards the property to give a 2.5 metre clearance from the structure.</p>
<p>CHE/18/00081/TPOEXP</p> <p>TPO 4901.72</p> <p>14/02/18</p>	<p>The felling of one Poplar tree within G1 on the Order map for Heathscapes on behalf of Mr Harden of Handley Wood Lodge, Whittington Road, Barrow Hill. Notification was given to the Council that the tree was dangerous due to decay in the base and collapse of the main stem which was leaning towards the highway.</p>	<p>Consent is granted to the felling of one dangerous Poplar tree by virtue of Part VIII, Chapter 1, Section 198, paragraph 6(a) of the Town and Country Planning Act 1990 as amended under The Town and Country Planning (Tree Preservation) (England) Regulations 2012, which has provision for dead and dangerous trees, Section 206, paragraph 1(b) of the same Act requires any dead/dangerous tree to be felled under Section 198 to be replaced during the next available planting season to the satisfaction of the Borough Council.</p> <p>The duty to plant a replacement tree has been dispensed with on this occasion due to no loss of amenity within the group and competition with the mature trees in the group.</p>



<p>CHE/18/00084/TPO</p> <p>TPO 4901.261</p> <p>15/02/18</p>	<p>The pruning of 3 trees reference T2 Lime and T3 &amp; T4 Sycamore on the Order map for Blair Gratton Architects Ltd at Avenue House Surgery, Saltergate. The trees have been pruned without consent and the works are to rectify poor pruning cuts and facilitate a development.</p>	<p>Consent is granted to the removal of 3 lower branches on T4 and two branches on T3 to clear construction site cabins. Consent is also granted to the reduction of branches on T2 Lime which are growing towards the property to give a 2 metre clearance from the structure to allow the erection of scaffolding.</p>
<p>CHE/18/00026/TPO</p> <p>TPO 4901.7</p> <p>26/02/18</p>	<p>The pruning of one Lime tree reference T21 on the Order map for A6 Tree Care on behalf of Mr Churm of 1 Pine View, Ashgate.</p>	<p>Consent is granted the crown thinning of one Lime tree by 20%. General maintenance.</p>
<p>CHE/18/00039/TPO</p> <p>TPO 4901.229</p> <p>26/02/18</p>	<p>The pruning of one Cedar tree reference T5 on the Order map for Thompson Tree Care on behalf of Mr Davies of 21 Gladstone Road.</p>	<p>Consent is granted to the crown lifting of one Cedar tree by 5.2 metres to clear the highway and driveway and the reduction of branches growing towards the property to give a 1.5 metre clearance from the structure.</p>
<p>CHE/18/00042/TPO</p> <p>TPO 4901.160</p> <p>26/02/18</p>	<p>The pruning of one Yew tree reference T29 on the Order map for Mr David Smith of 84 Mansfield Road, Hasland.</p>	<p>Consent is granted to the crown lifting of the tree by 3.5 metre, clearing the main stem of growth to the same height to leave a clear stem and the selective pruning of branches growing towards the highway to reshape the crown.</p>

<p>CHE/18/00007/TPO</p> <p>TPO 4901.172</p> <p>26/02/18</p>	<p>The pruning of 3 Sycamore trees reference T1-T3, one Cedar T4 and one Weeping Birch T5 on the Order map for Mrs Lucie Ashley-Carter JA Kent Services Ltd on behalf of Premier Facilities Management at the Ambulance Station, Old Road, Brampton.</p>	<p>Consent is granted to the crown lifting of T1-T4 to clear the highway, site entrance and grassed area. Consent is also granted to the 4 trees to crown clean to remove dead wood. Consent is also granted to the selective pruning of one Birch T5 by pruning back branches growing towards the site entrance.</p>
<p>CHE/18/00055/TPO</p> <p>TPO 4901.174</p> <p>26/02/18</p>	<p>The pruning of one Oak tree reference T5 on the Order map for Mrs Anne Malloy of 30 Foxbrook Drive Walton.</p>	<p>Consent is granted to the removal of dead wood within the crown and the reshaping of the tree if required where dead wood removal leaves branches prone to wind damage. Application granted permission with conditions regarding the reshaping of the trees.</p>
<p>CHE/18/00064/TPO</p> <p>TPO 4901.174</p> <p>26/02/18</p>	<p>The pruning of one Oak tree reference T5 on the Order map for Mrs Anne Spencer of 7 Sandstone Avenue, Walton.</p>	<p>Consent is granted to the crown thinning of one Oak tree to rebalance the crown after the removal of large sections of dead wood over the neighbouring property of 30 Foxbrook Drive (application CHE/18/00055/TPO). Consent is also granted to the reduction of branches growing towards 7 Sandstone Avenue to clear the property and conservatory.</p>

CHE/18/00067/TPO TPO 4901.22 26/02/18	The pruning of 8 Poplar trees within A2 on the Order map for Mr David Bardsley 228 Handley Road, New Whittington.	Consent is granted to the crown reduction of 8 Poplar trees pruning back to previous reduction points which is approximately a 50% crown reduction in height.
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**SECTION 2****NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
CHE/18/00013/CA The felling of one Oak tree for Westside Landscapes at 19c Somersall Lane, Somersall.	The tree is within the Somersall Conservation Area and the applicant wishes to remove the trees because the tree is close to the property and competing with an older Oak tree under a preservation order.	Agreement to the felling of 1 Oak tree. The felling will have no adverse effect on the amenity value of the area.	14/02/18
CHE/18/00094/CA The pruning of one Hornbeam tree for Blaire Gratton Architects Ltd at Avenue House Surgery, Saltergate.	The tree is within the Town Centre Conservation area and the applicant wishes to prune the tree to rectify unauthorised tree works and clear the construction site cabins an new extension to the building.	Agreement to the pruning of 1 Hornbeam tree. The pruning works will have no adverse effect on the amenity value of the area.	15/02/18

## APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 12TH MARCH 2018  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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### FOR PUBLICATION

### BACKGROUND PAPERS FOR PUBLIC REPORTS

<u>TITLE</u>	<u>LOCATION</u>
Non exempt papers on files referred to in report	Development Management Section Planning Service Town Hall Chesterfield

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH**  
**DEVELOPMENT MANAGEMENT AND CONSERVATION**  
**MANAGER**

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

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**APPEALS**

<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	
2/1192	Brockwell ward	Peppermint Grove Ltd	CHE/17/00421/FUL – 12 dwellings at 46 Newbold Road – the Shrubberies - Refusal	Planning Committee against officer advice	12/12/17	Written Reps + Full Costs application	

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# FOR PUBLICATION Agenda Item 8

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 12<sup>TH</sup> MARCH 2018  
**REPORT BY:** LOCAL GOVERNMENT AND REGULATORY LAW MANAGER  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

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

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 6

## ENFORCEMENT REPORT

28 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: 4</i>			<i>Authorised to Issue Average: 15.5 days</i>				
Pottery Lane West	10 09/01/17 <small>415</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>77</small>	13/03/18 <small>-13</small>	Appeal dismissed. Council seeking details of method for compliance.	<input type="checkbox"/> <small>28/02/18</small>	
Walton Works	27/06/16 <small>611</small>	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"/> <small>08/01/17</small>	Wa
York Street	2 17/07/17 <small>226</small>	2 vending machines		01/08/17 <small>15</small>			2 unauthorised vending machines. Issued. Appeal.	<input type="checkbox"/> <small>07/09/17</small>	Ha

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
York Street	2	09/10/17 <i>142</i>	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"/> <i>11/12/17</i>	Ha

### Stop Notice

			<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: days</i>					
Walton Works		27/06/16 <i>611</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

### TPO Prosecution

			<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: days</i>					
Victoria Street	Ringwood Centre (former)	21/12/17 <i>69</i>	damage to roots of T18					Instructed	<input checked="" type="checkbox"/> <i>15/01/18</i>	BN

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

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## **FOR PUBLICATION**

### **Variation of s106 Agreement concerning development on land at Wheeldon Mill, Chesterfield for Harron Homes**

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**MEETING:** PLANNING COMMITTEE

**DATE:** 12TH MARCH 2018

**REPORT BY:** DEVELOPMENT MANAGEMENT &  
CONSERVATION MANAGER

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**WARD:** BRIMINGTON SOUTH

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#### 1.0 **Background**

1.1 Outline application CHE/14/00404/OUT was approved for residential development of land at Wheeldon Mill in August 2015. This permission was agreed subject to 27 conditions and a s106 legal agreement which required:

- % for Art subject to any viability appraisal to be agreed before reserved matters submission;
- 4 Affordable housing units;
- An open space and SUDs Management Scheme;
- An off site play contribution of £40,000;
- Prior to first occupation of the development the construction to adoption standards of a section of

the Chesterfield/Staveley Regeneration Route including appropriately levelled ground including a 7.3 metre carriageway with footway, cycleway and pedestrian facilities to binder level (with narrower surface features) within a 17.3 metre corridor with all necessary earthworks to a design agreed by CBC and DCC;

- Prior to first occupation of the development the provision of and management and maintenance (including design, necessary survey and permissions) of a connection and pedestrian bridge link with additional provision for passage of cycles over the Chesterfield Canal from the development to the towpath. The agreement requires a payment to the County Council for the design of the bridge link;
- Use of local labour.

1.2 The s106 agreement was signed by The Chesterfield Sports Stadium Ltd, Frank George Sissons, Sarah Cannon, Verna Mowbray, Patricia Ann Johnson, Keith Johnson Mowbray, Faye Johnson Mowbray and the Borough Council.

1.3 Applications CHE/16/00677/DOC and CHE/17/00659/DOC were subsequently submitted for the discharge of conditions 5 (archaeology impact and WSI), 6 (Reptile Assessment and mitigation) and 12 (Noise Assessment and mitigation) of CHE/14/00404/OUT, all of which were required to have been agreed prior to the submission of a Reserved Matters application.

1.4 This paved the way for a Reserved Matters application from Harron Homes for 120 dwellings on the site (116 Market houses and 4 affordable houses).

CHE/17/00685/REM. Vehicular access to the site is proposed via the creation of a roadway from the existing roundabout at Rother Way and which is proposed to run in a straight line from South to North, and the intention is that this would form the beginning of the Chesterfield- Staveley Regeneration Route as referred in the Section 106 Agreement with the outline consent. The plans showed a 14.25 metre corridor (as opposed to the 17.3 metre corridor referred to in the s106) would be provided. The reduction was achieved by co-joining a footpath and cycle route saving 3 metres width.

- 1.5 The Reserved Matters submission was agreed by planning committee in accordance with the report recommendations on 8<sup>th</sup> January 2018.
- 1.6 At planning committee reference was made to an application from Harron Homes for Variation of the s106 legal agreement. The Variation being sought by Harron concerned the bridge over the canal however additionally the agreement would need variation to take account of the reduced corridor width which had been accepted by planning committee.

## 2.0 **Variation of S106**

- 2.1 Now planning permission has been granted, Harron Homes are obligated to purchase the site from the owners. However there remains uncertainty regarding the costs and deliverability implications arising out of the requirements for provision of a bridge over the canal and which would have potential viability implications for the scheme.

### Corridor width

- 2.2 Paragraph 2.9 sets out a definition of the “Highways , Cycling and Bridge Related Works” and states that:- *the following will be constructed to a standard suitable for adoption as public highway/cycleway/pedestrian footpath and/or footway as appropriate:*
  - a) *the provision of a section of the Chesterfield-Staveley Regeneration Route, including appropriately levelled ground namely 7.3 metres carriageway with a footway*

*and cycleway and pedestrian facilities to binder level (with narrower surface features and carriageway) within a corridor of 17.3 metres with all necessary earthworks in accordance with detailed designs to be submitted to and approved by the Council and Highway Authority.*

- 2.3 Planning Committee have now agreed and accepted a 14.3 metre width corridor with a saving of 3 metres arising from a conjoined footpath and cycle route rather than the original segregated option.
- 2.4 The s106 agreement requires amendment to refer to the reduced corridor width of 14.3 metres and this should be referred to in a variation document.

#### Canal Bridge

- 2.5 Paragraph 2.9 sets out a definition of the “Highways, Cycling and Bridge Related Works” and states that:- *the following will be constructed to a standard suitable for adoption as public highway/cycleway/pedestrian footpath and/or footway as appropriate:*

*b) provision of and management and maintenance (including design, necessary surveys and permissions) of a connection and bridge link.*

Schedule 6 sets out the owners obligations as follows:-

- 1.1 *not to permit first occupation of the development without having first completed to the Council's and highway authority's satisfaction the Highways, Cycling and Bridge Related Works.*
- 1.2 *To design and construct a pedestrian footbridge with additional provision for passage by cycles in accordance with a design submitted to and approved in advance by the County Council.*
- 1.3 *To pay to the Council on behalf of the County Council prior to first occupation of the development a commuted sum calculated by The County Council as appropriate for the design of the Bridge Link to*



*enable adoption of the Bridge link for maintenance at public expense.*

- 1.4 *Not to permit the Bridge Link to restrict access to, or use of, the Trans Pennine Trail or navigation of the Chesterfield Canal.*
- 1.5 *To enter into any subsidiary agreements with the County Council in relation to the Highways, Cycling and Bridge Related Works.*
- 1.6 *To carry out all at its own expense all necessary and reasonable associated measures during the construction of the Bridge Link including, but not limited to, any temporary closures of public rights of way.*

2.6 Harron Homes consider the current obligations provide too onerous a limitation on the scheme under which they could not proceed to develop. They have no control regarding the timings, costings or decision making process with regard to the canal bridge and this has been brought very much to the fore by the concerns which have been expressed by the County Council which were referred to at the planning committee.

2.7 The day before planning committee the County Council confirmed in an email that a suggested £95,000 commuted sum would be insufficient to cover design, build and long term maintenance of a canal bridge and on the basis that a bridge is not included in the canal restoration programme, DCC will seek to remove its request for such a link, or financial contribution to it, from the revised s106.

2.8 The developer has committed to the scheme and has a programme which delivers the housing scheme within 3.5 years however the first 6 months is spent on construction of the roadway from Rother Way along the Chesterfield- Staveley Regeneration Route. It is accepted that the

scheme is on the margins of viability and that the scheme has been squeezed such that just 4 affordable houses are all that can be secured. It is also the case that the developer has invested in an investigation to the tune of £10,000 in an attempt to resolve the flooding problem with the blocked culvert notwithstanding the fact that this would normally be responsibility of DCC.

- 2.9 It is clearly desirable in providing a link to the canal towpath TPT which would provide a traffic free route to Chesterfield and Staveley and this is also something which has been encouraged by Chesterfield Cycle Campaign.
- 2.10 It is accepted however that the Chesterfield Canal is owned by DCC and that they are not party to the s106 agreement and the fact that they have indicated that they don't want a bridge causes significant uncertainty as to whether the clause in the s106 requiring a bridge link could actually be secured.
- 2.11 Discussion with the land owner, a previous developer for the site and DCC officers suggested that the principle of a commuted sum for the design and building of a bridge could be accepted. An example was the recently constructed bridge over the canal at Constitution Hill however this was accepted as a more substantial taller and wider brick of brick and stone construction and which was considered to be a more elaborate solution. Whilst this bridge cost £131,500 it was considered that a sum of £95,000, which was considered as a viable limit, could be identified for provision of a bridge.
- 2.12 Until a survey and design exercise has been undertaken to investigate the practical limitations and opportunities on the site and the opportunity to design a scheme which provides a link, it is not possible to conclude how much fund would be required. It is clear however that there is a limit which determines whether the housing scheme will proceed or not. Notwithstanding the reference to a cycle gutter in the bridge design it is considered that a functional pedestrian bridge over the canal would be better than nothing at all as a compromise.

2.13 It is accepted that the s106 clauses need to be amended to allow the development scheme to proceed.

It is suggested that the s106 should be varied as follows:-

- Paragraphs 1.2 to 1.6 (inclusive) of Schedule 6 of the Original Agreement to be deleted.
- The following paragraph to be inserted as a new paragraph 1.2 of Schedule 6 to the Original Agreement:  
“To pay to the Council on behalf of the County Council prior to first occupation of the Development a commuted sum of £95,000 for the design and the construction of the Bridge Link and to enable adoption of the Bridge Link for maintenance at public expense”.
- That a new obligation be added to the agreement requiring that a) the Council covenants with the Owners that the Council will complete or procure completion of the construction of the Bridge Link prior to occupation of the 80<sup>th</sup> Dwelling to be constructed on the Land and will reasonably and properly apply the sum paid pursuant to paragraph 1.2 above (commuted sum payment) for such purpose and b) the Council covenants with the Owners (but for the sole benefit of the party who makes the payment) to repay any balance remaining of the sum paid pursuant to paragraph 1.2 above of this Schedule (commuted sum payment) within 14 working days of demand for the return of any such balance if the construction of the Bridge Link is not completed prior to the occupation of the 80<sup>th</sup> Dwelling to be constructed on the Land.“

2.14 Such amendments to the s106 agreement will allow the development scheme to proceed whilst allowing an ongoing conversation with DCC about provision of a bridge over the canal. This would provide a fund to be used for design purposes and if it were concluded that it is not possible to achieve a bridge for technical or land owner reasons, then the financial pot can be returned. A date when the 80<sup>th</sup> dwelling on the site has been occupied should give sufficient time to be able to resolve whether a scheme can be provided or not and for delivery of such a scheme.

3.0 **Recommendations**

3.1 That the s106 agreement requires amendment to refer to the reduced corridor width of 14.3 metres.

3.2 That the Agreement be amended to allow the developer to pay to the Council on behalf of the County Council on commencement of the development a commuted sum of £95,000 for the design and the construction of the Bridge Link and that the Council works with the County Council to procure the design and completion of the construction of the Bridge Link prior to occupation of the 80<sup>th</sup> Dwelling to be constructed on the Land. The agreement would allow the repayment of any balance remaining if the Bridge Link is not completed prior to the occupation of the 80<sup>th</sup> dwelling to be constructed on the Land.

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