



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

Councillors Bagley and Murphy –
Site Visit 1

Councillors Ludlow and Parsons –
Site Visit 2

Councillors J Innes and P Innes –
Site Visit 3

13 April 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on
MONDAY, 23 APRIL 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
13:10. Ward members wishing to be present should attend on site as
indicated below:-

1. 13:20 Waterside, Chesterfield
CHE/18/00083/REM1
2. 13:50 Middlecroft Road, Chesterfield
CHE/18/00012/OUT

3. 14:10 George Street, Chesterfield
CHE/18/00079/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 by 9.00 a.m. on Monday 23 April, 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 - 34)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 35 - 102)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 103 - 116)
6. Appeals Report (P000) (Pages 117 - 120)
7. Enforcement Report (P410) (Pages 121 - 124)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Keary', written over a horizontal line.

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE

Tuesday, 3rd April, 2018

Present:-

Councillor Brittain (Chair)

Councillors	Hill	Councillors	Davenport
	Callan		P Barr
	Elliott		Brady
	Simmons		Wall
	Catt		Sarvent

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

CHE/17/00891/REM - Reserved matters application for access; appearance; landscaping; layout and scale of CHE/17/00456/OUT - outline planning application for the demolition of the existing dwelling and proposed construction of 2 four bedroom detached dwellings with garages - amended elevations received 29.01.18, amended site layout received 23.02.18 at 20a Avondale Road, Chesterfield, Derbyshire, S40 4TF for Saint Developments.

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

CHE/17/00814/OUT - Erection of six 2 bedroom flats (re-submission of previously approved application CHE/17/00251) – amended indicative plans received 12.03.2018 at land at Chester Street, Chesterfield, Derbyshire for Woodleigh Motors Ltd.

Councillors P Barr, Brady, Brittain, Callan, Catt, Davenport, Elliott, Hill, Sarvent, Simmons and Wall.

CHE/18/00024/FUL - Proposal - five detached dwellings and garages - revised plans, habitat survey and ecological assessment rec'd 01/03/2018 at land at Breckland Road, Walton, Chesterfield, Derbyshire for Peppermint Grove.

Councillors P Barr, Brady, Brittain, Callan, Catt, Davenport, Elliott, Hill, Sarvent, Simmons and Wall.

CHE/17/00800/FUL - Retention of external works and conversion of first and second floor to three self contained residential units at 2 York Street, Hasland, Chesterfield, Derbyshire, S41 0PN for Mr Nigel Chadwick.

Councillors P Barr, Brady, Brittain, Callan, Catt, Davenport, Elliott, Hill, Sarvent, Simmons and Wall.

CHE/17/00890/FUL - Proposed erection of dormer bungalow (revised plans received 05.03.2018) at Plot 53, Westwood Drive Gardens, Inkersall, Derbyshire for Shaw Developments (Sheff) Ltd.

Councillors P Barr, Brady, Brittain, Callan, Catt, Davenport, Elliott, Hill, Sarvent, Simmons and Wall.

CHE/18/00044/OUT - Outline application to demolish existing property, change site entry from left side to right side and build up to 5 new properties at Ravensdale, 26 Chesterfield Road, Brimington, Chesterfield, S43 1AD

Councillors P Barr, Brady, Brittain, Callan, Catt, Davenport, Elliott, Hill, Sarvent, Simmons and Wall.

*Matters dealt with under the Delegation Scheme

138 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bingham, Caulfield and Miles.

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

No declarations of interest were received.

140 MINUTES OF PLANNING COMMITTEE**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 12 March, 2018 be signed by the Chair as a true record.

141 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/17/00891/REM - RESERVED MATTERS APPLICATION FOR ACCESS; APPEARANCE; LANDSCAPING; LAYOUT AND SCALE OF
CHE/17/00456/OUT - OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF THE EXISTING DWELLING AND PROPOSED CONSTRUCTION OF 2 FOUR BEDROOM DETACHED DWELLINGS WITH GARAGES - AMENDED ELEVATIONS RECEIVED 29.01.18, AMENDED SITE LAYOUT RECEIVED 23.02.18 AT 20A AVONDALE ROAD, CHESTERFIELD, DERBYSHIRE, S40 4TF FOR SAINT DEVELOPMENTS

In accordance with Minute No.299 (2001/2002) Mr M Crawley (objector), Mr John Dickinson (objector) and Mr P Wilkinson (agent of applicant), addressed the meeting.

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

(A)

1. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
2. Before occupation of plot 2 hereby approved the new vehicular access shall be formed to Avondale Road in accordance with the application drawing.
3. The proposed dwellings shall not be occupied until space has been laid out within the site in accordance with the application

drawing for cars to be manoeuvred and parked. The areas shall be maintained thereafter free from any impediment to its designated use for the life of the development.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) there shall be no extensions outbuilding 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 dwellings hereby approved without the prior written agreement of the Local Planning Authority.
5. The materials to be used shall be Forterra Butterley Old English Rose Rustic Brick walls, China Slate 687 and white UPVC windows and doors, as detailed in the supporting documents unless alternative materials are submitted for consideration under condition 5 of the outline planning permission.

(B) That a CIL Liability Notice be served for £13,428, detailed in section 6.1 of the officer's report.

CHE/18/00024/FUL - PROPOSAL - FIVE DETACHED DWELLINGS AND GARAGES - REVISED PLANS, HABITAT SURVEY AND ECOLOGICAL ASSESSMENT REC'D 01/03/2018 AT LAND AT BRECKLAND ROAD, WALTON, CHESTERFIELD, DERBYSHIRE FOR PEPPERMINT GROVE

In accordance with Minute No.299 (2001/2002) Mr P Wilkinson (agent of applicant), addressed the meeting.

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

(A)

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.
 - PG.223817.101 REV D – PLANNING LAYOUT

- PG.223817.102 REV C – SITE SECTIONS
 - PG.223817.103 REV C – LANDSCAPE MASTERPLAN
 - PG.223817.104 – DESIGN PARAMETERS
 - PG.233817.105 – AMENDMENTS OVERLAY
 - PG.223817.110 – TYPE A ELEVATIONS
 - PG.223817.111 – TYPE A PLANS
 - PG.223817.112 – TYPE B ELEVATIONS
 - PG.223817.113 – TYPE B PLANS
 - PG.233817.114 – TYPE C ELEVATIONS
 - PG.233817.115 – TYPE C PLANS
 - PG.233817.116 REV A – TYPE D ELEVATIONS
 - PG.233817.117 REV A – TYPE D PLANS
 - PG.233817.118 REV A – TYPE E ELEVATIONS
 - PG.233817.119 REV A – TYPE E PLANS
 - PG.223817.120 REV A – SINGLE GARAGE
 - PG.223817.121 – GARAGE PLOT 5
 - DESIGN AND ACCESS STATEMENT BY OASIS URBAN DESIGN
 - PLANNING STATEMENT BY JOHN CHURCH PLANNING CONSULTANCY LTD
 - ECOLOGICAL ASSESSMENT SEP 2017 BY WEDDLE LANDSCAPE DESIGN
 - FCC 01 - PHASE 1 HABITAT SURVEY BY WEDDLE LANDSCAPE DESIGN
03. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
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.
05. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any

amendments to those details as may be required, have received the written approval of the Local Planning Authority.

- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
06. Prior to the commencement of development, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council to ensure no net loss for biodiversity (NPPF 2012). Such approved measures should be implemented in full and maintained thereafter. Measures may include:

- details of bird and bat boxes (positions/specification/numbers). A bird box (either swift or sparrow terrace) should be attached to every house, with bat boxes attached to two houses.
 - 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), railings or hedgerows.
 - ecologically beneficial landscaping, with native shrubs and trees.
07. 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.
08. 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.
09. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions outbuildings or garages constructed (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.
10. Any first floor windows located in the side elevations of the new dwellings (which are annotated on the approved plans as OG) shall be obscurely glazed and any means of opening shall be located above 1.7m internal floor level. The level of obscure glazing shall be level 4 or above and only windows meeting this specification shall be installed and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

11. The garage/car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
12. Prior to any works commencing, the applicant shall submit and have approved in writing, by the LPA (in consultation with the LHA) a revised layout drawing demonstrating the following:
Plots 1 & 2 – visibility will be within highway
Plot 3 – visibility should be provided to the junction of Foxbrook Drive with Breckland Road and Foxbrook Drive with Foxbrook Court
Plot 4 – to the tangent of the junction radius of Foxbrook Drive with Breckland Road and the junction of Foxbrook Drive with Foxbrook Court
Plot 5 – 2.4m x 25m in both directions
13. The area in front of the sightlines shall be maintained clear of obstructions greater than 1.0m in height (600mm in the case of vegetation) relative to the nearside carriageway channel level.
14. Before any other operations are commenced, space shall be 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.
15. Before any other operations are commenced new vehicular and pedestrian accesses shall be formed to Breckland Road,

Foxbrook Drive and Foxbrook Court in accordance with the drawing approved under condition 1 above.

16. No dwelling shall be occupied until space has been laid out within the site in accordance with the drawing approved under condition 1 above for cars to be parked and the spaces thereafter shall be maintained free from any impediment to their designated use.
17. There shall be no gates or other barriers on the accesses / driveways.
18. The proposed accesses / driveways to Breckland Road / Foxbrook Drive and Foxbrook Court shall be no steeper than 1 in 14 over their entire length.
19. 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.
20. 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.

21. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

(B) That a CIL Liability Notice be served for £70,092, detailed in section 5.8.2 of the officer's report.

CHE/18/00044/OUT - OUTLINE APPLICATION TO DEMOLISH EXISTING PROPERTY, CHANGE SITE ENTRY FROM LEFT SIDE TO RIGHT SIDE AND BUILD UP TO 5 NEW PROPERTIES AT RAVENSDALE, 26 CHESTERFIELD ROAD, BRIMINGTON, CHESTERFIELD, S43 1AD

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

1. Approval of the details of the 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. Concurrent with the submission of a reserved matters application, 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. Approval of the details of the 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.
7. 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.
8. 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.
9. 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.
10. Concurrent with the submission of a reserved matters application, 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.

11. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
12. Concurrent with a reserved matters application, drawings shall be provided which show the possibility of the proposed new driveway to have visibility splays of 2.4m x 43m over land the subject of the application/highway in both directions, and then agreed in writing with the Local Planning Authority. The area in advance of the sightlines shall be 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.
13. The proposed access/driveways to Chesterfield Road shall be no steeper than 1 in 14 over its entire length.
14. 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.
15. Concurrent with the submission of a reserved matters application, a biodiversity enhancement strategy shall be submitted to and approved in writing by the Council to ensure no net loss for biodiversity (NPPF 2012). Such approved measures should be implemented in full and maintained thereafter. Measures may include:
 - details of bird and bat boxes (positions/specification/numbers). A bird box (either swift or sparrow terrace) should be attached to every house, with bat boxes attached to two houses.
 - 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), railings or hedgerows.

- ecologically beneficial landscaping, with native shrubs and trees.

16. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.

CHE/17/00800/FUL - RETENTION OF EXTERNAL WORKS AND CONVERSION OF FIRST AND SECOND FLOOR TO THREE SELF CONTAINED RESIDENTIAL UNITS AT 2 YORK STREET, HASLAND, CHESTERFIELD, DERBYSHIRE, S41 0PN FOR MR NIGEL CHADWICK.

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

1. Within 1 month of the date of this permission details showing removal of the west facing balcony and canopy and any consequential amendments to the building at second floor level shall be submitted to the local planning authority for consideration. The detail agreed in writing by the local planning authority shall be carried out within 6 months of the date of this permission.
2. Within 1 month of the date of this permission details showing removal of the west facing French doors at second floor level and replacement with a shall be submitted to the local planning authority for consideration. The new window shall be obscurely glazed to a minimum of Pilkington level 3. The details agreed in writing by the local planning authority shall be carried out within 6 months of the date of this permission and which shall be retained as such thereafter for the life of the development.

CHE/17/00890/FUL - PROPOSED ERECTION OF DORMER BUNGALOW (REVISED PLANS RECEIVED 05.03.2018) AT PLOT 53, WESTWOOD DRIVE GARDENS, INKERSALL, DERBYSHIRE FOR SHAW DEVELOPMENTS (SHEFF) LTD

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

(A)

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.
 - Revised building plan - Drawing number SDCL/WDG/01 Revision D (dated 05.03.2018)
 - Revised elevations – Drawing number SDSL/WDG/02 Revision C and SDSL/WDG/03 Revision B (dated 05.03.2018)
 - Revised site plan – Drawing number SDSL/WDG/04 (dated 05.03.2018)
 - Revised garage plan – Drawing number SDCL/WDG/05 (dated 05.03.2018)
03. 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.
04. 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.
05. 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.

06. Prior to any other works commencing, the entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2m into the site from the carriageway boundary in order to maximise the visibility available to drivers emerging onto the highway. The situation shall be maintained thereafter for the life of the development.
07. 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.
08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
09. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.
10. Notwithstanding the details shown on the approved plan SDSL/WDG/02 Revision C the first floor roof light windows proposed in western roof plane of the dwelling facing No 23 Bluebell Close to the west shall be only be fitted with an opening above 1.7m high relative to internal floor level and shall thereafter be retained as such in perpetuity.
11. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority,

full details of hard landscape works which shall include details of all fencing, walling and other boundary treatments, steps, retaining walls, surface levels and finishes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the approved dwelling and retained as such thereafter.

(B) That a CIL Liability Notice be served for £11,117, detailed in section 5.11.2 of the officer's report.

CHE/17/00814/OUT - ERECTION OF SIX 2 BEDROOM FLATS (RE-SUBMISSION OF PREVIOUSLY APPROVED APPLICATION CHE/17/00251) – AMENDED INDICATIVE PLANS RECEIVED 12.03.2018 AT LAND AT CHESTER STREET, CHESTERFIELD, DERBYSHIRE FOR WOODLEIGH MOTORS LTD.

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. 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.
7. 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.
8. 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.
9. 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.
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 unless otherwise agreed by the Local Planning Authority in writing.

11. 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.
12. Prior to any other works commencing, the entire site frontage to Chester Street shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2 metres into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway.
13. 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.
14. There shall be no gates or other barriers located across the entire frontage of the property.
15. The proposed accesses/driveways to Chester Street shall be no steeper than 1 in 14 over their entire length.
16. 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 entry 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 appropriate zones of influence for the mine entry, and the definition of suitable 'no-build' zones;
 - As part of the reserved matters application the submission of a scheme of treatment for the mine entry 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
 - Implementation of those remedial works prior to the commencement of development.
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.
18. 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.
19. 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.

CHE/17/00769/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF EXTRA CARE ACCOMMODATION FOR OLDER PEOPLE, LANDSCAPING AND CAR PARKING (REVISED PLANS RECEIVED 10TH, 16TH, 22ND AND 25TH JAN '2018; AND 14TH, 19TH AND 20TH MARCH '2018) AT SITE OF FORMER NORTH EAST DERBYSHIRE DISTRICT COUNCIL OFFICES, SALTERGATE, CHESTERFIELD, DERBYSHIRE, S40 9TA FOR YOUR LIFE MANAGEMENT SERVICES LTD

That the officer recommendation be upheld and the application be approved subject to the previously recommended list of conditions with

the exception of the approved plans condition 2 which should be revised as follows:-

02. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
- NW 2425 01 AC 001 Rev B – Location & Context Plan
 - NW 2425 01 AC 002 – Street Scene
 - NW 2425 01 AC 003 – Perspective View From Saltergate
 - NW 2425 01 AC 004 Rev C – Site Layout
 - NW 2425 01 AC 005 Rev D – Elevations 1 of 2
 - NW 2425 01 AC 006 Rev F – Elevations 2 of 2
 - NW 2425 01 AC 007 Rev F – Ground Floor and First Floor Plans
 - NW 2425 01 AC 008 Rev F – Second and Third Floor Plans
 - NW 2425 01 AC 009 Rev C – Roof Plans
 - NW-2425-01-LA-001 Rev B – Landscape Layout
 - 030117JC-01 - Site Survey
 - SK1000 P1 - Preliminary Drainage Strategy
 - Planning Statement
 - Design & Access Statement
 - Statement of Community Involvement
 - Transport Statement
 - Arboricultural Report
 - Heritage Statement
 - Phase I and Phase II Ground Reports
 - Phase I Extended Habitat Report

142 **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/17/00437/FU	Erection of 3 bungalows on land the green, in place of the existing Methodist church which has been granted demolition (CHE/17/00324/DEM) - Revised description and drawings received
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	16.01.17 At Q House The Green Hasland Derbyshire S41 0LJ For Mr Richard Palfreyman
CHE/17/00816/FU	Extension to existing kitchen and addition of w.c. and wash basin At 222 Walton Road Walton Derbyshire S40 3BS For Mr Murray White
CHE/17/00842/FU	Rear single storey extension and dormer roof extension to front (revised plans received 22.01.2018) At 11 Thirlmere Road Newbold Derbyshire S41 8EH For Mr Jaisankar Lakshmipathi
CHE/17/00844/FU	Two storey side extensions with single storey extension At 1 Rosedale Avenue Chesterfield S40 2UY For Mr M Rogers
CHE/17/00848/FU	Convert and upgrade the existing 3m segregated cycle route across the Rother Washlands to create a 5m wide shared cycle route. At Land North Of Storforth Lane To The East Of Derby Road Chesterfield Derbyshire For Derbyshire County Council
CHE/17/00849/FU	Extensions and alterations to rear of property At 49 Somersall Park Road Chesterfield Derbyshire S40 3LD For Mr P Dodds
CHE/17/00869/AD	Shop fascia and hanging signs and new shop awning At 5-7 High Street Chesterfield S40 1PS For Mr Andy Singleton
CHE/17/00871/FU	Rear extension and alterations including revised ridge height At 9 Raneld Mount Walton Derbyshire S40 3RE For Mr Phil Thompson
CHE/17/00887/FU	Re-submission of CHE/17/00198/FUL - two storey side extension At 9 Purbeck Avenue Brockwell Chesterfield S40 4NP For Mr Chris Armstrong
CHE/18/00002/FU	Side extension and extension to garage At 6 Spital Brook Close Spital Chesterfield Derbyshire

S41 For R Stevens

CHE/18/00005/COU	Change of use from commercial to residential At Harmony Blinds 156 Keswick Drive Newbold Derbyshire S41 8HH For Mr David John Moore
CHE/18/00007/TP	T1-T3 Sycamores 3Nr to crown lift and crown clean, T4 Blue Cedar crown lift and crown clean, T5 Weeping Birch to undertake a light prune At The Ambulance Station Old Road Chesterfield S42 7JT For Premier Facilities Maintenance
CHE/18/00008/FU	Two storey side extension to existing dwelling (Revised drawings received 08.03.2018) At 42 East Crescent Duckmanton Derbyshire S44 5ET For Mr and Mrs Siddall
CHE/18/00025/NMA	Non material amendment to CHE/17/00158/FUL (single storey rear and two storey side extension) to replace side entrance door with a window, omit rear french doors and substitute with window and bi fold doors and install 2 velux windows in side extension rear roof elevation. At 108 Manor Road Brimington Derbyshire S43 1NN For Mr Jason Toyne
CHE/18/00026/TP	T1 Lime, crown thin by 20% to remove crossing branches and deadwood, to allow light onto At 1 Pine View Ashgate Chesterfield Derbyshire, S40 4DN For Mr Jack Church
CHE/18/00028/FU	Proposed single storey rear side extension At 34 Levens Way Newbold Derbyshire S41 8HZ For Mr and Mrs Nichols
CHE/18/00030/AD	1 internally illuminated fascia with the CO-OP logo illuminated, 2 internally illuminated Co-op logos, 6 none illuminated wall mounted flat aluminium panels amd 1internally illuminated 3.5m totem At Land At Former Crispin Inn 240 Ashgate Road Chesterfield Derbyshire S40 4AW For Co-operative Food

CHE/18/00037/AD	Signage associated with Premier Inn Hotel At Chesterfield CO-OP Knivesmithgate Chesterfield Derbyshire S40 1RF For Whitbread Group
CHE/18/00038/AD	3 fascia signs At Unit 6 Chesterfield Trade Park Lockoford Lane Chesterfield Derbyshire S41 7JL For Mr Christopher Dell
CHE/18/00039/TP	T1 Deodar Cedar - To crown lift crown by approx. 6m from ground level not exceeding cuts above 100mm. Also to reduce x2 lateral limbs on property side of canopy by approx. 1m to give a 2m clearance from property. All work to BS 3998 standards. At 21 Gladstone Road Chesterfield S40 4TE For Mr Chris Davies
CHE/18/00042/TP	T29 - Yew - Crown lift and girth reduction to maintain shape of tree. Crown lift by 3.5m. Deduction of branches towards Mansfield Road. Clear main stem of growth. At 84 Mansfield Road Hasland Derbyshire S41 0JF For Mr David Smith
CHE/18/00043/FU	Erection of a garage At 42 Station Road Brimington S43 1JT For Mr Moore
CHE/18/00046/LB	Replace 5 windows within domestic property - current windows are beyond repair and require immediate replacement. At Rose Cottage 481 Chatsworth Road Chesterfield S40 3AD For Mr Anthony Anderson
CHE/18/00049/CA	Sweet Chestnut referred to as No2 Sweet Chestnut crown reduce. Tree identified as a Walnut not Sweet Chestnut At Somersall Farm Somersall Hall Drive Somersall Derbyshire S40 3LH
CHE/18/00054/TP	Copper Beech (T19) - Crown lift to reduce any potential for damage during construction works At Saltergate Health Centre 107 Saltergate Chesterfield Derbyshire S40 1LA For Woodall Homes

CHE/18/00055/TP	Crown cleaning and removal of dead wood and re-shaping of crown where required At 30 Foxbrook Drive Walton Derbyshire S40 3JR For Mrs Anne Molloy
CHE/18/00064/TP	Crown thin and drawing back branches which are overhanging conservatory of property. Also will help re-balance tree after parts died off. Re - Oak tree at back of 7 Sandstone Avenue. At 7 Sandstone Avenue Walton Derbyshire S42 7NS For Mrs Anne Spencer
CHE/18/00067/TP	T1-T8 Poplars (Don't appear to have been numbered on TPO) - Whittington Crown reduction. Trees grown to excessive height, branches breaking off- noted by LPA officer on site visit At 228 Handley Road New Whittington Derbyshire, S43 2ER For Mr David Bardsley
CHE/18/00077/TP	Oak tree to be cut back from council Structure At 4 Ennerdale Crescent Newbold Derbyshire, S41 8HL For Chesterfield Borough Council
CHE/18/00078/TP	Oak tree to be cut back from council Structure At 2 Ennerdale Crescent Newbold Derbyshire, S41 8HL For Chesterfield Borough Council
CHE/18/00123/TP	T22- Ash tree with 2 stems. Fell both stems at ground level to prevent structure failure, due to large area of decay instem and root At Manor Offices Old Road Chesterfield Derbyshire S40 3QT For DXC Technology
(b) Refusal	
CHE/17/00839/OUT	Outline application for planning Whittington permission for one dwelling tied to the existing boarding kennels At 415 Broomhill Farm Broomhill Road Old Whittington S41 9EA For Broomhill Farm Kennels Ltd

- CHE/17/00870/FU Two storey side extension, single storey rear extension with new front porch - Revised drawing received 16.02.18 At 7 High Street Old Whittington S41 9JS For Mr Steve Clarke
- CHE/18/00016/TP Red Oak (T1 on Arb Report) - Remove and replace with suitable low water demand species at a suitable location, Norway Maple (T3 on Arb Report) - Remove and replace with suitable low water demand species at a suitable location. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability. Estimated costs of repair to the building are £50,000.00 if the influence of the tree(s) remain and £5,380.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e). Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £55,380.00 is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the At 10 Sherbourne Avenue Newbold S41 8TL For Subsidence Management Services

(c) Discharge of Planning Condition

- CHE/17/00818/DOC Discharge of condition 3 (materials), 5 (layout), 7 (windows), 8 (brise soleil), 9 (surface water drainage), 10 (archaeological site investigation) of CHE/16/00425/FUL - Demolition of 15 - 17 West Bars and erection of replacement building with retail outlet on ground floor and 2 apartments on 1st and 2nd At 15-17 West Bars Chesterfield Derbyshire S40 1AQ For FAW Ltd
- CHE/18/00014/DOC Discharge of planning conditions 7 (external lighting), 10 (bird and bat boxes), 12 (soft

landscaping), 21 (waste storage) of CHE/16/00737/FUL New Ford dealership comprising 2 storey showroom/service/MOT building and single storey car valet building with associated facilities including workshops, compound, customer and staff parking, used car sales display area, access roads and appropriate landscaping At Land To South Of Spire Walk Chesterfield Derbyshire For Perrys East Midlands Ltd

CHE/18/00019/DOC Discharge of planning conditions 4 (site construction plan) and 10 (Delivery Management Plan) of CHE/15/00024/FUL - Demolition of existing public house and erection of a single storey convenience store (class A1) with associated car parking, landscaping, plant and ATM machine. Additional plans received 14.02.2018. At 74 The Wheatsheaf Newbold Village Newbold Road Newbold S41 8RJ For NewRiver REIT

CHE/18/00029/DOC Discharge of planning conditions 3 (external materials) and 7 (surface water run off) for application CHE/17/00546/FUL - three bedroom bungalow with garage At Land To Rear Of 11 Chesterfield Road Brimington For Mr James Chapman

(d) Split decision with conditions

CHE/18/00045/TP Remove lower branches on T6 Sycamore referred to as No1 Sycamore on submitted plan. Remove dead wood T49 and T50 Horsechestnut referred to as 2 Chestnuts on submitted plan. At Somersall Farm Somersall Hall Drive Somersall Derbyshire S40 3LH

(e) Prior approval not required

CHE/18/00097/TP Single storey rear extension to provide a sun lounge At 368 Brimington Road Tapton

Derbyshire S41 0TF For Mr and Mrs D Wall

(f) Prior Notification Refusal

CHE/18/00032/TP Single storey rear dining room extension with pitched roof At12 Butterson Drive Holme Hall Chesterfield Derbyshire S40 4UW For Mr Jamie Grocutt

143 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/18/00016/TPO Consent is refused to the felling of two trees because there is insufficient evidence to link the two trees to the damage to the main dwelling and although it is accepted that the damage to the detached garage is related to the trees the garage was constructed with very shallow foundations to a thickness of 100mm and not to the specifications approved for planning application CHE/785/419 which was granted consent in 1985.

CHE/18/00123/TPO Consent is granted to the felling of one Ash tree with a condition to plant an Oak tree as a replacement in the next available planting season. An advice note has also been attached to survey the tree for bats due to the cavities in the tree.

CHE/18/00077/TPO Consent is granted to the reduction of branches growing towards 4 Ennerdale Crescent to give a 2 metre clearance from the structure pruning back to suitable replacement branches.

CHE/18/00078/TPO	Consent is granted to the reduction of branches growing towards 2 Ennerdale Crescent to give a 2 metre clearance from the structure pruning back to suitable replacement branches.
CHE/18/00054/TPO	Consent is granted to the crown lifting of the tree by 3 metres pruning back to suitable replacement branches and leaving a well-balanced crown.
CHE/18/00051/TPO	<p>Consent is refused to the coppicing of two of the four Ash trees because there is no justification for their removal/coppicing to 30cm in height and which would leave a large gap in the group of trees which was protected as a screen and wildlife corridor for the new development.</p> <p>Consent is granted to the coppicing of two Ash stems which are growing from a decayed stem for safety reasons. Although they are not considered to be dangerous at the present time, future growth could lead to them failing at the base.</p>

144 **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.

145 **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.

146 PERMISSIONS IN PRINCIPLE "A NEW PLANNING CONSENT ROUTE" - INTRODUCTION OF NEW LEGISLATION

The Development Management and Conservation Manager submitted a report on the introduction of new legislation, Permissions In Principle.

The Government had introduced planning reforms within the Housing and Planning Act 2016 (Permission in Principle etc) (Miscellaneous Amendments) (England) Regulations 2017 to assist in the delivery of housing.

***RESOLVED –**

1. That the delegation scheme be amended to permit the Development Management and Conservation Manager, or the Principle Planner in the absence of the Development Management and Conservation Manager, to decide on applications for Permissions In Principle and Technical Detail Consents in accordance with planning policy.
2. That ward members be consulted on applications for Permissions In Principle and Technical Detail Consents within their ward.

Councillors Callan, Elliott and Hill left the meeting at this point and did not return.

147 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 6 of Part 1 of Schedule 12A of the Act.

148 **UNAUTHORISED CHANGE OF USE OF LAND FOR THE STORAGE OF RAIL BED PANELS AND ENGINEERING OPERATION TO EXTEND AREA OF HARDSURFACING AT LAND AT STATION ROAD, NEW WHITTINGTON, CHESTERFIELD**

The Development Management and Conservation Manager submitted a report on the unauthorised engineering operation and use of the land as an extension of the industrial estate at Station Lane, New Whittington, Chesterfield.

***RESOLVED –**

That the authority be granted for the issue of an Enforcement Notice requiring the removal of imported materials back to the original land level prior to the unauthorised importation of materials and to a line which correlates with the industrial allocation on the 2006 Chesterfield Local Plan together with re-landscaping of the newly created embankment and the area between it and the boundary of the site.

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	23 RD APRIL 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 23RD APRIL 2018**

- ITEM 1** **CHE/18/00083/REM1** - Variation of conditions
3,5,8,14,18,24,25,33 and 45 of CHE/16/00183/REM1 - demolition
of existing buildings and erection of a comprehensive mixed use
regeneration scheme comprising residential (use class C3); retail
(use class A1); financial/professional services (use class A2);
restaurants, drinking establishments and hot food establishments
(use classes A3, A4 and A5); offices (use class B1); doctors
surgery and creche (use class D1); two hotels (use class C1);
health and fitness (use class D2); nursing home (use class C2);
ancillary creative uses including a possible arts centre, a new canal
link, new open spaces including linear and eco parks, new public
realm and car parking arrangements including two multi storey car
parks at Land east of the A61 known as Chesterfield Waterside,
Brimington Road, Tapton, Derbyshire for Chesterfield Waterside
Ltd
- ITEM 2** **CHE/18/00079/OUT** - Outline application for the erection of three
2.5 storey houses with attached garages and raised drives at Land
between George Street and Victoria Street North, Broomhill Road,
Old Whittington, Chesterfield, Derbyshire for Mr Michael Davidson
- ITEM 3** **CHE/18/00012/OUT** - Outline application for redevelopment of
existing site for one residential unit. (Revised on 08/02/18)
Land at Middlecroft Road, Staveley, Derbyshire
for Mr Matthew Pask

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Case Officer: Joe Freegard
Tel: 01246 345580
Committee Date: 23rd April 2018

File No: CHE/18/00083/REM1
Plot No: 2/163

ITEM 1

CHE/18/00083/REM1 – Variation of conditions 3,5,8,14,18,24,25,33 and 45 of CHE/16/00183/REM1 - demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Land east of the A61 known as Chesterfield Waterside, Brimington Road, Tapton, Derbyshire for Chesterfield Waterside Ltd

Local Plan: Area of Major Change - Waterside and the Potteries.
Ward: Brimington South

1.0 CONSULTATIONS

Ward Members	No representations received
Strategy Planning Team	No comments received
Environmental Services	No objections
Design Services	No comments
Yorkshire Water	Comments received – see report
Lead Local Flood Authority	No objections
DCC Highways	No comments
Chesterfield Cycle Campaign	No comments
Conservation Officer	No comments

Derbyshire Wildlife Trust	No objections
Chesterfield Canal Trust	Comments received – see report
DCC Countryside Service	Comments received – see report
Representations	One letter of comment received

- 1.1 The proposals were publicised by site notices and in the local press.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Waterside regeneration area is located to the north of the town centre sandwiched between the A61 to the west and Brimington Road to the east. The reserved matters application relates to part of the ‘Basin Square’ Character Area within the Waterside scheme, specifically the area between Brimington Road and Brewery Street and the junction of Holbeck Close and Brimington Road. The reserved matters application site currently contains a temporary surface car park, a canal basin, hard surfacing and sparse vegetation and currently ground remediation and bund provision is being undertaken.
- 2.2 The site is relatively low in terms of land levels compared to the majority of Chesterfield Town Centre and surrounding settlements, being next to the River Rother. To the west the Town Centres buildings are visibly higher than the site, with the Chesterfield College building and Grade I Listed St Mary and All Saints Church being the most obvious. Levels fall from the roundabout junction of Brimington Road and Brewery Street towards and through the site towards Holbeck Close.
- 2.3 Nearby buildings on Brimington Road opposite the site are predominantly two storey in scale with a complex of red bricked and stone detailed buildings (likely from the Victorian era) to the immediate south of the site and further down Brimington Road other two storey buildings, one vacant and one in use as an antiques shop with ancillary café. All the buildings to the east of the Basin Square site are to be demolished and redeveloped as part of the Station Approach component of the waterside scheme. Buildings on Holbeck Close are no more than two storeys in height. The nearest dwellings are to the east, consisting of a terraced row with curtilages on the opposite side of the River Rother to the reserved matters application site (Tapton Terrace). The reserved matters’ application site is screened from these dwelling’s

to a degree by a row of deciduous trees along the side of the River Rother.

3.0 **SITE HISTORY**

3.1 The following history of the site is relevant to the consideration of the proposal:

3.1.1 CHE/09/00662/OUT Outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Chesterfield Waterside, A61 Corridor, Chesterfield, revised highways plans received 22nd January 2010, additional information received 1st February 2010. GRANTED 09.03.2011

3.1.2 CHE/16/00183/REM1 Variation of planning conditions 3,10,11,12,13,14,39 and 47 of CHE/09/00662/OUT - Outline planning application with all matters reserved except for means of access proposing the demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks at Chesterfield Waterside, A61 Corridor, Chesterfield, revised highways plans received 22nd January 2010, additional information received 1st February 2010 - Revised ES Addendum received 26/9/2016. Granted 12.12.2016

- 3.1.3 CHE/16/00529/FUL Dredging a section of the River Rother to reinstate a navigable channel for canal boats from the existing Chesterfield Canal to the recently constructed Canal Basin within the Chesterfield Waterside site to the north of Tapton Bridge. Retaining elements/bank stabilisation to be installed to the River Bank where dredging may undermine the existing Bank.- Section of the River Rother between Tapton Bridge and the Chesterfield Canal. Granted 10.10.2016.

4.0 **THE PROPOSAL**

- 4.1 An application has been made for the variation of conditions 3,5,8,14,18,24,25,33 and 45 of CHE/16/00183/REM1 - demolition of existing buildings and erection of a comprehensive mixed use regeneration scheme comprising residential (use class C3); retail (use class A1); financial/professional services (use class A2); restaurants, drinking establishments and hot food establishments (use classes A3, A4 and A5); offices (use class B1); doctors surgery and creche (use class D1); two hotels (use class C1); health and fitness (use class D2); nursing home (use class C2); ancillary creative uses including a possible arts centre, a new canal link, new open spaces including linear and eco parks, new public realm and car parking arrangements including two multi storey car parks.
- 4.2 The application seeks to vary the conditions under planning permission CHE/16/00183/REM1 to amend the approved plans to omit the canal arm from the scheme. As part of the outline planning permission, it was proposed to raise the water levels in the River Rother through construction of a new weir, which was intended to provide a navigable section of the river for canal boats via a new canal arm through the site. An alternative engineering method is now being proposed under this application to deliver a navigable section for canal boats along part of the River Rother without the need for a new canal arm. Application CHE/16/00529/FUL was approved for the dredging of a section of the River Rother to reinstate a navigable channel for canal boats from the existing Chesterfield Canal to the north of the newly constructed Canal Basin within the Chesterfield Waterside site to the north of Tapton Bridge. The approval also included necessary retaining elements/bank stabilisation to the River Bank where dredging may undermine the existing Bank.

4.3 In order to facilitate the proposed delivery of a navigable section for boats along part of the River Rother without the need for a new canal arm, the following changes to the approved Indicative Masterplan, Character Area Plan and Building Heights Parameters Plan are sought;

- Condition 3 (Indicative Masterplan reference (drawing no. CWD-BBA-ZO-ZZ-DR-01005 P02), reference to Design and Access Statement dated August 2009 and updated Design and Access Statement dated March 2016, and reference to Environmental Statement dated October 2009 and Environmental Statement Addendums dated March 2016 and February 2018 to be updated);
- Condition 5 (Indicative Masterplan reference (drawing no. CWD-BBA-ZO-ZZ-DR-01005 P02) and reference to Design and Access Statement dated August 2009 and updated Design and Access Statement dated March 2016 to be updated);
- Condition 8 (Reference to Design and Access Statement dated August 2009 and updated Design and Access Statement dated March 2016 to be updated)
- Condition 33 (Indicative Masterplan reference (drawing no. CWD-BBA-ZO-ZZ-DR-01005 P02) to be updated); and
- Condition 45 (Character Area Plan (drawing no. CWD-Z0-ZZ-DR-A-01008 P01) and Building Heights Parameters Plan (reference no. CWD-BBA-Z0-ZZ-DR-01006 P02) reference to be updated).

4.4 In order to facilitate the proposed plans, an update to the Environmental Statement is sought via the submission of the February 2018 ES Addendum report and via the variation of the following conditions:

- Condition 3 (reference to Environmental Statement dated October 2009 and Addendums dated March 2016 and February 2018 to be updated);
- Condition 14 (reference to Environmental Statement dated October 2009 and Environmental Statement Addendum dated February 2018 to be updated);
- Condition 18 (reference to Environmental Statement dated October 2009 and Flood Risk Assessment Statement contained in

Appendix 4A of the Environmental Statement Addendum dated February 2018 to be updated);

4.5 It is proposed that Condition 24 is removed in its entirety. The original condition 24 related to the mitigation management of water voles. Since the original ES was submitted in October 2009, the ecological baseline has altered. During an updated ecological walkover survey undertaken in November 2017 by Bowland Ecology, the absence of water vole was confirmed. It is therefore stated that there is no need for the provision of mitigation for water vole, as was initially proposed within the Original October 2009 ES.

4.6 The application seeks amendments to the wording of Condition 25 to reflect the update to the plans. It is currently worded as follows:

"Prior to the commencement of development in the following area, details of a scheme for the provision of fish passage around the weir at grid reference E438800 N372279 and the proposed rock riffle at Grid Reference E438779 N371960 shall be submitted to the Local Planning Authority for consideration. Only those details or any amended details approved by the Local Planning Authority shall be implemented onsite."

It is stated that reference to the 'rock riffle' will need to be removed from the condition as it will no longer apply once the Canal Arm has been omitted from the plans. The application therefore seeks to amend the wording of the condition to the following:

"Prior to the commencement of development in the following area, details of a scheme for the provision of fish passage around the weir at grid reference E438800 N372279 shall be submitted to the Local Planning Authority for consideration. Only those details or any amended details approved by the Local Planning Authority shall be implemented on site."

5.0 **Planning Policy**

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the

saved policies, allocations and designations of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

Replacement Chesterfield Borough Local Plan Policies ('RCBLP')

- 5.2 There are no Local Plan policies relevant to this decision.

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

- 5.3
- | | |
|------|--|
| CS1 | Spatial Strategy |
| CS2 | Principles for Location of Development |
| CS3 | Presumption in Favour of Sustainable Development |
| CS4 | Infrastructure Delivery |
| CS7 | Management of the Water Cycle |
| CS8 | Environmental Quality |
| CS9 | Green Infrastructure and Biodiversity |
| CS11 | Range of Housing |
| CS13 | Economic Growth |
| CS15 | Vitality and Viability of Town Centres |
| CS16 | Retail |
| CS17 | Social Infrastructure |
| CS18 | Design |
| CS19 | Historic Environment |
| CS20 | Influencing the Demand for Travel |
| PS3 | Waterside and the Potteries |

6.0 Considerations

Local Plan Issues

- 6.1 The proposal in terms of land use mix, location and the amount of development would be unchanged and would fit within the original

outline permissions parameters. The permission is still extant due to the lawful start made with the construction of dwellings adjacent to Brimington Road in another character area and significant weight should be given to the presence of the outline permission. Furthermore the proposed matters would not materially conflict with national and local planning policies relating to the amount and location of development, having regard to the NPPF and Core Strategy policies CS1, CS2, CS4, CS7, CS15, CS16, CS17, CS20 and PS3.

- 6.2 It is considered that the proposed plans are acceptable in principle. The justification for the proposed amendments to the overall Waterside scheme are considered to be warranted, and the scheme would continue to provide a high quality mixed use scheme with a navigable boat link that would run through the development. The ability to deliver this alternative route along the River Rother has already been established via the approval of application CHE/16/00529/FUL for the dredging of a section of the river to reinstate a navigable channel for boats. It is not therefore considered that the ability of canal boats to navigate through the development would be jeopardised by these plans and which would provide a navigable link between the Chesterfield Canal and the basin area.

Drainage and the Water Environment

6.3 Lead Local Flood Authority

- 6.3.1 The Lead Local Flood Authority was consulted on this application and they have raised no objections.

6.4 Chesterfield Canal Trust

- 6.4.1 Chesterfield Canal Trust has raised concerns regarding the proposal. They confirm their severe reservations to removing the proposed canal arm from the Waterside development for the following reasons:

Removing part of the 'water' from a waterside development undermines the development's unique selling point. We are sure the developers are well aware that 'water adds value' and that they can expect a 15-20% premium on properties adjoining water. On site at the moment there are large billboards advertising 'The Island' which, it seems, will not be an island under the new proposals. To establish its attractiveness the development has to be able to offer a pleasing and unusual environment above and beyond the quality of its office and residential spaces. Rather

than taking out the canal arm, we believe the developers should be planning to capitalise on the feature that gave the development its name - Waterside.

The waterside environment needs to be maintained in an attractive and sustainable manner. To do this the successor custodians of the open spaces around the development will need a sustainable income stream - the canal arm offers a means of generating some of that revenue, offering the opportunity for residents' moorings. The basin in Basin Square, on its own, is not large enough to generate income and offer canal side facilities. Obviously moorings will not be possible on the river. We would suggest that Waterside needs to be seen in the context of the wider canal restoration, and that a moorings strategy would massively assist with the promotion of Waterside and the proposals for the Staveley Works Corridor.

We would suggest that there is a need to differentiate moorings by user and length of stay:

- Basin Square - 2 or 4 hour moorings available to visiting narrowboats and with the potential for a commercial tripboat operation.
- Canal Arm - Residents' moorings linked to residential properties on The Island and providing the development with a 'resident' boat presence, adding interest and colour to the development and a sustainable income stream for future maintenance.
- River Rother - No moorings for flood and safety reasons.
- Marmalade wharf northwards - 72/96 hour visitor moorings enabling visitors to walk into town.
- Tapton Lock - a mix of residential and visitor moorings up to 7 days.
- Proposed marina at Hollingwood and Staveley Town Basin - a mix of residential and visitor moorings, with the potential for hire boat operations.

If maintenance costs of the new canal arm are seen as a stumbling block, it should be noted that the dredging of the Rother to make it navigable is not a once in a lifetime task and future dredging will require funding. With the inclusion of the resident moorings on The Island, there would be an income stream to help cover these costs - without the Island moorings other sources of sustainable income will need to be found for periodic maintenance. Furthermore, the Rother is susceptible to flooding - the extension of the canal will surely help to manage the

flood risk to the new development. We are puzzled by the reference to the new canal arm as “an intrusive engineering solution”.

Since the Section 73 permission [CHE/16/00183/REM] granted in May, 2017, the finalised route of HS2 Phase 2b has been confirmed along with the HS2 station for Chesterfield - less than 200 m. from Basin Square in Waterside. This massively changes the significance of the Waterside project for it is now very close to one of the very few stations on Phase 2b [along with Leeds, Sheffield and Toton]. It is therefore anticipated that Chesterfield will experience the projected benefits of localities its an HS2 station - property value uplift, economic regeneration and fiscal growth. Recent press coverage suggests that Waterside is now being marketed internationally together with the £1 billion investment coming to Chesterfield over the coming years. See <https://www.eastmidlandsbusinesslink.co.uk/mag/featured/chesterfield-takes-seat-worldwide-investment-event/>

It is now well established in the UK that restored canals and a vibrant ‘blue economy’ have massive positive impacts on individual health and well-being; on local job creation and regional economies, and on the nation’s ability to broaden and strengthen its tourism offering. The addition of the HS2 station will mean that there will be a fast reliable access point for people wishing to hire narrowboats, and is likely to attract interest to place hire boats on the restored canal.

Currently, the Canal Partnership and the Canal & River Trust has commissioned Peter Brett Associates to undertake a study of the economic and community benefits of the development of a Rother Valley Link to connect the restored Chesterfield Canal with the South Yorkshire Navigation canal.

This would have several major benefits for Chesterfield and the region.

- Such a link would turn the Chesterfield Canal from a ‘dead end’ navigation into part of the national network, enabling boats from Chesterfield to travel north eastward towards the Yorkshire canal network, or to follow the Chesterfield Canal down to the River Trent and south towards the Midlands.
- It would enable boaters to access Chesterfield from the north and increase the tourism reach for the town;
- It would create a walking, cycling and boating ring of approx 170 kms and create a wholly new tourism attraction for N Derbyshire and the Sheffield City Region.

6.4.2 In response to the comments from Chesterfield Canal Trust, the justification for the proposed amendments to the overall Waterside scheme are considered to be warranted. The scheme would continue to provide a high quality mixed use scheme with a navigable boat link that would run through the development. The ability to deliver this alternative route along the River Rother has already been established via the approval of application CHE/16/00529/FUL for the dredging of a section of the river to reinstate a navigable channel for boats. It is not therefore considered that the ability of canal boats to navigate through the development would be jeopardised by these plans. It is accepted that the scheme would be different to that originally approved, however it is not considered that the development's unique selling point would be lost. It is not considered that the proposed plans would necessarily result in the potential needs of the custodians of the open spaces around the development to generate a sustainable income being affected. Although opportunities for mooring may be impacted upon by these plans, it is not considered that the level of change would be significant enough to jeopardise the scheme or result in a refusal being issued. It is considered that the claim that moorings will not be possible on the river is not necessarily the case. Whilst accepting that the river environment will change at times of flood for example, and which will be an issue for moorings, there are many rivers around which are navigable and which include mooring facilities and opportunities. and it is not considered reasonable to impose a condition requiring the submission of a moorings strategy.

6.5 **DCC Countryside Service**

6.5.1 DCC Countryside Service has also been consulted on the application and they have raised concerns. The following comments have been made:

Derbyshire County Council Countryside Service cannot support the proposed variation as the good functioning of the proposed canal link is dependent on a number of factors which are at this time unclear:

- The Chesterfield Canal Partnership has not been informed of a plan to appoint an appropriate body to undertake the duties of a Navigation Authority. These duties would include controlling access into and out of the river navigation and basin, inspection, maintenance and control of structures required to allow navigation, maintain user and public safety and on-going maintenance of the river channel including periodic dredging and bank maintenance.

- Also not clear at this time is how access to and from the river navigation to the section of canal currently managed and maintained by Derbyshire County Council will be controlled and how liabilities by the section owner will be managed.
- The addition of a river navigation instead of the canal link as originally proposed in the development is a complicating factor. A river navigation in itself is uncommon and there is the additional need to lift and transfer water from the river to the basin now requiring complex structural additions to the scheme.

I would also like to take this opportunity to draw your attention to the imposition of new regulation by the Environment Agency requiring the licencing of all water transfers to canals (which were previously exempt) which took effect on 1st January 2018 and to which this scheme will be subject to.

6.5.2 In response to these comments from DCC Countryside Service, it is not considered that the duties of a navigation authority are a material planning consideration. It is accepted that there may remain uncertainties with regards to various matters, such as the control of access to and from the river, any licences which may be required or the need for the introduction of structural additions to the scheme. It is not considered however that these matters constitute planning considerations.

6.6 **Yorkshire Water**

6.6.1 Yorkshire Water was consulted on this application and they have raised no objections. They recommend conditions should be attached to any consent granted in order to protect the local aquatic environment and YW infrastructure:

- 1) No building or other obstruction including landscape features shall be located over or within:
 - a) 6.5 metres at each side of the sewer centre -line of the 1300mm diameter public surface water sewer i.e. a protected strip width of 13 metres; and
 - b) 5 metres at each side of the sewer centre -lines of the 1300mm

diameter public combined sewer, the 1275mm diameter public surface water sewer, the 1200mm diameter public combined sewer, the 1050mm diameter public combined sewer and the 975mm diameter public combined sewer i.e. protected strip widths of 10 metres per sewer; and

- c) 4 metres at each side of the sewer centre -lines of the 675mm diameter public surface water sewer i.e. a protected strip width of 8 metres; and
 - d) 3.5 metres at each side of the sewer centre -line of the 450mm diameter public combined sewer i.e. a protected strip width of 7 metres.
- 2) No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

In response to these comments from Yorkshire Water, it is considered that the suggested conditions are required in order to protect the local aquatic environment and YW infrastructure and to ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

- 6.6.2 The suggested conditions are not really of relevance to the current submission which proposes removal of the canal arm through the site. No buildings are proposed as part of the current consideration and in this respect there are already relevant conditions imposed as part of the outline planning permission granted. It is suggested that the matters raised can be drawn to the applicants attention via notes on any permission granted.

6.7 **Derbyshire Wildlife Trust**

- 6.7.1 Derbyshire Wildlife Trust has raised no objections. It was stated that the revised Masterplan does not include the proposed canal arm that was proposed to the west of 'the island' character area. The ES Addendum (2018) addresses the removal of the canal arm. It also confirms the absence of water vole (most recent survey in 2017). The Trust have confirmed that they have no further comments on the new Masterplan (Condition 3) and consider that a water vole mitigation strategy is no longer required (Condition 24). Given that the new canal arm will no longer be included, such additional habitat creation will no longer result from the development. They do however advise that opportunities should be taken to improve the habitat along the existing length of canal and surrounding habitats to achieve measurable improvements in the habitat corridor for wildlife.
- 6.7.2 This has been considered as part of the consent which has been granted for the dredging of the river.

7.0 **Representations**

- 7.1 One letter of comment has been received from a Chesterfield resident in relation to the application. The author of the letter states that they agree with the Canal Trust advisory comments with regards to the need for a Mooring Strategy and the removal of the canal arm.
- 7.2 In response to these comments, these matters have been considered in paragraph 6.23.

8.0 **Conclusions**

- 8.1 This application is considered to be appropriate and the justification for the proposed amendments to the overall Waterside scheme is considered to be warranted. The scheme would continue to provide a high quality mixed use scheme with a navigable boat link that would run through the development linking the canal to the basin area. The ability to deliver this alternative route along the River Rother has already been established via the approval of application CHE/16/00529/FUL for the dredging of a section of the river to reinstate a navigable channel for boats and that this permission deals with the consequential changes which would be required to the river channel and environs. It is not therefore considered that the ability of boats to navigate through the

development would be jeopardised by these plans. It is accepted that the scheme would be different to that originally approved, however it is not considered that the development's unique selling point would be lost. Although opportunities for mooring may be impacted upon by these plans, it is not considered that the level of change would be significant enough to jeopardise the scheme or result in a refusal being issued.

8.2 The proposals are considered to be appropriate in principle, would be in keeping with the character of the surrounding area and would not have any adverse impact on the amenities of neighbouring residents or highway safety. It is accepted that there may remain uncertainties with regards to various matters, such as the control of access to and from the river or the need for the introduction of structural additions to the scheme however this is not a matter for the local planning authority. There is no reason to suggest that such matters could not be overcome.

8.3 Overall it is considered that the revised plans accord with the requirements of the Core Strategy and the wider National Planning Policy Framework.

9.0 **Statement of Positive and Proactive Working With Applicants**

9.1 The Government (since the 1st December 2012) requires LPA's to include a statement on every decision letter stating how they have worked with the applicant in a positive and proactive way, in line with the requirements in paragraphs 186 and 187 of the NPPF.

9.2 The LPA has engaged in pre-application discussions and has also provided advice at all stages of the planning application process in a collaborative manner on this proposal.

10.0 **HUMAN RIGHTS ACT 1998**

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

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

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

- 10.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application. The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary. The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.
- 10.3 The interference caused by a refusal based solely on planning merits, impairs as little as possible with the qualified rights or freedoms of the applicant, objectors or consideration of the wider Public Interest.
- 10.4 The applicant has a right of appeal against any conditions imposed.

11.0 **RECOMMENDATION**

- 11.1 That the conditions be varied as follows:

Variation of Conditions

03. Outline consent is approved on the basis of the principles set out in the approved Indicative Masterplan reference (drawing no. CWD-BBA-ZO-ZZ-DR-01005 P02), Design and Access Statement dated August 2009, updated Design and Access Statement dated March 2016, Environmental Statement dated October 2009 and Environmental Statement Addendums dated March 2016 and February 2018.
05. Before the development hereby permitted is commenced, a phasing plan shall be submitted to the Local Planning Authority for consideration, identifying the individual Character Areas and the location and programme for the provision of any infrastructure related to each Character Area. This shall include details of any infrastructure works to the Canal Basin and River Rother and the programme for the improvement of pedestrian/cycle routes through the site and how this will be addressed within the context of the requirements of the Indicative Masterplan reference (drawing no. CWD-BBA-ZO-ZZ-DR-01005 P02), Design and Access Statement dated August 2009 and updated Design and Access Statement dated March 2016.

08. Prior to the commencement of development in any Character Area details of a public realm strategy detailing the approach to the design treatment/ materials, hard and soft landscaping and the management of the public areas of the development shall be submitted to the Local Planning Authority for consideration. The public realm strategy shall have regard to the principles in the approved Design and Access Statement dated August 2009 and updated Design and Access Statement dated March 2016.
14. No development shall take place within a Character Area or part thereof, until the developer has secured the implementation of a strategy of building recording for that development and if required based on the findings of the approved Environmental Statement dated October 2009 and Environmental Statement Addendum dated February 2018 a programme of archaeological watching brief to be carried out in accordance with a written scheme of investigation (WSI), details of which shall be submitted to the Local Planning Authority for consideration. This scheme shall include on-site work, and off-site work such as the analysis, publication and archiving of the results. Only those details or amended details approved by the Local Planning Authority shall be implemented on site
18. The development permitted by this planning permission shall only be carried out in accordance with the approved Environmental Statement dated October 2009 and Flood Risk Assessment Statement contained in Appendix 4A of the Environmental Statement Addendum dated February 2018. The finished floor level of new buildings shall be set no lower than the 'Minimum Ground Floor Levels' as detailed in Appendix 11.2 in the submitted Environmental Statement
24. ~~CONDITION DELETED~~
25. Prior to the commencement of development in the following area, details of a scheme for the provision of fish passage around the weir at grid reference E438800 N372279 shall be submitted to the Local Planning Authority for consideration. Only those details or any amended details approved by the Local Planning Authority shall be implemented on site.
33. Prior to the commencement of development within a Character Area or part thereof, a highway and access infrastructure staging plan highlighting the phasing of highways infrastructure for that Character Area or part thereof, shall be submitted to the Local Planning Authority

for consideration in consultation with the Highway Authority and approval in writing . This plan will also highlight indicatively how the infrastructure relates to wider development as shown on the Indicative Masterplan reference (drawing no. CWD-BBA-ZO-ZZ-DR-01005 P02).

45. The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise approved in writing by the Local Planning Authority:

- Site Plan Edged Red (MM001 Rev C)
- Building Heights Parameters Plan (reference no. CWD-BBA-ZO-ZZ-DR-01006 P02)
- Character Area Plan (drawing no. CWD-ZO-ZZ-DR-A-01008 P01)
- 3P6240/SK200/B Proposed Staging Master Plan

Informatives

1) Although the application is for outline permission only and therefore subject to change at reserved matters stage the details submitted on drawing CWD-BBA-ZO-ZZ-DR-A-01005 (revision P02) dated 18/01/2018 prepared by Bond Bryan Architects are NOT acceptable to Yorkshire Water. It appears that buildings will be located over the line of the sewers and this could jeopardise Yorkshire Water's ability to maintain the sewerage network. It is essential that the presence of this infrastructure is taken into account in the design of the scheme and the developer is advised to amend the layout prior to submission of reserved matters. The following points should be addressed on a re submitted drawing.

- a) the submitted drawing should show the site-surveyed position of the public sewers crossing the site
- b) the submitted drawing should show the required building stand-off from public sewers, or an agreed alternative scheme such as diversion of the pipes.

For further information , the developer should contact our Developer Services Team : telephone 0345 120 84 82 or email technical.sewerage@yorkshirewater.co.uk

There is an outfall to watercourse, under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time. The proximity of the existing

outfall to the site may mean a loss of amenity for future residents / workers. In order to minimise the risk of odour, noise and nuisance, industry standards recommend that habitable buildings should not be located within 15 (fifteen) metres of the existing outfall. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

- 2) Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.
- 3) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

The River Rother is adjacent to the site. This is the obvious place for surface water disposal.

The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

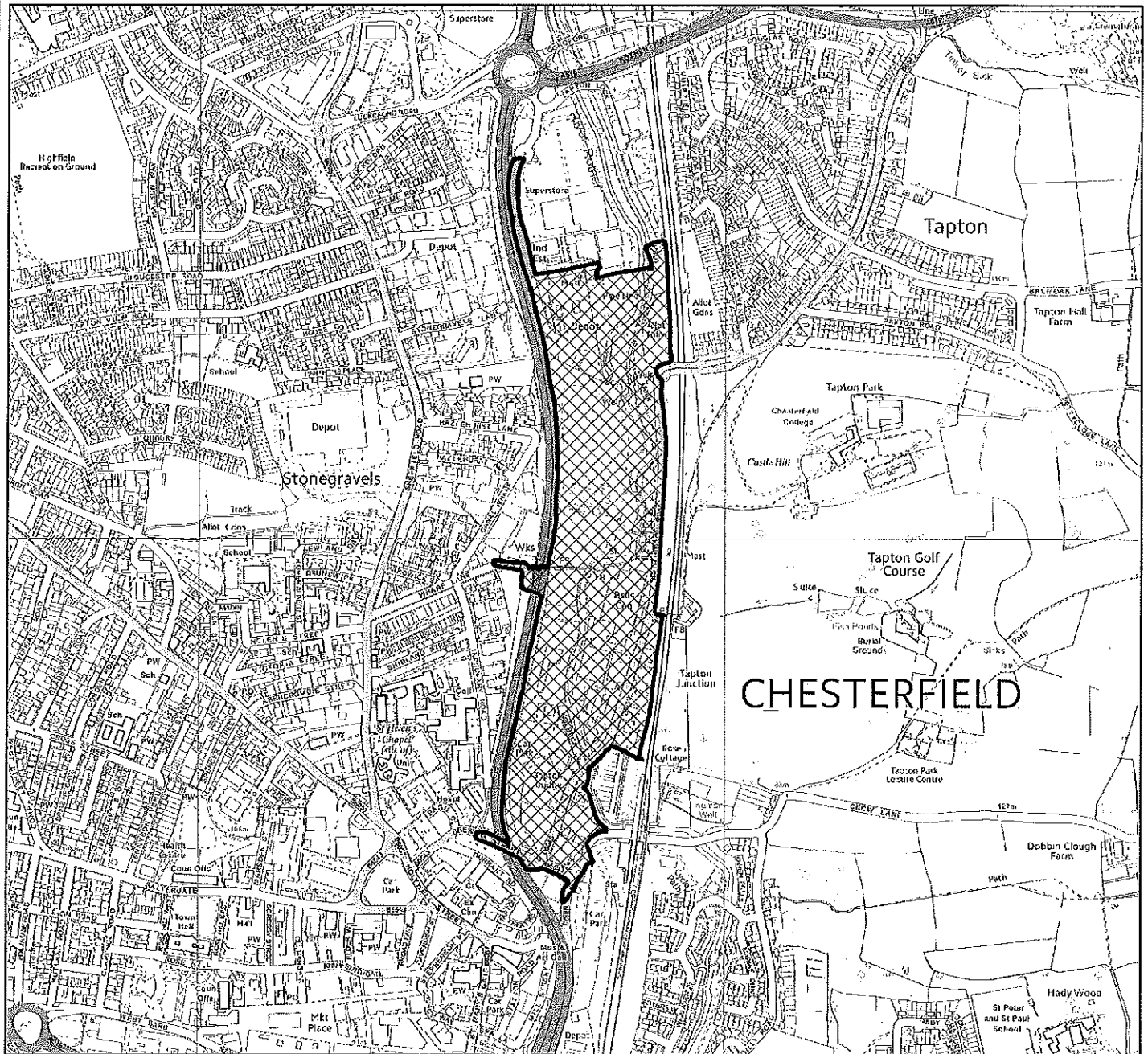
- 4) Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of

interceptor/separator. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.

- 5) Yorkshire Water services advise that:
No building or other obstruction including landscape features shall be located over or within:
- a) 6.5 metres at each side of the sewer centre -line of the 1300mm diameter public surface water sewer i.e. a protected strip width of 13 metres; and
 - b) 5 metres at each side of the sewer centre -lines of the 1300mm diameter public combined sewer, the 1275mm diameter public surface water sewer, the 1200mm diameter public combined sewer, the 1050mm diameter public combined sewer and the 975mm diameter public combined sewer i.e. protected strip widths of 10 metres per sewer; and
 - c) 4 metres at each side of the sewer centre -lines of the 675mm diameter public surface water sewer i.e. a protected strip width of 8 metres; and
 - d) 3.5 metres at each side of the sewer centre -line of the 450mm diameter public combined sewer i.e. a protected strip width of 7 metres.

No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.



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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 23rd April 2018

File No: CHE/18/00079/OUT
Plot No: 2/37 & 770

ITEM 2

OUTLINE APPLICATION FOR THE ERECTION OF THREE 2.5 STOREY HOUSES WITH ATTACHED GARAGES AND RAISED DRIVES AT LAND BETWEEN GEORGE STREET AND VICTORIA STREET NORTH, BROOMHILL ROAD, OLD WHITTINGTON, CHESTERFIELD, DERBYSHIRE FOR MR MICHAEL DAVIDSON

Local Plan: Unallocated
Ward: Old Whittington

1.0 CONSULTATIONS

DCC Highways	Comments received 08/03/2018 and 11/04/2018 – see report
Strategic Planning Team	No comments received
Environmental Health Officer	Comments received 08/03/2018 – see report
Design Services	Comments received 21/03/2018 – see report
Yorkshire Water Services	No comments received
Coal Authority	Standing advice applicable
Ward Members	No comments received
Site Notice / Neighbours	One letter of representation received

2.0 THE SITE

- 2.1 The site the subject of the application measures approx. 0.1ha in area and comprises of an area of extended garden land located off Broomhill Road, between Victoria Street North and George Street in Old Whittington.
- 2.2 The site is bound by No's 2 – 6 George Street to the west; No's 11 – 17 Victoria Street North to the east; the garden of No 6 George Street adjoins the southern boundary and there are open fields located on the opposite side of Broomhill Road to the north.

- 2.3 The site is laid to grass, slopes from north to south, and varying domestic boundary treatments depict the site periphery.



3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/0985/0625 - Permission for bungalow on land at Broomhill Road between George Street & Victoria Street North. Approved conditionally 04/11/1985.

4.0 **THE PROPOSAL**

- 4.1 The application submitted seeks outline planning permission for the erection of three houses with all matters, except access and layout, reserved for later approval.
- 4.2 The submission details that the development will comprise '2.5 storey houses with attached garages and raised drives' which is included in both the application form description and on the site

layout plan accompanying the application package (Drawing No. 185 P-01 – Proposed Outline Layout).

- 4.3 The layout submitted indicates that the development will sit roughly in alignment with No 17 Victoria Street North and No's 2 / 2a George Street, and will be served by 2 no. driveway accesses formed off Broomhill Road. Unit 1 and 2 will be served by a shared driveway (and single integral garage) and Unit 3 by a separate driveway and attached single garage. The indicate plan also shows a site section illustrating that the development will appear as 1.5 storey to the principle elevation and 2.5 storey to the rear elevation.

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

- 5.1.1 The site is situated within the built settlement of Old Whittington 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), 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 Old Whittington in an area predominantly residential in nature; however there are open fields on the opposite side of Broomhill Road which is allocated Greenbelt.
- 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 Whittington Moor and Old Whittington (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 & Appearance Issues (inc. Neighbouring Impact / Amenity)**

- 5.3.1 The site forms part of an extended garden area with residential properties flanking the north western and south eastern boundaries which themselves front onto George Street and Victoria Street North. The site benefits from a common boundary / frontage to Broomhill Road and it is from this boundary that site access is proposed.
- 5.3.2 The principle of the sites redevelopment for residential purposes is acceptable, and amongst the principle of the development this application seeks consideration for the means of access and the layout as submitted.
- 5.3.3 Access taken from Broomhill Road is considered to be acceptable (subject to further highway safety issues considered in section 5.4 below). Furthermore the site layout detailed indicates formation of a building line to Broomhill Road which follows the building line established by the gables walls of No 2 George Street and No 17 Victoria Street North.
- 5.3.4 The submitted site layout indicates that appropriate separation distances will be achieved between the rear elevations of the adjoining neighbouring properties and the footprint of the proposed dwellings. Details concerning the Scale, Landscaping and Appearance (which are reserved) will; need to have further consideration to the position of fenestration and separation to ensure privacy is maintained to any boundary sharing neighbours. Such designs will need to respond appropriately to the changes in land levels which affect the site and the neighbouring properties.
- 5.3.5 It is considered that the proposed development can be appropriately designed to reflect the character and appearance of the streetscene and to preserve appropriate levels of amenity and privacy to adjoining and adjacent neighbouring properties in the context of policies CS2 and CS18 of the Core Strategy. As further designs are developed they will need to take account on the

observations made by the UDO above and also the advice which is contained in the Council's adopted Supplementary Planning Document for Housing Layout and Design.

5.4 **Highways Issues**

5.4.1 The application submission and the proposed site layout plan have been reviewed by the **Local Highways Authority** (LHA) who has provided the following comments:

The plot show vehicular access to Broomhill Road which is a busy classified road subject to a 30mph speed limit. There is no footway opposite.

Based on the speed limit exit visibility sightlines of 2.4m x 47m are required and given the length of frontage this is likely to be achievable. The indicative drawings show 2 accesses are proposed and the above exit visibility will be required to serve all accesses. Any proposed access point should be centrally located and a 2.4m parallel sightline is recommended – i.e. everything within 2.4m of the carriageway edge fronting Broomhill Road should be provided and maintained with no objects greater than 1m in height or 600mm in the case of vegetation. This would include any sub-division of plots. There should be no access to the edges of the frontage. The above sightlines would need to be demonstrated on any further drawings and should be at an eye height of 1.05m above the level of the adjacent channel level.

The gradient of any access should not exceed 1:15. The applicant is advised that the Highway Authority are likely to require details of material and construction relating to any proposed retaining structures within 4m of the carriageway to assess the impact on the structural integrity of the adjacent public highway.

There is street furniture and associated statutory undertaker apparatus along the fronting footway and the applicant would be liable for all costs to relocate these items.

On site turning is recommended on classified roads (Broomhill Road is a C class road), to enable vehicles to enter and exit the site in a forward gear, although it is unlikely this could be cited as a defensible reason for refusal if all other issues were otherwise acceptable. An area of at least 9m x 9m or other such turning

facility as demonstrated by means of swept paths should be identified on any future drawings, clear of all parking provision. This could be a shared facility.

Drives/parking spaces are recommended at right angles to the public highway to avoid awkward manoeuvres when entering and leaving the spaces.

The site is lower than the adjacent public highway and the applicant should consider the installation of appropriate cut-off drainage.

At least 2 parking spaces per unit should be provided per unit and these should be of adequate dimensions this includes garages.

The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a dwell area for bins should be provided, clear of the public highway, for use on refuse collection days.

The proposed development should conform to current design criteria – details of which can be found at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/default.asp

There would appear to be sufficient space to resolve the above matters and in this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

Traffic management may be required for the duration of the construction works.

The applicant, would of course need to fully address the above in any full or reserved matters application.

If your Authority is minded to approve then I would look to conditions to cover the following to be included in any consent granted;

- 1. Before any operations are commenced, space shall be 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, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.*
- 2. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of all vehicular accesses to Broomhill Road which should comprise of exit visibility sightlines of 2.4m x 47m, gradients of no more than 1 in 15 and the details of should include details of any retaining structures where they are to be located within 4m of the carriageway edge. The approved scheme shall be implemented in full prior to any works commencing on site including site clearance.*
- 3. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of an appropriate level of on-site parking and turning clear of the public highway. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.*
- 4. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of adequate bin storage and a bin dwell area for use on refuse collection days, clear of the public highway, within the site curtilage clear of all access, parking and turning provision. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.*

5.4.2

Overall it is considered that the development proposals can be appropriately serviced by driveway accesses onto Broomhill Road with space to provide the necessary highway visibility splays such that the development does not give rise to any adverse highway safety concerns. An appropriate driveway width and length can be accommodated, alongside appropriate visibility splays and parking

provision to meet the requirements of the LHA and the provisions of policies CS2, CS18 and CS20 of the Core Strategy.

5.5 **Flood Risk & Drainage**

5.5.1 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, *'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. The drainage for the proposed development should be provided with separate foul and surface water systems. Any connections to the public sewerage network will require prior consent from Yorkshire Water. Any connections to existing drainage may require Building Control approval'*.

5.5.3 YWS did not comment on the application proposals.

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

5.6 **Land Condition / Contamination / Noise**

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

5.6.2 In respect of potential land contamination (and noise) the Council's **Environment Health Officer** (EHO) has also reviewed the application submission and provided the following comments:

I have no objection to this application in principle. Should planning consent be granted I recommend the following:

Air Quality

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.

Noise

To minimise noise impacts on the existing residential dwellings, I recommend that 'construction work' shall only be carried out between the hours of 8:00 am to 6:00 pm Monday to Friday and 9:00 am to 5:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials. NB - The above condition takes into account current guidance issued by Derbyshire County Council, Highways Agency and all Utility companies.

If this proposal is likely to have audible intruder alarm(s) installed upon each of the residential units I would recommend that the occupier(s) notify the Council of 'nominated key holder details' (application forms are available on request from Environmental Services, Environmental Protection Team, Town Hall, Rose Hill, Chesterfield, Derbyshire, S40 1LP). NB – The above information shall be added as an advisory note to the decision notice.

To minimise the impact of potential noise on the surrounding area, deliveries of construction materials shall only take place between 8:00 am and 5:00 pm, Monday to Friday and between 9:00 am and 5:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

Lighting

I understand that PPS 23 will be amended to include Appendix 3 for which lighting will become a material planning consideration. As such all lighting used on site shall be designed so as to control glare and overspill onto nearby residential properties. The applicant shall submit details of all the lights they intend to use as part of this development and shall seek approval prior to the installation of lighting on site.

Contaminated Land

Should planning permission be granted for this proposal, I would strongly recommend that the developer ensure the site is 'suitable for use' by completion of: -

- a Phase 1/desk study*
- a Phase 2/intrusive site investigation*
- a Remediation Strategy (if necessary) and*
- a Validation report*

All the reports a) to d) shall be submitted to the Council and approved in writing by the Local Planning Authority prior to the development commencing.

- 5.6.3 On the basis of the comments received above the conditions as suggested by the EHO are considered to be reasonable and necessary.

5.7 **Community Infrastructure Levy (CIL)**

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

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

6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 05/03/2018 and by neighbour notification letters sent on 05/03/2018.

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

17 Victoria Street North

We certainly welcome the development of this derelict, neglected plot and it will only enhance the area for the neighbourhood. However, we do have a number of concerns that we do hope planners will take into consideration when approving the application:

- 1) Access- The access to the plot is off Broomhill road, a fast, busy cut through road frequented by high and heavy goods vehicles avoiding the low bridge on Station Road. The size of the three properties compared to the size of the driveways will mean vehicles reversing onto this busy road, on the brow of a hill, where vision of oncoming traffic is obscured. The size and number of properties proposed will attract a minimum of 6 vehicles which will encourage visitors to park on the road causing further obstructions and dangers to traffic. Although Broomhill road is a 30mph stretch, our experience from living directly next to the road for almost a year has shown that many motorists travel well over the 30mph limit which again causes concerns of safety if vehicles are reversing onto/off the main road.
- 2) Height - It is difficult from the outline proposals to see how high the properties will sit in comparison to ground level and also what windows will be included on the gable and side of the building which will more than likely compromise the privacy of our property.
- 3) Drainage - We would like assurance that the drainage to/from the properties will be managed adequately to ensure no increase risk of flooding to our property or drainage issues. Levels of the drive and surface water could raise an issue as well.

- 4) Privacy - As in point 2 windows overlooking our garden would impact on our privacy so too will the removal of the conifer hedge. Raising the drive level will mean that we will have car lights beaming towards our property above the fence from both people parking on the drive and driving past due to the removal of the conifers. The removal of the conifers will also enable walkers on the path of Broomhill road to have a better view of our garden, its contents and rear windows.
The properties to the bottom of the development having had open gardens and hillside as their outlook will have 3 significant properties overshadowing them and we would like assurance that every property has been consulted in this development.
- 5) Similar developments in the area - Developments along Broomhill road in similar positions to the proposal all have access from the side street and the properties have been set at ground level to lessen the impact to surrounding properties. Whilst the development will offer 3 prestigious properties with large gardens and wonderful views of Chesterfield and beyond, with a sunset to enjoy, it will impact on many of the surrounding properties who have enjoyed similar features for many years and now will be blighted by such a large development.

Considerations –

- 1) To reduce the height of the properties (e.g dorma bungalows)
- 2) To reduce the number of properties and provide a longer drive access.
- 3) To provide traffic calming measures (humps) to reduce the speed of the traffic along Broomhill road.
- 4) To raise the rear fence of our property to obscure the impact of vehicle lights through our windows and passers by being able to overlook our garden.
We appreciate your co-operation so far and understand that the plans in place at the moment are very early stages and many things could change. We do hope that our concerns above are taken into account when moving onto reserve matters.

6.3

Officer Response: See sections 5.2, 5.3, 5.4, 5.5 and 5.6 above.

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

9.0 **CONCLUSION**

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

- 9.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of drainage, flood risk, land condition and contamination.

10.0 **RECOMMENDATION**

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

Conditions

Time Limit etc

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

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

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

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

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

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

Drainage

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

Reason - In the interest of satisfactory and sustainable drainage.

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

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

Site Investigations / Contamination / Noise

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

required, have received the written approval of the Local Planning Authority.

- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.
- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason - To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

07. 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.

Ecology

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

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

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

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

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

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

Others

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

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

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

Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

13. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.
Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to the occupation of the dwelling.

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

Highways

14. Before any operations are commenced, space shall be 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, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

Reason – In the interests of highway safety.

15. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of all vehicular accesses to Broomhill Road which should comprise of exit visibility sightlines of 2.4m x 47m, gradients of no more than 1 in 15 and the details of should include details of any retaining structures where they are to be located within 4m of the carriageway edge. The approved scheme shall be implemented in full prior to any works commencing on site including site clearance.

Reason – In the interests of highway safety.

16. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of an appropriate level of on-site parking and turning clear of the public highway. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.

Reason – In the interests of highway safety.

17. At any reserved matters or full application stage, the applicant shall submit detailed drawings demonstrating the location of adequate bin storage and a bin dwell area for use on refuse collection days, clear of the public highway, within

the site curtilage clear of all access, parking and turning provision. The approved scheme shall be implemented in full prior to occupation and retained thereafter free from impediment to designated use.

Reason – In the interests of highway safety.

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The extent of liability will be dependent on the permitted Gross Internal Area. This will be calculated on the basis of information contained within a subsequent detailed planning permission. Certain types of development may eligible for relief from CIL, such as self-build or social housing, or development by charities. Further information on the CIL is available on the Borough Council's website.

Highways

04. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
05. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).
06. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.
07. The applicant is advised to use a solid bound material for driveways and parking spaces for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto the highway/footpath in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.

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

Drainage

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

Coal Mining Risk

10. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com



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Case Officer: Chris Wright
Tel. No: (01246) 345787
Planning committee 23rd April 2018

File No: CHE/18/00012/OUT
Plot No: 2/542

ITEM 3

OUTLINE APPLICATION FOR REDEVELOPMENT OF EXISTING SITE FOR ONE RESIDENTIAL UNIT. (REVISED ON 08/02/18) LAND AT MIDDLECROFT ROAD, STAVELEY, DERBYSHIRE FOR MR MATTHEW PASK

Local Plan: Unallocated
Ward: Staveley

1.0 CONSULTATIONS

Ward Members	No comments
Town/Parish Council	No comments received
Strategy Planning Team	No objections
Environmental Services	No comments
Design Services	Additional information sought in terms of surface water drainage and general drainage on site.
DCC Highways	Do not support the loss of parking on site, but do not object.
Coal Authority	Material Consideration
Urban Design Officer	No objections in principle.
Neighbours/Site Notice	2 representations received – see report

2.0 **THE SITE**

2.1 This application concerns a garage site which is to the north of Chadwick Court on Middlecroft Road in Staveley. The land currently has 4 garages to the west of the site and is open to the east, with access onto Middlecroft Road.

2.2 The site is within a residential area. To the north of the site there is a parking area which is utilised by local residents on an ad-hoc basis, but is owned by the owners of the Jubilee Works site on the opposite side of Middlecroft Road (to the east), which is currently being converted to residential use. The Jubilee Works site includes a two storey building which fronts the highway and has had a mix of uses over time, but has now been agreed as a residential conversion. There are also terraced houses which are fronting the footpath further to the south. To the west of the site there is a row of terraced houses fronting Chesterfield Road. To the south of the land there is Chadwick Court comprising of two, storey buildings comprising 15 flats and which includes a parking courtyard within the centre of the site.

2.3 The site extends to an area of 218 square metres.

3.0 **RELEVANT SITE HISTORY**

3.1 No relevant applications.

4.0 **THE PROPOSAL**

4.1 The application is an outline planning application for a dwelling on the site. Access is indicated as being from Middlecroft Road in the position of the existing site access. The original application included an indicative layout for 2 houses, but this was amended to one unit.

4.2 An indicative layout was included but as appearance, landscaping, layout and scale are not part of this process then this drawing is not part of the approval. This does demonstrate that one dwelling, parking and a rear garden is possible on site.

5.0 **CONSIDERATIONS**

Local Plan Issues

- 5.1 Having regard to the nature of the application, policies CS1, CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.
- 5.2 Policy CS1 (Spatial Strategy) states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.
- 5.3 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.
- 5.4 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.

- 5.5 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.'*
- 5.6 In addition to the above, in July 2013 the Council adopted 'Successful Places' which is a Supplementary Planning Document which guides Sustainable Housing Layout and Design. The development proposed should be assessed against the design principles set out in this supporting document.
- 5.7 The site is situated within the built settlement of Staveley. This area is predominantly residential in nature, and is situated within walking and cycling distance to Staveley Local Centre. The land is also previously developed ground as former buildings have been demolished and the land is used currently as a garage court and parking area. The site is located within a built-up area where new housing development would be considered appropriate in principle and, as such, this proposed development site is considered to be sufficiently sustainable for a development of this nature in compliance with policies CS1 and CS2.

Strategy Planning Team Response

- 5.8 The Strategy Planning Team were consulted on the application and they stated that on the basis that the site is*on a previously developed site and is within walking distance (approx. 500m) of Staveley Town Centre and close to regular bus routes to Chesterfield Town Centre, the principle of development meets the requirements of the council's Spatial Strategy as expressed in policies CS1 and CS2.*

The application is in outline only and detailed design is therefore not considered at this stage. However the development will need to meet the tests set out in CS18 at

reserved matters stage and the comments of the council's UDO should be taken into account in determining whether the site is suitable for the development.

As the development is expected to provide off street parking, the provision of suitable infrastructure for electric vehicle charging should be secured by condition in accordance with policy CS20.

The opportunity for biodiversity enhancements such as bird and bat roosting using boxes or brick should be explored to meet the requirements of CS9.

The development would be CIL liable and falls within the 'Low' zone (charged at £20 per sqm index linked), subject to any exemptions sought for affordable housing or custom/self-build.

Design and Appearance (Including Neighbour Effect)

- 5.9 The proposal has been amended from the original scheme for 2 dwellings on the site to a single dwelling. The indicative layout shows two parking spaces to the north side of the site with the rest of the land to the rear assumed to be private amenity space.
- 5.10 The Council's Urban Design Officer confirms that the site is suitable for the siting of a dwelling however further discussions would be required relating to the detail and design as part of to a reserved matters application.
- 5.11 Because there is no information as part of this application concerning the design and appearance of the scheme, it will be a matter for consideration as part of the reserved matters proposal. It is clear that the site is of such a size and position to be able to accommodate a dwelling which would be appropriate in design terms and in so far as the impact on surrounding neighbours.
- 5.12 Overall the principle of the scheme is considered to be acceptable and appropriate respecting the streetscene, local character and neighbouring residential amenities.

Environmental Services

- 5.13 Environmental Services were consulted on this application and they did not object however they requested that conditions are included in terms of noise, contaminated land and air quality.
- 5.14 It is recommended that a condition be imposed restricting the hours of building work and this is considered necessary due to the close proximity of neighbouring residential properties. It is also appropriate to include conditions to deal with any ground condition issues.

Drainage

- 5.15 Design Services were consulted on the application and they requested that information in terms of surface water and foul drainage on site should be provided at a reserved matters stage. This can be required by condition.

Highways Issues

- 5.16 The Highway Authority confirm that:

It is noted that the application form indicates an outline application with all matters reserved whereas the design and access statement states that all matters are to be reserved except for site access. Following a conversation between Mr Wright and Miss Long the response to the application is based on the latter scenario.

The Highway Authority does not wish to see the loss of off-street parking, particularly in areas where on-street parking is already at a premium. The design and access statement indicates that the land has already been disposed of by Chesterfield Borough Council, presumably without the benefit of any planning permission for potential re-use of the site. Whilst the site is currently fairly unkempt this does not preclude parking taking place. It is clear that the site could not accommodate the proposal and replacement parking provision.

Whilst visibility from the site is not ideal, taking into account the fact the vehicular movements already occur and that vehicle speeds are likely to be reduced owing to the

proximity of the junction of Middlecroft Road with Chesterfield Road it is considered it would be difficult to sustain an objection to the proposal in this case.

- 5.17 The loss of the 4 garages and associated parking on site may well lead to vehicles being displaced from the site onto surrounding public highway. Whilst the 4 garages appear to be fairly dilapidated and possibly not being used, it is accepted that the land in advance of the garages can be and is used for vehicle parking. The Council has however decided to sell the site for development on the basis that the use of land does not deliver a worthwhile revenue stream to outweigh the liability and whilst it may result in displacement of vehicles, this is not a matter which can be controlled by the local planning authority or used in any substantive way as part of a refusal of planning permission.
- 5.18 As the proposal utilises the existing access and is likely to result in no more traffic use than existing it is considered to be acceptable.
- 5.19 Having regard to the principles of policies CS2 and CS18 of the Local Plan in respect of highway safety it is not considered that the development proposals pose any adverse risk to highway safety. It is considered that sufficient space is available on site to provide an adequate level of off street parking.

Coal Mining Risk

- 5.20 In respect of potential Coal Mining Risk, the site the subject of the application lies within the high risk area, but subject to condition no objection was suggested by the Coal Authority.

6.0 Community Infrastructure Levy (CIL)

- 6.1 Having regard to the nature of the application proposals the development comprises the creation of 1 no. new dwelling and the development is therefore CIL Liable. The site the subject of the application lies within the low CIL zone and therefore the full CIL Liability would be determined at the reserved matters stage on the basis of a cumulative charge of £20 per sqm (index linked) of gross internal floor area created.

7.0 **REPRESENTATIONS**

7.1 As a result of neighbour notification, letters of representation were received from the residents of 65 Chesterfield Road and 69 Chesterfield Road. The resident from no.65 considered that the proposal may overlook into his property. The resident from no.69 considered that a small section of the site was over land that was part of his right of way and that this was utilised by him and other residents of 67-71 Chesterfield Road to take out their bins.

7.2 ***In response, the proposal is an outline and details of the positioning of the house has yet to be decided, so issues of layout, scale and design of the house (including positioning of windows) has yet to be considered and accepted by the Council. In reference to part of the site crossing over unadopted land to the rear of no.69, the officer emailed the agent and he confirmed that there are no intentions to develop or change this land.***

8.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

- 8.4 Whilst, in the opinion of the objectors, the development has the potential to affect 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

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

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

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

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

10.0 **CONCLUSION**

- 10.1 The proposals are considered to be appropriate in principle, as it is considered that there is adequate space on site for 1 dwelling. The location of the proposed development site is sufficiently sustainable on the basis that the site is in a built up area close to a centre and is adequately served by public transport and amenities. As such, the proposal accords with the requirements of policies CS1, CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS20 of the Core Strategy and the wider NPPF in respect of Highways, drainage, coal mining, land contamination and air pollution. This application would be liable for payment of the Community Infrastructure Levy.

11.0 **RECOMMENDATION**

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

Conditions

1. Approval of the details of the 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. Prior to commencement of the development, 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. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
7. The detail to be provided at reserved matters application stage, shall include drawings showing the proposed new driveway and visibility splays of 2.4m x 43m over land the subject of the application/highway in both directions. The area in advance of the sightlines shall be maintained throughout the life of the development clear of any obstruction greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
8. The proposed access driveway to Middlecroft Road shall be no steeper than 1 in14 over its entire length.
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. An Electric Vehicle Charging Point shall be installed as part of the build phase and which shall be retained available for use for the life of the development.
11. There shall be no gates or other barriers on the accesses/driveways.

12. 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.
13. 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.

14. 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.

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.
8. In the interests of highway safety
9. To ensure that the development can be properly drained.
10. In the interests of reducing emissions in line with policies CS20 and CS8 of the Core Strategy.

11. In the interests of highway safety.
12. In the interests of highway safety.
13. To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.
14. To fully establish the presence and / or otherwise of any coal mining legacy affecting the application site.

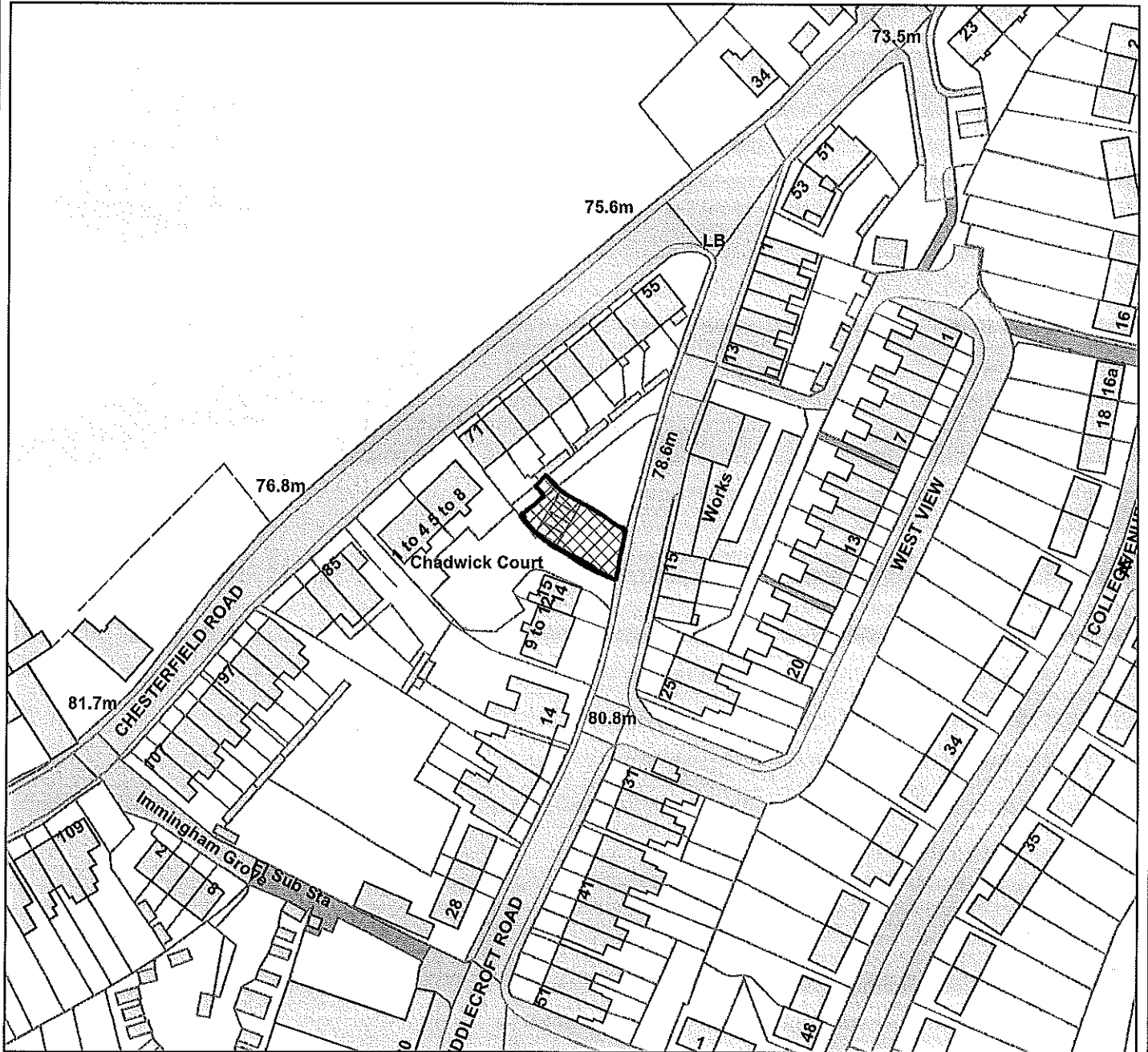
Notes

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. 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, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
3. 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.
4. 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.

5. Ideally, 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. A single garage should have internal measurements of 3m x 6m, spaces in front of a garage should be 6m in length and other spaces 2.4m x 5.5m. There should be adequate space behind each space for manoeuvring.
6. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
7. 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.

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COMMITTEE/SUB	Planning Committee
DATE OF MEETING	23 RD APRIL 2018
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	<p>Items approved by Development Management and Conservation Manager under the following Delegation references:-</p> <p>Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D</p> <p>Agricultural and Telecommunications P330D and P340D</p>
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

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

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

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/17/00651/MA 2604	Lowgates And Woodthorp	Material amendment on previously approved application CHE/15/00177/FUL to demolish existing bungalow and build new two storey dwelling At Woodward Eckington Road Staveley For Mr C Greaves	CP	28/03/2018
CHE/17/00893/FUL 4	Hasland	Re-submission of CHE/16/00662/FUL - proposed alterations and refurbishment of existing animal welfare facility At R S P C A 137 Spital Lane Spital Chesterfield For RSPCA Chesterfield and North Derbyshire	CP	03/04/2018
CHE/18/00020/FUL 1278	West	Two storey side extension. Revised drawings received on 26.02.2018 and 12.03.2018 At 21 Mayfield Road Chesterfield For Mr Matthew Leeder	CP	29/03/2018
CHE/18/00022/FUL 5913	Linacre	Two storey extension to rear of premises to form a ground floor garden room and a first floor extension to existing bedroom (revised drawings received 20.03.2018). At 17 Hawthorn Way Holme Hall Chesterfield For Mr John Hamer	CP	29/03/2018

CHE/18/00028/FUL Dunston	Proposed single storey rear and CP side extension		19/03/2018
2092	At 34 Levens Way Newbold For Mr and Mrs Nichols		
CHE/18/00036/DOC St Leonards	Discharge of planning condition 9 (foul & surface water drainage) of CHE/17/00700/REM -(Approval of reserved matters of CHE/16/00034/OUT (Outline application for residential development of 6 two storey dwellings (extension of the management plan for a further 15 years to protect & enhance the wildlife site under a S106 agreement as previously arranged) for the erection of a two storey detached dwelling & attached garage) At Land Adjacent Five Acres Piccadilly Road Chesterfield For Mr Martin Biggs		23/03/2018
CHE/18/00046/LBC West	Replace 5 windows within domestic property - current windows are beyond repair and require immediate replacement.	CP	19/03/2018
1088	At Rose Cottage 481 Chatsworth Road Chesterfield For Mr Anthony Anderson		
CHE/18/00048/FUL West	Proposed side and rear extension. Revised drawings received 26.02.2018	REF	29/03/2018
5145	At 31 Somersall Park Road Chesterfield For Mr Jonathan Wood		
CHE/18/00051/TPO Brockwell	Ash stems adjacent rear boundary of the property - Coppice to leave 30cm stools. Retain smallest Ash stem and adjacent Hawthorn. (See attached annotated photographs - Plot 29 annotated photographs.pdf). The trees grow in a linear group of, what appear to be largely self set trees, between the Newbold Back Lane footpath and the new housing development.	SC22/03/2018	

Ownership of the land on which the trees stand is unclear and it may be unregistered. There is little evidence of any management in recent years. However some of the trees have been subject to coppice management in the past, probably to maintain clearance from Newbold Back Lane. A twin stemmed Ash has a large cavity at the base from a previous stem failure. Although not immediately dangerous, it is likely that the decay will progress and render the tree unstable in the future. An adjacent Ash stem has grown with an extensive lean toward the street light, It has poor form. Removal of the twin stemmed decayed tree will leave this tree exposed. It will also present future maintenance issues with its proximity to the street light. Coppicing of these trees will also expose the Ash tree adjacent to the rear boundary of the property. This tree has poor form and has effectively grown as a group edge tree with its canopy and bias over the rear boundary of No.59. Adjacent to this tree is a semi mature, upright Ash with good form. Coppicing of the adjacent Ash stems will create space for this better specimen to develop into maturity without post development pressures to prune or fell in the future. The proposals will also improve the structure of this generally poor group of trees and introduce some much needed management

59 Pomegranate Road
Newbold
Derbyshire
S41 7BL
For Mr and Mrs Richard Elliott

CHE/18/00052/FUL Walton

Two storey rear house extension, with a single storey aspect, and reconfiguration of the front entrance with new porch.

CP

04/04/2018

3568, 5902

At
65 Foljambe Avenue
Walton
For Mr and Mrs McCreddie

CHE/18/00053/FUL	St Helens	Two storey side extension. Revised plans received 28.02.2018	CP	23/03/2018
5978		At 46 Selhurst Road Newbold For Miss S Armstong		
CHE/18/00056/FUL	Brockwell	Single storey and two storey rear extensions to existing dwelling	CP	28/03/2018
2067		At 49 Mansfeldt Road Newbold For Mr Adam Smith		
CHE/18/00057/TPO	St Leonards	Crown thinning by 30%, crown lifting to 8-10m above ground and crown reduction to height of 20m of 3 lime trees (T1,T2 and T3)	SC	22/03/2018
		At 24 Healaugh Way Chesterfield For Mrs Helen Bonar		
CHE/18/00058/FUL	Brockwell	Proposed detached garage/store (revised drawings submitted)	CP	20/03/2018
3249		At 273 Old Hall Road Chesterfield For Mr and Mrs P Berry		
CHE/18/00059/FUL	West	Single storey extensions and re-roofing of existing flat-roofed single storey extension	CP	27/03/2018
308		At 10 Pine View Ashgate For Mr and Mrs Travis		
CHE/18/00060/DOC	Brimington South	Discharge of planning conditions 9 (S38 plan), 11 (CEMP),12 (CEMP construction plan), 14 (CEMP materials management), 18 (vehicle tracking diagram) and 27 (arboricultural statement) of CHE/17/00685/REM - residential development of 120 dwellings		27/03/2018
1456 4406		At Land North-East Of Sainsburys Roundabout Rother Way Chesterfield Derbyshire For Harron Homes		

CHE/18/00061/DOC	Brimington South	Discharge of conditions 4 (Section 38 plans), 7 (bat mitigation), 9 (bat emergence), 17 (Phase 2 geotechnical site investigation), 18 (arboricultural method statement), 20 (surface water management plan), 21 (CEMP) and 23 (CEMP) of CHE/14/00404/OUT - Residential development - Revised plan received 16.03.18		27/03/2018
5443 1456		At Land North-East Of Sainsburys Roundabout Rother Way Chesterfield For Harron Homes		
CHE/18/00066/TPO	St Leonards	Crown lift x 2 Beech x 4 Sycamore. Fell one dead Sycamore. Fell one Sycamore. Prune back branches of x 1 tree (species unknown). Beech B1 - Reduce second limb rather than removal; Sycamore S1 - Removal of bottom two limbs retain third at rear and leave fourth in place; Sycamore S4 - Reduction of branches by three metres rather than removal; 2 Trees - School ground - x 1 Sycamore removal of two lower branches; 2nd Sycamore reduce back two metres from boundary. All trees within W1 of TPO 11a	CP	23/03/2018
109		At 139 Hady Hill Hady For Mr Jamie Smith		
CHE/18/00069/FUL	Brimington South	Extension to rear elevation	CP	10/04/2018
5465		At 14 Chesterfield Road Brimington For Mrs Huntley		
CHE/18/00075/FUL	Hasland	Proposed rear extension and new side window	CP	29/03/2018
6030		At 58 Eyre Street East Hasland For A Westray-Chapman		

CHE/18/00076/FUL	St Leonards	Enclose alcoves on south elevation of The Pavements shopping centre by fixing cladded screen between existing brick columns	CP	22/03/2018
2106		At The Pavements Shopping Centre Middle Pavement Chesterfield For Chesterfield Borough Council		
CHE/18/00080/REM	West	Variation of conditions 3 (visibility splays), 8 (bus demarcation) and 15 (hard and soft landscaping) of CHE/17/00830/FUL - Change of use from Public House (Class A4) to retail use (Class A1)	CP	27/03/2018
319		At Land At Former Crispin Inn 240 Ashgate Road Chesterfield For Co-operative Group Food Ltd		
CHE/18/00087/FUL	St Leonards	Single storey rear extension (external materials amended)	CP	09/04/2018
2419		At 136 Hady Hill Hady For Mr Houlton		
CHE/18/00088/FUL	St Leonards	Recover the glazing to a window on the second floor west elevation and install a galvanised aluminium louvre	CP	09/04/2018
1971		At Bt Cellnet Telephone Exchange Saltergate Chesterfield For British Telecom PLC		
CHE/18/00090/TPO	West	Beech Tree - Crown Thin and Crown reduce to South East. Crown, thin and clear struture by two meters of right hand lime tree at the rear of the property and crown and thin three lower branches to balance crown and general maintenance to allow more lights of	CP	28/03/2018
2485		At 1 Park Hall Gardens Walton Derbyshire S42 7NQ For Mr Nigel Metham		

CHE/18/00095/REM1	Walton	Removal/waiver of conditions 1 (colour of fence), 2 (outbuildings, hard surfacing etc) and 3 (storage/siting of garden paraphernalia) of CHE/13/00231/COU - retention of change of use from open land to garden land	CP	10/04/2018
5188 5570		At 65 Moorland View Road Walton Chesterfield For Mr Tracy Cox		
CHE/18/00098/DOC	Old Whittington	Discharge of condition 2 of CHE/17/00731/MA	DPC	22/03/2018
934		At Former Site Of Proposed Valeting Bay and Vehicle Compound Storage Station Road Whittington Moor Chesterfield For Vertu Motors plc		
CHE/18/00099/DOC	Walton	Discharge of condition No 3 (materials) of CHE/16/00107/FUL - Proposed first floor side extension and ground floor infill extension		22/03/2018
5577		At 2 Halesworth Close Walton For Paul A Wright		
CHE/18/00107/TPO	West	Full crown reduction and overhang on bungalow roof	CP	06/04/2018
1089		At 21 Yew Tree Drive Somersall For Miss S Wellhausen		
CHE/18/00114/TPO	Hollingwood And Inkersall	Crown thin maple by 25% to allow light into garden and crown lift to allow light underneath	SC	06/04/2018
		At 14 Booker Close Inkersall Derbyshire S43 3WA For Mrs Carly Roe		

CHE/18/00131/TPO	West	Two cedar trees - Crown lift the lower branches to clear garden area and highway. Crown thin by 25% to remove dead wood and thin out crown. Pruning of tree throughout crown and pruning of outer canopy At 15 The Dell Ashgate Chesterfield Derbyshire S40 4DL For Mr Robert McKittrick	CP	06/04/2018
CHE/18/00134/TP	Walton	Demolition of existing lean to building and conservatory and erection of single storey orangery to rear of property At 19 Errington Road Chesterfield Derbyshire S40 3EP For Mr Doddsworth	PANR	29/03/2018
CHE/18/00156/TPO	West	G4 - Crown cleaning of eight larch trees G4 - fell northeast larch tree (No 9 on plan) due to visible movement at base and surrounding soil creating a potential risk. At 26 Netherleigh Road Ashgate Chesterfield Derbyshire S40 For Mr Andrew Wilson	CP	28/03/2018
CHE/18/00157/TPO	Walton	T1 Fieldmaple Crown thin 15% - Crown 2.5/5m Trees are causing excessive shading to property At 22 Foxbrook Drive Walton Derbyshire S40 3JR For Mrs Jenna Vaughan	CP	28/03/2018

CHE/18/00161/CPO St Leonards	Replacement cooling units on floor 2 (Level 5) flat roof, serving air handling units located in plant room	OC	04/04/2018
4702	At Chesterfield Central Library New Beetwell Street Chesterfield Derbyshire S40 1QN For Derbyshire County Council		
CHE/18/00185/CA Brimington North	T1 - Sycamore- Fell, due to leaning on wall, causing damage and wall to crack T2 - Ash - Remove lower branch on left stem, crown reduce to rebalance and reduce overhang	CP	06/04/2018
1131	At 14A High Street Brimington Derbyshire S43 1HJ For Miss Jayne Bagshaw		
CHE/18/00198/NMA Brockwell	Non material amendment to application CHE/17/00389/FUL - Additional windows to south elevation at second floor level	UP	05/04/2018
3532	At Avenue House Surgery 109 Saltergate Chesterfield Derbyshire S40 1LE For Avenue House & Hasland Partnership		

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Delegated List - Planning Applications

Key to Decisions

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

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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE

DATE: 23RD APRIL 2018

REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

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

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/3991	Hasland ward	Mr N Chadwick	2 York Street Two vending machines. Enforcement Notice (Grounds (a), (b), (c) and (f). Planning permission ought to be granted, the matters alleged have not occurred, there has been no breach and the steps required are excessive.	Planning Committee	09/08/17	Written Reps	
2/1192	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	
2/6099	Linacre ward	Mr J Grocutt	CHE/18/00032/TPD – Larger Home extension to rear of 12 Butterson Drive - Refusal	Officer delegation	10/04/18	Written Reps (HAS)	

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FOR PUBLICATION Agenda Item 7

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE

DATE: 23RD APRIL 2018

REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER

WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

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

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Legal Services
Tel 01246 345310 or email gerard.rogers@chesterfield.gov.uk

Enforcements currently Authorised: 7

ENFORCEMENT REPORT

13 April 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	update <small>last update</small>	Ward
Enforcement Notice			<i>Total currently Authorised:</i> 5		<i>Authorised to Issue Average:</i> 15.5 days					
Pottery Lane West	10	09/01/17 <small>459</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>121</small>	13/03/18 <small>31</small>	Appeal dismissed. Not yet complied. Filling in site, not completed yet. Prosecution report being prepared.	<input type="checkbox"/> <small>03/04/18</small>	
Station Road		03/04/18 <small>10</small>	importation of materials to create hard surfacing and industrial use					Awaiting instructions.	<input type="checkbox"/> <small>13/04/18</small>	BHW
Watson Works		27/06/16 <small>655</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. In contact with operator to conclude agreement	<input checked="" type="checkbox"/> <small>04/04/18</small>	Wa

Details at 13 April 2018

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	17/07/17 270	2 vending machines		01/08/17 15			2 unauthorised vending machines. Issued. Awaiting appeal decision.	<input type="checkbox"/> 07/09/17	Ha
York Street	2	09/10/17 186	conversion and extension of roof space					Application for flat conversion CHE/17/00800/FUL approved 03/04/18 with condition requiring removal of balcony and canopy. Consider further enforcement if not comply.	<input type="checkbox"/> 03/04/18	Ha
<div> <div>Stop Notice</div> <div> <div>Total currently Authorised: 1</div> <div>Authorised to Issue Average: days</div> </div> </div>										
Walton Works		27/06/16 655	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
<div> <div>TPO Prosecution</div> <div> <div>Total currently Authorised: 1</div> <div>Authorised to Issue Average: days</div> </div> </div>										
Victoria Street	Ringwood Centre (former)	21/12/17 113	damage to roots of T18					Discussing instructions with Tree Officer	<input type="checkbox"/> 19/03/18	BN

Address	Authorised days from	Breach	CHE/	Issued days to issue	Effective days to (-) /from	Comply days to (-) /from	Notes	update last update	Ward
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Hollingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • Wa Walton • We West