



Please ask for Charlotte Kearsey
Direct Line: 01246 345236
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The Chair and Members of Planning
Committee

Councillors Ludlow and Parsons -
Site Visit 1
Councillors Bexton and Derbyshire –
Site Visit 2
Councillors Brunt and Dickinson –
Site Visit 3

15 June 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 25 JUNE 2018 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

Planning Committee Members should assemble in Committee Room 1 at 12:55. Ward members wishing to be present should attend on site as indicated below:-

1. 13:15 47/49 Duke Street, Staveley
CHE/18/00071/FUL

2. 13:50 High Street, New Whittington
CHE/18/00272/COU

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

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

3. 14:10 West Bars Courthouse
CHE/17/00798/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 Kearsley on tel. 01246 345236 or via e-mail: charlotte.kearsey@chesterfield.gov.uk by 9.00 a.m. on Monday 25 June, 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 - 18)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 19 - 144)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 145 - 166)
6. Applications to Fell or Prune Trees (P620D) (Pages 167 - 174)
7. Appeals Report (P000) (Pages 175 - 184)
8. Enforcement Report (P410) (Pages 185 - 190)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', located at the top center of the page.

Local Government and Regulatory Law Manager and Monitoring Officer

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PLANNING COMMITTEE**Monday, 14th May, 2018**

Present:-

Councillor Brittain (Chair)

| | | | |
|-------------|-----------|-------------|-----------|
| Councillors | Hill | Councillors | Miles |
| | Callan | | Davenport |
| | Elliott | | P Barr |
| | Simmons | | Brady |
| | Caulfield | | Sarvent |

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

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

Councillors P Barr, Brady, Brittain, Callan, Caulfield, Davenport, Elliott, Hill, Miles, Sarvent and Simmons.

*Matters dealt with under the Delegation Scheme

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bingham, Catt, T Gilby and Wall.

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

No declarations of interest were received.

3 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 23 April, 2018 be signed by the Chair as a true record.

4 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/18/00136/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

In accordance with Minute No. 299 (2001/2002) Mr J Forde (objector), Mr Tony Vickery (objector), Fiona Petch (architect of applicant) and Mr Patrick Middleton (applicant) addressed the meeting.

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

Time Limit etc.

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

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

- 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 1st Line Defence)
- Preliminary Risk Assessment Report

Drainage

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

4. 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.

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

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 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.

Highways

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:

- 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

Archaeology

7. (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.

Ecology/Trees

8. 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.

9. 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.

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

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.

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.

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.

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.

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.

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.

Additional Condition

17. Prior to the development being brought into first use at least 6 no. electric vehicle charging spaces shall be provided and thereafter throughout the life of the development they shall be maintained fully operational and free from any obstruction to their intended use.

B That the applicant be advised that it is the committee's view that in complying with the requirements of condition 11 detailed above, temporary provision should be made within the area of the former MSCP entrance for the retention of the existing hard surfacing to facilitate the necessary manoeuvring of large vehicles into the access point of the

adjacent Allen & Orr Ltd Timber Yard until such time that the adjacent use has relocated or alternative means of access has been provided.

5 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/18/00009/REM | 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 received 27.03.18 at land surrounding 146 to 152 Hady Lane Hady Derbyshire for Darren, Natalie, Kevin and Katrina Harbour and Bailey |
| CHE/18/00015/FUL | 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 |
| CHE/18/00047/ADV | 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 |
| CHE/18/00068/FUL | Extension of existing beer garden, including relocation of 2 parking spaces, demolition of existing access stairs and installation of customer lift at The Portland Hotel West Bars Chesterfield S40 1AY for J D Wetherspoon |
| CHE/18/00074/REM1 | 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 |
| CHE/18/00085/FUL | 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 |
| CHE/18/00100/FUL | Proposed rear two storey extension at 41 Ashgate Road Chesterfield Derbyshire S40 4AG for Mr Jon Ward |
| CHE/18/00101/FUL | Single/two storey extension at 36 Springfield Avenue Chesterfield Derbyshire S40 1DJ for Mrs Lindsey Buxton |
| CHE/18/00102/FUL | Two storey rear extension (revised drawings received 17.04.2018) at 34 Herriot Drive Chesterfield S40 2UR for Mr R Barley |
| CHE/18/00104/FUL | Two storey extension at 2 Wolfe Close Walton Chesterfield S40 2DF for Mr and Mrs Melen |
| CHE/18/00109/FUL | Demolition of existing garage and erection of a two storey side extension at 38 Calver Crescent Staveley Chesterfield S43 3LZ for Mr Julian Haynes |
| CHE/18/00115/FUL | Entrance porch to ground floor flat at A Albert Road New Whittington Derbyshire S43 2BH for Mr Bill Heard |
| CHE/18/00135/REM1 | 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 |
| CHE/18/00138/TPO | Beech trees (T8 and 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

- CHE/18/00159/TPO Cut back hedge along boundary to prevent overhang on to the public footpath at 6 Westfield Close Chesterfield Derbyshire S40 3RS fFor Derby Diocesan Board of Finance
- CHE/18/00166/TPO 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
- CHE/18/00212/CA Lime Tree - To re-pollard to previous points at 86 Saltergate Chesterfield Derbyshire S40 1LG for Mr Steven Jenkins
- (b) Discharge of Planning Condition
- CHE/18/00116/DOC 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
- CHE/18/00118/DOC 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

CHE/18/00179/DOC 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

CHE/18/00186/DOC 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

(c) Prior notification approval

CHE/18/00180/TPO Rear single storey extension at 173 Boythorpe Road Boythorpe Derbyshire S40 2NB for Mr Steve Richards

(d) Other Council no objection without comments

CHE/18/00162/CPO 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 weighbridge office at Sheepbridge Works Sheepbridge Lane Sheepbridge Derbyshire S41 9RX for Hall Plant

Hire Ltd

(e) Prior Notification Demolition Approved

CHE/18/00177/DEM Prior notification of demolition of national grid former gasworks site at Gas Holder Station Chester Street Chesterfield Derbyshire for National Grid

(f) Other Council no objection with comments

CHE/18/00239/CPO 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

6 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

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

(a) The felling and pruning of trees:-

CHE/18/00066/TPO Consent is granted to 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.

CHE/18/00090/TPO Consent is granted to the pruning of one Beech tree within G3 and two Limes reference T23 and T24 on the Order map for Mr Metham of 161 Walton Back Lane, Somersall.

- CHE/18/00156/TPO Consent is granted to the felling of one small Larch tree which has movement of the root plate, with a condition to plant one new tree in the next available planting season, and the pruning of eight Larch trees within G4 on the Order map for Mr Wilson of 26 Netherleigh Road.
- CHE/18/00157/TPO Consent is granted to 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.
- CHE/18/00107/TPO Consent is granted to the pruning of one Maple tree reference T3 on the Order map for Miss Sophie Wellhausen of 21 Yew Tree Drive, Somersall.
- CHE/18/00114/TPO Consent is refused to 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.
- CHE/18/00131/TPO Consent is granted to the pruning of two Cedar trees within A1 on the Order map for Mr McKittrick of 15 The Dell, Ashgate.
- CHE/18/00138/TPO Consent is granted to the pruning of two Beech trees reference T8 and T9 on the Order map for Mr Pogson of 31 Storrs Road. The trees are located in the gardens of 25 and 25a Storrs Road and overhang the property.
- CHE/18/00159/TPO Consent is granted to 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.
- CHE/18/00166/TPO Consent is granted to the felling of 3 trees reference T46 Cherry, T49 Hawthorn and T52 Silver Birch, with a condition to plant 3

replacement trees in the next available planting season, 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.

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

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.

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.

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.

CHE/18/00212/CA

The re-pollarding of one Lime tree for Ken Portas Landscaping and Tree Surgery at 86 Saltergate, Chesterfield.

Agreement to the pruning of 1 Lime tree. The pruning will have no adverse effect on the amenity value of the area.

The tree is within the Town Centre Conservation Area and the applicant wishes to re-pollard the Lime tree for routine maintenance.

7 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.

8 ENFORCEMENT REPORT (P410)

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

***RESOLVED -**

That the report be noted.

Agenda Item 4

| | |
|------------------------------|---|
| COMMITTEE/SUB | Planning Committee |
| DATE OF MEETING | 25 TH JUNE 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 25TH JUNE 2018**

- ITEM 1 - CHE/17/00798/FUL & CHE/17/00799/LBC** – Application for Full Planning Permission and Listed Building Consent for change of use from B1 (business) to C3 (residential) comprising of 32 apartments over 3 floors including internal alterations to Listed Building (Revised information received 27/01/2018 and 23/04/2018) at Knightsbridge Court, West Bars, Chesterfield, S40 1BA for Mr David Ramsden.
- ITEM 2 - CHE/18/00071/FUL** – Single storey extension to rear elevation and creation of 2 apartments (amended scheme) at 47 and 49 Duke Street, Staveley, Chesterfield for Mr Alwyn Morris.
- ITEM 3 - CHE/17/00647/FUL – ADDENDUM / UPDATE REPORT** – Proposed vehicle sales and service centres for the sale, service and MOT of motor vehicles (revised drawing received 14/05/2018) at Land Off Eastside Park, Eastside Road, Chesterfield, S41 9BU for Pendragon Plc.
- ITEM 4 - CHE/18/00272/COU** – Change of use from A1 (retail) to A5 (hot food takeaway) at 122 High Street, New Whittington, Chesterfield for Mr Aso Ahmed Mohammed

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Case Officer: Sarah Kay
Tel. No: (01246) 345786
Ctte Date: 25th June 2018

File No: CHE/17/00798/FUL
CHE/17/00799/LBC
Plot No: 2/520

ITEM 1

APPLICATION FOR FULL PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR CHANGE OF USE FROM B1 (BUSINESS) TO RESIDENTIAL (C3) COMPRISING 32 APARTMENTS OVER 3 FLOORS INCLUDING INTERNAL ALTERATIONS TO LISTED BUILDING (REVISED INFORMATION RECEIVED 27/01/2018 AND 23/04/2018) AT KNIGHTSBRIDGE COURT, WEST BARS, CHESTERFIELD, S40 1BA FOR MR DAVID RAMSDEN

Local Plan: Town Centre
Ward: Brockwell

1.0 CONSULTATIONS

| | |
|--|---|
| DCC Highways | Comments received 22/11/2017 – no objections |
| Environmental Services | Comments received 20/11/2017 – no objections |
| Design Services | Comments received 30/11/2017 – see report |
| Economic Development | Comments received 28/11/2017 – see report |
| Housing Services | Comments received 20/11/2017 – see report |
| Yorkshire Water Services | No comments received |
| Crime Prevention Design Advisor | Comments received 28/11/2017 – see report |
| DCC Strategic Planning | Comments received 07/12/2017 – see report |
| Lead Local Flood Authority | Comments received 28/11/2017 – no objections |
| Chesterfield Civic Society | Comments received 26/1/2017 – see report |
| Conservation Officer | Comments received 05/02/2018 and 24/05/2018 – see report |

| | |
|--|--|
| CBC Strategic Planning | Comments received 09/12/2017 – see report |
| Urban Design Officer | Comments received 05/12/2017 – see report |
| DCC Archaeologist | Comments received 06/12/2017 – see report |
| North Derbyshire Care Commissioning Group | Comments received 30/11/2017 – see report |
| Ward Members | No comments received |
| Site Notice / Neighbours | Two letters of representation received |

2.0 **THE SITE**

2.1 The building the subject of the applications is Knightsbridge Court, the former Magistrates Court House building located off West Bars in the Town Centre.



2.2 The former Court House building is positioned to the west side of the Shentall Gardens open space area within the formal south setting of the Town Hall and war memorial on Rose Hill. The building is seen in the round. To the west is a footpath connection, a pay and display car park and the curtilages of residential dwellings beyond. To the south is West Bars. The site is situated within the Chesterfield Town Centre Conservation Area and the building is grade II listed.

2.3 The building was vacated as a Court House in the late 1990s and was partly occupied by an office use in the early 2000's. The building has since lain vacant for some years and is understood to have last been sold in early 2014. Committee members will also be familiar with recent occupation of the building by squatters and the damage caused as a result and that the owner is currently funding 24 hour security presence by Riber Security.

3.0 **RELEVANT SITE HISTORY**

3.1 CHE/14/00472/FUL - Change of Use from A2 and Sui Generis to A1, A2, A3, A4, B1, D1 & D2 including parking in grounds - revised plans and description revised on 07/11/2014. Conditional permission granted 07/01/2015.

4.0 **THE PROPOSAL**

4.1 The applications submitted seek full planning permission and listed building consent for the proposed conversion of the former Court House building from B1 (Business) into 32 no. self-contained apartments (1 and 2 bed) over three floors. The development is to be serviced via a centralised stair core (which is already present within the building). The proposals include a series of internal alterations to the building to facilitate the conversion including introduction of compartmentalisation of the court rooms.

4.2 The application is accompanied by the following plans / documentation:

- OS Plan – 2798 001
- Existing Site Layout – 2798 002
- Existing Elevations – 2798 020
- Existing GF and Cellar Plan – 2798 010
- Existing FF Plan – 2798 011
- Existing SF Plan – 2798 112
- Proposed Site Layout – 2798 102 Rev A
- Proposed Plans and Elevations 2798 206 (Plans superseded by 207, 208 and 209)
- Proposed GF Plan – 2798 207
- Proposed FF Plan – 2798 208
- Proposed SF Plan – 2798 209
- Design & Access Statement Oct 2017 Rev A

- Viability Appraisal / Report by CPV – received 17 January 2018 (*private and confidential*)
- Heritage Statement by Phillip Heath – received 27 January 2018
- Fire Strategy Rev A by Omega Fire – dated 03 April 2018

5.0 **CONSIDERATIONS**

5.1 **Planning Policy Background**

5.1.1 The site is situated within the Town Centre in an area on the edge of the retail core which remains predominantly commercial in nature. Having regard to the nature of the application policies CS1, CS2, CS3, CS4, CS7, CS11, CS13, CS18, CS19, CS20 and PS1 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition the Councils Supplementary Planning Document on Housing Layout and Design ‘Successful Places’ is also a material consideration.

5.2 **Principle of Development**

5.2.1 The site is within the town centre boundary in the adopted Local Plan but is not within the retail core. The development plan sets out that permission will be granted for development that enhances the range and quality of residential uses within the town centre and contributes towards the objectives of the town centre masterplan.

5.2.2 The site, which is considered previously developed, is within easy walking and cycling distance of the full range of facilities available in Chesterfield Town Centre and excellent public transport connections. It therefore accords with the principles for the location of development (‘concentration and regeneration’) set out in policies CS1 and CS2 of the Core Strategy.

5.3 **Design Considerations / Heritage Impact**

5.3.1 The application proposes 14 one-bed and 18 two-bed flats. The site area measures 0.45 hectares. This equates to a gross density of 71 dwellings per hectare which is a high density of development, although this is not inappropriate given the town centre location of the site.

- 5.3.2 Throughout the application process meetings and internal inspections of the building have taken place to discuss the proposals and understand the implications for the impact on the listed building. It was agreed that the starting point should be that as much original historic fabric should be retained as possible and ideally remain exposed to enable the history, function and appearance of the internal spaces to be interpreted, appreciated and understood.
- 5.3.3 Notwithstanding the approach advocated above it was agreed that there would inevitably have to be some acceptance of compromise, given the very specific design and function of the original building and the implication this has upon its ability to be converted into any other use and meet current fire and building regulations. The applicant was requested to investigate fire safety measures to facilitate the proposed conversion (due to the extensive use of timber cladding internally) as well as the ability to achieve adequate thermal performance and noise protection for the future flats.
- 5.3.4 A Detailed Fire Strategy was submitted in April 2018 alongside a series of revised floor plans which responded to the recommendations of the Strategy. The Strategy states that under Building Regulations a building owner is required to provide an adequate level of life safety to the building by providing suitable means of escape, means of warning occupants of a fire, limiting internal fire spread, protecting adjacent property from fire, and facilitating Fire Service operations.
- 5.3.5 In order to achieve an appropriate Fire Strategy as is detailed a high degree of compartmentation will be necessary and this inevitably will have a potentially adverse impact upon the appearance and fabric of the original listed building. Notwithstanding this as the principle of development is considered to be acceptable, compartmentalisation of the building and the loss of space in the high ceiling court rooms will be a necessary compromise.
- 5.3.6 The building was grade II listed in 1998, when its use as a magistrates court was relocated to a purpose built facility elsewhere in the town centre. Since then, it has proved difficult to attract an alternative use / occupation for the premises because of its specific design and layout. A 'call centre' facility was

temporarily operated in both of the court rooms with desk furniture free standing in these large rooms as a design solution, however its internal layout is not conducive to sub-letting or representative of good value for money for a single occupier with so much 'dead space' existing in the overall layout. The building is not without its difficulties for occupation as it currently stands and this perhaps reflects the fact the open ended permission granted in 2014 for A1, A2, A3, A4, B1, D1 & D2 uses classes failed to attract any interest.

5.3.7 The grade II listing entry states:

Magistrates Court house. 1963-65. Designed by Prof J S Allen and Roy Keenlyside for Chesterfield Borough Council. Altered c1975. Reinforced concrete, with decorative stone cladding, and timber roofs clad with copper sheeting. Double fan shaped plan. 3 storeys. Original east entrance front has recessed ground floor with central double glazed doors now blocked with glazing side lights. Either side 4 windows with concrete louvres to the offices. Above 11 bays topped with gables, the 3 central bays have recessed windows to both floors. Either side the 2 storey courts have grey slate panels with side lights and set back grey/green slate cladding. West front has recessed ground floor with 11 windows each with concrete louvres. Above 11 gable bays, the central 3 and outer 2 with grey slate cladding and side lights with set back grey/green slate cladding. The 4 remaining bays on either side have recessed windows. The north and south sides have recessed angled facades with slightly recessed ground floor with glazed entrance at centre of east section with large glazed windows above. Flanking wings have concrete louvres set in grey slate cladding.

INTERIOR has original Y-shaped entrance hall way which rises up through all 3 floors. East entrance now blocked and converted to offices. Entrance from north and south into hallway with marbled floor and marble clad columns with wooden ceilings and recessed lights. Central imperial type staircase marble clad with metal and wood balustrade. Upper floors have wooden clad walls and movable glazed screen for dividing access from juvenile court when in session. 2 storey courts on upper floor retain original wooden cladding, ceilings and courtroom fittings, including magistrates bench, dock, seating for lawyers and the public.

5.3.8

Having regard to the fact the application seeks both planning permission and listed building consent the Council's Conservation Officer (CO), the Chesterfield Civic Society (CCS) and DCC Archaeology (Arch) have all been consulted on the application proposals and the following comments were received respectively:

CO

Knightsbridge Court is a grade II listed modernist building dating from 1963 and was carefully designed to function specifically as a local Magistrates Court. Renowned Architect/Town Planner Joe Allen was involved in its design and it is probably Chesterfield's most interesting example of post-war modernist civic architecture. The building has also considerable prominence and sits beneath the grade II listed neo-classically designed 1930s Town Hall. Both buildings are significant landmarks when entering the historic town centre along West Bars, hence are important components of the Chesterfield Town Centre Conservation Area.

The applicant has provided a well-researched Heritage Statement which goes into some detail about the history of the building and its architectural significance (Philip E. Heath IHBC). The Statement acknowledges that the proposed residential change of use will result in significant compartmentalisation; hence there will be impacts on the building's interior, particularly on the large open spaces of the former courtrooms with their rosewood/Norwegian quartz panelling and unusual timber geometric ceilings. But the Statement justifies this approach by arguing the changes are less than substantial and should be weighed against the public benefits of the proposal, including its optimum viable use (in line with the NPPF).

It should be noted that the building is on the Heritage at Risk register and has been unoccupied for a substantial amount of time. Planning consents dating from 2014 are in place for changes of use (ref: CHE/14/00472/FUL & CHE/14/00473/LBC) but these have not been implemented, presumably because of a lack of market interest. It is likely that this lack of interest is due to the bespoke design of the building's interior which unfortunately is not conducive to the floor space requirements of contemporary high street or leisure operators. The building has also become subject to serious vandalism, both internally and externally. The current financial climate in the public sector means there is little chance that public funds can be sourced to assist in the building's

restoration or conversion. The reality is that without a new use it is likely that the building will continue to be vulnerable to anti-social behaviour and slowly deteriorate as a result of non-occupancy.

The applicant has provided a Viability Assessment (David Newham MRICS) which suggests that the proposed scheme is not viable in financial terms, i.e. the cost of conversion will be more than what the building would sell for if put on the market, hence there is a clear conservation deficit.

My view is that given the required compartmentalisation, the proposed scheme is likely to result in the loss of historic fabric (e.g. internal panelling) and reduce the grand airy spaciousness of the former courtrooms, which is regrettable. But I'm mindful that the building's external character will largely be retained and the building would still be read as an unusual and interesting post war modernist building. Moreover, the building already has consent for a variety of new compartmentalised uses (e.g. leisure, office). On this basis, and due to the issues highlighted above, I have no objections to what is being proposed, subject to pre-commencement conditions which can clarify some elements of the proposals.

Clarity should be sought regarding:

- The extent of rosewood/quartz panel removal*
- Materials and design of any proposed new windows*
- Section drawings showing proposed internal ceiling treatments*
- Section drawings showing how/where new floors are to be fixed to internal walls*
- Materials, extent and size of any external boundary treatments (e.g. railings or fencing)*

CCS

Thank you for consulting the Civic Society about this application. I have discussed it with other members of our committee and we are unanimously very strongly in favour of this proposal.

After watching years of indecision about the future of this prominent listed building, and the accompanying decay of the fabric, and loss of revenue to the Borough Council as both owner and rating authority, we are all delighted that a credible conversion plan has been put forward.

From the drawings submitted, the scheme appears to be excellent in all respects and we strongly urge the Borough Council to grant listed building consent for the conversion. It will bring new life into an important building and new residential accommodation very close to the town centre. It is, in our view, an ideal solution.

Arch

In relation to the proposals for internal alterations to the building, the local planning authority should be advised by its conservation officer. The applications propose significant sub-division of public spaces within the listed building, and the local planning authority should consider how these impact the building's significance, and whether any resulting harms are outweighed by public benefits as required under NPPF policy. Should the proposals gain consent then the local planning authority should consider whether a pre-conversion record of the built heritage is appropriate under NPPF para 141.

With regard to below-ground archaeology, the site is just outside the Town Centre Historic Core (Local Plan Policies), the area of Chesterfield corresponding to the medieval town and considered to have greatest potential for archaeological remains. Because the current proposals involve little ground impact outside the Listed Building I advise that archaeological impacts are very unlikely, and that archaeological work is not required under the policies at NPPF chapter 12.

- 5.3.9 Clearly given the comments made by the CO, CCS and Arch above, all three consultees offer their general support for the scheme. The CO in particular takes a pragmatic view of the resulting impacts to the historic fabric internally and he accepts that a compromise is necessary in the interests of policy CS19 of the Core Strategy and the balance of harm against material benefits set out in the NPPF.
- 5.3.10 The subdivision of the large internal spaces, such as the insertion of floors within the court rooms is regrettable, although it is acknowledged that such interventions may prove necessary in order to secure a viable alternative use for the building.

- 5.3.11 It is also recommended that original fabric in communal spaces, such as stairs, lobby areas landings etc. should be retained and remain exposed to enable the heritage, historic use and quality of spaces to be retained where they can be and thereby appreciated as part of the asset.
- 5.3.12 Within individual apartments such fabric should be retained in-situ wherever possible. However, within private apartments there may be greater scope to enclose retained original features (for example behind insulation and plasterboard), such as panelling, which would be more vulnerable within private spaces, so as to protect these elements in-situ.
- 5.3.13 It is recommended that a written scheme of investigation be a conditional requirement of any planning permission and listed building consent issued to ensure that in the communal areas of the building elements of the original building fabric are retained (in particular the rosewood panelling and quartz) so that these features of building continue to be appreciated. Furthermore where it is accepted that the panelling can be removed or boarded over (whichever methodology is subsequently agreed) elements of these finishes could be used in repair work to the panelling that is to remain and be exposed.
- 5.3.14 Turning next to the external facade of the building and the areas around it which would form part on a communal curtilage of the building it is noted that the majority of the external façade would be largely unchanged although new openings would be created on the east elevation to allow adequate natural light into the apartments in this part of the building (within the former courtrooms).
- 5.3.15 Replacement plastic double glazed windows are proposed for the majority of the building, although these will be mainly unseen and located behind the external vertical fins etc. However, where new openings are proposed or where existing large openings exist, such as the main entrance, proposed side entrance, exposed windows to Flat 02 (ground floor) and upper floor flats on east and west elevations, powder coated aluminium would be more appropriate where these are clearly visible from the outside. Clearly these details can be dealt with by the imposition of an appropriately worded condition to ensure acceptable windows and fixture profiles are achieved.

- 5.3.16 Externally, the bin store design will require details to be provided, although this could be the subject of a suitably worded condition. Given the private nature of the drive and its gradient the applicant will need to ensure that appropriate waste removal services would be happy to access the private driveway to the site.
- 5.3.17 A cycle store (for 7 no. bikes) is indicated on the ground floor within the current southern entrance, which would be blocked up as a result. This would require cycles to be taken through the lobby, which could carry dirt and moisture into a primary communal area. It is likely however that unless internal storage is provided occupiers may still wish to take bikes into the building and into their own apartments to ensure their security. For a development of this scale (32 no. units) additional cycle storage will be required (this must be weathertight and secure) and a location close to the NW edge of the site was identified as a potentially suitable, discrete position. Ideally, sufficient storage would be provided for at least one cycle per flat.
- 5.3.18 With regard to crime prevention and site security a secure perimeter is required to provide separation between the curtilage of the former courthouse and the remainder of Shentall Gardens. This should take the form of a secure railing with a limited number of controlled access points (e.g. coded access or fob controlled gates).
- 5.3.19 For security reasons the railing should be sufficiently tall to prevent causal access (i.e. not able to be easily stepped over). As such a 1.2–1.4m high railing would strike a balance between achieving a secure perimeter without harming the appearance of the gardens. The railing should be combined with a managed beech or hornbeam hedge in front of the railing so as to ensure an appropriate soft interface with the parkland. A railing detail, scale 1:20 should be submitted and agreed by the LPA, together with a boundaries plan indicating the extent and position of any boundary enclosures.
- 5.3.20 A scheme of lighting on and around the building and grounds should also be considered to increase the safety and security of the site as well as potentially highlight the former courthouse as an architecturally interesting building.

5.3.21 Overall it is considered that whilst it is accepted there will be a degree of harm / impact upon the historic fabric of the building as a result of the development proposals the level of harm is outweighed against other material considerations. The proposals promote a feasible solution to the redevelopment of a key heritage asset within the town centre which has in recent years fallen vacant and has been a target of anti-social behaviour and unauthorised occupation. Given the works would affect a small part of the interior of the listed building which makes up a proportion of the significance of the overall heritage asset, it is considered that the proposal would equate to less than substantial harm. In this instance it is considered that there is sufficient justification in accordance with the NPPF to accept that the identified harm / impacts upon the fabric of the asset will be outweighed by the benefits of supporting a scheme of redevelopment which brings the building back into use. Where there are outstanding issues of detail it is considered that these matters can be dealt with by appropriate planning conditions and overall the requirements of policies CS2, CS18 and CS19 of the Core Strategy and wider NPPF are met.

5.4 **Technical Considerations**

5.4.1 Flood Risk / Drainage

The application submission details that the existing buildings sewer connections will be re-used as part of the conversion, however it will be necessary to make amendments to the drainage under building regulations approval (as confirmed by the Design Services team in their comments). If new drainage infrastructure is required this will need to be agreed under the terms of an appropriate planning condition to accord with the provisions of policy CS7 of the Core Strategy.

5.4.2 Land Condition / Contamination / Noise

Given the nature of the application proposals, and the absence of any new development beyond the existing built footprint of the building, it is unlikely that any land condition / contamination issues arise from the development proposals. The Council's Environmental Health Officer (EHO) raised no objections to the application and accordingly under the provisions of policy CS8 the development proposals are acceptable.

It is noted that the site layout plan indicates that there will be a bin store building provided adjacent to the existing car park west of the building. The Coal Authority haven't been consulted on the application given its nature, but it would be appropriate to impose the standard 'risk' advisory note for coal mining legacy on any consent granted.

5.5 **Highway Issues**

5.5.1 The site layout plan indicates that 4 no. car parking spaces (1 no. of which is a disabled space) would be retained as part of the scheme and these are located on the northern aspect of the building at the bottom of the site driveway (leading off Rose Hill). In addition 7 no. cycle parking spaces are shown to be provided in a dedicated cycle storey on the GF lobby area of the building.

5.5.2 The application submission was reviewed by the Local Highways Authority who raised no objections to the proposals. The site is located within the town centre and nearby streets to the building are all TRO regulated such that any occupier would have to rely upon public car parks to park any vehicles in their ownership. The centralised location of the building, with easy access to all necessary facilities and amenities, would mean that the development can be accepted with the level of car parking being proposed under the provisions of policy CS2 and CS20 of the Core Strategy.

5.6 **S106 Obligations / Social Infrastructure**

5.6.1 Classified as a major application, a development of 32 no. apartments would trigger the provisions of Policies CS4, CS11, CS13 and CS18 of the Core Strategy which require developers to contribute proportionally to green, social and physical infrastructure.

5.6.2 In respect of the development proposals a contribution towards GP services (Policy CS4), affordable housing (Policy CS11) and percent for art (Policy CS18) should all be secured alongside any planning approval unless a viability appraisal is presented to justify putting aside any financial contribution on the grounds of viability balance and other overriding material planning considerations. In this case specific consultee responses were received from Housing

Services and the North Derbyshire Care Commissioning Group advising that an affordable housing contributions should be viability tested and a contributions towards GP services of **£8,977** should also be secured.

- 5.6.3 In this instance (in collaboration with the Local Planning Authority to agree an independent consultant) the applicant submitted a viability appraisal of the scheme and a subsequent appraisal and report was prepared by David Newham of CPV and was submitted on the 17 January 2018.
- 5.6.4 The appraisal takes into account current market conditions, development costs and potential profit margins. The conclusion reached by both the applicant and the independent surveyor is that the scheme is unviable, even before any planning policy contributions are applied. This means that to further apply S106 contributions (and CIL contributions – see section 5.7 below) is highly likely to render the scheme entirely undeliverable.
- 5.6.5 Conclusive advice given by the independent surveyor is that they agree with the applicant's position that the scheme is unable to provide any contributions. Furthermore the appraisal results they have presented to the LPA support the view that this is an extremely challenging project with significant complexities, which has only a relatively limited chance of being brought forward.
- 5.6.6 Notwithstanding the above the applicant has indicated their desire to proceed with the development, as they are financially committed to the building and they are committed to the costs of maintaining its current security arrangements. Furthermore as a vacant building the applicant continues to receive reports of unauthorised access and the Members will be fully aware of incidents of fires and anti-social behaviour which have been experienced in the past. An internal inspection of the building confirms that many of the windows have been broken and internal fixtures, fittings and fabric are damaged or have been vandalised. To not progress with a scheme of redevelopment leaves the applicant with an ongoing problem and therefore they have accepted that a solution needs to be secured and a positive planning permission would greatly assist in the schemes delivery along with the applicant own cross funding.

5.6.7 On the basis of the conclusions of this report and the independent advice received on viability it is considered that there is sufficient evidence and justification in this case to set aside any S106 contributions in favour of facilitating a permission that will secure the redevelopment of a grade II listed building which is vacant, with complex redevelopment requirements and continues to be at risk of further vandalism and damage / unauthorised access due to anti-social behaviour.

5.7 **Community Infrastructure Levy (CIL)**

5.7.1 With regards to this particular application the CIL Regulations state that any building / existing floor space which has not been occupied with a legitimate planning use for a period of 6 months within the last 3 years becomes liable for CIL when a new planning permission is granted and implemented. In this case the building has not been (legally) occupied in the last 3 years and therefore the scheme is CIL liable.

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

| | | A | B | C | D | E |
|--|--|-------------------------------|-----------------|---------------------------|----------------------------------|-------------------|
| Proposed Floorspace (GIA in Sq.m) | Less Existing (Demolition or change of use) (GIA in Sq.m) | Net Area (GIA in Sq.m) | CIL Rate | Index (permission) | Index (charging schedule) | CIL Charge |
| 1967 | 0 | 1967 | £50 (High Zone) | 317 | 288 | £108,254 |

Net Area (A) x CIL Rate (B) x BCIS Tender Price Index (at date of permission) (C) / BCIS Tender Price Index (at date of Charging Schedule) (D) = CIL Charge (E).

5.7.3 With regards to the conclusions reached in section 5.6 above, the CIL charge detailed would normally have also been included in any viability appraisal undertaken for the development. With regards to CIL, normally this charge is a fixed cost within a viability assessment (often regardless of the outcome of the viability

appraisal). However, in some exceptional circumstances an exemption can apply. In this regard, the Council sets out its own position on this, stating the following:

- 5.7.4 The CIL Regulations make clear that relief should only be granted in truly 'exceptional circumstances'. The fact that a development might be unviable at the time a planning application is considered is unlikely to constitute 'exceptional circumstances' in relation to the CIL Regulations however in this particular case, the Council may wish to consider whether Exceptional Circumstances Relief ("ECR") applies.
- 5.7.5 This is not simply because the scheme is already demonstrated to be unviable, but instead because the viability issues means it is likely to be difficult for the site to be brought forward. This is likely to result in a grade II listed building, in a prominent position within the town, continuing to be targeted by vandalism and remains a high risk from squatters. Removing the CIL charge would not guarantee that the site would be brought forward, but it would undoubtedly increase the chances that the scheme could be delivered.
- 5.7.6 In this case it up to the applicant / developer to make an application to the Council under the CIL Regulations to have ECR considered. This can take place post planning permission, but prior to development commencing.

6.0 **REPRESENTATIONS**

6.1 CHE/17/00798/FUL

- 6.1.1 The application has been publicised by site notice posted on 27/11/2017 and by advertisement placed in the local press on 23/11/2017.

6.2 CHE/17/00799/LBC

- 6.2.1 The application has been publicised by site notice posted on 27/11/2017 and by advertisement placed in the local press on 30/11/2017.

6.3 As a result of the applications publicity's a local resident write in on two occasions with the same comments made to each application as follows:

A Local Resident

I agree with the Design & Access Statement and support the residential conversion of this vacant Listed Building.

I feel that the proposed works are in-keeping with this Listed Building and support its return to active use.

It is important that Listed Buildings are used & maintained to stop them becoming derelict.

*In addition, the former Court House is an **EYESORE** in its present condition and has become a **crime & fire hotspot**, suffering repeated vandalism / antisocial behaviour, including a number of break-ins and evidence of illegal drug usage.*

I feel the proposed development will help to improve the Town Hall / Shentall Gardens area by increasing activity during the day time and in the evenings.

*I would like to suggest as part of the proposals that **improved lighting / CCTV** is installed around the building and in the Shentall Gardens.*

I feel this would make the surrounding area more welcoming, less threatening and reducing the fear of crime.

A Local Resident

Further to my previous response, I agree with the Police Designing Out Crime Officer advisory comments.

6.4 **Officer Comment: Noted.**

7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

9.0 **CONCLUSION**

9.1 Overall it is considered that whilst it is accepted there will be a degree of harm / impact upon the historic fabric of the building as a result of the development proposals the level of harm is outweighed against other material considerations. Given the works would affect a small part of the interior of the listed building which makes up a proportion of the significance of the heritage asset, it is

considered that the proposal would equate to less than substantial harm. The proposals promote a feasible solution to the redevelopment of a key heritage asset within the town centre which has in recent years fallen vacant and has been a target of anti-social behaviour and unauthorised occupation. In this instance it is considered that there is sufficient justification in accordance with the NPPF to accept that the identified harm / impacts upon the fabric of the asset will be outweighed by the benefits of supporting a scheme of redevelopment which brings the building back into use. Where there are outstanding issues of detail it is considered that these matters can be dealt with by appropriate planning conditions and overall the requirements of policies CS2, CS18 and CS19 of the Core Strategy and wider NPPF are met.

9.2 It is considered that the proposed development is able to demonstrate its compliance with policies CS1, CS2, CS3 and CS4 of the Core Strategy in so far as its ability to provide connection to social, economic and environmental infrastructure such that the development meets the definitions of sustainable development.

9.3 The application submission is supported by the preparation of assessment and reports which illustrates the proposed developments ability to comply with the provisions of policies CS7, CS8, CS18, CS19 and CS20 of the Core Strategy and where necessary it is considered that any outstanding issues can be mitigated and addressed in any subsequent reserved matters submission or any appropriate planning conditions being imposed.

10.0 **RECOMMENDATION**

10.1 **CHE/17/00798/FUL**

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

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.
- OS Plan – 2798 001
 - Proposed Site Layout – 2798 102 Rev A
 - Proposed Plans and Elevations 2798 206 (Plans superseded by 207, 208 and 209)
 - Proposed GF Plan – 2798 207
 - Proposed FF Plan – 2798 208
 - Proposed SF Plan – 2798 209
 - Design & Access Statement Oct 2017 Rev A
 - Heritage Statement by Phillip Heath – received 27 January 2018
 - Fire Strategy Rev A by Omega Fire – dated 03 April 2018

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

03. 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.

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

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

04. Prior to commencement of development, a Written Scheme of Investigation (WSI) and Development Methodology (DM) detailing all the works proposed that affect the historic fabric of the building, shall be submitted to the Local Planning Authority for approval.

The WSI and DM shall fully detail:

- the extent of rosewood/quartz panel removal

- materials and design of any proposed new windows
- details of the remedial works showing any downstands and nibs to be retained where walls are to be removed
- details of the remedial works to the floor and ceilings of the courtrooms
- section drawings showing proposed internal ceiling treatments
- section drawings showing how/where new floors are to be fixed to internal walls

Only those details which receive approval in writing by the Local Planning Authority shall be implemented on site in collaboration with the Council's Conservation Officer.

Reason - In the interests of safeguarding the special character and appearance of the listed building in line with policy CS19 of the Chesterfield Borough Local Plan Core Strategy 2011-31

05. The memorial plaque celebrating the opening of the building adjacent to the ground floor east entrance to the building shall only be removed alongside the scheme of works agreed under condition 04 above and the plaque shall be relocated to an agreed location on the ground floor of the building in a communal area. Thereafter the plaque shall be retained in the agreed location in perpetuity.

Reason - In the interests of safeguarding the special character and appearance of the listed building in line with policy CS19 of the Chesterfield Borough Local Plan Core Strategy 2011-31

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

Reason - In the interests of residential amenities.

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

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

08. Within 2 months of commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

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

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

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

be carried out as approved prior to the occupation of the building.

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

Notes

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
02. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
03. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008.
04. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

10.2 CHE/17/00799/LBC

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

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.

- OS Plan – 2798 001
- Proposed Site Layout – 2798 102 Rev A
- Proposed Plans and Elevations 2798 206 (Plans superseded by 207, 208 and 209)
- Proposed GF Plan – 2798 207
- Proposed FF Plan – 2798 208
- Proposed SF Plan – 2798 209
- Design & Access Statement Oct 2017 Rev A
- Heritage Statement by Phillip Heath – received 27 January 2018
- Fire Strategy Rev A by Omega Fire – dated 03 April 2018

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

03. Prior to commencement of development, a Written Scheme of Investigation (WSI) and Development Methodology (DM) detailing all the works proposed that affect the historic fabric of the building, shall be submitted to the Local Planning Authority for approval.

The WSI and DM shall fully detail:

- the extent of rosewood/quartz panel removal
- materials and design of any proposed new windows
- details of the remedial works showing any downstands and nibs to be retained where walls are to be removed
- details of the remedial works to the floor and ceilings of the courtrooms

- section drawings showing proposed internal ceiling treatments
- section drawings showing how/where new floors are to be fixed to internal walls

Only those details which receive approval in writing by the Local Planning Authority shall be implemented on site in collaboration with the Council's Conservation Officer.

Reason - In the interests of safeguarding the special character and appearance of the listed building in line with policy CS19 of the Chesterfield Borough Local Plan Core Strategy 2011-31

04. The memorial plaque celebrating the opening of the building adjacent to the ground floor east entrance to the building shall only be removed alongside the scheme of works agreed under condition 04 above and the plaque shall be relocated to an agreed location on the ground floor of the building in a communal area. Thereafter the plaque shall be retained in the agreed location in perpetuity.

Reason - In the interests of safeguarding the special character and appearance of the listed building in line with policy CS19 of the Chesterfield Borough Local Plan Core Strategy 2011-31

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

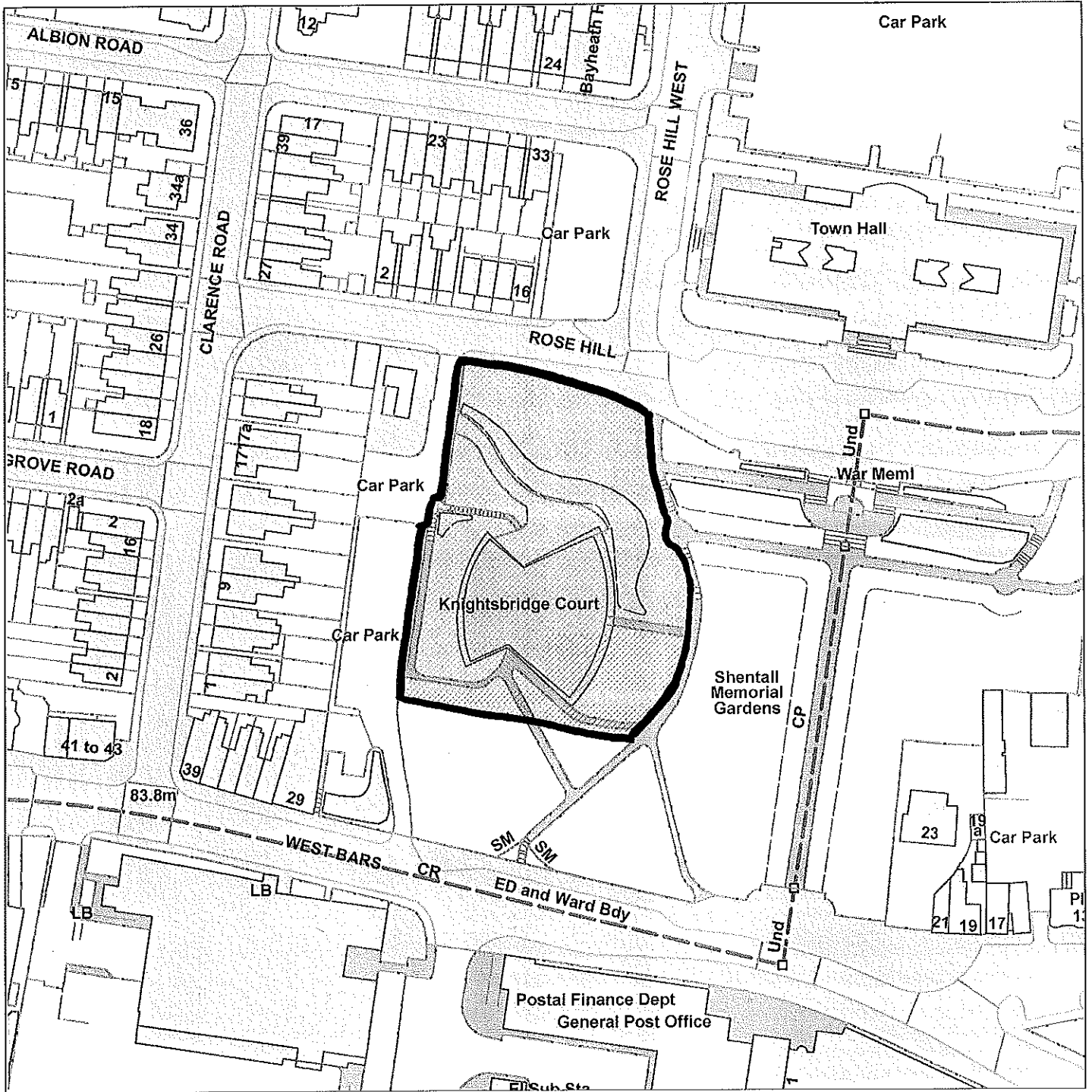
Reason - The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.

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.

Not Set CHE/17/00798/FUL + CHE/17/00799/LBC



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| Department | Not Set |
| Comments | Not Set |
| Date | 15 June 2018 |
| SLA Number | Not Set |

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Case Officer: Chris Wright
Tel. No: (01246) 345787

File No: CHE/18/00071/FUL
Plot No 2/86

Planning Committee: 25th June 2018

ITEM 2

Single storey extension to rear elevation and creation of 2 apartments (amended scheme) at 47 and 49 Duke Street, Staveley, Chesterfield

Local Plan: Unallocated
Ward: Middlecroft and Poolsbrook

1.0 **CONSULTATIONS**

| | |
|-------------------------|--|
| DCC Highways | No objection subject to condition. |
| Design Services | No objections. |
| The Coal Authority | Material Consideration. No objection subject to conditions. |
| Environmental Services | No objection subject to restrictions on working hours. |
| Urban Design Officer | Sought amendments, before application was revised. |
| Yorkshire Water | No comments received. |
| Derbyshire Fire Officer | No comments received. |
| Strategic Planning Team | No objection, but it is CIL liable. |
| Ward Members | No comments received. |
| Town Council | No objection. |

Neighbours/Site Notice

Two representations received from persons not associated to the application site. 6 additional letters from the applicant, their family and staff of businesses on site.

2.0 **THE SITE**

2.1 This application relates to two adjoining buildings (47 and 49 Duke Street) which are positioned on the western side of Duke Street. The rear of the property is within an area that includes the car parking for the Doctors Surgery and other residents/businesses in the area with access gained to the courtyard from Rectory Road.

2.2 The application site properties include two businesses fronting the A619 and which comprise of In2Frames and Ace Sports at ground floor, with the 1st and 2nd floors of no.49 Duke Street (Ace Sports) currently associated to the business. The 1st and 2nd floors of no.47 have previously been converted into a residential unit via permitted development rights.

2.3 A single storey extension and balcony area were previously given permission and constructed on site and which resulted in some of the ancillary space for the business at no.47 being moved into the rear extension to facilitate the re-use of the upper floors for residential use. The extension was not built entirely as per the agreed plans as the balcony area is surrounded by a brick wall instead of obscure glazing/rails.

2.4 The original red line has changed. It originally included car parking spaces associated with the businesses and potentially the apartment on site however a revised red line excludes these parking spaces notwithstanding the fact that the applicant is considered to own this land.

2.5 The existing buildings are two storey in height and terraced in design, with pitched slate roofs and red brick. There are velux windows in the roof of no.47.

3.0 **RELEVANT SITE HISTORY**

- CHE/15/00561/FUL - Extension to rear of shop unit at 47 Duke Street – Conditional permission – 06/11/15.

4.0 **THE PROPOSAL**

- 4.1 The proposal seeks permission for a single storey rear extension to the rear of No 49 for a machine room and re-configuration of the two buildings to include 2 additional residential units within the 1st and 2nd floors of no.49 Duke Street. The scheme would also require the removal of large amounts of earth to ensure it aligns with the ground level of the neighbouring extension.
- 4.2 The rear extension would match the existing projection of the rear extension at no.47, which is 8.5m and would enlarge the overall width of the rear extension from 7m to 14.4m, which is 7.4m. It is proposed to have a brick parapet balcony wall that would surround the whole of the proposed roof space. The ancillary business space that is currently sited in the upper floors of no.49 would be sited within the proposed rear extension.
- 4.3 The proposal would lead to the loss of a door in the northern side of the existing rear extension and the change of the patio window into a door. Access to the existing extension will be achieved via a small corridor that will be introduced in-between the proposed and existing extensions.
- 4.4 It is proposed to include 4 parking spaces to the rear of the new extension.
- 4.5 The proposal has been amended on several occasions; this has included a change in the red line boundary, the change of the proposal from 3 to 2 units, a loss of the 1st floor element of the proposal and then the addition of 4 parking spaces onto the site, velux windows into the roof and additional living quarters into the 2nd floor of the roof space of no.49.

5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.1.1 The site is situated on a main road location on the edge of central Staveley. This area is mixed commercial and residential in nature. Having regard to the nature of the application, policies CS2 and CS18 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply. In addition, the Council's Supplementary Planning Document on Housing Layout and Design 'Successful Places' is also a material consideration.

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

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

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

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

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

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

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

5.1.5 A review of the application against the relevant policies and the planning history the principle of the proposal is considered to be acceptable. The site is within a residential/business area and a development in this location would support the council's spatial strategy of 'concentration and regeneration'. The site is sustainably located close to and well served by a range of services and facilities and methods of transport and is in line with the requirements of policies CS1 and CS2.

5.2 **Design and Visual Amenity**

5.2.1 In accordance with Core Strategy Policy CS18 all new development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. In doing so developments are expected to respect the character, form and setting of the site and surrounding area; having regard to its function, appearance, scale and massing.

5.2.2 The Council's Urban Design officer requested several changes to the proposal including the removal of one of the units and a change to the internal layout of flat 1 to include a window into the bedroom. The proposal was changed in line with his comments.

- 5.2.3 The proposal is a single storey rear extension and a re-configuration of the internal layout of the buildings. The extension has no visual implications as perceived from Duke Street. Within the rear area of the site the proposal would introduce a larger rear extension than the one currently presented. This is designed to match the style and materials of the existing extension and in design terms the proposal is considered to be generally in-keeping with the surrounding area.
- 5.2.4 In terms of design the internal layout of the proposal has been altered in many ways, but this has led to the inclusion of a bedroom within the 2nd floor and re-configuration of the 1st floor of unit 1. Unit 2 is considered to be a large one bedroom flat and of sufficient size to be acceptable.
- 5.2.5 Overall the proposed development is considered to be appropriately sited, scaled and designed to respond to the provisions of policies CS2 and CS18 of the Core Strategy and the wider SPD.

5.3 **Residential Amenity**

- 5.3.1 Core Strategy Policies CS2 and CS18 comment that development will be expected to have an acceptable impact on the amenity of users and neighbours. The Council's SPD 'Successful Places' provides further guidance in respect of privacy, day light and sunlight, overshadowing and external amenity space.
- 5.3.2 In terms of amenity space the proposal will have a shared space within the roof balcony area for the existing flat above No 47 and the proposed flats above No 49, with over 100 square metres split between the 3 units.
- 5.3.3 In terms of overshadowing the proposal is acceptable, as it will not lead to any overshadowing to surrounding neighbours. In reference to overlooking the proposal does not lead to an increase of overlooking into the windows of neighbouring dwellings.

5.3.4 In terms of the increase in noise, the increase from 1 to 3 flats this has the potential to lead to increased levels of noise to surrounding residents in comparison to the existing situation. If no.47 and 49 were still residential units and had two rear gardens/yards, such as other surrounding houses, then the residents of these houses could make a certain level of noise. In an objection letter from a neighbouring resident a question is asked regarding the type of people who may live in the units. Clearly the planning process cannot control who may or may not live in the apartments. The owner of the overall site has a business and currently lives on site and would in this respect act as an on site manager. It is accepted that the situation may change in the future, but the Council cannot refuse a planning application because of potential inconsiderate and noisy residents may live in the units in the future.

5.3.5 Neighbouring residents have been consulted and an objection was received concerning the impact on their amenities. The issues raised were taken into account but it was not considered that the proposal would lead to a significant impact upon residential amenity of local residents. It is considered that the proposal is acceptable in terms of impact on residential amenity and is in line with policies CS2 and CS18, as well as the NPPF.

5.4 **Highways Issues**

5.4.1 The Highways Authority has not objected to the proposal. The proposal has 4 new parking spaces for the 2 new flats and this is considered acceptable especially in such a sustainable location. The spaces are accessed via the gateway adjoining the Doctors Surgery on Porter Street. It is considered that a condition is necessary to require better detail to show how the 4 spaces would be accessed.

5.4.2 Having regard to policies CS2 and CS18 of the Local Plan in respect of highway safety it is considered that the development proposals do not pose an adverse risk to highway safety, subject to condition and is therefore acceptable.

5.5 **Flood Risk/Drainage**

- 5.5.1 In respect of matters of drainage and potential flood risk (having regard to policy CS7), it is noted that the application site is not at risk of flooding. The applicant has to ensure that the proposal is compliant with building regulations and communicate with Yorkshire Water to connect to the local sewerage system, if connection is required.

5.6 **Land Condition/Contamination**

- 5.6.1 The site the subject of the application is partially developed land and therefore land condition needs to be considered having regard to policy CS8 of the Core Strategy.
- 5.6.2 In respect of potential Coal Mining Risk, the site lies within the High Risk Area. The Coal Authority was consulted on the application and agreed with the Coal Mining Report and Risk Assessment that site investigation works should be undertaken prior to development. This can be dealt with by condition.

6.0 **REPRESENTATIONS**

- 6.1 As a result of neighbour notification, eight letters of representation have been received with 6 of these comments from the applicant, their family or persons related to businesses on site. 2 other letters have been received, 1 of which supports the proposal whilst the other objects to it. The comments made are as follows.
- 6.2 The resident of 45 Duke Street has objected on the grounds of insufficient parking spaces for the proposal, adequate drainage capacity for the new units and the potential for the noise from the building works and from future residents of the dwellings. They have also asked whether the units are bedsits, if the fire brigade could gain access to the rear of the site and who will vet the future residents.
- 6.3 A resident of no.8 Church Street, Staveley supports the scheme due to the public benefits to the local economy.

- 6.4 A resident of 55 Edale Road, Mastin Moor supports the scheme, as the proposal is the same as the existing rear extension and it would enable him to move into one of the flats.
- 6.5 The residents (and applicant for this development) of the flat above 47a Duke Street (including both adults and their 2 children) support the scheme with 3 separate letters.
- 6.6 ***In response to the comments made, only material planning issues can be considered as part of the consideration of the proposal. Issues such as who will live in the units and how much noise they may make are not planning related. Building hours can be restricted in relation to noise during construction. In relation to access for the fire brigade, there is a gate adjoining the doctors surgery, which enables access for existing residents and workers for the site and this access will also be used as part of this proposal.***

7.0 **HUMAN RIGHTS ACT 1998**

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

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 and 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 been sufficiently proactive and positive in proportion to the nature and scale of the development applied for, and requested changes to make the scheme acceptable.

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 **CIL LIABILITY**

9.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and additional retail space; the development is therefore CIL Liable. The agent has been asked to submit a CIL liability form, but have not do so to date. The floorspace measurements have been calculated by the planning officer.

9.2 The site is within the low CIL zone for residential use, and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

| Plot | New GIF sqm | Calculation | Total |
|-----------------------|----------------|-------------|--------|
| Retail Unit | 53.2 | 54 x £80 | £4,320 |
| Residential Unit 1 | 63.4 | 63 x £20 | £1,260 |
| Residential Unit 2 | 108.2 | 108 x £20 | £2,160 |
| Total | | | £7,740 |

10.0 **CONCLUSION**

10.1 The proposals are considered to be appropriately designed such that they are considered generally in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. The location of the proposed development site is appropriate, is well served by public transport, and is in close proximity to amenities. As such, the proposal accords with the requirements of policies CS2, CS18 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

10.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8 and CS18 of the Core Strategy and the wider NPPF in respect of Highways, the Coal Authority, drainage, and ecology.

11.0 **RECOMMENDATION**

11.1 That a CIL Liability Notice be served in line with the details at paragraph 9.0 above.

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

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

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

02. All external dimensions and elevational treatments shall be as shown on the approved plans:
- Proposed 2nd Floor (received 01/05/18),
 - Proposed 1st Floor (received 01/05/18),
 - Proposed Rear Elevation (received 01/05/18),
 - Site Plan (received 03/04/18),
 - Existing Side Elevation,
 - Existing Rear Elevation,
 - Existing 2nd Floor,
 - Existing 1st Floor,
 - Existing Ground Floor,
 - Site Location Plan:

with the exception of any approved non material amendment.

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

03. A revised plan showing the parking area and safe manoeuvring area within the context of all land owned by the applicant within the rear parking area shall be submitted to the Local Planning authority for consideration. The details subsequently agreed in writing by the local planning authority in consultation with the Highways Authority shall be implemented in full on site and be available for use prior to first occupation of either residential unit. The parking and manoeuvring space shall thereafter be maintained free from any impediment to their designated use for the life of the development.

Reason – In the interests of highway safety.

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

Reason – in the interests of highway safety.

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

Reason – in the interests of highway safety

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

Reason – in the interests of highway safety

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

Reason - In the interests of residential amenities.

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

Reason: To fully establish the presence and / or otherwise of any contamination and / or coal mining legacy and to ensure that site is remediated, if necessary, to an appropriate standard prior to any other works taking place on site.

09. No development approved by this permission shall be commenced until permeability tests are carried out with sizing calculations provided, in accordance with BRE Digest 365, and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

Notes.

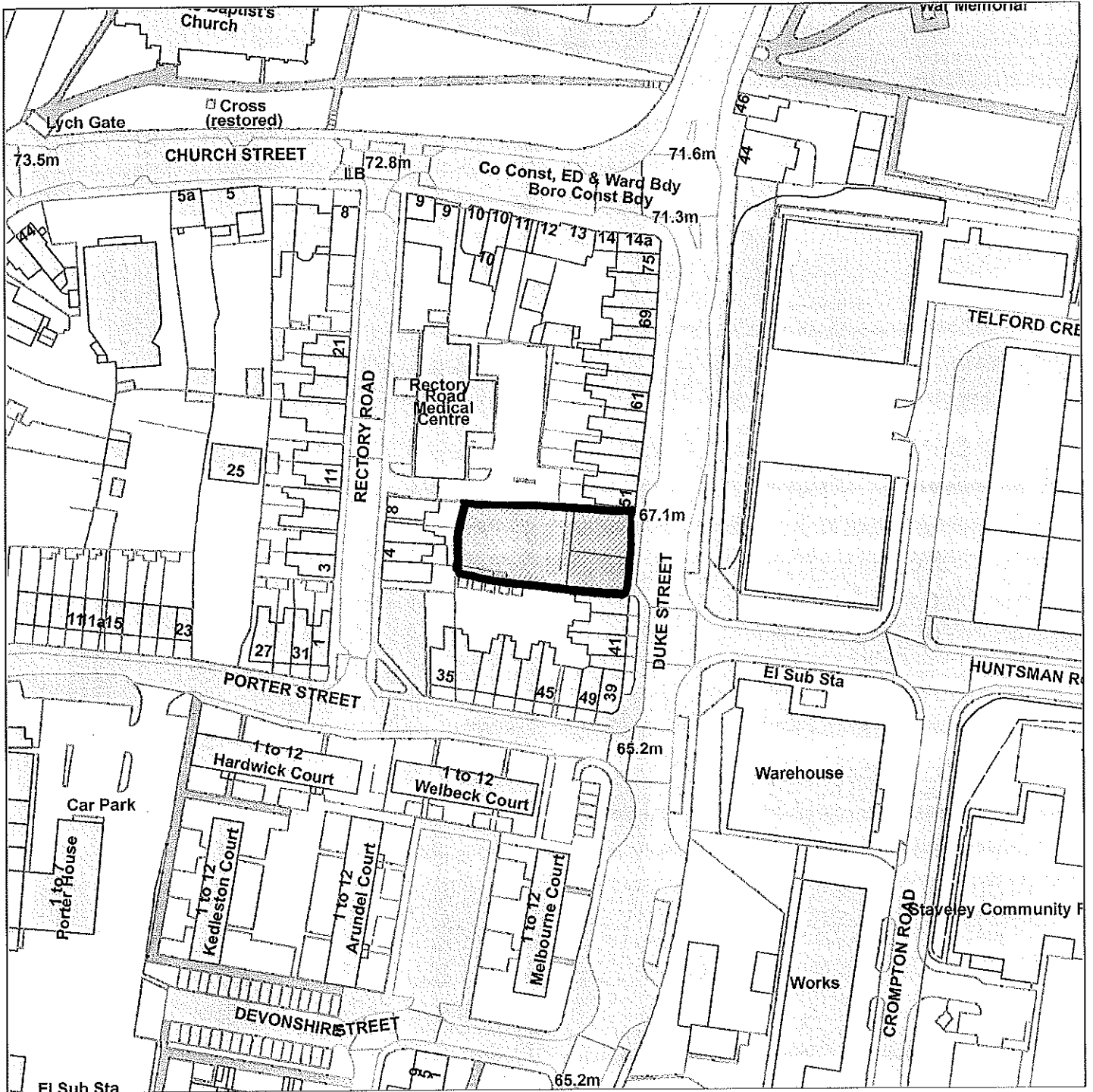
01. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

02. 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.

03. 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.

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| Department | Not Set |
| Comments | Not Set |
| Date | 15 June 2018 |
| SLA Number | Not Set |

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Case Officer: Eleanor Casper
Telephone No: 01246 345785
Committee Date: 25.06.2018

File No: CHE/17/00647/FUL
Plot No: 2/60

ITEM 3

ADDENDUM /UPDATE REPORT

PROPOSED VEHICLE SALES AND SERVICE CENTRES FOR THE SALE, SERVICE AND M.O.T OF MOTOR VEHICLES (REVISED DRAWING RECEIVED 14.05.2018) AT LAND OFF EASTSIDE PARK, EASTSIDE ROAD, CHESTERFIELD, S41 9BU FOR PENDRAGON PLC

Local Plan: Unallocated
Ward: Old Whittington

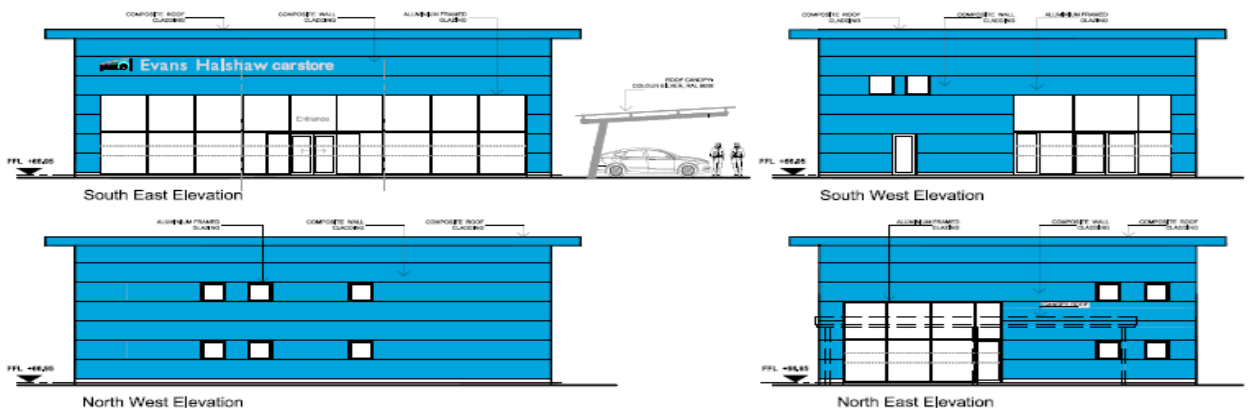
1.0 BACKGROUND

- 1.1 On 8th January 2017 Planning Committee resolved to approve a planning application (subject to S106 agreement) under application reference **CHE/17/00647/FUL** for the following development: *'Proposed Vehicle Sales and Service Centres for the Sale, Service and M.O.T of Motor Vehicles (CHE/17/00647/FUL) at Land Off Eastside Park, Eastside Road, Chesterfield, S41 9BU For Pendragon Plc'*. The application was considered in conjunction with applications **CHE/17/00569/FUL** for *'Proposed earthworks on development land'* and **CHE/17/00645/FUL** for *'Proposed bodyshop, wash and valet buildings'*.
- 1.2 The original report for the above applications is attached as **Appendix A** below.
- 1.3 Following the Planning Committee meeting negotiations have taken place to progress the S106 agreement; however on 14th May 2018 the applicant submitted a set of revised drawings which they have asked to be considered as part of the ongoing application process.
- 1.4 The purpose of this report is to update the committee on the revised drawings submitted and to consider the planning merits of the changes made to the scheme as follows:
- 'Plans and Elevations as proposed' drawing number 2878/23A
- 1.5 The revised drawings seek to increase the height of the vehicle sales building to incorporate a mezzanine 'first floor level' of the building creating approximately 80 sqm of additional floorspace.

Elevations considered by Planning Committee



Proposed Revised Elevations



2.0 CONSIDERATIONS

2.1 In the original officer report material considerations in respect of principle of development, design and appearance, impact on amenity

of adjoining occupiers and public safety, highway safety and cycle provision, biodiversity and ecology, flood risk and drainage, archaeological potential, land contamination and stability and other considerations (S106 Negotiations / Local Labour) were considered.

2.2 Having regard to the changes being proposed matters of design and appearance should be reconsidered.

2.3 Design and Appearance of the Sales Centre

2.3.1 The main alteration to the scheme is the increase in height of the building by 2.5m, from 5.1m in height to 7.6m overall. Minor alterations are also proposed with respect to the fenestration arrangement within the north west, south west and north east elevations (see images above).

2.3.2 Overall it is considered that the design and appearance of the revised drawings are acceptable, having regard to the provisions of policies CS2 and CS18 of the Core Strategy in relation to design and amenity. Furthermore in respect of neighbouring amenity it is considered that the siting, scale and massing of the proposal is acceptable.

3.0 **RECOMMENDATION**

3.1 That the revisions to the scheme as detailed are accepted and the revisions should be incorporated into the decision issued subject to the satisfactory completion of the S106 agreement. Negotiations and the list of conditions as previously recommended (in Appendix A) shall be imposed with the exception of condition 2 which should be revised as follows:

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

- Location plan 2878/01
- Block site plan existing 2878/10
- Block site plan proposed 2878/20
- Revised site plan 2878/21/A Revision A
- Revised site plan 2878/22/A Revision A

- Revised Plans and elevations as proposed 2878/23A
- Revised plans and elevations 2878/24/A Revision A
- Valet bay proposed 2878/25
- Site details proposed 2878/26

- Lighting lux contour plan D32410/JM/A
- Landscape details 2878/20A
- Proposed landscaping UJPPCH-WW-01-A

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.

APPENDIX A – PREVIOUS COMMITTEE REPORT

| | | |
|-----------------|----------------|-------------------------------|
| Case Officer: | Eleanor Casper | File No: CHE/17/00569/FUL (A) |
| Telephone No: | 01246 345785 | CHE/17/00645/FUL (B) |
| Report Date: | 18.12.2017 | CHE/17/00647/FUL (C) |
| Committee Date: | 08.01.2018 | Plot No: 2/60 |

ITEM 4

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

Local Plan: Unallocated
Ward: Old Whittington

1.0 CONSULTATIONS FOR CHE/17/00569/FUL

| | |
|---------------------------|--------------------------------|
| Coal Authority | Comments received – see report |
| DCC Archaeology | Comments received – see report |
| DCC Highways | Comments received – see report |
| Derbyshire Wildlife Trust | Comments received – see report |
| Design Services Drainage | Comments received – see report |
| Environment Agency | Comments received – see report |
| Environmental Services | Comments received – see report |

| | |
|-----------------------|--------------------------------|
| Lead Local Flood Team | Comments received – see report |
| Site Notice/Advert | No representation received |
| Ward Members | No comments received |
| Yorkshire Water | Comments received – see report |

1.1 **CONSULTATIONS FOR CHE/17/00645/FUL and CHE/17/00647/FUL**

| | |
|---------------------------|--------------------------------|
| Coal Authority | Comments received – see report |
| Cycle Campaign | Comments received – see report |
| DCC Archaeology | Comments received – see report |
| DCC Highways | Comments received – see report |
| Derbyshire Constabulary | Comments received – see report |
| Derbyshire Wildlife Trust | Comments received – see report |
| Design Services Drainage | Comments received – see report |
| Economic Development | Comments received – see report |
| Environment Agency | Comments received – see report |
| Environmental Services | Comments received – see report |
| Forward Planning | Comments received – see report |
| Lead Local Flood Team | Comments received – see report |
| Network Rail | Comments received – see report |
| Site Notice/Advert | No representations received |
| Urban Design Officer | No comments received |
| Ward Members | No comments received |
| Yorkshire Water | Comments received – see report |

2.0 **DEVELOPMENT SITE**

- 2.1 The site subject of these application consists of two parcels of land, covering approximately 2.3 hectares in area overall. Historically the site was previously occupied by 'Pearsons Pottery'.
- 2.2 Pottery Lane East forms the northern boundary of the site. A new distributor/ access road runs centrally through the site (from north to south) and also serves the existing BMW/Mini dealership situated adjacent to the south western/western corner of the site. The A61 bypass is situated to the west of the site and forms the western boundary of the site.
- 2.3 The eastern boundary of the site is formed of a railway line, situated on a raised embankment and the southern boundary of the site is bound by the River Rother watercourse. The site is located within the highest risk flood zone (flood zone 3) as defined by the Environment Agency.
- 2.4 The plots of land subject of this application predominately consists of vacant land, covered with low level vegetation/scrub. A parcel of the site is hard surfaced and used for car parking in connection with the BMW / Mini dealership adjacent. The parcels of land cover approximately 2.3 hectares in area.
- 2.5 The surrounding steetscene is predominately industrial in character with some commercial units. There are some residential dwellings located approximately 100m to the east of the site on Pottery Lane East and 100m north of the site on Eastside Close.



3.0 SITE HISTORY

- 3.1 CHE/14/00475/FUL - Proposed construction of new car dealership and associated parking – **CONDITIONAL PERMISSION (01.06.2016) PENDING S106 AGREEMENT – NOT SIGNED, APPLICATION FINALLY DISPOSED OF**
- 3.2 CHE/14/00476/FUL - proposed construction of new access road from the A61 – **REFUSED (03.02.2015)**
- 3.3 CHE/09/00556/FUL - Proposed motor vehicle dealership on Plot 4 – **CONDITIONAL PERMISSION (09.03.2010) SUBJECT TO LEGAL AGREEMENT COVERING PERCENT FOR ART AND HIGHWAY IMPROVEMENT CONTRIBUTIONS.**
- 3.4 CHE/08/00699/FUL - Proposed amendment to CHE/07/00081/OUT to realign route of site access road – **CONDITIONAL PERMISSION (08.01.2009)**
- 3.5 CHE/08/00629/FUL - Amendments to Mini building design – **CONDITIONAL PERMISSION (20.11.2008)**

- 3.6 CHE/07/00081/OUT - Redevelopment of site to accommodate car showroom and access/ egress arrangements (for detailed approval) and B1/B2 uses and further showroom with associated parking (for outline approval) – resubmission of CHE/06/00580/OUT – **CONDITIONAL PERMISSION (29.06.2007) SUBJECT TO A LEGAL AGREEMENT COVERING PERCENT FOR ART AND HIGHWAY IMPROVEMENT CONTRIBUTIONS**
- 3.7 CHE/06/00580/OUT - Re-development of site to accommodate car showroom and revised access/egress arrangements (for detailed approval) and B1/B2 uses and further car showroom with associated parking (for outline approval) – **REFUSED (24.10.2006)**
- 3.8 CHE/05/00108/FUL - Erection of control kiosk – **CONDITIONAL PERMISSION (18.04.2005)**
- 3.9 CHE/1188/0922 - Permission for retail superstore on land at the rear of the Pottery, Pottery Lane, Whittington Moor, Chesterfield for Pearsons of Chesterfield Ltd – **CONDITIONAL PERMISSION (15.03.1989)**
- 3.10 CHE/0284/0099 - Permission for change of use of site into multiple units for office/light industry/general industry/ warehouse uses together with unit one as cafe at Pottery Lane, Whittington Moor, Chesterfield for Pearsons of Chesterfield Limited – **CONDITIONAL PERMISSION (18.04.1984)**

4.0 THE PROPOSAL

4.1 (A) CHE/17/00569/FUL - Proposed Earthworks on Development Land

4.1.1 The proposal subject of this application consists of earthworks to raise the existing ground levels in accordance with the requirements of the flood risk assessment and to enable the development associated with applications CHE/17/00645/FUL and CHE/17/00647/FUL.

4.1.2 The nature of the proposed earthworks is detailed within the updated design and access statement, cut and fill specification and schedule of works, this is supported by site section drawings (Drawing No: 2656/21, dated August 2017). The proposed earthworks will raise land

levels by a maximum of 1.15m (adjacent to the cycle footway). The existing landscaping to the western boundary of the site will be retained.

4.1.3 The application proposes striping and removing topsoil and other soft or unsuitable material of approximately 1000m³ in volume. The application proposes the importation of 4600m³ of granular fill material. A minimum of 150mm of granular material shall form the top layer. The raising of levels shall be in layers, initially using existing material on site. Each layer and thickness will be dependent upon the type of material and recommended method of compaction will be undertaken in accordance with the Highways Agency Specification for Highways Works.

4.2 (B) CHE/17/00645/FUL

4.2.1 The application proposes the erection of a bodyshop with a wash and valet building, to be located in the south eastern corner of the site.



Bodyshop

- 4.2.2 The proposed bodyshop measures 36.5m in width and a maximum of 26m in depth. The unit is formed of an asymmetrical dual pitched roof, measuring 6.7m to the ridge. The roof of the unit features 20 roof lights to serve the bodyshop. The proposal incorporates 4 paint booth extraction chimneys measuring 3m in height (projecting above the ridge of the unit by 1.5m).
- 4.2.3 The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof. The internal layout of the bodyshop consists of 6 'smart repair' bays, 4 'pre-delivery inspection' bays and 6 bays for paintwork with associated extraction facilities. Employee facilities include of lockers, toilets, canteen and a control room. Vehicular access to the unit will be gained by two large sectional overhead doors, situated within the north and south elevations.

Wash and Valet Building

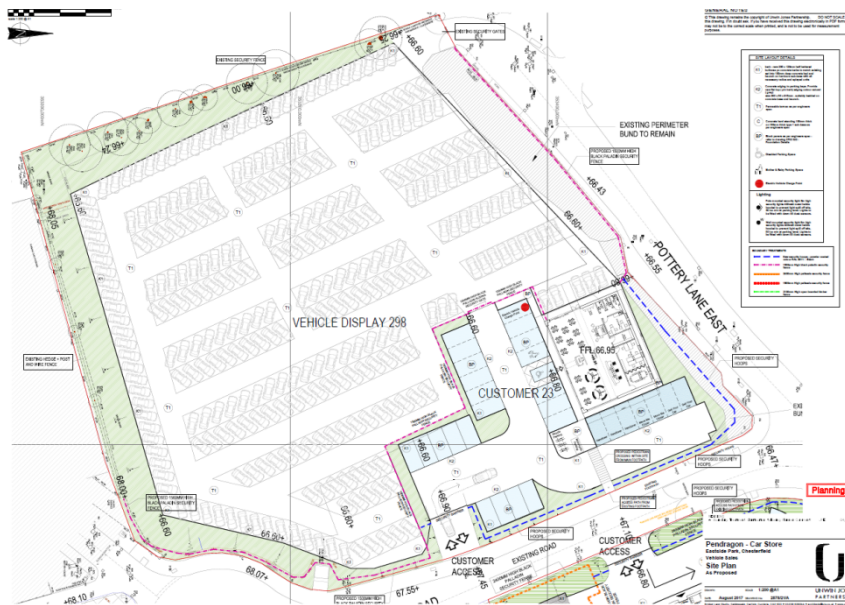
- 4.2.4 The proposed wash/valet building is situated to the south of the proposed bodyshop. The proposed unit measures 9m depth and 33.5m in width. The proposal is formed of a monopitch roof, measuring 4m in height at the principle (west) elevation and increasing to 4.8m in height at the rear (east) elevation adjacent to the railway bund.
- 4.2.5 The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof. The unit consists of 6 bays for valeting and 2 for vehicle washing. Vehicular access to the unit is by 4 access doors located within the west elevation.
- 4.2.6 The application site will be enclosed by a vehicle compound to the south and west, providing parking for 120 vehicles and 42 staff parking spaces.

4.3 (C) CHE/17/00647/FUL

- 4.3.1 The application proposes the erection of a vehicle sales centre and service/MOT centre with associated valet building. The Sale Centre is situated within the western parcel of land, to the north of the existing BMW/Mini dealership and to the east of the A61 bypass. The Service/MOT centre is located on the opposite side of the new access road, adjacent to the eastern boundary of the site and the railway bund.

Sales Centre

4.3.2 The proposed sales centre measures 19.3m x 15.3m in footprint and is formed of a flat with overhanging feature. The site/block plan shows that the unit will be located in the north eastern corner of the site (see image below). The sales centre will incorporate customer parking for 23 vehicles and a vehicle display compound providing parking for approximately 298 vehicles. The proposal also includes cycle parking for 3 bicycles and an electric vehicle charging point.



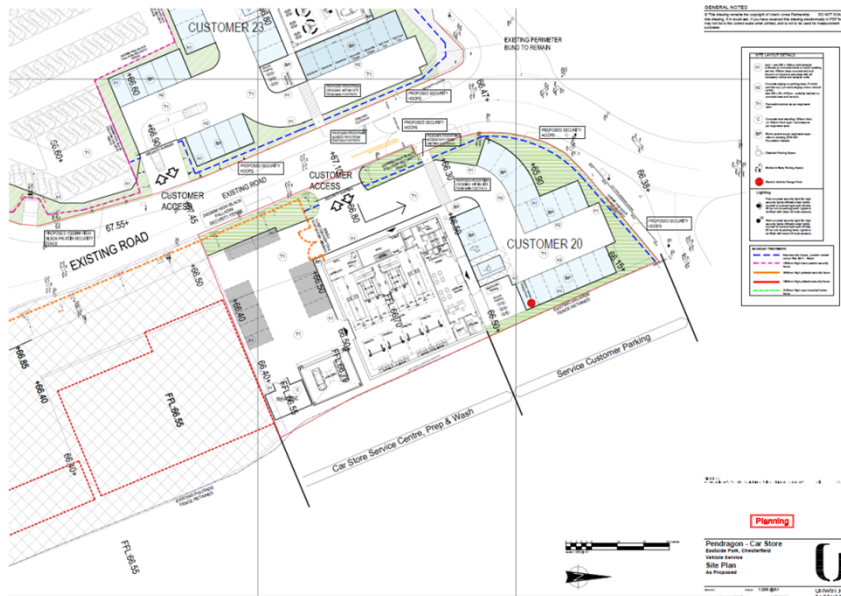
4.3.3 The internal layout of the unit is orientated towards the south east (principle elevation) and comprises of a large sales area with customer toilets, canteen, team room and meeting room. The proposal features 6 small windows within the north west elevation of the unit, facing towards pottery lane east.

4.3.4 The proposed unit measures 5m in height overall and will be faced in 'azure blue' composite cladding. The south east elevation of the unit will constitute the principle elevation and customer entrance, this will be denoted by aluminium framed glazing encompassing most of the elevation. Additional panels of glazing will be incorporated within the south west and north east elevations.

Service/MOT Centre

4.3.5 The proposed Service/MOT Centre measures 24.5m x 24.5m in footprint and is formed of a shallow dual pitched roof measuring 5m to the eaves and 7m to the ridge. The proposed unit will be faced in 'goosewing grey' composite cladding on the walls and roof.

- 4.3.6 The proposed unit is situated adjacent to the railway bund which forms the eastern boundary of the site. The principle elevation of the unit is orientated towards Pottery Lane East to the north. The principle (north west) elevation features a customer entrance door with glazing feature and porch structure. The MOT centre will be served by customer parking for 20 vehicles, with an enclosed compound to the south of the unit for the storage of 11 vehicles. The proposal also incorporates cycle parking for 3 bicycles and an electric vehicle charging point.



- 4.3.7 The internal layout of the unit consists of 4 work bays, 2 MOT bays a service reception with managers office and control room. Employee facilities include a canteen, toilet and locker room, tool room and a Parts room with mezzanine level for additional storage.
- 4.3.8 The proposal incorporates 20 roof lights within the roof plane of the unit and two small windows within the north west elevation. Vehicular access to the unit is gained by a large sectional overhead door within the south east elevation and a smaller sectional door within the south west elevation
- 4.3.9 A small valet building is also proposed in association with the MOT centre. The proposed unit measures 10.2m in width and 8.8m in depth with space for two vehicles. The unit is formed of a monopitch style roof, measuring a maximum of 5m in height overall. The unit will be faced in 'goosewing grey' composite cladding. The proposal is the same style and design to the valet building incorporated within application CHE/17/00645/FUL.

5.0 CONSIDERATIONS

5.1 Planning Policy

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

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

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS7 Management of the Water Cycle
- CS8 Environmental Quality
- CS9 Green Infrastructure and Biodiversity
- CS13 Economic Growth
- CS16 Retail
- CS18 Design
- CS19 Historic Environment
- CS20 Influencing the Demand for Travel
- PS3 Chesterfield Waterside and the Potteries

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

1. Principle of Development (see section 5.5)
2. Design and Appearance of the Proposal (see section 5.6)
3. Impact on the Amenity of the Adjoining Occupiers and Public Safety (see section 5.7)
4. Highway Safety and Cycle Provision (see section 5.8)
5. Biodiversity and Ecology (see section 5.9)
6. Flood Risk and Drainage (see section 5.10)
7. Archaeological Potential (see section 5.11)
8. Land Contamination and Stability (see section 5.12)
9. Other Considerations
 - Impact on Adjacent Railway Line (see section 5.13)
 - Percent for art contribution (see section 5.14)

- Employment and Training (see section 5.15)

5.5 Principle of Development

Relevant Policies

- 5.5.1 The site (albeit unallocated) is situated within the industrial settlement off Brimington Road North located between Old Whittington and Brimington to the east of the A61 corridor in an area predominantly commercial in nature. Having regard to the nature of the application proposals policies CS1, CS2, CS7, CS13, CS16, CS18, CS19, CS20 and PS3 of the Core Strategy and the wider National Planning Policy Framework (NPPF) apply.
- 5.5.2 Policy CS1 states that *‘The overall approach to growth will be to concentrate new development within walking and cycling distance of centres.*
- 5.5.3 Policy CS2 states that when *‘assessing planning applications for new development not allocated in a DPD, proposals must meet the following criteria / requirements:*
- a) adhere to policy CS1*
 - b) are on previously developed land*
 - c) are not on agricultural land*
 - d) deliver wider regeneration and sustainability benefits*
 - e) utilise existing capacity in social infrastructure*
 - f) maximise walking / cycling and the use of public transport*
 - g) meet sequential test requirements of other national / local policies’*
- ‘All development will be required to have an acceptable impact on the amenity of users or adjoining occupiers taking into account noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.’*
- 5.5.4 Policy CS18 (Design) states that *‘all development should identify, respond to and integrate with the character of the site and its surroundings and respect the local distinctiveness of its context’* and development should have *‘an acceptable impact on the amenity of users and neighbours.’*
- 5.5.5 The NPPF places emphasis on the importance of good design stating: *‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Planning permission should be refused for development of poor design that fails to take the*

opportunities available for improving the character and quality of an area and the way it functions.'

- 5.5.5 Policy CS7 (Managing the Water Cycle) *requires all new development commensurate with scale and impact to consider and address issues of flood risk. In addition the policy states that's new development connections to the drainage network will need to address issues surrounding sustainable drainage and a reduction in surface water run off rates.*
- 5.5.6 Policy CS13 (Economic Growth) states that *new development should deliver sustainable economic growth by supporting existing jobs and business and delivering inward investments. For major developments the Council will seek to negotiate agreements with developers to secure local labour, recruitment and training that benefits the local community.*
- 5.5.7 Policy CS16 (Retail) states that *'Across the borough, a sequential approach will be used to assess sites for retail and other town centre uses, to focus such development on town, district, local service centres and local centres to meet the requirements of national planning policy'... 'Specific forms of retail use outside Use Class A1 that require large premises such as showrooms, trade counters and wholesale premises, may be permitted in edge or out of centre locations if, due to reasons such as scale and servicing, the use would be unsuitable within a centre. In such cases, conditions will be applied where appropriate to define permissible changes of use and the range and type of goods or services sold'*
- 5.5.8 Policy CS19 (Historic Environment) states that *'The council will protect the historic environment and heritage assets throughout the borough and seek to enhance them wherever possible. All new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated.*
The council will do this through:
d) the identification and, where appropriate, protection of important archaeological sites and historic environment features;'
- 5.5.9 Policy CS20 (Demand for Travel) states that *'To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices'. The policy also seeks to ensure new*

development has an acceptable impact on the functioning and safety of the highway network.

5.5.10 Policy PS3 (Chesterfield Waterside and the Potteries) states *'Planning permission will only be granted for development that contributes towards:*

- *Creating jobs in office, industry, retail, tourism and education*
- *Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus*
- *Achieving a mix of uses including residential, office, employment and leisure*
- *Improving access to the site including enhancing the footpath and cycle network*
- *A high quality urban environment including eco-park and green infrastructure corridor*
- *Managing flood risk*

Principle of Development

5.5.7 The Strategy Planning Team (Forward Planning Team) were consulted on the scheme and provided the following comments;

5.5.7.1 *The site is reasonably well located for walking, cycling and proximity to Whittington Moor District Centre (including via underpass under A61), in accordance with policy CS1 – Spatial Strategy. Although the site itself is not allocated in the Core Strategy for Economic Growth and therefore the proposed uses must be tested under the criteria set out in Local Plan policy CS13, the Local Plan strategy provides for economic activity and employment opportunities to be focussed in areas with an established industrial character where the regeneration benefits can be maximised, including along the A61 Corridor. The site also lies within the area defined under Policy PS3 'Chesterfield Waterside and the Potteries', where planning permission will only be granted for development that contributes towards:*

- *Creating jobs in office, industry, retail, tourism and education*
- *Restoring Chesterfield Canal and the River Rother to navigation and creating a new canal terminus*
- *Achieving a mix of uses including residential, office, employment and leisure*
- *Improving access to the site including enhancing the footpath and cycle network*
- *A high quality urban environment including eco-park and green infrastructure corridor*

- *Managing flood risk*

The proposed development should broadly accord with the criteria set out in Policy PS3, and with policy CS13 which supports proposals for new employment development where they accord with the overall spatial strategy, including B2 uses within established business areas.

- 5.5.7.2 *The site falls outside flood zone 1. Policy CS7 of the Local Plan sets out that, outside of flood zone 1, development will be permitted where it meets a specific set of criteria. The application is accompanied by a Flood Risk Assessment which aims to demonstrate compliance with Policy CS7.*

Application of the Sequential approach:

- 5.5.7.3 *Car Showroom uses are covered by policy CS16 'Retail'. This policy allows for showrooms to be permitted in out of centre locations if they would be unsuitable for a town centre. It is accepted that Car Showrooms would not normally be suitable within a town centre and this area is established for uses of a similar and compatible type to that now proposed. Therefore this element of the application is acceptable in principle, subject to the detailed considerations set out below.*

Economic Growth

- 5.5.7.4 *The site is not allocated as employment land on the adopted proposals map. As the proposed use does not fall within the B1, B2 or B8 use classes they must be considered under CS2, their suitability for location and employment generation, as required by policy CS13.*
- 5.5.7.5 *The proposed use is suitable for the location, well located with good transport connections, road frontage and would be unlikely to cause conflict with any existing uses. It is unlikely that the current proposal would generate same level of jobs as most alternative B uses, however this must be off-set against the tests set out in policy CS2. The proposed development would meet the criteria a) to g) set out in CS2.*

Flood Risk

- 5.5.7.6 *The Environment Agency flood map shows that the wider site is located largely within Flood Zone 3, with a small area of the site to the south-west, located within Flood Zone 2, at high risk of fluvial flooding*

sourced from the Rother. Flood mapping produced as part of the SFRA (2009) demonstrates that the flood zone in which the site is located is entirely Flood Zone 3a, outside the extent of Flood Zone 3b ('Functional Floodplain'). The site access to the north (Pottery Lane East) is located within Flood Zones 2 and 3, which could present access issues.

- 5.5.7.7 *The Environment Agency is best placed to advise whether the submitted Flood Risk Assessment is able to successfully demonstrate compliance with the criteria set out in Policy CS7, and the measures necessary to be implemented to achieve this.*

Other issues

- 5.5.7.8 *Policy CS6 of the adopted Local Plan requires that all new commercial premises be built to BREEAM Excellent standard, and that evidence of this be provided through a pre-assessment. Although the council cannot insist on a certain standard, a sufficient level of evidence should be provided as to why a higher standard of sustainable design cannot be met for any of the reasons set out in policy CS6.*
- 5.5.7.9 *The Highway Authority should be in a position to assess whether proposed car parking provision would accord with the parking standards in the Core Strategy. In addition however, adequate secure and covered cycle storage should be provided, secured by condition, in accordance with CS20. The provision of shower facilities should also be secured via condition.*
- 5.5.7.10 *A Local Labour Agreement should be sought in accordance with policy CS13, in consultation with the EDU which would encourage local employment, training and supply chain opportunities to increase economic opportunities for local people and businesses.*
- 5.5.8 *Consideration of the principle of development in respect of the design/appearance of the proposal and potential impacts on the amenity of the adjoin occupiers neighbours (CS18 and CS2) will be covered in the following sections (5.6 and 5.7).*
- 5.5.9 *Comments received from the Strategy/Forward Planning Team reference policy CS6 and suggest that the applicant must set out how the premises will be constructed to a BREEAM Excellent standard. Further to the Deregulation Act, this is no longer a requirement that can be applied and is cover under different legislation (predominately Building Regulations). It is therefore not considered reasonable to require the applicant to submit further information to satisfy policy CS6*

to the proposal. It is also considered necessary to clarify comments made by the Strategy/Forward Planning Team with respect to flood risk. The entire site lies within flood zone 3 (the highest risk zone for flooding).

- 5.5.10 The proposal is considered to be acceptable in principle and accords with policies CS1, CS2, CS13, CS16 and PS3 of the Core Strategy, subject to policies CS7, CS18, CS19 and CS20.

5.6 Design and Appearance of the Proposal

- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*

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- 5.6.2 Solely having regard to the design / appearance of the proposed earthworks it is not considered the development presents any adverse issues in this respect. The works required to raise the land levels will involve the removal of the existing shrub/vegetation and the importation of inert granular material. To mitigate the loss of the existing vegetation, a scheme of soft landscaping will be required. No landscaping scheme has been submitted with the applications, therefore it is considered necessary to control this by condition attached to the permission (if approved) to ensure that an appropriate scheme is secured which provides a suitable mix of trees and low level shrubs to enhance the overall visual appearance of the site.

CHE/17/00645/FUL and CHE/17/00647/FUL

- 5.6.3 The proposals are considered to be appropriately sited and designed having regard to the context and character of the surrounding area. Revised drawings have been submitted with amendments made to the proposed boundary treatments in accordance with Case Officer and Consultee recommendations.
- 5.6.4 Policies CS2 and CS13 support the principle of new business / industrial development in existing allocated areas and whilst this site is no longer allocated, the principle of redevelopment of the site to create for vehicle sales, servicing and bodywork accords with the principles established by the existing BMW/Mini dealership and the wider aspirations for the site as an area allocated for major change shaped by policy PS3 of the Core Strategy.

5.6.5 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposals achieve an appropriate development design which responds to the site parameters and spatial constraints. The proposal are therefore considered to accord with the design provisions of policy CS18 of the Core Strategy.

5.7 Impact on the Amenity of the Adjoining Occupiers and Public Safety

5.7.1 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*

5.7.2 Core Strategy Policy CS2 also states that *'All developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts.'*

Impact on the Amenity of the Adjoining Occupiers

5.7.2 The application site is not immediately adjoined by any residential boundary sharing neighbours. Commercial units face the site to the north on the opposite side of Pottery Lane East Highway and the existing BMW/Mini dealership bounds the site to the south. The closest residential dwellings are located approximately 100m to the east of the site on Pottery Lane East and 100m north of the site on Eastside Close.

5.7.3 Viewed in the context of the surrounding streetscene which is predominately commercial/industrial in character the proposed re-development of site is not considered to adversely impact upon any of the neighbouring premises.

Public safety

5.7.4 As major applications the Derbyshire Constabulary 'Designing Our Crime' Officer was consulted on the proposals and provided the following comments;

CHE/17/00645/FUL

- 5.7.4.1 *'At present the site boundary is indicated with 2.4m high welded mesh fencing to roadside boundaries and the existing palisade fence to the railway embankment, but it isn't clear from plans what will form the boundary on the southern river side. Can this be clarified as 2.4m high welded mesh please. Gate detail needs adding at the roundabout compound access route.'*
- 5.7.4.2 *'The supporting design and access statement includes mention of CCTV provision and lighting provision for the split site. On site plans there is an indication on legends of metal halide lighting, both column and building mounted (in contradiction to the d&a which states LED lighting) but there is nothing on plans to show position of any lighting or CCTV for the site. I appreciate that this might be fleshed out by way of condition.'*

CHE/17/00647/FUL

Service/M.O.T Building

- 5.7.4.3 *'The site is enclosed by a 2.4m high welded mesh security fence which I think is appropriate in context of use and location. The legend colour for this type of fencing is orange, whilst the position on plans is black (only mentioned for clarity). There is no gate detail shown where it's indicated that customers access the site, so this probably needs adding to approved plans.'*

Sales building

- 5.7.4.4 *The enclosure for this part of the site is an existing open bund to the road edge of Pottery Lane East, building with 450mm high security hoops wrapping the outer facing two elevations, and 1500mm high welded mesh fence/gates for the initial section of large vehicle display area. It's assumed that the remainder of the sales parking area would be enclosed by the existing embankment to the south and chain link fence to the A61 boundary.'*
- 5.7.4.5 *I don't consider this to be appropriate for the location and use proposed, particularly on the Pottery Lane side which is adjacent to a poorly supervised public footpath and A61 underpass. My advice is to enclose the whole site behind the public face of the sales building with a 2.4m high welded mesh fence (as used on the site opposite) or enclose the pottery Lane boundary and provide the remainder of the*

site with an active monitored perimeter intruder detection system (PIDS), as used at the existing open site of the neighbouring car dealership. Given the size of the car sales area and likely value of content an internal PIDS would be advisable irrespective of boundary.

5.7.4.6 *The supporting design and access statement includes mention of CCTV provision and lighting provision for the split site. On site plans there is an indication on legends of metal halide lighting, both column and building mounted (in contradiction to the d&a which states LED lighting) but there is nothing on plans to show position of any lighting or CCTV for either site. I appreciate that this might be fleshed out by way of condition, but ties in with some points above.*

5.7.5 The above comments have been noted and amendments were subsequently made to the scheme to accord with the recommendations. The Environmental Health Officer also requested the submission of lighting details (lux contour map) and details of proposed lighting columns and locations of fixed/mounted lights. A lux contour map was provided to the LPA on 12.12.2017 and at the time of writing this report no further responses had been received from the relevant consultees. It is therefore considered necessary to control this by condition attached to the permission (if approved) to ensure that scheme for CCTV and lighting is installed and considered by the necessary consultees and approved in writing by the LPA.

5.7.6 Having consideration for the observations above the proposal is considered to be appropriately designed and is not considered to cause significant adverse impacts on safety or residential amenity of the adjoining occupiers. In addition no letters of representation have been received. The proposal will therefore accord with the provisions of policy CS2 and CS18 of the Core Strategy.

5.8 Highway Safety and Cycle Provision

5.8.1 Policy CS20 (Demand for Travel) states that *'To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will seek to maximise walking, cycling and the use of public transport through the location and design of development and parking provision. Priority will be given to measures to encourage more sustainable travel choices'*.

Highway Safety

5.8.2 DCC Highways were consulted on the proposal and provided the following comments;

CHE/17/00569/FUL

- 5.8.2.1 *'The applicant should be advised that the site may be close to or affected by the initial preferred route of the Birmingham to Leeds section of HS2. Further information may be obtained from the Department of Transport's website; <https://www.gov.uk/hs2-phase-two-initial-preferred-route-plan-and-profilemaps>*
- 5.8.2.2 *It is understood from the Design and Access Statement that the land is likely to be used for future development and that whilst the submitted drawings indicate new buildings etc. this application is just for the earthworks which are required to satisfy a Flood Risk Assessment. This Authority would comment on any further development on the site as and when proposals are formally submitted in the usual manner.*
- 5.8.2.3 *The earthworks will raise ground levels within the site which is 2.3 Hectares in size. I would have expected to see details of the volume material to be imported and associated traffic movements to have accompanied the submission. Once volume details are received no doubt your Authority will assess whether the formal planning application should be made to the County's Waste and Minerals Planning Authority rather than the Local Planning Authority. Please ask the applicant for the details relating to the proposed volumes of material to be imported and associated traffic movements and upon receipt I would comment further.*
- 5.8.2.4 *From a highway point of view given the location in the highway network it is unlikely that the objections would be raised to the proposed earthworks subject to an appropriate Construction Method Plan being provided and adhered to during the construction phase and I would recommend the following condition to cover this;*
- 5.8.2.5 **1) Construction Management Plan**
No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
- *parking of vehicles of site operatives and visitors*
 - *routes for construction traffic, including abnormal loads/cranes etc.*
 - *hours of operation*
 - *wheel wash facilities/method of prevention of debris being carried onto highway*

- *pedestrian and cyclist protection*
- *proposed temporary traffic restrictions*
- *arrangements for turning vehicles*

5.8.3 Further comments were provided by DCC Highways with respect to applications CHE/17/00645/FUL and CHE/17/00647/FUL

CHE/17/00645/FUL and CHE/17/00647/FUL

5.8.3.1 *'Eastside Park is an industrial area and the plot is currently vacant. The proposals are not dissimilar to other vehicles sales premises in the vicinity. The applicant as shown an acceptable access to the public highway. Parking and turning would appear suitable for the proposed uses on the site. Given the number of proposed staff I would recommend that the applicant considers a Travel Plan. The proposed cycle parking area is noted.*

5.8.3.2 *The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins and means of access including the removal of specialist waste. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days. The applicant will need to consult with the relevant refuse collection department to ascertain details of what will be acceptable to them in terms of number and location of bins. Bin storage should not obstruct the private drive access, parking or turning provision. Additionally a bin dwell area should be provided clear of the public highway, private access, parking and turning for use on refuse collection days I note that there will be external lighting and that it will be static and shielded to prevent distraction to passing motorists and unnecessary light spillage outside the site.*

5.8.3.3 *I note that it is proposed that the two sites are to work in tandem and I would welcome your comments as to any conditions that may be relevant. In this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal. If your Authority is minded to approve then I would ask for conditions to cover the following are included;*

5.8.3.4 *1. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the*

Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

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

2. No building or use hereby permitted shall be occupied or use commenced until the vehicular and pedestrian accesses and facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved drawings. Thereafter, these areas shall be kept free of obstruction and available for these uses.

3. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

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

5. No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

6. The source of any external illumination or illuminated signage shall static and shielded to prevent distraction to passing motorists and avoid unnecessary light spillage outside the site.

5.8.4

Officer Comments –The comments from the Highways Officers have been noted. Both Officers recommend that a condition be attached requiring the submission of Construction Management

Plans, in conjunction with the standard in formatives. One of the Highways Officers also referenced HS2, the site is not considered to be located within a defined consultation zone. The proposed HS2 branch running from Sheffield to Chesterfield train station will utilise existing railway infrastructure. It is currently proposed that there will be one train per hour using the existing infrastructure. Network Rail have been consulted on the proposal and have provided detailed comments with conditions required to safeguard the existing railway line (see section 5.13 for further details). It is also necessary to note that condition 3 (recommended in section 5.8.3.4) states that shall be no gates of other barriers within 5m of the highway, existing gates are already located across the access road serving the site and the BMW/Mini dealership. It is considered that any gates serving the units will be shut when the buildings are closed in order to maintain a secure compound for the storage of vehicles. It is not expected that members of the public will visit the site when the units are closed and as such it is not considered that the installation of gates may pose a risk to highway safety. Overall, no adverse highway safety concerns arise as a result of the development.

Cycle provision

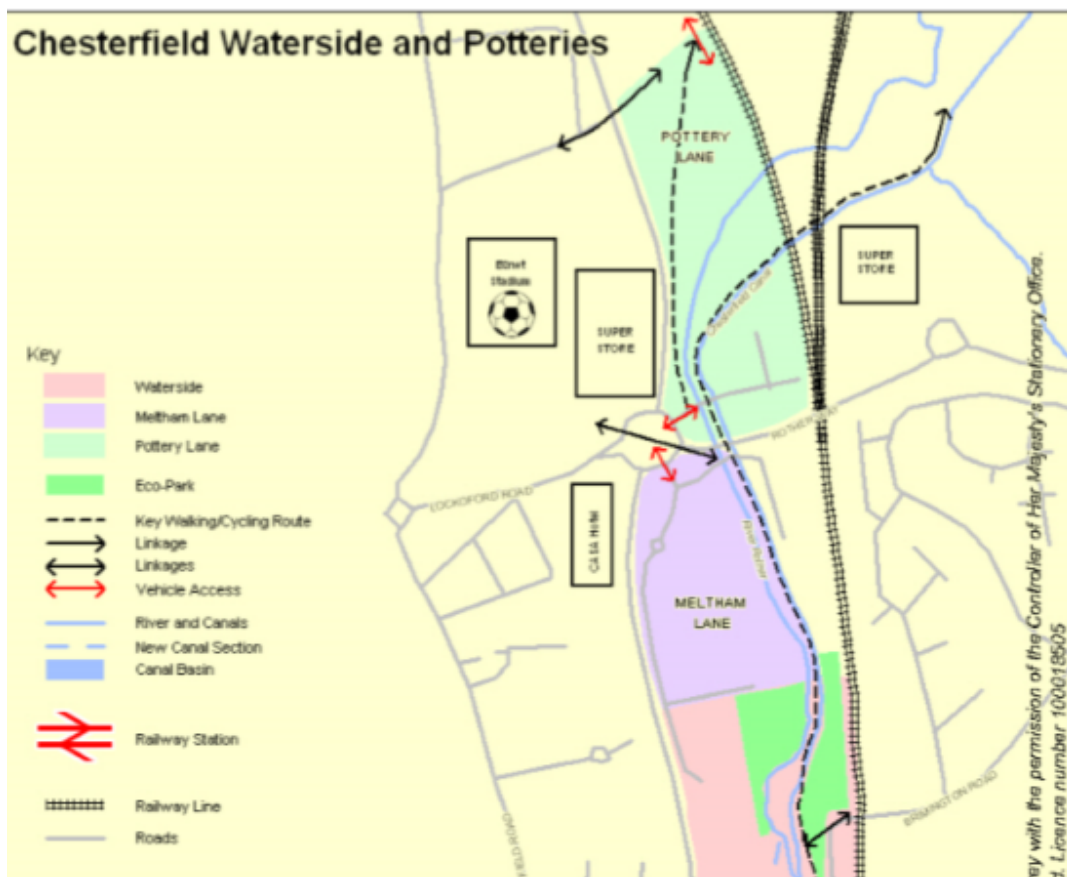
- 5.8.5 The Core Strategy identifies part of the application site as a component of the Chesterfield Cycle Network, a shared 3m cycle/footway was installed in conjunction with the BMW/Mini dealership application which runs centrally through the site (from north to south) and terminates at the banks of the River.
- 5.8.6 The Chesterfield Cycle Campaign were consulted on the proposal and provided the following comments;
- 5.8.6.1 *'The access road leading off Pottery Lane East to the BMW/Mini dealership has a shared path alongside on the west side. This shared path then continues along the side of the car dealership until it reaches the bank of the river.'*
- 5.8.6.2 *The line of this route was identified during the cycle audit in 2010 and subsequently adopted by CBC as part of the Chesterfield Cycle Network. The intention being that at some point in the future either a bridge would be built over the river to connect to the Trans Pennine Trail or a shared path be built on the bank of the river to Lockoford Lane. Unfortunately due to the path leading nowhere at the moment*

the car dealership have taken to parking their vehicles on the path often completely blocking it.

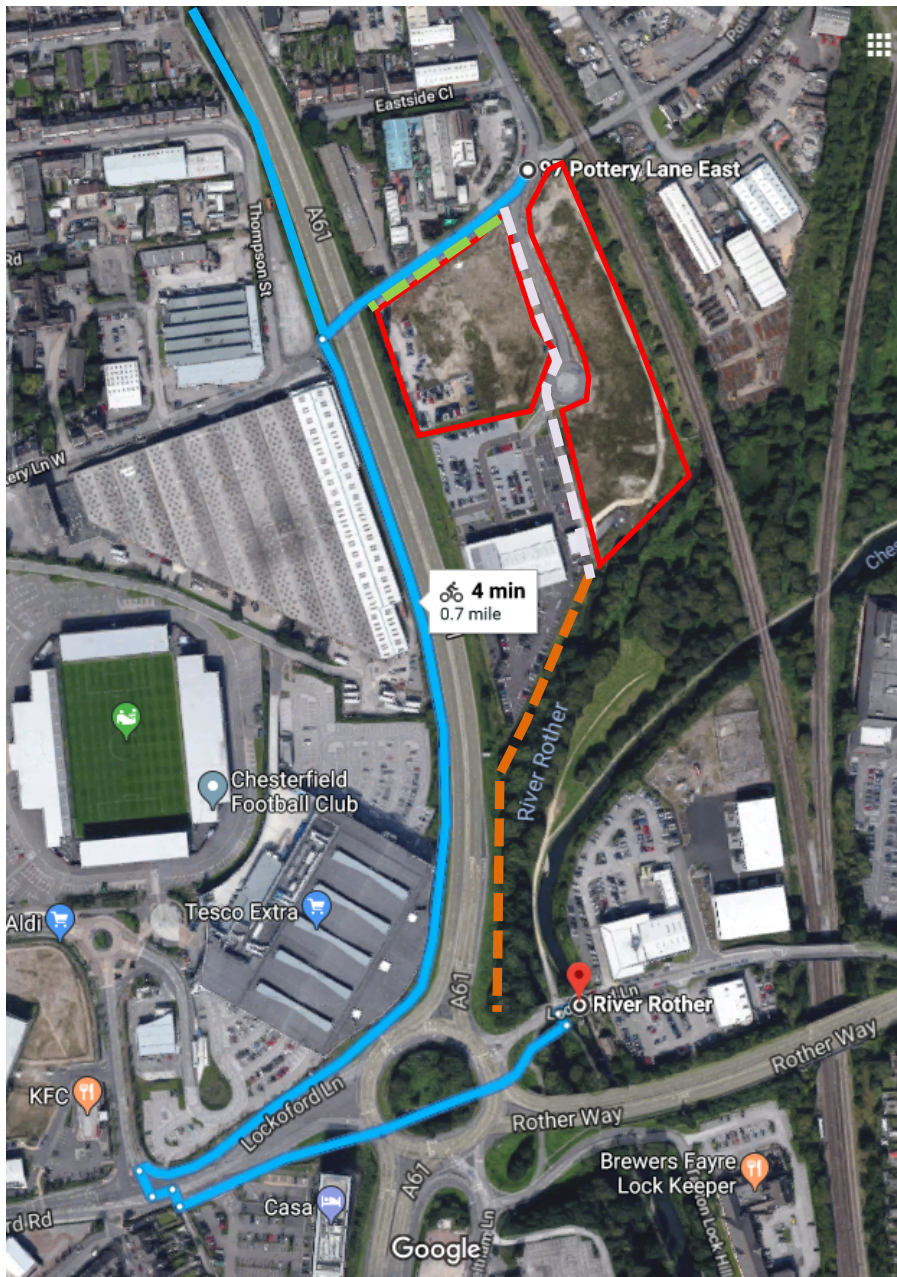
5.8.6.3 *The Campaign is keen that this path is retained and it is protected if this development goes ahead. We hope that CBC agrees with that principle and consider section 106 or CIL money to develop this route further. Completion of this route would enable easy car free access from Staveley, Brimington, Tapton and the town centre.*

5.8.7 Officer Comments – The comments from the Chesterfield Cycle Campaign have been noted. The reference made to the Chesterfield Cycle Network can be found in the Core Strategy under policy PS3 (Diagram 10: Chesterfield Waterside and the Potteries, see below)

Diagram 10: Chesterfield Waterside and the Potteries



5.8.8 Diagram 10 illustrates a potential key walking/cycling route through the application site and would require a cycle/pedestrian path to be constructed through the bank of trees adjacent to the River Rother or a bridge across the river (see diagram below).



Key

- Application Site
- Existing Cycle Route/Network
- Existing 3m wide shared/cycle path running through the application site
- Potential Key Cycling/Walking Route
- Potential area of road enhancement to widen the existing footpath to create a shared cycle path

5.8.9 Since the Core Strategy was formally adopted in 2013 a new off-road cycle path has been constructed along the west side of the A61 bypass (shown in blue on the above diagram). Direct access to the new cycle path can be gained along Pottery Lane East and through the existing underpass. The cycle path enables access to the Chesterfield Canal and town centre (see photographs below). Pottery Lane East highway has a restricted footway and it is therefore considered necessary to require the applicant to undertake additional measures to ensure the existing pavement be extended and enlarged to enable access to the underpass and cycle network beyond.



5.9 Biodiversity and Ecology

5.9.1 Core Strategy Policy CS9 ‘Green Infrastructure and Biodiversity’ states that *‘Development proposals will be expected to demonstrate that they will not adversely affect, or result in the loss of, features of recognised importance...The council will require the submission with the planning application of ecological surveys and assessments of the biodiversity and geological value of sites as set out in a list of local requirements’*

5.9.2 The Derbyshire Wildlife Trust were consulted on the proposal and initially raised concerns due to the lack of an appropriate ecological appraisal. An Ecological Constraints Appraisal was undertaken by REC (dated September 2017) and submitted to the LPA for consideration on 22.09.2017.

5.9.3 The Derbyshire Wildlife Trust were re-consulted on the proposal and provided the following comments;

5.9.3.1 *‘The application is accompanied by an Ecological Constraints Appraisal, which provides information on the existing habitats present and any potential ecological constraints. Our comments are as follows:*

5.9.3.2 **Further Survey**

Reptiles

We support the recommendation in the Ecological Constraints Report that reptile presence/absence survey should be undertaken. Paragraph 99 of Circular 06/2005 states "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". If reptiles are found, an appropriate mitigation strategy should be produced.

5.9.3.3 Recommended Conditions

Notwithstanding the recommendation for reptile survey above, should the Council be minded to grant permission for the proposed works, we recommend that the following conditions are attached:

Construction Environmental Management Plan

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

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

5.9.3.4 *The CEMP should particularly consider safeguarding local designated sites, linear corridors such as the adjacent railway line and species including common amphibians and reptiles. A stand of Japanese knotweed is present in the north-west of the site and appropriate measures to deal with this invasive plant species should also be included within the CEMP. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

5.9.3.5 **Biodiversity Enhancement Strategy**

Prior to the commencement of development, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Council. The following planning policies are considered pertinent to this document:

Paragraph 118 of the National Planning Policy Framework (NPPF) states that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

Paragraph 125 of the NPPF states that “by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

This should include the recommendations within section 4.2 of the Ecological Constraints Appraisal that meadow grassland should be incorporated around the development, to strengthen existing corridors and replace the habitat to be lost. Species enhancements including bat boxes, bird boxes and insect blocks should also be included, as per the Ecological Constraints Appraisal. Consideration should be given to green and brown walls and roofs to compensate for the loss of habitat on site. Lighting should be designed to avoid lightspill onto the adjacent railway line or nearby watercourses. Such approved measures should be implemented in full and maintained thereafter.

5.9.4 **Officer Comments – On the basis of the comments listed above it is considered necessary to require the applicant to undertake a reptile survey and to submit a Construction Environmental Management Plan with Biodiversity Enhancement Strategy prior to the commencement of the development.**

5.9.5 Having consideration for the observations listed above and responses received from consultees and the requirement to provide a Construction Environmental Management Plan, Biodiversity Enhancement Strategy, the proposal is considered to accord with policy CS9 of the Core Strategy.

5.10 **Flood Risk and Drainage**

5.10.1 Core Strategy Policy CS7 'Managing the Water Cycle' states that *'Within areas of functional floodplain, development is expected to preserve or enhance the contribution of the area to water management reducing flood risk... The council will seek opportunities to increase the capacity of the floodplain safely, make space for water across the whole borough, and to remove problems from the drainage network, particularly in connection with new development... Sustainable Drainage Systems (SuDS) should be incorporated into all development, unless it can be demonstrated that this is not appropriate in a specific location. The council will seek the maximum possible reduction in surface water run-off rates based on the SFRA or most recent national guidance.'*

5.10.2 The majority of the site is located within a high risk zone for flooding (defined as flood zone 3 by the Environment Agency). Due to the nature and scale of the developments and the location of the the application site, it was necessary to consult the Environment Agency, Lead Local Flood Authority, Yorkshire Water and the Design Services Drainage Team.

5.10.3 The Environment Agency provided the following comments;

5.10.3.1 *'The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application is implemented and secured by way of a planning condition on any planning permission.'*

5.10.3.2 **Flood risk**
Condition - *The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in*

Table 4.3.5 of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - *To reduce the risk of flooding to the proposed development and future occupants.*

5.10.3.3 **Flood resilience measures**

We support the suggestion outlined in table 4.3.20 of the FRA that flood resilient construction techniques are used and flood sensitive equipment is to be positioned at a minimum of 600mm above FFL. We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

5.10.3.4 **Access and egress**

The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development. It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision. Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

5.10.3.5 **Pollution control**

Condition

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

Reason

To reduce the risk of pollution to the water environment.

- 5.10.3.6 *Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent. If you are not able to discharge effluent it will be classed as waste and you must then comply with your duty of care responsibilities.*
- 5.10.3.7 *Proposing to discharge to mains -
A trade effluent consent or a trade effluent agreement with your water and sewerage company must be obtained before you discharge trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer.*
- 5.10.4 The Design Services Drainage Team also provided the following comments;
- 5.10.4.1 *'As highlighted in the Flood Risk Assessment, the site is located in Flood Zone 3 and is therefore a risk from flooding. As stated in the FRA, this commercial development may be classed as less vulnerable under the NPPF and may be suitable for this location.*
- 5.10.4.2 *The FRA states that the proposed floor levels will be a minimum of 300mm above the anticipated 100year flood level in order to reduce risk. The FRA also proposes the use of flood resilient construction and subscribing to Flood Warnings Direct.*
- 5.10.4.3 *It is also noted that the site surface water drainage is proposed to discharge via the pumping station and attenuation tank that was installed as phase 1 of the development. The runoff from the car parking and any vehicle wash areas should pass through an oil separator prior to discharge to the surface water drainage system.'*
- 5.10.5 **Officer Comments – On the basis of the comments listed above it is considered necessary to incorporate a condition requiring the development be in accordance with the submitted flood risk assessment and for an oil separator to be installed to prevent pollutants being discharged into the adjacent watercourse.**
- 5.10.6 The Lead Local Flood Authority provided the following comments;

5.10.6.1

CHE/17/00645/FUL

Due to the nature of the proposed plans and the site parameters the Lead LFFA have no comments to make in relation to CHE/17/00645/FUL

5.10.6.2

CHE/17/00647/FUL

Due to the site parameters of planning application CHE/17/00647/FUL the LLFA are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information. As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:

- *Site plan and impermeable area*
- *Topographic survey of the site*
- *Appropriate evidence to support how the site will drain (photographs / maps / a confirmation letter from a water company)*
- *Basic calculations of the greenfield/brownfield runoff and discharge rates, in l/s/Ha, for the site*
- *A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location*
- *Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep*
- *Basic ground investigation (desktop survey as a minimum)*
- *Evidence of consideration of a variety of SuDS methods*

These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage. Please note the level of detail submitted should be proportionate to the size and scale of the development.

5.10.7

Yorkshire Water were also consulted on the proposal and provided the following comments;

5.10.7.1

Waste Water - If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

- *No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public sewer i .e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand -off distance is to be achieved via diversion of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant*

statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken. (In order to allow sufficient access for maintenance and repair work at all times)

- *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. (To ensure that no surface water discharges take place until proper provision has been made for its disposal)*
- *Surface water run-off from the forecourt of petrol stations , areas used for the delivery of fuel , areas used for and immediately adjacent to vehicle washing facilities and /or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network . Surface water from such areas 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 , before discharge to the public foul or combined sewer network (To prevent pollution of the aquatic environment and protect the public sewer network).*

5.10.7.2 Observations:

- 1) *The Flood Risk Assessment (prepared by RES Environmental - Report dated 2013) is not acceptable. In summary, the report states that surface water will discharge to an unrecorded 225mm surface water sewer with an unrestricted discharge - This is not acceptable. Evidence is required that soakaways are not viable before consideration is given to the sewer. As the FRA refers to a previously submitted drainage strategy for the wider site, the developer should submit this in order to provide an understanding of how this parcel contributes to the wider strategy. The means of surface water management has not been properly considered within the FRA/drainage report*. Yorkshire Water requires further information regarding the means of draining surface water from the development.*
- 2) *On the Statutory Sewer Map, there is a 900mm diameter public surface water sewer recorded to cross the site along the northern boundary. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, a*

stand-off distance of 5 (five) metres is required at each side of the sewer centre-line.

- 3) *The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.*

5.10.7.3 *The developer and LPA are strongly advised to seek comments on surface water disposal other drainage bodies as further restrictions may be imposed. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.*

5.10.7.4 *Surface water run-off from areas of vehicular parking and/or hardstanding etc. must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is imperative, however that surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used is not discharged to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation*

5.10.8 Officer Comments – The comments received from the Lead Local Flood Authority and Yorkshire Water appear to contradict the responses from the Environment Agency and the Design Services Drainage Team. The proposed earthworks application (A) involves raising the existing land level which will impact the

amount of water which can be stored on site but is required in order to accord with the findings of the flood risk assessment. The Lead Local Flood Authority stated that they had no comments to make on application CHE/17/00569/FUL. The proposal will therefore safeguard the development against flooding but provides no compensatory flood storage area. The applications will re-develop a brownfield site which was previously authorised for development. The strategic location of the site is considered to be sustainable and development has already been undertaken on the site for the BMW/Mini dealership. On balance the development of the site and regeneration benefits suggest that the scheme should be approved. On the basis of the comments listed above it is considered necessary to control surface water drainage on site by a condition attached to the permission (if approved) to ensure that an appropriate scheme is secured which meets the requirements of Yorkshire Water

5.9.10 Having consideration for the observations listed above and responses received from consultees, it is considered that the proposal has partially addressed the necessary requirements for building on a floodplain by the submission of a flood risk assessment. Due to the location of the site and nature of the development (with limited built form proposed), the main proportion of the site is hardsurfacing for vehicles providing a large area for potential surface water attention methods to be undertaken in accordance with the requirements of the relevant consultees. The submission of a detailed drainage strategy prior to the commencement of the development can be controlled by condition and require the approval of the relevant consultees. The proposal is therefore considered to accord with the recommendations of policies CS7 pending the submission of a detailed drainage strategy.

5.11 **Archaeological Potential**

5.11.1 Policy CS19 (Historic Environment) states that '*The council will protect the historic environment and heritage assets throughout the borough and seek to enhance them wherever possible. All new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated. The council will do this through: d) the identification and, where appropriate, protection of important archaeological sites and historic environment features;*'

- 5.11.2 The proposed development is situated in an area considered to have historical environment features and as such it was necessary to consult DCC Archaeology for comments on the proposal. Initially concerns were raised regarding the lack of a desk based archaeological assessment, required to be submitted prior to determination.
- 5.11.3 The applicant submitted a desk based archaeological assessment. DCC Archaeology were re-consulted on the proposals and provided the following comments;
- 5.11.3.1 *'As recommended, an archaeological desk-based assessment has been prepared for the proposed development site and its environs. This has confirmed the extent of the buildings complex of the Pearson's Pottery (Derbyshire Historic Environment Record no.31503) which occupied the site until recently. This had its origins in the mid-19th century (or earlier) and had grown to occupy almost the whole of the current site by the mid-1960s. The desk-based assessment has confirmed that below ground remains of the earliest phases of the pottery may survive as subsurface evidence. Such remains, which would be considered to be non-designated heritage assets, may provide an insight in to early industrial techniques which were used in pottery production at this time.*
- 5.11.3.2 *Further work is needed here to characterise and understand the significance of these features. We would advise that a programme of archaeological investigation should be undertaken as a pre-commencement condition of any grant of planning permission for this scheme. This requirement is in line with paragraph 141 of NPPF which requires that developers should record and advance understanding of the significance of any heritage assets to be lost. This work may involve more than one stage, depending upon the nature and extent of any archaeological remains which are encountered. It should be undertaken in advance of **any** ground preparation works on site, including ecological mitigation works.*
- 5.11.3.3 *In order that this requirement can be can be addressed we would recommend that the following condition be attached to CHE/17/00569/FUL, CHE/17/00645/FUL and CHE/17/00647/FUL:*
- 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.

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

5.11.4 **Officer Comments – On the basis of the comments listed above it is considered necessary attached to the permission (if approved) the conditions recommended above to ensure that an appropriate scheme is secured which meets the requirements of the DCC Archaeology.**

5.11.5 Having consideration for the observations listed above and pending the submission and approval of a written scheme of investigation, the proposal is considered to accord with policy CS19 of the Core Strategy.

5.12 Land Contamination and Stability

- 5.12.1 Policy CS8 (Environmental Quality) of the Core Strategy states that *'The quality of the environment will be recognised at all levels of the planning and development process with the aim of protecting and enhancing environmental quality...Unstable and Contaminated Land: Proposals for development on land that is, or is suspected as being, contaminated or unstable will only be permitted if the land is capable of remediation and fit for the proposed use and shall include: a) a desk top survey with the planning application b) a phase II study and strategy for remediation and final validation where the desk top survey (a) indicates remediation may be necessary, on any full or reserved matters planning applications'*
- 5.12.2 The development site is situated within an area defined as High Risk by The Coal Authority, as such it was necessary to consultee The Coal Authority as a statutory consultee. The Environmental Service (Health) team were also consulted regarding potential land contamination arising as a result of previous land uses.

Land Stability and Coal Mining Risk

- 5.12.2 The Coal Authority provided the following comments;
- 5.12.2.1 *'The Coal Authority considers the content and conclusions of the Report on Site Investigation and the Additional Site Investigation letter report to be sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposal'*

Land Contamination

- 5.12.3 The Environmental Health Officer provided the following comments;
- 5.12.3.1 'The application is supported with a site investigation report (dated 2005) and an additional site investigation report covering land that was previously occupied by buildings. I have no concerns about the reports.
- 5.12.4 Having consideration for the observations listed above, the proposal is considered to accord with policy CS8 of the Core Strategy.

5.13 Other Considerations

Impact on Adjacent Railway Line

5.13.1 The application sites are bound by a railway line to the east. Network Rail were consulted on the proposal and provided the following comments;

5.13.1.1 Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

5.13.1.2 Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

5.13.1.3 Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No

right of support is given or can be claimed from Network Rails infrastructure or railway land.

5.13.1.4 **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rails Asset Protection Project Manager.

5.13.1.5 **Armco Safety Barriers**

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rails existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

5.13.1.6 **Method Statements/Fail Safe/Possessions**

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

5.13.1.7 **OPE**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager,

Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

5.13.1.8 **Vibro-impact Machinery**

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

5.13.1.9 **Scaffolding**

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

5.13.1.10 **ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

5.13.1.11 **Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to

ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rails boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash. Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata Zebrina

Not Acceptable: Acer (Acer pseudoplatanus), Aspen Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore, Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

5.13.1.12 **Lighting**

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

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

5.13.1.13 **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. Network Rail is required to recover all reasonable costs associated with facilitating these works.

5.13.1.14 I would advise that in particular the **drainage, Armco barriers, method statements/OPE, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

5.13.2 Officer comments – The conditions requested by Network Rail are considered to be in the interests of public safety. The LPA considers it necessary to secure this by condition.

Percent for Art Contribution

5.13.3 In respect of Policy CS18 of the Core Strategy, the Council's policy requires all major development proposals to contribute to the Percent for Art scheme promoted within the Borough, it is appropriate to require plot by plot development to contribute to this initiative.

5.13.4 When the BMW / Mini dealership was approved on plot 4 the S106 agreement secured a contribution of £10,000 or 1% of the development costs (whichever is greater) towards the Percent for Art initiative and it is therefore considered that this mechanism would reasonable apply to this particular development given that are comparable in nature and scale. Accordingly it is considered that a S106 agreement should be sought from the applicant for a Percent for Art contribution on this basis.

Training and Employment

5.14 The Economic Development Team were consulted on the proposals and provided the following comments;

5.14.1 *'The EDU is supportive of the proposal. Given the scale nature of the proposal there will be significant employment, training and supply chain opportunities created during the construction phase and operational phase.*

It is recommended that a local labour/ supply chain clause is negotiated and secured with the developer and end user via either a s106 agreement or planning condition which would encourage local employment, training and supply chain opportunities during the construction and operational phase to promote the opportunities to local businesses and local people.

We would also encourage the end user to work with the council and its partners to ensure that local people are able to benefit from any additional jobs created by the development.

The procedure of securing benefits for local communities from development activity meets the objectives of the Chesterfield Borough Council Corporate Plan and the Chesterfield Local Plan Core Strategy 2011 – 2031.'

5.15 Officer Comments - It is recommended that a standard condition be attached to the decision notices requiring the submission of an employment and training scheme prior to the commencement of development.

6.0 REPRESENTATIONS

6.1 The applications have been publicised by site notices displayed on 13.10.2017, deadline for responses 03.11.2017 and 17.11.2017, deadline for responses 08.12.2017. Advertisements were also placed in the Derbyshire Times on 24.08.2017, deadline for responses 14.09.2017 and 21.09.2017, deadline for responses 12.10.2017. No letters of representation have been received as a result.

7.0 HUMAN RIGHTS ACT 1998

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

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

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

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

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 CONCLUSIONS

- 9.1 The proposals are considered to be acceptable in principle having regard to the provisions of policies CS2 and CS13 of the Chesterfield Local Plan: Core Strategy 2011 – 2031. The development site is served by the existing highway network and the proposals will not adversely impact the amenity of the adjoining occupiers. The proposals, subject to appropriate conditions being imposed, is considered to demonstrate compliance with policies CS7, CS9, CS18, CS19 and CS20 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

10.0 ADDITIONAL RECOMMENDATION

- 10.1 That a s106 legal agreement be negotiated in respect of % for Art for the scheme

11.0 RECOMMENDATION

- 11.1 That the applications CHE/17/00569/FUL, CHE/17/00645/FUL and CHE/17/00647/FUL be **GRANTED** subject to the following conditions:

(A) CHE/17/00647/FUL

Three years from date of permission

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

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

Development in accordance with approved plans

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

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.

Submission of Lighting/Lux Contour Plan

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

Reason - In the interests of highway safety and surrounding visual amenity.

Construction Management Plan

4. *No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:*
- *parking of vehicles of site operatives and visitors*
 - *routes for construction traffic, including abnormal loads/cranes etc.*
 - *hours of operation*
 - *wheel wash facilities/method of prevention of debris being carried onto highway*
 - *pedestrian and cyclist protection*
 - *proposed temporary traffic restrictions*
 - *arrangements for turning vehicles*

Reason - *In the interests of highway safety.*

Construction Environmental Management Plan

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

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

Reason - *To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development*

Biodiversity Enhancement Strategy

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

Reason – *to mitigate against adverse impacts on biodiversity and ecology arising as a result of this development*

Development in accordance with flood risk assessment

7. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) November 2014 completed by RES Environmental LTD for Pottery Lane East Chesterfield and the following mitigation measures detailed within the FRA: Finished floor levels (FFL) are set no lower than 67.15m Above Ordnance Datum (AOD) as outlined in Table 4.3.5

of the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - *To reduce the risk of flooding to the proposed development and future occupants.*

Submission of surface water drainage details

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

Reason – *To prevent the increased risk of flooding and to ensure the site benefits from adequate and sustainable drainage.*

Means of surface water pollution control

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

Reason - *To reduce the risk of pollution to the water environment. To prevent pollution of the water environment.*

Site storage and accommodation

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

Reason - *In the interests of highway safety.*

Car/cycle provision

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

Reason - *In the interests of highway safety.*

Materials

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

Reason - *The condition is imposed in order to enhance the appearance of the development*

Soft landscaping

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

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

Hard landscaping

14. Within 2 months of the commencement of development full details of hard landscape works for the approved development on the application site and access road shall be submitted to the Local

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

Reason - *The condition is imposed in order to enhance the appearance of the development and ensure appropriate surface water drainage.*

Employment and Training Scheme

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

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

Bin Store and Waste Collection

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

Travel Plan

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

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

Railway conditions specified by National Rail/Highways

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

Reason – *in the interests of public safety*

Railway conditions specified by National Rail

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

Reason – *in the interests of public safety*

CCTV/Security

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

Reason – *in the interests of public safety*

Shared cycle path

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

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

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

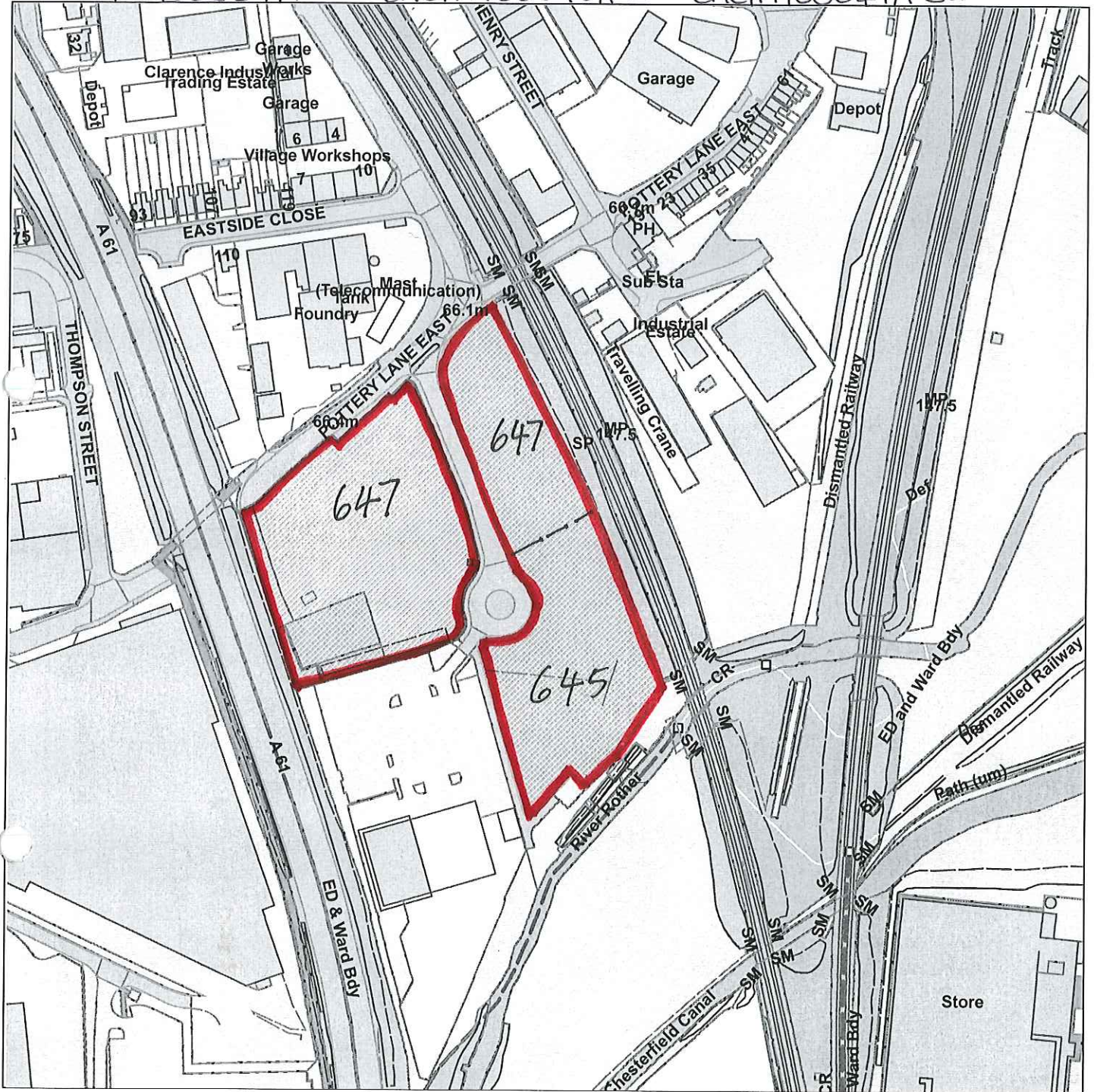
1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. 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.
3. Attention is drawn to the fact that, this permission is granted in conjunction with the completion of a separate planning obligation under Section 106 of the Town and Country Planning Act 1990 to which any developer should also refer.
4. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
5. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all

reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.’

6. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).
7. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Councils website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.
8. Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).
9. The Environment Agency recommended that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.
10. If planning permission is granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)

11. Method statements may require to be submitted to Network Rails Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. possession which must be booked via Network Rails Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.** (Asset Protection Project Manager, Network Rail (London North Eastern), Floor 3B, George Stephenson House, Toft Green, York, Y01 6JT)
12. For the first three months following the installation and operation of the new lighting an assessment will be made to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the train operating companies

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| Organisation | Not Set |
| Department | Not Set |
| Comments | |
| Date | 21 December 2017 |
| SLA Number | Not Set |

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Case Officer: Chris Wright
Tel. No: 01246 345787

File No: CHE/18/00272/COU
Plot No: 2/587

ITEM 4

CHANGE OF USE FROM A1 RETAIL TO A5 HOT FOOD TAKEAWAY AT 122 HIGH STREET, NEW WHITTINGTON, CHESTERFIELD FOR MR ASO AHMED MOHAMMED

1.0 CONSULTATIONS

| | |
|---|--|
| Highways DCC | No objection. |
| Ward Members | No comments received. |
| Strategic Planning | Considered contrary to policy as over-concentration of food and drink uses and ventilation and extraction. |
| Derbyshire County Council Public Health Department | Objection on multiple grounds |
| Environmental Services | Objection on odour and noise |
| Derbyshire Constabulary | No objection. |
| Design Services | No objection. |
| Neighbours/Site Notice | 9 letters of representation received (on behalf of 8 people). A petition against the proposal with 207 signatures was received and a separate online petition was also presented against the proposal with 236 signatures. |

1.1 The proposal was publicised by neighbour letters.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site at 122 High Street is currently vacant, but was previously an office for an engineering company, although it is defined as an A1 use by the client. It is within a two storey building sited upon the southern side of High Street within New Whittington. On the 1st floor of the building there is a hair dressers, with an access staircase immediately adjacent to the unit the subject of the proposal. This road is a busy through road and the area is a local centre within the New Whittington area and which has a range of existing businesses including shops, pubs and fast food takeaways.
- 2.2 Apart from the hairdressers above the site has residential units surrounding it on all sides. There is an access passageway to the east of the unit. There is some on-street parking available to the front of the site, but this is for all residents and the customers of existing businesses within the vicinity.

3.0 SITE HISTORY

- 3.1 No relevant applications.

4.0 THE PROPOSAL

- 4.1 The applicant proposes a change of use of the ground floor unit to a hot food takeaway, which is defined as an A5 usage class. It is proposed to be open from 11.30am until 2pm and 4.40pm until 11pm Monday to Saturday and 4.30pm until 7pm on Sundays and Bank Holidays, and to fit external ventilation and extraction to the side of the building. No off-street parking is included as part of the proposal.

5.0 CONSIDERATONS

The Development Plan

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

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

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS4 Infrastructure Delivery
- CS8 Environmental Quality
- CS15 Vitality and Viability of Centres
- CS16 Retail
- CS18 Design
- CS20 Influencing the Demand for Travel

5.3 **National Planning Policies**

The Sections of the National Planning Policy Framework (NPPF) considered relevant to the decision are;

- 1. Building a Strong, Competitive Economy
- 2. Ensuring the Vitality of Town Centres
- 4. Promoting sustainable transport
- 7. Requiring good design
- 8. Promoting Healthy Communities

6.0 **Key Issues**

- 1 Principle Of Development**
- 2 Design and Amenity**
- 3 Highway Safety and Parking Provision**
- 4 Environmental Health**

6.1 **1. Principle of Development**

6.1.1 Within policy CS1 it states that *“the overall approach to growth will be to concentrate new development within walking and cycling distance of centres”*, within this context the proposal is within a local centre and so is very sustainably located and the use is therefore generally in line with this policy.

6.1.2 Within policy CS2 it states that *“all developments will be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts”*. Policy CS15 also states that *“the council will support*

the role of the town, district, local service centres and local centres in providing shops and local services in safe, accessible and sustainable locations. New development should make a positive contribution to the centre's viability and vitality and be of an appropriate scale". It also states that "to ensure the vibrancy, inclusiveness and economic activity of the borough's centres, a range of other uses including health, leisure, entertainment, community facilities, sports, offices, art, food and drink, cultural and tourism facilities will be encouraged". Within this context the mix of uses will be controlled to ensure that proposals do not "overwhelm the retail function of the centre, street or frontage where it is located by having a detrimental impact on vitality and viability" and that it will "contribute to an active, well-used and safe environment in the evening with acceptable impacts on residential amenities".

- 6.1.3 The site is within the boundary of the New Whittington Local Centre, as shown on the adopted proposals map and on face value the proposal appears to be an appropriate use in this area. The Council has however recently worked closely with Derbyshire County Council's Health and Communities team on evidence on the links between Hot Food Takeaways and health. Data shows that Chesterfield has a much higher than average problem with excess weight, related conditions and related premature mortality; by Year 6 (10-11 years old) Chesterfield has the highest rate of child excess weight in Derbyshire. It also has the highest count and rate per 100,000 population of fast food outlets (include but not limited to, burger bars, kebab and chip shops and sandwich shops) of all the Local Authorities across Derbyshire, and the 3rd highest rate in the East Midlands.
- 6.1.4 Whereas Policy CS15 supports town centre uses (including A5) in principle, the policy does note that "the mix of uses will be controlled in order that town centre uses other than A1 retail will: a) not overwhelm the retail function of the centre, street or frontage where it is located by having a detrimental impact on vitality and viability; b) contribute to an active, well-used and safe environment in the evening with acceptable impacts on residential amenities;" Whilst the existing use is non-A1, the planning policy team consider the proposed change of use would result in more than half of the units within the centre being in some form of food and drink use. They comment that New Whittington Community Primary School is within 400m (250m) of the proposed use and on the basis that the applicant has suggested hours of operation, which should be secured by condition, if permission is approved, to limit the exposure of primary aged children to the use.

- 6.1.5 On balance, the planning policy officer objects to the application on the grounds that the proposed use would be contrary to policy CS15 in terms of impact on the vitality and viability of the Local Centre and leading to an over-concentration of food and drink uses and would not meet the requirements of policies CS15, CS8 and CS18. The advice does however suggest that if the Council is minded to approve, then conditions should be applied to restrict the hours of operation and that the applicant should be advised to contact DCC for advice on the 'Heart of Derbyshire' programme.
- 6.1.6 After reviewing the comments from the planning policy officer and those of the Derbyshire County Council Public Health Team, it is clear that the proposal would not lead to an excessive number of units that would be of a food and drink use, and that the proposal would not overwhelm the retail function of the centre. A detailed analysis of the district centre confirms that there are 41 ground floor units and which are occupied as follows:
- 20 are dwellings (C3)
 - 1 Public House (A4)
 - 1 Restaurant (A3)
 - 4 Hot food Takeaways (A5)
 - 3 café/sandwich shops (A1/A3)
 - 9 shops (A1)
 - 1 Financial & Professional (A2)
 - 2 business (B1)

It is the case that there are currently 9.7% of the properties in an A5 use and the proposal increase this to 12.2%. Drinking establishments within the defined centre is low at 2.4% and the same percentage applies to restaurants. The number of units within the centre in a food and drink use is 21.9% and not over half as suggested. It is considered that the split and range of uses within the centre is not unreasonable and does not overwhelm the purpose of the centre serving the local community. There are hot food takeaways and café/cold food outlets as expected however there is also a butchers, a greengrocer, convenience stores, chemists and hairdressers/barbers as part of the offer along with accountants and other business users. Based on the evidence available it is not considered that a refusal can be justified to argue against this proposal, which is defined as an appropriate use within the local centre in the Development Plan. The proposal is considered to be in general conformity with policy CS15 of the Core Strategy.

6.2 **2. Design and Amenity**

- 6.2.1 Policy CS18 states that *“all development should identify, respond to and integrate with the character of the site and surroundings and respect the local distinctiveness of its context. Development will be expected to enrich the quality of existing places, respect the character, form and setting of the site and surrounding area by virtue of its function. It should also provide adequate and safe vehicle access and parking and have an acceptable impact on the amenity of users and neighbours”*.
- 6.2.2 Within CS2 it also states that *“all developments will also be required to have an acceptable impact on the amenity of users or adjoining occupiers, taking into account things such as noise, odour, air quality, traffic, appearance, overlooking, shading or other environmental, social or economic impacts”*.
- 6.2.3 In terms of the site the proposal would be a change in use from a former hairdressers under class A1 retail use. Customers or staff whom attended the business were likely to have done so between the hours of 9am-5pm, with a relatively low impact upon the surrounding area in terms of noise, littering and other possible anti-social behaviour, especially during evenings and night. The proposed business is proposed to be open until 11pm Monday to Saturday, and this has the potential to lead to an increase in noise and anti-social behaviour in general. Such problems are exacerbated by customers having consumed alcohol however the use is accepted as appropriate within the district centre and a control on opening hours can assist in mitigating the impacts referred to. Appropriate fume extraction systems can protect against fumes and odours and litter bins can be provided to assist in reducing local littering. There are dwellings to either side of the proposed unit however such controls which can be introduced as part of the proposal can assist in safeguarding residential amenity.
- 6.2.4 In terms of the proposed flue to the side of the building, this is positioned above an alleyway which appears to be outside of the site (red line area) and is not therefore within the applicants control. The alleyway leads to the rear garden of the dwelling to the east of the site however the application site does appear to have a right of access to a shutter door in their rear off shot. The neighbour appears to have some control over this matter and could prevent the installation of the fume extraction equipment and which would prevent the opening of a takeaway use at the property. Notwithstanding this the fume extraction proposed would

be set back from the road between buildings and whereas the neighbouring building to the east is lower than the application building, so the flue would be seen if approaching the site from the east side, it should not have such a detrimental impact on visual amenity to be a problem. In terms of its impact upon amenity, in the terms of the noise of the fan and any extraction gas, this issue is referred to below under the Environmental Health paragraphs.

6.2.5 Given the nature of the proposal, there is likely to be possible increased vehicular activity at later hours when on-street parking is at a premium in the area. The application offers no off-street parking spaces for customers or staff so that any parking requirements will have to be accommodated on the local highways network. There have been numerous objections and signatures on a petition with reference to parking within the area and this is dealt with further within the highway section. As a local facility for the community such uses are also used by people who walk to the facility and do not necessarily come by vehicle. There are on street parking facilities to the frontage for uses within the local centre and it is not considered that such a reason for refusal could be substantiated on planning grounds. There is already another fish and chip shop at 4 South Street North so the local community will have a choice and the current proposal will not therefore necessarily result in any increase in vehicle trips to the local centre.

6.2.6 Whilst the proposal is considered to have an acceptable impact on the visual appearance of the area there are components of the use which are a cause for concern for the amenity of local residents. These issues are referred to in more detail below.

6.3 **3. Highway Safety and Parking Provision**

6.3.1 Some of the issues in relation to highway safety and parking provision have been dealt with in the previous sections in terms of the principal of the proposal and impacts upon residential amenity. The Highway Authority was asked to comment on this application and they have raised no objection to the application.

6.3.2 There are over 10 unmarked on-street parking spaces for existing businesses and residents within the local vicinity, as well as double yellow lines and other traffic restrictions on the northern side and parts of the southern side of High Street. The northern ends of South Street North and London Street are often congested with parking on pavements. This is a busy through road for people travelling from Old and New Whittington to the Barrow Hill, Hollingwood, Brimington,

Staveley and Inkersall area and many of the houses do not have adequate off-street parking so this puts pressure on surrounding highway networks that do not have restrictions on them. There are some parking areas for residents and businesses, but these do not appear to be adequate for the parking requirements of the area.

6.3.3 The inclusion of a business that could add to parking demand in the local area is likely to have a negative impact upon the highway safety in the local area and there have been many comments against the proposal on highway safety grounds. The site is however part of a local centre with a mixture of uses for local and passing trade, and although the proposal is considered to lead to potential additional impact upon the highway safety of the local area, this is not considered to be significant enough to lead to a refusal on these grounds. The Highway Authority agree with this view. As these issues have been considered the proposed impact upon the highway safety to the local vicinity is not considered to be significant enough to lead to a refusal. In this context it is considered to be acceptable in highways grounds to policies CS2, CS18 and CS20.

6.4 **Environmental Health**

6.4.1 The Environmental Services Officer comments that: *The proposed extraction will not allow adequate dispersion of extracted fumes and odours. The termination of the ducting need(s) to be at least 1m above the ridge level. This is particularly important as the attached residential premises is higher than the premises with proposed change of use, and this will have an adverse effect on the discharge airflow from the extraction equipment.*

I am also concerned regarding the noise from the extraction fan. The plan appears to show the fan mounted externally, but seems to suggest that the fan noise will be attenuated to 31dB(A). However, the fan is rated as having a sound power of 88dB (once the manufacturers data sheet is used) – much of this being low frequency, and the proposed noise attenuator is rated to provide (at best) 29dB attenuation – much of this being high frequency attenuation, low frequency attenuation is of the order of 10dB. This would mean that the sound level from the fan, as proposed will give rise to levels of at least 59dB, and may be as high as 78dB. The fan and associated attenuator is mounted in a small alleyway between the proposed hot food takeaway and an adjacent dwelling. This will mean that any noise produced will echo in this small area.

My experience is that fish and chip shops produce an oil rich fume which is difficult to control, and when situated in close proximity to homes (ie as

*in this case, separated only by a party wall) causes odour from within the premises (ie not controlled by the extraction equipment)
For the above problems (odour and noise), I suggest that the proposed change of use be refused.*

- 6.4.2 This issue has been referred to earlier in this report, but it is an issue considered in the context of policy CS8 in terms of air quality. This states that “(w)here appropriate, development proposals will include an assessment of impact on air quality and incorporate measures to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality”. After reviewing this, the proposal is considered contrary to policy CS8, as it would lead to unacceptable levels of air pollution to local residents.
- 6.4.3 The Council’s EHO has raised significant concerns about the adequacy and suitability of extraction and ventilation of the proposed use. Policy CS15 requires that uses other than A1 have an acceptable impact on residential amenity. CS8 (Environmental Quality) requires that the “quality of the environment ...be recognised at all levels of the planning and development process” whilst CS18 (k) (Design), requires that development “have an acceptable impact on the amenity of users and Neighbours”.
- 6.4.4 It is considered that on the basis of the EHO concerns then this can be a substantiated reason for refusal.
- 6.4.5 Derbyshire County Council Public Health team has commented that:
England has one of the highest rates of unhealthy weight in the western world. The prevalence of obesity has more than doubled in the last 25 years, and if we go on as we are, the number of obese people is expected to double in the next 40 years. Obesity is a complex problem that requires actions from individuals and society across multiple sectors. Derbyshire County Council has produced guidance with Chesterfield Borough Council on determining Hot Food Takeaways. This forms part of a multi-agency approach to tackle obesity across Derbyshire. Derbyshire County Council Public Health Department would like to raise the following objections to the planning application. Further information relating to the objections can be found in the guidance for Chesterfield Borough Council on determining Hot Food Takeaways. DCC Public Health team object to the proposal for the following reasons:

- (1) *The premise is within close proximity (within 200m) to New Whittington Primary School.*
- (2) *The proportion of year 6 children measured that were obese at the school was 19.1%. The Derbyshire average is 17.7%. Evidence suggests that the trend for increasing overweight and obesity will continue into adulthood. If permission is approved, hours of operation should be controlled to limit exposure of primary school children to the use.*
- (3) *Excess weight in adults in Chesterfield is 65.6%. The England average is 61.3%*
- (4) *Chesterfield has both the highest count (123) and rate (117.9 per 100,000 population) of fast food outlets of all Local Authorities across Derbyshire .*
- (5) *Within 400m of the premises there are already two restaurants, one hot food takeaway and one sandwich shop. This demonstrates an existing concentration of food and drink operators within the vicinity.*
For information I have also attached a copy of the map used to analyse proximity of schools, existing takeaways, restaurants and cafes, and fish and chip shops within a 400 meter buffer zone of the proposed location.

6.4.6 What the objection from DCC Public Health team does demonstrate is that they have not visited the site and local area. The information referred to under (5) above is incorrect. Notwithstanding this the main concern appears to relate to the proximity to a primary school however the pupils will not be able to leave the school site at lunch time and the applicant does not intend opening until 16:40 hours well after primary school closing time. It is considered that a condition can be imposed in the event of approval of planning permission to deal with this issue and which limits opening hours to those set out in the application.

7.0 **REPRESENTATIONS**

7.1 9 letters of representation have been received (on behalf of 8 people) together with a petition against the proposal with 207 signatures and a separate online petition was also presented against the proposal with 236 signatures.

7.1.1 Owner/Manager of the business at no.106 High Street, New Whittington (The Golden Grill) – The objection is against the proposal as it will lead to an excessive amount of takeaways within the local area.

- 7.1.2 Letters from the proprietor of Hairazors Hairdressers at 122 High Street, New Whittington – In their 2 letters they object to the potential cooking smells that may permeate into their business premises. As well as this; parking and litter may also be a problem. The proposal would also lead to an excessive amount of takeaways within the local area.
- 7.1.3 Resident of 11-13 South Street North, New Whittington – the proposal would impact the hairdressers due to loss of custom and difficulty getting insurance, it would also lead to a serious impact upon congestion on High Street and parking issues. There are too many fast food takeaways in the local area and this will add to the obesity crisis in the country.
- 7.1.4 Letter on behalf of the owner of 118 High Street, New Whittington – The objections within this letter are on highway safety and car parking, impact upon the residential amenity of the residents of no.118, health problems related to waste disposal, harm to local street scene and the undermining of the vitality and diversity of the local centre of New Whittington
- 7.1.5 Letters by owner of building at 120 and 122 High Street, New Whittington – The owners of the building do not intend to let this happen and state that it is not allowed within the tenancy agreement.
- 7.1.6 Letter by resident of flat 2, 118 High Street, New Whittington – The resident of this flat objects on the grounds of smells and fumes that may come from the proposal, as well as noise from the proposed use including the kitchen and customers and lack of on-street parking. They also object to the potential littering issues outside the business as well as other anti-social behaviour.
- 7.1.7 Letter from the residents of a dwelling on Brearley Avenue, New Whittington – The objection is against the proposal as it will lead to an excessive amount of hot food takeaways within the local area, and it lead to anti-social behaviour, late night noise, litter, cooking smells within the context of limited parking within the area. Vermin could also be a problem.
- 7.1.8 Written petition signed by 207 people who are against an A5 Hot Food Takeaway. No grounds for objection are referred to.

7.1.9 Online petition signed by 236 people who are against an A5 Hot Food Takeaway. Some of the comments within this report state that they fear the impact on the hairdressers business, that there are too many takeaways within the local area and insufficient parking in the local area.

8.0 **HUMAN RIGHTS ACT 1998**

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

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

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme.

8.3 The objective of arriving at a decision is sufficiently important to justify the action taken over the period of the life of the application.

8.4 The decision taken is objective, based on all planning considerations and is, therefore, not irrational or arbitrary.

8.5 The methods used are no more than are necessary and required to accomplish the legitimate objective of determining an application.

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

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

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

9.2 Given that the proposed development would conflict with the NPPF and with 'up-to-date' Development Plan policies, it is not considered to be 'sustainable development' and there is a presumption on the LPA to seek to refuse the application. The LPA has contacted the applicant for more information on parking and opening hours and has determined the application as quickly as was practicable but was unable to overcome outstanding conflicts with planning policy and guidance.

10.0 **RECOMMENDATION**

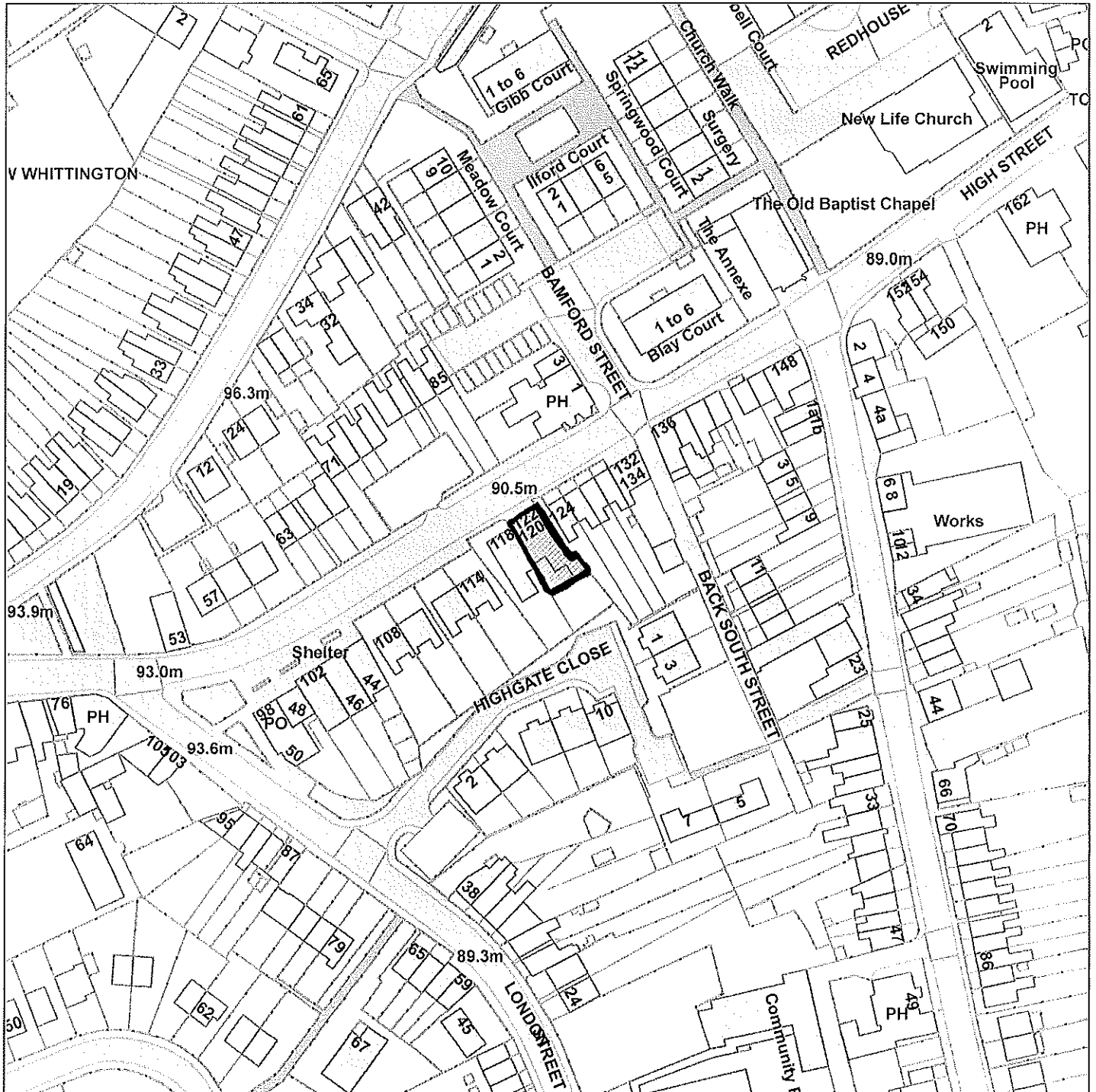
10.1 That the application be **REFUSED** for the following reasons:

Policies CS2 and CS18 of the Core Strategy 2011-31 require that development will be expected to have an acceptable impact on the amenity of users and neighbours. Policy CS8 of the Core Strategy also requires consideration of air quality and levels of air pollution to local residents and the National Planning Policy Framework also supports the Development Plan policies. The proposed fume extraction equipment which is required to be able to operate the use applied for will generate potential adverse impacts, including unwanted odours and disturbance, on the nearest residential neighbours on High Street. The proposal is considered to be contrary to policy CS2, CS8 and CS18 of the Core Strategy 2011 – 31 and the National Planning Policy Framework.

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| Organisation | Not Set |
| Department | Not Set |
| Comments | Not Set |
| Date | 15 June 2018 |
| SLA Number | Not Set |

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Agenda Item 5

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| COMMITTEE/SUB | Planning Committee |
| DATE OF MEETING | 25 TH JUNE 2018 |
| TITLE | DELEGATION |
| PUBLICITY | For Publication |
| CONTENTS | Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D |
| RECOMMENDATIONS | Not applicable |
| LIST OF BACKGROUND PAPERS | Relevant applications |

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

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| Planning Applications | Paul Staniforth | 345781 |
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Delegated List
Planning Applications

| Code No FileNo | Ward | Proposal | Decision | Decision Date |
|--|-------------------------------|---|-----------------|----------------------|
| CHE/18/00040/DOC 1456, 4406 | Brimington South | Discharge of planning conditions 2 (foul and surface water drainage),4 (materials),6 (landscaping),8 (biodiversity enhancement) ,10 (cycle and pedestrian connection),11 (temporary access for construction),15 (estate roads and footways),20 (access roads off roundabout) and 24 (surface water drainage) of CHE/17/00685/REM (residential development of 120 dwellings) At Land North-East Of Sainsburys Roundabout Rother Way Chesterfield For Harron Homes | REF | 15/05/2018 |
| CHE/18/00050/OUT 5690 | Lowgates And Woodthorpe | The erection of a detached dwelling bungalow (as per previous approval CHE/15/00031/OUT and CHE/09/00701/OUT) At Land Adjacent To 20 Woodthorpe Road Woodthorpe Chesterfield For Mrs Sheila Perrin | CP | 08/05/2018 |
| CHE/18/00105/FUL 1286 | Walton | Two storey side, front and rear extension and rendering of whole house. (revised drawings received on 04/04/18 and 03/05/18) At 148 Walton Road Walton S40 3BU For Mr and Mrs Clayton | CP | 30/05/2018 |
| CHE/18/00106/ADV 06/06/2018 2396 | Moor | New signs to side and front At The Cricketers Inn Stand Road Newbold S41 8SJ For Mr Amarjit Singh Layal | CP | |

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| CHE/18/00112/FUL | Brockwell | Two storey side and rear extension At 18 Mansfeldt Road Newbold Derbyshire S41 7BW For Mrs Sharron Meakin | CP | 14/05/2018 |
| 1055 | | | | |
| CHE/18/00113/FUL | Old Whittington | Renovation of existing house to bring front entrance to road elevation with internal alterations At 12 Cavendish Street North Old Whittington S41 9DH For Mr Paul Kitchen | CP | 16/05/2018 |
| CHE/18/00119/FUL | Old Whittington | Addition of conservatory (amended drawings received 26.04.2018) At 60 Holland Road Old Whittington Derbyshire S41 9HF For Mr Michael Alexander | CP | 03/05/2018 |
| 806 | | | | |
| CHE/18/00124/REM1 | Brockwell | Variation of Condition No.2 - Planning Application No. CHE/17/00263/FUL (Approved Plans) to allow for street lighting to be installed along access road At Land At Former Saltergate Health Centre Saltergate Chesterfield Derbyshire For Woodall Homes Ltd | CP | 08/05/2018 |
| 1339 513 | | | | |
| CHE/18/00125/TPO | Brimington South | Demolition of the existing projection at the rear of the building and proposed re-construction on the existing footprint of this and increasing the width of the proposed extension up to the existing back doors. At 62 Chesterfield Road Brimington Derbyshire S43 1AX For Mr Jonathan Moore | PANR | 03/05/2018 |

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| CHE/18/00126/FUL | Moor | Change of use of existing first floor retail storage area to a two bedroom apartment At Littlemoor Flats Littlemoor Centre Newbold Derbyshire S41 8QW For Singh Bains Properties | CP | 08/05/2018 |
| CHE/18/00128/FUL | Linacre 3634 | First floor extension to the front elevation and single storey rear extension. At 14 Wheathill Close Holme Hall Chesterfield S42 7JZ For Mr M Wright | CP | 03/05/2018 |
| CHE/18/00132/FUL | Hasland | Demolition of existing garage and erection of a replacement garage At 100 Norwood Avenue Hasland Derbyshire S41 0NH For M Bladon | CP | 08/05/2018 |
| CHE/18/00139/FUL | St Leonards 4701 | Internal fit out of ground floor unit to change use to a cafe bar including installation of commercial ventilation system At 1 Market Place Chesterfield S40 1JW For Loungers Ltd | CP | 15/05/2018 |
| CHE/18/00140/LBC | St Leonards 4701 | Listed Building Consent for Internal fit out of ground floor unit to change the use to a cafe bar including installation of commercial ventilation At 1 Market Place Chesterfield S40 1JW For Loungers Ltd | CP | 15/05/2018 |

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|------------------|---------------------------------|--|----|------------|
| CHE/18/00142/FUL | Hollingwood And Inkersall | Two storey rear extension (Revised drawing DRG.03E received on 24.05.2018) At 8 Birch Lane Hollingwood Derbyshire S43 2JZ For Mr Ian Hopkinson | CP | 29/05/2018 |
| 1073 | | | | |
| CHE/18/00143/FUL | St Helens | Two storey rear extension to rear (revised scheme for materials 01/05/18) At 18 Enfield Road Newbold Derbyshire S41 7HN For Mr Thomas Stockton | CP | 17/05/2018 |
| 654 | | | | |
| CHE/18/00148/FUL | Hasland | Two-storey rear extension to dwelling including internal alterations At 127 The Green Hasland S41 0JT For Ms A Collins | CP | 14/05/2018 |
| 4025 | | | | |
| CHE/18/00149/FUL | Hasland | Renovation of existing bungalow to improve wheelchair access and extension to bedroom at the front of the bungalow and the addition of an adjoining garage to the dwelling - revised drawings received 18 5 At 43 Eastwood Park Drive Hasland S41 0BD For Mr Chris Taylor | CP | 05/06/2018 |
| 22 | | | | |
| CHE/18/00153/FUL | Brockwell | Two storey rear and side extensions at both 20 and 22 Highfield Avenue At 20 and 22 Highfield Avenue Newbold Derbyshire S41 7AX For Mr Steven Miles | CP | 03/05/2018 |
| 3110 | | | | |
| CHE/18/00154/FUL | West | Two storey side extension and rear single storey extension At 1 Netherfield Road Somersall Derbyshire S40 3LS For Mr and Mrs Norwood | CP | 03/05/2018 |

| | | | | |
|--------------------------|---------------------|---|----|------------|
| CHE/18/00155/FUL 4406 | Brimington South | Single storey rear extension At 53 The Crescent Brimington S43 1AZ For Mr J Gill | CP | 08/05/2018 |
| CHE/18/00158/RET | Dunston | Retrospective consent for two storey rear extension At 6 Sedbergh Crescent Newbold Derbyshire S41 8DY For Mrs Jane Smith | CP | 21/05/2018 |
| CHE/18/00160/FUL | West | Single Storey Side Extension, Creation of Living Accomodation in the Roofspace through Replacement of Hip Roof with Full Gable and Insertion of Dormer to the Rear Elevation At 44 Yew Tree Drive Somersall S40 3NB For Mr & Mrs Chris & Fiona Anderson | CP | 17/05/2018 |
| CHE/18/00163/FUL 11 | Walton | Demolition of existing conservatory and erection of single storey rear extension At 8 Guildford Avenue Walton Derbyshire S40 3HB For Mr and Mrs M Barker | CP | 09/05/2018 |
| CHE/18/00164/FUL 2448 | West | Alterations to existing house, single storey rear extension, replacement porch, attic conversion including hip to gable conversion and new dormer extension. At 1 Queen Mary Road Chesterfield S40 3LB For Mr and Mrs Bellamy | CP | 10/05/2018 |
| CHE/18/00165/FUL 530 | Linacre | First floor extension over garage to front of existing house At 31 Birley Brook Drive Upper Newbold S41 8XN For Mr & Mrs McPherson | CP | 14/05/2018 |

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|--------------------------------|------------------|---|------|------------|
| CHE/18/00169/FUL 09/05/2018 | Brockwell | Demolition of existing conservatory and erection of a single storey rear extension and replacement of existing flat roof with pitch roof to existing single storey rear extension At 37 Springfield Avenue Chesterfield Derbyshire S40 1HL For Mr Adam Kierstenson | CP | |
| 3246 | | | | |
| CHE/18/00171/LBC | St Leonards | Alteration of roof covering, alteration to pitch of roof, 2 new velux windows to replace existing and replace wire mesh security fencing to be replaced with wrought iron At Elder Unitarian Chapel Elder Way Chesterfield Derbyshire S40 1UR For Mr Alan Shutt | CP | 05/06/2018 |
| 316 | | | | |
| CHE/18/00173/PN | St Leonards | Change of use from shop (Class A1) to Cafe (Class A3) At 7 South Street Chesterfield Derbyshire S40 1QX For Mr Keith Todd | PANR | 04/06/2018 |
| 2868 | | | | |
| CHE/18/00176/FUL | Brimington South | Demolition of a single storey garage and erection of a two storey side and part single/part two storey rear extension. (Revised Drawings Submitted 09.05.2018) At 257 Manor Road Brimington Derbyshire S43 1NS For Mr & Mrs Lal Kainth | CP | 31/05/2018 |
| 4701 | | | | |
| CHE/18/00178/FUL 15/05/2018 | | Holmebroo Rear two storey extension and roof balcony (Revised drawings submitted 10/05/18) At 63 Old Hall Road Chesterfield | CP | |

| | | | | |
|--|---------------------|--|-----|------------|
| | | Derbyshire S40 1HF For Mr Hoskins | | |
| CHE/18/00182/FUL 2441 | Brimington North | Single storey side and rear extension At 26 Newbridge Drive Brimington Derbyshire S43 1LF For Mr and Mrs J Longmore | CP | 10/05/2018 |
| CHE/18/00183/FUL 1664 | Rother | Conservatory to rear of property. At 67 Boythorpe Crescent Boythorpe Derbyshire S40 2NX For Mr Simon Tranter | CP | 16/05/2018 |
| CHE/18/00188/DOC | Hasland | Discharge of Condition No. 4 - Planning Application No. CHE/17/00146/FUL (First floor extension for alterations to existing building to provide 4 additional GP consultation rooms and wheel chair hoist lift. Alterations to car park to provide 4 additional car parking spaces) At Hasland Medical Centre 1 Jepson Road Hasland Derbyshire S41 0NZ For Hasland Medical Centre | DPC | 15/05/2018 |
| CHE/18/00189/REM1 1339 513 | Brockwell | Variation of Condition No.5 - Planning Application No. CHE/17/00263/FUL (S278 / S38 At Former Saltergate Health Centre 107 Saltergate Chesterfield Derbyshire For Woodhall Homes Ltd | CP | 08/05/2018 |
| CHE/18/00191/ADV 18/05/2018 737 2554 | Holmebrook | One new fascia sign and two pedestrian/vehicular access signage on perimeter wall At Rowland Hill House Boythorpe Road Boythorpe S49 1HQ For Mapeley Beta Acquisition Co (1) Ltd | CP | |

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|------------------|---------------------------------------|--|-----|------------|
| CHE/18/00192/FUL | Holmebrook | Proposed new entrance lobby and canopy, new cycle shelter, new smokers shelter, removal of gatehouse and reconfiguration of car parking and fence (revised drawings received 21.05.2018) At Rowland Hill House Boythorpe Road Boythorpe S49 1HQ For Mapeley Beta Acquisition Co (1) Ltd. | CP | 31/05/2018 |
| 737 2554 | | | | |
| CHE/18/00193/FUL | Hollingwood And Inkersall | Proposed detached double garage At 42 Hornbeam Close Hollingwood S43 2HU For Mr Spencer | CP | 17/05/2018 |
| 1073 1073 | | | | |
| CHE/18/00199/TPO | Barrow Hill And New Whittington | Removal of all dead wood to both trees (T10 and T11), removal of all overhanging branches and crown thinning of T11 which is blocking At 6 Glenavon Close New Whittington Derbyshire S43 2QG For Mr Michael Rayner | SC | 16/05/2018 |
| CHE/18/00202/DOC | Hasland | Discharge condition 10 (materials) from application CHE/17/00477/FUL At 8 Park View Hasland Derbyshire S41 0JD For Nick Ibbotson Developments | DPC | 18/05/2018 |
| 4325 | | | | |
| CHE/18/00204/DOC | Brockwell | Discharge of condition numbers 3 (materials), 4 (bat survey) and 5 (lighting strategy) from planning application number CHE/17/00389/FUL At Avenue House Surgery 109 Saltergate Chesterfield S40 1LE For Avenue House and Hasland Partnership | DPC | 18/05/2018 |
| 3532 | | | | |

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|--------------------------------|------------------|--|-----|------------|
| CHE/18/00206/DOC | St Leonards | Discharge of conditions 3 (Hard and soft landscaping), 5 (Materials), 6 (External bin storage, external wall gates & railing details) (Stonework cleaning strategy) from application CHE/16/00345/FUL. Revised facade cleaning strategy received 16.5.18, revised external works received 21.5.18. At Chesterfield Post Office 1 Market Place Chesterfield S40 1TL For Mr Dransfield | DPC | 31/05/2018 |
| 470 | | | | |
| CHE/18/00208/FUL | West | Single storey side and front elevation extensions At 23 Westfield Close Chesterfield S40 3RS For Mr and Mrs Kevin Tomlinson | CP | 21/05/2018 |
| CHE/18/00210/ADV | Brimington South | Various illuminated and non-illuminated signage. At Sainsburys Rother Way Chesterfield Derbyshire S41 0UB For Sainsbury's Supermarkets Ltd | CP | 17/05/2018 |
| 1456 | | | | |
| CHE/18/00211/FUL 24/05/2018 | Loundsley Green | Proposed single storey side At 10 Wenlock Crescent Loundsley Green Chesterfield S40 4NX For Mr Joe Weaver | CP | |
| 131 | | | | |
| CHE/18/00215/LBC | St Helens | Repair and replacement work on raised lettering of Latin motto (ingredere ut proficias) on clock tower frieze by cutting back the old masonry and fixing new pieces in place by means of dowels and adhesive. Stanton stone to be | CP | 17/05/2018 |

used. String course above lettering to be repointed to prevent further damage to the stonework in the

At
West Studios
Chesterfield College
Sheffield Road
Stonegravels
Chesterfield
Derbyshire
S41 7LL
For Old Cestrefeldians Trust

3483

CHE/18/00216/DOC
18/05/2018

Old

Discharge conditions 3 (Coal Mining

DPC

Whittington

Risk Assessment and Environmental Interpretative Report), 4 (Phase 1 Due Diligence Report and Environmental Interpretative Report), 5 (Traffic Management Plan, Site Set Up and Traffic Plan and Site Signage details), 9 (Landscaping Plan, Surface Finishes Plan and Drainage and Levels Plan, 11 (Wall and Roofing Materials Specification, Benchmark Case Study Jaguar Land Rover, Kingspan Benchmark Evolution Brochure, Kingspan Colour Range, Kingspan KS1000RW Wall Panels Data Sheet, Kingspan KS1000TD Topdek Data Sheet, Kingspan KS1000RW Roof Panels Data Sheet, Pilkington Planar Brochure), Local Merchants and Suppliers Details, Supporting the Local Environment Statement) from application CHE/17/00327/FUL(-Erection of motor retail dealership comprising motor vehicle sales showroom, motor vehicle maintenance workshop and ancillary rooms, detached valet building, formation of access roads

At
Gordon Lamb Land Rovers
Discovery Way
Whittington Moor
S41 9EG
For Mr Gary Sample

923

CHE/18/00219/TPO St

Leonards

Reduction of branches towards 146 Hady Hill to clear

Page 158

CP

17/05/2018

property
 At St Peter and St Paul School
 Hady Hill, Hady
 Derbyshire S41 0EF
 For Mr David Cook

| | | | | |
|--------------------------------|----------------------------------|---|----|------------|
| CHE/18/00220/FUL 31/05/2018 | Brockwell | First floor extension | CP | |
| 6011 | | At 14 West View Road Newbold Derbyshire S41 7AH For T Johnson | | |
| CHE/18/00222/COU 504 | Holmebrook | Change of Use from residential house to form ground floor A1 Use (extension of hairdresser shop 405) with residential flat above At 403 Chatsworth Road Chesterfield S40 2DH For Mr R Blackwell | CP | 23/05/2018 |
| CHE/18/00228/FUL 4361 | Middlecroft And Poolsbrook | Single storey rear extension to create an additional dental surgery At 9 Church Street Staveley Chesterfield S43 3TL For Staveley Dental Care | CP | 25/05/2018 |
| CHE/18/00231/TPO 21/05/2018 | West | Removal of epicormic growth, crown clean, 1.5m reduction to new growing tip on right hand side to balance crown to lime T12 at front of property and crown lift and crown clean T5_T7 to the rear of property with a reduction to T6. At 3 Somersall Lane Somersall Derbyshire S40 3LA | CP | 18/05/2018 |
| CHE/18/00232/TPO 21/05/2018 | Walton | Pollard ash situated in rear hedge Page 159 row and remove all supressing ivy | CP | |

At
61 Foxbrook Drive
Walton
Derbyshire
S40 3JR

| | | | | |
|--------------------------------|----------------------------------|---|-----|------------|
| CHE/18/00239/CPO 27/04/2018 | 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 | OC | |
| 5599 | | At Woodthorpe C Of E Primary School Seymour Lane Woodthorpe Derbyshire S43 3DA For Derbyshire County Council | | |
| CHE/18/00248/TPO | Brockwell | Ash adjacent to boundary fence - Raise crown to 3m Ash overhanging street light - Reduce branches away from street light by 1m Ash stem lying on floor - Remove Works to trees as agreed with Steve Perry - Tree Officer At 59 Pomegranate Road Newbold Derbyshire S41 7BL For Mr and Mrs Richard Elliott | CP | 07/06/2018 |
| CHE/18/00253/CA | West | One dead walnut tree to be felled At Green Gables 19 Somersall Lane Somersall Derbyshire S40 3LA | UP | 18/05/2018 |
| CHE/18/00258/DOC 21/05/2018 | Hollingwoo d And Inkersall | Discharge planning conditions 6 (Temp site access) and 7 (Site facilities) from planning application CHE/17/00572/REM At Plot 6A Markham Vale Enterprise Way Duckmanton For Henry Boot Developments | DPC | |
| 3509 | | | | |
| CHE/18/00268/TP | West | T1 - oak - crown lift by 5m and 20% | CP | |

08/06/2018

crown thin due to excess shading
and T2 - oak - crown lift by 5m and
20% crown thin due to excess

1311

At
386 Old Road
Chesterfield
Derbyshire
S40 3QF
For Mrs Elizabeth Morris

| | | | | |
|------------------|---------------------------------------|--|------|------------|
| CHE/18/00269/CA | West | Crown lift to low branches for access to drive of spruce tree at front of property, removal of self-set maple at side of garage, remove cedar tree which has no amenity value and re-plant with different species, crown clean and crown lift of 2 ash, 1 oak tree and 3 limes and 60% crown clean of one of the limes, remove dead wood and | UP | 18/05/2018 |
| | | At 3 Somersall Lane Somersall Derbyshire S40 3LA | | |
| CHE/18/00279/TPO | Whittington | Old Removal of one lime tree T16 and replaced by adjacent cherry tree | CP | 15/05/2018 |
| | | At West Garth 27 Church Street North Old Whittington Derbyshire S41 9QN For Mr Tim Hardaker | | |
| CHE/18/00280/TPD | Walton | Extension to dwelling | PANR | 01/06/2018 |
| | | At 253 Walton Road Walton Derbyshire S40 3BT For Mr and Mrs Brailsford | | |
| CHE/18/00281/DOC | Barrow Hill And New Whittington | Discharge conditions 5 (materials and 7 (construction management plan) of application CHE/17/00568/FUL - Environmental | DPC | 18/05/2018 |

improvements to the northern area of London Boroughs Estate, Barrow Hill. The improvements to include resurfacing road/parking courts, paving, street lighting and boundary treatments within the area identified as Phase 1.

At
London Borough Estate
Barrow Hill
Derbyshire
For Chesterfield Borough Council

876

| | | | | |
|--------------------------------|---------------------------------|--|-----|------------|
| CHE/18/00284/DOC | Hollingwood And Inkersall | Discharge of planning conditions 3 (disposal of foul and surface water drainage), 5 (materials), 8 (site investigation), 9 (site cross sections) and 10 (hard and soft landscaping) of CHE/17/00488/FUL At Land Adjacent To 24 Dovedale Avenue Inkersall S43 3HT For Chapman Developments Ltd | DPC | 24/05/2018 |
| CHE/18/00287/CPO | Old Whittington | Retrospective regularisation of the planning status for continuation of waste recycling and waste processing facility (including construction of a building and associated installation and use of At Wards Recycling Units 1-3 Newbridge Lane Old Whittington Derbyshire S41 9HY For Donald Ward Ltd T/a Ward Recycling | OC | 09/05/2018 |
| 918/919 | | | | |
| CHE/18/00290/DOC 21/05/2018 | Hollingwood And Inkersall | Discharge of condition1 (boundary treatments) of CHE/17/00231/RET - Development of vacant land to form new two bedroom bungalow and detached garage At 7 Westwood Close Inkersall Chesterfield S43 3JE | DPC | |
| 1702 | | | | |

For Mr James Shorten

CHE/18/00294/TPO Brimington North
Tree 3 in G1 of TPO (Photo 1) Ash. SC 05/06/2018
Remove the low limb growing to the west at the main stem as shown on photo 1.
Tree 7 in G1 of TPO (Photo 2) Sycamore. Remove the six lowest lateral branches at the main stem that are growing to the west over the plot as shown on photo 2.
Tree 8 in G1 of TPO (Photo 3) Lime. Remove the four lowest lateral branches from the

At
Former Ringwood Centre
Victoria Street
Brimington
Derbyshire
S43 1HY
For Rockcliffe Homes Ltd

CHE/18/00295/TPO Hasland
T1 Horse Chestnut - Prune branches to clear light column and light splay and reduce branches away from road by metre CP 25/05/2018
At
81 The Green
Hasland
S41 0LW
For Mr Paul Bambrick

CHE/18/00310/NMA Hasland
Non material amendment to UP 21/05/2018
CHE/16/00329/FUL (single storey rear extension and attic conversion and garage and hardstanding to the rear) to include "escape" windows in both gable ends at first floor level
5889 At
8 Norwood Avenue
Hasland
Derbyshire
S41 0NW
For Mr David Goodwin

CHE/18/00313/TPD St Leonards
Conservatory to rear PANR 25/05/2018
At
17 Steeple Grange
Chesterfield
Derbyshire
S41 0HU
Page 163
For Mr and Mrs Coxhead

| | | | | |
|---------------------|---------------------|--|------------|------------|
| CHE/18/00315/TPD | Brimington South | A single storey rear extension 4.2 metres x 3.2 metres, 2 no. Velux roof lights, French doors with vestibule window and pitched roof with gable end, to create a dining At 27 Stuart Close Tapton Derbyshire S41 0SW For Miss Allison Wilbourn | PANR | 25/05/2018 |
| 21 | | | | |
| CHE/18/00316/CLOPUD | West | Loft conversion At 198 Old Road Chesterfield S40 3QW For Mr Rick Cusimano | GR | 25/05/2018 |
| 3712 | | | | |
| CHE/18/00317/DOC | West | Discharge conditions 2 and 3 from application CHE/18/00046/LBC At Rose Cottage 481 Chatsworth Road Chesterfield S40 3AD For Mr Anthony Anderson | DPC | 09/05/2018 |
| 1088 | | | | |
| CHE/18/00324/TPO | Hasland | Reduce by third, crown lift and CP crown clean At 46 Blackthorn Close Hasland Derbyshire S41 0DY For Mr George Revill | 31/05/2018 | |
| CHE/18/00333/TPO | West | T1 Deodar Cedar -crown thin 25% and crown lift by 5 metres. Reduce branches over neighboring property. At 7 Netherleigh Road Ashgate Chesterfield S40 3QJ For Joanne Osberton | CP | 11/06/2018 |
| CHE/18/00356/CPO | St Leonards | Discharge condition 4 (colour details for chiller units) in relation to approved Derbyshire County Council application CD2/0318/100 At Chesterfield Central Library New Beetwell Street Chesterfield Derbyshire | OW | 29/05/2018 |
| 4702 | | | | |

S40 1QN
For Derbyshire County Council

CHE/18/00359/CPO St
Leonards

Discharge condition 5 (noise
management scheme) in relation to
approved Derbyshire County
Council application CD2/0318/100

OW

29/05/2018

4702

At
Chesterfield Central Library
New Beetwell Street
Chesterfield
S40 1QN
For Derbyshire County Council

CHE/18/00366/TPOWest
07/06/2018

Sycamore (T1) -Fell because there

CP

are signs of fungal growth and
decay to the base of the tree.
Significant deadwood in the crown
indicates the tree in in rapid decline
and there is an increasing chance of
failure.

Cherry (T2) - Crown lift to
2.5m to give clearance and remove
deadwood.

Sweet Gum (T3) -
Prune to give 2m clearance from
building, or to nearest suitable
pruning point + remove ivy

At
674 Chatsworth Road
Chesterfield
Derbyshire
S40 3NU
For Derby Diocesan Board Of Finance Ltd

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Delegated List - Planning Applications

Key to Decisions

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

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|----------------------------------|--|
| COMMITTEE/SUB | Planning Committee |
| DATE OF MEETING | 25 TH JUNE 2018 |
| TITLE | DELEGATION |
| PUBLICITY | For Publication |
| CONTENTS | Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D |
| RECOMMENDATIONS | Not applicable |
| LIST OF BACKGROUND PAPERS | Relevant applications |

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

| | | |
|-------------------------------------|-------------|--------|
| Applications to Fell or Prune Trees | Steve Perry | 345791 |
|-------------------------------------|-------------|--------|

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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

| <u>CODE NO</u> | <u>DESCRIPTION OF PROPOSAL</u> | <u>TERMS OF DECISION</u> |
|---|---|---|
| CHE/18/00279/TPOEXP TPO 4901.187 15/05/18 | The felling of one Lime tree reference T16 on the Order map for Mr Hardaker of 27 Church Street North, Old Whittington. The tree has lifted on the root plate and is hanging on a neighbouring tree. | Consent is granted to the felling of one Lime tree. A nearby young Cherry tree is accepted as a replacement on this occasion and shall be maintained under the terms of the preservation order. |
| CHE/18/00199/TPO TPO 4901.189 16/05/18 | The pruning of two Ash trees reference T10 & T11 on the Order map for Mr Rayner of 6 Glenavon Close, New Whittington. The trees are allegedly causing light issues and overhanging the neighbours property. | Consent is refused to the removal of all branches growing over the neighbouring properties because this would leave the canopy unbalanced and reduce the trees amenity value. The trees already have a high canopy and are at a reasonable distance from the neighbouring properties. Consent is granted to a light crown thin which includes the removal of dead branches in the crown. |
| CHE/18/00219/TPO TPO 4901.117 17/05/18 | The pruning of 7 Sycamore trees reference G1 on the Order map for Mr Cook of 146 Hady Hill. The trees are overhanging the property from the grounds of St Peter St Paul School, Hady Hill | Consent is granted to the crown lifting of 3 trees and the reduction of branches of 4 trees growing towards the property pruning back to the boundary line and pruning back to suitable replacement branches. |

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|---|--|---|
| <p>CHE/18/00231/TPO</p> <p>TPO 4901.43</p> <p>18/05/18</p> | <p>The pruning of 4 Lime trees reference T5-T7 & T12 on the Order map for Westside Landscapes at 3 The Willows, Somersall Lane, Somersall.</p> | <p>Consent is granted to the crown clean and crown lift of T5-T7 and a crown reduction of 60% to T6 to remove the dead and weak upper growth to create a high pollard.</p> <p>Consent is also granted to the pruning of T12 Lime to reduce branches growing to the south by 1.5 metres to re-balance the crown and crown clean to remove dead branches and epicormics growth.</p> |
| <p>CHE/18/00232/TPO</p> <p>TPO 4901.174</p> <p>21/05/18</p> | <p>The pruning of 1 Ash tree reference T19 on the Order map for Westside Landscapes to the rear of 61 Foxbrook Drive, Walton.</p> | <p>Consent is granted to the re-pollarding of one Ash tree pruning back to previous pollarding points.</p> |
| <p>CHE/18/00324/TPO</p> <p>TPO 4901.329</p> <p>31/05/18</p> | <p>The pruning of 1 Ash tree reference T1 on the Order map for Mr Revill of 46 Blackthorn Close, Hasland.</p> | <p>Consent is granted to the crown reduction of the tree by 25% pruning back to previous reduction points, a crown lift by 4.5 metres from ground level and a crown clean to remove dead wood.</p> |
| <p>CHE/18/00294/TPO</p> <p>TPO 4901.315</p> <p>05/06/18</p> | <p>The pruning of 3 trees within G1 on the Order map consisting of 1 Ash, 1 Lime and 1 Sycamore at the former Ringwood Centre, Brimington.</p> | <p>Consent is refused to the removal of 3 lower branches of the Sycamore because this would in affect side up the tree making the crown one sided. The outer crown of the trees canopy is approximately 3 metres from the new dwelling which is an acceptable distance from the property.</p> |

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|---|--|--|
| | | <p>Consent is granted to the removal of one damaged branch on the Ash tree and the crown lifting by 3 metres of the Lime and Sycamore trees.</p> <p>A further application has been invited from the applicant to crown lift and crown thin all the trees within the group to alleviate the alleged light issues.</p> |
| <p>CHE/18/00366/TPO TPO 4901.159 07/06/18</p> | <p>The felling of one Sycamore tree reference T21 on the Order map for The Derby of Diocesan Board of Finance Ltd at 674 Chatsworth Road.</p> | <p>Consent is granted to the felling of one Sycamore tree which has decay and Ganoderma fungal brackets at the base of the tree which makes the stem and roots brittle and prone to failure.</p> <p>A condition has been attached for a replacement Oak to be planted in the next available planting season.</p> |
| <p>CHE/18/00248/TPO TPO 4901.281 07/06/18</p> | <p>The pruning of two Ash trees and the removal of one horizontal growing stem within G1 on the Order map for Trueman Tree Services at 59 Pomegranate Road, Pomegranate Park, Newbold.</p> | <p>Consent is granted to the removal of one horizontal stem pruning back to the main tree and the crown lifting of one Ash by 3 metres from ground level and the reduction of branches on one Ash growing towards the street light to give a 1 metre clearance.</p> |

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|---|---|---|
| <p>CHE/18/00268/TPO</p> <p>TPO 4901.12</p> <p>08/06/18</p> | <p>The pruning of two Oak trees reference T23 & T24 on the Order map for Mark Whatley Tree Services on behalf of Mrs Morris of 1 Ash Vale. The trees are located at 386 Old Road and overhang into the neighbouring property.</p> | <p>Consent is granted to the crown lifting of two Oaks by 4 metres and the crown thinning by 20% to allow more light into the neighbouring property.</p> |
| <p>CHE/18/00333/TPO</p> <p>TPO 4901.292</p> <p>11/06/18</p> | <p>The pruning of one Cedar tree reference T1 on the Order map for Treefellas Arboriculture Ltd on behalf of Mrs Osbiston of 7 Netherleigh Road.</p> | <p>Consent is granted to the crown lifting of one Cedar tree by 4.5 metres and crown thin by 20% to allow more light into the garden. Consent is refused to the reduction of branches growing over the neighbouring property because this would lose the trees natural shape and reduce its amenity value. The approved works should also remove the need to reduce the branches.</p> |

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

| <u>CONTENTS OF NOTICE</u> | <u>SUMMARY OF CONSIDERATIONS</u> | <u>TERMS OF DECISION</u> | <u>DATE OF DECISION</u> |
|---|--|--|--------------------------------|
| <p>CHE/18/00269/CA The felling of one self-set Maple tree and one Cedar and the crown clean and crown lift of 4 Ash and one Oak at the rear of the property and one Spruce to the front of the property for Westside Landscapes at 19c Somersall Lane, Somersall.</p> | <p>The trees are within the Somersall Conservation Area and the applicant wishes to remove the trees because they are close to the property and garage before they get any bigger. The applicant also wishes to prune the trees for general maintenance and up keep of the garden.</p> | <p>Agreement to the felling of 2 trees and the pruning of 6 trees. The felling and pruning will have no adverse effect on the amenity value of the area.</p> | <p>18/05/18</p> |
| <p>CHE/18/00253/CA The felling of one dead Walnut tree for Westside Landscapes at 19 Green Gables, Somersall Lane.</p> | <p>The tree is within the Somersall Conservation area and the applicant wishes to fell the tree because it is dead. The tree has been inspected to confirm its condition.</p> | <p>Agreement to the felling of 1 Walnut tree. The felling work will have no adverse effect on the amenity value of the area.</p> | <p>18/05/18</p> |

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AGENDA ITEM

APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 25TH JUNE 2018
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

TITLE

LOCATION

Non exempt papers on files
referred to in report

Development Management
Section
Planning Service
Town Hall Chesterfield

1.0 PURPOSE OF REPORT

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

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

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

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APPEALS

| <u>FILE NO.</u> | <u>WARD</u> | <u>APPELLANT</u> | <u>CASE</u> | <u>MEMBER OFFICER</u> | <u>DATE REC</u> | <u>TYPE AND DATE</u> | <u>DECISION AND DATE</u> |
|------------------------|--------------------|-------------------------|--|------------------------------|------------------------|-----------------------------|--|
| 2/3991 | Hasland ward | Mr N Chadwick | 2 York Street Two vending machines. Enforcement Notice (Grounds (a), (b), (c) and (f). Planning permission ought to be granted, the matters alleged have not occurred, there has been no breach and the steps required are excessive. | Planning Committee | 09/08/17 | Written Reps | Dismissed 08/06/18 See appendix A |
| 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 Mr Nigel Chadwick

Land at 2 York Street, Hasland, Chesterfield.

2/3991

1. An Enforcement Notice was served on 1st August 2017 requiring the owner of 2 York Street to:
 - a. remove the vending machine at the northern end of the Hampton Street frontage;
 - b. remove the canopy above the vending machine at the northern end of the Hampton Street frontage;
 - c. remove the vending machine at the west end of the York Street frontage.
2. An appeal against the notice was made on grounds (a), (b), (c) and (f) and which has been dismissed and the notice upheld.

The appeal on ground (b)

3. The allegation relates to the installation of two vending machines. The site plan attached to the issued notice outlines all of the property known as No 2 York Street. However, it specifically identifies the land upon which the vending machines are placed (from now on referred to as 'the land'). Although the land is under the ownership of the appellant, the ground floor of the premises is in use as a beauty salon while the first floor is a self-contained flat. The vending machines are physically separate from the salon and the first floor given their location. The appellant has not provided sufficient evidence to show any functional link between the stationing of the vending machines on the forecourt and the beauty salon. Consequently, the inspector concluded that the land forms a separate planning unit primarily used for retail sale, given the nature of the activity associated with the vending machines. This amounts to a change in the use of land upon which the vending machines are situated.
4. For there to be a material change of use, there needs to be some significant difference in the character of the activities from what has gone on previously. The vending machines

are sited to the front and side of commercial premises and supply drinks and confectionary, primarily to passers-by. The introduction of the machines has changed the physical layout and appearance of the forecourt. The way and manner in which the forecourt is used is significantly different from its previous use as an open forecourt. This nature of the activity has resulted in offsite effects, such as disturbance to nearby residents, which has planning consequences. Overall, the inspector considered that the physical change in the land and activity resulting from the siting of the vending machines constitutes a significant difference in its character, amounting to a material change of use.

5. The allegation also includes the fixed roof above the vending machine at the north end of the Hampton Street frontage. The size, location and built form of the roof suggest that it has been installed to facilitate the change in the use of the land. As such, it is integral to the use of the land for siting vending machines.
6. It is clear that the notice is directed at the vending machines. For the reasons given above, the inspector considered that their siting amounts to the making of a material change of use of the land requiring planning permission. However, the alleged breach is not stated in those terms and should be corrected. The Courts interpret the power to correct notices very widely, provided there would be no injustice to any party. The inspector considered that the notice can be corrected so that the allegation refers to the material change of use of the land identified on the site plan to the stationing of two vending machines facilitated by the erection of a fixed roof over the vending machine at the north end of the Hampton Street frontage.
7. Having had regard to all matters raised, the inspector concluded that the breach as set out in the corrected allegation has occurred as a matter of fact. Therefore, the appeal on ground (b) must fail.

The appeal on ground (c)

8. The appeal on ground (c) is that the matters do not constitute a breach of planning control. The appellant

has not provided evidence of planning permission being granted for the alleged matter as corrected. As a matter of fact and degree, a new planning unit has been created which is primarily used for retail purposes, the use of which is not functionally linked to the beauty salon. The change in use does not benefit from the provisions under s55(2)(f) of the 1990 Act as amended and Article 3(1) of the Schedule to the Use Classes Order, which permit changes of use of buildings or other land to other uses within the same Use Class. Consequently, express planning permission is required and so the matters constitute a breach of planning control. Therefore, the appeal on ground (c) must fail.

The appeal on ground (a)

Main Issue

9. The main issue is the effect of the vending machines on the living conditions of neighbouring occupiers, with regard to noise and disturbance.
10. No 2 York Street is sited on the corner of York Street and Hampton Street. The ground floor of the premises is a commercial unit, which is operating as a beauty salon. There were two vending machines selling drinks and confectionary sited on the pavement at the front and side of the premises. The machine on the Hampton Street frontage had a metal canopy, which was fixed to the wall. Both machines have internal illumination. The surrounding area is predominantly residential in character. The vending machine on the Hampton Street frontage is located close to the boundary with No 14. It is sited further forward towards the road and would be prominent in views from the downstairs front window of that house, which is likely to be a main habitable room. This machine is also opposite Nos 15 and 19 and would be prominent in views from main habitable rooms of both houses. The second vending machine is sited adjacent to a side extension at No 2 York Street, which provides an element of screening. Although this machine is less prominent, it is still visible from a number of houses in the vicinity.
11. Both machines are located close to houses. They are

conspicuous and do not reflect the nature of the surrounding residential area. The vending machines appear to be available for use at all times, including in the evening and at night when local residents could reasonably expect to enjoy their homes without disturbance. The vending machines provide a service, but could also be used as a congregation point. The use of the machines at unsociable times would cause noise and disturbance, especially if they did become a congregation point. There is no information to suggest that the illumination is turned off at night and this could also be a source of nuisance to those people living opposite. Due to their siting at street level, lower than the streetlights, the light would shine in through windows of main habitable rooms. Moreover, residents would expect a level of street lighting during the hours of darkness but not the added illumination of the vending machines.

12. The appellant claims the area is already subject to noise and disturbance due to local traffic and the nearby working men's club. The roads are residential in nature and there is no evidence that they are heavily trafficked. The club referred to is not operating throughout the night and activity takes place indoors. Consequently, the effect of the vending machines is likely to be greater. The appellant argues that the use has been operating for several months without detriment to residential amenity and litter is regularly cleared. Whether or not the allegations made by the Council and neighbours are exaggerated or inaccurate, the inspector must consider how the machines could be used should permission be granted. Even if the use is currently operating without harm to neighbours' living conditions, as the appellant suggests, this could change. A lack of statutory nuisance does not necessarily mean the development is acceptable.
13. During the inspectors site visit she saw the other nearby vending machines identified by the appellant. These were significantly smaller than the two subject to this appeal, were not illuminated and sold small items of confectionary. Consequently, they are not comparable. The appellant also states that planning permission was

granted for a hot food take way at the premises. The details of this are not before me, but any such permission appears to have expired and does not constitute a valid fall-back position.

14. The appellant explains that the two vending machines provide a service to local people, especially users of Eastwood Park and Ashgate Hospice. I also understand that a proportion of the proceeds are donated to the hospice. Whilst the donation of proceeds to local causes is a worthy benefit, this does not outweigh the harm to neighbouring residents identified above. The inspector considered the letters of support from local people and noted that the appellant has updated the shop front and pays business rates. There is no evidence that these works and payments are dependent on the vending machines, which are not associated with the use of the premises.
15. The inspector understood that there is a skate board park nearby. The appellant has not fully explained the significance of this, other than it may be a source of customers for the vending machines. The inspector also noted the concerns that the Council should be targeting its resources elsewhere, but this is not a matter that the inspector can consider in an appeal in relation to an enforcement notice. The inspector acknowledged the appellant's argument that local businesses should be supported, and that there are financial considerations. However, the planning system does not exist to protect the rights of one individual over another and the inspector gave this consideration little weight. Finally, the inspector had regard to the personal circumstances of the appellant but there is no evidence to support the claim that his treatment has been unfair.
16. To conclude on this matter, the inspector found that the vending machines would have an adverse effect on the living conditions of neighbouring occupiers, due to noise and disturbance, contrary to Policies CS2 and CS18 of the Chesterfield Core Strategy 2011-31 (adopted July 2013) which, amongst other things, seek to ensure development is sited in suitable locations and protect

neighbours' amenity. Consequently, the appeal on ground (a) and the application for deemed planning permission fail.

The appeal on ground (f)

17. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In this case, the purpose of the notice is to remedy the breach of planning control by requiring the removal of the vending machines and the fixed canopy, as this is part and parcel of the material change of use. This can only be achieved by their removal. No lesser steps have been identified that would achieve the statutory purpose behind the notice. Therefore, the appeal on ground (f) must fail.

Formal Decision

18. It is directed that the enforcement notice be corrected by deleting the words: "the installation of two vending machines on the land:
- A vending machine at the north end of the Hampton Street frontage with a fixed roof above it
 - A vending machine at the west end of the York Street frontage"

in paragraph 3 after "without planning permission" and their replacement with the words "the material change of use of the land identified on the site plan to the stationing of two vending machines facilitated by the erection of a fixed roof over the vending machine at the north end of the Hampton Street frontage".

And the deletion of the following superfluous words in paragraph 3 "The vending machines are permanent fixtures on the land. They are attached to the building on the land and have a permanent electricity supply". Subject to these corrections, the appeal is dismissed and the enforcement notice is upheld.

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 25TH JUNE 2018
REPORT BY: LOCAL GOVERNMENT AND REGULATORY LAW MANAGER
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

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

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

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

4.0 MORE INFORMATION ABOUT THE TABLE

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

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
LOCAL GOVERNMENT AND
REGULATORY LAW MANAGER

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

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

Enforcements currently Authorised: 8

ENFORCEMENT REPORT

13 June 2018

| Address | Authorised <small>days from</small> | Breach | CHE/ | Issued <small>days to issue</small> | Effective <small>days to (-) /from</small> | Comply <small>days to (-) /from</small> | Notes | <small>update last update</small> | Ward |
|---------------------------|--|--|------|--|---|--|---|--|------|
| Enforcement Notice | | <i>Total currently Authorised: 5</i> | | | <i>Authorised to Issue Average: 15.5 days</i> | | | | |
| Pottery Lane West | 10 09/01/17 <small>520</small> | excavation - engineering works | | 25/01/17 <small>16</small> | 13/12/17 <small>182</small> | 13/03/18 <small>92</small> | Appeal dismissed. Filling-in site and installing blocks to support adjoining land, but not fully complied. Update report to be prepared for future committee. | <input checked="" type="checkbox"/> <small>15/05/18</small> | |
| Station Road | 03/04/18 <small>71</small> | importation of materials to create hard surfacing and industrial use | | | | | Instructed. About to be issued. | <input type="checkbox"/> <small>30/04/18</small> | BHW |

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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 |
|--------------|---|--------------------------------|---------------------------------------|------|--------------------------------|---------------------------------------|------------------------------------|---|---|------|
| Walton Works | | 27/06/16 716 | 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"/> 04/04/18 | Wa |
| York Street | 2 | 17/07/17 331 | 2 vending machines | | 01/08/17 15 | 08/06/18 5 | 06/07/18 -23 | 2 unauthorised vending machines. Appeal dismissed - see report. | <input checked="" type="checkbox"/> 11/06/18 | Ha |

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| Address | | Authorised <i>days from</i> | Breach | CHE/ | Issued <i>days to issue</i> | Effective <i>days to (-) /from</i> | Comply <i>days to (-) /from</i> | Notes | update <i>last update</i> | Ward |
|-------------|---|--------------------------------|--|------|--------------------------------|---------------------------------------|------------------------------------|--|---|------|
| York Street | 2 | 09/10/17 247 | 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, but has appealed these. Consider further enforcement if not comply. | <input checked="" type="checkbox"/> 11/06/18 | Ha |

Stop Notice

Total currently Authorised: 1 Authorised to Issue Average: days

| | | | | | | | | | | |
|--------------|--|-----------------|---|--|--|--|--|-----------------------------------|--------------------------------------|----|
| Walton Works | | 27/06/16 716 | use for war and horror style games of game play | | | | | See notes for Enforcement Notice. | <input type="checkbox"/> 03/03/17 | Wa |
|--------------|--|-----------------|---|--|--|--|--|-----------------------------------|--------------------------------------|----|

TPO Prosecution

Total currently Authorised: 2 Authorised to Issue Average: days

| | | | | | | | | | | |
|----------------------------|--------------------------|-----------------|--|--|--|--|--|---|---|----|
| Pomegranate Road (rear of) | 51 | 02/05/18 42 | wilful damage to limb of T7 (s.210(4)) on Avant Homes site | | | | | Instructed and discussing with Planning | <input checked="" type="checkbox"/> 02/05/18 | N |
| Victoria Street | Ringwood Centre (former) | 21/12/17 174 | Damage to roots of T18 and T19 | | | | | In court 04/06/18, adjourned to 02/07/18 at request of defendant. | <input checked="" type="checkbox"/> 11/06/18 | BN |

| 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 |
|----------------|---------------------------------------|---------------|-------------|---------------------------------------|--|---|--------------|-------------------------------------|-------------|
|----------------|---------------------------------------|---------------|-------------|---------------------------------------|--|---|--------------|-------------------------------------|-------------|

Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

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

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