



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

Councillors D Collins and L Collins –  
Site Visit 1

Councillors D Collins and L Collins –  
Site Visit 2

Councillors Blank and Huckle –  
Site Visit 3

6 July 2018

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 16 JULY 2018 at 3.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

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

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

1. 13:10 Cranleigh Road, Woodthorpe  
CHE/18/00190/REM
  
2. 13:35 Bridle Road, Woodthorpe  
CHE/18/00194/FUL

3. 14:10 9D Holywell Street, St Leonard's  
CHE/17/00885/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](mailto:charlotte.kearsey@chesterfield.gov.uk) by 9.00 a.m. on Monday 16 July, 2018. If you do not confirm your attendance, it will be assumed that you will not be attending on site.

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

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 5 - 28)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 29 - 110)
5. Building Regulations (P880D) (Pages 111 - 124)
6. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 125 - 140)
7. Applications to Fell or Prune Trees (P620D) (Pages 141 - 146)
8. Appeals Report (P000) (Pages 147 - 150)
9. Ombudsman Report (P840) (Pages 151 - 164)
10. Enforcement Report (P410) (Pages 165 - 170)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

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**PLANNING COMMITTEE****Monday, 25th June, 2018**

Present:-

Councillor Brittain (Chair)

Councillors	P Barr	Councillors	T Gilby
	Bingham		Hill
	Brady		Sarvent
	Callan		Simmons
	Caulfield		Miles
	Davenport		

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

**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

Councillors P Barr, Bingham, Brady, Brittain, Callan, Caulfield, Davenport, T Gilby, Hill, Miles, Sarvent, Simmons.

**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

Councillors P Barr, Bingham, Brady, Brittain, Callan, Caulfield, Davenport, T Gilby, Hill, Miles, Sarvent, Simmons.

**CHE/17/00798/FUL** and **CHE/17/00799/LBC** - 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

Councillors P Barr, Brady, Brittain, Callan, Caulfield, Davenport, Dickinson (ward member) T Gilby, Hill, Miles, Sarvent, Simmons.

\*Matters dealt with under the Delegation Scheme

**9 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Catt, Elliot and Wall.

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

Councillor Bingham did not attend the site visit of agenda item 4, 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 to C3) and did not take part in the debate or subsequent vote.

**11 MINUTES OF PLANNING COMMITTEE**

**RESOLVED -**

That the Minutes of the meeting of the Planning Committee held on 14 May, 2018 be signed by the Chair as a true record.

**12 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/18/00272/COU - CHANGE OF USE FROM A1 RETAIL TO A5 HOT FOOD TAKEAWAY AT 122 HIGH STREET, NEW WHITTINGTON, CHESTERFIELD FOR MR ASO AHMED MOHAMMED

In accordance with Minute No. 299 (2001/2002) Mr K Mapes (objector) and Kelly Leonard (objector) addressed the meeting.

That the officer recommendation be upheld and the application be refused for the following reason:-

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.

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

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

A. 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:

- Proposed 2<sup>nd</sup> Floor (received 01/05/18),
- Proposed 1<sup>st</sup> 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 2<sup>nd</sup> Floor,
- Existing 1<sup>st</sup> Floor,
- Existing Ground Floor,
- Site Location Plan:

with the exception of any approved non material amendment.

3. 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.

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

5. 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.

6. 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.

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

8. 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.



9. 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.

B. That a CIL Liability Notice be served for £7,740 as per section 9.0 of the officer's report.

CHE/17/00798/FUL and CHE/17/00799/LBC - 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

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

A. 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.

- 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

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

B. That a CIL Liability Notice be served for £108,254 as per section 5.7 of the officer's report.

CHE/17/00647/FUL - 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

That the officer recommendation be upheld and the conditions previously recommended be imposed with the exception of the following condition which should be revised as follows:-

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

- Location plan 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

**13 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/18/00050/OUT	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
CHE/18/00105/FUL	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

- CHE/18/00106/ADV New signs to side and front At The Cricketers Inn Stand Road Newbold S41 8SJ For Mr Amarjit Singh Layal
- CHE/18/00112/FUL Two storey side and rear extension At 18 Mansfeldt Road Newbold Derbyshire S41 7BW For Mrs Sharron Meakin
- CHE/18/00113/FUL 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
- CHE/18/00119/FUL Addition of conservatory (amended drawings received 26.04.2018) At 60 Holland Road Old Whittington Derbyshire S41 9HF For Mr Michael Alexander
- CHE/18/00124/REM1 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
- CHE/18/00126/FUL Change of use of existing first floor retail storage area to a two bedroom apartment At Littlemoor Flats Littlemoor Centre Newbold Derbyshire S418QW For Singh Bains Properties
- CHE/18/00128/FUL 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
- CHE/18/00132/FUL Demolition of existing garage and erection of a replacement garage At 100 Norwood Avenue Hasland Derbyshire S41 0NH For M Bladon
- CHE/18/00139/FUL 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
- CHE/18/00140/LBC 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
- CHE/18/00142/FUL 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
- CHE/18/00143/FUL 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
- CHE/18/00148/FUL Two-storey rear extension to dwelling including internal alterations At 127 The Green Hasland S41 0JT For Ms A Collins
- CHE/18/00149/FUL 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
- CHE/18/00153/FUL 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
- CHE/18/00154/FUL Two storey side extension and rear single storey extension At 1 Netherfield Road Somersall Derbyshire S40 3LS For Mr and Mrs Norwood
- CHE/18/00155/FUL Single storey rear extension At 53 The Crescent Brimington S43 1AZ For Mr J Gill

- CHE/18/00158/RET Retrospective consent for two storey rear extension At 6 Sedbergh Crescent Newbold Derbyshire S41 8DY For Mrs Jane Smith
- CHE/18/00160/FUL 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
- CHE/18/00163/FUL 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
- CHE/18/00164/FUL 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
- CHE/18/00165/FUL First floor extension over garage front of existing house At 31 Birley Brook Drive Upper Newbold S41 8XN For Mr & Mrs McPherson
- CHE/18/00169/FUL 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
- CHE/18/00171/LBC 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
- CHE/18/00176/FUL 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
- CHE/18/00178/FUL
- Rear two storey extension and roof balcony (Revised drawings submitted 10/05/18) At 63 Old Hall Road Chesterfield Derbyshire S40 1HF For Mr Hoskins
- CHE/18/00182/FUL
- Single storey side and rear extension At 26 Newbridge Drive Brimington Derbyshire S43 1LF For Mr and Mrs J Longmore
- CHE/18/00183/FUL
- Conservatory to rear of property. At 67 Boythorpe Crescent Boythorpe Derbyshire S40 2NX For Mr Simon Tranter
- CHE/18/00189/REM1
- 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
- CHE/18/00191/ADV
- One new fascia sign and pedestrian/vehicular access signage on perimeter wall Rowland Hill House Boythorpe Road Boythorpe S49 1HQ For Mapeley Beta Acquisition Co (1) Ltd
- CHE/18/00192/FUL
- 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.
- CHE/18/00193/FUL
- Proposed detached double garage At 42 Hornbeam Close Hollingwood S43 2HU For Mr Spencer
- CHE/18/00208/FUL



- CHE/18/00210/ADV Single storey side and front elevation extensions At 23 Westfield Close Chesterfield S40 3RS For Mr and Mrs Kevin Tomlinson
- CHE/18/00211/FUL Various illuminated and non-illuminated signage. At Sainsburys Rother Way Chesterfield Derbyshire S41 0UB For Sainsbury's Supermarkets Ltd
- CHE/18/00215/LBC Proposed single storey At 10 Wenlock Crescent Loundsley Green Chesterfield S40 4NX For Mr Joe Weaver
- CHE/18/00219/TPO 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 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
- CHE/18/00220/FUL Reduction of branches growing towards 146 Hady Hill to clear property At St Peter and St Paul School Hady Hill, Hady Derbyshire S41 0EF For Mr David Cook
- CHE/18/00222/COU First floor extension At 14 West View Road Newbold Derbyshire S41 7AH For T Johnson
- CHE/18/00228/FUL 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
- CHE/18/00231/TPO Single storey rear extension to create an additional dental surgery At 9 Church Street Staveley Chesterfield S43 3TL For Staveley Dental Care

- CHE/18/00232/TPO 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
- CHE/18/00239/CPO Pollard ash situated in rear hedge row and remove all supressing ivy At 61 Foxbrook Drive Walton Derbyshire S40 3JR
- CHE/18/00248/TPO 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
- CHE/18/00253/CA 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
- CHE/18/00268/TP One dead walnut tree to be felled At Green Gables 19 Somersall Lane Somersall Derbyshire S40 3LA
- CHE/18/00269/CA T1 - oak - crown lift by 5m and 20% crown thin due to excess shading and T2 - oak - crown lift by 5m and 20% crown thin due to excess At 386 Old Road Chesterfield Derbyshire S40 3QF For Mrs Elizabeth Morris
- 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

- CHE/18/00279/TPO 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 At 3 Somersall Lane Somersall Derbyshire S40 3LA
- CHE/18/00295/TPO Removal of one lime tree T16 and replaced by adjacent cherry tree At West Garth 27 Church Street North Old Whittington Derbyshire S41 9QN For Mr Tim Hardaker
- CHE/18/00310/NMA T1 Horse Chestnut - Prune branches to clear light column and light splay and reduce branches away from road by metre At 81 The Green Hasland S41 0LW For Mr Paul Bambrick
- CHE/18/00324/TPO Non material amendment to 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 At 8 Norwood Avenue Hasland Derbyshire S41 0NW For Mr David Goodwin
- CHE/18/00333/TPO Reduce by third, crown lift and crown clean At 46 Blackthorn Close Hasland Derbyshire S41 0DY For Mr George Revill
- CHE/18/00366/TPO 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
- CHE/18/00366/TPO Sycamore (T1) -Fell because there 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

(b) Refusal

CHE/18/00040/DOC 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

(c) Discharge of Planning Condition

CHE/18/00188/DOC 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

CHE/18/00202/DOC Discharge condition 10 (materials) from application CHE/17/00477/FUL At 8 Park View Hasland Derbyshire S41 0JD For Nick Ibbotson Developments

CHE/18/00204/DOC 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

CHE/18/00206/DOC

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 470 Chesterfield Post Office 1 Market Place Chesterfield S40 1TL For Mr Dransfield

CHE/18/00216/DOC

Discharge conditions 3 (Coal Mining 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

CHE/18/00258/DOC

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

CHE/18/00281/DOC

Discharge conditions 5 (materials) and 7

- CHE/18/00284/DOC (construction management plan) of application CHE/17/00568/FUL – Environmental 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
- CHE/18/00290/DOC 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
- CHE/18/00317/DOC 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 For Mr James Shorten
- CHE/18/00317/DOC Discharge conditions 2 and 3 from application CHE/18/00046/LBC At Rose Cottage 481 Chatsworth Road Chesterfield S40 3AD For Mr Anthony Anderson
- (d) Split decision with conditions
- CHE/18/00199/TPO Removal of all dead wood to 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
- CHE/18/00294/TPO Tree 3 in G1 of TPO (Photo 1) Ash 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 At Former Ringwood Centre Victoria Street Brimington Derbyshire S43 1HY For Rockliffe Homes Ltd

(e) Prior notification approval not required

- CHE/18/00125/TPO 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
- CHE/18/00173/PN Change of use from shop (Class A1) to Cafe (Class A3) At 7 South Street Chesterfield Derbyshire S40 1QX For Mr Keith Todd
- CHE/18/00280/TPD Extension to dwelling At 253 Walton Road Walton Derbyshire S40 3BT For Mr and Mrs Brailsford
- CHE/18/00313/TPD Conservatory to rear At 17 Steeple Grange Chesterfield Derbyshire S41 0HU For Mr and Mrs Coxhead
- CHE/18/00315/TPD 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. At 27 Stuart Close Tapton Derbyshire S41 0SW For Miss Allison Wilbourn

(f) Other Council no obj without comments

- CHE/18/00356/CPO 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 S40 1QN For Derbyshire County Council

CHE/18/00359/CPO Discharge condition 5 (noise management scheme) in relation to approved Derbyshire County Council application CD2/0318/100 At Chesterfield Central Library New Beetwell Street Chesterfield S40 1QN For Derbyshire County Council

(g) Other Council no objection with comments

CHE/18/00287/CPO 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

(h) CLOPUD Granted

CHE/18/00316/CLOPUD Loft conversion At 198 Old Road Chesterfield S40 3QW For Mr Rick Cusimano

#### 14 **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/18/00279/TPOEXP 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 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

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.

CHE/18/00231/TPO

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.

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.

CHE/18/00232/TPO

Consent is granted to the re-pollarding of one Ash tree pruning back to previous pollarding points.

CHE/18/00324/TPO

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.

CHE/18/00294/TPO

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.

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.

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.

CHE/18/00366/TPO

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.

A condition has been attached for a replacement Oak to be planted in the next available planting season.

CHE/18/00248/TPO

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.

CHE/18/00268/TPO

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.

CHE/18/00333/TPO

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.

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

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.

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.

CHE/18/00253/CA

The felling of one dead Walnut tree for Westside Landscapes at 19 Green Gables, Somersall Lane.

Agreement to the felling of 1 Walnut tree. The felling work will have no adverse effect on the amenity value of the area.

#### 15 **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.

#### 16 **ENFORCEMENT REPORT (P410)**

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

**\*RESOLVED -**

That the report be noted.

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# Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	16 <sup>TH</sup> JULY 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 16<sup>TH</sup> JULY 2018**

- ITEM 1 - CHE/18/00190/REM - Reserved matters application for appearance, landscaping, layout and scale of CHE/14/00872/OUT - Outline application for residential development on 3.66 hectares of land up to 75 dwellings including means of access for Avant Homes**
- ITEM 2- CHE/18/00194/FUL - Erection of an agricultural building for grazing animals for Mrs Weatherall.**
- ITEM 3 – CHE/17/00885/FUL - Demolition of existing building and replacement with two storey building with offices to ground floor and three one bedroom studios to first floor for Mr R Cutt**

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Case Officer: Sarah Kay  
Tel. No: (01246) 345786  
Ctte Date: 16<sup>th</sup> July 2018

File No: CHE/18/00190/REM  
Plot No: 2/2057

## ITEM 1

### RESERVED MATTERS APPLICATION FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF CHE/14/00872/OUT (OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON 3.66 HECTARES OF LAND UP TO 75 DWELLINGS INCLUDING MEANS OF ACCESS) WITH AMENDED PLANS RECEIVED 13/06/2018 AND 14/06/2018 - LAND AT CRANLEIGH ROAD, WOODTHORPE, DERBYSHIRE FOR AVANT HOMES (ENGLAND) LIMITED

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

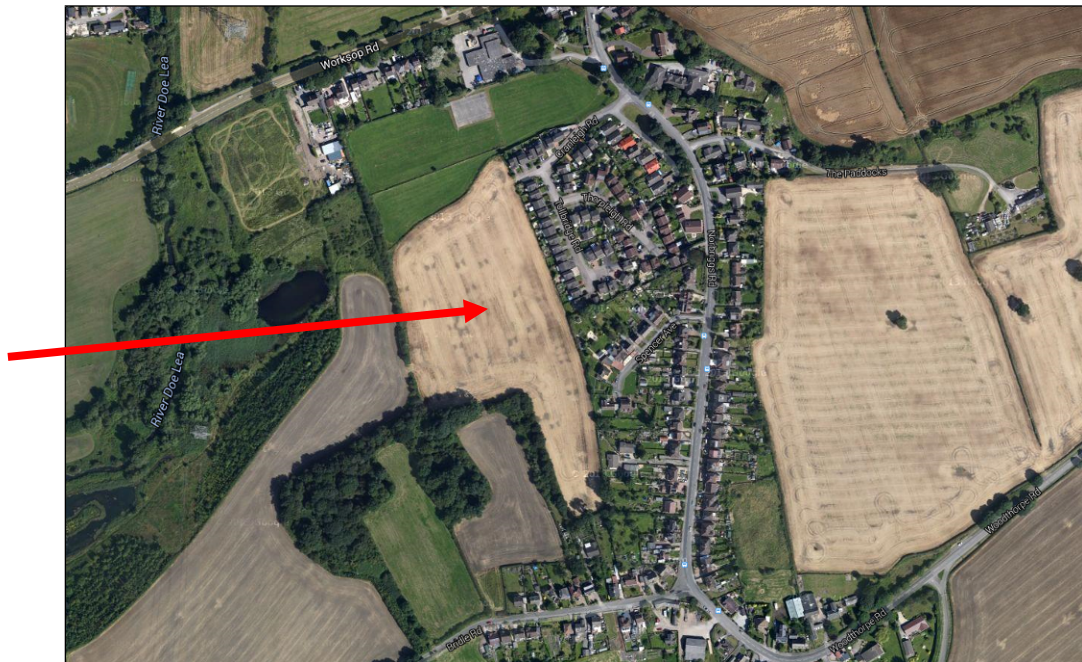
#### 1.0 CONSULTATIONS

<b>DCC Highways</b>	Comments received 04/05/2018 – see section 5.3
<b>Yorkshire Water Services</b>	Comments received 16/04/2018 – see section 5.4.1
<b>Environment Agency</b>	Comments received 13/04/2018 – see section 5.4.1
<b>Crime Prevention Design Advisor</b>	Comments received 25/04/2018 and 26/04/2018 – see report
<b>Derby &amp; Derbyshire DC Archaeologist</b>	Comments received 01/05/2018 – see section 5.4.1
<b>Coal Authority</b>	Comments received 01/05/2018 – see section 5.4.1
<b>Design Services (Drainage)</b>	Comment received 26/04/2018 – see section 5.4.1
<b>Derbyshire Wildlife Trust</b>	Comments received 03/05/2018 – see section 5.4.1
<b>Forward Planning</b>	Comments received 27/04/2018 – see section 5.4.1
<b>Lead Local Flood Authority</b>	Comments received 26/04/2018 – see section 5.4.1
<b>Environmental Health Officer</b>	No comments received
<b>Urban Design Officer</b>	Comments received 23/05/2018 – see report

<b>Leisure Services</b>	No comments received
<b>Housing Services</b>	No comments received
<b>Economic Development</b>	No comments received
<b>Ward Members</b>	One representation from Cllr Lisa Collins – Woodthorpe & Lowgates
<b>Site Notice / Neighbours</b>	23 no. representations received

## 2.0 **THE SITE**

2.1 The site the subject of the application is an agricultural field 3.66 hectares in area which is located on the western edge of Woodthorpe village. Gated access into the site is located at the western end of Cranleigh Road.



2.2 The aerial photograph above shows the application site as comprising the whole of the central field to which the arrow is pointing. There are residential properties immediately adjoining the eastern and southern tip boundaries of the site. To the west is open land comprising of farmed fields, woodland and the area of Netherthorpe Flash Nature Reserve. To the north there is a small parcel of open grassland and school playing fields with properties beyond fronting onto Worksop Road. The site slopes generally downwards from south to north.

## 3.0 **RELEVANT SITE HISTORY**

- 3.1 CHE/18/00396/DOC – Discharge of condition numbers, 4 (drainage), 5 (coal mining investigation), 6 (archaeological survey), 7 (grass snake mitigation), 11 (wheel cleaning facilities), 12 (details of estate roads), 15 (access drives), 16 (discharge of water from highway), 17 (surface water drainage), 18 (travel plan) and 22 (employment and training scheme) of CHE/14/00872/OUT. Still pending consideration.
- 3.2 CHE/14/00872/OUT - Outline residential development on 3.66 hectares of land for up to 75 dwellings including means of access (revised travel plan received 12/03/2015 and geophysical survey received 19/03/2015). Conditional permission granted 04/09/2015 (inc. S106 Agreement).
- 3.3 CHE/14/00393/EIA - Environmental Impact Assessment for outline residential development for up to 90 dwellings including means of access on 3.7 hectares of land. LPA concluded Environmental Assessment not required 26/06/2014.

#### 4.0 **THE PROPOSAL**

- 4.1 In September 2015 planning permission was granted in outline for residential development of 75 dwellings on land located west of Cranleigh Road. The outline application site measured 3.66 hectares in area.
- 4.2 This is an application which seeks reserved matters approval for that outline planning permission for the erection of 75 dwellings detailing appearance, landscaping, layout and scale (as amended on 13/06/2018 and 14/06/2018).
- 4.3 The application submitted is supported by the following list of plans / documents and *revised plans*:

Planning Statement  
Design and Access Statement

1806.01 Rev C - Planning Layout + Planning Layout (Colour)  
1806.02 - Site Location Plan  
1806.03 Rev A – *Materials Plan*  
1806.04 Rev A – *Street Scenes (Colour)*  
1806.05 Rev C – *Cross Sections*

*1806.06 Rev A – Boundary Plan*

1806.ASY.01 – Ashbury Elevations / Floor Plans  
*1806.ASY.02 – Ashbury – Plot 12 Only*  
1806.AVY.01 – Avebury Elevations / Floor Plans  
1806.BAN.01 – Barton Elevations / Floor Plans  
1806.BIN.01 – Bishopton Elevations / Floor Plans  
1806.COM.01 – Cotham Floor Plans  
1806.COM.02 – Cotham Elevations  
1806.KIN.01 – Kilmington Elevations / Floor Plans  
1806.ROY.01 – Rosebury Floor Plans  
1806.ROY.02 – Rosebury Elevations  
1806.ROY.03 – Rosebury Elevations - Plot 44 Only  
*1806.ROY.04 – Rosebury Elevations – Dual Aspect*  
1806.WRY.01 – Wrenbury Elevations / Floor Plans  
*1806.WRY.01 – Wrenbury Elevations / Floor Plans*

1806.G.01 – Single Garage Elevations /Floor Plan

Illustrative Landscape Masterplan – March 2018  
*R-2096-1 – Landscape Masterplan*

1806.BT.01 – 1.8m Timber Screen Fence  
1806.BT.02 – Brick Pier and Timber Panel  
1806.BT.03 – 0.6m Post and 2 Rail Fence  
1806.BT.04 – 1.5m Fence with Trellis  
1806.BT.05 – 1.2m Metal Feature Railings  
1806.BT.06 Rev A – Feature Wall – Plots 1 and 2  
1806.BT.07 – Feature Wall – Plot 12  
*1806.BT.08 – 0.45m Knee Rail*  
*1806.BT.09 – Solid Wall*

5.0 **CONSIDERATIONS**

5.1 **Planning Background / Principle of Development**

5.1.1 The site the subject of this reserved matters application benefits from a live outline planning permission CHE/14/00872/OUT for the erection of up to 75 dwellings on site with all matters except for means of access being reserved. The outline permission was approved on 04/09/2015 subject to 23 no. planning conditions and a S106 agreement covering the provision of public art, affordable

housing, an education contribution, management of green space and suds infrastructure.

5.1.2 The live outline permission enables applications for reserved matters approval to be submitted for a period of three years following the date of the outline approval (i.e up to 03/09/2018) and this reserved matters application concerns that development.

5.1.3 Having regard to the principles and parameters set by the live outline planning permission the principle of development is already accepted and subject to the details of the reserved matters submission meeting the provisions of the outline planning conditions and the S106 agreement the issues already agreed and set by the outline permission cannot be revisited. Only the outstanding reserved matters issues concerning appearance, landscaping, layout and scale are to be considered. Access was agreed at the time of the outline planning permission.

## 5.2 **Design and Appearance Considerations (inc. Neighbouring Impact)**

5.2.1 Having regard to the detailed design and appearance considerations of the proposed reserved matters details alongside the case officers own appraisal of the scheme; the Council's **Urban Design Officer (UDO)** was invited to review the submission.

5.2.2 Initially the UDO undertook a thorough review the reserved matters submission and offered the following feedback on the submitted scheme:

### ***'Assessment***

*The layout has been prepared based upon a number of guiding design principles, namely:*

- 1. Creating an acceptable relationship with the neighbouring properties on the eastern site boundary.*
- 2. Taking advantage of the key aspect views to the west.*
- 3. Working with the levels to create/meet an adoptable highway standard.*
- 4. Provide an area of POS and a drainage basin.*
- 5. Ensure there is a transition within the site between the urban and rural fringe to the west.*

6. Use appropriate landscaping to create an attractive entrance into the site.

*Although these are appropriate parameters, they do not in themselves form a sound design concept capable of providing a strong sense of place, which then informs and shapes the design response to the scheme. At present this appears very 'standardised' and fails to capitalise upon the opportunity of the western fringe and green space in particular to help embed a sense of place and identity within the development.*

### **Use**

*The use of this land for residential purposes has previously been established through the grant of outline planning permission (ref. 14/00872/OUT).*

### **Amount**

*The site area comprises 3.66 hectares of farmland. 75 dwellings are proposed. This equates to a gross density of 20.5 dwellings per hectare (dph), which is a low density of development.*

*The area of POS measures approximately 0.42 hectares. A further area of green space at the southern end of the site measures approximately 0.15 hectares, leaving a net developable area of 3.01ha. The resulting net density is 25dph which represents a standard suburban density.*

### **Layout**

#### Entrance area

*The arrangement of buildings and elevations (Plots 1-3, 12, 13 and 21) around the entrance into the site appears ad-hoc rather than planned, with no dialogue or relationship between the buildings, to define or enclose space or the alignment of the road. The resulting entrance into the development has a clumsy relationship and fails to work in a coordinated manner, resulting in a poor sense of arrival into the site.*

#### Corner Plots

*Numerous corner plots utilise standard house types not designed to address corner positions (such as the Barton and Rosebury house types) and result in blank or poorly articulated facades against public frontages (see Plots 2, 21, 22, 72, 73). These should be articulated to ensure dual aspect units are created to address*

*both street frontages. Alternatively, they should be substituted for corner house types designed for this purpose. N/B if a corner house type is used, it is recommended that an alternative design to the Wrenbury is introduced to avoid an over reliance on a single corner turning solution, as the Wrenbury is used extensively elsewhere within the scheme, the repetition of which weakens the legibility of the layout.*

*Terminating view points*

*Plot 49 is well placed to terminate the vista, with its gable and bay window aligned on the axis of the street. However, other units positioned at the end of a street are not well so well resolved.*

*Plot 72 occupies an important position that terminates views on approach from both the north and the east. This unit is currently offset from the vista from the north which terminates in the parking bays and garage, and also presents a large blank wall to the east elevation. Equally, the flank wall of Plot 73 also steps forward of Plot 72 to create a staggered building line and reveal a further blank wall on approach from the east. This aspect of the proposals needs to be revisited to address the various views towards these buildings and respond to the corner appropriately.*

*Plot 8 is similarly positioned off centre and fails to terminate the vista effectively on approach from the south. It is recommended that Plot 8 is handed to more effectively close the vista.*

*Plot 41 is aligned to terminate the vista on the parking garage element of the front elevation. This arrangement should be reviewed and amended to ensure a positive 'end stop' to this street. A more appropriate house type should be utilised, such as an 'Avebury' which has a suitably broad and high front gable to help create a focus to the vista.*

*Relationship with neighbouring properties.*

*The layout along the eastern boundary is generally offset from the neighbouring rear gardens by a distance in excess of 10.5m which is considered necessary given the short length of the existing rear gardens along Tollbridge Road.*

*First floor window to window separation also generally exceed 21m, although this is less at ground floor where neighbouring properties have been extended.*

*Nevertheless, there are several points along the eastern boundary where proposed new dwellings would be sited in close proximity to the adjacent gardens. Plots 12 and 44 in particular, present tall flank walls against the gardens of the neighbouring properties and achieve a separation of just 12m. Although Plot 44 is shown with a hipped roof to help reduce its impact the site section shows that this unit will also be elevated above existing ground levels. As the plots in question extend across the majority of the neighbouring gardens, which are themselves small, this is considered likely to appear dominant, overbearing and detrimental to the outlook from these properties. Utilising bungalows on Plots 12 and 44 or increasing the separation distance would improve the relationship with the affected properties.*

#### *Amenity*

*The rear gardens are proposed to be subdivided by low (600mm high) post and rail timber fences. This raises a question of amenity and security between residential plots due to the absence of tall secure boundaries between gardens.*

#### *Green Space and Rural Fringe*

*The western edge of the site incorporates a green space containing a drainage basin. Plots 22-30 face west to overlook the space, although the shape of the space, the alignment of the road and the arrangement of the adjacent houses appears rigid in contrast to the rural informality of the location.*

*This aspect of the scheme has the potential to provide a place with a strong character for the development. However, the arrangement shown is somewhat generic does not capture this opportunity or the character of the 'rural fringe' on this important edge to the site. It is recommended that the road alignment is adjusted to introduce a more informal curved or meandering alignment, with the building line amended to reflect changes of direction, so as to shape the street, enclose the space and break down the rigid form of the current road. A looser knit pattern of development along this edge should also be developed to further strengthen this design response.*

*These adjustments should be combined with the introduction of boundary enclosures around the edges green space, plot frontages and tree planting to space. These should be appropriate to the*



*rural fringe, such as estate style railings (such as those used on the Avant Homes scheme on The Edge, Clowne).*

*The size of the space provides an opportunity to introduce some larger scale tree species (e.g. Limes or Horse Chestnut) into the development that would strengthen the character of this location and define this as the heart of the development. A line of such trees, along the roadside edge of the space would provide an avenue effect that would support the creation of a more evident sense of place and reflect this locally relevant feature (similar to those present on Woodthorpe Road on approach to the village).*

#### *Street and place hierarchy*

*The application includes reference to a street hierarchy together with areas of tight and loose urban. However, there appears to be just a single street type (excluding a private drive) and any distinction in terms of urban grain is almost imperceptible, with a consistent density throughout.*

#### *Road character and alignment*

*As identified above the road alignment in front of Plots 22-29 should be revisited to help create a stronger identity to the location by reinforcing the informality of the village edge and better assimilate the proposals against the rural fringe.*

*The inclusion of a verge along the main route would bring more informality to the streetscene and echo this characteristic found elsewhere within Woodthorpe.*

*The junction in front of Plot 49 would benefit from a change in priority with the cul-de-sac spur to the north designed as a secondary street. The area in front of Plot 49 could be expanded to create the bend. Forward visibility around Plot 66 would need to be assessed and the layout adjusted accordingly.*

*The sharp bend in front of Plot 22 results in an overwide area of hard surface in order to achieve the necessary forward visibility. This results in a broad area of hard surfacing within the footway (approx 5.3m deep) and is almost 13m wide across the entire carriageway. This is an awkward incongruous feature which undermines the streetscene and is at odds with the 'rural fringe' part of the site. Locating a tree within a verge on the corner would break up the expanse of hardscape and soften its appearance.*

*Alternatively, the alignment of the road might be revisited and adjusted as part of a revised road alignment as recommended above.*

#### *Front boundary treatments*

*No front boundary treatments are included within the scheme and appropriate boundary treatments should be should be provided throughout.*

#### *Side Garden Boundaries*

*Side garden boundaries are shown as pier and panel fences and represent a poor quality boundary treatment against public frontages. Appropriately designed brick walls should be introduced in lieu of the pier and panel boundaries.*

#### *Southern Green Space*

*The purpose and use of the southern green space is unclear and appears to serve only Plots 54-58. The nature and use of this space should be clarified.*

*An easement passes through part of this site which is a constraint; although an alternative arrangement that includes a publically accessible space would be preferred.*

*Relocating a unit(s) from elsewhere into this location would afford an opportunity to create a large plot with distant views and importantly, enable the layout to be 'loosened up' elsewhere, in parts of the site where this is currently more cramped.*

#### *SUDS basin*

*The size and position of the SUDS basin is identified as being finalised by the others. It is therefore unclear at this stage whether the feature indicated is representative of what would come forward. Any water storage area should be shallow sided and designed as an attractive component of the wider space and not appear as an engineered feature. Levels, together with sections through the space should be provided to illustrate its size, depth and gradients of the basin.*

#### *Bin Collection Point*

*This will be required at the entrance to the private drive serving Plots 14-21. It is suggested that this could be achieved by slightly widening the entrance area into the drive to enable bins to be*

*placed on collection day without interfering with the ability of cars to enter or leave the drive.*

### **Scale and massing**

*The development comprises mainly 2-storey houses and two bungalows. This generally reflects the scale of development associated with the village.*

### **Landscaping**

*The proposed landscaping proposals are somewhat generic and non-specific in respect of tree planting. The submission provides a list of trees from which tree planting will be selected. However, this does not cross reference to where particular trees will be located on the site. As such, it would be difficult to use trees to support places of character (such as the avenue discussed above) or to enforce any future replacement planting as may be required. In addition, shrub planting sizes are not specified. It is recommended that these details should be clarified. However, before the landscaping proposal are amended that the layout is first amended to in response to the comments raised above.*

### **Access**

*Access is taken as an extension to Cranleigh Road via the NE corner of the site. No other connections are possible due to position of adjacent development.*

### **Appearance**

*The submission indicates that the proposals are an extension of Woodthorpe and are sensitive to its vernacular. However, it is unclear from the submission how the scheme achieves this. The supporting DAS includes only a cursory assessment of the village's character and fails to identify a number of locally relevant features and details that could be used to inform the design and more clearly integrate the local distinctiveness of the village within the development.*

*The distribution of materials takes a somewhat 'scattergun' approach, rather than using these to reinforce legibility or strengthen areas of character within the development itself. Use of buff bricks is not generally a locally relevant material and, notwithstanding the adjacent development on Cranleigh and Tollbridge Roads, buff coloured brick is a minor component of the*

*village materials palette and is not a generally a distinctive characteristic of Woodthorpe.*

### **Conclusion**

*In light of the above concerns it is not considered that the proposals meet the requirements of Policy CS18 or guidance contained within Successful Places (SPD). It is therefore recommended that the application is amended and revised proposals are provided that respond positively to the design issues identified above.'*

5.2.3 Comments from the **Crime Prevention Design Advisor (CPDA)** were also received and these are reported below:

*'I've no comments to make regarding the layout proposed. There are a handful of key plots where an outlook over the street should be provided.*

*Cobham - plot 56 (shown to be built as plans but is actually handed) add windows to the side ground floor relax/living areas.*

*Rosebury – plots 21, 22 and 37 add windows to the relax and live/eat areas on outer side elevations.*

*Barton – plot 2 add a window to the side dining/kitchen area.*

*There are a few plots where the garden fencing/walling is too prominent and will block sight lines from existing or additional windows.*

*I'd recommend that the position of fence, plot or both is slightly realigned to make active elevations more prominent for the following plots.*

*Rosebury - plot 22*

*Wrenbury – plots 13 (not 12 as indicated), 30 and 66.*

*The inter-garden boundaries are shown as 600mm post and rail wood fencing, with an option to upgrade to 1800mm close boarded.*

*The height of inter-garden boundaries wouldn't usually be a concern as lower fencing is more likely to encourage community interaction, whereas higher fencing will provide more privacy, and we would as a rule leave this to the discretion of developers, knowing their own tenant mix.*

*Having said this an open post and rail fence of 600mm is unlikely to provide an adequate boundary to stop pets or small children from wandering, nor I would think an adequate distinction between private spaces.*

*If a divisional boundary of under 1800mm is desired my recommendation would be to use a more solid type, such as close or open boarded fencing, set at a minimum of 1200mm in height.'*

5.2.4 The comments of the UDO and CPDA were fed back to the applicant and this led to a package of revised drawings being submitted on 13/06/2018 and 14/06/2018 which included the following changes:

- Plots 19-21 re-planned to face back onto private drive;
- Plot 1 switched to Cotham;
- Plots 12-13 moved west 1.2m away from eastern boundary with Plot 12 also amended to include hipped roof;
- Plot 22 switched to Rosebury;
- Plot 43 switched to an Ashbury;
- Plot 44 switched to Avebury with hipped roof to eastern boundary;
- Plot 72 switched to Wrenbury; and
- Dual aspect Rosebury type plotted for plots 21 & 22.

Also amended are some of the relevant boundary treatment details, following comments made.

5.2.5 Overall having regard to the amendments presented it is considered that the applicant / developer has sought to address where possible the comments of the UDO and CPDA and the changes made are welcomed as positive improvements to the design and appearance of the overall scheme. It is noted that the detailed landscaping plans are yet to be fully prepared, and the application is supported by a landscape masterplan whose principle are accepted (subject to some minor amendment and agreement of final species). Accordingly an appropriate condition can be imposed on any subsequent decision to allow these details to be submitted in full for further specification consideration.

5.2.7 It is considered that the scheme presents an appropriate design response that has due regard to the site constraints and opportunities which have been appropriately treated in the

proposed site layout to ensure a good standard of design overall is achieved. The application submission is supported by working details of hard and soft landscaping solutions which have been considered and are acceptable in principle. They offer appropriate response and legibility to the streetscene being created. A detailed materials schedule has been prepared by the developer selecting chosen brickwork and finishes to the individual plots – which are considered to be acceptable as they reflect the local vernacular.

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

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

### 5.3 **Highways Issues**

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

*The principle of development for this site was established at outline stage, under application reference CHE/14/00872/OUT; this included means of access at that time. The current application now seeks approval for the remaining items previously reserved, namely appearance, landscaping, layout and scale. The scale of development remains in line with the quantum approved at outline stage, therefore, the following highway comments are confined to layout matters only.*

*The applicant has entered into pre-application discussions with the District Council regarding the proposed development and the Highway Authority's views have been sought on a number of different internal layouts. Following the most recent consultations it would appear the highway comments have been incorporated into further revised layouts. From a highways perspective the horizontal*

*design layout of the estate streets appears to conform to adoptable criteria - the internal streets have 5.5m wide carriageways with 2m wide footways on both sides of the street, appropriate visibility at internal estate street junctions and forward visibility around bends, together with adequate manoeuvring areas for service / delivery vehicles to turn at the closed ends of the streets. The only minor issue which could be improved relates to carriageway widening on the inside of small radius bends - the 6C's design guide suggests 0.6m additional carriageway widening be provided to accommodate vehicles passing each other at these confined locations. This could be dealt with as part of any construction approval process with this Authority, should the applicant wish to pursue future adoption of the estate streets.*

*Visibility from individual driveways is generally acceptable throughout the development, however, in some cases this will be reliant on boundary treatments being maintained to an appropriate level, to maximise visibility – this particularly applies to plots in the vicinity of bends etc. (in particular plots 12, 13, 21, 22 and 30). A visibility condition could be appended to any consent issued to ensure maximum visibility sightlines are protected in these areas.*

*An adequate level of residential parking appears to be achievable throughout the development, with garage and parking dimensions meeting current design guide criteria. It is however noted that condition 14, appended to the outline planning consent (14/00872/OUT), infers on-site turning should be provided to enable vehicles to enter and exit the curtilage in a forward gear; this will certainly not be feasible to achieve with the layout presented, for the majority of plots. However, whilst it is often desirable to provide on-site vehicle turning facilities, especially on busier, more heavily trafficked routes, it is not particularly essential on lightly trafficked, purely residential estate streets. The majority of existing dwellings in the vicinity do not benefit from dedicated on-site turning facilities and the Highway Authority is not aware that this has resulted in a particular highway safety issue. I am therefore generally satisfied with the parking arrangements shown on the planning layout plan.*

*Therefore, on the basis of the above comments, the Highway Authority would not be in a position to raise a sustainable objection to the proposals submitted, on the grounds of highway safety. After having reviewed the conditions appended to the outline planning*

*permission, which remain valid and applicable to the current application, I would suggest the following additional conditions be included in any consent issued to secure appropriate levels of visibility from individual plots to the estate street and appropriate bin storage facilities within each plot, to ensure footways are not obstructed on refuse collection days.*

*1. Individual driveways shall be provided with 2.4m x 25m visibility sightlines to the new estate street in each direction, measured up to 1m into the carriageway at the extremity of the splay, or other such dimensions as may be agreed in writing with the Local Planning Authority. The area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level, and so maintained for the life of the development.*

*2. 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.*

*It is noted a number of pre-commencement highway related conditions are appended to the outline planning consent, which will need to be discharged prior to any development taking place on the site. Condition 12 specifically requires full highway construction details to be submitted for the carriageway and footway areas, to ensure the development is safe and satisfactory for future residents.*

*The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of any details to the Local Planning Authority, to discharge Condition 12 of the outline consent. At present the construction approval process may take up to 12 weeks to achieve, depending on the appropriateness and completeness of the original information submitted, the applicant should therefore allow sufficient timescales within their development program to accommodate this. Without construction approval being issued the Highway Authority would not be in a position to discharge the condition within the normal planning application consultation period.*



5.3.2 Having regard to comments made by the LHA above, their support for the application and the layout / design submitted is noted. The applicant is likely to apply to have the estate roads formally adopted and therefore they will be required to separately seek technical and construction approvals from the Highways Authority under S38 and potentially S278 of the Highways Act. Separate private driveways will either be maintained under a management company appointed by the developer (in a similar case as to the open spaces / SuDS infrastructure) or conveyed to the respective owners for future maintenance. There are conditions already imposed on the outline permission to ensure the details of any such arrangements are provided for further approval.

5.3.3 Overall it is considered that in the context of policies CS2, CS18 and CS20 of the Core Strategy the proposed layout of the development is acceptable. Appropriate levels of parking are detailed as well as bin collection points etc. The LHA will continue to be involved in the construction approval of the internal road layout (as it is intended that the estate streets are to be adopted) and therefore the applicant / developer will continue to be tied to meeting appropriate design requirements set by the LHA in order to ascertain final adoption (such as the provision of street lighting).

#### 5.4 **Technical Considerations**

5.4.1 The reserved matters application has been reviewed by a number of consultees (listed in section 1.0 above) having regard to matters concerning flood risk, drainage, ecology protection / enhancement, land condition and contamination; however these matters and the detailed matter thereof are all being dealt with under the various discharge of conditions applications which have also been submitted for consideration. Accordingly whilst some of the consultees have made comments in respect of this application reference; the matters they have raised are being dealt with separately in connection with each respective planning condition / discharge of conditions application.

#### 6.0 **REPRESENTATIONS**

6.1 The application has been publicised by site notice posted on 16/04/2018; by advertisement placed in the local press on 19/04/2018; and by neighbour notification letters sent on

16/04/2018 (who were re-consulted on revised plans for 14 days on 18/06/2018).

6.2 As a result of the applications publicity there have been 23 no. representations and a comment from a local ward member (Cllr Collins) received. The origin of these representations are listed below followed by summary of the issues which have been raised:

1. ***A Local Resident 300418***
2. ***32B Norbriggs Road 030518***
3. ***26 Norbriggs Road 030518***
4. ***5 Spencer Avenue 030518***
5. ***6 Spencer Avenue 030518***
6. ***9 Spencer Avenue 030518***
7. ***3 Burkitt Drive 030518***
8. ***7 Spencer Avenue 040518***
9. ***7 Tollbridge Road 070518***
10. ***Woodthorpe Village Community Group 070518***
11. ***10 Spencer Avenue 080518***
12. ***7 Spencer Avenue 080518***
13. ***7 Spencer Avenue 080518***
14. ***9 Tollbridge Road 070518***
15. ***1 Tollbridge Road 080518***
16. ***38 Norbriggs Road 080518***
17. ***11 Tollbridge Road 080518***
18. ***11 Tollbridge Road 080518***
19. ***8 Spencer Avenue 080518***
  
20. ***29 Tollbridge Road 310518***

**Received Following Re-Consultation**

21. ***9 Spencer Avenue 270618***
22. ***A Local Resident 290618***
23. ***32B Norbriggs Road 030718***

***Cllr L Collins – Lowgates & Woodthorpe Ward 090518***

**Issues Raised:**

**Principle of Development**

At present Woodthorpe is a small quiet village.

The development will turn Woodthorpe into a sub-urban area, it is not brownfield land and it will destroy valuable agricultural and green space. Markham Vale and other proposed housing development is already threatening the character of Woodthorpe.

My concerns were fully expressed in my initial objection to the outline application and these still stand.

There are plenty of other brownfield sites available for development and this site does not constitute sustainable development. The houses are not going to be affordable for the younger generation and that is where the greatest housing shortage is.

It is obvious this development is going to be allowed to happen given the works already taking place in the field.

The field is often used to walk dogs and for outdoor play. This will be lost as a result of the development.

It is understood that CBC have now met their current housing target with current planned developments.

***Officer Response: The principle of development is established on this site by the presence of the outline planning permission; this cannot be revisited. Furthermore in respect of the Council housing supply, this site and permission will now be being counted towards the housing supply calculation.***

### **Design / Layout / Outlook / Privacy / Overlooking / Neighbour Amenity**

Houses backing onto the site only have small back gardens but the outlook offered to them made up for this. The development will spoil their outlook; they'll be disturbed by noise from the development and will lose their privacy. Plot 44 I situated at the bottom of my garden and appears to be quite close to the boundary and will block out light and cause a lot of shading.

Plot 55 is proposed at the bottom of my garden and its windows are faced in line with my sitting room windows. The arrangement will be intrusive to both properties and will cast significant shade over my house and garden. Furthermore the separation distances

between plot 55 and the adjacent neighbour are below those recommended by the Council own urban design officer. I am also concerned about parking spaces indicated being made into garages in the future as these would cast further shade; and also seek assurance that the hedge between my property and the site will not be damaged during works.

You should consider reducing the number of dwellings considerably to mitigate the impact on roads and schools and the layout is ill conceived.

My boundary adjoins the site and I ask whether it will be fenced off properly to keep my property secure and private?

Building works will increase the risk of air, land and water pollution.

Please can we have more information on the proposed fencing to be erected around the properties and how close this will be to Tollbridge Road.

Will the new home owners be required to cut my hedge when it becomes part of their boundary – I will require a written agreement of this. Also I have a life limiting illness and I would not wish for there to be balls or dogs coming onto my land.

People often look for the shortest route to get from A to B and I am worried people will look to use Spencer Avenue as a shortcut into the development site. I would ask that consideration is given to the creation of a greater gap between the current back gardens and the new properties to reduce people taking shortcuts.

Can the house to the back of No 1 Tollbridge not be changed into a bungalow, also how close is it going to be? Also can it be a rule that the new occupier doesn't grow climbing plants or tall trees.

Regarding plot 44 although the property has been changed it has only moved an additional 2 metres away from my boundary, and although it is shown with a hipped roof to help reduce the impact the site shows that it will be elevated above existing ground levels. As the plot in question extends across the majority of my garden, which is only small, this will appear dominant, overbearing, claustrophobic and detrimental to the outlook from our property, i.e we will basically be looking straight at a brick wall.

The impact of the development upon No 29 Tollbridge Road will result in a loss of daylight and sunlight to our property and the development will result in an overbearing impact. The proposals fail to meet the criteria for separation and amenity as set out in the Council's adopted SPD on Housing Layout and Design.

***Officer Response: Please refer to section 5.2 and 5.3 above.***

### **Impact on Wildlife**

The development will threaten habitat and many species of wildlife who make their home in and around the site. This is contrary to the policies of the Local Plan.

Please consider the RSPB article attached, which involved Barratt Homes incorporating wildlife friendly measures into their development.

The nature reserve near the site will suffer.

***Officer Response: Please refer to section 5.4 above. The impact upon wildlife was considered at the outline planning permission stage and appropriate conditions to secure mitigation measures were imposed on the permission granted.***

### **Southern Site**

What is intended to be done with the southern tip of the site where there are no houses? With no purpose this site will become wild and overgrown both to the detriment of myself and the new houses.

***Officer Response: The southern tip of the site includes power lines which cross above the ground and therefore development cannot be placed underneath or adjacent to these lines. This is why the site is not proposed to be developed. The parcel of land will form part of the private driveway serving plots 54 – 58 and is likely to be conveyed to these home owners.***

### **Highway Safety / Impact**

The local highway network is already at capacity and cannot cope with any increase / pressures. School times affect the local area particularly badly and is a highway safety risk.

Children walk to school along the main road to local primary and secondary school and with increased traffic there is greater risk to their safety and them being exposed to more pollution.

If extra public transport is needed this will further contribute to disruption and pollution.

All construction traffic will go along one minor road (Cranleigh) and given its proximity to the nearby Primary school this is an accident waiting to happen.

We request that as and when the development starts that the following restrictions be put in place in the interest of safety and environmental issues.

A) that the developer is restricted to starting and finishing at the following times Mon-Friday not before 9.30 and no later than 14.30 to avoid the busy school times with regards to traffic congestion and safety .

B) Saturdays not before 8am and to finish no later than 1pm

C) No development on Sundays or public holidays.

***Officer Response: The principle of development, the impact of traffic arising from the development at the access point onto Cranleigh Road were all considered at the outline planning application stage and accepted. There is no further opportunity to revisit this alongside this reserved matters application. The Local Highways Authority have confirmed their acceptance to the proposed layout – see section 5.3 above.***

***Construction hours on site have been limited under condition 19 of the outline planning permission as follows:***

***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.***

***The Local Planning Authority has no powers to limit the movement of traffic on the local highway network at any time.***

**School Capacity / Doctors etc**

Local schools are already oversubscribed , so where are the children from this development going to go? Any school expansions will expand into green fields which leaves not room for outside activities.

GP Surgeries and Local Dentists are already struggling to cope with patient demand.

This will mean there is greater competition for local school places, and existing residents already struggle to get the places they apply for.

There are no amenities in Woodthorpe in terms of shops and no youth recreational facilities – so there will be youngsters hanging around the streets and safety will be an issue.

***Officer Response: The principle of development is established on this site by the presence of the outline planning permission; this cannot be revisited. The S106 agreement deals with securing any necessary contribution towards local schools and this financial contribution will be spent in accordance with Derbyshire County Council's requirements (which may include expansion / extension to nearby local schools). A contribution towards the provision of GP services was not sought by the CCG at the outline application stage and it cannot be sought alongside a reserved matter approval. Local dentists are not secured through the planning process.***

**Archaeology**

There are potential archaeological remains at the site and the application doesn't make it clear what is proposed and how important these remains are.

***Officer Response: Archaeology and any findings / surveys being undertaken on site are addressed under conditions of the outline planning permission.***

**HS2 Route**

Where is HS2 going?

***Officer Response: The proposed alignment of HS2 has since been moved and no longer affects or runs adjacent to this application site boundary.***

### **Drainage**

Flooding is a problem in the field already and drains have been blocked in the past. With the development this will get worse.

***Officer Response: Drainage and flood risk matters are addressed under conditions of the outline planning permission.***

### **Other Issues**

I am appalled by the poor standard of this letter in terms of it being written upside down on official headed paper and this reflects badly on CBC. Also there is no means of viewing the plans other than on the internet or at the Town Hall and given you come from Woodthorpe yourself, you should know that many residents are elderly, cannot travel and / or do not have the internet.

Please can my letter be read out in full to the planning committee at their meeting so that all Members are fully aware.

***Officer Response: The case officer was made aware of the fact that some of the initial neighbour notification letters (which are prepared through a computer database system) had been printed upside down on the Council's letter headed paper and these were sent out to residents. This was clearly a printing error but it is accepted that the mistake should have been spotted by the customer services team when the letters were being put inside envelopes. This matter has been raised with their respective manager.***

***It is noted that the comment above also makes reference to a staff members former place of residence, but this is not material to the consideration of the planning application. The means by which residents are consulted on applications and the expectation for the public to view planning applications online is adopted nationwide.***

***In accordance with the planning committee procedure and protocol written representations received to planning***



***applications are not read out in full in the planning committee meeting. There is simply not enough time to do this with each planning application, often given the high levels of responses received to controversial applications. Any representations are summarised in the officer report and the application file is available for Members to inspect and read all the representations received prior to the meeting.***

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

## 9.0 **CONCLUSION**

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

9.2 The outline planning permission already includes appropriate planning conditions such that the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS9 and CS10 of the Core Strategy and the wider NPPF in respect of technical considerations.

## 10.0 **RECOMMENDATION**

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

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

Planning Statement  
Design and Access Statement

1806.01 Rev C - Planning Layout + Planning Layout (Colour)  
1806.02 - Site Location Plan

*1806.03 Rev A – Materials Plan*  
*1806.04 Rev A – Street Scenes (Colour)*  
*1806.05 Rev C – Cross Sections*  
*1806.06 Rev A – Boundary Plan*

*1806.ASY.01 – Ashbury Elevations / Floor Plans*  
*1806.ASY.02 – Ashbury – Plot 12 Only*  
*1806.AVY.01 – Avebury Elevations / Floor Plans*  
*1806.BAN.01 – Barton Elevations / Floor Plans*  
*1806.BIN.01 – Bishopton Elevations / Floor Plans*  
*1806.COM.01 – Cotham Floor Plans*  
*1806.COM.02 – Cotham Elevations*  
*1806.KIN.01 – Kilmington Elevations / Floor Plans*  
*1806.ROY.01 – Rosebury Floor Plans*  
*1806.ROY.02 – Rosebury Elevations*  
*1806.ROY.03 – Rosebury Elevations - Plot 44 Only*  
*1806.ROY.04 – Rosebury Elevations – Dual Aspect*  
*1806.WRY.01 – Wrenbury Elevations / Floor Plans*  
*1806.WRY.01 – Wrenbury Elevations / Floor Plans*

*1806.G.01 – Single Garage Elevations /Floor Plan*

*Illustrative Landscape Masterplan – March 2018*  
*R-2096-1 – Landscape Masterplan*

*1806.BT.01 – 1.8m Timber Screen Fence*  
*1806.BT.02 – Brick Pier and Timber Panel*  
*1806.BT.03 – 0.6m Post and 2 Rail Fence*  
*1806.BT.04 – 1.5m Fence with Trellis*  
*1806.BT.05 – 1.2m Metal Feature Railings*  
*1806.BT.06 Rev A – Feature Wall – Plots 1 and 2*  
*1806.BT.07 – Feature Wall – Plot 12*  
*1806.BT.08 – 0.45m Knee Rail*  
*1806.BT.09 – Solid Wall*

*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. Within 2 months of the commencement of development revised / fully detailed soft landscaping proposals conforming to the principles of the submitted Landscape Masterplan

(Ref. R/2096/1) shall be submitted to the Local Planning Authority for consideration and subsequent approval in writing. Only those details agreed shall be implemented on site.

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

04. If, within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted as a replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

05. Individual driveways shall be provided with 2.4m x 25m visibility sightlines to the new estate street in each direction, measured up to 1m into the carriageway at the extremity of the splay, or other such dimensions as may be agreed in writing with the Local Planning Authority. The area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level, and so maintained for the life of the development.

*Reason – In the interests of highway safety.*

06. 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.*

## 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. This permission is granted further to an earlier grant of outline planning permission and S106 agreement to which any developer should also refer.

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CHE/18/00190/REM

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Case Officer: Eleanor Casper  
Telephone. No: 01246 345785  
Report Date: 04.07.2018

File No: CHE/18/00194/FUL  
Plot No: 2/2057, 2/5940  
Committee Date: 16.07.2018

## ITEM 2

### PROPOSED ERECTION OF AN AGRICULTURAL BUILDING FOR GRAZING ANIMALS (REVISED DRAWINGS RECEIVED 21.05.18 AND 03.07.2018) AT LAND NORTH OF BRIDLE ROAD, WOODTHORPE, DERBYSHIRE FOR MRS WEATHERALL

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

#### **1.0 CONSULTATIONS**

<b>DCC Highways</b>	No objection subject to development being ancillary to residential dwelling, see report
<b>The Coal Authority</b>	Objection initially received due to lack of Coal Mining Risk Assessment. Risk Assessment received and the objection was withdrawn subject to condition requiring intrusive site investigations
<b>Environmental Health (Services)</b>	No comments received
<b>Strategic Planning/ Planning Policy</b>	Objection – proposal contrary to policy, see report
<b>Design Services (Drainage)</b>	Comments received – see report
<b>Ward Members</b>	No comments received
<b>Site notices/advert</b>	One letter of representation received, see report

**2.0 THE SITE**

2.1 The site subject of this application predominately consists of a large agricultural field/pasture land with parcels of woodland to the north/north west. The site is approximately 1.5 hectares in area overall and located on the north side of Bridle Road (see photographs below). Access to the site is gained from Bridle Road, with a gateway situated in the south western corner of the site.



Existing access to site from Bridle Road



View of application site facing north

### **3.0 RELEVANT PLANNING HISTORY (Re: Site at 23 Bridle Road)**

- 3.1 CHE/17/00804/FUL - Re-submission of CHE/16/00804/FUL - Conversion of existing goat shed/stables into holiday let using shared access drive – **CONDITIONAL PERMISSION (20.12.2017)**.
- 3.2 CHE/16/00804/FUL - Convert existing goat shed/stables into holiday let – **REFUSED (02.02.2017) – APPEAL DISMISSED**
- 3.3 CHE/15/00795/FUL - Goat shed enlargement with stable – **CONDITIONAL PERMISSION (07.03.2016)**
- 3.4 CHE/15/00236/FUL - Re-submission of CHE/14/00754/FUL - Conversion of outbuilding with glass link, take down and rebuild off shot and re-skin out building with stone. Initially for accommodation of a dependant relative and at such a time there after will be used for holiday let - **CONDITIONAL PERMISSION (15.06.2015)**
- 3.5 CHE/14/00716/FUL – Goat shed and stables – **CONDITIONAL PERMISSION (25.11.2014)**
- 3.6 CHE/13/00631/FUL- Erection of a goat shed - **CONDITIONAL PERMISSION (22.01.2014)**

### **4.0 THE PROPOSAL**

- 4.1 The application proposes the erection of an agricultural building, described as a secure building for grazing animals. The proposed building is situated adjacent to the southern boundary of the site. The site is largely screened from Bridle Road by the existing hedgerow which runs parallel to the highway.
- 4.2 The proposed building measures 8.4m x 5m in footprint with an overhanging canopy to the north elevation. The building is formed of a dual pitched roof and incorporates a number of small high level Perspex windows for light, within the north and south elevations. The proposed building will be predominately formed of block work and faced in render with decorative reclaimed brick and stone.

### **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
- CS7 Management of the Water Cycle
- CS8 Environmental Quality
- CS9 Green infrastructure and Biodiversity
- CS18 Design

**5.3 Replacement Chesterfield Local Plan adopted June 2006 (RCLP)**

- EVR2 Open Countryside/other open land

**5.4 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF)

**5.5 Key Issues**

1. Principle of development;
2. Design and Appearance Considerations (including Neighbouring Impact)
3. Highway issues;
4. Land Stability;
5. Flood risk and drainage;

**5.6 Principle of Development**

5.6.1 The site is situated within the open countryside to the west of the built settlement of Woodthorpe. Having regard to the nature of the application proposals, policy EVR2 of the Local Plan 2006, Policy

CS9 and CS18 of the Chesterfield Local Plan: Core Strategy (adopted July 2013) and the wider National Planning Policy Framework apply.

- 5.6.2 The countryside designation of Policy EVR2 of the 2006 Local Plan is protected and carried forward as part of the adopted Core Strategy. The principles of EVR2 state that new development will not be accepted in the open countryside unless it is associated with the needs of agriculture / forestry; or related to recreation, tourism or other types of farm / rural diversification.
- 5.6.3 Policy CS9 of the Core Strategy states that development should not harm the character or function of the Green Belt, Green Wedges, Strategic Gaps and Local green spaces.
- 5.6.4 Policy CS18 of the Core Strategy states that all development should identify, respond and integrate with the character of the site and its surroundings and development should respect the local character and the distinctiveness of its context. In addition it requires development to have an acceptable impact on the amenity of neighbours.
- 5.6.5 The Strategic Planning/Planning Policy Team were consulted on the proposal and provided the following comments; *'The proposal is for the erection of a bricks and render with exposed stone agricultural building on land designated as Open Countryside under saved policy EVR2. The site is on the edge of Woodthorpe, and within the Lowgates/Netherthorpe and Woodthorpe/Mastin Moor Strategic Gap. The critical matter is whether the development is 'necessary for the needs of agriculture', as required by EVR2. When considering applications on unallocated land Policy CS2 also requires evidence to demonstrate that the proposed use 'needs to be in a specific location to serve a defined local need.'*
- 5.6.6 *'There are currently no animals on the land. Although the applicant has provided a CPH number, it is clear that the small number of animals (a site visit by the case officer noted two goats, a number of chickens and ducks) are being kept as 'pets' (as referred to by the applicant) in the applicants' garden. There is no evidence to show that it is part of a farm or business operation.'*
- 5.6.7 *'I do not consider that the keeping of pets falls within the definition of agriculture in Section 336 of the Town and Country Planning Act*

*1990: 'horticulture, fruit growing, seed growing, dairy farming; the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land).'*

- 5.6.8 *'When determining whether an application for an agricultural building is necessary under EVR2, it is also useful to consider the criteria in the GPDO for agricultural buildings. Part 6 (Class A) of the Second Schedule to the General Permitted Development Order (erection of a building and other operational development on an agricultural unit of 5 ha or more), in order to qualify as permitted development under this part of the GPDO, the building in question must also be "reasonably necessary for the purposes of agriculture within that unit".'*
- 5.6.9 *'A building will not qualify under Part 6 (Class A) if the agricultural activity has not yet started or is being conducted purely or mainly as a hobby. Paragraph D.1 in Part 6 of the GPDO clearly states that, for the purposes of Part 6, "agricultural land" means land which, before development permitted by this part is carried out, is land in use for agriculture for the purpose of a trade or business (i.e. there must be an existing agricultural use and this must be a business, not a hobby).'*
- 5.6.10 *'I appreciate the applicant wants to expand the number of animals and is seeking a secure place to house them, but as the existing animals are being kept as pets on domestic garden land and not as part of an existing agricultural business the proposal is not strictly necessary for the needs of agriculture and therefore does not comply with EVR 2.'*
- 5.6.11 *'The site falls within the Lowgates/Netherthorpe and Woodthorpe/Mastin Moor Strategic Gap. The exact boundaries of the Strategic Gaps have not been set in an allocated plan, but weight can be given to the boundaries that were subject to public consultation in the Draft Local Plan in 2017. The proposed building is relatively small and is located at the edge of the gap near to the western boundary. Due to the scale and the location within the gap, it is unlikely that the proposed development would significantly harm the function of the Strategic Gap and therefore does not conflict with policy CS9 in this regard.'*

5.6.12 *'I have not commented on detailed matters such as design because I object to the proposal in principle. It is not necessary for the needs of agriculture and therefore does not comply with policy EVR2 or CS2.'*

**Officer comments**

5.6.13 The comments received from the Policy team argue that the proposal represents a departure from the local plan, contrary to policy EVR2. The proposed agricultural building is situated to the north of Bridle Road on the opposite side of the highway to the applicant's dwellinghouse. The proposal aims to provide secure housing for the animals on the parcel of land separate from the main dwellinghouse. The applicant has a registered small holding with a CPH (Country Parish Number). The Case Officer has visited the site and confirm that a number of animals are currently being kept by the applicant. The application site is a large agricultural field which can be used as grazing land for animals. The proposed development is not considered to detract from the openness/character of the open countryside and it is not unusual to site buildings of this nature on pasture land. The Policy team support this assertion and state that the proposal does not conflict with policy CS9 with respect to its scale and location. It is therefore considered unreasonable to suggest that a secure building for animals on this land is unacceptable.

5.6.14 It is necessary to acknowledge the surrounding site history (see section 3.0) whereby applications have been received and approved for the erection of 'goat sheds' which have subsequently been converted to holiday let accommodation. The application site is considered to be isolated from the existing collection of dwellings and outbuildings situated on the opposite side of Bridle Road highway around No 23. Whilst it is accepted that the nearby site history may suggest a trend in ascertaining permission of buildings of this nature and then applying to convert them, it would be unreasonable to judge this application on the basis of any prospective threat of the same happening. Each application must be assessed on its face value and on its own individual merits. The future conversion of any such building would need to be the subject of further planning permission, which at that stage would be the correct time to judge any such proposal. What needs to be considered is the potential for the building, if approved, to be extended under permitted development rights and therefore

recommended that a condition be attached removing any such rights to extend or alter the building in the future without it being the subject of a formal planning application.

## 5.7 **Design and Appearance Considerations (including Neighbouring Impact)**

5.7.1 The proposed shelter is considered to be appropriately sited having regard to the fact the development is to be positioned on land that is still designated as open countryside. The proposal will also be predominately screened from Bridle Road highway by the existing hedgerows.

5.7.2 The design of the development is considered appropriate in so far as it is detailed to be finished with materials which would not appear out of character within the surrounding area.

5.7.3 The use of the land for agricultural/grazing purposes is considered to be acceptable and is not unusual to see shelters/buildings of this nature on pasture land for the security and safety of the animals.

5.7.4 Having regard to the open countryside Local Plan designation and the design criteria of new development set out in policy CS18 of the Core Strategy the proposed agricultural building is considered to be acceptable. The siting, scale and nature of the application is not considered to cause any adverse impacts on the amenity of nearby residential properties.

## 5.8 **Highway Safety**

5.8.1 DCC Highways consultation raised no objections to the proposal and made the following comments; *'No objection subject to development remaining private and ancillary to No 23 Bridle Road and agricultural use of surrounding tied land with no future sub-letting or selling-off.'*

5.8.2 **Officer comments – The application site consists of an agricultural field (which could have included the use of the field to graze animals). The development proposed facilitates the provision of a shelter associated with the use of the field for the keeping of animals (which would be accepted as being an activity still associated with the agricultural use of the field). It is therefore considered unnecessary to require the building to**



remain private/ancillary. Overall no adverse highway safety concerns arise as a result of the proposal.

## 5.9 Land Stability and Coal Mining Risk

5.9.1 In respect of potential Coal Mining Risk, the site subject of the application lies within the defined 'referral area'. The Coal Authority were consulted and objected to the proposal due to the lack of a Coal Mining Risk Assessment. The applicant subsequently submitted a Coal Mining Risk Assessment and the objection was withdrawn with the following comments;

5.9.2 *'The Coal Authority concurs with the recommendations of the Mining Report and Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.'*

5.9.3 *'A condition should therefore require prior to the commencement of development:*

- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity;*
- The submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and*
- Implementation of those remedial works.*

*The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above.**'*

5.9.4 **Officer comments – The above comments have been noted. It is therefore recommended that a condition be attached to the decision requiring intrusive site investigations. The proposal is therefore considered to accord with the provision of CS8 of the Core Strategy.**

## 5.10 Flood Risk and Drainage

- 5.10.1 In respect of potential flood risk, the site subject of the application lies within flood zone 1 and is therefore considered to have the low probability of flooding. Design Services (Drainage) were consulted on the proposal and provided the following comments; *'I refer to the application above; the site is not shown to be at risk of flooding, according to the Environment Agency flood maps. It is noted the applicant intends to dispose of surface water via soakaways. Infiltration tests should be carried out and calculations provided in accordance with BRE Digest 365 to ensure no flooding for a 1 in 30 year rainfall event and no flooding of properties for a 1 in 100 year event.'*
- 5.10.2 **Officer comments - The above comments have been noted. The application site is located within flood zone 1 and as such is not considered to be at risk of flooding. The proposal is therefore considered to accord with the provision of CS7 of the Core Strategy.**

## 6.0 REPRESENTATIONS

- 6.1 The application was advertised by letter sent on 12.04.2018, deadline 03.05.2018. A site notice was also displayed on 30.04.2014, deadline for responses 21.05.2018. On receipt of formal comments from the Strategic Planning/Planning Policy Team, the proposal was identified as a departure from the local plan and as such was re-advertised via site notice displayed on 21.06.2018, deadline for responses 12.07.2018 and an advert was also placed in the Derbyshire Times on 21.06.2016, deadline for responses 12.07.2018.
- 6.2 At the time of writing this report one letter of representation has been received as a result of the notification process;
- 15 Bridle Road (dated 29.04.2018 and received 03.05.2018)**
- 6.3 The main points made within the representation are summarised below;
- Type and number of animals
- Officer comments – The application is considered to be for a small number of animals associated with the existing small holding at No 23.**

- Contamination of the land as a result of the Coalite works  
**Officer comments – Environmental Health were consulted on the proposal and no comments were provided. The site is existing agricultural fields and will be retained as such.**
- Access to the site to repair/maintain the power line  
**Officer comments – this is considered to be a private matter**
- January 2018 a power cable was laid across Bridle Road by Western Power, was this in anticipation of the application being approved  
**Officer comments – this is not considered to be a material planning consideration.**
- How will bedding straw be dealt with. Hopefully not by burning  
**Officer comments – this is not considered to be a material planning consideration.**
- Is the applicant the owner of the land, if not what arrangements existing between the applicant and owner of the land  
**Officer comments – the applicant has certified that they own the land.**
- Movement of animals across Bridle Road could be problematic due to national speed limit and close to a blind bend  
**Officer comments – the proposed building is to provide secure housing for a small number of animals to be kept in the field.**
- Potential clearance of the hedge and Section 15 of the application form should be answered 'yes' with respect to the existing hedgerow.  
**Officer comments – The proposed building is located 3m from the application site boundary and as such, potential adverse impacts on the hedgerow are considered to be minimal.**
- How will the council ensure that safeguards are in place to prevent the shed being converted to a dwelling/holiday let, as happened to the goat shed on land adjacent to the applicants.  
**Officer comments – it is recommended that a condition be attached to the decision restricting permitted development rights to ensure the building is retain for agricultural purposes and not extended.**

## 7.0 **HUMAN RIGHTS ACT 1998**

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

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

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

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

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

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

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

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

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

## 9.0 **CONCLUSION**

9.1 The proposal is considered to be appropriately designed having regard to the nature and character of the surrounding area. The proposal is not considered to result in an adverse impact on the amenities of neighbouring residents or highway safety. As such, the proposal complies with the protected EVR2 designation in the Replacement Chesterfield Borough Council Local Plan (2006); the requirements of policy CS7, CS8, CS9 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## 10.0 **RECOMMENDATION**

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

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

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

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

- Revised block plan (dated 03.07.2018)
- Floor plans and elevations (dated 26.03.2018)
- Revised site location plan (dated 21.05.2018)
- Coal Mining Risk Assessment (dated 08.06.2018)

***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 site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;

- The submission of a scheme of intrusive site investigations for approval;

- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and Implementation of those remedial works.

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

***Reason*** - *To fully establish the presence 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.*

**04.** Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, conversion or alterations to the hereby approved building or work as defined within Schedule 2 Part 3, Class Q, R or S and Schedule 2 Part 6, Class B shall be undertaken on site without prior written approval from the Local Planning Authority (by means of formal planning application).

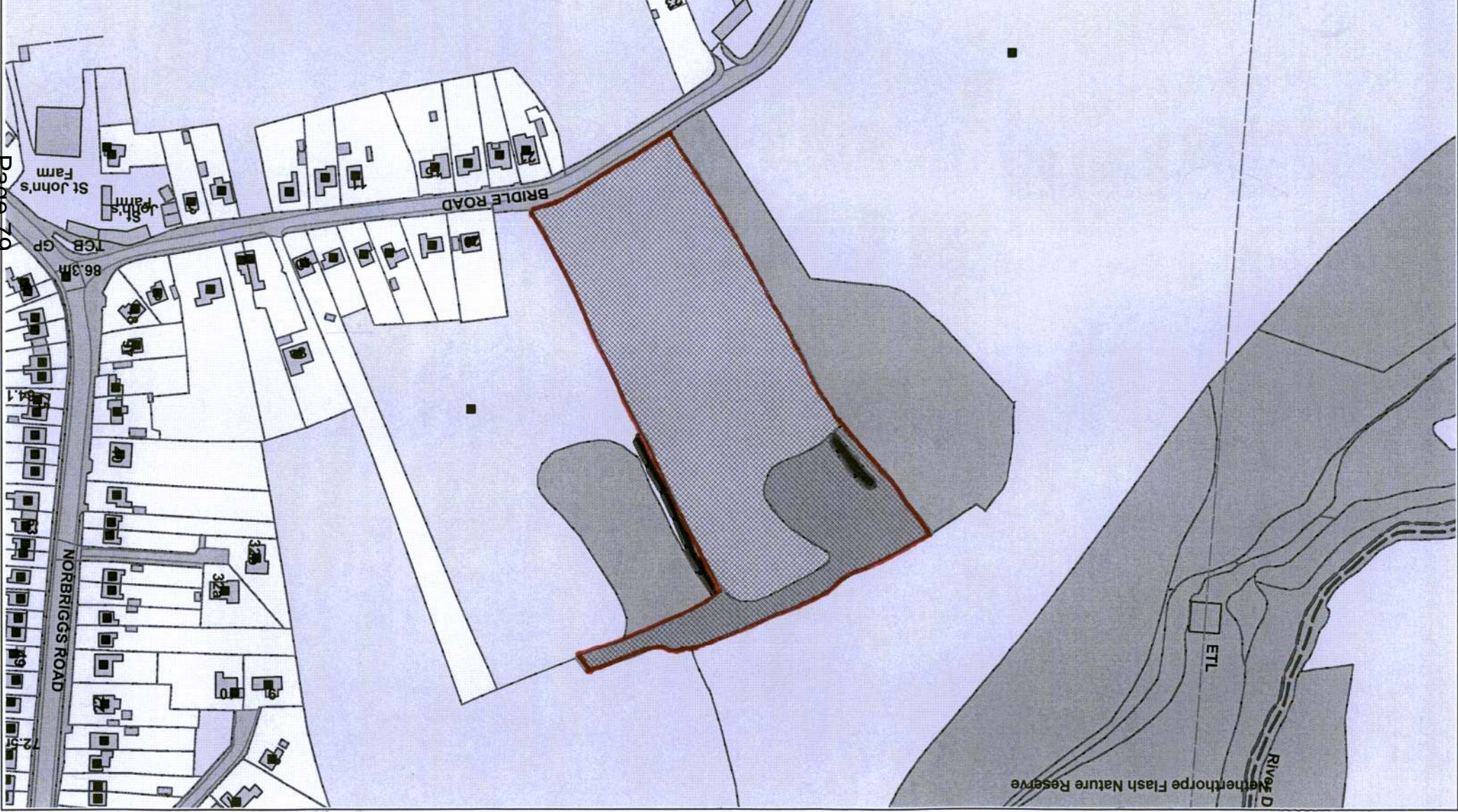
***Reason*** – *To ensure the development remains as approved and allow the Local Planning Authority to regulate and control any future development.*



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Case Officer: Joe Freegard  
Tel. No: (01246) 345580  
Committee Date: 16<sup>th</sup> July 2018

File No: CHE/17/00885/FUL  
Plot No: 2/2463

### ITEM 3

**Proposed demolition of existing building and replacement with two storey building with offices to ground floor and three number one bedroom studios to first floor at 9D Holywell Street, Chesterfield, Derbyshire, S41 7SA for Mr R Cutt – Coal mining risk assessment received 3.4.18, archaeological assessment received 3.4.18, noise impact assessment received 1.6.18, amended plans and elevations received 6.6.18.**

Local Plan: Unallocated  
Ward: St Leonards

#### 1.0 **CONSULTATIONS**

Ward Members	No comments
Strategy Planning Team	Comments received
Environmental Services	No objections
Design Services	No objections
Yorkshire Water Services	No comments
DCC Highways	No objections
Amenity Socs. Local	No comments
Coal Authority	No objections
Conservation Officer	No objections
Urban Design	Comments received
Derbyshire Wildlife Trust:	Comments received
Archaeology	No objections

Derbyshire Constabulary	No objections
Waste Management	No objections
Neighbours/Site Notice	2 representations received – see report

## 2.0 **THE SITE**

- 2.1 The site the subject of the application is 9D Holywell Street, located within a Conservation Area in Chesterfield Town Centre. The property in question is situated behind Holywell Street, at the end of a row of properties accessed from Parker’s Yard.
- 2.2 9D Holywell Street is a two storey end of terrace building, of a brick construction, with a pitched tile roof and UPVC windows and doors. The property is currently vacant, and was last used as a taxi booking office. The Western front elevation abuts Parker’s Yard, an alleyway connecting with Holywell Street. This elevation is largely set over a single storey, due to the gradient of the site, where a series of UPVC windows and doors are located. The Northern side elevation of the property abuts an enclosed yard area, and comprises a gable end with first floor UPVC window and single storey aspect underneath. The Eastern rear elevation of the property also abuts the enclosed yard area, and comprises a series of first floor UPVC windows with single storey aspects underneath. The Southern side elevation of the property comprises a gable end that is attached to the rear of 9 Holywell Street.
- 2.3 The aforementioned enclosed yard is situated to the North and East of the site, and is not in the ownership of the applicant. 9 Holywell Street is situated to the South of the site and Parker’s Yard is situated to the West of the site. An attractive stone and brick boundary wall is situated to the North West of the site, between Parker’s Yard and the enclosed yard area. The Grade II Listed Winding Wheel concert hall is situated on the opposite side of Parker’s Yard, to the West of the site, and the beer garden of Einstein’s Bar is situated to the South of the enclosed courtyard area.







### 3.0 **RELEVANT SITE HISTORY**

3.1 There is no relevant planning history at this site.

### 4.0 **THE PROPOSAL**

4.1 A full application has been made for the demolition of the existing building and replacement with a two storey building with offices to ground floor and three number one bedroom studios to first floor.

4.2 The plans were originally for the demolition of the existing building and replacement with a two storey building with B8 (storage only) to ground floor and three number one bedroom studios to first floor however concerns were raised with regard to the proposed office use and the design, which resulted in the description of the application being revised and amended plans being produced.

- 4.3 The site layout indicates that the proposed new building would measure a maximum of approximately 6.9M in height to the ridge, 5.5M in height to the eaves, 15.5M in width and 8M in depth. The new property would abut the boundary with Parker's lane to the West of the site, would be attached to 9 Holywell Street to the South of the site and would project further into the enclosed yard area than the existing building.
- 4.4 The new building is proposed to comprise office space and WC at ground floor level, with a series of windows and an angled external door to the Eastern rear elevation. The external door is proposed to lead to a bin storage area, immediately to the Northern side of the property. An internal staircase is proposed to lead up to first floor level, where a commercial entrance would be located leading from Parker's Yard. At first floor level the property is proposed comprise three studio apartments, with a residential access leading from Parker's Yard. Each of the apartments would consist of an open plan studio area with separate bathroom. A series of windows are proposed to the Eastern rear elevation to serve the studios, and a further window and Juliette balcony area is proposed to the Northern rear elevation. The internal spaces appear to be appropriate and fit for purpose. No details with regards to landscaping or boundary treatments are provided at this stage, and no on site parking provision is proposed.
- 4.5 The amended plans indicate that the new property would be of a brick construction, with a pitched tile roof and UPVC windows and doors. All of the windows are proposed to be triple casement units with brick lintels, and a horizontal parapet feature within the centre of the roofline. The original plans were considered inappropriate in terms of design, and as such consultation took place with the applicant in order to provide these amended plans.
- 4.6 The application is assessed on the basis of the application form, Design and Access Statement, Heritage Statement, site location plans, plans and elevations, coal mining risk assessment, archaeological assessment and noise impact assessment.

## 5.0 **CONSIDERATIONS**

5.1 **Local Plan Issues**

5.2 The site is situated within the built settlement of the Town Centre in a Conservation Area. The immediate area contains a mix of commercial, employment and residential uses, and is well served by services and facilities. Having regard to the nature of the application, policies CS2, CS18 and CS19 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.

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

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

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

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

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.'*

- 5.5 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.
- 5.6 The proposed development site is situated within Chesterfield Town Centre and is on previously developed land. The site is located within a built-up area where new housing and employment development would be considered appropriate in principle. As such, this proposed development site is considered to be sufficiently sustainable for a development of this nature and is a logical housing and employment plot.
- 6.0 **Strategy Planning Team**
- 6.1 Principle of Development: The application originally proposed the demolition of an existing building and the erection of a two-storey building with storage on the ground floor (B8) and three, one-bedroomed residential units on the first floor with access from Packer's Yard. The site is within the town centre boundary in the adopted Local Plan but is not within the retail core. The site was last used as a taxi booking office which is considered to be a Sui Generis use class. Allocations and proposals for new employment development will be encouraged where they accord with the council's overall spatial strategy (CS1). Policy CS13 sets out the broad locations appropriate for employment use. A B8 (storage) use would normally only be considered in a designated established business and industrial land area. The allocation of a B8 site at this town centre location may have an adverse impact on traffic movement, and advice should be sought from the Highways Authority with regards to loading. The B8 element of the application is not

considered to be congruent with the proposed C3 use regards to residential amenity, nor Policy CS13, however, it is difficult to fully assess the suitability of the use without further information on the precise nature of the proposed storage operations. Subsequently the warehouse storage element was changed to an office component which is acceptable within the town centre environment.

- 6.2 In so far as the residential element the site, which is considered to be previously developed, is within easy walking and cycling distance of the full range of facilities available in Chesterfield Town Centre and has excellent public transport connections. It is therefore in accordance with the principles for the location of development (regarding concentration and regeneration) set out in CS1 and CS2. Core Strategy Policy PS1 i) states that development should enhance the range and quality of residential uses within Chesterfield town centre and support the objectives of the Chesterfield Town Centre Masterplan. Residential development in this location would enhance the range of dwellings in the centre and supports the Masterplan objective of securing residential development to refurbish the upper-levels of buildings.
- 6.3 The plot is located within The Chesterfield Town Centre Conservation area and within the town's Historic Core as defined by policy CS19 and the constraints mapping. The existing building fronts onto Packer's Yard which is an alleyway connecting Holywell Street to Tapton Lane. None of the walls front onto the main Holywell Street however, The Winding Wheel (a grade II listed building) sits opposite the site. Whilst the existing building sits within an area of conservation significance the building itself does not appear to have any material impact on the appearance and views of the conservation area given the original structure was also two storeys in height. Policy CS19 requires that all new development must preserve or enhance the local character and distinctiveness of the area in which it would be situated.
- 6.4 Flood Risk & Environment: As the site is located in Flood Zone 1, with low surface water flood risk the development would not require a flood risk assessment. Commitment to the use of SuDs should be secured if possible to further



minimise flood risk. The applicant has not demonstrated how the development will comply with parts a-d of Policy CS6 – ‘Sustainable Design and Construction’. Further information should be obtained from the applicant regarding sustainability.

6.5 Design & Amenity: Holywell Street has a number of licensed premises which impact upon the amenity of residents owing to their noise levels and hours of use. The comments from Environmental Health highlight a deficiency of noise mitigation measures in the existing design. The importance of preventing new development from being adversely affected by noise pollution is highlighted in para. 109 of the NPPF. Should the development be approved it is also important to ensure that the ‘Designing Out Crime’ SPD is used to help promote a safe environment, particularly with regards to the lighting of Packer’s Yard under policy CS18 i. The presence of a B8 unit below the residential uses also presents amenity concerns and would facilitate a change of use of premises from a B8 storage and distribution use under 500m<sup>2</sup> to C3 residential use under temporary permitted development rights. This could have implications for waste storage and dwelling density which may need to be controlled through condition. It is noted that the residential apartments will be 33m<sup>2</sup> in size which is 6m<sup>2</sup> below the Technical Housing Standards space standards for 1 bedroomed 1 person dwellings. Comment from the urban design officer should be sought in assessing whether the design, materials and layout are appropriate to meet the requirements of policy CS18 k which takes into consideration the amenity of users.

6.6 Any net increase in floorspace would be liable under CIL provided the applicant is able to prove that the building can meet the lawful use test as set out in Regulation 40 of The Community Infrastructure Levy (Amendment) Regulations (2014). The test allows for existing floor space that has been in continuous lawful use for at least six months in the three years prior to the grant of planning permission to be used as deductible floor space against the CIL charge for the development. The site is within the medium CIL charging zone which requires a charge of £50 per sqm.

6.7 The principle of residential development is acceptable given that it is in a location that accords with the Core Strategy in terms of the overall strategy of concentration and regeneration, however the intended B8 designation for the ground floor is a concern at this location as per policies CS13 and CS1. There are also user amenity concerns under CS18 which should be addressed. Advice should be sought from the urban design and conservation officers regarding the scale and design of the dwellings.

6.8 In response to these comments from the Strategy Planning Team, it is agreed that the originally proposed storage use would have resulted in an adverse impact on the vitality of the Town Centre and may have resulted in highway safety and amenity issues. This resulted in the storage aspect of the scheme being replaced by a proposed office. This is considered to be an appropriate Town Centre use that would contribute to the vitality of the Town Centre and would be unlikely to result in highway safety or amenity issues. It is agreed that this proposed Town Centre location is an appropriate and sustainable location for residential development and that the proposed development would have no adverse impact on the character of the Conservation Area. Environmental Health has provided comments in relation to residential amenity and noise, Design services has provided comments in relation to drainage, and Derbyshire Constabulary has provided comments in relation to designing out crime. It is not considered that the proposed dimensions of the apartments would be sufficiently small to warrant a refusal being issued, and it is agreed that this development would be CIL liable.

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

7.1 It is considered that the design and materials of the proposed new property are of satisfactory quality that would have no adverse impact on the character of the site or the surrounding Conservation Area. The new property would improve the aesthetics of the site by replacing a poor quality existing structure, and the use of red brick and a pitched tile roof would complement the architecture of the surrounding locality. Many properties in close proximity are of a red brick construction with pitched roofs, so it is considered that the

design and materials of the proposed new property are entirely appropriate to the locality. A condition should be imposed requiring the submission of details of the material samples and windows and doors. This is to ensure that the materials are appropriate in terms of quality and shade.

7.2 Having regard to the proposed layout, plans and elevations, it is expected that the development may impose the greatest degree of change to 9 Holywell Street. The new building would be constructed in front of an existing window to the North elevation to this property, however the modest height of the development would prevent any adverse impact in terms of overshadowing or an overbearing impact. No windows are proposed to the South elevation of the new property, so there would be no issues in terms of overlooking for 9 Holywell Street either. The proposed development would have no adverse impact on the neighbouring property to the West of the site, as this is the non-residential Winding Wheel, the height of the development would be relatively modest and no windows are proposed to this elevation. The neighbouring properties to the North and East of the site would be situated several metres away from the proposed new building, with the closest properties situated approximately 19M away and having no windows to this elevation. It is not therefore considered that there would be any issues in terms of overlooking, overshadowing or an overbearing impact for these neighbours. It is considered that the proposed design and scale of the building, the layout of the site, and the level of separation from neighbours would ensure that these proposals would result in no significant adverse impact in terms of overlooking, overshadowing or an overbearing impact for any neighbouring properties.

7.3 No outdoor amenity is proposed to serve the residential studios. It was suggested that roof terraces, balconies or access to the enclosed yard area would be beneficial for residents in terms of access to outdoor amenity space, however the applicant was not prepared to make this provision. As a result of the town centre location and access to areas of open space, it is not considered that the lack of outdoor amenity space would constitute a reason for refusal in this instance. A small area of outdoor space is proposed to serve the office area at ground floor level, and this could be

enhanced with the use of landscaping. An appropriately screened bin storage area is proposed to serve the office and studios above. Bin collection would necessitate waste being transported along Parker's Yard to Holywell Street, a busy main road. It was suggested that bin collection from the entrance to the enclosed yard on Tapton Lane would be more appropriate, however the applicant was not prepared to facilitate this. It is not considered that the proposed bin collection from Holywell Street would be sufficiently problematic to warrant a refusal being issued. No parking provision is proposed for the new building, however there is no scope to provide this. As a result of the sustainable town centre location that is well served by public transport, it is not considered that a lack of parking would constitute a reason for refusal in this instance.

- 7.4 Overall it is accepted that development of this nature would impose an impact upon neighbours. In this instance there is however a case to argue that this impact would be minimal, due to the proposed design and the relationship between properties. In the context of the provisions of Policies CS2 and CS18 of the Core Strategy and the material planning considerations in relation to neighbour impact, it is concluded that the development can be designed to prevent any significant adverse impact upon the privacy and/or outlook of the adjoining and/or adjacent neighbours. As such, the development is considered to be acceptable in terms of these policies. Overall the principle of this scheme is considered to be acceptable, and is in accordance with policies CS2 and CS18 of the Core Strategy and the wider SPD.

## 8.0 **Environmental Services**

- 8.1 The Environmental Services Officer was consulted on this application and initially raised concerns with regards to noise, in particular from the Winding Wheel concert hall and Einstein's Bar. He stated 'I am concerned that there is no information regarding noise (ie from the surrounding area, and possible mitigation measures which may well be required, in this town centre location), as such I am unable to consider the application fully. I advise that the application should be refused, pending supply of this supporting

information'. As a result of this consultation response a noise impact assessment was submitted on 1.6.18 containing glazing and ventilation configurations to minimise the impact of noise. The Environmental Services Officer was re-consulted on the application and stated 'I agree with the conclusions reached therein'.

8.2 *The response from Environmental Services is accepted. It is considered appropriate to impose a condition requiring development to take place in accordance with the submitted noise impact assessment. This condition is required in the interests of the residential amenity of the occupants of the new dwellings.*

9.0 **Design Services**

9.1 Design Services was consulted on this application and they raised no objections. It was stated that 'the site is not shown to be at risk of flooding, according to the Environment Agency flood maps. Any amendments to the existing drainage system may require Building Control approval. The applicant will also need to contact Yorkshire Water for any additional connections to the public sewerage system'.

9.2 *The response from Design Services is accepted. It is considered appropriate to impose a condition requiring the submission of drainage details prior to construction. This condition is required in the interests of sustainable drainage.*

10.0 **DCC Highways**

01 DCC Highways was consulted on the original application and they raised no objections. It was stated that 'the planning application form indicates no parking details were submitted with this application and comments are given on the basis that none will be provided. In any case the site does not connect with the publicly maintainable highway. There were concerns regarding the storage element however this is now changed to an office. In respect of the residential element of the proposal in view of the location of the premises it is not considered that a recommendation of refusal could be sustained on the issue of no off-street parking. The Highway Authority would be obliged to receive further details in

respect of the storage element of the proposal prior to making formal comments on this application’.

10.2 *The response from DCC Highways is agreed with in relation to the residential aspect of the proposed plans. The storage aspect of the application is no longer part of these plans, and it is not therefore considered that this is a matter of concern.*

## 11.0 **The Coal Authority**

11.1 The Coal Authority was consulted on this application and initially objected due to the lack of a coal mining risk assessment. A coal mining risk assessment was submitted and the Coal Authority was re-consulted. It was stated that ‘the Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

11.2 In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition should therefore require prior to the commencement of development:

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

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

\* Implementation of those remedial works.

11.3 The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above’.

11.4 *The response from the Coal Authority is agreed with. It is considered that the suggested conditions are required in the interests of coal mining legacy and safety.*

12.0 **Conservation Officer**

12.1 The Conservation Officer was consulted on this application and raised no objections. It was stated that ‘9D Hollywell Street is located within the Chesterfield Town Centre Conservation Area and is adjacent to the grade II listed Winding Wheel, hence this is something of a sensitive setting. That said, 9D is to the rear of the main street scene and the contribution the building makes to the character, setting or appearance of the conservation area and listed building is limited. 9D appears on historical maps from the 1880s and would have been part of the wider residential and industrial development which made up this part of 19th century Chesterfield between the train station and the town centre. No. 9 Holywell street has retained a traditional style shopfront and main elevation (including attractive timber arched windows) and makes a positive contribution to the wider street scene. Unfortunately 9A has no interesting or attractive architectural features – it consists of simple brick elevations, concrete pan tiles, UPVC windows and poorly constructed lean-tos. A scruffy and neglected service area/car park is to the rear of the property.

12.2 The proposal would involve the demotion of 9A and its replacement with a simple brick building consisting of cement roof tiles (type not specified), UPVC casement windows and steel doors. The proposed building is fairly non-descript, but on balance would be an improvement over existing in my view, so I would have no objections, particularly as this is not a prominent part of the wider conservation area, nor has an impact on a sensitive part of the Winding Wheel’s setting. I notice the applicant has not provided clarity about the existing boundary wall adjacent to the public pathway located south of the northern lean-to elevation. Would this require to be rebuilt as part of the proposals? Or would it be left in-situ?

Clarity should be sought. If it is to be rebuilt then one option may be to rebuilt this section of the wall out of reclaimed brick from the demolition which would give the wall some character (an appropriate approach in a conservation area)'.

12.3 *The response from the Conservation Officer is agreed with. It is considered that the existing boundary wall in question would remain, as this is outside the red line boundary and not in the ownership of the applicant.*

### 13.0 **Urban Design**

13.1 The Urban Design Officer was consulted on this application and raised concerns with regards to the original plans. He has been involved in the process of prompting amended plans and there are no objections to these revised proposals.

### 14.0 **Derbyshire Wildlife Trust**

14.1 Derbyshire Wildlife Trust was consulted on this application and raised no objections. It was stated that 'due to the demolition of the existing site building, it is recommended as a minimum that a day time building assessment for bats and birds is undertaken by a suitably qualified ecologist'.

14.2 *In response to these comments from Derbyshire Wildlife Trust, it is not considered that a bat and bird assessment is required in this instance. This is because the existing structure has clearly been re-roofed relatively recently and the property was recently in operation as a taxi booking office. As a result of these factors, it is considered that the likelihood of bird or bat life within the roof is extremely minimal.*

### 15.0 **Archaeology**

15.1 DCC Archaeology was consulted on this application and originally objected due to the absence of an archaeological desk-based assessment of the site. This was subsequently submitted and DCC Archaeology was re-consulted. It was stated that 'I recommend that this meets the information requirements at NPPF para 128 in terms of understanding archaeological significance. The site was within the likely



areas of Roman and medieval occupation in Chesterfield and the narrow yard formed part of one of the medieval burgage plots. The site has subsequently been built on, during the 18th and 19th centuries. Although the current building appears to date from the 1950s it incorporates part of a stone wall in the lower courses of its western side, which may have formed part of an earlier building or boundary wall. There is potential within the site for below-ground archaeology associated with this long period of occupation, and this is best addressed through a conditioned scheme of archaeological work to comprise a brief record of the stone wall structure within the later building, and recording of below-ground archaeological remains (probably through a strip-and-record excavation though dependent to some extent on the applicant's foundation design for this constrained site), following demolition of the existing building to slab level only. The following conditions should therefore be attached to any planning consent:

- 15.2 "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"
- 15.3 "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."

15.4 *The comments from DCC Archaeology are agreed with. It is considered that the suggested conditions are required in the interests of archaeology.*

16.0 **Derbyshire Constabulary**

16.1 Derbyshire Constabulary was consulted on this application, and the responding officer stated 'in my view the siting of residential property as proposed would be problematic because of the surrounding commercial uses. This area of the application isn't explored to any degree. Pedestrian access as proposed I think would be acceptable. Whilst the communal residential door is set some way onto Parkers Yard, so removed from wider supervision, the yard is relatively linear without significant recesses, consequently users have an extended view in both directions. Parkers Yard is also well lit, although from a number of bulkhead units fitted to the exterior of existing buildings as opposed to a public scheme. It also benefits from formal surveillance from the extended Winding Wheel CCTV system. The problems I anticipate are more connected to the proximity of the Winding Wheel and Einsteins Bar. Noise from the concert hall is likely to be significant, as is noise from Parkers Yard, which I believe may provide stage door access for the Winding Wheel. On the opposite side of the proposed site, the rear and raised external deck of Einsteins Bar would be very close to apartment windows, and with Einsteins permitted hours of operating, this would be a significant amenity problem for residential occupation. Given this likely conflict my view is that the residential element proposed would be unacceptable in principle without evidence of measures to mitigate'.

16.2 *In response to these comments from Derbyshire Constabulary, it is agreed that the proposed pedestrian*

*access and level of surveillance is acceptable. The concerns with regards to noise from nearby properties has been addressed through the submission of a noise impact assessment, which Environmental Services considers to be satisfactory.*

17.0 **Waste Management**

17.1 Waste Management was consulted on this application and made comments. It was stated that 'owing to the location of the proposed development being accessed from Parker's Yard (Lane) residents would need to present their waste for collection on Holywell Street. Holywell Street is a busy street with traffic lights and parking restrictions and this would therefore not be ideal. An exact location would need to be agreed to help avoid any issues arising with waste left out for collection. Collection of waste in the town centre is a weekly general waste collection only. A number of town centre properties are provided with sack collections as are deemed unsuitable for wheeled bins i.e. no space to store and present. If the property could access Tapton Lane there may be the potential for wheeled bins to be presented at this location however agreement would need to be made with the landowner and with the Council as to where bins could be left or presented safely for emptying at this point'.

17.2 *The comments from Waste Management are accepted. Although the collection of waste from Holywell Street is not ideal, it is not considered that this issue would be sufficient to constitute a reason for refusal. It had been suggested that Tapton Lane would be a more appropriate location for bin collection, however the applicant was unprepared to allow this.*

18.0 **REPRESENTATIONS**

18.1 As a result of neighbour notification, 2 letters/e mails have been received from individuals associated with Einstein's bar.

18.2 The letters/emails received raise concerns with regards to disruption caused during construction, the applicant having no right of ownership of the shared yard for construction,

potential obstruction of the yard causing issues with fire safety, noise pollution for residents of the proposed studios and a potential necessity to reduce trading hours, overlooking onto the beer garden, fire route, car park and delivery access of Einstein's and a loss of privacy, smoke from the beer garden causing issues for residents, concerns with regards to bin storage and parking, concerns about the quality and demand for the proposed apartments, and various concerns associated with the originally proposed storage use.

18.3 ***With regards to disruption caused during construction, there are no residential properties that would be directly impacted upon by the construction phase. Any impact on Einstein's would be minimal, as the applicant appears to have no ownership of the enclosed yard area for construction. With regards to the applicant having no right of ownership of the shared yard for construction and the potential obstruction of the yard causing issues with fire safety, any issues with regards to ownership or occupation of the yard and construction rights would be civil matters rather than planning considerations.***

18.4 ***With regards to noise pollution for residents of the proposed studios and a potential necessity to reduce trading hours, these matters have been addressed through the submission of a noise impact assessment containing glazing and ventilation configurations to minimise the impact of noise. The Environmental Services Officer was consulted on the application and raised no objections. It is not therefore considered that there would be any significant noise pollution for residents or any potential necessity to reduce trading hours.***

18.5 ***With regards to overlooking onto the beer garden, fire route, car park and delivery access of Einstein's and a loss of privacy, these are not considered to be significant issues. Einstein's is a bar, so there would be no issues with regards to residential amenity and the beer garden is well screened by boundary fences. With regards to smoke from the beer garden causing issues for residents, there would be a level of separation***

***between the new building and the beer garden. As such, it is not considered that this issue would be a major concern. With regards to bin storage and parking, the former would be accessed from Parker's Yard and would therefore have no impact on any users of the enclosed yard area. No parking provision is shown on the plans, however there is no scope to do so, ample parking provision is available within the town centre and the site is well served by public transport.***

18.6 ***With regards to the quality and demand for the proposed apartments, it is considered that the studios are of an acceptable standard and would be situated in a sustainable location that is well served by amenities and transport. In terms of demand, it is not considered that an application would have been submitted if there was no demand for a development of this nature. The comments in relation to the originally proposed storage use are not relevant, as this aspect no longer forms part of this application.***

19.0 **HUMAN RIGHTS ACT 1998**

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

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

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

19.3 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.

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

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

20.1 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).

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

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

21.0 **CONCLUSION**

21.1 The amended proposals are considered to be appropriate in terms of principle, scale, form and materials, and would not have a significant unacceptable impact on the amenities of the occupants of the proposed development, neighbouring properties, highway safety, archaeology, coal mining legacy or the surrounding Conservation Area. The proposed residential and office use is considered to be entirely appropriate in this Town Centre location. It is considered that the design and materials of the proposed new property are of an acceptable quality that would complement the

architecture of the surrounding Conservation Area. The proposed development site is in a sustainable Town Centre location that is well served by public transport and amenities. As such, the proposal accords with the requirements of policies CS2, CS10, CS13, CS15, CS18, CS19 and CS20 of the Core Strategy and the wider National Planning Policy Framework.

- 21.2 Furthermore subject to the imposition of appropriate planning conditions the proposals are considered to demonstrate wider compliance with policies CS7, CS8, CS18 and CS19 of the Core Strategy and the wider NPPF in respect of archaeology, coal mining risk, drainage, design, landscaping and materials. This application would be liable for payment of the Community Infrastructure Levy.

22.0 **RECOMMENDATION**

- 22.1 That a CIL Liability notice be issued as per section 6.8 above.

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

**Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
4. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface

water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

5. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the 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.
6. No development shall take place until site investigation works have been undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. Details of the site investigation works shall be submitted to and approved in writing by The Local Planning Authority. The details shall include;
  - The submission of a scheme of intrusive site investigations for approval;
  - The undertaking of that scheme of intrusive site investigations;
  - The submission of a report of findings arising from the intrusive site investigations;
  - The submission of a scheme of remedial works for approval; and
  - Implementation of those remedial works
7. No development shall take place until full details of both hard and soft landscape works, bin storage and boundary treatments have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
8. Development shall take place in complete accordance with the submitted noise impact assessment.
9. 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"

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved.

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 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

### **Reasons**

1. The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004.
2. 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.
3. To ensure that the development can be properly drained and In the interest of satisfactory and sustainable drainage.
4. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

5. The condition is imposed in order to ensure that the proposed materials of construction are appropriate for use on the particular development and in the particular locality.
6. In the interests of coal mining legacy and safety.
7. The condition is imposed in order to enhance the appearance of the development and in the interests of the area as a whole.
8. To protect the amenity of residents.
9. In the interests of archaeology.

### **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. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
04. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from

Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)

05. Attention is drawn to the attached notes on the Council's 'Minimum Standards for Drainage'.
06. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
07. If planning permission is granted for the development which is the subject of this notice, liability for a Community Infrastructure Levy (CIL) payment is likely to arise. Persons with an interest in the land are advised to consult the CIL guide on the Chesterfield Council Website (<http://www.chesterfield.gov.uk/planning-and-building-control/planning-services/community-infrastructure-levy.aspx>) for information on the charge and any exemptions or relief, and to submit the relevant forms (available from [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)) to the Council before commencement to avoid additional interest or surcharges. If liable, a CIL Liability Notice will be sent detailing the charges, which will be registered as a local land charge against the relevant land.

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**CHESTERFIELD**  
BOROUGH COUNCIL

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	16 <sup>TH</sup> JULY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Group Leader, Development Management under the following Delegation references:-  Building Regulations P150D and P160D, P570D, P580D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

List Produced 04/07/2018

From 01/06/2018 – 29/06/2018

BR Number	18/01662/DEXBN	Deposited Date	04/06/2018
Location	125 Ashgate Road Chesterfield Derbyshire S40 4AH		
Proposal	Rear single storey extension; internal wall removal between kitchen and wash house and alterations		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	04/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02696/DEXBN	Deposited Date	01/06/2018
Location	18 Pottery Lane West Whittington Moor Chesterfield Derbyshire S41 9BN		
Proposal	7no. Windows and 1no Door		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	07/06/2018
Decision Date	01/06/2018	Completion Date	07/06/2018
Applicant			
Agent			

BR Number	18/02774/DEXBN	Deposited Date	06/06/2018
Location	4 Matlock Road Chesterfield Derbyshire S40 3JQ		
Proposal	Single Storey Side Extension Bedroom and Kitchen		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	06/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02800/DEXBN	Deposited Date	07/06/2018
Location	38 Middleton Drive Inkersall Chesterfield Derbyshire S43 3HS		
Proposal	Single storey extension to rear		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	19/06/2018
Decision Date	07/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02826/DEXBN	Deposited Date	08/06/2018
Location	53 Dukes Drive Newbold Chesterfield Derbyshire S41 8QB		
Proposal	Loft Conversion		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	08/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02833/DEXBN	Deposited Date	11/06/2018
Location	5 West Croft Court Inkersall Chesterfield Derbyshire S43 3GB		
Proposal	Single Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	11/06/2018
Decision Date	11/06/2018	Completion Date	
Applicant Agent	Malyon Developments		

BR Number	18/02880/DEXBN	Deposited Date	12/06/2018
Location	43 Eastwood Park Drive Hasland Chesterfield Derbyshire S41 0BD		
Proposal	Renovation, single storey front extension and erection of detached garage		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	13/06/2018
Decision Date	12/06/2018	Completion Date	
Applicant Agent			

BR Number	18/02899/DEXBN	Deposited Date	13/06/2018
Location	1 Park Drive Spital Chesterfield Derbyshire S41 0RS		
Proposal	Replacing concrete floor with new insulated concrete		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	13/06/2018	Completion Date	
Applicant Agent			

BR Number	18/02952/DEXBN	Deposited Date	18/06/2018
Location	22 Barton Crescent Holme Hall Chesterfield Derbyshire S40 4UH		
Proposal	Removal of masonry wall & Installation of steel lintels. Blocking up existing rear door.		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	26/06/2018
Decision Date	18/06/2018	Completion Date	
Applicant Agent			

BR Number	18/03009/DEXBN	Deposited Date	21/06/2018
Location	20 Queen Mary Road Chesterfield Derbyshire S40 3LB		
Proposal	Loft conversion		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant Agent			

BR Number	18/03125/DEXBN	Deposited Date	22/06/2018
Location	49 Farndale Avenue Walton Chesterfield Derbyshire S42 7NL		
Proposal	Replacement 6 Windows and 2 Doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	26/06/2018
Decision Date	22/06/2018	Completion Date	27/06/2018
Applicant			
Agent			

BR Number	18/03242/DEXBN	Deposited Date	28/06/2018
Location	5 Spencer Avenue Woodthorpe Chesterfield Derbyshire S43 3BX		
Proposal	Loft Conversion		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	28/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03266/DEXBN	Deposited Date	29/06/2018
Location	72 And 74 Keswick Drive Newbold Chesterfield S41 8HN		
Proposal	Replacement windows and doors, external insulated render system, re tile roof and loft insulation and insulation to flat roofed outbuilding		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	29/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03269/DEXBN	Deposited Date	29/06/2018
Location	166 Middlecroft Road Staveley Chesterfield S43 3NH		
Proposal	Replacement Windows x3 & Bi Fold Doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	29/06/2018	Completion Date	
Applicant			
Agent			

### Full Plans

BR Number	18/02627/DEXFP	Deposited Date	05/06/2018
Location	16 Ashopton Road Upper Newbold Chesterfield Derbyshire S41 8WD		
Proposal	Single storey rear extension		
Decision	Approved Conditionally FP PSI	Commencement Date	
Decision Date	27/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02737/DEXFP	Deposited Date	04/06/2018
Location	26 Orchard View Road Loundsley Green Chesterfield Derbyshire S40 4BU		
Proposal	Loft conversion and extensions		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/02744/OTHFP	Deposited Date	05/06/2018
Location	Pavements Shopping Centre New Beetwell Street Chesterfield Derbyshire S40 1LP		
Proposal	Installation of 7 screens within existing brick columns and 3 manual operated doors at South Elevation		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/02773/DEXFP	Deposited Date	06/06/2018
Location	14 West View Road Newbold Chesterfield Derbyshire S41 7AH		
Proposal	First Floor Extension		
Decision	Plans Approved FP PSI	Commencement Date	
Decision Date	11/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02793/DEXFP	Deposited Date	08/06/2018
Location	29 Errington Road Chesterfield Derbyshire S40 3ER		
Proposal	Single Storey Extension to form Garden Room		
Decision	Approved Conditionally FP PSI	Commencement Date	
Decision Date	25/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02842/OTHFP	Deposited Date	11/06/2018
Location	First Floor Hayfield House Durrant Road Chesterfield Derbyshire		
Proposal	Office Fit Out to include construction of 3x meeting rooms, 2x training rooms _ staff Room		
Decision		Commencement Date	12/06/2018
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/02898/DEXFP	Deposited Date	14/06/2018
Location	239 Lockoford Lane Tapton Chesterfield Derbyshire S41 0TG		
Proposal	Loft Conversion		
Decision	Plans Approved FP	Commencement	
	PSI	Date	
Decision Date	21/06/2018	Completion Date	
Applicant			
Agent	IG Architectural Services Ltd		

BR Number	18/02906/DEXFP	Deposited Date	13/06/2018
Location	5 Tapton Vale Tapton Chesterfield Derbyshire S41 0SY		
Proposal	Removal of internal wall		
Decision	Plans Approved FP	Commencement	
	PSI	Date	
Decision Date	14/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02912/DEXFP	Deposited Date	14/06/2018
Location	3 Seymour Lane Woodthorpe Chesterfield Derbyshire S43 3DA		
Proposal	Rear ground floor extension		
Decision		Commencement	
		Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/02933/OTHFP	Deposited Date	14/06/2018
Location	St Josephs Rc And C Of E Voluntary Aided Primary School Calver Crescent Staveley Chesterfield Derbyshire		
Proposal	Creation of Teaching space with Existing School Hall		
Decision		Commencement	
		Date	
Decision Date		Completion Date	
Applicant			
Agent			

BR Number	18/02940/DEXFP	Deposited Date	15/06/2018
Location	160 Langer Lane Birdholme Chesterfield Derbyshire S40 2JN		
Proposal	Single Storey Extension to Rear of the Property and Internal Alterations		
Decision	Approved Conditionally	Commencement	
	FP PSI	Date	
Decision Date	20/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02950/DEXFP	Deposited Date	18/06/2018
Location	273 Old Hall Road Chesterfield Derbyshire S40 1HJ		
Proposal	Detached Garage/Store		
Decision	Plans Approved FP PSI	Commencement Date	
Decision Date	19/06/2018	Completion Date	
Applicant Agent	IG Architectural Services Ltd		

BR Number	18/03036/DEXFP	Deposited Date	20/06/2018
Location	9 Byron Road Birdholme Chesterfield Derbyshire S40 2TH		
Proposal	Single storey extension		
Decision	Plans Approved FP PSI	Commencement Date	
Decision Date	22/06/2018	Completion Date	
Applicant Agent			

BR Number	18/03039/OTHFP	Deposited Date	22/06/2018
Location	Land Off Dunston Way Chesterfield Derbyshire S41 9RD		
Proposal	Fit out of bespoke shell building to form distribution warehouse and associate film preparation and offices		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant Agent			

BR Number	18/03165/DEXFP	Deposited Date	26/06/2018
Location	74 The Green Hasland Chesterfield Derbyshire S41 0JU		
Proposal	Single Storey Rear Dining Room and Snug/Play Area Extension and Formation of Ground Floor WC		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant Agent			

BR Number	18/03232/OTHFP	Deposited Date	27/06/2018
Location	Chesterfield And North Derbyshire Royal Hospital Costa Coffee Chesterfield Road Calow Chesterfield		
Proposal	Alterations to form Costa Coffee restaurant		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant Agent			

BR Number	18/03270/DEXFP	Deposited Date	29/06/2018
Location	5 Blyth Close Walton Chesterfield S40 3LN		
Proposal	Single storey rear extension to create garden room		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

### Partnership PI

BR Number	18/02708/DOMPI	Deposited Date	01/06/2018
Location	Land Adjacent 152 Hady Lane Hady Chesterfield Derbyshire S41 0DE		
Proposal	Erection of detached dwelling		
Decision		Commencement Date	
Decision Date		Completion Date	
Applicant			
Agent			

### Partnership PV

### Regularisation

BR Number	18/02729/DEXRG	Deposited Date	04/06/2018
Location	39 Clarence Road Chesterfield Derbyshire S40 1LN		
Proposal	Widening of existing opening and installation of bifold doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	07/06/2018
Decision Date	04/06/2018	Completion Date	11/06/2018
Applicant			
Agent			

BR Number	18/02769/DEXRG	Deposited Date	06/06/2018
Location	2 Durham Avenue New Whittington Chesterfield Derbyshire S43 2EB		
Proposal	Two storey side extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	05/06/2018
Decision Date	06/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03021/DEXRG	Deposited Date	19/06/2018
Location	16 Outram Road Newbold Chesterfield Derbyshire S41 7DW		
Proposal	Replacement of 8 windows & 2 Doors		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	21/06/2018
Decision Date	19/06/2018	Completion Date	22/06/2018
Applicant			
Agent			

BR Number	18/03025/DEXRG	Deposited Date	19/06/2018
Location	14 Langtree Avenue Old Whittington Chesterfield Derbyshire S41 9HP		
Proposal	Replacement of 7 Windows & Composite Front door & UPVC Side Door		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	20/06/2018
Decision Date	19/06/2018	Completion Date	21/06/2018
Applicant Agent			

BR Number	18/03029/DEXRG	Deposited Date	20/06/2018
Location	234 Old Road Chesterfield Derbyshire S40 3QN		
Proposal	Replacement Window		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	20/06/2018
Decision Date	20/06/2018	Completion Date	22/06/2018
Applicant Agent			

BR Number	18/03032/DEXRG	Deposited Date	28/06/2018
Location	20 Heywood Street Brimington Chesterfield Derbyshire S43 1DB		
Proposal	Removal or Internal wall		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	15/06/2018
Decision Date	28/06/2018	Completion Date	28/06/2018
Applicant Agent			

BR Number	18/03261/DEXRG	Deposited Date	29/06/2018
Location	8 Fulford Close Walton Chesterfield S40 3RJ		
Proposal	Replacement Door		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	03/07/2018
Decision Date	29/06/2018	Completion Date	
Applicant Agent			

### Initial Notices

BR Number	18/02356/IND	Deposited Date	12/06/2018
Location	21 Mayfield Road Chesterfield Derbyshire S40 3AJ		
Proposal	Single Storey Side Extension and Internal Alterations		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant Agent			

BR Number	18/02710/IND	Deposited Date	01/06/2018
Location	27 Worksop Road Mastin Moor Chesterfield Derbyshire S43 3DH		



Proposal	Removal of load bearing/internal structural alterations	
Decision	Accepted BN, IN, RG, PRL	Commencement Date
Decision Date	04/06/2018	Completion Date
Applicant		
Agent		

BR Number	18/02711/IND	Deposited Date	01/06/2018
Location	78 Foljambe Road Brimington Derbyshire S43 1DD		
Proposal	Internal structural alterations and new windows and cellar renovations		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	05/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02756/IN	Deposited Date	05/06/2018
Location	Vauxhall Chesterfield 464 Chatsworth Road Chesterfield Derbyshire S40 3BD		
Proposal	Wash and Valet and creation of LCV display area on leased land		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	06/06/2018	Completion Date	
Applicant	VERTU Motors plc		
Agent			

BR Number	18/02757/IND	Deposited Date	05/06/2018
Location	672 Chatsworth Road Chesterfield Derbyshire S40 3NU		
Proposal	Infill of rear yard to form porch and shower room		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	06/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02790/IND	Deposited Date	06/06/2018
Location	Land Adjacent No.12 Cavendish Street North Old Whittington Chesterfield Derbyshire S41 9DH		
Proposal	New Build Two Storey Detached Dwelling with Parking & Access		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	07/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02824/IND	Deposited Date	07/06/2018
Location	18 Foljambe Road Brimington Chesterfield Derbyshire S43 1DD		

Proposal	Internal Alterations, Re-cover Roof with Installation of New Binders, Underpin Rear Elevation of Offshot, Structural Repairs and Whole House Window & Door Replacement	
Decision	Accepted BN, IN, RG, PRL	Commencement Date
Decision Date	21/06/2018	Completion Date
Applicant		
Agent		

BR Number	18/02830/IND	Deposited Date	08/06/2018
Location	17 Hawthorn Way Holme Hall Chesterfield Derbyshire S42 7JS		
Proposal	Two Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02869/IND	Deposited Date	11/06/2018
Location	1 Glenavon Close New Whittington Chesterfield Derbyshire S43 2QG		
Proposal	Replacement Conservatory Roof		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02930/IND	Deposited Date	13/06/2018
Location	1 Spruce Close Chesterfield Derbyshire S40 3FG		
Proposal	Single Storey Rear Extension		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02992/IND	Deposited Date	15/06/2018
Location	27 Somersall Park Road Somersall Chesterfield Derbyshire S40 3LD		
Proposal	Loft Conversion with Internal Structural Alterations & Garage		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/02972/IN	Deposited Date	14/06/2018
Location	Unit 9 Magpie Beauty Wilson Business Park Harper Way Duckmanton Chesterfield		
Proposal	Installation of Mezzanine Floor		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant	Magpie Beauty Ltd		
Agent			

BR Number	18/03003/IND	Deposited Date	19/06/2018
Location	18 Foljambe Road Brimington Chesterfield Derbyshire S43 1DD		
Proposal	Internal alterationd, re cover roof with installation of new binders, underpin rear elevation of offshot, structural repairs and whole house window and door replacement		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03054/IND	Deposited Date	20/06/2018
Location	18 Enfield Road Newbold Chesterfield Derbyshire S41 7HN		
Proposal	Two storey extension to rear and internal and external alterations		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03066/IND	Deposited Date	20/06/2018
Location	10 Whitecotes Close Chesterfield Derbyshire S40 3SD		
Proposal	Conservatory roof reolacement with supa-lite roof system		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	20/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03073/IND	Deposited Date	20/06/2018
Location	1 Ribber Terrace Walton Walk Boythorpe Chesterfield Derbyshire		
Proposal	Structural alterations to remove two existing internal walls and chimney breast		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	21/06/2018	Completion Date	
Applicant			
Agent			

BR Number	18/03265/IND	Deposited Date	28/06/2018
Location	Land At Erin Road Poolsbrook Chesterfield Derbyshire S43 3JY		
Proposal	175 Residential Units		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	02/07/2018	Completion Date	
Applicant Agent		NHBC Building Control Services Ltd	

BR Number	18/03281/IND	Deposited Date	29/06/2018
Location	47-49 Duke Street Staveley Chesterfield S43 3PD		
Proposal	Ground floor extension and conversion to form 2 dwellings		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	02/07/2018	Completion Date	
Applicant Agent			

BR Number	18/03287/IND	Deposited Date	29/06/2018
Location	193 Hunloke Avenue Boythorpe Chesterfield S40 3EA		
Proposal	Removal of a Wall to be Replaced with a Steel Beam which Supports the Flooring and Wall Above		
Decision	Accepted BN, IN, RG, PRL	Commencement Date	
Decision Date	02/07/2018	Completion Date	
Applicant Agent			

# Agenda Item 6

<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	16 <sup>TH</sup> JULY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by Development Management and Conservation Manager under the following Delegation references:-  Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D  Agricultural and Telecommunications P330D and P340D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b>Code No FileNo</b>	<b>Ward</b>	<b>Proposal</b>	<b>Decisio</b>	<b>Decision Date</b>
CHE/17/00652/DOC 1704	Middlecroft And Poolsbrook	Discharge of planning conditions 4 (drainage) and 5 (materials) of CHE/17/00156/OUT (erection of one dwelling). Amended plans received 7.6.18.  At 158 Middlecroft Road Staveley Chesterfield Derbyshire S43 3NG  For Mr Ian Lowe	DPC	20/06/2018
CHE/17/00868/FUL 333	Holmebrook	Erection of a dwelling. Amended plans received 16.3.2018, drainage plans received 7.3.2018 and 20.4.2018, coal mining risk assessment received 9.4.18, amended site location plan received 19.6.18.  At 69 Barker Lane Chesterfield S40 1EQ  For Ms Andrea Collins	CP	20/06/2018
CHE/18/00086/ADV 3065	Dunston	New signage. Amended plans received 29.05.2018.  At 74 The Wheatsheaf Newbold Village Newbold Road Newbold Chesterfield  For Co-op	CP	12/06/2018
CHE/18/00133/FUL 1354	Moor	Proposed detached garage and drive access (with revised drawings amended details submitted 08/05/18)  At 196 Highfield Lane Newbold Derbyshire S41 8BA  For Mr M Clowes	CP	21/06/2018

CHE/18/00144/FUL 20/06/2018	St Leonards	Conversion of the Grade II listed building to 10 residential apartments at first and second floor and refurbishment of ground floor (former Post Office) A1 unit with change of use to include A1-A3 uses. Works to include partial demolition of rear storey structures and brick service flue, internal alterations and upgrades, with proposed new residential access stair to the rear courtyard to connect to the existing stairs at first floor level. Works to include partial demolition of rear single storey structures and brick service flue, internal alterations and upgrades, with proposed new residential access stair to the rear courtyard to connect to the existing stair at first floor level. Amended courtyard plan received 21.5.18. At Chesterfield Post Office 1 Market Place Chesterfield S40 1TL For PDR Construction Ltd	CP	
470				
CHE/18/00167/FUL 2126	St Leonards	Change of existing rear windows At 9-21 Stephenson Place Chesterfield S40 1XL For Mr Paul Singh	REF	07/06/2018
CHE/18/00213/FUL 1111	St Leonards	Single storey conservatory extension to north elevation and single storey porch extension to east elevation. Revised Drawing At 48 St Philips Drive Hasland S41 0RG For Mr and Mrs Law	CP	07/06/2018



CHE/18/00226/FUL	Linacre	Single storey extension to rear of existing detached 4 bed house	CP	26/06/2018
530		At 3 Parkside View Upper Newbold S41 8WE  For Mr Andrew Burton		
CHE/18/00238/FUL	Dunston	Erection of a detached garage	CP	12/06/2018
313		At 2 Cordwell Avenue Newbold Chesterfield S41 8DA  For Mr Michael Ford		
CHE/18/00241/FUL	Brimington South	Conversion of loft space to en suite bedroom	CP	07/06/2018
3634		At 5 Wheathill Close Brimington Chesterfield S43 1PU  For Mr Tomas Hawkins		
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	CP	07/06/2018
		At 59 Pomegranate Road Newbold Chesterfield S41 7BL  For Mr and Mrs Richard Elliott		
CHE/18/00254/FUL	St Helens	Side and rear extension to create accommodation for aged parent (revised drawings received 22.05.2018)	CP	08/06/2018
3619		At 5 Infirmary Road Chesterfield S41 7NF  For Mr R Paul		

CHE/18/00255/FUL	Rother	Proposed drop kerb and removal of part of existing wall to install gate At 124 Boythorpe Road Boythorpe Chesterfield S40 2LR For Miss Magdalena Olszewska	CP	18/06/2018
4519				
CHE/18/00257/FUL	Brimington South	Proposed two storey side extension and single storey rear extension to existing dwelling At 21 Wikeley Way Brimington S43 1AS For Mr and Mrs Cockman	CP	25/06/2018
1509				
CHE/18/00260/FUL	Dunston	Single/two storey rear extension At 15 Cordwell Avenue Newbold S41 8BT For Mr and Miss Bannister and Asquith	CP	12/06/2018
313				
CHE/18/00268/TPO	West	T1 - oak - crown lift by 5m and 20% crown thin due to excess shading and T2 - oak - crown lift by 5m and 20% crown thin due to excess At 386 Old Road Chesterfield S40 3QF For Mrs Elizabeth Morris	CP	08/06/2018
1311				
CHE/18/00278/FUL	West	Single storey extension to front for storage/machine storage At W E Amies And Co Ltd Quarry Lane Chesterfield S40 3AT For W E Amies and Co Ltd	REF	19/06/2018
1483				

CHE/18/00283/REM Brockwell	Variation of condition 2 (substitution of drawings CO1E with W01F, C11B with P02, C08A with W09F and P03 - amendment of house types) of CHE/17/00263/FUL - amended plans received 11.06.2018	CP	28/06/2018
1339 513	At Former Saltergate Health Centre 107 Saltergate Chesterfield S40 1LA For Woodall Homes		
CHE/18/00285/FUL Brockwell	Removal of section of front boundary wall to widen driveway	REF	21/06/2018
2334	At 31 Spire Heights Chesterfield S40 4TG For Mr Neil Duffin		
CHE/18/00292/LBC St Leonards	Listed Building consent for Internal and external works, including refurbishment, and part change of use relating to the Winding Wheel, Chesterfield.	CP	20/06/2018
857	At Winding Wheel Holywell Street Chesterfield S41 7SA For Chesterfield Borough Council		
CHE/18/00293/ADV St Leonards	New fascia lettering, to read 'WINDING WHEEL THEATRE' (replacing 'THE WINDING WHEEL'), and lettering material and refurbishment of black timber canopy and fascia board, to match	CP	20/06/2018
857	At Winding Wheel 13 Holywell Street Chesterfield S41 7SA For Chesterfield Borough Council		

CHE/18/00296/DOC	Brimington South	Discharge of planning conditions 5 (details of walls and fencing)and 7 (materials) of CHE/17/00786/FUL - Prposed 2 storey detached dwelling	DPC	15/06/2018
48		At 5 Westwood Lane Brimington Chesterfield S43 1PA  For Mr Wayne Knott		
CHE/18/00297/FUL	Barrow Hill And New Whittington	Change of use of property from betting shop and premises to 2 one bedroom flats (C3).	CP	20/06/2018
463		At 164 High Street New Whittington Chesterfield S43 2AN  For Mr Brister		
CHE/18/00299/FUL	Hasland	New/replacement perimeter fencing to part of school boundary	CP	22/06/2018
312		At Hasland Hall Community School Broomfield Avenue Hasland Chesterfield S41 0LP  For Hasland Hall Community School		
CHE/18/00301/FUL	West	Extension and Alteration to Existing Dwelling	CP	02/07/2018
5876		At 4 Miriam Avenue Somersall Chesterfield S40 3NF  For Mr & Mrs E Totty		
CHE/18/00302/FUL	West	Conversion of an existing conservatory into a habitable space, with a small extension forming a utility room	CP	22/06/2018
5867		At 59 Yew Tree Drive Somersall Chesterfield S40 3NB  For Mr Paul Griffiths		

CHE/18/00304/FUL	Dunston	Resubmission of CHE/16/00778/FUL - Two storey side extension At 2 Kendal Road Newbold Chesterfield S41 8HY For Sarah Bradbury	CP	22/06/2018
2101				
CHE/18/00308/FUL	Brockwell	Two storey rear extension At 26 Franklyn Road Brockwell Chesterfield S40 4AY For Mr Paul Gill	CP	29/06/2018
530				
CHE/18/00311/FUL	Loundsley Green	Removal of existing garage and erection of a two storey side At 35 Purbeck Avenue Brockwell Chesterfield S40 4NP For Dawn and Victoria Martin Siddall	CP	29/06/2018
CHE/18/00312/RET	Barrow Hill And New Whittington	Retrospective planning permission for retention of pallet racking that has corrugated sheet cladding added to protect the contents from At Croft Yard, County House Staveley Road New Whittington Chesterfield S43 2BZ For County Conveyors	UP	27/06/2018
727				
CHE/18/00318/COU	Loundsley Green	Change of use from residential to office building for a local community group to operate from At 41 Mercaston Close Holme Hall Chesterfield S40 4UE For Chesterfield Borough Council	CP	22/06/2018
5625				

CHE/18/00320/FUL	Walton	Timber garden shed At 2 Wolfe Close Walton Chesterfield S40 2DF  For Mr Christopher Melen	CP	29/06/2018
1668				
CHE/18/00321/OUT	St Leonards	Proposed construction of one four bedroom one and a half storey detached dwelling - Re-submission of Outline Planning Application CHE/17/00768/OUT  At Trevilla 73 Hady Hill Hady Chesterfield S41 0EE  For Mr Glyn Pocock	CP	27/06/2018
126				
CHE/18/00322/MA	Lowgates And Woodthorp	Material amendment to CHE/16/00797/REM1 (Development of an industrial unit for Class B8 purposes with ancillary office space, gatehouse plus car parking, lorry parking, service yard and sprinkler tanks with associated site access, drainage, site levelling, engineering and landscaping works) for installation of external generator  At Plot 13 Markham Lane Duckmanton Chesterfield  For Great Bear Distribution Ltd	CP	25/06/2018
2404				
CHE/18/00323/FUL	Hasland	Single storey side and rear extension, including demolition of  At 45 Broomfield Avenue Hasland S41 0LU  For Mr S Corbett	CP	02/07/2018
6325				

CHE/18/00328/DEM	Hollingwood And Inkersall	Demolition of main church, toilets, boiler house and brick building and surrounding footpaths and ramp  At Inkersall Methodist Church Summerskill Green Inkersall Chesterfield S43 3SR  For Inkersall Methodist Church	PADEM	08/06/2018
1094				
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/18/00344/TPO	Brimington South	Conservatory  At  17 Eastmoor Road Brimington Chesterfield S43 1PR  For Mr Mark Elliott	PANR	18/06/2018
CHE/18/00346/REM	Loundsley Green	Variation of condition 14 (planting scheme) of CHE/15/00372/FUL - (erection of 3 two storey 8 bedroom homes for people with learning disabilities and complex needs) as the approved planting scheme specified plants will not thrive in the soil conditions on site  At Brendon House Residential Home Brendon Avenue Chesterfield S40 4NJ  For Heathcotes Care Ltd	CP	22/06/2018
1751 1747				

CHE/18/00348/CPO West		New secure lobby and school entrance through new main entrance and new 1.5m weld mesh fencing and gates to east side of	OW	19/06/2018
4150		At Westfield Infant School Vincent Crescent Chesterfield S40 3NW For Derbyshire County Council		
CHE/18/00366/TPO West		Sycamore (T1) -Fell because there 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.	CP	07/06/2018
		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 S40 3NU For Derby Diocesan Board Of Finance Ltd		
CHE/18/00376/TPD	Hollingwood And Inkersall	Conservatory to rear At 15 Croft View Inkersall Chesterfield S43 3EA For Mr & Mrs Goodwin	PANR	21/06/2018
CHE/18/00383/NMA Old	Whittington	Non material amendment to CHE/18/00119/FUL (erection of a conservatory) to add windows in upper part of the east and west conservatory walls	UP	15/06/2018
806		At 60 Holland Road Old Whittington Chesterfield S41 9HF For Mr Michael Alexander		



CHE/18/00386/TPO St Leonards	<p>Felling of G1 Horse Chestnut - tree has suffered extensive crown failure in a previous storm, which is hung in an adjacent tree. there is little crown remaining and a large wound from the recent failure which is likely to become decayed in due course. This is a suppressed tree and its removal will have little effect on the treed area. Replacement planting in the same place would be likely to fail due to excessive shading</p> <p>At Dryhurst House Sycamore Drive Chesterfield S44 5DX</p> <p>For Derbyshire Community Health Services NHS Foundation Trust</p>	SC	20/06/2018
CHE/18/00397/TPO West	<p>Crown lift 2 lime trees The lower branches are blocking light and the neighbours feel they are restricting visibility of the road when trying to pull out We would like to perform a crown lift to both trees</p> <p>At Brookside House 714 Chatsworth Road Chesterfield S40 3PB</p> <p>For Mrs Helen Hurt</p>	CP	12/06/2018
CHE/18/00400/TPO West	<p>2 Larch Trees (Deceased) Fell</p> <p>At 176 Somersall Lane Somersall Chesterfield S40 3NA</p> <p>For Mr David Cannon</p>	UP	18/06/2018
CHE/18/00405/TPO Holmebrook	<p>Raise crown to 3m from ground level, remove dead wood over 25mm diameter and prune branches away from road by 1m of Ash Tree</p> <p>At 423 Chatsworth Road Chesterfield S40 3AD</p> <p>For Mr Drew Forster</p>	SC	20/06/2018

CHE/18/00414/TP	Walton	Adult Sycamore tree - Crown lift due to overhanging branches over property garden and neighbouring garden At 11 Newhaven Close Walton Chesterfield S40 3DX  For Mrs Florence Chettle	CP	19/06/2018
CHE/18/00430/TPO	West	Proposed works to T1 and T2 Horse chestnut trees At The Warren 404 Old Road Chesterfield  For Mr Mike Hadfield	CP	22/06/2018
CHE/18/00438/EIA	Brimington South	EIA screening opinion for residential development At Land To The North Of Northmoor View Brimington Chesterfield  For DLP Planning	EIANR	02/07/2018

## *Delegated List - Planning Applications*

### Key to Decisions

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

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<b>COMMITTEE/SUB</b>	Planning Committee
<b>DATE OF MEETING</b>	16 <sup>TH</sup> JULY 2018
<b>TITLE</b>	DELEGATION
<b>PUBLICITY</b>	For Publication
<b>CONTENTS</b>	Items approved by the Development Management and Conservation Manager under the following Delegation references:-  Felling and Pruning of Trees P100D, P120D, P130D
<b>RECOMMENDATIONS</b>	Not applicable
<b>LIST OF BACKGROUND PAPERS</b>	Relevant applications

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

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

<b><u>CODE NO</u></b>	<b><u>DESCRIPTION OF PROPOSAL</u></b>	<b><u>TERMS OF DECISION</u></b>
CHE/18/00397/TPO TPO 4901.159 12/06/18	The pruning of two Lime trees reference T37 & T38 on the Order map for Mrs Hurt of 714 Chatsworth Road. The trees lower branches are restricting visibility when exiting the property and low over the highway.	Consent is granted to the crown lifting of two Lime trees by 5 metres from ground level pruning back to suitable replacement branches.
CHE/18/00400/TPO TPO 4901.234 18/06/18	The felling of two dead Larch trees within G1 on the Order map for Mr Cannon of 176 Somersall Lane.	Consent is granted to the felling of two small dead Larch trees within G1. The duty to plant replacement trees has been dispensed with on this occasion due to no loss of amenity within the group and lack of suitable planting places due to the more dominant trees within the group.
CHE/18/00414/TPO TPO 4901.56 19/06/18	The pruning of one Sycamore tree on the Order map for Mr Farrell of 100 Old Hall Road on behalf of 7 Newhaven Close, Walton	Consent is granted to the crown lifting and crown thinning of the tree for general maintenance and to allow more light into the garden.

<p>CHE/18/00386/TPO TPO 4901.30 20/06/18</p>	<p>The felling of one Horsechestnut tree within G1 on the Order map for Trueman Tree Services Ltd on behalf of Derbyshire NHS Trust at Dryhurst (Children's Nursery) Chesterfield Royal Hospital. The tree has damaged branches in the upper crown.</p>	<p>Consent is refused to the felling of one Horsechestnut tree because this is considered to be neither necessary nor justified. Whilst it accepted that the tree does have some damage to the upper crown, it is not considered to be to such a degree that the damage cannot be pruned out and therefore does not justify the felling of the tree.</p> <p>Consent is granted to the crown cleaning of the tree to remove the damaged and dead branches and the reduction and reshaping of the crown below the damaged point.</p>
<p>CHE/18/00405/TPO TPO 4901.130 20/06/18</p>	<p>The pruning of one Ash tree reference T4 on the Order map for Trueman Tree Services on behalf of 423 Chatsworth Road. The trees lower branches are low over the highway.</p>	<p>Consent is granted to the crown lifting of the tree, clearance from the highway and the removal of dead wood. Consent is refused to the reduction of branches around the street lighting as they are already at an acceptable distance.</p>
<p>CHE/18/00430/TPO TPO 4901.172 22/06/18</p>	<p>The felling of one Horsechestnut tree reference T21 which has suffered storm damage and the pruning of one Horsechestnut reference T20 which is low over the garden, patio and driveway for Heathscapes on behalf of Mr Hadfield of 404 Old Road.</p>	<p>Consent is granted to the felling of T20 Horsechestnut which has had the top of the trees blown out in the recent high winds leaving the remainder of the tree prone to further wind damage. Condition attached to plant a new tree in the same location.</p>



		Consent is also granted to a crown lift by 4 metres and a crown thin by 15% on T21 Horsechestnut to allow more light into the property.
CHE/18/00409/TPO TPO 4901.128 22/06/18	The pruning of one Ash tree reference T1 on the Order map for Derbyshire County Council highway at land adjacent to 15 Martindale Close, Staveley in the highway verge on Chesterfield Road.	Consent is granted to the crown lifting of one Ash tree to 5.2 metres from ground level and the reduction of branches growing towards 15 Martindale Close to give a 2 metre clearance from the property.
CHE/18/00421/TPO TPO 4901.122 05/07/18	The pruning of one Lime tree reference T6 on the Order map for Mr Chris Payne of 41 Gregory Close, Brimington. The tree is allegedly causing light issues.	Consent is refused to a crown reduction of the tree because a crown reduction along with a crown lift and crown thin of a Lime tree will cause more light issues in the long term as the crown would be lower and more dense.  Consent is granted to a crown lift and crown thin to allow more light into the garden underneath the tree and filter through the crown.
CHE/18/00419/TPO TPO 4901.112 05/07/18	The pruning of one Ash tree reference T62 on the Order map for Mrs Mavis Radford of 22 Ulverston Road, Newbold.	Consent is granted to the crown lifting of low branches and a crown clean to remove dead wood.

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## AGENDA ITEM

### APPEALS REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 16<sup>TH</sup> JULY 2018  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

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

**PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT AND CONSERVATION  
MANAGER**

These are reported to Planning Committee for information only.  
Anyone requiring further information on any of the matters

contained in this report should contact Paul Staniforth on 01246 345781.

**APPEALS**

<b><u>FILE NO.</u></b>	<b><u>WARD</u></b>	<b><u>APPELLANT</u></b>	<b><u>CASE</u></b>	<b><u>MEMBER OFFICER</u></b>	<b><u>DATE REC</u></b>	<b><u>TYPE AND DATE</u></b>	<b><u>DECISION AND DATE</u></b>
2/6099	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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## AGENDA ITEM

### OMBUDSMAN REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 16<sup>TH</sup> JULY 2018  
**REPORT BY:** DEVELOPMENT MANAGEMENT AND  
CONSERVATION MANAGER

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#### FOR PUBLICATION

#### BACKGROUND PAPERS FOR PUBLIC REPORTS

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

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#### 1.0 PURPOSE OF REPORT

- 1.1 To inform Members of any Ombudsman cases which have been concluded.

#### **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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**OMBUDSMAN CASES**

<b><u>Ombudsman FILE NO.</u></b>	<b><u>Ward</u></b>	<b><u>Complainant</u></b>	<b><u>CASE</u></b>	<b><u>DATE REC</u></b>	<b><u>DECISION AND DATE</u></b>
17/014/521	Complainant in Holmebrook. Site in West	Residents of two properties on Churston Road, Chesterfield	Complainants A and B complained to the ombudsman regarding “incompetent performance of the Council” in dealing with the planning application for housing to the rear of her property.	20/01/18	27/06/2018 No evidence of any maladministration See Appendix A

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## Appendix A

Complaint about the the Council relating to development at Ashgate Road.

### **Summary of Decision**

The complainants raised issues about the Council's handling of planning applications and planning enforcement matters at a neighbouring development. The LGO investigator has closed the complaint because he found no fault by the Council.

### **The complaint**

1. Residents of two properties (A and B) complained about the Council's handling of planning applications and planning enforcement matters at a neighbouring development.

2. They say:

- The Council sent a letter to the developer in November 2015 warning him that conditions are a fundamental requirement of the conditional planning permission. No work should have started until the Council's recommencement conditions were discharged but the developer started construction in January 2016.
- The developer increased the ground level towards complainant B's home with the result that the ground level of that plot was level with the top of her seven-foot fence.
- The Council knew the developer was ignoring rules but was reluctant to intervene and allowed the developer to carry on with a cavalier approach.
- Five months after the developer started, planning, planning enforcement and a tree officer visited the site for the first time but did not enforce planning conditions and failed to follow the Council's own rules and guidelines.
- The development control manager met with them in June 2016 at their home but did not intervene.
- Pre-commencement conditions relating to the 2013 outline planning consent and the 2015 reserved matters consent were not implemented by the developer and most of them remain undischarged.
- The site visit for a 2015 reserved matters application was inadequate and consisted of a few heads peering round the sides of an old warehouse. No one viewed the site from the homes of local residents.
- The design and access statements in a 2010 planning application and the

2013 outline planning application clearly showed the fall of land of two metres. However, the Council failed to observe and apply the details from the statements when it considered a reserved matters application in 2015.

- There was no flood risk assessment requested or submitted for the site with the 2015 reserved matters application but one was required for a retrospective application in 2016. The Council did not explain why.
- The finished floor level of one of the plots within the development (plot 3) is level with the top of their home and another neighbouring property and the building is approximately three metres away from the adjoining boundary fence. The ground floor windows overlook their gardens. The Council failed to protect their amenities.
- There are disparities regarding a 2017 planning application but the development control manager said the disparities are insignificant. This means the building in plot 3 will never be in accordance with the approved plans. This is a procedural irregularity on the part of the Council.
- There was no reference to the tree officer's involvement in the review of the layout, architectural, engineering and landscaping drawings for the re-siting of plot 3 in relation to a protected tree in the officers' reports to the committee in the 2016 and 2017 applications.
- Plot 2 at the nearest corner is approximately 3 metres away from and directly faces a rear adjoining boundary contrary to the Council's own guidance.
- The first-floor habitable rooms directly face and are sited closer than the guide distance of 10.5 metres to the boundary of an adjoining residential garden.
- Plots 1 and 2 overpower homes on their street. They are three storey houses which are out of character with the surrounding area. The Council says they are two storey houses with roof spaces and they want to know the difference between that and three storey houses.
- The reports to the planning committees in a 2016 planning application and two 2017 planning applications incorrectly stated the commencement of the development started in mid-2016 when development started in January/February 2016.
- A landscaping proposal was submitted as part of a material amendment planning application in March 2017 but was then removed from the application. The Council's reason for removal of the proposal amounts to procedural irregularity.
- The Council failed to protect adjoining properties from surface water run off/flooding caused by raised ground levels and no drainage system installed.
- At a planning committee meeting on 30 January 2017, the committee asked planning officers if there were any outstanding conditions but officers misled

the committee by saying there were no outstanding conditions.

- At a planning committee meeting on 24 April 2017, the development control manager instructed councillors and objectors on what was not to be considered at the meeting.
- 2 councillors voted for approval of the application at the 24 April meeting out of 8 members. 6 members abstained. What is the purpose of the committee if they hold back from voting.
- The grant of planning consent for plot 3 at that meeting was brought about by one councillor who had previously voted against the development. There had been no changes and he had previously visited their homes and assured them of his support. Code of conduct accountability needs to be investigated.
- The Council did not notify them of the appeal made by the developer against its decisions to refuse planning permissions for developments in plots 1 and 2.
- The planning officer provided them with details of everyone who had expressed an interest in the appeal. The planning officer failed to protect personal details of the public.

### **What was investigated**

3. The LGO investigated allegations concerning the 2017 material amendment applications. The LGO set out reasons in the final section of their letter for not investigating the remainder of the complaints.

### **The Ombudsman's role and powers**

4. The LGO investigate complaints about 'maladministration' and 'service failure'. In the decision on this case the LGO use the word fault to refer to these. The LGO must also consider whether any fault has had an adverse impact on the person making the complaint and this is referred to as 'injustice'. If there has been fault which has caused an injustice, the LGO may suggest a remedy. **(Local Government Act 1974, sections 26(1) and 26A(1), as amended)**

5. If the LGO are satisfied with a council's actions or proposed actions, they can complete their investigation and issue a decision statement. **(Local Government Act 1974, section 30(1B) and 34H(i), as amended)**

6. The LGO cannot investigate late complaints unless they decide there are good reasons. Late complaints are when someone takes more than 12

months to complain to the LGO about something a council has done. (***Local Government Act 1974, sections 26B and 34D, as amended***)

### **How the LGO considered this complaint**

7. The LGO considered the complaint and correspondence provided by the complainants and the Council. The LGO telephoned the complainants to discuss matters.

### **What the LGO found**

#### **Background**

8. The Council granted planning permission for proposed residential development within the subject land in 2010. The development comprised 6 houses. In 2013 outline planning permission was granted for the renewal of the 2010 permission.

9. In 2015, the developer submitted a reserved matters application which completed the details of the 2013 outline planning permission on layout, access, scale and appearance of the development. This was approved by the Council.

10. The developer started construction of the properties in early 2016. The developer submitted a planning application to build a house on land adjacent to the subject site in 2016. This was approved by the Council.

11. Applications to discharge conditions 6 on site investigation; condition 7 on drainage, condition 8 on drainage, condition 18 on materials and condition 24 on coal mining of the 2013 application were approved by the Council in 2016.

12. The developer submitted a material amendment of house types and siting of the houses application in 2016. Planning permission was refused by the Council in January 2017.

13. The developer then submitted two material amendment applications; the first proposed a material amendment of house type, siting and landscaping to plot 3 of the planning consent granted in 2015. The second proposed a material amendment to house type on plots 1 and 2 and siting of plot two of the planning consent granted in 2015. The Council granted planning permission for the first application concerning plot 3 and removed (*refused*)

permission for the second application involving plots 1 and 2. The developer appealed. The appeal was allowed by the Planning Inspector.

14. The planning inspector considered the impact of the buildings on plots 1 and 2 on living conditions of neighbouring occupiers with regard to an overbearing effect.

15. The inspector noted the proposed amendments led to an increase in the height of the buildings in plots 1 and 2 by 211 millimetres according to the submitted plans. The inspector said the buildings were around 32 metres from the rear of the complainant's homes according to the submitted drawings. The inspector considered the increased height of the buildings was not readily perceptible at that distance. He said the amendments did not significantly reduce the outlook of the complainants' properties. He noted a proposed reduction in the size of the rear facing first floor windows would provide a modest privacy benefit to the complainants' homes compared to the previously approved scheme. The inspector concluded the amendments do not significantly harm the living conditions of neighbouring occupiers with regard to an overbearing effect.

16. The Council provided a single report to the planning committee on all three plots as both applications were considered by the committee on the same day. The report sets out the Council's consideration of the merits of the applications. The report also set out all objections the Council received to the applications.

17. The Council's comments were detailed and extensive.

18. The report referred to the Council's guidance on minimum separation distance of 21 metres between facing windows of habitable rooms and 12 metres from habitable room windows to blank walls. The report said the complainants' properties have back gardens which measure at least 21 metres in length without taking into account any additional separation offered by the set back of the new houses within the application site. The report accepted the new properties were of a larger scale than the complainants' properties but said the two and half storey scale and finished floor levels they were built at were accepted under previous proposals.

19. The report said the application relating to plot 3 included details of the proposed landscaping and levels treatment to its rear garden. Officers said the detail was required to be considered under conditions 20, 21 and 22 of

the separate discharge of conditions application and so was separate from the material amendments being sought through the application.

## **Analysis**

**There are disparities regarding a 2017 planning application but the development control manager said the disparities are insignificant. This means the building in plot 3 will never be in accordance with the approved plans. This is a procedural irregularity on the part of the Council**

20. It appears the disparities the complainants refer to are the following:

- The development control manager sent an email to councillors and objectors before the 24 April committee meeting in which he stated the committee would consider the material amendment of the dwellings as built on site (e.g. siting, height, appearance) and the committee would not consider anything to do with conditions. The complainants say conditions were not a separate matter as the applications for material amendments involved removal or variation of a condition.
- The development control manager read out loud an objection letter from a person who lives in Chesterfield but not in the local area and said the objection was not to be taken into account because the objector was not in the local area whereas he read a letter of support from a person in London and did not make the same comment.

21. The LGO does not find fault by the Council in both these matters. The development control manager's reference to the committee not considering anything to do with conditions was aimed at making clear to all that the committee would not consider the longstanding views of the complainants and others about the alleged failure to implement conditions of past planning consents in 2013 and 2015. The development control manager was correct that legally the committee could not consider those alleged failings and could only consider the merits of the application before it.

22. There was no fault because the officer read out an objection letter from someone who does not live near the application and pointed out the objection could not be considered by the committee. This was the correct approach as applied by local planning authorities.

23. The Council did not comment on the complainants' allegation the development control manager read out a letter drafted by someone in London



but did not include the same warning as was given for the objection letter. So the LGO commented that the Council's view on this point was not known. They commented that it may be that the officer did not consider it necessary to make the same point about letters from outside the borough. It may be that the letter was from the applicant's agent based outside the borough. Whatever the case may be the LGO did not consider this point amounts to fault. The LGO did not consider it caused the complainants a degree of injustice that warrants further enquiry by the Ombudsman into it.

**There was no reference to the tree officer's involvement in the review of the layout, architectural, engineering and landscaping drawings for the re-siting of plot 3 in relation to a protected tree in the officers' reports to the committee in the 2016 and 2017 applications & A landscaping proposal was submitted as part of a material amendment planning application in March 2017 but was then removed from the application. The Council's reason for removal of the proposal amounts to procedural irregularity.**

24. The report to the planning committee stated the detail of landscaping and levels treatment should be part of a separate discharge of conditions application and not included within the material amendments application.

25. This was not fault. Although the developer had submitted a discharge of conditions application in 2016 that application did not include landscaping proposals. So, the Council's view that the developer should discharge conditions relating to landscaping separately is a cogent one.

**Plot 2 at the nearest corner is approximately 3 metres away from and directly faces a rear adjoining boundary contrary to the Council's own guidance; The first-floor habitable rooms directly face and are sited closer than the guide distance of 10.5 metres to the boundary of an adjoin residential garden; and Plots 1 and 2 overpower homes on their street. They are three storey houses which are out of character with the surrounding area. The Council says they are two storey houses with roof spaces and they want to know the difference between that and three storey houses.**

26. These matters are grouped together because they all make essentially the same point.

27. The Ombudsman is not an appeal body against planning decisions and so, unlike the Planning Inspector, he cannot substitute his judgement for that of the Council in the absence of fault in the decision-making process. The point here is whether the proposals had a negative impact on the complainants' amenities that was not considered by the Council.

28. But the committee report shows officers considered the impact of the proposals on neighbouring amenity. It was then for the planning committee to make a decision based on the information given to it. The committee approved one application and refused the other.

29. The planning inspector considered the merits of the application when the developer appealed. The inspector did not consider the developments had a negative impact on the complainants' amenities. This is significant because an independent planning body reached the same conclusion on the merits of the application as the Council's officers. The LGO was satisfied therefore that the Council properly considered the application.

30. The LGO did not consider an explanation about the difference between two storey and three storey houses is material or necessary.

**The reports to the planning committees in a 2016 planning application and two 2017 planning applications incorrectly stated the commencement of the development started in mid-2016 when development started in January/February 2016**

31. The reports expressed officers' views that the development started in mid-2016. This may have been factually inaccurate as the complainants say the developer started work in January/February 2016. But this does not mean there was fault by the Council. Not every mistake or error amounts to fault. This is an error which is minor and does not amount to fault.

**At a planning committee meeting on 30 January 2017, the committee asked planning officers if there were any outstanding conditions but officers misled the committee by saying there were no outstanding conditions**

32. The complainants say here that the development control manager and another officer were asked by committee members whether there were outstanding conditions and they replied no whereas conditions 9 and 11 had

not been submitted for approval by the developer. They say officers therefore misled the committee

33. The committee refused planning permission for the application. The LGO did not consider this point warrants further enquiry by the Ombudsman. If the committee was misled and it still refused planning permission then the LGO failed to see the injustice to the complainants.

**2 councillors voted for approval of the application at the 24 April meeting out of 8 members. 6 members abstained. What is the purpose of the committee if they hold back from voting**

34. It is for members of the committee to decide on the options they have before them which include voting for the proposal; voting against the proposal; or abstaining. The LGO did not find fault because members abstained. It may be that members decided it would be politic to abstain given the pressures they face from a vocal and determined group of residents but that does not mean there was fault.

**The grant of planning consent for plot 3 at that meeting was brought about by one councillor who had previously voted against the development. There had been no changes and he had previously visited their homes and assured them of his support. Code of conduct accountability needs to be investigated**

35. The complainants can submit a standards complaint to the Council's monitoring officer who will look into whether the councillor referred to breached the code of conduct. It is not for the Ombudsman to investigate this matter. When the Council's monitoring officer concludes the assessment or the councillor complaints process is completed, the complainants may raise a complaint to the Ombudsman if they consider the complaint was not dealt with properly.

**The Council did not notify them of the appeal made by the developer against its decisions to refuse planning permissions for developments in plots 1 and 2**

36. The Council says it sent letters to the complainants notifying them of the appeal. The complainants, on the other hand, say they did not receive the letters. They point out no member of their group received the notification letters.

37. The LGO cannot resolve the conflict of evidence here. The Council is not statutorily required to use registered post to send notification letters and so there is no independent means of verifying its claim.

**The planning officer provided them with details of everyone who had expressed an interest in the appeal. The planning officer failed to protect personal details of the public**

38. In an attempt to show the complainants that the Council sent appeal notification letters to them the planning officer provided them with a list of the people the Council claimed to have contacted.

39. If the Council breached confidentiality in doing so then it is for the persons affected to complain to the Information Commissioner who considers complaints about data matters.

**Draft decision**

40. The LGO intended to close the complaint because they found no fault by the Council.

**Parts of the complaint not investigated**

41. The LGO did not investigate the other parts of the complaint involving the conditions attached to the planning consents in 2010, 2013 and 2015. These matters are caught by the time restriction on the Ombudsman's power to investigate complaints.

42. The time restriction applies from a complainant's awareness of the matter being complained about. While the Ombudsman has discretion to accept a complaint for investigation out of time, The LGO had seen nothing in the papers which would have prevented a complaint to this service within the material time. I do not consider there are grounds to accept those matters for investigation now.

**Action required**

43. No further planning action is required in this case however it is noted that there appears to be a further opportunity for the complainants to complain again to the LGO following an internal investigation regarding Councillors code of conduct as referred to at para 35.

## ENFORCEMENT REPORT

**MEETING:** PLANNING COMMITTEE  
**DATE:** 16<sup>TH</sup> JULY 2018  
**REPORT BY:** LOCAL GOVERNMENT AND REGULATORY LAW MANAGER  
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER  
**WARD:** As listed in the report

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### **FOR PUBLICATION**

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

### **BACKGROUND PAPERS**

LOCATION: LEGAL SERVICES

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

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

#### **2.0 BACKGROUND**

2.1 The table summarises formal planning enforcement by the Council.

#### **3.0 INFORMAL ACTION**

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

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

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

#### **5.0 RECOMMENDATION**

5.1 That the report be noted.

GERARD ROGERS  
LOCAL GOVERNMENT AND  
REGULATORY LAW MANAGER

PAUL STANIFORTH  
DEVELOPMENT MANAGEMENT  
& CONSERVATION MANAGER

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

# ENFORCEMENT REPORT

Enforcements currently Authorised: 8

06 July 2018

Address	Authorised <small>days from</small>	Breach	CHE/	Issued <small>days to issue</small>	Effective <small>days to (-) /from</small>	Comply <small>days to (-) /from</small>	Notes	update <small>last update</small>	Ward
<b>Enforcement Notice</b>		<i>Total currently Authorised: 5    Authorised to Issue Average: 40.67 days</i>							
Pottery Lane West	10 09/01/17 <small>543</small>	excavation - engineering works		25/01/17 <small>16</small>	13/12/17 <small>205</small>	13/03/18 <small>115</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 type="checkbox"/> <small>15/05/18</small>	
Station Lane	03/04/18 <small>94</small>	importation of materials to create hard surfacing and industrial use		03/07/18 <small>91</small>	08/08/18 <small>-33</small>	08/08/19 <small>-398</small>	Issued.	<input checked="" type="checkbox"/> <small>03/07/18</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		27/06/16 739	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	17/07/17 354	2 vending machines		01/08/17 15	08/06/18 28	06/07/18 0	2 unauthorised vending machines. Appeal dismissed.	<input 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 <i>270</i>	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 type="checkbox"/> <i>11/06/18</i>	Ha

### Stop Notice

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

Walton Works		27/06/16 <i>739</i>	use for war and horror style games of game play					See notes for Enforcement Notice.	<input type="checkbox"/> <i>03/03/17</i>	Wa
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### TPO Prosecution

*Total currently Authorised: 2 Authorised to Issue Average: days*

Pomegranate Road (rear of)	51	02/05/18 <i>65</i>	wilful damage to limb of T7 (s.210(4)) on Avant Homes site					Instructed and discussing with Planning	<input type="checkbox"/> <i>02/05/18</i>	N
Victoria Street	Ringwood Centre (former)	21/12/17 <i>197</i>	Damage to roots of T18 and T19					In court 04/06/18, Further adjourned to 20/07/18.	<input checked="" type="checkbox"/> <i>03/07/18</i>	BN



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

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

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