



Please ask for Charlotte Kearsey  
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The Chair and Members of Planning  
Committee  
Councillors Brunt and Dickinson –  
Site Visit 1

3 May 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 14 MAY 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 13:50. Ward members wishing to be present should attend on site as indicated below:-

1. 14:00 Multi-storey Car Park at Saltergate, Chesterfield  
CHE/18/00136/FUL

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

Ward members are invited to attend on site and should confirm their attendance by contacting Charlotte Kearsey on tel. 01246 345236 or via e-mail: [charlotte.kearsey@chesterfield.co.uk](mailto:charlotte.kearsey@chesterfield.co.uk) by 9.00 a.m. on Monday 14 May, 2018. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 22)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 23 - 66)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 67 - 78)
6. Applications to Fell or Prune Trees (P620D) (Pages 79 - 84)
7. Appeals Report (P000) (Pages 85 - 108)
8. Enforcement Report (P410) (Pages 109 - 112)

Yours sincerely,



Local Government and Regulatory Law Manager and Monitoring Officer

**PLANNING COMMITTEE****Monday, 23rd April, 2018**

Present:-

Councillor Brittain (Chair)

Councillors	Hill	Councillors	P Barr
	Callan		Brady
	Elliott		Wall
	Simmons		Bingham
	Catt		Sarvent
	Caulfield		

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

**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

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

**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

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

**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

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

\*Matters dealt with under the Delegation Scheme

**149 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor T Gilby and Miles.

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

No declarations of interest were received.

**151 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 3 April, 2018 be signed by the Chair as a true record.

**152 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/18/00083/REM1 - 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

In accordance with Minute No. 299 (2001/2002) Mr P Swallow (applicant) addressed the meeting.

That the officer recommendation be upheld and the conditions be varied as follows:-

3. Outline consent is granted on the basis of the principles (with the exception of the Canal Arm) set out in the approved Indicative Masterplan (drawing no. CWD-BBA-Z0-ZZ-DR-01005 P02) and Design and Access Statement dated August 2009 and updated Design and Access Statement dated March 2016. All reserved matters applications shall demonstrate how any proposed development accords with this Indicative Masterplan, the Environmental Statement dated October 2009 and Environmental Statement Addendums dated March 2016 and February 2018) and Design and Access Statements dated August 2009 and March 2016.

5. 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 (with the exception of the Canal Arm) related to each Character Area. This shall include details of any infrastructure works to the Canal Basin and River Rother (with the exception of the Canal Arm) 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 Design and Access Statement dated August 2009 and updated Design and Access Statement dated March 2016 and the approved Indicative Masterplan (drawing no. CWD-BBA-Z0-ZZ-DR-01005 P02). Only those details or any amended details approved by the Local Planning Authority shall be implemented on site.

8. 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 Flood Risk Assessment (FRA) dated May 2009 by White Young Green consultants as contained in Appendix 11.2 of the 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 dated October 2009.

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

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

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

Time Limit etc

1. Approval of the details of the 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.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

## Drainage

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

## Site Investigations/Contamination/Noise

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

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

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

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

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



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

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

7. 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.

#### Ecology

8. 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.

9. 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.

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.

#### 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.

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.

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.

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.

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.

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.

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.

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

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. 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 in 14 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.

**153 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/17/00651/MA	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
CHE/17/00893/FUL	Re-submission of CHE/16/00662/FUL - proposed alterations and refurbishment of existing animal welfare facility at RSPCA 137 Spital Lane Spital Chesterfield for RSPCA Chesterfield and North Derbyshire
CHE/18/00020/FUL	Two storey side extension. Revised drawings received on 26.02.2018 and 12.03.2018 at 21 Mayfield Road Chesterfield for Mr Matthew Leeder
CHE/18/00022/FUL	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
CHE/18/00028/FUL	Proposed single storey rear and side extension at 34 Levens Way Newbold for Mr and Mrs Nichols

- CHE/18/00046/LBC Replace 5 windows within domestic property - current windows are beyond repair and require immediate replacement at Rose Cottage 481 Chatsworth Road Chesterfield for Mr Anthony Anderson
- CHE/18/00052/FUL Two storey rear house extension, with a single storey aspect, and reconfiguration of the front entrance with new porch at 65 Foljambe Avenue Walton for Mr and Mrs McCreadie
- CHE/18/00053/FUL Two storey side extension. Revised plans received 28.02.2018 at 46 Selhurst Road Newbold for Miss S Armstrong
- CHE/18/00056/FUL Single storey and two storey rear extensions to existing dwelling at 49 Mansfeldt Road Newbold for Mr Adam Smith
- CHE/18/00058/FUL Proposed detached garage/store (revised drawings submitted ) at 273 Old Hall Road Chesterfield for Mr and Mrs P Berry
- CHE/18/00059/FUL Single storey extensions and re-roofing of existing flat-roofed single storey extension at 10 Pine View Ashgate for Mr and Mrs Travis
- CHE/18/00066/TPO 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 at 139 Hady Hill Hady for Mr Jamie Smith
- CHE/18/00069/FUL Extension to rear elevation at 14 Chesterfield Road Brimington for Mrs Huntley

- CHE/18/00075/FUL Proposed rear extension and new side window at 58 Eyre Street East Hasland for A Westray-Chapman
- CHE/18/00076/FUL Enclose alcoves on south elevation of The Pavements shopping centre by fixing cladded screen between existing brick columns at The Pavements Shopping Centre Middle Pavement Chesterfield for Chesterfield Borough Council
- CHE/18/00080/REM 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) at land at former Crispin Inn 240 Ashgate Road Chesterfield for Co-operative Group Food Ltd
- CHE/18/00087/FUL Single storey rear extension (external materials amended) at 136 Hady Hill Hady for Mr Houlton
- CHE/18/00088/FUL Recover the glazing to a window on the second floor west elevation and install a galvanised aluminium louvre at BT Cellnet Telephone Exchange Saltergate Chesterfield for British Telecom PLC
- CHE/18/00090/TPO Beech Tree - Crown Thin and Crown reduce to South East. Crown, thin and clear structure by two metres 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 at 1 Park Hall Gardens Walton Derbyshire S42 7NQ for Mr Nigel Metham
- CHE/18/00095/REM1 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 at 65 Moorland



- View Road Walton Chesterfield for Mr Tracy Cox
- CHE/18/00107/TPO Full crown reduction and overhang on bungalow roof at 21 Yew Tree Drive Somersall for Miss S Wellhausen
- CHE/18/00131/TPO 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
- CHE/18/00156/TPO 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
- CHE/18/00157/TPO 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
- CHE/18/00185/CA 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 at 14A High Street Brimington Derbyshire S43 1HJ for Miss Jayne Bagshaw
- CHE/18/00198/NMA Non material amendment to application CHE/17/00389/FUL - Additional windows to south elevation at second floor level at Avenue House Surgery 109 Saltergate Chesterfield Derbyshire S40 1LE for Avenue House and Hasland Partnership
- (b) Refusal
- CHE/18/00048/FUL Proposed side and rear extension. Revised drawings received 26.02.2018 at 31 Somersall

## Park Road Chesterfield for Mr Jonathan Wood

## (c) Discharge of Planning Condition

- CHE/18/00036/DOC Discharge of planning condition 9 (foul and 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 and enhance the wildlife site under a S106 agreement as previously arranged) for the erection of a two storey detached dwelling and attached garage) at land adjacent Five Acres Piccadilly Road Chesterfield for Mr Martin Biggs
- CHE/18/00060/DOC 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 at land north-east of Sainsburys Roundabout Rother Way Chesterfield Derbyshire for Harron Homes
- CHE/18/00061/DOC Discharge of conditions 4 (Section 38 plans), 7 (bat mitigation), 9 (bat emergence), 17 (Phase 2 geotechnical site investigation), 18 (arboricultural m Sainsburys Roundabout Rother Way Chesterfield for Harron Homes
- CHE/18/00098/DOC Discharge of condition 2 of CHE/17/00731/MA at former site of Proposed Valeting Bay and Vehicle Compound Storage Station Road Whittington Moor Chesterfield for Vertu Motors plc
- CHE/18/00099/DOC Discharge of condition No 3 (materials) of CHE/16/00107/FUL - Proposed first floor side extension and ground floor infill extension at 2 Halesworth Close Walton for Paul A Wright

## (d) Split decision with conditions

CHE/18/00051/TPO

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. 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 at 59 Pomegranate Road Newbold Derbyshire S41 7BL for Mr and Mrs Richard Elliott

CHE/18/00057/TPO

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) at 24  
Healough Way Chesterfield for Mrs Helen Bonar

CHE/18/00114/TPO Crown thin maple by 25% to allow light into  
garden and crown lift to allow light underneath at  
14 Booker Close Inkersall Derbyshire S43 3WA  
for Mrs Carly Roe

(e) Prior notification approval not required

CHE/18/00134/TP 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

(f) Other Council no objection with comments

CHE/18/00161/CPO Replacement cooling units on floor 2 (Level 5) flat  
roof, serving air handling units located in plant  
room at Chesterfield Central Library New Beetwell  
Street Chesterfield Derbyshire S40 1QN for  
Derbyshire County Council

#### 154 **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.

#### 155 **ENFORCEMENT REPORT (P410)**

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

**\*RESOLVED -**

That the report be noted.

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# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	14 <sup>TH</sup> MAY 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 14TH MAY 2018**

**ITEM 1 - CHE/18/00136/FUL - New Multi-Storey Car Park providing 530 no. spaces over five storeys, including 2 no. late pay spaces, 32 no. disabled parking spaces, 15 no. parent and child spaces, 6 no. active electric vehicle charging spaces and 10 no. passive (for future activation) electric vehicle charging spaces, with staff office and welfare facilities on the ground floor, and associated landscaping and public realm works to the immediate surroundings - Revised plans received and description changed 18/04/2018 at site of former Saltergate Multi Storey Car Park, Saltergate, Chesterfield, Derbyshire for Chesterfield Borough Council.**

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 14<sup>th</sup> May 2018

File No: CHE/18/00136/FUL  
Plot No: 2/1229

## ITEM 1

**NEW MULTI-STOREY CAR PARK PROVIDING 530 NO. SPACES OVER FIVE STOREYS, INCLUDING 2 NO. LATE PAY SPACES, 32 NO. DISABLED PARKING SPACES, 15 NO. PARENT AND CHILD SPACES, 6 NO. ACTIVE ELECTRIC VEHICLE CHARGING SPACES AND 10 NO. PASSIVE (FOR FUTURE ACTIVATION) ELECTRIC VEHICLE CHARGING SPACES, WITH STAFF OFFICE AND WELFARE FACILITIES ON THE GROUND FLOOR, AND ASSOCIATED LANDSCAPING AND PUBLIC REALM WORKS TO THE IMMEDIATE SURROUNDINGS - REVISED PLANS RECEIVED AND DESCRIPTION CHANGED 18/04/2018 AT SITE OF FORMER SALTERGATE MULTI STOREY CAR PARK, SALTERGATE, CHESTERFIELD, DERBYSHIRE FOR CHESTERFIELD BOROUGH COUNCIL**

Local Plan: Town Centre  
Ward: Brockwell

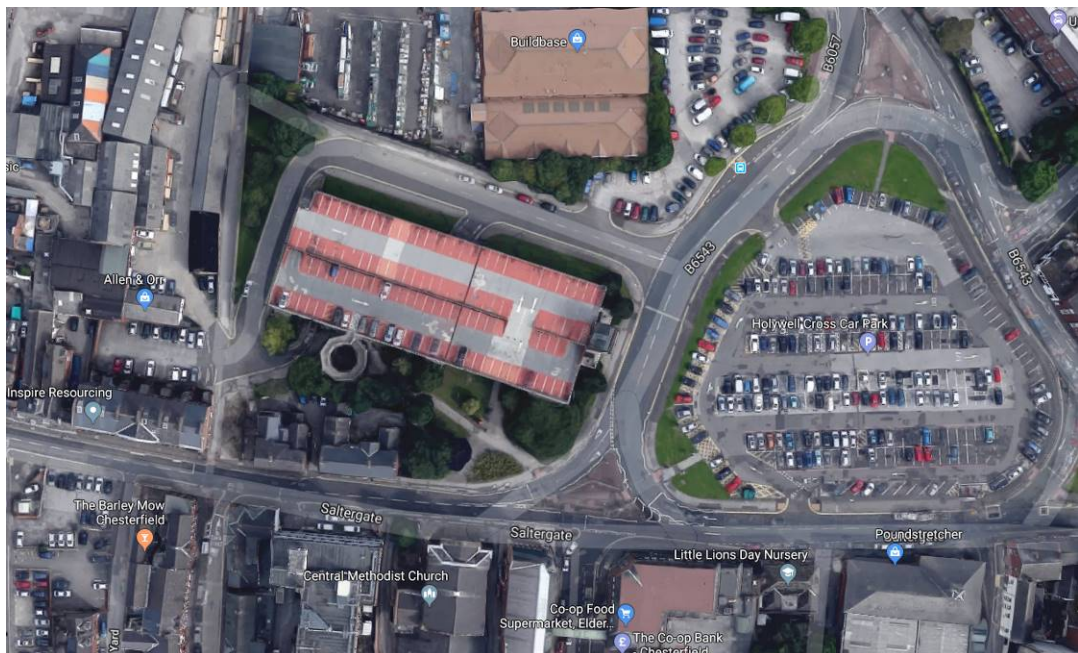
### 1.0 CONSULTATIONS

<b>DCC Highways</b>	Comments received 22/03/2018 – see report
<b>Design Services Team</b>	Comments received 21/03/2018 – see report
<b>Environmental Health Officer</b>	Comments received 06/04/2018 – see report
<b>Strategic Planning Team</b>	No comments received
<b>Lead Local Flood Authority</b>	Comments received 19/03/2018 – see report
<b>Crime Prevention Design Advisor</b>	Comments received 19/03/2018 – see report
<b>Economic Development Team</b>	Comments received 16/03/2018 – see report
<b>Yorkshire Water Services</b>	Comments received 23/03/2018 – see report
<b>C/Field Cycle Campaign</b>	No comments received
<b>Coal Authority</b>	Comments received 03/04/2018 – see report

<b>Urban Design Officer</b>	Comments received 01/05/2018 – see report
<b>Conservation Officer</b>	Comments received 01/05/2018 – see report
<b>Tree Officer</b>	Comments received 02/05/2018 – see report
<b>C/Field Civic Society</b>	No comments received
<b>Derby &amp; Derbyshire Archaeologist</b>	Comments received 03/04/2018 – see report
<b>Derbyshire Wildlife Trust</b>	Comments received 09/04/2018 – see report
<b>Derbyshire Fire Officer</b>	Comments received 22/03/2018 – see report
<b>Ward Members</b>	No comments received
<b>Site Notice / Neighbours</b>	Six letters of representation received

## 2.0 THE SITE

2.1 The site is that of the former Saltergate Multi Storey Car Park (MSCP) located to the north of Chesterfield Town Centre, off Saltergate whose demolition commenced in February 2018 and was completed by the end of April 2018. The previous MSCP comprised a 10 no. split level car park of concrete construction typical of mid / late 20<sup>th</sup> century architecture.



2.2 Served by an unclassified road to the north of the application site, which leads off the Holywell Cross roundabout, the route also provides access to the rear of properties fronting Saltergate and the Allen and Orr Timber Yard. Pedestrian footpaths run around the site to adjoin to Saltergate and beyond pedestrian connectivity to the site is via pedestrian crossing points leading east to the Holywell Cross Car Park and south to Elder Way. The former MSCP has now been demolished in preparation for the new scheme.

### 3.0 **RELEVANT SITE HISTORY**

3.1 CHE/17/00624/EIA – Proposed demolition and reconstruction of the Saltergate Multi Storey Car Park. EIA not required 11/09/2017.

3.2 CHE/17/00593/DEM – Demolition of 10 split-level multi-storey car park structure. Prior notification of demolition approved 11/09/2017.

3.3 CHE/1295/0623 – Alterations to multi storey car park. Conditional permission granted 27/02/1996.

### 4.0 **THE PROPOSAL**

4.1 The application submitted seeks full planning permission for the erection of a new Multi Storey Car Park (MSCP) located on the site of the former MSCP (demolished in early 2018) off Saltergate in Chesterfield Town Centre.

4.2 The development will provide 530 no. spaces over five storeys, including 2 no. late pay spaces, 32 no. disabled parking spaces, 15 no. parent and child spaces, 6 no. active electric vehicle charging spaces and 10 no. passive (for future activation) electric vehicle charging spaces, with staff office and welfare facilities on the ground floor, and associated landscaping and public realm works to the immediate surroundings.

4.3 The development is contemporary in design and will be clad with a coloured perforated panel system which is finished with grey, brown, red, orange and beige tones chosen to reflect the colours of surrounding local vernacular.

- 4.4 Pedestrian access to the car park is provided through two vertical circulation cores, the primary core will be positioned on the south-eastern corner of the building and the secondary escape core on the north-western corner of the building. The primary core provides two lifts with access to all levels. The secondary core is served by a stair only.
- 4.5 The car park is located on a sloping site and the ground floor level is around 1500mm above the external ground level, therefore a flight of steps is provided from the southern approach up to the main pedestrian entrance. An alternative ramped route is also accommodated at the south western point of exit / entry.
- 4.6 The external door into the primary core is secured with an access control point, where the car park user enters a number from their ticket into a keypad to release the door. The secondary core is intended to provide an emergency escape route only.
- 4.7 The vehicle access to the new MSCP will remain via the unclassified road running to the north and west of the site and both entrance and exit points are located on the western elevation of the car park. The entrance and exits will be barrier controlled (pay on exit) and speed gates are shown to ensure the building is secured.
- 4.8 The application submission is accommodated by the following plans / supporting documents:
- 90001 P1 - Site Location Plan
  - 91100 P2 – Existing Site Plan
  - 91101 P2 – Existing North Elevation
  - 91102 P2 – Existing East Elevation
  - 91103 P2 – Existing South Elevation
  - 91104 P2 – Existing West Elevation
  - 91200 P7 – Proposed Site Plan
  - 30001 P5 – Proposed Ground Level Floor Plan
  - 30002 P6 – Proposed Level 1 Floor Plan
  - 30003 P6 – Proposed Level 2 Floor Plan
  - 30004 P6 – Proposed Level 3 Floor Plan
  - 30005 P6 – Proposed Level 4 Floor Plan
  - 30006 P6 – Proposed Roof Level Floor Plan
  - 36501 P4 – Proposed North Elevation
  - 36502 P4 – Proposed East Elevation
  - 36503 P4 – Proposed South Elevation
  - 36504 P4 – Proposed West Elevation

- 30601 P5 – Proposed Section A
- 30602 P5 – Proposed Section B
- 30603 P5 – Proposed Section C
- 30604 P5 – Proposed Section D
- Design & Access Statement (prepared by Fatkin)
- Archaeological Desk Based Assessment (prepared by ArchHeritage)
- Heritage Statement (prepared by ArchHeritage)
- Coal Mining Risk Assessment (prepared by DTS Raeburn Limited)
- Preliminary Ecological Appraisal & Preliminary Appraisal for Roosting Bats (prepared by Peak Ecology)
- Geo-Environmental Appraisal (prepared by DTS Raeburn Limited)
- UXO Risk Assessment (prepared by 1<sup>st</sup> Line Defence)
- Preliminary Risk Assessment Report

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy Background**

5.1.1 The site is situated in the Brockwell ward in the main Chesterfield town centre where the area is predominantly commercial in nature. Having regard to the nature of the application proposals policies CS1, CS2, CS3, CS4, CS7, CS8, CS9, CS13, CS18, CS19, CS20 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.

### 5.2 **Principle of Development**

5.2.1 The siting of a new MSCP facility within the urban envelope of the main town centre is acceptable, having regard to fact the development proposals are a like for like replacement of the sites previous land use and the principle of policies CS1 and CS2 of the Core Strategy.

### 5.3 **Design and Appearance Considerations**

#### Amount

5.3.1 The former car park provided 529 spaces over 5 decks although the actual number of functioning spaces had been reduced in recent years due to the closure of several floors for safety reasons. The proposed new car park would provide 530 spaces. The overall

number of spaces is therefore equivalent to that previously located on the site.

### Layout

- 5.3.2 The proposed footprint is very similar to that of the previous building, although approximately 5m shorter at its western end approximately 2m closer to the road on the eastern side. The primary access tower is positioned on the SE corner and is orientated to face south towards Elder Way and the former Co-op building which is a logical arrangement.
- 5.3.3 The staff office and welfare area is also positioned on the southern elevation and provides some surveillance over the entrance space. This will enhance the safety of this area. The location and design of these elements also serve to help reinforce the legibility of the entrance and benefit wayfinding. Glazing to the main stair tower also provides views in and out of the building and limit hiding places. A secondary stair is located on the NW corner although this is understood to be intended as an emergency exit at the present time.
- 5.3.4 The vehicle entrance and exit are on west end of the building and will avoid vehicles crossing one another on the access road. These should ensure the smooth flow vehicles and prevent conflict.
- ### Scale and massing
- 5.3.5 The proposed MSCP will be slightly taller than the building it replaces due to the access arrangements being taken from the high point of the site (western end) and the absence of a semi-basement area which was present in the previous car park. A higher parapet enclosure around the roof deck also adds some additional height compared to the previous car park.
- 5.3.6 The proposed building will therefore be approximately one deck higher, although it would be slightly lower than the former tower that stood facing Holywell Cross. Overall, it is considered to be reasonably comparable in scale to the previous building. Despite the additional height, this not considered likely to appear over dominant or detrimental to the appearance of the surrounding townscape, given its position behind Saltergate and the approach taken to clad the exterior of the car park so as to help to assimilate it into its surroundings.



### Landscaping

- 5.3.7 A small public space will be formed to the south of the car park and will provide a transition between the pedestrian entrance and Elder Way. The detailed design of this space is yet to be determined although initial discussions with the architect have taken place. It will be important to ensure that this area provides an attractive 'threshold' space and harmonises with the design of the improvements to Elder Way opposite. This should include replacement tree planting to compensate for the trees removed at the demolition stage of the project.
- 5.3.8 This approach is outlined in the DAS although detailed design proposals can be managed by condition.
- 5.3.9 In addition, where the MSCP reveals an exposed concrete plinth around the lower areas to the eastern part of the site, it is suggested that additional shrub planting is provided around the perimeter of the building in order to soften its appearance and blend the base where the building meets the ground. Planting/shrubs/hedging can be discussed with the Spire Pride team in respect of suitable species and associated maintenance requirements.

### Appearance

- 5.3.10 The approach to the external appearance of the MSCP has been to clad the structure in perforated metal panelling with random positioned holes cut to varying sizes (up to 75mm), enabling the building to be ventilated naturally. The panels themselves will have a painted finish and the colour of each panel will vary, within a narrow palette of colours, selected to reference and echo the brick and slate tones of buildings in the surrounding area. A range of red, orange and grey cladding panels will therefore 'wrap' the car park structure and help break up its apparent mass and scale. Increased use of lighter colours is shown towards the top of the building in order to help it blend into the sky and reduce the overall visual impact.
- 5.3.11 Multi-storey car parks are challenging buildings to satisfactorily integrate into a townscape setting. Their height, scale and regular form make them bulky structures with few opportunities to provide visual relief. While the proposed replacement MSCP will clearly be a modern stand-alone building, the proposed approach to the treatment of the external façade, is considered to be an effective

way of breaking down its bulk, scale and mass so as to help harmonise the building into the surrounding context. It is also the case that the new building replaces one which was of a similar scale and massing to that now proposed.

- 5.3.12 Furthermore, the pattern of perforations within the panelling will provide an additional dimension to the appearance of the cladding, incorporating additional interest and relief to the appearance of the external façade. The Urban Design Officer requested further details of the proposed patterns by condition (unless these can be provided in advance of a decision) however it is not considered that this is necessary. The perforation pattern will be entirely random (subject to meeting a prescribed level of ventilation per deck / floor) but there is nothing to suggest one pattern would be preferred over another.
- 5.3.13 Discussion has taken place in the lead up to the application in respect of the finish and appearance of the proposed access towers which are exposed pre-cast concrete. There was a concern that these could have a somewhat raw, industrial appearance and various options to clad these structures or break up their appearance were explored by the architect.
- 5.3.14 The architect has been able to provide examples of where this approach has been used elsewhere and these do appear to show a crisp, modern finish that would fit with the aesthetic of the design. Furthermore, negotiations have resulted in the introduction of larger areas of glazing within the main access tower, together with horizontal steel beams which both serve to break up its appearance and provide additional relief. Given the relatively limited use of this material, the introduction of glazing, horizontal steels and the proposed use of landscaping around the south eastern corner, it is considered that these measures will combine to ameliorate the impact of this material compared with earlier iterations of the design, such that this is now considered to be acceptable.

#### Access

- 5.3.15 Vehicle access will be via the existing access road from Holywell Cross with the car park entrance at the west end of the building. This will allow considerable stacking distance along the access road at times of peak demand. Pedestrian access points are located at the SE and NW corners of the building with the main

entrance being to the SE. This relates the desire lines that users of the car park are likely to want to follow when leaving or approaching the building.

#### Conclusion

5.3.16 The proposed MSCP represents a significant change to this part of Chesterfields townscape. However, the design approach to the treatment of the external appearance of the building, together with a new landscape treatment around the building should help achieve a considerable improvement compared the car park that previously that stood on the site.

5.3.17 A condition relating to the design of the public realm and landscaping around the building is recommended.

#### 5.4 Highways Issues

5.4.1 The application submitted seeks an almost like for like replacement (in terms of no. of parking spaces) of the facility on site which was demolished earlier this year. On this basis the impact of traffic arising from the new development proposals on the surrounding highway network will be negligible. All traffic will enter and egress onto the unclassified road adjoining the north / west of the site which is a connecting arm to the doughnut roundabout.

5.4.2 In respect of the design and layout of the proposed development the facility will operate as pay on exit and therefore vehicles will be required to collect a ticket from an external barrier located on the upper western elevation of the new building before speed gates open to allow vehicular access into the facility. It is noted that in comparison to the previous facility (where entry was gained at the SW corner of the building) the new entry point is closer to the roundabout junction; however there remains sufficient queueing depth on the unclassified road to avoid interference with the operation of the highway network. Exit will be located to the lower western elevation so that any queued to entry does not hinder egress and travel along the unclassified road.

5.4.3 The **Local Highways Authority** (LHA) was consulted on the application and their response raised no objections to the scheme, subject to a construction management plan being submitted prior to development commencing.

5.4.4 In respect of the comments made by the LHA a planning condition can be imposed to ensure that construction traffic impacts are managed to the satisfaction of the Traffic and Safety team at the LHA. Furthermore in all other respects the development proposals are considered to accord with the provisions of policy CS20 of the Core Strategy. The development proposals include provision of electric vehicle charging points (with future point expansion incorporated) and improvements to the public realm (where users of the facility will enter / exit the facility on foot) will make way finding and pedestrian connection to the town centre legible.

## 5.5 **Flood Risk & Drainage**

5.5.1 The application form submitted with the application indicates that the development proposes mains foul drainage connection and surface water to be handled by a combination of soakaway and mains drainage connection. There is however no detailed drainage plans or strategy accompanying the application submission.

5.5.2 In accordance with policy CS7 of the Core Strategy and the wider NPPF the development will be required to demonstrate and implement an appropriate drainage solution which explores the possibility to utilising sustainable drainage solutions alongside a system to control site runoff at a rate which accords with current guidance.

5.5.3 The **Lead Local Flood Authority (LLFA)**, **Yorkshire Water Services (YWS)** and the **Design Services (DS)** team have reviewed the application submission. All parties have commented upon the need for further information on the proposed drainage strategy to be provided.

5.5.4 The comments of all three consultees have been passed to the applicant for consideration and it is understood that an appropriate drainage consultant has been appointed by the architect / agent to progress the respective drainage designs. Overall it is accepted, given the scale of the development site, that an appropriate drainage strategy can be incorporated on the site. A pre-commencement planning condition imposed on any permission granted would require the developer to design and submit a full drainage strategy for the site accompanied by all the relevant evidence and information being sought by the LLFA, YWS and DS

team in their initial comments (exploration of greenfield run off rates, percolation testing, appropriate calculation of any storage volume etc).

5.5.5 Having regard to the outstanding matters it is considered that an appropriate planning condition can be imposed which requires the submission of further detailed drainage designs. This can be dealt with by pre-commencement condition in accordance with policy CS7 of the Core Strategy.

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

5.6.1 The site the subject of the application comprises of hard surfaced / previously developed land and therefore land condition and contamination need to be considered having regard to policy CS8 of the Core Strategy.

5.6.2 In respect of land condition the **Coal Authority (CA)** were consulted on the application submission and provided the following response:

*The Coal Authority considers that the content and conclusions of the Geo-Environmental Appraisal (August 2017, prepared by DTS Raeburn) are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.*

5.6.3 Having regard to the comments detailed above from the CA these ensure compliance with policy CS8 of the Core Strategy and the wider NPPF in respect of land condition.

5.6.4 In respect of land condition / noise and air quality the Council's **Environmental Health Officer (EHO)** was consulted on the application submission and had the following comments to make:  
*I have inspected the above application, and have no adverse comment to make.*

*I would like to raise the following points:*

*The application specifies a number of active and passive electric vehicle charging points. I would like these to be specified in the final approval, to ensure that they are not removed later in the development.*

*Derbyshire CC is developing a Highway's Hub to actively control traffic and transport flows across the borough. Part of this will*

*involve the real time monitoring of capacity issues in municipal car parks. This can be monitored by logging tickets being issued and paid at car parks (via the ticket machine systems, or by the use of induction loops on car park entrances/exits. While this project is at an early stage, at present, it would be useful to “future –proof” the car park, by installing the pressure sensor part of an induction loop system at this stage (avoiding the possible need to excavate to install at a later date), and I strongly suggest that this should be included as a condition (the exact specification of such a system should be agreed with DCC Traffic Management Officers)*

*Has any consideration been given to using renewal energy sources to feed into the EV charging infra-structure (ie wind/solar power – such as Solar Botanic Ltd?), possibly mounted on the planned car park?*

*I acknowledge, and support the retention of existing trees, and also the intention to improve the green infrastructure. However, I note that low level shrubbery often attracts/traps waste and should (if possible) be avoided.*

*Whilst many ASB issues fall outside this team’s remit, we do receive some enquiries. Has there been any consideration regarding security and safety around the planned payment points (ie ensuring good visibility), and in designing out areas where persons may be able to hide/loiter across the car park as a whole?*

- 5.6.5 Having regard to the comments of the EHO set out above the Local Highways Authority have not requested the provision of an induction loop at the entrance to monitor the initiative to which the EHO refers. On this basis and the fact that there is no planning justification for this requirement it would be unreasonable for the LPA to impose such a condition making this a requirement of the consent. Conditions can only be imposed if they are required to make the development acceptable and in this case the loop is not a determining factor.
- 5.6.6 There are 6 no. electric charging points to be provided as part of the scheme, with an opportunity for a further 10 no. spaces to be upgraded to such if there is an increased demand in the future. Under the provisions of policy CS20 of the Core Strategy this level of provision is considered to be acceptable and an appropriate condition can be imposed to ensure the spaces are maintained available for their intended purpose in perpetuity.

5.6.7 Although not an issue raised by the EHO in their comments detailed above, in respect of noise the site does share proximity and boundaries with properties which include residential units and therefore it will be necessary to ensure that construction hours are controlled to protect the amenity of these residents. Finally advice on matters regarding ASB and crime prevention has been addressed by the Crime Prevention Design Advisor in their comments later in the report.

## 5.7 **Ecology and Trees**

5.7.1 Although the application site is located outside of the conservation area boundary there are mature trees located around the application site which have been retained (where possible) alongside the demolition of the former building. These trees remain in the Council's ownership and although not offered any statutory protection the applicant has been encouraged to retain trees around the site to provide mature soft landscaping alongside the new development proposals. In addition the former building offered an urban ecological habitat and as such it was surveyed prior to its demolition and the ecological survey submitted alongside the application for consideration.

5.7.2 **Derbyshire Wildlife Trust (DWT)** and the Council's **Tree Officer (TO)** were invited to review the application proposals and the following comments were received:

*DWT - It is noted that the existing car park building has now been demolished and therefore it is hoped that the precautionary methods with regards to bats and birds detailed in the PEA were followed.*

*The ecological value of the site is relatively low. Trees should be retained where practicable and native tree planting should be considered to replace any that need removing. The re-development of the site offers an opportunity to incorporate tangible benefits for biodiversity and should the council be minded to approve the application, we advise that the following condition is attached:*

*Prior to the commencement of development, a biodiversity enhancement strategy as outlined in the ecology report shall be submitted to and approved in writing by the Council, to ensure no*

*net loss for biodiversity and aim for a net gain (NPPF 2012). Such approved measures should be implemented in full and maintained thereafter. Measures may include:*

- bird boxes (positions/specification/numbers). Swift boxes at the upper levels would be suitable or a raptor ledge/box.*
- native tree and shrub planting.*
- green walls/climbers.*
- relaxed mowing regime in grassed areas and use of flowering lawn mixture.*

*TO - There are numerous species of trees on the site that may be affected by the development consisting of Birch, Cherry, Lime, Copper Beech, Willow, Maple and Alder which are mainly located to the south of the site. There are also 3 new recently planted trees on the northern boundary.*

*7 other trees which included Limes and Cherry trees have already been felled on the south-east corner of the site.*

*The proposed development is mainly on the existing footprint of the old multi storey car park so will have limited effect on the retained trees, however because the development site is on the edge of the Town Centre Conservation Area, particular attention should be given to the new landscaping scheme and tree planting to soften the impact of the new car park particularly on the south-east corner of the site.*

*The proposed new tree planting must have a suitable planting environment and space to survive and grow unhindered. The species of trees should also provide visual amenity and presence in the streetscene due to the high public usage of the area. A condition should therefore be attached if consent is granted to the application for details of the planting specifications on the site. Only those specifications approved shall be implemented.*

*No tree protection plan has been submitted with the application and some of the retained trees were left without any protective fencing around them during the demolition phase leaving them vulnerable to accidental damage. If consent is granted to the application a condition should be attached that details of the tree protection measures should be submitted before development and machinery are brought on to the site in a tree protection plan(s)*



*(TPP) and an arboricultural method statement to protect the retained trees.*

*I therefore have no objection to the proposal as long as the following conditions are attached*

*Tree Protection*

*Condition: Prior to the commencement of the development hereby approved a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.*

*Specific issues to be dealt with in the TPP and AMS:*

- a) Location and installation of services/ utilities/ drainage.*
- b) Details of construction within the RPA or that may impact on the retained trees.*
- c) A full specification for the construction of any hard landscaping and footways, including details of any no-dig specification and extent of the areas hard landscaping and footpaths to be constructed using a no-dig specification. Details shall include relevant sections through them.*
- d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.*
- e) A specification for scaffolding and ground protection within tree protection zones.*
- f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.*
- g) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires*

*The development thereafter shall be implemented in strict accordance with the approved details.*

*Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.*

### Pre-commencement Meeting

*Condition: Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.*

### Landscaping

*Condition: Prior to completion of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development, whichever is the sooner.*

*Details shall include:*

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;*
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving*
  - b) tree pit design*
  - c) underground modular systems**
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;*
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise.*

*All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.*

### Informative

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

5.7.3 Having regard to the comments made by DWT and the TO above it is considered that the suggested conditions sought by them are acceptable. Biodiversity enhancement measures associated with major development proposals are a requirement of policy CS9 of the Core Strategy and such measures can be incorporated into the building fabric as well as through soft landscaping proposals. Furthermore the protection of the trees through appropriate measures will ensure that upon completion the development will include mature and semi-mature landscaping which will assist in grounding the visual appearance of the development in the streetscene.

## 5.8 **Crime Prevention and Fire Safety**

5.8.1 Both the Derbyshire Constabulary Crime Prevention Design Advisor (CPDA) and the Derbyshire Fire and Rescue Service Fire Officer (FO) were invited to review the application proposals and the following comments were made:

*FO - The Fire Authority has no objection to this application but in light of the recent fire in this type of premises in Liverpool I would appreciate it if you could ensure that we are fully consulted as early as possible at all stages of this build.*

*From what I can determine from the plans showing the types of panels to be used on the exterior walls it appears that they are not solid and as such the elevations are able to vent smoke. However, the Fire Authority strongly recommends the installation of an automated sprinkler system complying with the current UK or European standard. The installation of a sprinkler system may potentially allow for other requirements including passive and / or active fire safety measures to be relaxed by the Building / Approved Inspector.*

*CPDA – In general I think that the application detail is well thought through in addressing community safety needs.*

*In particular the uncluttering of external elevations to improve visibility, rationalisation of pedestrian entrances into one core place, the siting of staff offices to overlook pedestrian approaches and the main entrance lobby, and the regulating of entry by the use of speed gates and pedestrian ticket only access are welcomed.*

*Comments are limited to points which may well be subject to future detailing or aren't clear to me from current plans and supporting documents.*

*Main pedestrian entrance and approaches - This area has been subject to misuse by street drinkers on a regular basis, particularly in summer months, distressing some car park users and generating calls for police action. This is alluded to within the supporting design and access statement where measures to deter anti-social behaviour are raised but not fleshed out. The removal of public seating is noted. The apparent lifting of existing tree crowns on 3D visuals is also noted. Both seating and grassed areas were previously subject to misuse. I'd like to see future soft landscape details limit the amount of flat grassed area available, perhaps by the use of low growing dense and thorny.*

*Planting - There is a relatively low wall shown on this elevation on 3D visuals, which would be best capped to deter any extended use as seated gathering. Ramped access railings shouldn't restrict sight lines in this area.*

*Lighting - Generally good, but the levels of external walkways are shown as 10 lux.*

*The main pedestrian approaches from Saltergate are shown with stanchion lighting on 3D visuals, which on the face of it might be higher than 10 lux around the stanchions but less between. I'd see uniformity around these walkways as key. 10 lux may be acceptable assuming that this level is constant*

*Staffing - The aspiration for a comprehensive CCTV management provision is noted, but with mention of off-site monitoring I'd assume that there is not to be a 24hour staff presence on site.*

*Whilst I understand that there may be a wish that details remain restricted, some clarity for other security services in Chesterfield would be helpful.*

*Access points - The secondary pedestrian egress point to the north west building corner is noted, as is the potential for this to be a secondary access point once the this section of the northern gateway is developed.*

*In the meantime I'd ask that the point is restricted to egress only and access is to be taken only with a full set of door entry controls.*

*In summary I expect that all of the above could be resolved by condition of:-*

- Complete external lighting specification and lux plans*
- Plans and specification details of all internal and external CCTV*
- Details of all soft and hard external landscaping*

5.8.2 The comments from both the FO and CPDA were forwarded to the applicant for consideration and further details were provided in response to the CPDA queries by email dated 27 April 2018. The CPDA confirmed by return that the applicant is seeking for Safer Parking (Park Mark) accreditation as part of the development and therefore the issues he had previously sought to be conditioned are dealt with through this accreditation and are no longer required to be duplicated through planning conditions.

5.8.3 With regard to the comments made by the FO the applicant has confirmed that the scheme will be fully compliant with Building Regulations and whilst a sprinkler system is not proposed to be installed all other appropriate measures are designed into the scheme to meet fire standards. Building fire compliance is generally not a material planning consideration as this matter is dealt with under building regulations.

## 5.9 **Heritage and Archaeology**

5.9.1 The application site lies in a prominent location adjacent to the Town Centre Conservation Area as well as being located just north of the Town Centre Historic Core and accordingly matters in respect of heritage and archaeology are material considerations (Policy CS19 of the Core Strategy).

### 5.9.2

The application submission is supported by a Heritage Statement and Archaeological Assessment which have been reviewed by the **Derby & Derbyshire Archaeologist (D&DA)** and the Council's **Conservation Officer (CO)** who have made the following comments:

*D&DA - At pre-application stage we highlighted the fact that the existing multi-storey car park is located on the site of a Derbyshire Historic Environment Record (DHER number: 31563). This is the Friends Meeting House and burial ground which was built in 1696-7 on Saltergate. Because of this correlation we recommended that there should be an initial phase of archaeological appraisal of the site by means of an archaeological desk-based assessment (DBA). This report has been submitted with the current application. The report is based on information in the Derbyshire HER, archival and grey literature information, and recent planning and engineering records. We now have a more clear indication of whether or not any archaeological remains may survive on the site.*

*On the basis of this information and a recent site inspection, the report concludes that whilst there has been a long history of occupation here, the construction of the current car park will have removed any archaeological potential within the footprint of the building. The report does however suggest that a landscaped area to the south of the car park appears to have been less disturbed. Senior's map of 1673, whilst schematic, shows buildings on this part of Saltergate. Nineteenth century maps also show domestic buildings in this area of the site. These features may survive to some degree as below-ground archaeological remains.*

*Taking this into account we would recommend that the land to the south of the existing car park be archaeologically evaluated by means of a scheme of trial trenching. This limited field evaluation will assess the preservation of any below ground remains which may survive. This will ensure that informed decisions can be made on any necessary archaeological mitigation measures which may be required under the development scheme. This approach would be in line with the requirements of Paragraph 128 of NPPF. We would recommend that this requirement be covered by adding the following condition to any grant of planning permission for the scheme:*

- a) *No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority.*

*The scheme shall include an assessment of significance and research questions; and*

1. *The programme and methodology of site investigation and recording*
2. *The programme for post investigation assessment*
3. *Provision to be made for analysis of the site investigation and recording*
4. *Provision to be made for publication and dissemination of the analysis and records of the site investigation*
5. *Provision to be made for archive deposition of the analysis and records of the site investigation*
6. *Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"*

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

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

*The archaeological evaluation is to be undertaken, by a suitably experienced and qualified archaeological contractor (CIfA registered organisation), to a Written Scheme of Investigation which is to be agreed with ourselves.*

*CO - The above proposal would be on the edge of the town centre conservation area and be within the setting of a number of listed buildings along Saltergate, including the Central Methodist Chapel, 57 & 59 Saltergate, 63 Saltergate and 69-79 Saltergate (all grade II listed). The new car park would be constructed on the same foot print as its replacement, albeit with some minor changes. It would also be broadly of the same height and massing. Hence the new building, in terms of impact, would be similar to the former car park. Regarding design, the new car park relies on minimalism and a material and colour palette of bronze - grey perforated steel panels, which is not inappropriate in my view and should provide an interesting juxtaposition between the new and the historic. I would recommend that careful attention is given to the surrounding landscaping and tree planting which should be designed to soften the impact of such a large building, particularly for the east and south elevations. The trees and landscaping around the previous car park helped considerably to soften its impact and dominance.*

5.9.3 Overall it is considered that the development proposals accord with the provisions of policy CS19 of the Core Strategy and subject to appropriate planning condition para. 128 – 129 of the NPPF. It is considered that the developments design respond positively to the ‘civic’ heritage and statutory designations in the surrounding area and albeit contemporary / minimalist in design they are acceptable.

## 5.10 **Other Considerations**

### S106 / Planning Obligations

5.10.1 Having regard to the nature of the application proposals several contribution requirements are triggered given the scale and nature of the proposals. Policy CS4 of the Core Strategy seeks to secure necessary green, social and physical infrastructure commensurate with the development to ensure that there is no adverse impact upon infrastructure capacity in the Borough.

5.10.2 Internal consultation has therefore taken place with the Councils own **Economic Development** and **Strategic Planning** team on the development proposals to ascertain what specific contributions should be sought.



- 5.10.3 The responses have been collaborated to conclude a requirement to secure contributions via conditions in respect of up to 1% of the overall development cost for a percent for art scheme (Policy CS18); and under the provisions of policy CS13 (Economic Growth) the need to secure by condition a Local Labour / Employment Strategy.

Community Infrastructure Levy (CIL)

- 5.10.4 The proposed use of the building falls within a 'Sui Generis' Use Class therefore the development is not CIL liable. CIL only applies to C3 or A1 – A5 uses.

6.0 **REPRESENTATIONS**

- 6.1 The application has been publicised by site notice posted on 13/03/2018; by advertisement placed in the local press on 22/03/2018; and by neighbour notification letters sent on 12/03/2018.

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

**A Local Resident**

I feel it is important that the proposed car park represents an improvement over the previous demolished structure and maintains the Conservation Area's setting, even though the proposed development is outside the boundary it occupies a prominent position and has potential to impact on the area's character & appearance.

Although the proposed MSCP represents a great improvement over the condemned / demolished structure, I feel it may fail to make references to the site's historic context.

However, the new MSCP and overbridge at Nottingham railway station are modern additions to the Listed Building but are intended to be read as more recent additions.

**Allen & Orr Limited**

We must strongly point out that no consultation has been cone with Allen & ore Ltd with reference to the road layout for traffic. As mentioned in the past on several occasions we have large articulated lorries using the existing road (which are 18m in length) and struggle at the moment to get entry into our premises.

The proposed entry, exit area in the worst place possible, no consideration has been given to the large vehicles we have to deal with, no provision has been made to accommodate the turning area at the entry point to our yard next to the car park.

We must point out that on a regular basis we get articulated lorries who use Sat Nav, not coming to our yard, that have taken the wrong turn and the lorry should be at the Jacksons site. At the moment they can turn around on the existing road to get back out onto the roundabout.

With your new proposed layout for the car park this will not be possible, they will have to back out past the entry exit point, which will be very dangerous. They will not be permitted to use our yard as a turning point.

At busy times especially Christmas there will be considerable queuing at the entry point and it will be difficult for our staff, customers and lorries to get an easy path to our yard. Building the entry, exit point on a blind spot seems very bad planning.

When we had a meeting with the Council and local MP last year, it was an unwritten agreement that we would only use Marsden Street for lorry exiting our premises or for overly high lorries, with your proposed plan you are now forcing us to use Marsden Street on a more regular basis, this is not a suitable option.

We as a long standing company and employer in Chesterfield, feel that more consultation needs to be given on the new car park layout. It is important that we as a company need to attend any planning meeting that will be proposed in the future and we need to be kept informed.

## **20 Vincent Crescent (x2)**

I have lived in Chesterfield for over 25 years am very disappointed with the aesthetic appearance of the proposed new Saltergate car park. No attempt appears to have been made to harmonise its appearance with its surroundings, which are mainly brick buildings. It looks like an 'off the shelf' generic style design that one could place in any city/urban setting. But Chesterfield isn't any such place. It's a fine Market Town and should be respected as one. I think the facades should be primarily brick to match their surroundings. An example of how this has been done well is the recently built car park at the University of Sheffield. That has been done in red brick to blend in with its surroundings. So much good building design has been approved by the council in recent years that I was surprised and very disappointed with this proposed building on aesthetic grounds, and suggest a rethink that is more in

keeping with the setting and worthy of its place in such a privileged location in a fine Market Town.

The amended plans do not in any way address the concerns I have previously raised about the poor aesthetic design of the proposed building, particularly its outer elevations. As a visual effect on the area, this is a material planning consideration; and I request the right to address planning committee on these matters and should my request be declined I request that written reasons are given.

### **Central Methodist Church**

Unfortunately we have had problems accessing detailed information on your website, which we believe arise from website maintenance work being undertaken, so these comments are based on computer generated illustrations on the website and the description in 'your Chesterfield'.

As we have said in previous responses to planning applications affecting Central Methodist Church, we are pleased to see positive developments taking place in this part of the Town Centre, which we believe will be good for the local environment, and also for the Town as a whole.

In this case, it appears from the drawings available to us that the new car park will represent a considerable improvement in comparison with its predecessor, and we look forward to the time when this project is completed. We do, though, have concerns over the possible impact of the work, in two respects:

1. the potential for noise and/or dust. We have been delighted at the very positive working relationship with those who are developing the former Co-op site, and also with the car park demolition contractors, each of whom has respected our activities very helpfully. We sent a letter to the Derbyshire Times reflecting our appreciation.  
In the work on the former Co-op and old car park, Sunday working has been specifically excluded, except in exceptional circumstances, and we hope that this will apply in this case also. If there are exceptional circumstances which require Sunday working, then we hope that the contractors will liaise with us to minimize disruption.

2. occupation of the Holywell Cross car park: since the multi storey car park has been unavailable, there have been occasions (eg last Sunday) when spaces on the Holywell Cross car park are at a premium, and this is obviously a cause of inconvenience to those of our members with limited mobility, but who would not qualify for disabled persons parking badge. The problem is, of course, exacerbated by spaces in our own car park being occupied by scaffolding required for work on the former Co-op building. Without seeing the detailed documents, we do not know what, if any, requirement there will be for car parking spaces to be taken up by site offices, but we hope that this can be kept to a minimum.

### **Alan Clarke Piano's & Clarke's Music**

Further to your recent letter regarding the proposed new multi story car park at the rear of our property, we are rather concerned to see that the proposal is to landscape the area that was the entrance road to the old car park as this was utilised by the many large delivery lorries attending Allen & Orr's timber yard. Without this area they will be unable to manoeuvre to gain access to the yard (which is already tight for them) & will therefore end up having to park blocking our driveway which is used by ourselves, customers & our delivery people for parking. They will then have to park there for the period that it takes them to unload. As to how they will then be able to manoeuvre in the limited space to get out I fail to see. Obviously the blocking /restricting access to our driveway could impact on our business. There is also the public safety issue of having such large lorries blocking, unloading & manoeuvring in a public area.

### 6.3 ***Officer Response:***

***See sections above.***

***It is understood that the unclassified access road which runs to the north and west of the application site is owned by the applicant, and access rights exist over that land to some of the premises which front onto Saltergate and adjoin the application site boundary (such as Allen & Ore).***

***The development proposals will not interfere with these access rights as the access road will remain available for use by these premises, however it is understood that larger HGV vehicles accessing some of these premises have in the past utilised the former access route into the old MSCP as a means of performing difficult turning manoeuvres into their own sites.***

***Amendment to the site layout and reconfiguration of the access and egress points to the new MSCP will mean that the former access route will no longer exist and it is intended that this area will be encompassed into the design of the revised hard and soft landscaping areas of the new development. The fact that this may create an issue to an adjoining user's ability to continue to receive larger HGV deliveries (as this area will no longer be available for any HGV to 'over run') is not a material planning consideration. This is a private matter between the access rights holder and the applicant.***

## 7.0 **HUMAN RIGHTS ACT 1998**

- 7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 7.2 It is considered that the recommendation is objective and in accordance with clearly established law.
- 7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.
- 7.4 Whilst, in the opinion of the objector, the development affects their amenities, it is not considered that this is harmful in planning terms, such that any additional control to satisfy those concerns would go beyond that necessary to accomplish satisfactory planning control

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

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

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

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

9.0 **CONCLUSION**

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

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

10.0 **RECOMMENDATION**

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

Time Limit etc

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

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

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

- 90001 P1 - Site Location Plan
- 91100 P2 – Existing Site Plan
- 91101 P2 – Existing North Elevation
- 91102 P2 – Existing East Elevation
- 91103 P2 – Existing South Elevation
- 91104 P2 – Existing West Elevation
- 91200 P7 – Proposed Site Plan
- 30001 P5 – Proposed Ground Level Floor Plan
- 30002 P6 – Proposed Level 1 Floor Plan
- 30003 P6 – Proposed Level 2 Floor Plan
- 30004 P6 – Proposed Level 3 Floor Plan
- 30005 P6 – Proposed Level 4 Floor Plan
- 30006 P6 – Proposed Roof Level Floor Plan
- 36501 P4 – Proposed North Elevation
- 36502 P4 – Proposed East Elevation
- 36503 P4 – Proposed South Elevation
- 36504 P4 – Proposed West Elevation
- 30601 P5 – Proposed Section A
- 30602 P5 – Proposed Section B
- 30603 P5 – Proposed Section C
- 30604 P5 – Proposed Section D
- Design & Access Statement (prepared by Fatkin)
- Archaeological Desk Based Assessment (prepared by ArcHeritage)
- Heritage Statement (prepared by ArcHeritage)
- Coal Mining Risk Assessment (prepared by DTS Raeburn Limited)
- Preliminary Ecological Appraisal & Preliminary Appraisal for Roosting Bats (prepared by Peak Ecology)

- Geo-Environmental Appraisal (prepared by DTS Raeburn Limited)
- UXO Risk Assessment (prepared by 1<sup>st</sup> Line Defence)
- Preliminary Risk Assessment Report

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

### Drainage

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

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

04. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

*Reason - To prevent pollution of the aquatic environment and protect the public sewer network.*

05. No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
  - b) evidence of existing positive drainage to public sewer and the current points of connection; and
  - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 50% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority.



Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

*Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.*

### Highways

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

*Reason – In the interests of highway safety.*

### Archaeology

07. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority.

The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

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

#### Ecology / Trees

08. Prior to the commencement of development, a biodiversity enhancement strategy as outlined in the ecology report shall be submitted to and approved in writing by the Council, to ensure no net loss for biodiversity and aim for a net gain (NPPF 2012). Such approved measures should be implemented in full and maintained thereafter. Measures may include:

- bird boxes (positions/specification/numbers). Swift boxes at the upper levels would be suitable or a raptor ledge/box.
- native tree and shrub planting.
- green walls/climbers.
- relaxed mowing regime in grassed areas and use of flowering lawn mixture.

*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 vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

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

10. Prior to the commencement of the development, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Specific issues to be dealt with in the TPP and AMS inc:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) a full specification for the construction of any hard landscaping and footways, including details of any no-dig specification and extent of the areas hard landscaping and footpaths to be constructed using a no-dig specification. Details shall include relevant sections through them.

- d) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- e) a specification for scaffolding and ground protection within tree protection zones.
- f) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- g) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

*Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.*

11. Prior to completion of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development, whichever is the sooner. Details shall include:
- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
  - 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
    - a) permeable paving
    - b) tree pit design
    - c) underground modular systems
  - 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
  - 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practice.

All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

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

12. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

*Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.*

#### Others

13. 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.*

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

*Reason – In the interests of residential amenity.*

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

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

16. Upon commencement of development the applicant shall submit a 'Percent For Art' scheme which details the commissioning and provision of public art (up to the value of 1% of the overall development costs) within the application site boundary. Only the approved piece of public art shall be installed on site in accordance with the approved scheme and an approved timescale agreed in writing by the Local Planning Authority. The approved artwork installed on site shall be retained in situ as such for the life of the development.

*Reason - In the interest of amenity and to accord with the provisions of policy CS18 of the Core Strategy.*

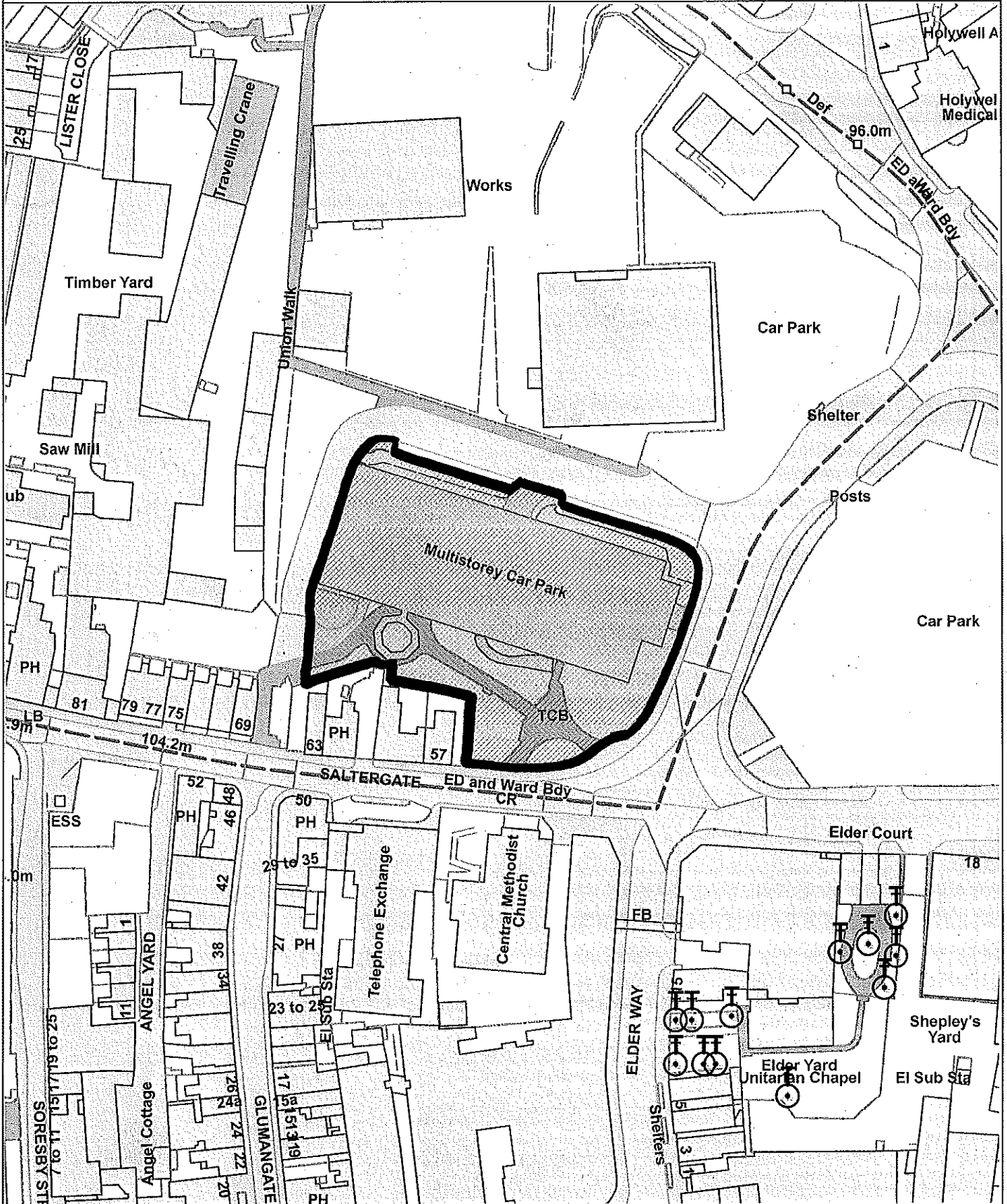
## Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management at Derbyshire County Council - telephone 01629 538686.
04. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
05. Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

06. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.
07. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
08. In relation to the any works / conditions regarding trees the following British Standards should be referred to:
  - a) BS: 3998:2010 Tree work – Recommendations
  - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations.



# PLAN - CHE/18/00136/FUL - Multi-Storey Car Park, Saltergate



**CHESTERFIELD**  
BOROUGH COUNCIL

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# Agenda Item 5

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	14 <sup>TH</sup> MAY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/18/00009/REM 1273 1292	St Leonards	Approval of reserved matters of CHE/15/00594/OUT(Construction of up to 10 dwellings) for erection of one dwelling - Information received 14.02.18 - Revised Drawing recieved 27.03.18  At Land Surrounding 146 To 152 Hady Lane Hady Lane Hady Derbyshire  For Darren, Natalie, Kevin and Katrina Harbour and Bailey	CP	11/04/2018
CHE/18/00015/FUL 2980	Brimington North	Drop curb and creation of concrete driveway inc, drainage for off street parking.  At 87 Ringwood Road Brimington Chesterfield S43 1DF  For Mrs Claire Clay	CP	25/04/2018
CHE/18/00047/ADV	Moor	Replacement of 2 high level existing signs to new brand. replacement of 2 car park totem signs (main ground level entrance signs to use existing frames).  At Simply Gym Sheffield Road Whittington Moor S41 8LF  For Places For People Leisure	CP	19/04/2018
CHE/18/00068/FUL 1272 1074	St Leonards	Extension of existing beer garden, including relocation of 2 parking spaces, demolition of existing access stairs and installation of  At The Portland Hotel West Bars Chesterfield S40 1AY  For J D Wetherspoon	CP	19/04/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00074/REM1 1281	Walton	Variation of condition 1 of CHE/0196/0021 to allow servicing of supermarket on Sundays Condition Number(s): 1 Conditions(s) Removal:  See supporting statement Deliveries to the foodstore shall be made only between the hours of 5.00am and 11.00pm Monday to Sunday.  At Morrisons Superstore Chatsworth Road Chesterfield S40 3BQ  For Wm Morrison Supermarkets plc	CP	13/04/2018
CHE/18/00085/FUL 5576 5584	Walton	Demolition of detached garage and erection of a two storey side and rear extension (revised plans received 13.04.2018)  At 3 Newhaven Close Walton S40 3DX  For Dr Sujata Sharma	CP	19/04/2018
CHE/18/00100/FUL 3229	Brockwell	Proposed rear two storey extension At 41 Ashgate Road Chesterfield Derbyshire S40 4AG For Mr Jon Ward	CP	26/04/2018
CHE/18/00101/FUL 3229	Holmebrook	Single /two storey extension At 36 Springfield Avenue Chesterfield Derbyshire S40 1DJ  For Mrs Lindsey Buxton	CP	25/04/2018
CHE/18/00102/FUL 1597	St Leonards	Two storey rear extension (revised drawings received 17.04.2018)  At 34 Herriot Drive Chesterfield S40 2UR  For Mr R Barley	CP	18/04/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00104/FUL	Walton	Two storey extension At 2 Wolfe Close Walton Chesterfield S40 2DF For Mr and Mrs Melen	CP	23/04/2018
CHE/18/00109/FUL 1706	Middlecroft And Poolsbrook	Demolition of existing garage and erection of a two storey side At 38 Calver Crescent Staveley Chesterfield S43 3LZ For Mr Julian Haynes	CP	17/04/2018
CHE/18/00115/FUL 5538	Barrow Hill And New Whittington	Entrance porch to ground floor flat. At 1A Albert Road New Whittington Derbyshire S43 2BH For Mr Bill Heard	CP	23/04/2018
CHE/18/00116/DOC 208 1926	Dunston	Discharge of Planning Condition Nos. 12 ,22, 23, 29, 30, 40 and 42 - Planning application No. CHE/15/00116/OUT (Development of up to 146 residential dwellings with approval of access from Dunston Road - additional information received 16/10/2015) At Cammac Coal Dunston Road Chesterfield S41 9RL For C/O Agent	DPC	17/04/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00118/DOC	Middlecroft And Poolsbrook	Discharge of planning conditions 3 (storage of plant etc) 4 (parking provision) 5 (retention of parking spaces) 6 (materials)and 9 (landscaping) of CHE/17/00661/FUL - erection of two semi detached houses. Amended boundary treatments  At 51 Chesterfield Road Staveley Chesterfield S43 3QG For Bellfield Construction	DPC	23/04/2018
CHE/18/00135/REM1	Hasland	Variation/removal of condition 1 (discontinuance of use) of CHE/17/00233/COU - Change of use from A1 shops to D1 non-residential institutions  At 20 The Green Hasland S41 0LJ For Mr Roy Smith	CP	26/04/2018
3600				
CHE/18/00138/TPO	West	Beech trees (T8 & T9) reduction in size in accordance with the report of John Booth. (Dated August 2017)  At Oaklands 25A Storrs Road Chesterfield Derbyshire S40 3QA For Mr David Pogson	CP	17/04/2018
CHE/18/00159/TP0	West	Cut back hedge along boundary to prevent overhang on to the public footpath  At 6 Westfield Close Chesterfield Derbyshire S40 3RS  For Derby Diocesan Board Of Finance	CP	18/04/2018



Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00162/CPO	Dunston	Removal or variation of condition 4 of CW2/0317/110 - Proposed retention of and amendments to existing green waste recycling facility including the chipping of wood and retrospective planning permission for an extension of the existing concrete waste reception pad, new weighbridge and  At Sheepbridge Works Sheepbridge Lane Sheepbridge Derbyshire S41 9RX  For Hall Plant Hire Ltd	OW	16/04/2018
CHE/18/00166/TPO  2795	Lowgates And Woodthorp	T49- Hawthorn: Fell and grind stump (Split scaffold limb and extensive dieback to crown), T46- Cherry: Fell and grind stump (Dead)  T52- Silver Birch: Fell (leaning into highway, dieback to crown, Betulinis polyporus bracket to stem) and T60- Ash: Crown clean deadwood (large deadwood over  At War Memorial Victoria Park Duke Street Staveley  For Chesterfield Borough Council	CP	18/04/2018
CHE/18/00177/DEM  866 4229	Holmebrook	Prior notification of demolition of national grid former gasworks site  At Gas Holder Station Chester Street Chesterfield Derbyshire  For National Grid	PADEM	17/04/2018

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/18/00179/DOC 2056	St Leonards	Discharge of planning conditions 2 (Employment and Training Scheme), 3 (Delivery management Plan), 5 (access control for hotel lobby), 6 (internal partition walls), 11 (details of new plant) and 12 (storage of materials on site) from application CHE15/00676/FUL - Change of use and internal refurbishment of former department store to hotel (C1), independent ground floor units (a1/A3/A4) and basement gym (D2) including new external courtyard and alterations to servicing, demolition of bridge, fire escape stair tower and single storey link block and erection of a single storey rear extension At Chesterfield and District Co-Operative Society Elder Way Chesterfield Derbyshire S40 1UR For Mr Ian Scott	DPC	25/04/2018
CHE/18/00180/TPO	Rother	Rear single storey extension At 173 Boythorpe Road Boythorpe Derbyshire S40 2NB  For Mr Steve Richards	PA	19/04/2018
CHE/18/00186/DOC 2581	Middlecroft And Poolsbrook	Discharge planning conditions - 5 (site investigations) 9 (Desk Top study) and 10 (materials), in respect of planning application CHE16/00769/FUL -Demolition of existing retail unit; 1 x Proposed detached residential dwelling; and 1 x Shop/retail unit with accommodation above At 26A Circular Road Staveley Derbyshire S43 3QX For Mrs Daljit Kaur	DPC	25/04/2018

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
CHE/18/00212/CA  1983	Brockwell	Lime Tree - To re-pollard to previous points At 86 Saltergate Chesterfield Derbyshire S40 1LG  For Mr Steven Jenkins	UP	17/04/2018
CHE/18/00239/CPO  5599	Lowgates And Woodthorp	Demolition of existing school office/entrance pitch roof and gable wall, erection of a flat roof secure entrance lobby and reception linking to new pitched roof school office extension  At Woodthorpe C Of E Primary School Seymour Lane Woodthorpe Derbyshire S43 3DA  For Derbyshire County Council	OC	27/04/2018

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## *Delegated List - Planning Applications*

### Key to Decisions

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

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	14 <sup>TH</sup> MAY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/18/00066/TPO TPO 4901.11a 23/03/18	The felling of two trees which include one dead Sycamore and one Sycamore which is one sided and leaning towards the property and the pruning of eight trees which include six Sycamore trees and two Beech trees within W1 on the Order Map and which are situated along the wooded area on Hady Hill for Mr Smith of 139 Hady Hill.	<p>Consent is granted to the felling of one leaning Sycamore with a condition to plant a replacement tree.</p> <p>Consent is also granted to prune 8 trees by crown lifting, removal of lower branches and reducing branches growing towards the property.</p> <p>Consent has already been granted to DCC Highways to remove one dead Sycamore tree application reference CHE/17/00643/TPO.</p>
CHE/18/00090/TPO TPO 4901.169 28/03/18	The pruning of one Beech tree within G3 and two Limes reference T23 & T24 on the Order map for Mr Metham of 161 Walton Back Lane, Somersall.	<p>Consent is granted to the crown thinning by 20% and the removal of 3 lower branches on T23 Lime and the crown thinning and reduction of branches growing towards the property on T24 Lime.</p> <p>Consent is also granted to the crown thinning of one Beech tree within G3 concentrating on the overhang over the driveway of 161 Walton Back Lane and to include the reduction of branches leaving a well-balanced crown and natural appearance.</p>

<p>CHE/18/00156/TPO TPO 4901.14 28/03/18</p>	<p>The felling of one small Larch tree which has movement of the root plate and the pruning of eight Larch trees within G4 on the Order map for Mr Wilson of 26 Netherleigh Road.</p>	<p>Consent is granted to the felling of one Larch tree with a condition to plant one new tree in the next available planting season and the crown cleaning of eight Larch trees to remove dead and damage branches in the crown.</p>
<p>CHE/18/00157/TPO TPO 4901.174 28/03/18</p>	<p>The pruning of one Field Maple tree reference T2 on the Order map for A+J Arb Access on behalf of Mrs Vaughan of 22 Foxbrook Drive, Walton.</p>	<p>Consent is granted to the crown lifting of the tree by 4 metres and the crown thinning of the tree by 25% to allow more light into the garden.</p>
<p>CHE/18/00107/TPO TPO 4901.155 06/04/18</p>	<p>The pruning of one Maple tree reference T3 on the Order map for Miss Sophie Wellhausen of 21 Yew Tree Drive, Somersall.</p>	<p>Consent is granted to the crown reduction of one Maple tree by 50% pruning back to previous reduction points and leaving a well-balanced crown.</p>
<p>CHE/18/00114/TPO TPO 4901.233 06/04/18</p>	<p>The pruning of two trees within G1 on the Order map in the rear garden of 14 and 12 Booker Close, Inkersall for Mrs Roe of 14 Booker Close. The works are to allow more light into the garden.</p>	<p>Consent is refused to the crown lifting of one Oak tree in the rear garden of 14 Booker Close because the lower branches are already approximately 3 metres from ground level and any further crown lifting will make the tree unbalanced and top heavy making unnecessary pruning cuts.</p> <p>Consent is granted to the crown thinning of the Oak tree by 20% limited to the outer canopy only. Consent is also granted to the crown lifting and crown thinning of one Lime tree in the rear garden of 12 Booker Close, Inkersall.</p>

<p>CHE/18/00131/TPO TPO 4901.7  06/04/18</p>	<p>The pruning of two Cedar trees within A1 on the Order map for Mr McKittrick of 15 The Dell, Ashgate.</p>	<p>Consent is granted to the crown lifting of two Cedar trees by 5.2 metres when measured from the highway and the crown thinning of the trees by 25% to allow more light into the garden.</p>
<p>CHE/18/00138/TPO TPO 4901.216  17/04/18</p>	<p>The pruning of two Beech trees reference T8 &amp; T9 on the Order map for Mr Pogson of 31 Storrs Road. The trees are located in the gardens of 25 &amp; 25a Storrs Road and overhang the property.</p>	<p>Consent is granted to the crown lifting of two trees by 5-6 metres, crown thinning by 20% and the reduction in height by 20% and lateral branches to leave a 4 metre spread.</p>
<p>CHE/18/00159/TPO TPO 4901.51  18/04/18</p>	<p>The pruning of one overgrown hedgerow reference A1 on the Order map at 6 Westfield Close, Brampton for the Derby Diocesan Board of Finance Ltd.</p>	<p>Consent is granted to the trimming back of one hedgerow to clear the adjacent footpath.</p>
<p>CHE/18/00166/TPO TPO 4901.152  18/04/18</p>	<p>The felling of 3 trees reference T46 Cherry, T49 Hawthorn and T52 Silver Birch and the pruning of 1 Ash reference T60 on the Order map for Ted Firth on behalf of Chesterfield Borough Council at The Staveley Memorial Gardens, Duke Street, Staveley.</p>	<p>Consent is granted to the felling of 3 trees which are either dead or dangerous with a condition to plant 3 replacement trees in the next available planting season. Consent is also granted to the crown cleaning of one Ash tree to remove large pieces of dead wood.</p>

**SECTION 2**      **NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<b><u>CONTENTS OF NOTICE</u></b>	<b><u>SUMMARY OF CONSIDERATIONS</u></b>	<b><u>TERMS OF DECISION</u></b>	<b><u>DATE OF DECISION</u></b>
<p>CHE/18/00185/CA                      The felling of one Sycamore tree and the pruning of one Ash for Miss C Roe of 14a High Street, Brimington.</p>	<p>The trees are within the Brimington Conservation Area and the applicant wishes to remove the Sycamore tree because it is directly against a boundary wall and cracking a small retaining wall to the property. The pruning of the Ash tree is to remove a large overhanging branch into the neighbouring property and re-shape the tree.</p>	<p>Agreement to the felling of 1 Sycamore tree and the pruning of 1 Ash tree. The felling and pruning will have no adverse effect on the amenity value of the area. A replacement Birch tree or Mountain Ash is to be planted as a replacement tree in the same location.</p>	<p>06/04/18</p>
<p>CHE/18/00212/CA                      The re-pollarding of one Lime tree for Ken Portas Landscaping and Tree Surgery at 86 Saltergate, Chesterfield.</p>	<p>The tree is within the Town Centre Conservation Area and the applicant wishes to re-pollard the Lime tree for routine maintenance.</p>	<p>Agreement to the pruning of 1 Lime tree. The pruning will have no adverse effect on the amenity value of the area.</p>	<p>17/04/18</p>

## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 14<sup>TH</sup> MAY 2018  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER**

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

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**APPEALS**

<b><u>FILE NO.</u></b>	<b><u>WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/3991	Hasland ward	Mr N Chadwick	2 York Street Two vending machines. Enforcement Notice (Grounds (a), (b), (c) and (f)). Planning permission ought to be granted, the matters alleged have not occurred, there has been no breach and the steps required are excessive.	Planning Committee	09/08/17	Written Reps	
2/1192	Brockwell ward	Peppermint Grove Ltd	CHE/17/00421/FUL – 12 dwellings at 46 Newbold Road – the Shrubberies - Refusal	Planning Committee against officer advice	12/12/17	Written Reps + Full Costs application	Allowed 30/4/18 and full costs award against Council – see appendix A and B
2/6099	Linacre ward	Mr J Grocutt	CHE/18/00032/TPD – Larger Home extension to rear of 12 Butterton Drive - Refusal	Officer delegation	10/04/18	Written Reps (HAS)	
2/3991	Hasland ward	Mr N Chadwick	CHE/17/00800/FUL – Retention of external works at 2 York Street - Conditions	Planning Committee	26/04/18	Written Reps	

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## APPENDIX A

Appeal by Peppermint Grove Ltd  
Site at 46 Newbold Road, Chesterfield.  
CHE/17/00421/FUL  
2/1192

1. Planning permission was refused on 21<sup>st</sup> November 2017 for the development of 12 residential units and ancillary works on the site of 46 Newbold Road. The application was refused by planning committee against the advice of officers for the following reasons:

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

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. A signed and dated planning obligation consisting of a unilateral undertaking (UU) was provided as part of the appeal. This would secure the provision of public art, or a contribution towards public art off-site as part of the finished scheme. It would also provide for the formation of a management company to manage open space, landscaping and site drainage.
4. The main issue was the potential effect of the loss of protected trees on the character and appearance of the area. The appeal site lies on the north western edge of Chesterfield town centre in a predominantly residential area, with some commercial properties close to the site along Newbold Road, and a primary school to the rear. It comprises a vacant office building, previously used by the NHS Primary Care Trust, and includes the associated parking and gardens, which are enclosed by a high boundary wall. The gardens include mature landscaping and a number of mature trees, which are protected by Tree Preservation Order. The trees along the

Newbold Road frontage provide an attractive feature in the existing streetscene and these, and to a lesser extent the trees further back on the site, are visible in wider views of the site along Newbold Road. There are few street trees in the streets surrounding the site and the verdant appearance of the site make a positive contribution to the character and appearance of the area.

5. The scheme comprises the erection of 12 dwellings of contemporary design which would be configured in a courtyard arrangement with a single point of access at the existing entrance from Newbold Road. The development would require the removal of 29 trees from the site, 12 of which are subject to the Tree Preservation Order. Many of the trees proposed for removal are identified in the submitted tree survey as in poor health. The Council's Tree Officer confirmed that 7 of the 12 protected trees are either dead or dying, or are in poor shape due to overcrowding by other trees or ivy. A further 32 are considered unsuitable for retention within a development scheme due to the risk of failure. The Council did not dispute that these identified specimens have a limited lifespan and so the contribution they could make to the character and appearance of the area would in any case be limited.
6. The inspector noted the particular concerns of the Council in relation to the removal of T15 oak and T17 Sycamore. These trees lie in the centre of the site and are estimated to be around 15 and 17 metres high. As such, they are visible in some views from outside the site, including from Newbold Road, in glimpsed views in gaps in the frontage from Cobden Road, and would be visible from the playground of St Marys School, in combination with the trees along the road frontage which are to be retained. They are also likely in combination to contribute to the quality of the view available to residents adjoining the appeal site. However, the inspector noted during the site visit that the trees were not prominently visible in public views into the site and the verdant appearance of the site was primarily derived from the contribution of the mature trees along the Newbold Road frontage.

7. The inspector noted that the Council's Tree Officer has no objection to the trees being removed to accommodate the proposal. Whilst the inspector did not dispute that the quality of some private views into the site would be reduced as a result of their removal, taking into account the relatively limited prominence of these trees in public views, and the potential to mitigate the effect of their loss through appropriate tree replacement and planting, she did not consider that on balance their removal would have a significantly harmful effect on the character and appearance of the area. The inspector also took into account that a number of smaller unprotected trees would also be removed as part of the scheme. It is clear that the site would require substantial tree removal to facilitate redevelopment. However, given that the frontage trees, which make the greatest contribution to the character and appearance of the wider area are largely retained, and that these largely screen the rear of the site from wider views, the inspector was satisfied that the proposal would not on balance be harmful to the character and appearance of the area. The inspector therefore found no conflict with policy CS18 of the Chesterfield Core Strategy, which seeks to ensure that new development integrates with and respects the character of the site including tree cover, or with guidance in the *National Planning Policy Framework*, which has similar aims.

#### *Other Matters*

8. Although not a matter of concern for the Council, I note the Civic Society had expressed concerns in relation to the impact on heritage assets, in particular, the demolition of No 46 Newbold Road, which is a non-designated heritage asset. Whilst the inspector had been provided with no information of the building's significance, she noted that it is not on the statutory list, and that the Council has granted prior approval for the demolition of the building. Having regard to the appearance of the building and its state of repair the inspector considered there to be a reasonable likelihood of this demolition taking place, irrespective of the outcome of this appeal. It is therefore likely that the loss of the building in terms of local significance would be outweighed by the available fallback position in this case, and the matter does not alter my reasoning.

9. The inspectors attention was drawn to the concerns of some residents, in relation to the design of the proposed dwellings, and the effect of the proposal on the character and appearance of the area. The design is clearly contemporary and as such is a departure from the appearance of the buildings on Cobden Road. However, the wider area is not homogenous in character with commercial buildings and modern infill development also part of the wider mix. Furthermore, the site is relatively self-contained, with the main views of the site provided through the screen of mature trees on Newbold Road. In this regard, the dwellings would not appear prominent or intrusive within the wider streetscene or significantly detract from the established character of the area.
  
10. A number of residents also expressed concerns in relation to the potential impact of the proposal as a result of potential overlooking, loss of light or the potential overbearing effects of development. The Council are satisfied that the scale and position of the proposed dwellings, along with the proposed location of windows, would meet the requirements set out in the Council's SPD. I also note that the previous Inspector concluded that the differences in land level between the site and its neighbours, and the modest scale of the buildings would not result in development which would have an adverse effect on living conditions. Taking into account the size and position of the proposed dwellings, the inspector saw no reason to dispute this view, and whilst she acknowledged that the quality of the view available to residents is likely to diminish, she was also of the view that the effects of the proposal would not be so intrusive as to harm living conditions. Furthermore, the inspector had no compelling evidence that the proposal could not be drained appropriately, or, subject to appropriate conditions, would increase the risk of flooding to adjoining properties. She took into account that the proposal would not include social housing but the Council has raised no concerns in this regard, and in the absence of a substantiated need and an identified development plan policy with which to secure it, the inspector can give the matter no weight.

11. The inspector noted the concerns of local residents in relation to highway safety. However, she concurred with the view of the Local Highway Authority, that the proposal would be unlikely to generate significantly higher levels of traffic than the existing office use. As such, the inspector considered the scheme unlikely to give rise to harm to highway safety.
12. The inspector noted the issues raised by some residents in relation to protected species, including bats. However, she had been provided with no substantive evidence that the submitted surveys should not be relied upon and so she concurred with the views of the Council and the previous Inspector, that subject to appropriate conditions, including measures to protect nesting birds, the proposal would not have a detrimental effect on the biodiversity of the site. Whilst the inspector noted the comments of residents in relation to potential damage to property or subsidence as a result of development, she had no substantive evidence on which to conclude that this would occur. The inspector noted comments from residents raising concerns on how the application was handled by the Council. She had no compelling reason to conclude that the application was not administered appropriately, and in any case, this would not alter the other considerations before her.

### **Conclusion and Conditions**

13. The inspector considered the proposed conditions in line with guidance in *Planning Practice Guidance*. In addition to conditions relating to the time period of implementation, and the approved plans, she also consider it reasonable and necessary to impose conditions to require the proper foul and surface water drainage of the site. The Council proposed a number of conditions in this regard, and she agreed on the need to reduce surface water run-off from the site in line with the objective of responding to climate change. In the interests of brevity, to avoid duplication, and to remove a requirement to accord with Building Regulations, which is unnecessary, she amended the wording of these conditions.
14. The inspector has considered the proposed geo-technical conditions, but noted that the Coal Authority are satisfied that the site investigations that have already taken place indicate that the development does not require any further mitigation or

remediation in relation to coal mining legacy. As such the inspector did not consider a condition in this regard to be necessary. In relation to ground contamination, the submitted phase II investigation indicates that the site has some soil contamination present and that remediation will be required. The inspector has therefore imposed relevant conditions in order to ensure the safe development of the site. In order to protect the living conditions of nearby residential occupiers, it is necessary to require a construction management plan for the development and to limit the hours in which work on site can occur.

15. A number of highways conditions are proposed by the Council. A condition requiring that the proposed parking is provided and retained is reasonable and necessary in order to ensure the development provides appropriate levels of parking in the long term. However, the inspector had concerns regarding the wording of the proposed condition relating to garages. Whilst a condition requiring that permission is sought for conversion of integral garages would enable the Local Planning Authority to assess and if necessary control such proposals, the requirement that an integral garage is only ever used for parking is unreasonable and potentially unenforceable as it would prevent the use of such spaces for normal domestic storage. In seeking to ensure that households have appropriate levels of parking provision the inspector considered it sufficient to require that the garages are available for parking, rather than households be prevented from using the spaces for any domestic function. In this regard the inspector altered the wording of the proposed condition.
16. In order to maintain a safe access to the site, a condition regarding the drive gradients and access via a dropped kerb to maintain pedestrian accessibility is reasonable and necessary. The access serves a number of dwellings and there is no indication that a condition preventing installation of a gate is necessary in this case. The Local Highway Authority has advised that the access to the site is unlikely to be adopted and that refuse vehicles will not enter the site to make collections. It is therefore reasonable that conditions relating to refuse collection and maintenance of the access are imposed on the permission. The submitted ecology survey identified T17 as a potential bat roost and so, in the interests

of ensuring appropriate mitigation, the inspector imposed conditions requiring an additional survey of T17, a requirement for an enhancement strategy and a lighting strategy, and the prohibition of vegetation clearance during the nesting season to protect nesting birds.

17. The Council had suggested a number of conditions relating to trees on site. In the interests of clarity the inspector considered it necessary to impose a condition referring to the trees to be retained or translocated, and to impose conditions to ensure the protection of trees during construction. A condition requiring full details of proposed hard landscaping, is also necessary, in order to ensure both the protection of on-site trees, and an appropriate appearance for the finished development.
18. In relation to the removal of permitted development rights from the development. Taking into account the relatively dense nature of the proposal, and the rear facing nature of properties to Newbold Road, the inspector considered such a condition to be reasonable in the interests of retaining amenity space within the development, preventing overlooking to adjoining properties, and to ensure a satisfactory appearance to the development. Furthermore a condition relating to approval of the finished materials is also necessary to ensure an acceptable appearance for the finished scheme. A condition requiring that the finished development is capable of receiving high speed broadband is in accordance with the aims of paragraph 42 of the Framework and is reasonable for the provision of future homes. The Council included a condition requiring a strategy to promote the local supply chain, employment and training opportunities throughout the construction of the development. This is in accordance with policy CS13 of the Core Strategy, which seeks to secure such agreements as part of all major developments in the Borough, in order to achieve sustainable development in the long term. The appellant has not expressed any objection to the condition and the inspector accepted that such agreements can help foster economic growth for the benefit of the local community. The inspector considered the condition to be reasonable in this case.

19. Lastly, a unilateral undertaking was provided with the proposal. It provides for the formation of a management company to manage open space, landscaping and site drainage. It also commits the developer to make provision for public art within the site, or agreed alternative provision, before the occupation of the first dwelling. Policy CS18 of the Core Strategy seeks public art in schemes costing in excess of £1million and the inspector recognised that such provision can make an important contribution to the public realm. Furthermore, the appellant has not indicated any objection to this requirement and so the inspector considered there was no reason to conclude that the requirements of the Development Plan should not apply in this case.

#### Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  
2. All external dimensions and elevational treatments shall be as shown on the approved plans (listed below) with the exception of any approved non material amendment.
  - PG.218516.LOC – Site Location Plan
  - PG.218516.101D Planning Layout
  - PG.218516.102D Landscaping Masterplan
  - PG.218516.103C Site Sections
  - PG.218516.104A Survey Block Plan Overlay
  - PG.218516.111B Type B Proposed Plans
  - PG.218516.112 Type C Proposed Plans
  - PG.218516.113 Type D Proposed Plans
  - PG.218516.115B Courtyard Block Elevations
  - PG.218516.116B Courtyard Block Elevations
  - PG.218516.119 Site Frontage Railings
  - PG.218516.SS Indicative Streetscene Visuals (1-5)
  - 21620\_OGL-REV0 – Topographical Survey
  - TSC 01B Tree Survey
  - TSC 02B Tree Constraints Plan
  - TSC 03C Tree Protection Plan
  - TSC 04A Landscape Masterplans
  - PG.218516.DA Rev A - Design & Access Statement
  - Ecology Scoping Survey (prepared by Prime Environment) dated December 2016 and a Bat Climbing Inspection.



- Phase 2 Geotechnical and Geo-environmental Site Investigation Report (prepared by Eastwoods & Partners) dated December 2016
  - Arboricultural Method Statement – Nov 2016
3. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and,
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
4. None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

5. 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 site investigation/Phase 2 report where the previous use of the site indicates contaminative uses. 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.
  - II. 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.
  - III. 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.
  - IV. 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.

- V. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a MCERT certified laboratory, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.
6. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate
- parking of vehicles of site operatives and visitors
  - routes for construction traffic
  - hours of operation
  - method of prevention of debris being carried onto highway
  - pedestrian and cyclist protection
  - proposed temporary traffic restrictions
  - arrangements for turning vehicles
7. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
8. No dwelling shall be occupied until space has been laid out within the site in accordance with approved planning layout for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.
9. The garages hereby permitted and 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 that associated with the residential occupation of

the property without the grant of further specific planning permission from the Local Planning Authority.

10. The proposed access to Newbold Road shall be no steeper than 1:30 for the first 10m from the nearside highway boundary and 1:12 thereafter. Individual drives shall not exceed a maximum longitudinal gradient of 1:14. A vehicular dropped crossing shall be retained at the site entrance.
11. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
12. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority.
13. Development shall not commence (including any site clearance/preparation) until a further bat survey of T17 has been undertaken (in accordance with recommendations within the Ecology Scoping Survey (Section 3 Results and Discussion) and the results submitted to the Local Planning Authority for written approval. Only once the survey / report has been considered by the Local Planning Authority and its written approval has been given shall any works (which may include necessary mitigation works) commence on site and the works shall be completed exclusively in accordance with the scheme receiving written approval.
14. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

15. Prior to the commencement of development a detailed lighting strategy shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.
16. Prior to the commencement of development a detailed enhancement strategy that provides details of enhancement measures for roosting bats and nesting birds shall be submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.
17. Under Tree Preservation Order 4901.133 Trees T1, T5, T6 & T10 Purple Beech and T3 & T8 Whitebeam shall be retained; furthermore in the first available planting season prior to any development commencing Trees T11 and T12 of the same Order shall be translocated to the frontage of the site as shown in drawing TSC04 Rev A Landscape Master Plan and Planting Details by Weddle Landscape Design and detailed in the Arboricultural Method Statement Nov 2016. If either of these two trees fail during transplanting two new heavy standard Oak trees shall be planted as their replacements as shown in drawing TSC04 Rev A Landscape Master Plan and Planting Details by Weddle Landscape Design / detailed in the Arboricultural Method Statement Nov 2016 and thereafter maintained under the terms and provisions of the aforementioned Order.
18. Prior to development commencing (including site clearance / demolition) the Root Protection Area's (RPAs) illustrated on drawing no. TSC03 Rev C Tree Protection Plan by Weddle Landscape Design and as detailed in the Arboricultural Method Statement Nov 2016 shall be established to all retained protected trees within the application site boundary. Protective fencing to define these RPAs shall be erected conforming to BS 5837 'Trees in Relation to Design, demolition and construction - Recommendations' 2012) during site clearance and while any construction is in progress and notices should be attached to the fencing at regular intervals to this effect. There must be no excavations, no soil stripping and no grading of the site within the RPAs and there should also be no storage of materials within the RPAs.

19. Removal of any hard surfacing, boundary walls, retaining walls and services within the defined Root Protection Areas (RPAs) shall be undertaken strictly in accordance with the Arboricultural Method Statement Nov 2016. The removal of any existing hard surfaces within the RPAs shall be carried out without the use of any heavy machinery and care must be taken not to disturb tree roots that may be present beneath it. Hand held tools or appropriate machinery shall be used to remove the existing surfaces unless prior written approval is sought in writing by the Local Planning Authority.
20. Prior to the commencement of development details of the location of site cabins, materials, construction vehicles and parking shall be submitted to the Local Planning Authority for consideration and written approval; and these should be outside the Root Protection Areas of the retained trees.
21. Within 2 months of commencement of development, full details of hard and soft landscape works for the approved development shall be submitted to the Local Planning Authority for consideration. The hard landscaping scheme shall take account of any established root protection areas to retained trees on site and may require alternative measures of construction and finishes to be considered (as detailed in the Arboricultural Method Statement Nov 2016 – or any subsequent revisions thereto). 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.
22. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

23. 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.
24. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.
25. The development hereby approved shall include the provision of appropriate infrastructure to enable the dwellings to have high speed broadband, in accordance with details to be submitted to, and approved in writing, by the Local Planning Authority.

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## **APPENDIX B**

### **Appeal by Peppermint Grove Ltd** **Site at 46 Newbold Road, Chesterfield.** **CHE/17/00421/FUL** **2/1192**

1. Planning permission was refused on 21<sup>st</sup> November 2017 for the development of 12 residential units and ancillary works on the site of 46 Newbold Road. The application was refused by planning committee against the advice of officers for the following reasons:

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

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed. The appellant sought to recover costs on the appeal and the application for an award of costs is allowed in the terms set out below.
3. *Planning Practice Guidance* advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The appellant considered that the Council acted unreasonably in refusing the application and contends that they also failed to adequately substantiate their case at appeal.
4. The Council's concerns related to the removal of trees from the site, and the effect this would potentially have on the character and appearance of the area. Particular concerns were expressed in relation to the removal of 2 trees known as T15 and T17 on the Tree Preservation Order. The application was a resubmission of a previous scheme which was the subject of an appeal decision. The Inspector for the previous appeal found that these trees afforded "*limited amenity from*

*public vantage points due to their set back position within the site....In such circumstances, on balance the removal of T15 and T17 would not be harmful subject to appropriate tree replacement and landscape planting within the site”.*

5. The scheme which is the subject of this appeal comprises the previous layout, with the omission of a dwelling to the front of the site, which led the previous Inspector to have concerns in relation to the effects of the proposal on other protected trees to the front of the site. As such, the impact on the trees in question, T15 and T17, had already been effectively considered by the previous Inspector. The inspector noted that the Council Officer’s advice to Committee Members reflected this and that this was in line with the advice of the Council’s own Tree Officer.
6. Planning Committee Members are not bound to accept the recommendations of their officers. Nevertheless, reasons for refusal should be substantiated and based on relevant evidence. In this regard the officer’s report to committee highlighted to Members the need to take account of all material considerations, including the findings of the planning Inspector for the previous appeal. Notwithstanding this, the Committee refused the proposal, based on the visual effects of the loss of trees which the previous Inspector had already concluded could be removed.
7. In seeking to substantiate the refusal the Council advised that Members considered that compensatory landscaping, secured by condition, would be insufficient to allay their concerns. However, this is in direct contradiction of the findings of the previous Inspector, who considered that the removal of T15 and T17 would not be harmful subject to appropriate tree replacement and landscape planting within the site. In short, the issue on which the Council refused the proposal had effectively been considered by the previous appeal Inspector who found it to be acceptable.
8. *Planning Policy Guidance* is clear that an LPA can be considered to have acted unreasonably if they persist in objections to a scheme, or elements of a scheme, which an Inspector has previously indicated to be acceptable. In refusing the application, and failing to take account of the

previous appeal decision for the site, the Council acted unreasonably by delaying development which could clearly have been approved and that the whole appeal process should have been avoided. Accordingly, all of the costs associated with the appeal, including those of employing a professional adviser, were unnecessary.

9. The inspector therefore found that unreasonable behaviour resulting in unnecessary expense, as described in the Planning Practice Guidance, had been demonstrated and that a full award of costs is justified.

### **Costs Order**

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Chesterfield Borough Council shall pay to Peppermint Grove Ltd, the costs of the appeal proceedings described in the heading of this decision.
11. The applicant is now invited to submit to Chesterfield Borough Council, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is provided.

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# FOR PUBLICATION Agenda Item 8

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 14<sup>TH</sup> MAY 2018  
**REPORT BY:** LOCAL GOVERNMENT AND REGULATORY LAW MANAGER  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

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

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

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

# ENFORCEMENT REPORT

Enforcements currently Authorised: 7

02 May 2018

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	<small>update last update</small>	Ward
<b>Enforcement Notice</b>		<i>Total currently Authorised: 5</i>			<i>Authorised to Issue Average: 15.5 days</i>				
Pottery Lane West	10 09/01/17 <small>479</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>141</small>	13/03/18 <small>51</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>30</small>	importation of materials to create hard surfacing and industrial use					Instructed. About to be issued.	<input checked="" type="checkbox"/> <small>30/04/18</small>	BHW
Waston Works	27/06/16 <small>675</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 type="checkbox"/> <small>04/04/18</small>	Wa

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Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
York Street	2	17/07/17 290	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	09/10/17 206	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
<b>Stop Notice</b>			<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: days</i>					
Walton Works		27/06/16 675	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> 03/03/17	Wa
<b>TPO Prosecution</b>			<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: days</i>					
Victoria Street	Ringwood Centre (former)	21/12/17 133	Damage to roots of T18 and T19					In court 04/06/18.	<input checked="" type="checkbox"/> 30/04/18	BN

<b>Address</b>	<b>Authorised</b> <i>days from</i>	<b>Breach</b>	<b>CHE/</b>	<b>Issued</b> <i>days to issue</i>	<b>Effective</b> <i>days to (-) /from</i>	<b>Comply</b> <i>days to (-) /from</i>	<b>Notes</b>	<b>update</b> <i>last update</i>	<b>Ward</b>
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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*